

Conditions attached to Designation D62 First Gas Limited

1. PURPOSE OF DESIGNATION

- 1.1 The designation by First Gas Limited (First Gas) is for the operation, maintenance and repair, upgrade and renewal of the existing gas transmission pipeline and ancillary facilities as required for the transportation of gas and described as follows:
- the existing 150mm gas transmission pipeline between the Rodney District Council boundary near Vipond Road and the Whangarei District Council boundary near Artillery Road and Massey Road;
 - the lateral pipeline from Brown Road Main Line Valve to the Maungaturoto Delivery Point;
 - the Delivery Point at Maungaturoto;
 - the Main Line Valve station at Brown Road;
- 1.2 For the purposes of these conditions the designation is subject to the following limitations:
- renewal shall be limited to works on the gas transmission pipeline and will be limited to replacement of sections of the pipeline with sections having equivalent diameter and maximum allowable operating pressure, and no more than 50 lineal meters of pipeline will be excavated at any particular time.
 - upgrade will be limited to adding or replacing above ground components provided the district plan relevant permitted activity standards are complied with.
 - The designation affects land legally described in Appendix 2 "Schedule of Affected Land" of Volume 3 of the Notice of Requirement as submitted to the Kaipara District Council.

2. RESTRICTIONS OF DESIGNATION

2.1 No persons shall:

- **erect any building or structure on the designated corridor; or**
- **erect any fence with supports which extend more than 0.4m into the ground from the surface; or**
- **erect any other improvement or plant any tree or shrub; or**
- **disturb the soil below a depth of 0.4 metres from the surface; or**
- **do anything on or to the land within the designated corridor which would or could damage or endanger the pipelines;**

within the designated corridor without first obtaining the written consent of First Gas.

For the avoidance of doubt, such written consent shall not be required for ordinary cultivation, digging, excavating, tilling and working soil to a depth of less than 0.4m or where First Gas has provided specific written approval prior to the designation coming into effect. A minimum of 1m cover shall remain above the top of the pipe after any ordinary cultivation, digging or excavation has taken place.

Landowners and/or developers can apply to First Gas for consent to do any work on the land within the designation corridor. First Gas will review each application with the landowner/developer and work to achieve the most suitable outcome for all parties. First Gas may give its written consent subject to reasonable conditions including the power to revoke the consent in specified circumstances.

First Gas agrees to not unreasonably withhold its consent.

Works or activities that would or could damage or endanger the Pipelines include, for example, the use of heavy compaction or vibration machinery or equipment, pile driving machinery and equipment, trenching, excavation or drilling (including micro drilling and

directional drilling).

- 2.2 No person shall undertake road opening, trenching, excavation or drilling (including micro drilling and directional drilling) or lay underground high voltage power lines either in parallel with or intersecting First Gas's gas- pipelines, without first obtaining First Gas' written approval.
- 2.3 However, subject to restriction 2.4, the restrictions in 2.1 and 2.2 above do not apply, and First Gas's consent is not required under section 176 of the Resource Management Act 1991 to the following activities, provided that a Road Opening Notice has been obtained from the Kaipara District Council:
- any road widening or associated works;
 - any repair, maintenance or upgrade to existing road surface; and
 - any repair, maintenance or upgrade to any existing network utility infrastructure.

Provided in all cases that:

- soil is not disturbed below a depth of 0.4m from the surface; and
- after works, the finished surface level is not reduced below the pre-existing surface datum.

Where works in the above categories would exceed depth of 0.4m from the surface and/or after completion of such works the finished surface level is proposed to be reduced below the pre-existing surface datum then application shall be made to First Gas for consent to do the works. First Gas will review each application with the applicant and work to achieve the most suitable outcome for all parties. First Gas may give its written consent subject to reasonable conditions and agrees to not unreasonably withhold its consent.

- 2.4 The exception provided by restriction 2.3 will only apply from the date that Kaipara District Council formally adopts and implements either the Code of Practice for Working in Roads, Auckland Region or a National Code of Practice for Working in Roads developed pursuant to the January 2008 Cabinet paper Management of Utilities' Access to Road, Rail and Motorway Corridors, provided the National Code of Practice adopted contains substantially similar provisions to those contained in the Code of Practice for Working in Roads, Auckland Region requiring notification to utility providers of works intended by other parties in the vicinity of existing utility infrastructure.

