

UNDER

the Resource Management Act 1991

IN THE MATTER

of a request to Kaipara District Council for
Private Plan Change 81: Dargaville
Racecourse by the Dargaville Racing Club Inc

JOINT MEMORANDUM OF COUNSEL FOR THE APPLICANT AND THE COUNCIL

NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND

16 June 2023



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MAY IT PLEASE THE PANEL

- 1.1 This is a joint memorandum by counsel for the Applicant and counsel for the Kaipara District Council with respect to the application by the Dargaville Racing Club Inc for Plan Change 81 (PC81) to the Kaipara District Plan.
- 1.2 It has come to the attention of counsel that a decision of the Environment Court was issued in early April 2023, after the hearing for PC81, with respect to the correct interpretation of the transitional provisions of the National Policy Statement for Highly Productive Land (NPS HPL). That decision is *Balmoral Developments (Outram) Ltd v Dunedin City Council* [2023] NZEnvC 59.
- 1.3 The *Balmoral* decision confirms the interpretation taken in the opening legal submissions for the Applicant and for the Council in PC81.
- 1.4 In accordance with our duties as officers of the Court, counsel wish to ensure that the Panel are aware of the decision, which is attached to this joint memorandum.

DATED 16 June 2023



Sarah Shaw
Counsel for Dargaville Racing Club Inc



Warren Bangma
Counsel for Kaipara District Council