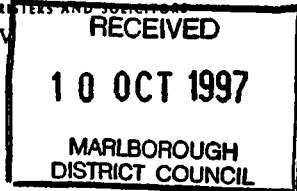


Paul Miles

GASCOIGNE WICKS

Ref. Crosby/SC Riley:viv



7 October 1997

Partners:
Richard Norman Wilkes LL.B
Ronald David Crosby LL.B (Hons)
Anthony John Hill LL.B
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Address:
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Blenheim

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P.O. Box 2
Blenheim
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Staff Solicitors:
Stephen Charles Riley LL.B
Melanie Anne Leov B.Com

| | |
|------------|---------------------------------|
| FILE No.: | Telephone: 0-3-578 4229 |
| | Fax: 0-3-576 4080 |
| OFFICER: | LL.B |
| | Branches at Picton and Kaikoura |
| COPIES TO: | |
| COMMENTS: | CONSENTS |

Marlborough District Council
P O Box 443
BLENHEIM



Attention: Mary O'Callahan

DOMINION SALT LIMITED - APPLICATION FOR COASTAL PERMIT (OCCUPANCY, TO TAKE SEAWATER TO DISCHARGE TO SEAWATER)

We write further to our various discussions with you on this matter and now **enclose**:

1. Application for resource consent.
2. Assessment of effects.
3. Cheque for \$300 being your application fee.

There are no affected parties. The activities applied for have been carried out by the applicant since 1947 and the effects have not changed.

If the effects of an activity such as this have existed unchanged for decades, no purpose is served in giving parties an opportunity to object to this application. This would not promote the principle of sustainable management which is the cornerstone of the Act because it could adversely affect the production of salt which is of both regional and national importance.

Accordingly, we trust this matter can be dealt with by way of non-notified application without the need for any affected party consents.

You will see that included in the application is an application for a permit to take seawater. Please note the comments contained in the third paragraph of the introduction to the application. This part of the application is made through an abundance of caution and is not an admission by the applicant that a permit for this activity is required.

GASCOIGNE WICKS.

per:

R.D. Crosby

pp

scr/let/domsalt.lt



GASCOIGNE WICKS IS AN ISO 9001 REGISTERED LEGAL PRACTICE



A NETWORK OF INDEPENDENT LEGAL PRACTICES NATIONWIDE

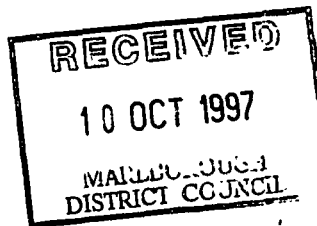
MARLBOROUGH DISTRICT COUNCIL

Application for a Resource Consent

This notification is made under Section 88 of the Resource Management Act 1991

FORM 5

To: The General Manager
The Marlborough District Council
P O Box 443
BLENHEIM



1. FULL NAME AND ADDRESS

I, Mr/Ms/Mrs/Miss DOMINION SALT LIMITED

(Postal Address) P O BOX 446, BLENHEIM

Telephone No. Private _____ Business 03 578 5148 Fax 03 578 0131

Name and Address for Service (If different from above, e.g. if agent is dealing with the application)

Telephone No. Private _____ Business _____ Fax _____

apply for the RESOURCE CONSENT described below :

The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are : _____

2. LOCATION

The location to which the application relates is : LAKE GRASSMERE

(Attach a sketch of the locality and activity points. Describe the location in a manner which will allow it to be readily identified e.g. house number & street address, the name of any relevant stream, river, or other water body to which the application may relate, proximity to any well known landmark, etc).

Grid Reference (NZMS 260 1:50,000 series) Map No 5 2 9

Easting 7 4 4 0 0 0 Northing 7 7 4 0 0 0

Legal Description VALUATION NO: 20710 03700 (Copy & Legal Description attached)

(e.g Valuation Number, Property Number from rates invoice, Lot and DP Number)

Prop no. 181200

3. TYPE OF CONSENT (Please tick appropriate box)

- | LAND USE | SUBDIVISION | DISCHARGE PERMIT | WATER PERMIT | COASTAL PERMIT |
|--|--|-----------------------------------|---|---|
| <input type="checkbox"/> Building | <input type="checkbox"/> Allotment Creation | <input type="checkbox"/> To Water | <input type="checkbox"/> Take Underground Water | <input checked="" type="checkbox"/> Occupancy |
| <input type="checkbox"/> Activity | <input type="checkbox"/> Boundary Adjustment | <input type="checkbox"/> To Air | <input type="checkbox"/> Take Surface Water | <input type="checkbox"/> Disturb Foreshore or Seabed |
| <input type="checkbox"/> Land Disturbance | <input type="checkbox"/> Flat Plan | <input type="checkbox"/> To Land | <input type="checkbox"/> Use Water | <input type="checkbox"/> Reclaim or Drain |
| <input type="checkbox"/> Burning | <input type="checkbox"/> Unit Title | | <input type="checkbox"/> Dam Water | <input type="checkbox"/> Remove Material |
| <input type="checkbox"/> Bore(Construction) | <input type="checkbox"/> Easement/ROW | | <input type="checkbox"/> Divert Water | <input type="checkbox"/> Plant Foreshore or Seabed |
| <input type="checkbox"/> Gravel Removal | | | | <input checked="" type="checkbox"/> Discharge to Seawater |
| <input type="checkbox"/> Dam(Construction) | | | | <input checked="" type="checkbox"/> Take Seawater |
| <input type="checkbox"/> River Surface or Bed Activity | | | | <input type="checkbox"/> Use Seawater |
| | | | | <input type="checkbox"/> Dam Seawater |
| | | | | <input type="checkbox"/> Divert Seawater |

CONTINUED

4. DESCRIPTION

A description of the activity to which this application relates is :

1. Continued use and occupation of a part of the foreshore and land below low-water mark at Lake Grassmere in Clifford Bay as a site for a Jetty, Intake, Pipelines and Pump Chambers.

The facility described above has been operated since 1947 for the purpose of taking seawater for salt production and discharging back to sea. A new seawater intake was completed in 1979 adjacent to the original pipeline, which is still in existence and utilised for discharge.

The existing coastal permit (formerly Foreshore Licence 2120) expires: 30/6/97.

2. A discharge permit more fully described in the assessment of effects.

5. EFFECTS ON THE ENVIRONMENT

I attach an assessment of any effects that the proposed activity may have on the environment in accordance with Section 88 of, and the Fourth Schedule to, the Act.

6. OTHER INFORMATION

I attach other information (if any), required to be included in the application by the District or Regional I or Regulations.

7. SUBDIVISION CONSENT APPLICATION

(Where the application is for a subdivision consent) I attach information in accordance with Section 219 of the Act sufficient to adequately define :

- (a) The position of all new boundaries:
- (b) The areas of all new allotments (not required for cross-leases, company leases, or unit plans):
- (c) The location and areas of new reserves to be created, including any esplanade reserves to be set aside on a survey plan under Section 230 of the Act:
- (d) The location and areas of any esplanade strips to be created under Section 232 of the Act:
- (e) The location and areas of any existing esplanade reserves, esplanade strips, or access strips:
- (f) The location and areas of land below mean high water springs of the sea or of any part of the bed of a river or lake which is to be vested in the Crown or location authority under Section 237A of the Act:
- (g) The location and areas of land to be set aside as new road.

8. COASTAL PERMIT (RECLAMATION) APPLICATION

I attach information in accordance with Section 88(7) of the Act to show the area proposed to be reclaimed, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve.

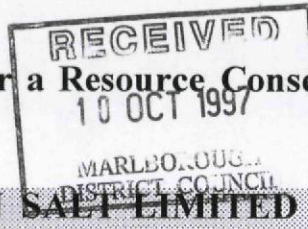
Mr. [Signature] (Company Secretary) 1 October 1997

Signature of applicant or person
authorised to sign on behalf of applicant.

Date

3. A coastal permit to take seawater at a rate of 0.85m³ per second during the months of October to April annually for the applicant's salt works operation.

Marlborough District Council, Seymour and High Streets,
P O Box 443, Blenheim, New Zealand
TELEPHONE: (03) 578-5249, FACSIMILE: (03) 578-6866
Picton Service Centre, High Street, Picton

Application for a Resource Consent**DOMINION SALT LIMITED****1. Introduction**

This is an application for Resource Consent for a coastal permit (occupancy) in respect of a seawater intake and an out take at Lake Grassmere, a discharge permit for the discharge of water into the ocean and a water permit for the taking of seawater.

This facility has been operated since 1947 for the purpose of taking seawater for salt production and discharging back to sea. A new seawater intake was completed in 1979 adjacent to the original pipeline which is still in existence and utilised for the discharge. The existing coastal permit (Foreshore Licence 2120) expired on 30 June 1997 but runs on until a regional plan for the area becomes operative. (see Section 418(6)(a)(i) Resource Management Act 1991).

A water permit (Water Right No. MLB880045) currently permits the Company to discharge stormwater and concentrated brine into Clifford Bay at a rate of up to 1100 litres per second with a maximum volume of 2305 cubic metres per day. This permit expires on 13 September 1998 and it is considered desirable that the two Resource Consents be linked together and have a common expiry date.

