

**BEFORE THE INDEPENDENT HEARINGS PANEL APPOINTED BY THE
WESTERN BAY OF PLENTY DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act
1991 (**RMA**)

AND

IN THE MATTER of Proposed Private Plan Change
95 to the Western Bay of Plenty
District Plan: Pencarrow Estate
Pongakawa

**MEMORANDUM OF COUNSEL ON BEHALF OF
WESTERN BAY OF PLENTY DISTRICT COUNCIL**

Dated: 26 March 2025

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MAY IT PLEASE THE PANEL

- 1.1 Counsel has recently become aware of an Environment Court decision *Gardon Trust & Ors v Auckland Council* [2025] NZEnvC 058 released on 27 February 2025 which considers the National Policy Statement for Highly Productive Land in a private plan change context.
- 1.2 Counsel has a duty to put this decision before the Panel and a copy is **attached** to this memorandum.
- 1.3 Parties can provide submissions on the Court's decision if that would be considered useful to the Panel.

Dated: 26 March 2025



Kate Stubbing

Counsel for the Western Bay of Plenty District Council