

**BEFORE THE WHANGAREI DISTRICT COUNCIL AND NORTHLAND REGIONAL
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by Northport
Limited under section 88 of the Resource
Management 1991 for a port expansion
project at Marsden Point

APPLICATION NO. APP.005055.38.01

LU 2200107

**MEMORANDUM OF COUNSEL ON BEHALF OF NORTHPORT LIMITED REGARDING
APPLICANT'S EVIDENCE EXCHANGE**

21 August 2023

Counsel instructed:
Kitt Littlejohn
Quay Chambers
Level 7
2 Commerce Street
Auckland 1010

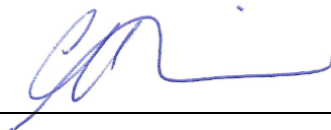
Solicitors acting:
CH Simmons / SJ Mutch
ChanceryGreen
223 Ponsonby Road
Auckland 1011



MAY IT PLEASE THE PANEL

1. This memorandum of counsel has been prepared on behalf of the applicant, Northport Limited (“Northport”). It refers to Direction No. 1 of the Hearing Panel dated 25 July 2023 regarding evidence exchange (the “Directions”).
2. The Directions set out the following relevant timeframes for evidence exchange:¹
 - (a) **4pm Thursday 3 August:** section 42A report (“S42A Report”); and
 - (b) **4pm Thursday 24 August:** applicant’s expert evidence.
3. Northport received the S42A Report along with the majority of the appendices on Friday 4 August 2023. This did not include Appendix D, being the councils’ proposed conditions (the “Proposed Conditions”).
4. Northport received the Proposed Conditions on Friday 18 August 2023. This is four working days before the deadline for the applicant’s evidence.
5. Adequate time is required to properly consider and respond to the Proposed Conditions, including for Northport’s expert team to meaningfully respond in evidence.
6. We will endeavour to exchange Northport’s expert evidence in accordance with the timeframes in the Directions. However, due to the delay in receiving the Proposed Conditions, we wish to signal to the Panel that exchange of the applicant’s evidence may be delayed. If delayed, the applicant’s evidence will be exchanged not later than **4pm Monday 28 August.**
7. We do not anticipate this slight extension is likely to cause material prejudice to any party, however to avoid doubt Northport is willing to agree to a similar extension to submitter evidence, if required.

Dated: 21 August 2023



Chris Simmons
Counsel for Northport Limited

¹ At para [5].