

Before the Hearing Panel

Under the Resource Management Act 1991 (**RMA**)

In the matter of the Proposed Far North District Plan pursuant to Schedule 1 Part 1 of the RMA

And

In the matter of a submission by Carrington Resort Jade LP and Carrington Farms Jade LP regarding the Carrington Estate Zone

Memorandum of counsel on behalf of Carrington Resort Jade LP and Carrington Farms Jade LP responding to memorandum of counsel on behalf of Haititaimarangai Marae Kaitiaki Trust requesting partial stay of Hearing 15A

MAY IT PLEASE THE PANEL

1. This memorandum of counsel is filed on behalf of Carrington Resort Jade LP and Carrington Farms Jade LP (**Carrington**). Carrington is submitter 351 to the Proposed Far North District Plan (**PDP**).
2. Carrington's submission broadly relates to provisions affecting Carrington's land located in the Karikari Peninsula, including support for the Carrington Estate Zone (**CEZ**) within the PDP.
3. Carrington holds two consents authorising activities on Carrington's land:
 - (a) RC 1990480 (Carrington Estate Winery); and
 - (b) RC 1990481 (Carrington Country Club);
 together **the Consents**.
4. The CEZ was first introduced in the Revised Proposed District Plan notified in July 2003 which provided a separate zone for Carrington's land, which encompasses the Carrington Estate Winery and Carrington Estate Country Club as the Carrington Estate Zone (CEZ). The CEZ provides that an activity is permitted if it was approved under the Consents and complies with relevant permitted activity standards.
5. The PDP proposes to retain and makes no material changes to the CEZ as currently provided for in the operative Far North District Plan.
6. Hearing 15A: Rezoning General, Kauri Cliffs & Carrington Estate, which includes the CEZ, is set down for Monday 25 and Tuesday 26 August 2025.
7. On 17 July 2025, Haititaimarangai Marae Kaitiaki Trust (**the Trust**) filed a memorandum requesting a stay of the CEZ hearing on the basis that:
 - (a) The Trust applied for an Environment Court declaration that Carrington's Consents had lapsed.
 - (b) The Environment Court declined the Trust's application on 17 April 2025.
 - (c) The Trust appealed the Environment Court decision of the High Court on 12 May 2025.

- (d) No procedural steps in respect of the High Court appeal have been taken, and no hearing date has yet been scheduled.
 - (e) The Trust's position is that the High Court appeal decision is directly relevant to the matters in issue in the CEZ chapter and accordingly the hearing of the CEZ should be paused until the High Court has issued a decision.
8. Carrington respectfully opposes the request for a stay of the CEZ hearing, for the following reasons:
- (a) The Trust asserts that the declaration process is material to the PDP proceedings and of utility in facilitating the Trust's participation in that process. However, Carrington's position is that the Trust has the same opportunity as all submitters to participate in the PDP process. The timing of the High Court appeal is a separate matter which should not have any bearing on the PDP process or the extent of the Trust's participation.
 - (b) The High Court proceeding concerns the validity of the Consents. While this is related to the PDP where the CEZ expressly refers to and incorporates the Consents, Carrington's position is that the legal status of the Consents are a distinct matter from the PDP. It was also observed by the Environment Court that it was clear what is permitted in the CEZ is now different to what is authorised by the express terms of the Consents.¹
 - (c) The current absence of a timetable for the High Court hearing risks leaving the CEZ hearing suspended indefinitely. This is contrary to the principles of natural justice by ensuring that decision making is timely and not subject to unnecessary delays. We also note that the appeal was filed on 12 May 2025, and Carrington has not been advised of any procedural steps taken by the Trust to progress timetabling of the appeal.
 - (d) Suspending hearing of the CEZ process creates uncertainty not only for Carrington but also for the Far North District Council in terms of

¹ *Haititaimarangai Marae Kaitiaki Trust v Far North District Council* [2025] NZEnvC123 at [109].

decisions on the PDP and having any clarity as to when the Schedule 1 process will be completed and the PDP being made fully operative.

- (e) Carrington remains concerned that the Trust is attempting to utilise separate court proceedings to delay the PDP process for no relevant basis.
9. Accordingly, Carrington respectfully requests a direction of the Hearing Panel that a stay will not be granted, and that Hearing 15A of the CEZ will proceed as scheduled on 25 and 26 August 2025.

DATED at Auckland this 24th day of July 2025



Bianca Tree

Counsel for Carrington Resort Jade LP
and Carrington Farms Jade LP
(Submitter 351)