

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

Decision No. [2024] NZEnvC40

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN AROMA (N.Z.) LIMITED AND
AROMA AQUACULTURE
LIMITED

(ENV-2023-CHC-50)

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 are directed to amend the proposed Marlborough Environment Plan by making the changes set out in Appendix 1

¹ Resource Management Act 1991.



- 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 errors identified in relation to the Aquaculture Management Area (‘AMA’) of three marine farms:

- (a) Marine Farm 8416 located in Opihi Bay, Port Underwood;
- (b) Marine Farm 8443 located in Whataroa Bay, Port Underwood; and
- (c) Marine Farm 8631 is in Catherine Cove, D’Urville Island.

[2] The court has now read and considered the consent memorandum of the parties dated 19 December 2023 which proposes to partially resolve the appeal by addressing the following matters:

- (a) the reference in Appendix 3 of the Hearing Panel’s (‘the Panel’) decision in relation to Marine Farm 8416 is incorrect; and
- (b) the AMAs for Marine Farm 8631 and 8443 do not entirely follow the consent boundaries of each relevant consent.

[3] The parties have agreed to address the mapping errors for Marine Farms 8631 and 8443 by way of the revised maps and coordinates. Regarding the incorrect reference in Appendix 3 of the Panel’s decision on Variation 1, we record the Panel incorrectly recorded Marine Farm 8416 as Marine Farm 8461. The decision in respect of AMA 44, Opihi Bay should have been with reference to MF 8416. The Panel’s decision nevertheless provided an AMA for Marine Farm 8416 in the spatial planning maps. This creates an inconsistency between

the decision and the amendments flowing from the decision to the provisions of the Variation. The map is correct and so no amendment to the pMEP is necessary.

Other relevant matters

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

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

[6] 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

[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 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



8631



AMA 8631

Date: 15/12/2023

Legend (Before)

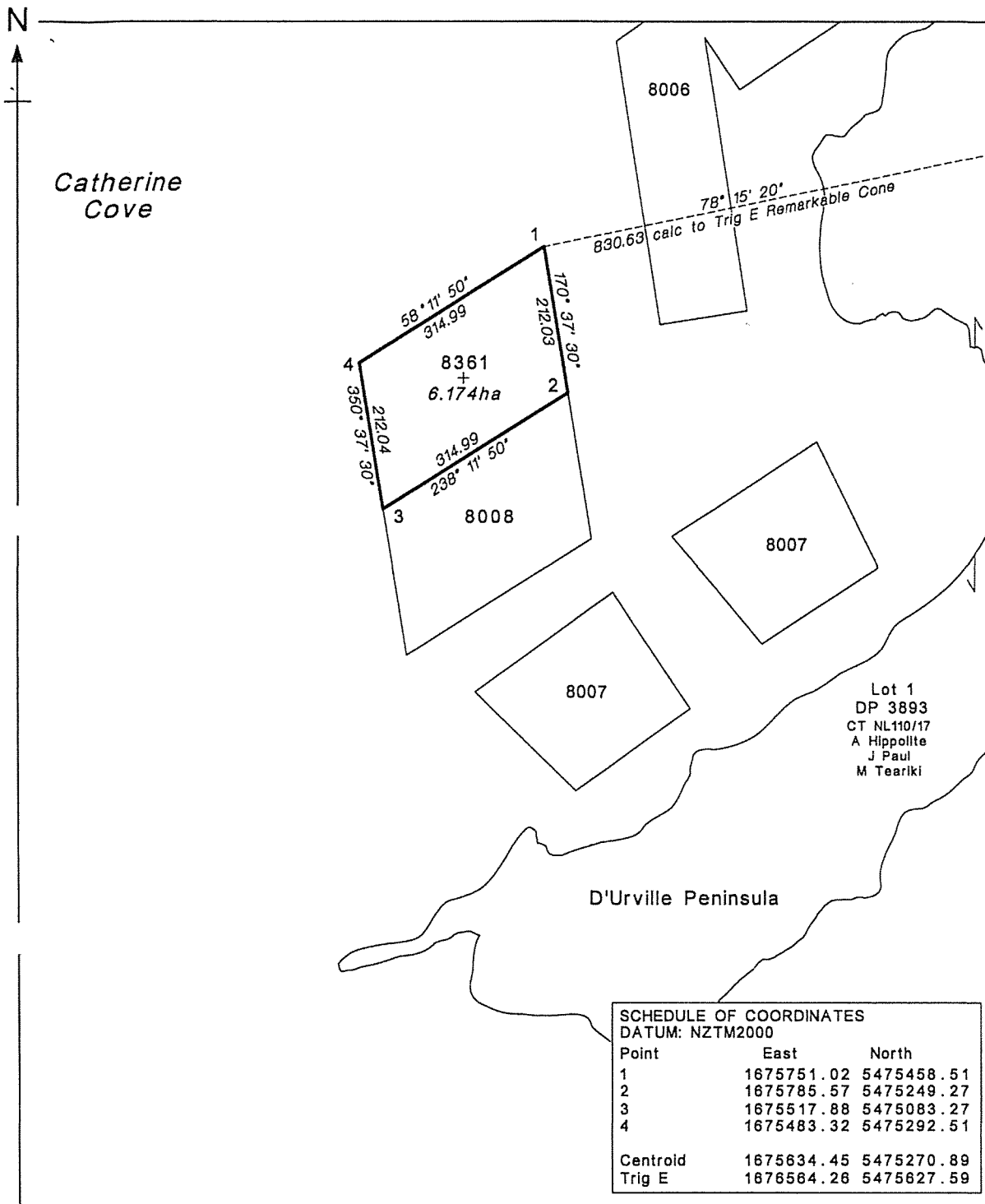
 AMA 8631

Legend (After)

 Amended AMA 8631



U170994 – Appendix A




ARE
Initial




Date: 15/12/2023

Legend (Before)

 AMA 8443 A and B

Legend (After)

 Amended AMA 8443 A and B

U200151 – Appendix A

MF_2695

