

BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER

of resource consent applications by Northport Limited
in relation to the proposed port expansion project at
Marsden Point

MEMORANDUM OF COUNSEL FOR SEAFUELS LIMITED

14 SEPTEMBER 2023

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McAugh**

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MAY IT PLEASE THE HEARING COMMISSIONERS

1. We refer to the Hearing Panel's Direction 1 of 25 July 2023, outlining the timetabling directions. We also refer to the subsequent directions granting an extension for the application for its evidence exchange date, and the corresponding extensions for two working days for various submitters upon request.¹
2. Counsel was instructed yesterday afternoon by Seafuels Limited ("**Seafuels**") in relation to these applications, along with an independent expert planning witness, Mr Arbuthnot.
3. In these circumstances, Seafuels requests a short, four working day extension for the filing of its expert evidence, for the following reasons:
 - (a) While the issues relevant to Seafuels are discrete, it is considered important that Mr Arbuthnot has the opportunity to familiarise himself with the voluminous material.
 - (b) Granting the extension would help ensure the evidence on behalf of Seafuels is of greatest assistance to the Hearing Panel.
 - (c) Given the late filing of evidence for the Applicant, and the extensions granted to other submitters, it would be just and fair in the circumstances.
 - (d) Given the limited extent of expert evidence for Seafuels (one brief) and the limited extent of the extension sought, it would not prejudice the Applicant or any other party.
 - (e) The Applicant and other submitters also have the opportunity to provide rebuttal (and would still have almost two weeks to consider and provide any rebuttal evidence in response).
4. Counsel acknowledges the timing of this request and, accordingly, Seafuels respectfully requests a four working day extension for the filing of its expert evidence, meaning that its expert evidence would be required to be filed by **4pm on Wednesday 20 September 2023**.
5. Counsel understands expert conferencing is underway for a number of topics in accordance with Direction 2 of the Hearing Panel and Ms Oliver's Instruction 1. Seafuels seeks that Mr Arbuthnot is able to participate in the upcoming planning expert conferencing set down for 26 and 27 September.

DATED 14 September 2023



D J Minhinnick / J W Burton
Counsel for Seafuels Limited

¹ Hearing Panel Direction 3 (dated 21 August 2023) at [5].