

District Plan – First Gas Limited Designation Corrections

Meeting: Kaipara District Council
Date of meeting: 28 July 2021
Reporting officer: Paul Waanders, District Planner

Purpose | Ngā whāinga

To obtain approval to correct alignment, name change, and include the conditions attached to the First Gas Limited transmission pipeline designation in the Operative Kaipara District Plan.

Executive summary | Whakarāpopototanga

Traditionally the conditions attached to designations were not included in the District Plan and consent applicants had to consult the Requiring Authority (a Minister of the Crown, Council or a network utility operator) to determine what the conditions were when operating within the designation area.

More recently, conditions are required to be recorded in the District Plan to create certainty and inform landowners of these conditions.

For the First Gas Limited transmission pipeline designation, the name of the original Requiring Authority has changed and this should be reflected in the District Plan.

In the 5-year assessment of the designation, it also became clear that the lines on the District Plan are not as accurate as is required, especially when using the e-plan showing detail property boundaries.

Recommendation | Ngā tūtohunga

That Kaipara District Council:

Approves the amendment of the Operative Kaipara District Plan by;

- a) changing the name of the Requiring Authority to First Gas Limited for Designation D62;
- b) updating the location and alignment of the designation (as shown at Attachment D);
- c) including the conditions attached to the Designation of First Gas Limited in Designation D62 (located at Attachment E);
- d) include designation D62 alongside designation D63 (New Zealand Refining Company) (as shown at Attachment F).

Context | Horopaki

Section 175(2) of the Resource Management Act (RMA) requires that:

(2) The territorial authority must, as soon as practicable and without using [Schedule 1](#),—

(a) include the designation in its district plan and any proposed district plan as if it were a rule in accordance with the requirement as issued or modified in accordance with this Act;

Although the Designation (D62) was included in the Schedule of Designations in Appendix 21.1 of the Operative District Plan, the conditions attached to the Designation were never included in the District Plan, which is now a requirement.

In preparing the e-Plan (electronic version of the Operative District Plan), it was found that due to the scale of the published District Plan Designation, D62 was not mapped accurately enough.

The name of the original Requiring Authority has changed and as such, it has to be reflected in the District Plan.

Discussion | Ngā kōrerorero

On 12 June 2008, Commissioners H Bhana and L Simmons recommended that the Kaipara Operative District Plan provide for an existing Gas transmission pipeline that extends from the Rodney District Boundary near Vipond Road Wellsford to the Whangarei District Boundary near Artillery and Massey Roads and includes the Brown Road main line valve and Maungatūroto delivery point and the lateral pipeline connecting that line valve and delivery point, subject to certain conditions.

The Requiring Authority, Vector Gas Ltd, accepted the provisions and conditions with some smaller amendments of the Designations which became the substantive decision.

The Designation was incorporated into the Operative District Plan and subsequently in the 2013 Kaipara Operative District Plan as: -

Appendix 21.1 - Schedule of Designations				
ID	Map No.	Designation/Purpose	Requiring Authority	Underlying Zoning
D62	17, 20, 21, 50	Gas Pipeline	Vector Gas Ltd	Rural

Traditionally, conditions attached to a Designation were not recorded in the District Plan as these were the requirements of the Requiring Authority. However, the National Planning Standards now require designation conditions to be included in the District Plan, as the single document that forms the basis of land-use controls. Including conditions ensures certainty for developers of what is to be provided for but also it ensures compliance for the Requiring Authority that the Designation will be observed, and conditions are complied with.

The name of the Requiring Authority changed in 2016 from 'Vector Gas Limited' to 'First Gas Limited' and in terms of s167 RMA, all the rights and obligations goes with the change and this designation is now a Requirement of First Gas Limited.

In the preparation of the District Plan Review and in terms of s184 RMA --- *Lapsing of designations* -, all Requiring Authorities were requested to review their Designations. The agent for First Gas Limited has now requested that the conditions be included in the Operative District Plan to comply with the provisions of sec 175(2) "*as if it were a rule in accordance with the requirement as issued or modified in accordance with this Act;*" This is similar to what was done for the New Zealand Refining Company Limited pipeline, which shares the corridor with the gas pipeline.

With this review, it became obvious that the Designation D62 was not mapped accurately, nor was the main gas line, shared with the petroleum pipeline D63, identified on the District Plan Maps.

Options

Designations need to be accurate and complete, and the conditions attached to the Designation are an integral part of the Designation and incorporating these into the District Plan has become a requirement.

There are two options to consider how these are incorporated:

Option 1. Do not include the updated designation in the Operative District Plan. This option involves updating the inaccuracies but not including this new information in the Operative District Plan. The updated conditions and any amendments will be introduced into the new District Plan when it is notified next year.

Option 2. Include the correction and the conditions to the updated Designation in the Operative District Plan.

Option 2 is recommended. This will require the Operative District Plan to be amended to include corrections and the approved conditions.

The reason for this recommendation is based on the request by the agent for First Gas Limited that the conditions be incorporated into the Operative District Plan due to development occurring along the route of the pipeline, and the revelation of the inaccuracies in the District Plan during the review of the designations. In light of the recent breach of the petroleum line in Whangarei and the fact that the gas pipeline shares the corridor with the petroleum line and the risks any future breaches pose to our communities as well as Council's reputation, it would be

advisable that developers are made aware of the conditions that apply along the designated pipeline route rather than waiting for the District Plan review.

Policy and planning implications

There are specific reasons, outlined above, for undertaking this amendment before the comprehensive review of the District Plan. Although it might be applicable for other designations, it is not suggested that all designation conditions be incorporated into the District Plan at this stage. These will be dealt with during the comprehensive review. If, however there are significant reasons for conditions to be incorporated into the District Plan, these applications will be dealt with as they are submitted.

Financial implications

There are no financial implications for this single application. However, if multiple applications are submitted it may require staff reallocation to work through the history of these other designations. If these are scheduled as part of the District Plan review programme they will be included in this programme as business as usual.

Risks and mitigations

This application may trigger requirements from other Requiring Authorities who may request that their designation conditions be incorporated into the District Plan. These should be considered as they are lodged. The effect of designation conditions on imminent development will determine whether the conditions will receive priority and require a future decision from Council.

Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate.

Next steps | E whaiake nei

The Operative District Plan will be amended by

- a) changing the name of the Requiring Authority to First Gas Limited for Designation D62;

Appendix 21.1 - Schedule of Designations				
ID	Map No.	Designation/Purpose	Requiring Authority	Underlying Zoning
D62	17, 20, 21, 50	Gas Pipeline (refer to attached conditions)	First Gas Ltd	Rural

- b) updating the location and alignment of the designation;
- c) include designation D62 alongside designation D63 (New Zealand Refining Company); and
- d) including the conditions attached to the Designation of First Gas Limited in Designation D62

Attachments | Ngā tapiritanga

	Title
A	Locality Map Designation D62 and D63
B	Name Change Vector to First Gas
C	First Gas Pipeline location
D	Changes to the District Plan Maps
E	Conditions
F	New annotated Maps with D62 and D63