



Proposed Plan Change 120: Housing Intensification and Resilience (PC120)

to the Auckland Unitary Plan (Operative in part)

Section 32 and Schedule 3C of the Resource Management Act 1991 for qualifying matter:

Petroleum refinery and gas transmission pipelines

EVALUATION REPORT

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Executive Summary

1. 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 an existing qualifying matter to modify the requirements of Schedule 3C Clauses 4(1)(b) and (c) of the Resource Management Act 1991 (**RMA**) and Policy 3 of the National Policy Statement on Urban Development 2020 – Updated 2022 (**NPS-UD**) in any zone in an urban environment to be less enabling of development.
2. The two pipelines are identified in section 77I(e) of the RMA as a matter a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. The definition of 'nationally significant infrastructure' in the NPS-UD includes

(d) the high-pressure gas transmission pipeline network operating In the North Island and
(e) the refinery pipeline between Marsden Point and Wiri.
3. The gas transmission pipeline and petroleum refinery pipeline are protected through existing designations in the AUP. Each of the requiring authority's designation are shown spatially with the designation number in the schedule and identification of the designation boundary (outlined in brown). The existing designations in Chapter K:Designations and Schedules of the AUP is considered to be an effective and efficient method for the gas transmission and petroleum refinery pipeline qualifying matters.
4. There may be some impact on the properties where the qualifying matters would apply in regard to housing supply and development capacity. However, the designations already have an effect on the parts of the property subject to the designation until such time that the requiring authority requests for the designation to be removed either in part or entirely from the property. At a local or regional scale, the impact on housing supply and development capacity otherwise enabled would be minor as a result of this existing qualifying matter.

1. Introduction

5. This report is prepared as part of the evaluation required by Section 32 and Schedule 3C of the RMA for PC120 to the Auckland Unitary Plan (Operative in Part) (**AUP**).
6. The background to and objectives of PC120 are discussed in the overview report, as is the purpose and required content of section 32 and Schedule 3C evaluations.
7. This report discusses the implications of applying the 'gas transmission pipeline' and 'petroleum refinery pipeline' as a qualifying matter to the requirements of clause 4(1)(b) or (c) of Schedule 3C of the RMA and the implementation of policy 3 of the NPS-UD. This report also evaluates the provisions which have been included in PC120 relating to the 'gas transmission pipeline and 'petroleum refinery pipeline' qualifying matter.
8. The Council may make the relevant building height or density requirements of clause 4(1)(b) or (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD less enabling of development in relation to an area within 'in any zone in an urban environment' only to the extent necessary to accommodate 1 or more of the following qualifying matters present:
 - (a) a matter listed in section 77I(a) to (i);
 - (b) any other matter that makes higher density, as specified by clause 4(1)(b) or (c) of Schedule 3C of the RMA or policy 3 of the NPS-UD, inappropriate in an area but only if subclause (4) of clause 8 of Schedule 3C is satisfied.
9. Under clause 8(2) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(a) or (1)(b) of clause 8:
 - (a) demonstrate why the Council considers:
 - (ii) that the area is subject to a qualifying matter; and
 - (iii) that the qualifying matter is incompatible with the level of development provided by clause 4(1)(b) or (c) or policy 3 for that area; and
 - (b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and
 - (c) assess the costs and broader impacts of imposing those limits.
10. Under clause 8(4) of Schedule 3C of the RMA, the evaluation report required under section 32 of the RMA must, in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(b) (an "other" qualifying matter), also:
 - (a) identify the specific characteristic that makes the level of development specified by clause 4(1)(b) or (c) or policy 3 inappropriate in the area; and
 - (b) justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
 - (c) include a site-specific analysis that—

- (i) identifies the site to which the matter relates; and
- (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
- (iii) evaluates an appropriate range of options to achieve the greatest heights and densities specified by clause 4(1)(b) or (c) or policy 3 while managing the specific characteristics.

