

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2024] NZEnvC34

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN APEX MARINE FARM LIMITED

(ENV-2023-CHC-049)

Appellant

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: 13 March 2024

CONSENT ORDER

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

- (1) the appeal is allowed. The Marlborough District Council is directed
to amend the proposed Marlborough Environment Plan by making

Resource Management Act 1991.

APEX MARINE FARM LTD V MDC – CONSENT ORDER



the changes set out in Appendix 1 attached to and forming part of this order; and

(2) the appeal otherwise remains extant.

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

REASONS

Introduction

[1] This proceeding concerns an appeal on Variation 1: Marine Farming of the Proposed Marlborough Environment Plan ('pMEP').

[2] The appeal points relevant to this consent order relate to three Aquaculture Management Areas ('AMA'). The parties have agreed to make minor mapping amendments to the boundary of the AMA.

[3] The court has now read and considered the consent memorandum of the parties dated 22 January 2024.

Other relevant matters

[4] The Minister of Conservation has given notice of an intention to become a party to the relevant part of the appeal under s274 of the RMA and has signed the memorandum setting out the relief sought.

[5] There are no issues of scope or jurisdiction.

[6] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Orders

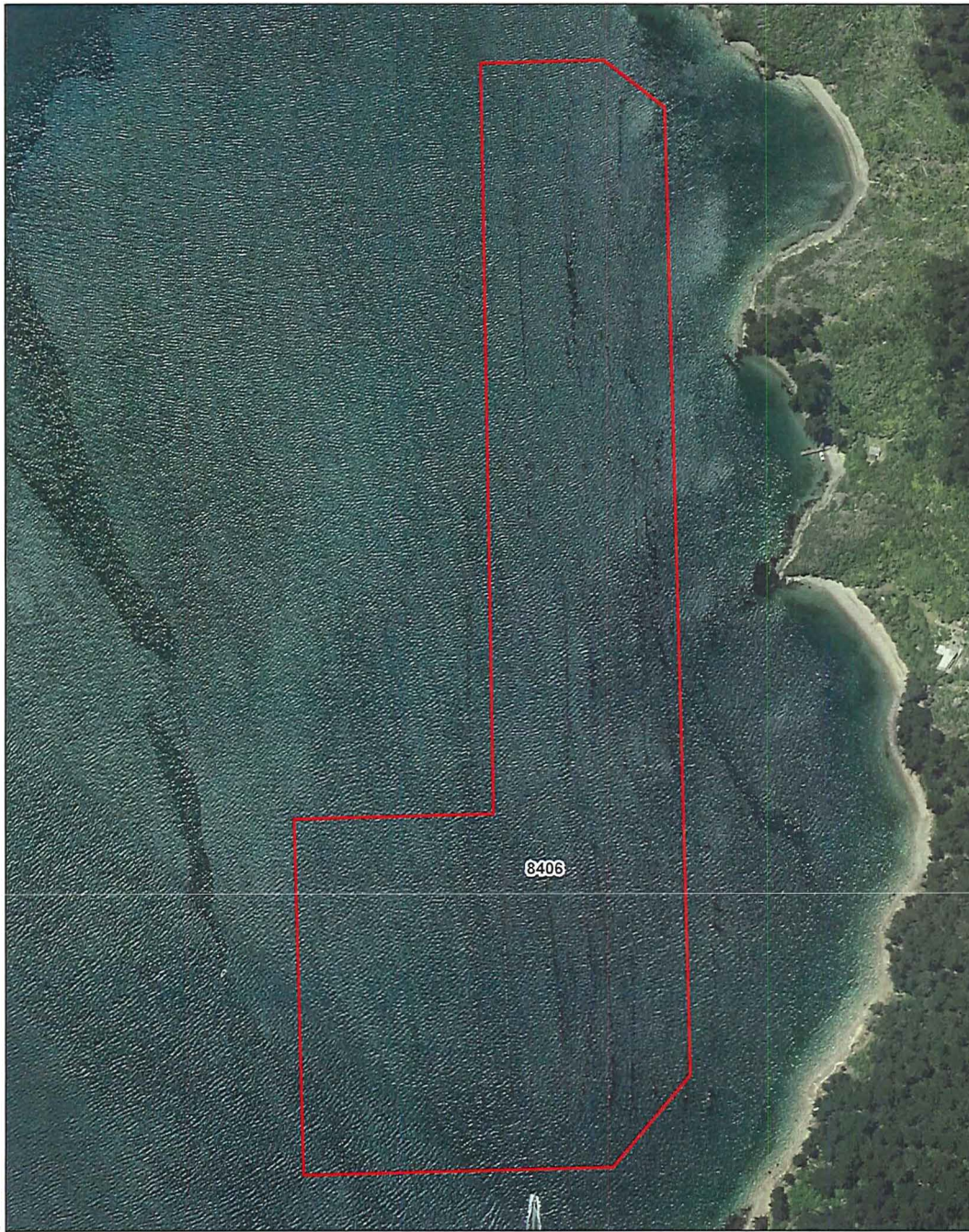
[7] The court makes this order under s279(1) RMA, such order being by

consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all relevant parties to the proceedings have executed the memorandum requesting this order; and
- (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





Date: 18/12/2023

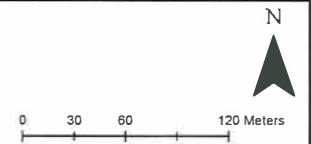


Legend (Before)

 AMA 8406

Legend (After)

 Amended AMA 8406





Date: 18/12/2023




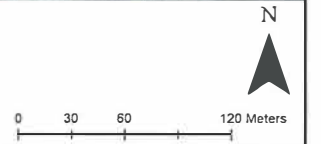
**MARLBOROUGH
DISTRICT COUNCIL**

Legend (Before)

 AMA 8432

Legend (After)

 Amended AMA 8432





Date: 18/12/2023

Legend (Before)

 AMA 8411

Legend (After)

 Amended AMA 8411