

**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 FOR NORTHPORT LIMITED: FOURTH MONTHLY REPORT
OF ENGAGEMENT ON UPDATED DRAFT CULTURAL CONDITIONS**

28 March 2024

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MAY IT PLEASE THE PANEL

1. In accordance with the Hearing Panel's Direction 14,¹ Northport is responsible for monthly reporting to the Panel on the progress of engagement with representatives of Patuharakeke Te Iwi Trust Board during the adjournment of proceedings.
2. We set out below the fourth monthly report,² being the final report.³

Summary of engagement with Patuharakeke Te Iwi Trust Board

3. Northport considers that there has been four months of productive engagement with Patuharakeke Te Iwi Trust Board. Engagement has involved:
 - (a) Forming a Joint Working Group,⁴ which has met on multiple occasions to progress discussions and to establish a possible framework for resolution.
 - (b) Establishing terms of reference to guide discussions, including the priority/hierarchy of matters to be discussed.
 - (c) Agreeing that an external consultant report might usefully assist in relation to economic effects associated with Northport's proposal from a Māori perspective, and engaging Peter Fraser to prepare a high-level assessment and initial draft report. That initial draft report has assisted/informed the Joint Working Group.⁵
 - (d) Attending a series of meetings and workshops of the Joint Working Group.
 - (e) A meeting between Northport Directors and senior management and Trustees of Patuharakeke Te Iwi Trust Board to shape the final detail of a proposed agreed outcome.

Outcome of engagement

4. As a result of the engagement detailed above, a proposed outcome has been shaped. Some further time for final deliberations around such an outcome is required.
5. Northport and Patuharakeke Te Iwi Trust Board have therefore agreed to update the Hearing Panel next Friday 5 April as to any outcome.

¹ Dated 24 November 2023.

² The first monthly report is dated 21 December 2023, the second monthly report dated 26 January 2024, and the third monthly report dated 7 March 2024.

³ Subject to any further update as referenced in paragraph 5 below.

⁴ As described in the earlier monthly reports, the Joint Working Group is comprised of representatives appointed by Northport and Patuharakeke Te Iwi Trust Board.

⁵ The initial draft report is confidential between the parties and is not intended to be circulated.

6. Notwithstanding that the outcome of the engagement process has not yet been finalised, Northport considers the engagement has been valuable and appropriately reflective of the relationship between Northport and Patuharakeke Te Iwi Trust Board.

Next steps

7. Given the engagement process will conclude next Friday, as described above, Northport seeks that the hearing of its resource consent applications be reconvened to hear the final closing submissions from Northport. In that regard, we note three matters:
- (a) As indicated above, on 5 April Northport will further update the Hearing Panel on any outcomes of the engagement process with Patuharakeke Te Iwi Trust Board, to the extent that the outcome is not confidential between the parties.
 - (b) The Hearing Panel has directed expert conferencing on stormwater issues.⁶ The outcomes of that expert conferencing, as recorded in a joint witness statement, will inform the Hearing Panel's consideration. Northport considers the hearing should therefore be reconvened after expert conferencing.⁷
 - (c) Northport has updated its draft proposed conditions of consent since the hearing was adjourned, including in response to Direction 15. The draft conditions may need to be further updated in response to the expert conferencing on stormwater described above. Northport intends to circulate those updated draft proposed conditions after expert conferencing and prior to the reconvened hearing.
8. Northport therefore seeks that the hearing be reconvened for one day, on a suitable date in mid-May 2024. In that respect, Northport proposes a date between Tuesday 21 and Friday 24 May.
9. At least five working days prior to the reconvened hearing date, Northport will provide to the Hearing Panel an updated set of draft proposed conditions (in both markup and clean copy).
10. Northport invites the Hearing Panel to make directions accordingly.

Dated: 28 March 2024



Chris Simmons
Counsel for Northport Limited

⁶ Refer Direction 17.

⁷ We understand expert conferencing is likely to be held on or around Friday 12 April.