

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER **Resource Consent Applications by Northport Ltd - Port Expansion project at Marsden Point**

Application numbers:

- Whangarei District Council: LU2200107
- Northland Regional Council: APP.040976.01.01

DIRECTION 18 (11 APRIL 2024) FROM THE HEARING PANEL

RECONVENED HEARING – 23 MAY 2024

1. The Hearing Panel has received the Applicant’s Memorandum¹ - Final Report on Engagement on Updated Draft Cultural Conditions. Paragraphs 2 and 3 of that Memorandum states:

While that engagement process [with Patuharakeke Te Iwi Trust Board] has been meaningfully undertaken, in a manner which Northport considers is reflective of the established and ongoing relationship between Northport and Patuharakeke Te Iwi Trust Board, it has not resulted in agreement.

Accordingly, Northport requests that the Hearing Panel consider the proposed next steps outlined in paragraphs 7-9 of the fourth monthly report, and issue directions accordingly.

2. Paragraphs 7-9 of the fourth monthly report requested that: the hearing of Northport’s resource consent applications be reconvened for one day between Tuesday 21 and Friday 24 May 2024 to hear the final closing submissions from Northport; and that Northport will provide to the Hearing Panel an updated set of draft proposed conditions (in both markup and clean copy) at least five working days prior to the reconvened hearing.
3. The Hearing Panel directs that the Hearing will be reconvened by remote facilities (on-line as opposed to in person) on Thursday **23 May 2024** commencing at **9.00 am** to hear the final closing submissions from Northport.
4. Prior to the reconvened hearing, we Direct the following actions be undertaken.

¹ Dated 5 April 2024

5. Stormwater. Any Joint Witness Statement (JWS) including any conditions recommended by the stormwater and planning experts arising from the stormwater expert conferencing, is to be provided to submitters. Any submitter who raised stormwater, ground water and any associated water quality issues, will be given an opportunity to lodge any written comments with Ms Sluys - Consents and Hearing Administrator at the email address below². A separate Direction will be issued later on this matter.
6. Updated draft proposed conditions. That the updated draft proposed conditions³ (noting a set was presented to the Hearing Panel at the interim Reply on the 20 November 2023) are to be provided to the Regional and District Councils prior to being provided to the Hearing Panel⁴. This is to enable the Councils to review and make any comments to Northport should those conditions require any action by, costs to, or input from the Councils (e.g. review, certification or monitoring). Any updated set of draft proposed conditions should reflect the Councils' position; be it agreement or any disagreements.
7. That the updated set of draft proposed conditions are to be provided to the Hearing Panel at least five working days prior to the reconvened hearing.
8. Any enquiries regarding this Direction, or related matters, should be directed to Alissa Sluys - Consents and Hearing Administrator at alissas@nrc.govt.nz



Greg Hill Chairperson
11 April 2024

² We are not aware of any parties, other than the Applicant and Regional Council, who instructed experts in stormwater or groundwater.

³ We reiterate, as we have in other Directions, that seeking an updated set of draft proposed conditions does not necessarily mean the applications will be granted. The draft proposed conditions form part of the applications before the Hearing Panel which we need to consider in determining whether or not to grant the applications.

⁴ This will also have addressed any conditions recommended by the stormwater and planning experts arising from any Joint Witness Statement