

D7 14.7 Liquid fuels and gas

This report section is D7 of Part D Submissions Analysis of the section 42A report on the Infrastructure and Energy topic, Proposed Waikato District Plan. The report provides consideration of submissions on Section 14.7 which contains the rules for liquid fuels and gas network utilities.

I Introduction

- I. The main themes in submissions on the Liquid Fuels and Gas section are:
 - a. extent of recognition and protection of gas transmission and distribution network pipelines and associated equipment
 - b. protection of Identified Area values
 - c. flexibility for farming activities related to fuel and gas storage.

2 14.7.1 Permitted general

Submission point	Submitter	Decision requested
945.3	First Gas	Retain Rule 14.7.1 - Permitted Activities and the rule framework for liquid fuels and gas pipelines and storage facilities.
578.33	POAL	Retain Rule 14.7.1 Permitted Activities as notified.
697.29	Waikato District Council	Amend Rule 14.7.1(b) Permitted Activity as follows: (b) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific area, height, location and noise condition listed below.

2.1 Analysis

2. **Waikato District Council's** [697.29] requested change is a consequential amendment of changes to Rule 14.2.1.1(1), to provide area and height conditions for specific activities. I recommend accepting Waikato District Council [697.29].
3. **First Gas** [945.3] supports the rule framework including a discretionary activity status where the permitted activity conditions in 14.7.1 are not complied with.
4. **POAL** [578.33] seeks to Retain Rule 14.7.1, as a high-pressure gas line intersects the eastern portion of the Ports of Auckland Limited's site at Horotiu Industrial Park. Ports of Auckland limited currently hold a resource consent to lower the gas line deeper into the ground, as part of the development of the inland freight hub.
5. For the reasons the rule is in the notified PWDP, to effectively and efficiently achieve Objective 6.1.1 "Infrastructure is developed, operated and maintained to benefit the social, economic, cultural and environmental well-being of the district", and for the reasons provided by the submitters, I recommend accepting in part First Gas [945.3]; POAL [578.33] to the extent that the rule is amended in response to another submission.

2.2 Recommendations

6. For the reasons above, I recommend that the Hearings Panel:
 - a. Accept in part First Gas [945.3]; POAL [578.33]
 - b. Accept Waikato District Council [697.29].

2.3 Recommended amendments

7. The following amendments are recommended:

14.7.1(b) Rule 14.2.1.1 will apply to the activities set out in this table unless there is a specific ~~area, height,~~ location and noise condition listed below. [697.29 Waikato District Council]

2.4 Section 32AA evaluation

8. This is a consequential amendment, and therefore no s.32AA re-evaluation is required.

3 14.7.1 PI Below ground pipelines for the conveyance of liquid fuels and gas

Submission point	Submitter	Decision requested
559.165	Heritage NZPT	Retain activity-specific condition 14.7.1.1(a)(iii) relating to PI Below ground pipelines for the conveyance of liquid fuels and gas.
697.30	Waikato District Council	Amend Rule 14.7.1 PI Permitted Activities as follows: PI Below ground pipelines for the conveyance of liquid fuels and gas, <u>not within an Identified Area</u> AND Delete Rule 14.7.1.1 (iii) Permitted Activities.

3.1 Analysis

9. **Heritage NZPT** [559.165] supports condition 14.7.1.1(a)(iii), as this condition ensures that the activity will provide protection as required under section 6 of the Resource Management Act 1991.
10. For the reasons the rule is within the notified PWDP and to protect the values of Identified Areas (being also the reason stated by the submitter), I recommend accepting Heritage NZPT [559.165].
11. **Waikato District Council** [697.30] seeks to provide additional clarity for Rule 14.7.1 PI by inserting the words “not within an Identified Area”.
12. I do not consider this suggested amendment is needed. The activity specific conditions for PI state that the activity is not within an Identified Area. The Identified Area qualifier only needs to appear in either the activity name or the activity-specific conditions, and not in both. The convention, in relation to Identified Areas in the PWDP, appears to be permitted activity-specific conditions, excluding an activity occurring within Identified Areas and then a named permitted activity or restricted discretionary activity including the activity within Identified Areas. I recommend rejecting Waikato District Council [697.30].

3.2 Recommendations

13. For the reasons above, I recommend the Hearings Panel:
 - a. Accept Heritage NZPT [559.165].
 - b. Reject Waikato District Council [697.30].

4 14.7.1 P2 Below-ground pipelines located within an Identified Area

Submission point	Submitter	Decision requested
559.166	Heritage NZPT	Delete Rule 14.7.1 P2 and activity-specific condition 14.7.1.2(a) Below-ground pipelines located within an Identified Area AND Amend Rule 14.7.1 P2 Below-ground pipelines located within an Identified Area by changing the activity status from a permitted activity to a discretionary activity.
680.297	FFNZ	Amend Activity-specific condition 14.7.1.2 (a)(i) relating to P2 Below ground pipelines located within an Identified Area as follows: (a) Below ground pipelines for the conveyance of liquid fuels and gas located within an Identified Area that comply with the following: (i) <u>Except within the Rural Zone, there shall be no above-ground sections of pipeline within the Identified Area; and ...</u>
697.31	Waikato District Council	Amend Rule 14.7.1 P2 Permitted Activities Below-ground pipelines located within an Identified Area as follows: P2 Below ground pipelines <u>for the conveyance of liquid fuels and gas, located within an Identified Area.</u>

4.1 Analysis

14. **Heritage NZPT** [559.166] sought to delete Rule 14.7.1 P2 and activity-specific condition 14.7.1.2(a) Below-ground pipelines located within an Identified Area and Amend Rule 14.7.1 P2 Below-ground pipelines located within an Identified Area by changing the activity status from a permitted activity to a discretionary activity.
15. The submitter states that they cannot support permitted activity P2, as it is not clear why the below-ground pipelines are able to be located within the identified areas as a permitted activity. This appears to be inconsistent with the similar activities that are only permitted if they are not located within the identified areas.
16. I accept that the Identified Areas of concern to the submitter, being Heritage Items and Maori Sites and Areas of Significance, may be vulnerable to the effects of installation of below-ground gas pipelines. However, while the pipeline is a permitted activity, the earthworks associated with it is a restricted discretionary activity within any Historic Heritage sites identified within Appendix 30.1 (14.3.1.3(1)(h) P4 and 14.3.3 RD2, with discretion including effects on the values, qualities and characteristics of the site. I am also recommending, in response to other submissions, that Maori Sites and Areas of Significance be added to that condition. I recommend rejecting 559.166 Heritage NZPT.
17. **FFNZ** [680.297] sought to amend Activity-specific condition 14.7.1.2 (a)(i) relating to P2 Below ground pipelines located within an Identified Area as follows:
 - (a) Below-ground pipelines for the conveyance of liquid fuels and gas located within an Identified Area that comply with the following: (i) Except within the Rural Zone, there shall be no aboveground sections of pipeline within the Identified Area; and ...
18. The submitter conditionally supports Rule 14.7.1, provided that the activity-specific restrictions on Identified Areas is removed. Identified Areas overlay many farms and the submitter questions the wisdom of constraining the ability of farms to maintain above-ground fuel storage and gas

tanks in such areas. The submitter doubts that there will be any commensurate environmental benefit from requiring above-ground fuel storage and gas tanks to trigger resource consent, where these are proposed to be located within an Identified Area that is within a Rural Zone. The relative isolation of rural areas means that farmers will be penalised on amenity and natural character grounds if they want to install above-ground tanks. Fuel storage supplies are commonplace on many farms. Agriculture and pastoralism form part of the landscape character of rural areas; The wide open spaces and low intensity of built form means these areas are able to absorb development and land use more easily than urban areas. The submitter questions the validity of extra layers of amenity analysis in the form of Identified Areas in rural areas, for what arguably amounts to little or no environmental benefit. The submitter considers it is not appropriate to require above-ground fuel storage and gas tanks within any Identified Area that is within the Rural Zone to have to seek resource consent and farmers should not be burdened by unnecessary resource consent requirements aimed at managing visual amenity, landscape, natural character and natural features, such as the Identified Area provisions are aimed at. The submitter considers the trigger for resource consent for such activity is hugely inefficient and presents a highly onerous and inappropriate burden on farmers who need to install, maintain, repair, replace or upgrade infrastructure, including associated earthworks, albeit that these may be within an Identified Area, in order to develop, use or subdivide farms.

19. The rule applies to below-ground pipelines and their associated control equipment, and not to above-ground farm fuel storage and gas tanks. Petrol and diesel storage tanks are covered by Chapter 10 Hazardous Substances and the zone chapters, where the rules for hazardous substances (including fuel) are contained. The Rural Zone hazardous substances provisions refer to Appendix 5 for permitted activity levels of fuel and gas storage. The Identified Area provisions are intended to allow a resource consent assessment of effects on the values of the site, whether urban or rural. I recommend rejecting FFNZ [680.297].
20. **Waikato District Council** [697.31]: seeks to clarify the activity of below-ground pipelines located within an Identified Area as follows:

P2 Below-ground pipelines for the conveyance of liquid fuels and gas, located within an Identified Area

I recommend accepting Waikato District Council [697.31] for clarity.

4.2 Recommendations

21. For the reasons above, I recommend the Hearings Panel:

- a. Reject Heritage NZPT [559.166]
- b. Reject FFNZ [680.297]
- c. Accept Waikato District Council [697.31].

4.3 Recommended amendments

22. The following amendments are recommended to P2 14.7.1:

Activity		Activity specific conditions
P2	Below ground pipelines located within an Identified Area	14.7.1.2

		<p>(a) Below ground pipelines <u>for the conveyance of liquid fuels and gas</u>,¹ located within an Identified Area that comply with the following:</p> <p>(i) There are no aboveground sections of pipeline within the Identified Area; and</p> <p>(ii) Gas pipelines must not exceed a gauge pressure of 2,000 kilopascals.</p>
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4.4 Section 32AA evaluation

23. As the amendment is for clarification only, a s.32AA re-evaluation is not required.

5 14.7.1 P3 Storage facilities and pump stations for liquid fuels and gas

Submission point	Submitter	Decision requested
559.167	Heritage NZPT	Retain activity specific condition 14.7.1.3(a) relating to P3 Storage facilities and pump stations for liquid fuels and gas.
680.298	FFNZ	Amend Activity-specific condition 14.7.1.3 (a)(i) relating to P3 Storage facilities and pump stations for liquid fuels and gas, as follows: (a) Storage facilities and pump stations for liquid fuels and gas that comply with all of the following: (i) Is not located within an Identified Area, <u>except within the Rural Zone, where above-ground storage facilities and pump stations for liquid fuels and gas are a permitted activity within an Identified Area;</u> and ..

5.1 Analysis

24. **Heritage NZPT** [559.167] supports permitted activity P3 and specific activity condition 14.7.1.3(a), as this activity-specific condition ensures that the activity will provide protection as required under section 6 of the Resource Management Act 1991.
25. **680.298 FFNZ** [680.298] seeks the above amendment for the same reasons identified in the previous section on 14.7.1 P2.
26. Petrol and diesel storage tanks are covered by Chapter 10 Hazardous Substances, and the zone chapters where the rules for hazardous substances (including fuel) are contained. This rule P3 14.7.1.3 was intended to be for gas lines and natural gas networks operated by a network utility (within the definition of 'infrastructure'). As a consequential clarifying amendment in response to these two submission points, I recommend amending the activity name and activity-specific conditions as follows:

P3 Storage facilities and pump stations for liquid fuels and gas which are operated by a network utility

14.7.1.3 (a) Storage facilities and pump stations for liquid fuels and gas which are operated by a network utility, that comply with all of the following...

¹ 697.31 Waikato District Council

27. I recommend that storage facilities and pump stations for liquid fuels and gas which are operated by a network utility be a permitted activity if not located within an Identified Area, and that on-farm fuel storage tanks and gas tanks remain controlled by the zone provisions on hazardous substances.
28. I recommend accepting in part Heritage NZPT 559.167, to the extent that the rule is retained in respect of liquid fuel and gas facilities associated with pipelines, and accept in part 680.298 FFNZ, to the extent that on-farm fuel and gas storage tanks are controlled by the Rural Zone provisions for hazardous substances.

5.2 Recommendations

29. For the reasons above, I recommend the Hearings Panel:

- a. Accept in part Heritage NZPT [559.167]
- b. Accept in part FFNZ [680.298].

