

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 14 (24 November 2023) FROM THE HEARING PANEL

ADJOURNING THE HEARING FOR 3 MONTHS AT THE APPLICANT’S REQUEST – AND OTHER MATTERS

1. The Hearing Panel has received the Applicant’s Memorandum - *Memorandum of Counsel for Northport Limited following adjournment of Hearing*¹. This Direction responds to the requests made in the Memorandum.
2. The Memorandum sought Directions on the following matters:
 - (a) *The hearing be adjourned for a period of three months.*
 - (b) *The Applicant (i.e. Northport) and Patuharakeke Te Iwi Trust Board be encouraged to engage in direct discussions on the updated draft cultural conditions, and that:*
 - (i) *the Applicant be responsible for monthly reporting to the Panel on the progress of those discussions; and*
 - (ii) *at the conclusion of the three-month adjournment, i.e. on or before 29 February 2024, the Applicant be responsible for a final report to the Panel on progress of discussions, including a request for either:*
 - *a date for reconvening the hearing to hear the further/final closing submissions for the Applicant; or*
 - *seeking any further directions as may be required.*
 - (c) *At or before the reconvened hearing, the Applicant provided to the Panel a final set of draft proposed conditions incorporating any updates in response to feedback and/or the s42A Addendum.*

¹ Dated 22 November 2023

3. The Hearing Panel agrees with the Applicant's requested Directions and directs accordingly (as set out in paragraph 2 above).
4. The Applicant also addressed some "Additional procedural issues". We address these below.

Interim written closing legal submissions

5. We accept that the written closing legal submissions presented at the hearing on the 20 November 2023 are interim written closing submissions. We also accept that it may be "*necessary and appropriate, and of material assistance to the Panel in reaching its decision, for counsel for Northport to provide further/final closing submissions to the Panel in due course*"².

Clarification regarding draft proposed conditions

6. The Memorandum set out "*The Panel may have questions or matters of clarification regarding the draft proposed conditions. Counsel suggests that it would be an efficient process for the Panel to utilise the adjournment period to put those questions or matters to Northport*"³.
7. The Hearing Panel will discuss the interim written closing submissions and the currently proffered conditions of consent (should consents be granted). If there are matters of clarification the Hearing Panel will provide those in writing as soon as possible. This is to ensure the Applicant has sufficient time to address them prior to the final written closing submissions being provided.
8. 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
24 November 2023

² Paragraph 11 of the Memorandum

³ Paragraph 12 of the Memorandum