

IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI

Decision No. [2024] NZEnvC71

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

THE NEW ZEALAND KING  
SALMON CO. LIMITED

(ENV-2020-CHC-51)

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: 9 April 2024

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**CONSENT ORDER**

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A: Under s279(1)(b) RMA,<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



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

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- Environment Plan as set out in Appendix 2, attached to and forming part of this order; and
- (2) the rest of the appeal points otherwise remain extant.

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

## REASONS

### Introduction

[1] This proceeding concerns an appeal by the New Zealand King Salmon Co. Limited ('King Salmon') against part of the decision of the Marlborough District Council ('MDC') in relation to the natural character status of an area in the Cook Strait (colloquially known as 'the Wedge') of the proposed Marlborough Environment Plan ('pMEP') that was allocated to Topic 3 - Natural Character.

[2] The court has now read and considered the consent memorandum of the parties dated 13 November 2023 which sets out the agreement reached to resolve the appeal points on the Wedge allocated to the Natural Character topic. The remaining appeal points remain to be resolved at a later date.

### Appeal

[3] The relevant appeal points of King Salmon's appeal against Topic 3 of the pMEP involving the Wedge are the following:

- (a) the seaward extent and methodology of mapping of High, Very High and Outstanding Natural Character in Cook Strait, as found in Maps 2 and 4 of the Natural Character Rating Maps of Volume 4 of the proposed Plan; and
- (b) the seaward extent and methodology of mapping of Outstanding Natural Landscape in Cook Strait, as found in Maps 2 and 5 in the landscape maps of Volume 4 of the proposed Plan.

**Agreement reached between the parties**

[4] I have read and considered the consent memorandum of the parties dated 13 November 2023 which explains the agreement to resolve the appeals by amending the natural character status of the Wedge, as set out in Appendix 2 of this order.

[5] Based on further expert assessment, the parties agree that most of the Wedge should continue to be rated at high natural character but be removed from the outstanding natural character overlay. A small area, that is also part of a larger Ecologically Significant Marine Site, is proposed to have a very high natural character status and continue to retain outstanding natural character.

**Other relevant matters**

[6] Several parties gave notice of an intention to become a party to the appeal under s274 RMA. Royal Forest and Bird Protection Society of New Zealand Incorporated withdrew its interest on 4 May 2021. Three parties (KiwiRail Holdings Limited, Manawa Energy, and Transpower New Zealand Limited) were only interested in specific parts of King Salmon's appeals, none of which included natural character mapping in the Wedge. All remaining s274 parties whose interest extends to this proceeding and have signed the consent memorandum setting out the relief sought are listed in Appendix 1 to this order.

[7] The consent memorandum records that the points resolved by this order are sufficiently discrete and will not affect the resolution of any other appeal or topic. Further, it records the parties' assurance that there are no issues of scope or jurisdiction regarding the proposed amendments to the pMEP.

[8] The parties agree that no costs order should be made.

## Outcome

[9] 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 the present purposes that:

- (a) all parties to the proceeding have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters 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.

[10] The court orders, by consent, that:

- (a) MDC is directed to amend the pMEP as set out in Appendix 2, attached to and forming part of this order; and
- (b) the balance of the appeal remains extant; and
- (c) there is no order as to costs.



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



## Appendix 1

**Table 1: Parties**

	<b>Appellants</b>
ENV-2020-CHC-51	The New Zealand King Salmon Company Limited
<b>Section 274 parties</b>	
Environmental Defence Society	
Friends of Nelson Haven and Tasman Bay Incorporated	
Kenepuru and Central Sounds Residents Association	
Minister of Conservation	

## Appendix 2

### Volume 3, Appendix 2

Amend the annotation at B3 of Appendix 2, as follows:

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
B3	Cape Lambert – Cape Jackson	<p>Largely unmodified section of coast with exposed rocky bluffs, headlands and reefs. Very High levels of natural character.</p> <ul style="list-style-type: none"><li>– Cape Lambert Scenic Reserve.</li><li>– Adjoins Coastal Marine Area G at Cape Jackson.</li></ul> <p>An Outstanding Natural Character overlay applies to this sub-area. Refer to Table ONC9 and accompanying Maps for further information.</p>	<p>Some commercial trawling offshore.</p> <p>Offshore areas in Waitui Bay are commercially dredged for scallops.</p> <p><u>Two large salmon farms within a 1000ha site located approximately 5 kilometres north of Te Uku/Cape Lambert are part of the existing environment but have not been constructed at the date of finalising the mapping in Volume 4.</u></p>

# Volume 4

Amend Coastal Natural Character Map 2, as follows:

