

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 1 (25 JULY 2023) FROM THE HEARING PANEL

HEARING DATES AND EVIDENCE EXCHANGE

1. In accordance with the Resource Management Act 1991 (RMA) - sections 34 and 34A, the Northland Regional Council and Whangarei District Council (the Councils) have appointed a Hearing Panel consisting of Greg Hill (as chair), Jade Wikaira and Hugh Leersnyder, to hear and make decisions on the applications. Its delegations include addressing any procedural matters.
2. The hearing has been scheduled to commence on the **9 October 2023 and run until 13 October 2023**. If this is insufficient time to hear the applicant and submitters wishing to be heard that week, the hearing may be re-convened on the **16 and 17 October 2023** if necessary¹. The hearing will re-convene on the **30 and 31 October 2023**.
3. The hearing will be held at the **Semenoff Stadium – Level 2 Lounge** for the first tranche of hearing, and on the **Takahiwai Marae** for the second tranche (30 and 31 October)². The opportunity for remote appearance (via AVL) for some submitters/witnesses will also be made available. Details of this will be communicated closer to the commencement of the hearing.
4. In terms of procedural matters, section 41B of the RMA provides that we may direct evidence from any expert to be provided before the hearing. Section 42A of the RMA provides that the Council may prepare a report on the matters to be considered and be provided prior to the hearing.
5. Accordingly, the Hearing Panel directs as follows:
 - 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.

¹ Hearing days will only be required if they are needed to hear the applicant and submitters; and the details of this will be confirmed closer to the hearing commencing.

² As a backup - the Terenga Paraoa Marae, 10 Porowini Avenue, Whangarei may be the venue for the hearing.

- 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.
 - c. The submitters' expert evidence (evidence given by a professional with specialist qualifications and experience) is to be available to Consents and Hearing Administrator no later than **4.00pm 14 September 2023**. It will then be made available to parties on-line as soon as possible.
 - d. Pursuant to sections 41B of the RMA, any rebuttal evidence is to be provided to the Consents and Hearing Administrator no later than **4.00 pm, 3 October 2023**. It will then be made available to parties on-line as soon as possible.
6. While these Directions do not strictly apply to lay or non-expert statements / evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing to be provided to the Consents and Hearing Administrator no later than **4.00 pm, 3 October 2023**.
7. The Hearing Panel also requests parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than **4.00 pm, 3 October 2023**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
8. The Hearing Panel is likely to direct expert conferencing given the range of technical disciplines involved to allow an opportunity for experts to confer in the period after provision of submitter expert evidence and prior to the commencement of hearing. A separate Direction will be issued in relation to any expert conferencing, and the use of an independent facilitator to facilitate that conferencing.
9. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
10. 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

25 July 2023