

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

Decision No. [2024] NZEnvC 39

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN P H REDWOOD & COMPANY
LIMITED AND P.H.R.
PROCESSING LIMITED

(ENV-2023-CHC-58)

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

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ 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

¹ Resource Management Act 1991.



- Environment Plan by making 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 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'). The appeal relates to Marine Farm and Aquaculture Management Area ('AMA') 8125. The panel accepted the AMA as notified the spatial extent of which was supposed to precisely match the consented area authorised by resource consent U220584, instead the AMA is out by a matter of meters on some of the boundaries. P H Redwood & Company Limited and P.H.R. Processing Limited appealed seeking that this minor mapping error be corrected.

[2] The court has now read and considered the consent memorandum of the parties filed on 21 December 2023, which proposes to resolve this appeal point by amending the map of the AMA to exactly mirror the existing consent boundaries.

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.



J J M Hassan
Environment Judge



APPENDIX 1

Amend Map for AM 8125 as follows:

