

**BEFORE THE WHANGĀREI 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 Act 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 RESPONDING TO
DIRECTION 9 FROM THE HEARING PANEL**

3 October 2023

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

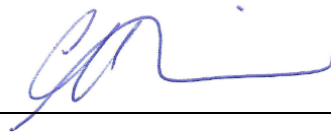
Solicitors acting:
CH Simmons / SJ Mutch
ChanceryGreen
223 Ponsonby Road
Auckland 1011



MAY IT PLEASE THE PANEL

1. This memorandum of counsel has been prepared on behalf of the applicant, Northport Limited (“Northport”). It responds to the Panel Direction 9, dated 3 October 2023.
2. Direction 9 excuses some expert witnesses from attending the hearing. Northport acknowledges the pragmatic approach adopted by the Panel here.
3. In addition to the five witnesses listed in Direction 9, Northport respectfully requests that the Panel consider also excusing the following witnesses, on the same basis as set out in paragraph 2 of the Direction. The additional witnesses which Northport requests be excused are:
 - (a) Professor David Fox – turbidity methodology, and
 - (b) Dr Matt Pine – underwater acoustics.
4. Counsel have today been advised that Dr Pine is travelling to Antarctica for research purposes, and so if he is required to present to the Panel, his attendance will need to be by AVL. We also record that counsel may not be able to guarantee Dr Pine’s availability to appear at a particular time.
5. We look forward to receiving a further direction from the Panel regarding the request at paragraph 3 above.

Dated: 3 October 2023



Chris Simmons
Counsel for Northport Limited