

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHĪ**

**Decision No. [2023] NZEnvC 144**

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14 of the First  
Schedule of the Act

BETWEEN

MATTHEW BURROUGHS  
BROUGHAN

(ENV-2020-CHC-52)

REBECCA LIGHT

(ENV-2020-CHC-79)

Appellants

AND

MARLBOROUGH DISTRICT  
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 5 July 2023

---

**CONSENT ORDER**

---



M B BROUGHAN & R LIGHT v MDC – PMEP – TOPIC 8 NATURAL HAZARDS –  
CONSENT ORDER

A: Under s279(1)(b) of the RMA,<sup>1</sup> the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the Marlborough District Council is directed to amend the proposed Marlborough Environment Plan by making the changes set out in Appendix 1 attached to and forming part of this order; and
- (2) the appeals are otherwise dismissed.

B: Under s285 of the RMA, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This proceeding concerns the appeals by Matthew Burroughs Broughan and Rebecca Light against part of a decision of the Marlborough District Council on the proposed Marlborough Environment Plan (‘pMEP’). The appeals concern the flood hazard overlays relating to the Tuamarina township identified in the Flood Hazard Areas Map 24 of the pMEP.

[2] The court has now read and considered the consent memorandum of the parties filed with the registry on 26 May 2023. It sets out the agreement reached between the parties to resolve these appeals by amending the Level 1 and Level 2 Flood Hazard Area Overlays in the pMEP in accordance with the Revised Level 1 and Level 2 Flood Hazard Areas as shown in Appendix 1. At the date of initial filing, counsel had signed the memorandum for Ms Light but not Mr Broughan. Inquiries by the Registry of counsel elicited that was by arrangement to allow Mr Broughan until August to confirm his position. Following those enquiries, on 21 June 2023, the Registry and counsel received an email from Mr Broughan advising “I agree with all contents of the memo”. On that basis, the court is satisfied all

---

<sup>1</sup> Resource Management Act 1991.

parties are agreed to the outcomes as sought in the consent memorandum.

### **Other relevant matters**

[3] No other person gave notice of an intention to become a party to these appeals under s274 of the RMA.

[4] No party seeks costs, all parties agreeing that costs should lie where they fall.

[5] The consent memorandum records that these appeals are sufficiently discrete and will not affect the resolution of any other appeal. Further, it records the parties' assurance that there are no issues of scope or jurisdiction.

### **Orders**

[6] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



---

**J J M Hassan**  
**Environment Judge**



## Appendix 1

The existing and revised Level 1 and Level 2 Flood Hazard Areas





