

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 3 (21 AUGUST 2023) FROM THE HEARING PANEL

EXTENSION OF EVIDENCE EXCHANGE FOR THE APPLICANT'S EXPERT EVIDENCE

1. The Hearing Panel issued Direction 1 – Hearing Dates and Evidence Exchange on the 25 July 2023. In that Direction, the Hearing Panel directed:
 - a. Pursuant to section 42A of the RMA, the section 42A hearing report is to be made available to the Consents and Hearing Administrator no later than **4pm, 3 August 2023**. It will then be made available to parties on-line as soon as possible.
 - b. The applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be made available to the Consents and Hearing Administrator no later than **4pm, 24 August 2023**. It will then be made available to parties on-line as soon as possible.
2. The Hearing Panel has received a Memorandum from the Applicant (dated 21 August 2023) stating¹:

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").

Northport received the Proposed Conditions on Friday 18 August 2023. This is four working days before the deadline for the applicant's evidence.

Adequate time is required to properly consider and respond to the Proposed Conditions, including for Northport's expert team to meaningfully respond in evidence.

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

¹ Paragraphs 3 - 7

*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**.*

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.

3. Given the circumstances set out above, the Hearing Panel **grants** the extension of time requested (should that be required); noting this is an addition of two working days.
4. While we do not expect this extension to affect the on-time lodgment of expert submitter evidence (given Direction 1 provided 14 days for the filing of submitter evidence after the Applicant's expert evidence – substantially longer than the required minimum), the Hearing Panel will, upon application, contemplate a similar extension for submitters should that be required.
5. 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

21 August 2023