



Proposed Plan Change 78 (PC78)

to the Auckland Unitary Plan (Operative in part)

SECTION 32 and sec77K / sec 77Q alternative process for existing qualifying matters

EVALUATION REPORT – PETROLEUM REFINERY AND GAS TRANSMISSION PIPELINES in accordance with sec 77I(e) and sec 77O(e)

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Executive Summary

This draft report discusses the implications of applying the 'gas transmission pipeline' and 'petroleum refinery pipeline', in the Auckland Unitary Plan (Operative in Part)(AUP), as existing qualifying matters to the medium density residential standards (MDRS) of Schedule 3A of the Resource Management Act 1991 (RMA). And the implementation of Policy 3 of the National Policy Statement on Urban Development 2020 – updated 2022 (NPS-UD).

Introduction

This draft report is prepared as part of the evaluation required by Section 32 and Sections 77K and 77Q of the Resource Management Act 1991 ('the Act') for proposed Plan Change 78 (PC78) to the Auckland Unitary Plan (Operative in Part) (AUP).

The background to and objectives of PC78 are discussed in the overview report, as is the purpose and required content of section 32 and 77K / 77Q evaluations.

This draft report discusses the implications of applying the gas transmission and petroleum refinery pipelines as qualifying matters to the medium density residential standards (MDRS) of Schedule 3A of the RMA and the implementation of policy 3 of the NPS-UD

An existing qualifying matter is a qualifying matter referred to in section 77 I or 77O (a) to (i) that is operative in the relevant district plan when the IPI is notified.

- Sec 77I relates to relevant residential zones.
- Sec 77O relates to urban non-residential zones.

The Council may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone or urban non-residential zone only to the extent necessary to accommodate 1 or more of the qualifying matters listed in 77I or 77O.

Integrated evaluation for existing qualifying matters

For the purposes of plan change 78, evaluation of the petroleum refinery pipeline and gas transmission pipeline as existing qualifying matters has been undertaken in an integrated way that combines sec 32 and 77K / 77Q requirements. The draft report follows the evaluation approach described in the table below.

Preparation of this report has involved the following:

- a review of AUP processes including Independent Hearing Panel evidence and recommendations for Topic 042 Infrastructure
- a review of Chapter E26 Infrastructure and Chapter K Designations (NZ Zealand Refining Company Limited, Wiri Oil Services Limited, First Gas Limited)
- development of draft amendments to the operative district provisions of the AUP to implement this matter as a Qualifying Matter in accordance with ss771(e) and 77O(e)
- review of the AUP to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter
- review of the AUP maps to assess the spatial application of this qualifying matter
- section 32 options analysis for this qualifying matter and related amendments.

The scale and significance of the issues is assessed to be minor.

This draft section 32 and 77K/77Q evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

Table 1 Integrated approach

Standard sec 32 steps	Plus sec 77K / 77Q steps for existing qualifying matter
<p>Issue</p> <p>Define the problem- provide overview/summary providing an analysis of the qualifying matter</p>	<p>Sec 77K or 77Q (1) (a)</p> <p>Describe the qualifying matter.</p> <p>Identify by location (for example, by mapping) where an existing qualifying matter applies</p>
<p>Identify and discuss objectives / outcomes</p>	<p>Sec 77K or 77Q(1) (c)</p> <p>Identify relevant RPS objectives and policies. Describe why the Council considers that 1 or more existing qualifying matters apply to these areas and why the qualifying matter is necessary.</p>
<p>Identify and screen response options</p>	<p>Sec 77k or 77Q (1) (b)</p> <p>Consider a range of alternative density standards for those areas having considered the particular MDRS standards and/or Policy 3 intensification requirements</p>
<p>Collect information on the selected option(s)</p>	<p>Sec 77K or Q (1) (d)</p> <p>Describe in general terms for a typical site the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3 having regard to the modified zone, with regard to the identified density options</p>
<p>Evaluate option(s) - environmental, social, economic, cultural benefits and costs</p>	<p>Sec 77K or Q (1) (b)</p> <p>Provide a general assessment of the benefits and costs of the options in the light of the new objectives introduced by the NPS-UD and MDRS relating to well-functioning urban environments</p>
<p>Overall judgement as to the better option (taking into account risks of acting or not acting)</p>	<p>Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD/MDRS in the areas where the qualifying matter applies</p>

Issues

The qualifying matter being evaluated is the petroleum refinery pipeline and gas transmission pipeline under the following sections of the RMA:

Residential zones:

- 77I(e) – a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure, is identified as a qualifying matter. The definition of ‘nationally significant infrastructure’ includes (d) the high-pressure gas transmission pipeline network operating in the North Island and (e) the refinery pipeline between Marsden Point and Wiri.
- 77K – Chapter E26 Infrastructure, which provides for the activity of the pipelines, and Chapter K Designations which applies to parts of the pipelines that are designated, are existing qualifying matters in the district plan section of the AUP. Therefore, Section 77K alternative process for existing qualifying matters is appropriate for the Section 32 assessment.

Non-residential zones:

- 77O(e) - a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure, is identified as a qualifying matter. The definition of ‘nationally significant infrastructure’ includes (d) the high-pressure gas transmission pipeline network operating in the North Island and (e) the refinery pipeline between Marsden Point and Wiri.
- 77Q - Chapter E26 Infrastructure, which provides for the activity of the pipelines, and Chapter K Designations which applies to parts of the pipelines that are designated, are existing qualifying matters in the district plan section of the AUP. Therefore, Section 77K alternative process for existing qualifying matters is appropriate for the Section 32 assessment.

Overview of the qualifying matter

Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment.

As well as benefits, infrastructure can have a range of adverse effects on the environment, visual amenity of an area, and public health and safety. The sensitivity of adjacent activities, particularly residential, to these effects can lead to complaints and ultimately constraints on the operation of infrastructure. Managing these reverse sensitivity effects is essential. Equally in some circumstances other activities and development need to be managed in a way that does not impede the operation of infrastructure.

Chapter E26 Infrastructure provides a framework for the development, operation, use, maintenance, repair, upgrading and removal of infrastructure. This includes activities associated with the pipelines for distribution and transmission of gas and petroleum products.

Chapter K Designations of the AUP includes designations which apply to sections of the two pipelines.

First Gas Limited, the New Zealand Refining Company, and Wiri Oil Services Limited are requiring authorities in accordance with Section 167 of the RMA. The table below identifies

the designations that these requiring authorities are responsible for:

Requiring Authority	Designation No.	Purpose (refer to Chapter K of the AUP for associated conditions)
New Zealand Refining Company	6500	The operation, maintenance and repair, upgrade and renewal of the existing petroleum transmission pipeline and ancillary facilities as required for the transportation of refined fuel products and described as follows: a. The existing 275mm petroleum transmission pipeline; b. The existing isolation valves; c. Cathodic protection terminals; and d. Surface marker posts and warning signage, located between the northern district boundary extending from Mangawhai Road at Kaiwaka and the southern district boundary extending from the former Waitakere City Boundary at Amreins Road, Taupaki
	6501	The operation, maintenance and repair, upgrade and renewal of the existing petroleum transmission pipeline and ancillary facilities as required for the transportation of refined fuel products and described as follows: a. The existing 275mm petroleum transmission pipeline; b. The existing isolation valves; c. Cathodic protection terminals; and d. Surface marker posts and warning signage, located between the northern district boundary extending from the former Waitakere City Boundary at Amreins Road, Taupaki and the Wiri Oil Services Terminal at 149 Roscommon Road, Wiri, Manukau City.
First Gas Limited	9100	a. The design, construction, operation, maintenance, repair, upgrade and renewal of a new gas transmission pipeline and ancillary facilities between First Gas's Taupaki Compressor Station (known as the Henderson Valley Compressor Station) at Amreins Road, Taupaki and Ararimu Road near Waitoki (a length of approximately 19.5 kilometres). b. The design, construction, operation, maintenance, repair, upgrade and renewal of a new gas transmission pipeline and ancillary facilities between Ararimu Valley Road and Punganui Station, Kaukapakapa (a length of approximately 9.5 kilometres). c. The design, construction, operation, maintenance, repair, upgrade and renewal of new off take and other facilities at the Henderson Valley Compressor Station. d. The design, construction, operation, maintenance, repair, upgrade and renewal of new gas metering and pressure regulation equipment and ancillary facilities (known as a "delivery point") at Punganui Station, Kaukapakapa.
	9101	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: a. The existing 200mm gas transmission pipeline between McEntee Road and the Henderson Valley Compressor Station at Amreins Road; b. The existing 150mm gas transmission pipeline between the Henderson Valley Compressor Station and the Kaipara District Council boundary near Vipond Road; c.

		The Henderson Valley Compressor Station; d. The Delivery Points at Waimauku, Waitoki, Warkworth and Wellsford; e. The Main Line Valve station at Kanohi; and f. The Offtake station at Kaipara Flats
	9102	<p>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: a. The existing 350 mm gas transmission pipeline between Waiouru Main Line Valve at Highbrook Drive and Westfield Delivery Point at Mount Wellington Highway; b. The existing 300 mm gas supply pipeline between Waiouru Main Line Valve at Highbrook Drive and Otahuhu Power Station; c. The existing 200 mm gas transmission pipeline between Westfield Delivery Point at Mount Wellington Highway and McEntee Road, Taupaki; d. The existing 350mm gas transmission pipeline between Westfield Delivery Point at Mount Wellington Highway and Southdown Delivery Point at Hugo Johnston Drive; and e. The existing Delivery Points and Main Line Valve stations.</p> <p>Located between the Waiouru Main Line Valve in Highbrook Drive, East Tamaki and McEntee Road, Taupaki.</p>
	9104	<p>The operation, maintenance, upgrade and renewal of the existing 350mm diameter gas transmission pipeline and all ancillary structures and activities associated with these works for transportation of natural gas; and b. The design, construction, operation, maintenance and renewal of a new pipeline generally alongside the existing pipeline and all ancillary structures and activities associated with these works for transportation of natural gas.</p> <p>Location: Mill Road (Waikato District Council boundary), Pukekohe to 65 Highbrook Drive, East Tamaki</p>
Wiri Oil Services	9700	<p>Jet fuel transmission purposes</p> <p>149 Roscommon Road (Wiri Oil Terminal) to the intersection of Orrs Road and Puhinui Road (Auckland International Airport), Wiri</p>
	9701	<p>operation, maintenance, upgrading and future expansion of the Wiri Oil Services Terminal and associated facilities and the authorisation of all ancillary activities and facilities.</p> <p>149 Roscommon Road, Wiri</p>

There are also conditions that are attached to each designation above in addition to the purpose stated above.

While a designation enables the requiring authority to undertake works or projects in accordance with the purpose and conditions of a designation, restrictions may apply to the use of the land affected by the designation. For example, conditions attached to the designation may restrict:

- building
- structures
- fences
- planting of trees/shrubs
- soil disturbance below a specified depth
- any activity on or to the land within the boundary of the designation that could damage or endanger the pipelines without first obtaining the written consent of the relevant requiring authority responsible for the infrastructure.

The district plan provisions of the AUP do not apply where a work or project is undertaken in accordance with the purpose and conditions of the designation. Conversely, the district plan provisions will apply for works and projects which are not undertaken in accordance with the purpose of the designation and any conditions attached to the designation. In addition, an Outline Plan of Works¹ may be required and any relevant regional consents required by the Regional Policy Statement (RPS) provisions are still necessary.

Location of qualifying matter

The location of the high-pressure gas transmission pipeline network within the Auckland region is shown in Figure 1 below. There are also intermediate, medium and low pressure gas distribution pipeline networks that connect to the high-pressure gas transmission pipeline. Table 1 above describes the locations of First Gas Limited's designations.

¹ Resource Management Act 1991. Part 8, section 176A.



Figure 1: Location of high pressure gas transmission pipelines and stations - Auckland (Source: First Gas website², 13 May 2022).

The location of the petroleum refinery pipeline within the Auckland region is as follows:

- between the northern district boundary extending from Mangawhai Road at Kaiwaka and the southern district boundary extending from the former Waitākere City Boundary at Amreins Road, Taupaki
- from Amreins Road, Taupaki to the Wiri Oil Services Terminal at 149 Roscommon Road, Wiri.

Effects the qualifying matter seeks to manage

The effects that the AUP sections relevant to the oil/petroleum refinery pipeline and high-pressure gas transmission pipeline manage include:

- ensuring safe, efficient and secure infrastructure for the conveyance (transmission and distribution) of gas and petroleum products
- reverse sensitivity issues on adjacent activities which may lead to complaints from residents
- ensuring operation is not constrained from adjacent activities (incompatible subdivision, use and development)

² <https://firstgas.co.nz/wp-content/uploads/Firstgas-CC-Thresholds-Drawing-Oct-2020.pdf>

- provision for operation, maintenance, repair, upgrades and renewals of existing infrastructure.

Auckland Council considers that the appropriate zoning to apply is one which includes the MDRS. This is because Chapter E26 Infrastructure and Chapter K Designations are an appropriate method to manage inappropriate subdivision, use and development as they:

- provide for the development, operation, maintenance, repair, upgrade and removal of infrastructure
- manage the adverse effects on infrastructure, including reverse sensitivity effects
- manage the adverse effects of infrastructure on adjacent land uses
- designations protect the land for the purpose of the designation
- the underlying district plan provisions do not apply to designations unless works to be undertaken are not in accordance with the purpose of the designation and any associated conditions attached to the designation
- designations enable requiring authorities to undertake works, projects, and ongoing operation, maintenance and upgrades to their infrastructure
- requiring authority approvals are required where any activity proposed by an affected landowner may hinder or prevent the requiring authority from undertaking its works, projects, or work to which the designation relates.

Policy 3 of the NPS-UD does not affect the petroleum refinery pipeline or gas transmission pipeline as the majority of the routes of both pipelines are either in the road within areas identified as walkable catchments or in a non-residential urban zone.

Objectives and Policies (existing)

Relevant AUP objectives and policies

The relevant AUP objectives and policies, that support designations as a qualifying matter are as shown in the table below:

AUP Chapter	Objective/Policy	Summary of matter addressed
B3 Infrastructure - Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy [rps]	Objective B.3.2.1(1)	Infrastructure is resilient, effective and efficient
	Objective B.3.2.1(2)	The benefits of infrastructure are recognised
	Objective B3.2.1(3)	Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects.
	Objective B3.2.1(4)	The functional and operational needs of infrastructure are recognised.
	Objective B3.2.1(6)	Infrastructure is protected from reverse sensitivity effects

E26 Infrastructure [rps/dp]	Objective E26.2.1(1) Policy E26.2.2(1)	The benefits of infrastructure are recognised
	Objective E26.2.1(2) Policy E26.2.2(1)	The value of investment in infrastructure is recognised
	Objective E26.2.1(3)	Safe, efficient and secure infrastructure is enabled to service needs of existing and authorised proposed subdivision, use and development
	Objective E26.2.1(4) Policy E26.2.2(2)	Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled
	Objective E26.2.1(5)	The resilience of infrastructure is improved and continuity of service is enabled
	Objective E26.2.1(6) Policy E26.2.2(3)	Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects
	Objective E26.2.1(9) Policies E26.2.2(4)-(10)	The adverse effects of infrastructure are avoided, remedied or mitigated
E29 Emergency management areas – Hazardous facilities and infrastructure [rcp/dp]	Policy E29.3(3)	Consider the risks to activities sensitive to hazardous facilities and infrastructure within 34 metres of the boundary of Designations 6500 and 6501 (Petroleum Pipeline) where the pipeline is constructed to a “thin wall” specification.
Chapter K – Designations	N/A	<ul style="list-style-type: none"> • Jet fuel pipeline (Des 9700 – Wiri to Auckland International Airport) • Designation 9701 – Wiri Oil Services Terminal • Designation 6501 – Petroleum Pipeline – urban section • Designation 6500 – Petroleum Pipeline – rural section • Gas transmission pipelines (Des 9100, 9101, 9102 and 9104)

It should be noted that it is the requiring authority's designations and any associated conditions attached to those designations that provide for the protection, and management of the land within the boundary of the designation. Chapter E29 has specific references to Designations 6500 and 6501 (petroleum pipeline). Chapters E26 Infrastructure has a reference that designations have the potential to also apply.

Designations are also identified as an existing qualifying matter in accordance with sections 771(g) and 770(g) of the RMA.

The management approach in the AUP, to provide for includes through:

- provisions in Chapters E26 and 29 of the AUP
- identification of designations in the AUP maps
- provisions for designations in Chapter K of the AUP.

As stated above, objectives, policies, activity statuses, and standards of E26 Infrastructure provide for pipelines for the conveyance (transmission and distribution) of petroleum and gas. The provisions also manages issues of reverse sensitivity of adjacent activities which may lead to complaints from residents or constrain operation of the infrastructure.

Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts) within the AUP may also be applicable.

Table E26.2.3.1 Activity table – Network utilities and electricity generation – all zones and roads applies to:

- underground gas distribution pipes at gauge pressure not exceeding 2000 kilopascals (A29 – permitted activity in all zones subject to the standards in E26.2.5),
- underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals (A30 – discretionary activity in all zones).

Policy E26.2.2(8) encourages new linear infrastructure to be located in roads, and where practicable within the road reserve adjacent to the carriage way.

Designations provide for the construction, operation, maintenance, repair, upgrades and renewals of infrastructure in accordance with the purpose and any conditions attached to the designation. There are also conditions which mitigate environmental effects including restrictions on use of the land affected by the designation.

Amendments required to district plan objectives and policies

No amendments are required to AUP objectives, policies or rules in response to the MDRS.

Auckland Council considers that the appropriate zoning to apply for this qualifying matter is one which includes the MDRS. This is because Chapter E26 Infrastructure, Chapter E29 Emergency Management Areas, and Chapter K Designations are an appropriate method to manage inappropriate subdivision, use and development for the reasons discussed above in the Issues section.

Policy 3 of the NPS-UD does not affect the oil/petroleum refinery pipeline or the gas transmission pipeline. The sections of the oil/petroleum refinery pipeline that traverses through areas subject to Policy 3 are within the road or in non-residential urban zones.

Development of Options

As set above, the petroleum refinery pipeline and gas transmission pipeline are existing qualifying matters in terms of sections 77K and 77Q of the RMA as they:

- are a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure³ (as provided for in the definition of 'nationally significant infrastructure')
- are currently in the AUP and continue to have effect as part of an operative plan.

While the two pipelines are largely within roads, a number of options have been considered in regard to the Section 32 assessment of the petroleum refinery pipeline and gas transmission pipeline.

The options for MDRS include:

1. Do not apply the petroleum refinery pipeline and gas transmission pipeline as a qualifying matter i.e. remove provisions which support the petroleum refinery pipeline and gas transmission pipeline and only apply MDRS and Policy 3
2. Apply MDRS and Policy 3 in a modified form to support the petroleum refinery pipeline and gas transmission pipeline provisions of the AUP
3. Apply the petroleum refinery pipeline and gas transmission pipeline as a qualifying matter in full i.e. retain the current the petroleum refinery pipeline and gas transmission pipeline provisions and apply a zone which includes MDRS or Policy 3.

Option 3 is the preferred option for the application of the MDRS and Policy 3 as the provisions in Chapter 26 are still required to provide for the activity. And the designations, which the requiring authorities are responsible for, can only be altered by the relevant requiring authority.

The provisions of the MDRS will be applied in full relying on the petroleum refinery pipeline and gas transmission pipeline AUP provisions (and designations where relevant) to manage inappropriate development and activities. The two pipelines are largely unaffected by the MDRS as they are either located within roads or in non-residential urban zones.

Similarly for sections of the petroleum refinery pipeline and gas transmission pipeline which are within locations subject to Policy 3 of the NPS-UD, the two pipelines are largely unaffected.

³ Resource Management Act, ss 77I(e) and 77O(e).

Consequences for development potential

As identified above in the Issues section, the petroleum refinery pipeline and gas transmission pipeline are in specific locations within Auckland’s urban environment. The majority of the petroleum refinery pipeline and the gas transmission pipeline are located within road corridors or not in relevant residential zones. Some sections of the petroleum refinery pipeline between Mangere and Glen Eden are within Open Space zones or Business – Light Industry. Similarly for the gas transmission pipeline which is within the road, Open Space zones, Business – Heavy Industry and Business – Light Industry zones. And both pipelines traversing properties in Waitākere and further north are in rural zones (Rural – Waitākere Foothills, Rural – Countryside Living or Rural – Rural Production zones).

Where not located in the roads, and predominantly in rural zones, the petroleum refinery pipeline and gas transmission pipeline can affect full properties or parts of properties.

Development may be able to occur if it is either in accordance with Chapter 29, conditions of a relevant designation, or if only part of a property is affected by the petroleum refinery pipeline and/or gas transmission pipeline. Therefore, it is challenging to provide a description for a typical site (or sites). And the consequence for development potential as provided for by the permitted level of development of the MDRS for the reason provided in the above paragraphs. But it is likely to have a minor effect on development potential within relevant residential zones affected by the petroleum refinery pipeline and/or gas transmission pipeline.

Evaluation of options

Qualifying matter	Status Quo	Option 2	Option 3
Costs of applying the QM – broader social, economic, environmental, cultural	<p>Low/medium cost</p> <p>Applying MDRS may enable the density sought. However, this may not ensure the safe, efficient and secure infrastructure for the conveyance of gas and petroleum products; operation may be constrained by adjacent activities; and potential for increased reverse sensitivity issues.</p>	<p>Low/medium cost</p> <p>Applying an amended MDRS may still not enable the development capacity. However, it would potentially compromise the safe, efficient and secure conveyance of gas and petroleum products;</p>	<p>Low cost</p> <p>E26 Infrastructure provides for the activities associated with the two pipelines. However, designations protect and provide for the operation, maintenance, repair, upgrade and renewals of the infrastructure associated with the two pipelines. Designations can only be altered/removed by the requiring authority who is responsible for the designation.</p>

	<p>And the land within the designation boundary would still be subject to the designation unless works were not in accordance with the designation purpose and conditions.</p> <p>Approvals from the requiring authority would be required for any development on private land that may hinder the requiring authority from being able to undertake its works or operational requirements as provided for by the designation.</p>	<p>constrain operation; and increase reverse sensitivity issues. Development capacity may also not be realised on any parts of properties that are subject to designations until the time that these are removed by the requiring authority.</p>	<p>The two pipelines contribute to a well-functioning environment. The two pipelines are in specific locations with the majority not affecting relevant residential zones.</p>
<p>Costs of applying QM – housing supply / capacity</p>	<p>Low cost</p> <p>The two pipelines where within relevant residential zones do not have a large effect on housing supply/capacity. The two pipelines are in specific locations in Auckland and only affect a relatively small number of properties.</p>	<p>Low cost</p> <p>The two pipelines are in specific locations with the majority not affecting relevant residential zones. Therefore the amended MDRS would be limited to a small number of properties in specific locations affected by them.</p>	<p>Low cost</p> <p>The two pipelines are in specific locations with the majority not affecting relevant residential zones.</p>
<p>Benefits of the QM – broader social, economic, environmental, cultural</p>	<p>Low benefit</p> <p>Applying the MDRS and Policy 3 fully would not have significant effect on development capacity given the relatively small number of affected properties. And may not ensure the safe, efficient and secure infrastructure for the conveyance of gas and petroleum products; operation may be constrained by adjacent activities; and potential for increased reverse sensitivity issues.</p> <p>And the land within the designation boundary would still be subject to the designation unless works were not in</p>	<p>Low benefit</p> <p>Applying the MDRS and Policy would have little benefit due to the relatively small number of properties affected.</p> <p>Designations also apply. The land within the boundary would still be subject to the designation unless works were not in accordance with the designation purpose and conditions. And section 176 approvals were</p>	<p>High benefit</p> <p>Applying the qualifying matter in full by retaining the existing AUP provisions would ensure safe, efficient and secure infrastructure for the conveyance of gas and petroleum products; operation would not be constrained by adjacent activities; and the potential for reverse sensitivity issues would be reduced.</p> <p>The two pipelines contribute to a well-functioning urban environment that enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.</p>

	<p>accordance with the designation purpose and conditions. Approvals from the requiring authority would be required for any development on private land that may hinder the requiring authority from being able to undertake its works or operational requirements as provided for by the designation.</p>	<p>sought and given from the requiring authorities to be able to develop the land with the designation boundary.</p>	
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Risk of acting or not acting

Section 32(2)(c) of the RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The information about the oil/petroleum refinery and gas transmission pipelines as a qualifying matter, including information about the purpose of the two pipelines (designation purposes and conditions), and the location of them (designations) is already provided in the AUP. It is considered that this information is certain and sufficient having been through a thorough statutory process to be included in the AUP.

Overall conclusion

In accordance with the MDRS and NPS-UD, the petroleum refinery pipeline and gas transmission pipeline are qualifying matters for the purpose of ensuring the safe and efficient operation of critical infrastructure. And contributes to a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

The impact of the qualifying matter on the level of development enabled by the MDRS and Policy 3 are in specific locations with the majority of the petroleum refinery pipeline and gas transmission pipeline (and associated designations) being located within roads and not applying to relevant residential zones. Therefore, they are likely to have a minor effect on development potential.

Information Used

1. The following reports, documents, evidence, and plan versions were used to help the development of the plan change and assess the oil/petroleum refinery pipeline and gas transmission pipelines as qualifying matters.

Name of document, report, plan	How did it inform the development of the plan change
Auckland Unitary Plan (Operative in Part 2016)	Chapter E26 provides for the activities associated with oil/petroleum refinery pipeline and gas transmission pipeline. Chapter K Designations provide for the operation, maintenance, repair, upgrade and renewal of the two pipelines. The AUP maps show the location of the relevant designations associated with the two pipelines.
AUP Independent Hearing Panel Evidence and recommendations for Topic O42 Infrastructure.	Supported inclusion of the activities associated with the pipelines in Chapter E26. The requiring authorities made the decision to confirm the designations associated with the pipelines as part of a statutory process provided by the RMA.

Consultation

Schedule 1 of the Act sets out the relevant consultation requirements. Mana whenua have been engaged in the preparation of the IPI plan change at various stages in the process as required by Schedule 1 of the Act.

The Council provided an opportunity to the Auckland community to comment on its 'preliminary response' proposals during the period April 19 to May 9, 2022. The consultation documentation included Information #6: Qualifying matters (Part 1).

This information sheet described what a qualifying matter is and which qualifying matters were specifically identified by the government in the NPS-UD and the RMA. And that these specifically identified qualifying matters may make the MDRS and policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the listed qualifying matters. The government-specified qualifying matters include 77I(b) and (e) to give effect to a national policy statement and 'a matter required for the purpose of ensuring the safe and efficient operation of nationally significant infrastructure'.

The information sheet also provided a corresponding list of AUP provisions which relate to the specifically identified qualifying matters which includes the petroleum refinery and gas transmission pipelines.