

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER OF the Resource Management Act 1991 (“RMA”)

AND

IN THE MATTER OF the Proposed Kaipara District Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF CHANNEL TERMINAL
SERVICES LIMITED**

Scheduling request for hearings of the Proposed Kaipara District Plan

27 February 2026

MAY IT PLEASE THE PANEL

Introduction

1. This memorandum is prepared on behalf of Channel Terminal Services Limited (“**CTS**”) in relation to hearings of the Proposed Kaipara District Plan (“**Proposed Plan**”).
2. CTS has made comprehensive submissions and further submissions on the Proposed Plan.
3. The purpose of this memorandum is to outline CTS’s proposed approach to the hearings and set out its scheduling request to ensure the hearings are most efficient.

Background to CTS

4. CTS is a wholly owned subsidiary of Channel Infrastructure NZ Limited. CTS owns and operates the Ruakaka to Auckland Pipeline (“**RAP**”), a 170km long high-pressure fuel pipeline which runs from the fuel import terminal at Marsden Point, through the Kaipara District, to the Wiri Oil Terminal in South Auckland. A variety of fuel products are transported via the RAP, providing the vast majority of Auckland’s road transport fuel, and all of Auckland International Airport’s aviation fuel. It is the only route for the supply of jet fuel to Auckland International Airport.
5. The RAP is designated along its entire length, including in the current Kaipara District Plan.¹

Proposed approach to the hearings on the Proposed Plan

6. Council officers have allocated CTS’s submissions across 18 hearing topics. CTS generally agrees with those allocations and does not seek any reallocation.
7. However, in the interests of ensuring the most efficient use of the Panel’s and CTS’s time and resources, and to avoid unnecessary duplication across multiple hearing topics, CTS proposes to attend only three key hearing topics, being Hearing 21 – Designations, Hearing 24 – Strategic Direction, and Hearing 33 - Infrastructure. These three hearings address the key substantive matters raised

¹ See Chapter 21 – Designation 63. For completeness, we note that the RAP is designated in the Whangarei District Plan (Part 3: Area Specific Matters – Designation CTS-1), and the Auckland Unitary Plan (Chapter K Designation Schedule – Channel Terminal Services Limited numbers 6500 and 6501).

in CTS's submissions and further submissions, and they are the hearings in which CTS's participation is likely to be most relevant and beneficial to the Panel. To the extent that some of the other matters raised in CTS's submissions and further submissions broadly relate to the three hearing topics identified above, CTS proposes to address those matters. We outline for the Panel this approach, in order that there is transparency of process:

- (a) **Hearing 21 – Designations:** CTS proposes to address a submission point allocated to Hearing 46 – Part 1 (Introduction and General Provisions – Remainder of Definitions, including Glossary and Abbreviations),² as well as several submission points that are currently unallocated.³
- (b) **Hearing 24 – Strategic Direction:** CTS proposes to address a submission point that is currently unallocated.⁴
- (c) **Hearing 33 – Infrastructure:** CTS proposes to address submission points allocated to the following hearing topics, but which also relate to infrastructure issues, for example seeking cross-references to Infrastructure chapter rules. To further assist the Panel, **Appendix A** provides detail on each of these submission points:
 - (i) Hearing 6: Hazards and Risk – Hazardous substances.
 - (ii) Hearing 11: Historical and Cultural Values – Sites and Areas of Significance to Māori.
 - (iii) Hearing 17: Natural Environment Values – Ecosystems and Indigenous Biodiversity.
 - (iv) Hearing 18: Natural Environment Values – Natural Character.
 - (v) Hearing 19: Natural Environment Values – Natural Features and Landscapes.
 - (vi) Hearing 22: General District-wide matters – Earthworks.

² CTS submission paragraph number 24(b), identified as submission point number 301.3 in the Summary of Submissions Topic "Definitions". That submission sought to AMEND the definition to clarify that it applies from each edge of the relevant designations to which it relates, as follows: "*means an area measured 6m from the each edge of the relevant designation for gas or petroleum transmission and is shown on the Planning Maps*".

³ CTS submission paragraph numbers 54, 55, 56, and 98. Those submissions sought to: RETAIN the mapping of the RAP; AMEND the planning maps to replace the layer name from "Gas or Oil Pipeline Corridor" to "Gas or Fuels Pipeline Corridor"; AMEND the planning maps to replace the designation unique identifier for the RAP from "s" to "CTS D-1"; and roll over the CTS designation as per the Operative District Plan with no amendments.

⁴ CTS submission paragraph number 79 which sought to RETAIN SD-VK-O6.