11. Auckland Council may, under clause 8(5) of Schedule 3C of the RMA, when considering existing qualifying matters¹, instead of undertaking the evaluation process described in clause 8(2), do all of the following things:

- (a) identify by location (for example, by mapping) where an existing qualifying matter applies;
- (b) specify the alternative heights or densities (as relevant) proposed for those areas identified under paragraph (a);
- (c) include in the evaluation report why the Council considers that 1 or more existing qualifying matters apply to those areas identified under paragraph (a);
- (d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by clause 4(1)(b) or (c) or policy 3;
- (e) notify the existing qualifying matters in the Auckland housing planning instrument.

2. Integrated evaluation for existing qualifying matters

12. For the purposes of PC120, evaluation of the gas transmission pipeline and petroleum refinery pipeline as a qualifying matter has been undertaken in an integrated way that combines section 32 and Schedule 3C of the RMA requirements. The report follows the evaluation approach described in the table below.

13. The preparation of this report has involved the following:

- assessment of the AUP(OP) to identify any relevant provisions that apply to this qualifying matter
- development of draft amendments to the operative district plan provisions of the AUP(OP) to implement this matter as a Qualifying Matter in accordance with the requirements of Schedule 3C of the RMA
- review of the AUP(OP) to identify all relevant provisions that require a consequential amendment to integrate the application of this qualifying matter
- review of the AUP(OP) Maps to assess the spatial application of this qualifying matter
- section 32 options analysis for this qualifying matter and related amendments
- consideration of the planning evidence for Topic 009Q Designations, and the Independent Hearing Panel recommendation provided for Plan Change 78 in relation to the Business City Centre Outstanding Matters topic hearing

¹ Clause 8(1)(6) existing qualifying matter means a qualifying matter referred to in subclause 1(a) that is operative in the Auckland Unitary Plan when the Auckland housing planning instrument is notified.

- consideration of the planning evidence provided for Topic 009Q Designations for the Plan Change 78 Metropolitan Centres Outstanding Matters topic hearing.

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

15. This section 32/Schedule 3C 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 for any matter specified in section 77I(a) to (i) that is operative in the AUP when the Auckland housing planning instrument (PC120) is notified)

Standard sec 32 steps	Plus clause 8 Schedule 3C steps for an existing qualifying matters
Issue Define the problem- provide overview/summary providing an analysis of the qualifying matter	Identify whether an area is subject to an existing qualifying matter (a qualifying matter referred to in clause 8(1)(a) of Schedule 3C of the RMA that is operative in the AUP when the Auckland housing planning instrument (PC120) is notified) and describe the existing qualifying matter. Identify by location (for example, by mapping) where an existing qualifying matter applies. [refer to Section 3 of this report]
Identify and discuss objectives / outcomes	Identify relevant RPS / district level objectives and policies. Specify the alternative heights or densities (as relevant) proposed for those the area where the existing qualifying matter applies. [refer to Section 4 of this report]
Identify and screen response options	Consider a range of reasonably practicable options for achieving the objectives including alternative standards or methods for these areas having considered the particular requirements in clause 4(1)(b) or (c) of Schedule 3C of the RMA and/or Policy 3 of the NPS-UD and assess the efficiency and effectiveness of the provisions. [refer to Section 5 of this report]
Collect information on the selected option(s)	Describe in general terms for a typical site in those areas subject to an existing qualifying matter the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by clause 4(1)(b) or (c) of the RMA or Policy 3 of the NPS-UD. [refer to Section 5 of this report]

Evaluate option(s) - environmental, social, economic, cultural benefits and costs	Provide an assessment of the benefits and costs of the options in the light of the new objectives introduced by the NPS-UD relating to well-functioning urban environments. [refer to Section 5 of this report]
Overall judgement as to the better option (taking into account risks of acting or not acting)	Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD in the areas where the qualifying matter applies. [refer to Section 5 of this report]

3. Issues

16. The qualifying matter being evaluated is the gas transmission pipeline and petroleum refinery pipeline qualifying matter. The gas transmission pipeline and petroleum refinery pipeline have been identified as a specific qualifying matter under the following sections of the RMA:
 - (a) Schedule 3C, cl.8(1)(a) – a matter specified in section 77I(a) to (i):
 - i. Section 77I(e) – a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. The definition of ‘nationally significant infrastructure’ in the NPS-UD includes (d) the high-pressure gas transmission pipeline network operating in the North Island and (e) the refinery pipeline between Marsden Point and Wiri.
17. Infrastructure is critical to the social, economic, and cultural well-being of people and communities and the quality of the environment.
18. 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.
19. The two pipelines do not have a specific overlay or section of the AUP but are managed through existing provisions in Chapter E26 Infrastructure and Chapter K Designations in the AUP:
 - (a) Chapter E26 Infrastructure – provides the framework for the development, operation, use, repair, upgrading, and removal of infrastructure. This includes activities associated with the pipelines for the distribution and transmission of gas and petroleum products
 - (b) Chapter K Designations and Schedules – includes designations which apply to sections of the two pipelines. The designations provide for activities similar to Chapter E26 but also protect the land beneath the designation from being used for activities which would otherwise prevent or hinder the requiring authorities from being able to undertake the works to which the designations relate to.

Education of qualifying matter

20. 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.



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

- (a) 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
- (b) from Amreins Road, Taupaki to the Wiri Oil Services Terminal at 149 Roscommon Road, Wiri.

22. While the two pipelines are extensive within the Auckland region, the existing qualifying matter will only apply where the pipelines are located in areas subject to Schedule 3C cl.4(1)(b) or (c) of the RMA and Policy 3 of the NPS-UD.

23. There are only a few areas where the qualifying matter will apply as the two pipelines are generally located within roads. Elsewhere, the operative provisions of Chapter E26 Infrastructure and First Gas's and Channel Terminal Service's designations in Chapter K,

and as shown in the AUP maps, will continue to apply (refer to Section 4 of this report for further discussion on the AUP approach to managing the qualifying matter).

24. The qualifying matter is incompatible with the level of development provided by clause 4(1)(b) or (c) of Schedule 3C and Policy 3 of the NPS-UD because of the nature of the management of the two pipelines which is required to:
- (a) ensure the safe, efficient, and secure infrastructure for the conveyance (transmission and distribution) of gas and petroleum products
 - (b) manage reverse sensitivity issues on adjacent activities which could lead to complaints
 - (c) ensure that the operation of the pipelines is not constrained from incompatible subdivision, use and development
 - (d) provide for the operation, maintenance, repair, upgrades, and renewals of existing infrastructure.
25. Increasing the density and heights within the areas subject to the qualifying matter could increase the potential risk to the health and safety of persons and communities residing within the vicinity of the pipelines. It may also constrain the operations of the requiring authorities.

4. AUP approach to managing qualifying matter

26. The management approach in the AUP, in recognising and providing for the gas transmission pipeline and petroleum refinery pipeline includes:
- (a) objectives, policies, and rules in Chapter B Infrastructure (RPS) and Chapter E26 Infrastructure which provides for the activities associated with infrastructure including those for the distribution and transmission of gas and petroleum products.
 - (b) designations identified in AUP maps and Chapter K: Designations and Schedules for First Gas's and Channel Terminal Service's pipeline infrastructure.
27. This provides the framework for the relevant objectives and policies and rules and methods described in the sub-sections below.
28. This approach in the AUP was extensively addressed through the Proposed AUP hearings process in 2014 – 2016.

Objectives and Policies (existing)

29. The relevant AUP objectives and policies, that support the gas transmission pipeline and petroleum refinery pipeline qualifying matter are as shown below in the table:

Table 2: Objectives and Policies relevant to the gas transmission pipeline and petroleum refinery pipeline qualifying matter.

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 [rp/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

30. Chapter K Designations, and the requiring authority's designations and any conditions attached to those designations, is the main method in the AUP to provide for the protection, and management of land within the boundary of the designations for the two pipelines.

31. The objectives and policies of Chapter E26 Infrastructure in the AUP:

- (a) recognise the benefits of, and the value of investment in, infrastructure and provides for the activities associated with the pipelines for the conveyance (transmission and distribution) of gas and petroleum.
- (b) provide for the avoidance of adverse effects on infrastructure from subdivision, use and development, including reverse sensitivity effects, which may compromise the operation and capacity of existing, consented, and planned infrastructure
- (c) require that the adverse effects of infrastructure are avoided, remedied or mitigated including on the:
 - ii. health, well-being and safety of people and communities
 - iii. safe and efficient operation of other infrastructure.

Rules and methods (existing)

32. Infrastructure is provided for on the basis of Auckland-wide provisions through Chapter E26 Infrastructure of the AUP. Additional infrastructure provisions (zones, overlays and precincts) within the AUP may also be applicable.

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

- (a) 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),
- (b) underground gas and petroleum product transmission pipelines at a gauge pressure exceeding 2000 kilopascals (A30 – discretionary activity in all zones).

34. Chapter K Designations and schedules 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. For example, First Gas Limited's designations² include the following restrictions:

'No person shall:

² Designations 9100, 9101, 9102

- a. Erect any or building or structure; or
- b. Effect a fence with supports which extend more than 0.4m into the ground from the surface; or
- c. Plant any tree or shrub; or
- d. Disturb the soil below a depth of 0.4m from the surface; or
- e. Do anything on or to land which would or could damage or endanger the pipelines within the designated corridor without first obtaining the written consent of First Gas'.

35. In any case for a designation, irrespective of whether there is a condition or not, a landowner would need to seek approval under s176 of the RMA for any activity that would hinder or prevent the requiring authorities from being able to undertake works or to operate and maintain the pipelines as provided for by the designations.

36. The following designations are relevant in relation to the identification of the petroleum refinery and gas transmission pipelines:

Designation #		Requiring Authority	Effect of qualifying matter
Designation 6500	Petroleum Pipeline – Rural Section	Channel Terminal Services Limited	No effect – outside of urban environment
Designation 6501	Petroleum Pipeline – Urban Section		Minor effect – predominantly within the road reserve
Designation 9100	Taupaki to Kaukapakapa Gas Pipeline	First Gas Limited	No effect – outside of urban environment
Designation 9101	Taupaki to Topuni Gas Pipeline		No effect – outside of urban environment
Designation 9102	East Tamaki to Taupaki Gas Pipeline		Minor effect – predominantly within the road reserve
Designation 9104	Pukekohe to East Tamaki Gas Pipeline		Minor effect – predominantly with road reserve
Designation 9700	Jet fuel pipeline – Wiri to Auckland International Airport	Wiri Oil Services Limited	No effect – not subject to Clause 4(b) or (c) of RMA or

			Policy 3 of NPS-UD
Designation 9701	Wiri Oil Services Terminal		No effect – not subject to Clause 4(b) or (c) of the RMA or Policy 3 of the NPS-D

37. While there are some properties subject to Clause 4(1)(b) and (c) where the existing qualifying matter would apply, it is considered that this only creates a minor effect in regard to housing supply/capacity. The majority of both the pipelines are within the road which is not identified as a zone within the urban environment.
38. It is considered that the designations are an appropriate method in protecting the land subject to the oil refinery and gas transmission pipeline designations from inappropriate subdivision, use, and development. However, there may be potential reverse sensitivity effects associated with the sections of pipelines either located on land subject to Clause 4(1)(b) or (c) of the RMA, or Policy 3 of the NPS-UD, and/or adjacent land to the road where the pipelines are located. This is due to the approach to upzone land to give effect to the requirements of Clause 4(1)(b) or (c) of the RMA, or Policy 3 of the NPS-UD.
39. This was also the case in PC78 with several requiring authorities seeking additional qualifying matters through buffers on land adjacent to their designation within their submissions. In regard to the oil refinery and gas transmission pipelines, this has not been tested through the PC78 hearings as neither of these pipelines are located within either the Business - City Centre or Business - Metropolitan Centre zones.

Amendments required to AUP objectives, policies and rules

40. No amendments are required to the AUP objectives, policies, or rules in response to Schedule 3C cls.4(1)(b) or (c) of the RMA or Policy 3 of the NPS-UD.
41. The two pipelines are protected through designations in the AUP which can only be altered by the requiring authority financially responsible for the designations. Chapter E26 in the AUP provides for activities associated with infrastructure, including the petroleum refinery pipeline and the gas transmission pipeline, rather than the activities on adjacent properties.
42. Minor amendments to Chapter K and Chapter E26 are recommended to identify that some designations are existing qualifying matters. The amendments are shown below:

Chapter K – Using Chapter K

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Some designations in the urban environment within ~~relevant residential zones or urban non-residential zones~~ the Business – City Centre Zone are qualifying matters in accordance with sections ~~77I(g) and 77O(g)~~ of the RMA.

Some designations are qualifying matters in accordance with Schedule 3C Clause 8(1)(a) of the RMA.

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Chapter E26 Infrastructure

E26.1.1 Introduction

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Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

Some designations are qualifying matters in accordance with Schedule 3C cls.8(1)(a) of the Resource Management Act 1991.

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5. Development of Options

43. Section 32 of the RMA requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The overall objective (purpose of the proposal) of Plan Change 120 has two key objectives – it proposes:

- measures to better manage significant risks from natural hazards region-wide; and
- an amended approach to managing housing growth as a result of no longer incorporating the medium density residential standards (MDRS), but providing for intensification in a way that complies with clause 4 of Schedule 3C of the RMA by:
 - providing at least the same amount of housing capacity as would have been enabled if Plan Change 78: Intensification (PC78), as notified, was made operative, including by providing for additional intensification along selected Frequent Transit corridors and modifying zoning in suburban areas through an amended pattern of Residential - Mixed Housing Urban and Mixed Housing Suburban zones;
 - enabling the building heights and densities specified in clause 4(1)(b) and (c) of Schedule 3C of the RMA within at least the walkable catchments of Maungawhau (Mount Eden), Kingsland, Morningside, Baldwin Avenue and Mount Albert Stations;

- giving effect to Policy 3 (c) and (d) of the National Policy Statement on Urban Development 2020 (NPS-UD) through intensification in other walkable catchments and land within and adjacent to neighbourhood, town and local centres;
- enabling less development than that required by clause 4(1)(b) and (c) of Schedule 3C or Policy 3 of the NPS-UD where authorised to do so by clause 8 of schedule 3C.

Section 32 requires a range of options to be considered.

44. The two options that have been evaluated in the section 32 and Schedule 3C assessment of the petroleum refinery and gas transmission pipelines qualifying matter are:

- **Option 1:** apply the requirements in Schedule 3C c.4(1)(b) or (c) of the RMA or Policy 3 of the NPS-UD and do not apply the petroleum refinery pipeline and gas transmission pipeline as a qualifying matter
- **Option 2:** apply the petroleum refinery pipeline and gas transmission pipeline as a qualifying matter and apply a zone which meets the requirements in Schedule 3C c.4(1)(b) or (c) of the RMA or Policy 3 of the NPS-UD.

Consequences for development capacity

45. The consequences for the provision of development capacity by accommodating the petroleum refinery pipeline and gas transmission pipeline qualifying matter may not be less enabling than that enabled by Schedule 3C cl.4(1)(b) or (c) of the RMA or Policy 3 of the NPS-UD.
46. A draft map for PC120 has been produced by Auckland Council which reflects the designations for the two pipelines as identified in Chapter K – Schedules and Designations and as shown in the AUP map. There are some properties where the existing qualifying matter would apply in accordance with Schedule 3C cl.8(1)(a) of the RMA.
47. There may be some effect on the properties where the qualifying matter would apply in regard to housing supply and development capacity. However, the designations already have an effect on the parts of the property subject to the designation until such time that the requiring authority requests for the designation to be removed either in part or entirely from the property. At a local or regional scale, the effect on housing supply and development capacity otherwise enabled would be minor as a result of this existing qualifying matter.

Evaluation of options

48. To determine the most appropriate response for the WRHA as a qualifying matter, each of the options needs to be evaluated in the context of the objectives and of clause 4(1)(b) or (c) of Schedule 3C of the RMA and policy 3 of the NPS-UD.

Table 3 Evaluation of options

Qualifying matter	Option 1 – apply Schedule 3C and do not apply the existing qualifying matter	Option–2 – apply Schedule 3C and apply the existing qualifying matter
Costs of applying QM – housing supply / capacity	Low cost Applying Schedule 3C may enable the heights and density sought. However, the two pipelines are considered to have a low to minor effect on housing supply/capacity. The two pipelines are in specific locations and only affect a relatively small number of properties. In addition, the designations in the AUP still have an effect on the land subject to the designation. Approvals under s176 of the RMA 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 designations.	Low cost Applying the qualifying matter has a low to minor effect on a few properties located within the urban environment which are subject to the requirements of Schedule 3C. The two pipelines are protected in the AUP through designations. Designations can only be altered/removed by the requiring authority who is responsible for the designation.
Costs: Social	Low cost Applying the requirements of Schedule 3C without applying the qualifying matter would potentially not ensure the safe, efficient and secure infrastructure for the conveyance of gas and petroleum products. Operation of the pipelines may be constrained by adjacent activities and there is the potential for increased reverse sensitivity issues.	Low cost Applying the qualifying matter recognises the social benefits that infrastructure provides including enabling the enhancement of the quality of life and standard of living for public and communities, and providing for public health and safety.
Costs: Economic (not otherwise covered by	Low cost	Low cost

Qualifying matter	Option 1 – apply Schedule 3C and do not apply the existing qualifying matter	Option–2 – apply Schedule 3C and apply the existing qualifying matter
housing capacity issues)	Applying the requirements of Schedule 3C may provide for some economic benefit to the landowners of land which would otherwise be affected by the qualifying matter. However, the designations in the AUP would still have an effect on the land subject to the designation and the economic benefits would not be realised until such time as the designations are removed by the requiring authorities.	Applying the qualifying matter recognises the economic benefits that infrastructure provides including enabling the functioning of businesses and enabling economic growth.
Costs: Environmental	Medium cost Applying the requirements of Schedule 3C without the qualifying matter may result in potential environmental effects associated with development of the land and potential increase in reverse sensitivity issues.	Low cost Applying the qualifying matter recognises the benefits of infrastructure and the requirement for the development of infrastructure to manage the effects on the environment.
Benefits of applying the QM - social	Low benefit Applying the requirements of Schedule 3C may result in some social benefit to the landowners. However, the two pipelines would still be protected through the designations in the AUP. This means that the social benefits may not be realised until such time as the designations are removed by the requiring authorities.	Medium benefit Applying the qualifying matter recognises the benefits of infrastructure and its contribution to a well-functioning urban environment that provides for the health and safety of people and communities.
Benefits - economic	Low benefit Applying the requirements of Schedule 3C may result in	Medium benefit Applying the existing qualifying matter recognises the economic benefits of infrastructure,

Qualifying matter	Option 1 – apply Schedule 3C and do not apply the existing qualifying matter	Option–2 – apply Schedule 3C and apply the existing qualifying matter
	some economic benefit to the landowners. However, the two pipelines would still be protected through the designations in the AUP. This means that the economic benefits may not be able to be realised until such time as the designations are removed by the requiring authorities.	including the safe, efficient and secure infrastructure for the conveyance of gas and petroleum products. It also recognises the economic benefits that infrastructure provides including enabling the functioning of businesses and enabling economic growth.
Benefits – environmental	Low benefit There is low benefit in applying Schedule 3C and not applying the qualifying matter. There is a baseline of effects as the two pipelines are protected through the designations in Chapter K of the AUP. The designations in the AUP would continue to apply until such time as the designations are removed by the requiring authorities.	Medium benefit Applying the existing qualifying matter recognises the benefits of infrastructure and the requirement to manage the effects of both adjacent activities on infrastructure and the reverse sensitivity effects.

Analysis

49. Option 2 is the preferred option. There is medium benefit and low costs associated with Option 2. While there may be some cost to landowners where the designations traverse a property, there is already a restriction which applies through the operative designations in the AUP.
50. While the designations should be sufficient to protect the gas transmission and petroleum refinery pipelines, identifying the gas transmission and petroleum refinery pipelines as a qualifying matter ensures that an assessment occurs as part of a resource consent. This assessment is required to ascertain whether the designations that protect the pipelines will be affected by a proposed development and/or whether a requiring authority's approval is required under section 176A of the RMA.
51. Identifying the gas transmission and petroleum refinery pipelines as a qualifying matter ensures the safe and efficient operation of critical infrastructure. It also contributes to a well-

functioning urban environment that enables people and communities to provide for their social, economic, and cultural wellbeing.

Risks or acting or not acting

52. 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.
53. The information about the gas transmission and petroleum refinery pipelines as a qualifying matter, including information about the critical nature of this infrastructure, its location and the extent of the pipelines and their associated designations, is already provided in the AUP. It is considered that this information is certain and sufficient and has been through a thorough statutory process to be included in the AUP.
54. While the designations for the two pipelines were not tested through the hearing process for PC78, the general approach to designations as a qualifying matter was tested in relation to the City Centre hearing topics. The Independent Hearing Panel's recommendation, at paragraph [375], endorsed and adopted the Council's s32 evaluation and recommended the retention of designations as a qualifying matter in the City Centre, City Centre Precincts and relevant Qualifying Matters hearing topics³.

Effectiveness and efficiency

55. Option 2 is an efficient and effective method which achieves the lowest cost in regard to decreasing the potential risk to people's health and safety and the highest benefit in protecting the gas transmission and petroleum refinery pipelines and associated operations from reverse sensitivity effects.

Description of how the qualifying matter is to be implemented

56. The gas transmission and petroleum refinery pipelines qualifying matter will be implemented through the mark-up of Chapter K Designations and Chapter E26 Infrastructure in the AUP. These mark-ups are shown below:

Chapter K – Using Chapter K

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Some designations in the urban environment within ~~relevant residential zones or urban non-residential zones~~ in the Business – City Centre Zone are qualifying matters in accordance with ~~sections 771(g) and 770(g)~~ of the RMA.

Some designations are qualifying matters in accordance with Schedule 3C Clause 8(1)(a) of the RMA.

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Chapter E26 Infrastructure

³ <https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/02-pc78-cc-ihp-recommendation-report.pdf>

E26.1.1 Introduction

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Infrastructure is provided for on the basis of Auckland-wide provisions. Additional infrastructure provisions (zones, overlays and precincts), such as the National Grid Corridor Overlay, Auckland Airport Precinct and the Strategic Transport Corridor Zone are also provided throughout the plan and should be referred to where applicable. Designations may also provide for infrastructure.

Some designations are qualifying matters in accordance with Schedule 3C cls.8(1)(a) of the Resource Management Act 1991.

57. The designations for the two pipelines will also be identified spatially in the Unitary Plan – Management Layers – Designations (as currently shown in the AUP).

Overall conclusion

58. The identification of the gas transmission and petroleum refinery pipelines as a qualifying matter contributes to well-functioning urban environment by ensuring the safe and efficient operation of critical infrastructure. It also enables people and communities to provide for their social, economic, and cultural well-being, now and in the future.
59. There may be some effect on the properties where the qualifying matter would apply in regard to housing supply and development capacity. However, the designations already have an effect on the parts of the property subject to the designation until such time that the requiring authority requests for the designation to be removed either in part or entirely from the property. At a local or regional scale, the effect on housing supply and development capacity otherwise enabled would be minor as a result of this existing qualifying matter.

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 existing 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.
PC78 Recommendation Report Hearings Topics – City Centre, City Centre Precincts and relevant	Independent Hearing Panel's recommendation supported the approach taken for designations as a qualifying matter as it related to the City Centre. The same approach has been applied in the PC78

Qualifying Matters – Topic 009Q Qualifying Matters A-I Designations	Metropolitan Centres and Outstanding Matters Hearing topic and is also relevant to PC120.
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Consultation summary

1. The First Schedule to the RMA sets out the relevant consultation requirements.

Limited consultation on PC 120 has been undertaken, and this is detailed in the Auckland Council September 2025 reports entitled:

CONSULTATION AND ENGAGEMENT ON A PROPOSED PLAN CHANGE
POTENTIALLY REPLACING PROPOSED PLAN CHANGE 78 –
INTENSIFICATION SUMMARY REPORT

MĀORI ENGAGEMENT CONSULTATION SUMMARY REPORT