

PROPOSED FAR NORTH DISTRICT PLAN

MINUTE 28 OF THE INDEPENDENT HEARINGS PANEL

REQUEST FOR A PARTIAL STAY OF HEARING 15A

1. We have received a memorandum of Counsel for Haititaimarangai Marae Kaitiaki Trust (Submitter 394) (**Trust**) dated 17 July 2025. The memorandum seeks a partial stay to the hearing relating to the rezoning of the Carrington Estates Zone (included as part of Hearing 15A) on the grounds that the Trust have appealed an Environment Court decision relating to the implementation of resource consents for the Carrington Estate to the High Court ([see Attachment 1](#)). The memorandum stated that the High Court has not yet scheduled a hearing date but the outcome of the appeal would be directly relevant to matters at issue regarding this zone.

2. The memorandum states:

Given the potential for the High Court's findings to materially affect the substance of the issues that this Panel will consider, it would be prudent and efficient to stay the hearing week until such time as the High Court has issued a decision on the appeal.

We appreciate that the Panel and parties will want to progress matters. The CEZ is a discrete issue that will not prevent progression of other parts of the Proposed Plan.

Accordingly, Haititaimarangai Marae respectfully requests that that this panel stay the CEZ hearing, with updates on the progress of the appeal to be provided as they become available.

3. On 24 July 2025 we received a memorandum from Counsel for Carrington Resort Jade LP and Carrington Farms Jade LP (Submitter 351) (**Carrington**) opposing the request ([see Attachment 2](#)). Carrington set out five grounds for opposing the request as follows:

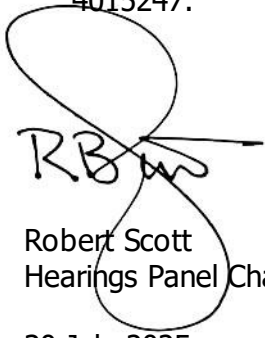
- (a) *The Trust asserts that the declaration process is material to the PDP proceedings and of utility in facilitating the Trust's participation in that process. However, Carrington's position is that the Trust has the same opportunity as all submitters to participate in the PDP process. The timing 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 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 utilize separate court proceedings to delay the PDP process for no relevant basis.*

4. The Panel has considered this request carefully. While we acknowledge that the validity of the Carrington Estate resource consents is potentially relevant to determination of the Carrington Estate Zone provisions in the Proposed District Plan, we note that the Environment Court has made a determination on that issue which remains standing (albeit subject to appeal). We are also conscious of the impact a stay will have on the hearing timetable to deliver recommendation reports to Council by the end of March 2026 and for the Council to issue decisions by the end of June 2026. Given that no date has been set down by the High Court for the hearing of the subject appeal, and it is unknown whether there would be any further appeals to the higher Courts, we agree with Carrington that suspending the hearing of the Carrington Estate Zone creates uncertainty and unnecessary delay. We are also of the view that retaining the current hearing timetable for Carrington in Hearing 15A still allows the Trust the ability to participate in the hearing and present its submissions to us. Accordingly, we deny the request to stay Hearing 15A as it relates to the Carrington Estate Zone.

5. If you have any questions regarding this Minute, please contact the Hearings Administrator Alicia-Kate (AK) Taihia - Submissions & Hearings Administrator District Plan: alicia-kate.taihia@fndc.govt.nz or (09) 4015247.

A handwritten signature in black ink, appearing to read 'R. Scott', with a large, stylized loop at the end.

Robert Scott
Hearings Panel Chairperson

30 July 2025