3. CONDITIONS

- 3.1 The works to give effect to the designation shall be generally in accordance with the plans and information submitted by First Gas Gas Limited (First Gas) in support of the Notice of Requirement in the documents entitled "Manukau - Whangarei Gas Pipelines - Notice of Requirement for a Designation" (Volumes 1, 2 and 3).
- 3.2 The maximum width of the designation shall be as follows:
 - within road reserve (along road reserve /state highway) 6 metres
 - within Road reserve (across road reserve/ state highway) 6 metres
 - non road reserve 12 metres (other than those areas where the existing easement width is less than 12 metres wide - in such circumstances the designation width shall be the width of the easement).
- 3.3 All pipeline maintenance, repair, upgrade and renewal activities within road reserves that involve excavation shall be pursuant to the Road Opening Notice requirements of the Council.
- 3.4 All pipeline maintenance, repair, upgrade and renewal activities outside road reserves that involve excavation shall be in accordance with the Guide to land Access for the Oil and Gas Industry and Landowners (2002).
- 3.5 Where maintenance, repair, upgrade and renewal activities involving excavation are undertaken pursuant to the designation, appropriate sediment and erosion measures shall be employed, in accordance with the Operative Kaipara District Plan.
- 3.6 Scheduled maintenance, repair, upgrade or renewal work and associated activities shall be limited to between the hours of 7am and 7pm, Monday to Saturday (excluding public holidays) except with the prior approval of the Council.
- 3.7 All works or activities related to the designation shall be undertaken in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
- 3.8 The noise from maintenance works, repair, upgrade and renewal activities shall be measured, assessed and controlled in accordance with the procedures and limits set out NZS 6803:1999 Acoustics - Construction Noise
- 3.9 First Gas shall consult with Transit New Zealand at least 30 working days prior to carrying out any works or activities on, in or under State Highways, except in emergency situations
- 3.10 First Gas shall consult with the Council at least 15 working days prior to carrying out any works or activities on, in or under Council-controlled roads, except in emergency situations.
- 3.11 The requiring authority shall respond within 15 working days of receiving any request for its written approval under section 176 of the Resource Management Act 1991.

4. ADVICE NOTES

- 4.1 Access to overhead electricity transmission lines, poles or supporting structures shall be maintained at all times in accordance with the Electricity Act 1992.
- 4.2 First Gas has confirmed that it will consult with land owners and occupiers who may be affected by maintenance, repair, upgrade or renewal activities to reach fair and reasonable arrangements for entry, and to address any matters regarding effects of maintenance, repair, upgrade or renewal activities, including restoring the surface of the land following maintenance, in accordance with its relevant obligations under the pipeline Easement.
- 4.3 This designation traverses earlier Transit New Zealand designations that are protected pursuant to sections 176 and 177 of the Resource Management Act 1991, and State Highways which are protected pursuant to sections 51 and 52 of the Transit New Zealand Act 1989. Where that occurs, the Requiring Authority may only carry out its activities with the written consent of Transit New Zealand.
- 4.4 The Requiring Authority is obliged to operate the pipelines and ancillary facilities in accordance with the requirements of AS2885: Pipelines Gas and Petroleum Liquids, the Health and Safety in Employment (Pipelines) Regulations 1999 and in accordance with the authorisations issued for those facilities in terms of the Petroleum Act 1937.
- 4.5 An authority may need to be obtained from the New Zealand Historic Places Trust to destroy, damage or modify an archaeological site in accordance with the Historic Places Act 1993.
- 4.6 Emergency works may be performed in line with the First Gas advice booklet by excavation to 0.4m depth and thereafter the use of hand tools only. Emergency operations should be notified immediately to First Gas who provide an on-call service outside of normal working hours.
- 4.7 The Requiring Authority may need to seek resource consent from the Northland Regional Council in accordance with the provisions of the Northland Regional Council Water and Soil Plan 2004.
- 4.8 The Kaipara District Council intends to adopt the National Code of Practice for Utilities' Access to the Road and Rail Corridors with the applicable Corridor Access Request superseding the Application to Trench Across Unsealed or Sealed Road.
- 4.9 Where works or activities are proposed on, in or under council-controlled roads, First Gas and the Council will undertake consultation in accordance with the principles of collaboration and coordination contained in the January 2008 Cabinet Paper Management of Utilities' Access to Road, Rail And Motorway Corridors.