- (vii) Hearing 30: Area-specific matters – General rural zone – including GRUZ subdivision and applicable definitions.
 - (viii) Hearing 31: District-wide matters – Remainder of subdivision.
 - (ix) Hearing 35: Hazards and Risks – Natural Hazards.
 - (x) Hearing 46 – Part 1 (Introduction and General Provisions – Remainder of Definitions, including Glossary and Abbreviations).
8. We repeat that CTS is not seeking reallocation of these topics, but says that a pragmatic approach, and one that most efficiently uses the Panel's and CTS's time and resources, will enable these other matters – to the extent they also relate to the three key hearing topics – to be considered.
9. CTS therefore requests the Panel's confirmation that these other submission points may be heard as part of the three key hearing topics.

Conclusion

10. CTS is happy to liaise with the hearing administrator to clarify any matters arising from this memorandum, or to provide additional information as appropriate.

**CHANNEL TERMINAL SERVICES
LIMITED**

By its solicitors ChanceryGreen, per:



CH Simmons / CM Todd

APPENDIX A

HEARING 33: ENERGY, INFRASTRUCTURE AND TRANSPORT – INFRASTRUCTURE			
CTS submission paragraph no.	Submission / further submission point no.	Council officer allocation of submission point	Summary of submission / further submission point
49, 87(b), 91, 94	301.13	Hearing 30: Area-specific matters – General rural zone – including GRUZ subdivision and applicable definitions	ADD cross-reference to rules INF-R53 and INF-R54 within the General rural zone (particularly within rules GRUZ-R3 and GRUZ-R4).
	301.14	Hearing 22: General District-wide matters – Earthworks	ADD cross-reference to INF-R55 within the Earthworks chapter.
	301.15	Hearing 6: Hazards and Risk – Hazardous substances	ADD cross-reference to INF-R56 within the Hazardous Substances chapter.
	301.16	Hearing 31: District-wide matters – Remainder of subdivision	ADD cross-reference to INF-R57 within the Subdivision chapter
66	301.23	Hearing 46: Part 1 Introduction and general provisions – Remainder of Definitions, including Glossary and Abbreviations	RETAIN the definition of "Regionally Significant Infrastructure". AND AMEND definition of "Regionally Significant Infrastructure", as follows: <u>Has the same meaning as set out in the Regional Policy Statement for Northland and the proposed Regional Plan for Northland and includes means:</u> a. Main pipelines for the distribution or transmission of natural or manufactured gas or petroleum <u>liquid fuels</u> and key delivery points and storage facilities; ***
	FS41.1	Hearing 46: Part 1 Introduction and general provisions – Remainder of Definitions, including Glossary and Abbreviations	SUPPORT Horticulture New Zealand submission (140.13) to AMEND the definition of "Sensitive Activity" to include the following: <ul style="list-style-type: none"> • <u>Community facilities</u> • <u>Recreation facilities</u> • <u>Rural tourism activity</u> • <u>Camping grounds</u> • <u>House of worship</u>

HEARING 33: ENERGY, INFRASTRUCTURE AND TRANSPORT – INFRASTRUCTURE			
CTS submission paragraph no.	Submission / further submission point no.	Council officer allocation of submission point	Summary of submission / further submission point
	FS41.21	Hearing 46: Part 1 Introduction and general provisions – Remainder of Definitions, including Glossary and Abbreviations	SUPPORT IN PART Northpower submission (283.20) to AMEND the definition of “Regionally Significant Infrastructure” to duplicate the definition from the Northland Regional Policy Statement.
	FS41.30	Hearing 11: Historical and Cultural Values – Sites and Areas of Significance to Māori	SUPPORT IN PART Northpower submission (283.143) to ADD an additional objective and amend existing rules in the Sites and Areas of Significance to Māori chapter to provide/allow for the ongoing operation, maintenance, repair and upgrading of infrastructure within Sites and Areas of Significance to Māori.
	FS41.31	Hearing 11: Historical and Cultural Values – Sites and Areas of Significance to Māori	SUPPORT Northpower submission (283.144) to AMEND SASM-P3.5 as follows: ...5. Maintenance, operation, <u>upgrading</u> and repair of existing infrastructure...
	FS41.32	Hearing 17: Natural Environment Values – Ecosystems and Indigenous Biodiversity	SUPPORT IN PART Northport submission (283.146) to AMEND ECO-O1 as follows: “Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, <u>while enabling the safe and efficient use, development, maintenance, operation and upgrading of infrastructure.</u> ”
	FS41.33	Hearing 18: Natural Environment Values – Natural Character	SUPPORT IN PART Northport submission (283.150) to AMEND NATC-O1 to read as follows: The natural character of wetland, lake and river margins is preserved, and protected from inappropriate subdivision, use and development, <u>while enabling the safe and efficient use, development, repair, maintenance, operation and upgrading of infrastructure.</u>
	FS41.34	Hearing 17: Natural Environment Values – Ecosystems and Indigenous Biodiversity	SUPPORT Northpower submission (283.148) to AMEND ECO-R1.1.I. as follows: “... I. clearance for the operation, use, repair, <u>upgrading</u> or maintenance of the following activities where they have been lawfully established: i. Fences; ...”
	FS41.35	Hearing 18: Natural Environment Values – Natural Character	SUPPORT Northpower submission (283.151) to AMEND NATC-P2 as follows: 1. <u>The use, operation, maintenance, repair and upgrading of existing infrastructure;</u>
	FS41.36	Hearing 18:	SUPPORT Northpower submission (283.152) to AMEND NATC-P3 as follows:

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		Natural Environment Values – Natural Character	Enable buildings or structures, <u>including infrastructure</u> and additions and alterations to existing buildings or structures, <u>including infrastructure</u> within wetland, lake and river margins where: 1. There is a functional need or operational need for a building or structures, <u>including infrastructure</u> to be in that location; 2. Public access, customary access and recreational use is maintained or enhanced; and 3. Any adverse effects on natural character are avoided, remedied or mitigated in accordance with NATC-P1.
	FS41.37	Hearing 19: Natural Environment Values – Natural Features and Landscapes	SUPPORT Northpower submission (283.157) to AMEND NFL-P5 as follows: Enable the <u>establishment</u> , operation, maintenance, <u>repair</u> and upgrading of regionally significant <u>infrastructure</u> and <u>infrastructure</u> in Outstanding Natural Features or Outstanding Natural Landscapes where: 1. There is an operational need or functional need to be in that particular location; and ..
	FS41.38	Hearing 19: Natural Environment Values – Natural Features and Landscapes	SUPPORT IN PART Northpower submission (283.158) to ADD a new objective to the Natural Features and Landscapes chapter to recognise and provide for the operational and functional need for Regionally Significant Infrastructure to be located in these environments where adverse effects are appropriately managed.
	FS41.39	Hearing 22: General District-wide matters – Earthworks	SUPPORT Northpower submission (283.178) to AMEND EW-P1 as follows: “Enable earthworks where they provide for: ... 5. The construction, maintenance, operation, and <u>upgrading and repair</u> of infrastructure.”
	FS41.40-41	Hearing 22: General District-wide matters – Earthworks	SUPPORT Northpower submissions (283.181-182) to AMEND EW-S1 and EW-S3 so that they do not apply to earthworks for the operation, maintenance, upgrading and repair of existing infrastructure.
	FS41.42-44	Hearing 19: Natural Environment Values – Natural Features and Landscapes	SUPPORT Transpower submissions (292.69 and 292.83-84) to CLARIFY the rule framework and activity cascade within NFL-R2, NFL-R3, and NFL-R4 to appropriately provide for indigenous vegetation clearance and earthworks associated with the operation, maintenance and upgrading of regionally significant infrastructure as a permitted activity and ensure that the most restrictive activity status for those activities within Outstanding Natural Landscapes and Outstanding Natural Features in the coastal environment is discretionary.

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	FS41.47	Hearing 46: Part 1 Introduction and general provisions – Remainder of Definitions, including Glossary and Abbreviations	SUPPORT Clarus submission (309.7) to ADD an additional definitions nesting group for infrastructure, as follows: Infrastructure <ul style="list-style-type: none"> regionally significant infrastructure network utilities utility connections
	FS41.48	Hearing 46: Part 1 Introduction and general provisions – Remainder of Definitions, including Glossary and Abbreviations	SUPPORT IN PART Clarus submission (309.12) to AMEND the definition of "Gas or petroleum pipeline corridor", as follows: means an area measured 6m <u>14m</u> from the edge of the designation.
	FS41.49	Hearing 46: Part 1 Introduction and general provisions – Remainder of Definitions, including Glossary and Abbreviations	SUPPORT IN PART Clarus submission (309.13) to AMEND the definition of "Hazardous Facility", as follows: ... and excludes: <ul style="list-style-type: none"> <u>the gas transmission pipeline</u> OR Words to similar effect.
	FS41.69	Hearing 33: Energy, Infrastructure and transport – Infrastructure	SUPPORT Clarus submission (309.45) to AMEND INF-R53 so that it is a restricted discretionary rule with an exception for fencing. AND ADD as a permitted activity condition for fencing: <u>Does not compromise the stability or integrity of the gas or the petroleum transmission network and their operation, maintenance and upgrading, with reference to AS/NZS 2885 High Pressure Pipeline Systems;</u>
	FS41.74	Hearing 35: Hazards and Risks – Natural Hazards	SUPPORT Clarus submission (309.55) to ADD a new clause to NH-R11 as follows: <u>or;</u> <u>c. the earthworks are for the repair, maintenance or minor upgrade to existing underground network utility infrastructure</u> AND PROVIDE clarity on the application of NH-R11. NH-R11.1.a.i. also refers to the High Risk Hazard Area which is the area subject to the 10% AEP. This is not consistent with the rule title which refers to the 1% AEP area only. This could be interpreted also to include the 10% AEP extent, if this is intended it could be made clear.

