

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of proposed plan change 78 to the Auckland
Unitary Plan

AND

IN THE MATTER of Topic 002 MDRS Response

MEMORANDUM OF COUNSEL ON BEHALF OF CHANNEL TERMINAL SERVICES LIMITED

24 March 2023

MAY IT PLEASE THE PANEL

1. This memorandum of counsel has been prepared on behalf of Channel Terminal Services Limited (“CTS”).
2. CTS made a submission¹ and further submission² in respect of proposed plan change 78 to the Auckland Unitary Plan (“PC78”).
3. We refer to the planning evidence of David Mead and legal submissions filed on behalf of Auckland Council. Mr Mead recommends³ that the submission by CTS should be considered as part of a hearing topic that considers the assessment of qualifying matters. The legal submissions adopt this recommendation.⁴
4. CTS’s submission was initially allocated to Topic 002 MDRS Response (“Topic 002”). CTS made a request that its submission be re-allocated to Topic 009 Qualifying Matters - Subtopic 009Q Designations (“Topic 009Q”). That request was granted on 16 March 2023.
5. Therefore, we confirm that CTS’s submission will be pursued through Topic 009Q. We wish to clarify for the Panel that CTS does not intend to have any active role in the hearing for Topic 002.

Dated this 24th day of March 2023



C H Simmons

Counsel for Channel Terminal Services Ltd

¹ #1071.

² FS10.

³ Statement of Evidence of David Mead, 6 March 2023 at [4] and [36]-[38]

⁴ Legal Submission on behalf of Auckland Council, 22 March 2023 at [46].