5.3 Recommended amendments

30. The following amendments are recommended to P3 14.7.1.3:

Activity		Activity specific conditions
P3	Storage facilities and pump stations for liquid fuels and gas <u>which are operated by a network utility</u>	14.7.1.3 (a) Storage facilities and pump stations for liquid fuels and gas <u>which are operated by a network utility</u> , that comply with all of the following: (i) Is not located within an Identified Area, <u>except that on-farm fuel and gas storage tanks and pump stations, for fuel and gas used for farming activities, are a permitted activity within an Identified Area:</u> ² and (ii) Is not located on a road, or unformed road.

5.4 Section 32AA evaluation

31. As the amendments are for clarification only, and on-farm fuel storage is controlled by Rural Zone hazardous substance provisions, a s.32AA re-evaluation is not required.

6 14.7.2 Discretionary Activities General

Submission point	Submitter	Decision requested
945.4	First Gas	Retain Rule 14.7.2 Discretionary Activities.
680.299	FFNZ	No specific decision sought, but Rule 14.7.2 is supported, provided the relief sought in relation to Rule 14.7.1 is granted.
559.168; 559.169	Heritage NZPT	Retain Rule 14.7.2 D1 and D2 Discretionary Activities, subject to amendments sought elsewhere in the submission.
578.34	POAL	Amend Rule 14.7.2 Discretionary Activities, to provide for pipelines and storage facilities that do not comply with the permitted activity rule as a restricted discretionary activity as follows: 14.7.2 Discretionary Activities (a) The activities listed below are discretionary activities D1 Pipelines for the conveyance of liquid fuels and gas that do not comply with one or more of the conditions

² 680.298 FFNZ

		<p>of Rule 14.7.1.1 or 14.7.1.2 D2 Storage of facilities and pump stations for liquid fuels and gas that do not comply with one or more of the conditions of Rule 14.7.1.3</p> <p><u>14.7.2 Restricted Discretionary Activities</u></p> <p>(a) <u>The activities listed below are restricted discretionary activities.</u></p> <p>(b) <u>Discretion to grant or decline consent and oppose conditions is restricted to the matters of discretion set out in the following table:</u></p> <p><u>Activity</u></p> <p><u>RD1 Pipelines for the conveyance of liquid fuels and gas that do not comply with one of more of the conditions of Rule 14.7.1.1 or 14.7.1.2</u></p> <p><u>Matters of Discretion</u></p> <p>(a) <u>The functional and operational needs of, and benefits derived from, the infrastructure;</u></p> <p>(b) <u>Visual, landscape, streetscape and amenity effects;</u></p> <p>(c) <u>The risk of hazards affecting public or individual safety and risk of property damage;</u></p> <p>(d) <u>Effects on the values, qualities and characteristics of any Identified Area.</u></p> <p><u>RD2 Storage facilities and pump stations for liquid fuels and gas that do not comply with one or more of the conditions of Rule 14.7.1.3</u></p> <p><u>Matters of Discretion</u></p> <p>(a) <u>The functional and operational needs of, and benefits derived from the infrastructure;</u></p> <p>(b) <u>Visual, landscape, streetscape and amenity effects;</u></p> <p>(c) <u>The risk of hazards affecting public or individual safety and risk of property damage;</u></p> <p>(d) <u>Effects on the values, qualities and characteristics of any Identified Area</u></p>
FS1211.48	First Gas	Supports 578.34

6.1 Analysis

32. **POAL** [578.34] seeks amendments to Rule 14.7.2 to convert what are currently discretionary activities into restricted discretionary activities with an accompanying suite of matters of discretion. A restricted discretionary activity status is considered appropriate by the submitter, in respect of pipeline or storage facilities that do not comply with one or more of the conditions.
33. *FS1211.48 First Gas supports the intent of this submission which seeks to amend Rule 14.7.2 so that pipelines for the conveyance of liquid fuels and gas that do not comply with one or more of the conditions of Rule 14.7.1.1 or 14.7.2 are restricted discretionary activities to ensure the matters that are required to be considered can be clearly determined.* Note an original submission by First Gas (945.4) supports the retention of Rule 14.7.2 Discretionary Activities.
34. Within the PWDP, permitted activities have activity-specific conditions identifying thresholds at which there may be an adverse effect requiring management through the resource consent process, with restricted discretionary status generally identifying that the effects can be managed satisfactorily and the matters of discretion can be restricted. Discretionary activities are another step again, either involving effects which may not be able to be identified in the Plan, and/or where a range of objectives and policies need to be considered and as a result the matters of discretion should not be limited. In this case, a restricted discretionary status might indicate that the below-ground pipeline could have substantial sections above ground, or that below-ground pipelines or

storage facilities and pump stations for liquid fuels and gas could be located within Identified Areas with mitigation. That will not necessarily be adequate, and the discretionary activity status is in my opinion appropriate for these activities, including the enabling and protective objectives and policies for infrastructure. Heritage NZ considers that this level of resource consent activity provides the appropriate level of protection and assessment to provide protection as required under section 6 of the Resource Management Act 1991. I therefore recommend rejecting 578.34 POAL; *FS1211.48 First Gas*.

35. **First Gas** [945.4]: Retain Rule 14.7.2 Discretionary Activities, as the submitter supports a Discretionary activity status where the permitted activity conditions in 14.7.1 are not complied with. This contrasts with *FS1211.48 First Gas*, which supports the intent of a POAL submission to amend Rule 14.7.2 so that pipelines for the conveyance of liquid fuels and gas that do not comply with one or more of the conditions of Rule 14.7.11 or 14.7.2 are restricted discretionary activities.
36. **FFNZ** [680.299]: Rule 14.7.2 is supported, provided the relief sought by the submitter in relation to Rule 14.7.1 is granted.
37. The submitters' support is noted, and part relief has been recommended in relation to FFNZ's submission on Rule 14.7.1. I recommend accepting First Gas [945.4]; FFNZ [680.299].
38. **Heritage NZPT** [559.168; 559.169] supports Discretionary Rule D1 and D2, and considers that this level of resource consent activity provides the appropriate level of protection and assessment to provide protection as required under section 6 of the Resource Management Act 1991.
39. For the reasons Rules D1 and D2 are included within the notified PWDP, to provide protection to Identified Areas, and the reasons provided by the submitter, I recommend accepting Heritage NZPT 559.168; 559.169.

6.2 Recommendations

40. For the reasons above, I recommend the Hearings Panel:
 - a. Reject POAL [578.34]; *FS1211.48 First Gas*
 - b. Accept First Gas [945.4]; FFNZ [680.299]
 - c. Accept Heritage NZPT [559.169; 559.169].

7 Mapping

Submission point	Submitter	Decision requested
945.51	First Gas	Retain gas transmission pipelines within the Proposed District Plan Maps.
945.52	First Gas	Add the delivery point stations within the District Plan Maps (see plans attached to the submission).
945.53	First Gas	Add distribution lines to the Proposed District Plan Maps (see plans attached to submission).

7.1 Analysis

41. First Gas [945] supports the annotation of the gas transmission pipelines on the District Plan Maps as currently proposed. The submitter considers the identification of significant infrastructure such as the gas transmission pipelines is important when considering applications

for subdivision and/or development. The submitter considers it is an appropriate and effective way to alert third parties of the presence of the pipelines.

42. The submitter also seeks to ensure the gas network, inclusive of gas distribution lines, is protected from reverse sensitivity effects. It considers delivery point stations are critical to the operation of the pipelines for the distribution of gas which the WRPS identifies as regionally significant infrastructure and requires to be recognised and protected.
43. I agree that the gas transmission pipelines should be retained within the PWDP Maps. The detailed transmission and distribution network maps provided by the submitter First Gas, show that all of the compressor stations and delivery point stations are on the transmission pipeline, either within the line or at the point where it changes to distribution pipeline. For that reason, I do not consider there needs to be separate identification and mapping of delivery point stations on the PWDP Maps. As to mapping of the distribution network, I consider that would not serve a useful purpose. The electricity distribution network is not mapped in the District Plan and neither are other distribution networks such as the water supply network. The gas distribution network is almost wholly underground, so generally not visible. The Plan Maps are capable of showing property by property location of the transmission networks. However, the distribution networks would clutter the maps, and perhaps give the impression of a higher degree of accuracy than they are capable of. Any additions or changes to elements of the distribution network would require a plan change to keep the maps updated and reliable. The RPS only identifies the high-pressure gas transmission pipeline as regionally significant infrastructure. I recommend accepting First Gas [945.51]; and rejecting First Gas [945.52]; First Gas [945.53].

7.2 Recommendations

44. For the reasons above, I recommend the Hearings Panel:
 - a. Accept First Gas [945.51]
 - b. Reject First Gas [945.52]
 - c. Reject First Gas [945.53].