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	FS41.75	Hearing 35: Hazards and Risks – Natural Hazards	SUPPORT Clarus submission (309.57) to ADD a new rule before NH-R13, for Minor Upgrading of Infrastructure, as follows: <u>NH-Rxx Minor upgrading of infrastructure located in a coastal erosion hazard area, coastal flood hazard area, or river flood hazard area</u> <u>Activity Status: Permitted Where:</u> <u>a. The work is undertaken by or on behalf of the operator and;</u> <u>b. The ground surface is reinstated to its existing level and stabilised as soon as practical upon completion of the works and;</u> <u>c. Best practice erosion and sediment control measures are used; and</u> <u>d. Any structure does not result in the diversion or transfer of flood water to, or increase ponding or flooding on other property</u>
	FS41.76	Hearing 18: Natural Environment Values – Natural Character	SUPPORT Clarus submission (309.64) to ADD the following to NATC-R2.1.b.: <u>iv. underground infrastructure</u>
	FS41.77-78	Hearing 18: Natural Environment Values – Natural Character	SUPPORT Clarus submissions (309.66 & 309.131) to AMEND NATC-R3.1.b. and NATC-R4.1.b. as follows: The earthworks <u>is are</u> for the maintenance of lawfully established roads, fences, utility connections, <u>existing infrastructure...</u>
	FS41.79	Hearing 19: Natural Environment Values – Natural Features and Landscapes	SUPPORT Clarus submissions (309.71) to AMEND NFL-R4.1.b, as follows: The earthworks are for the maintenance of lawfully established roads, fences, utility connections, <u>existing infrastructure...</u> OR ADD a new clause NFL-R4.1.c, as follows: <u>1c. The earthworks are associated with existing infrastructure.</u>
	FS41.80	Hearing 19: Natural Environment Values – Natural Features and Landscapes	SUPPORT Clarus submissions (309.72) to AMEND NFL-R5 to exclude existing infrastructure maintenance/ upgrade; AND consequential changes to NFL-S4.
	FS41.81	Hearing 31: District-wide matters – Remainder of subdivision	SUPPORT IN PART Clarus submissions (309.74) to ADD a new policy (or add to an existing policy) to the Subdivision chapter as follows: <u>Manage the subdivision of land within the National Grid Corridor or Gas or Petroleum Transmission Pipeline Corridor to avoid significant adverse effects on the operation of this infrastructure and on sensitive activities locating near to it, including control of the</u>

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			<u>location of building platforms and protecting access to the infrastructure for operation and maintenance.</u>
	FS41.82	Hearing 31: District-wide matters – Remainder of subdivision	SUPPORT IN PART Clarus submissions (309.75) to ADD the following to SUB-R1.2: <u>d. Access to the Gas or Petroleum Transmission Pipeline Corridor and National Grid Yard for the owner and operator.</u>
	FS41.83	Hearing 31: District-wide matters – Remainder of subdivision	SUPPORT Clarus submissions (309.76) to AMEND SUB-R3.3, as follows: 3. Control is reserved over the following matters: ... <u>i. Impacts upon existing infrastructure that may be located within the parent lot.</u>
	FS41.84	Hearing 31: District-wide matters – Remainder of subdivision	SUPPORT IN PART Clarus submissions (309.77) to AMEND SUB-S10 as follows: 1. Any proposed building platform must be located at least 20m <u>14m</u> from the gas <u>or petroleum pipeline designation</u> or <u>30m</u> from the boundary of the land title containing any <u>above ground station.</u>
	FS41.85	Hearing 30: Area-specific matters – General rural zone – including GRUZ subdivision and applicable definitions	SUPPORT IN PART Clarus submissions (309.87) to AMEND the last sentence of the first paragraph of the Overview to the General Rural Zone chapter as follows: ...have a functional or operational need to be in a rural environment, such as rural industry, <u>infrastructure including gas and electricity networks and production facilities which depend on natural resources.</u>