

**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

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**MEMORANDUM OF COUNSEL FOR NORTHPORT LIMITED: THIRD MONTHLY REPORT  
OF ENGAGEMENT ON UPATED DRAFT CULTURAL CONDITIONS**

**7 March 2024**

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**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. In accordance with the Hearing Panel's Direction 14,<sup>1</sup> Northport is responsible for monthly reporting to the Panel on the progress of engagement with representatives of Patuharakeke Te Iwi Trust Board on the updated draft cultural conditions.
2. We set out below the third monthly report.<sup>2</sup>

### **Continued engagement with Patuharakeke Te Iwi Trust Board**

3. The Joint Working Group<sup>3</sup> has met on multiple occasions since the last reporting memorandum,<sup>4</sup> to continue to progress discussions and to establish a possible framework for resolution. Joint Working Group discussions have been assisted by initial/draft reporting from an external consultant engaged to assist with a technical matter, consistent with the agreed Terms of Reference.
4. Counsel is informed that the Northport Board of Directors and the Trustees of Patuharakeke Te Iwi Trust Board have each independently resolved to proceed with Joint Working Group discussions.
5. Northport considers that the Joint Working Group has made good progress towards identifying and resolving outstanding issues. Northport considers the engagement process to date has been conducted effectively and meaningfully, and that some additional time is necessary to allow those discussions to be fully explored, to see whether an agreed position can be reached. Accordingly, Northport considers that a further short extension to the adjournment period directed by the Hearing Panel in its Direction 14 is appropriate.
6. Northport seeks that the adjournment of the hearing be extended for a further month, until Thursday 28 March.<sup>5</sup> On or before that date, Northport will:
  - (a) provide a final report to the Hearing Panel on progress of discussions with Patuharakeke Te Iwi Trust Board, and

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<sup>1</sup> Dated 24 November 2023.

<sup>2</sup> The first monthly report is dated 21 December 2023, and the second monthly report dated 26 January 2024.

<sup>3</sup> As described in the earlier monthly reports, the Joint Working Group is comprised of representatives appointed by Northport and Patuharakeke Te Iwi Trust Board.

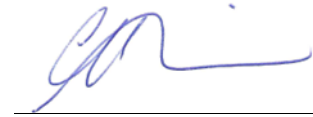
<sup>4</sup> Meetings on 30 January, 9 February, 19 February, 26 February, and 4 March.

<sup>5</sup> The last working day before Good Friday.

(b) seek the next available date for reconvening the hearing to hear the further/final closing submissions for the Applicant.<sup>6</sup>

7. Northport invites the Hearing Panel to make directions accordingly.

Dated: 7 March 2024



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**Chris Simmons**  
Counsel for Northport Limited

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<sup>6</sup> Northport's preference is for the hearing to be reconvened in person, in Whangarei or potentially in Auckland if that is more convenient for the Panel.