

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

**Decision No. [2024] NZEnvC 38**

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN SCOTT MADSEN FAMILY TRUST

(ENV-2023-CHC-70)

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: 14 March 2024

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**CONSENT ORDER**

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

- (1) the appeal is 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

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



- attached to and forming part of this order; and
- (2) the appeal is otherwise dismissed.

B: Under s285 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. Scott Madsen Family Trust (‘the Trust’) owns Marine Farm 8628, a two stage development under adaptive management. As notified, Variation 1 created an Aquaculture Management Area (‘AMA’) over both stages of the Marine Farm. The Hearing Panel’s decision however only created an AMA for Stage 1, on the understanding that Stage 2 of the consent was not implemented. The Trust appealed this decision as Stage 2 had in fact been implemented prior to the Panel’s deliberations.

[2] The court has now read and considered the consent memorandum of the parties dated 18 December 2023 that confirms the parties have agreed to resolve the appeal in its entirety by including Stage 2 of Marine Farm 8628 in the AMA.

### **Other relevant matters**

[3] No other person has given notice of an intention to become a party under s274 RMA.

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

[5] The consent memorandum records that the appeal is sufficiently discrete and will not affect the resolution of any other appeal. Further, it records the parties’ assurances 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.



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



APPENDIX 1