While the applicant has always taken the view that a consent to take seawater from Clifford Bay is not required because the taking of open coastal water is outside the jurisdiction of the Act, an application to take seawater is applied for to protect the applicant's position should a court determine that consent is required for this activity.

2. **Assessment of Effects on the Environment**2.1 **Coastal Permit - Occupancy.****(a) A description of the proposal.**

This is an application for a renewal of a coastal permit in respect of a water intake jetty at Clifford Bay. Details of that jetty and its construction are **attached** to this application.

The out take pipeline was installed in about 1947 and was used as an intake until the intake jetty was installed. The pipeline is visible at low tide. The location of the pipeline is shown on a plan **attached** to this application.

(b) Possible alternative locations or methods for undertaking the activity.

As the structure already exists, the activity will not result in any significant adverse effect on the environment and therefore consideration of possible alternative locations or methods for undertaking the activity are unnecessary. Furthermore, this is the best location and method for undertaking the activity.

(c) Assessment of the actual or potential effect on the environment.

As stated elsewhere in this application, the activity is already established and the applicant simply seeks to obtain consent to a renewal of an existing permit for the occupancy of the foreshore. The occupancy of the foreshore in this area by the applicant has been established since 1947.

The jetty has a landscape and visual effect but this is minimised by its isolated location and again already exists.

(d) Mitigation measures - the structure is extremely limited in effect given its isolation.

(e) **Affected parties.**



There are no affected parties.

While the Act draws no distinction between applications for Resource Consents and applications for renewals of consents, there is in fact an important distinction between the two and that is that in relation to renewals of consents, the activity and its effects are already existing.

If Council has determined that there are no affected parties or after submitters in opposition have been heard Council grants consent to an application, the public should not be given the opportunity to object each time the consent holder makes an application for renewal. This opportunity should only be afforded if the effects of the activity have changed for the worse.

In terms of this application, the effects of the occupancy have not changed since the structure's construction in 1979 and the granting of a coastal permit in 1988. Consequently, no other party should be involved in this process and the application should proceed by way of the non-notified procedure.

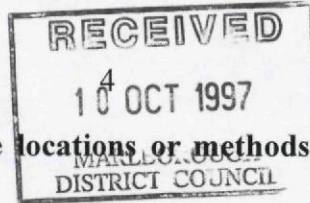
(f) **Monitoring.**

It is considered that the scale or significance of the activity's effect is such that it does not warrant any monitoring requirements.

2.2 **Discharge Permit.**

(a) **Description of Proposal:**

This is an application to discharge stormwater and concentrated brine into Clifford Bay from Lake Grassmere at a rate of up to 1100 litres per second with a maximum volume of 2305 cubic metres per day.



(b) Possible alternative locations or methods for undertaking activity:

The activity will not result in any significant adverse effect on the environment and therefore any possible alternative locations or methods for undertaking the activity are unnecessary. Furthermore, this is the best location and method for undertaking the activity.

(c) Assessment of the effects on the environment:

The effects on the environment from this activity are minor in that the applicant is discharging salt water (albeit with a greater concentration than the receiving environment) into salt water. Furthermore, the level of discharge is insignificant when one considers the nature and size of the receiving environment.

- (i) The receiving environment are the waters of Clifford Bay and, because of the minor nature of the discharge in relation to the receiving environment and the fact that the discharge is of salt laden water it is not considered to be a sensitive receiving environment.
- (ii) The discharge into Clifford Bay is the most appropriate receiving environment in that it is a discharge of salt water into salt water.

(d) Affected parties:

There are no affected parties in that the nature of the discharge is not changing.

(e) Monitoring.

The applicant would accept a monitoring condition being imposed if Council deems it appropriate.



2.3 Coastal Permit - Take Seawater

(a) A description of the proposal

To take seawater from Clifford Bay via an intake pipe shown on the plans attached to this application during the months of October to April at the rate of 0.85m³ per second.

(b) Possible alternative locations or methods for undertaking the activity

The operation requires the taking of saltwater therefore there are no alternative locations or methods.

(c) Assessment of the actual or potential effect on the environment

The effects on the environment are minor when one considers the nature and size of the source of seawater and the fact that water is discharged back into the ocean as part of the process.

(d) Affected parties

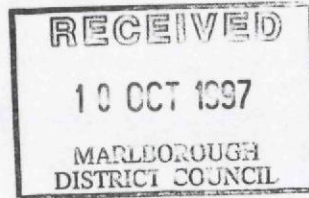
There are no affected parties.

(e) Monitoring

The applicant does not believe that monitoring is necessary.

3. **Positive Effects**

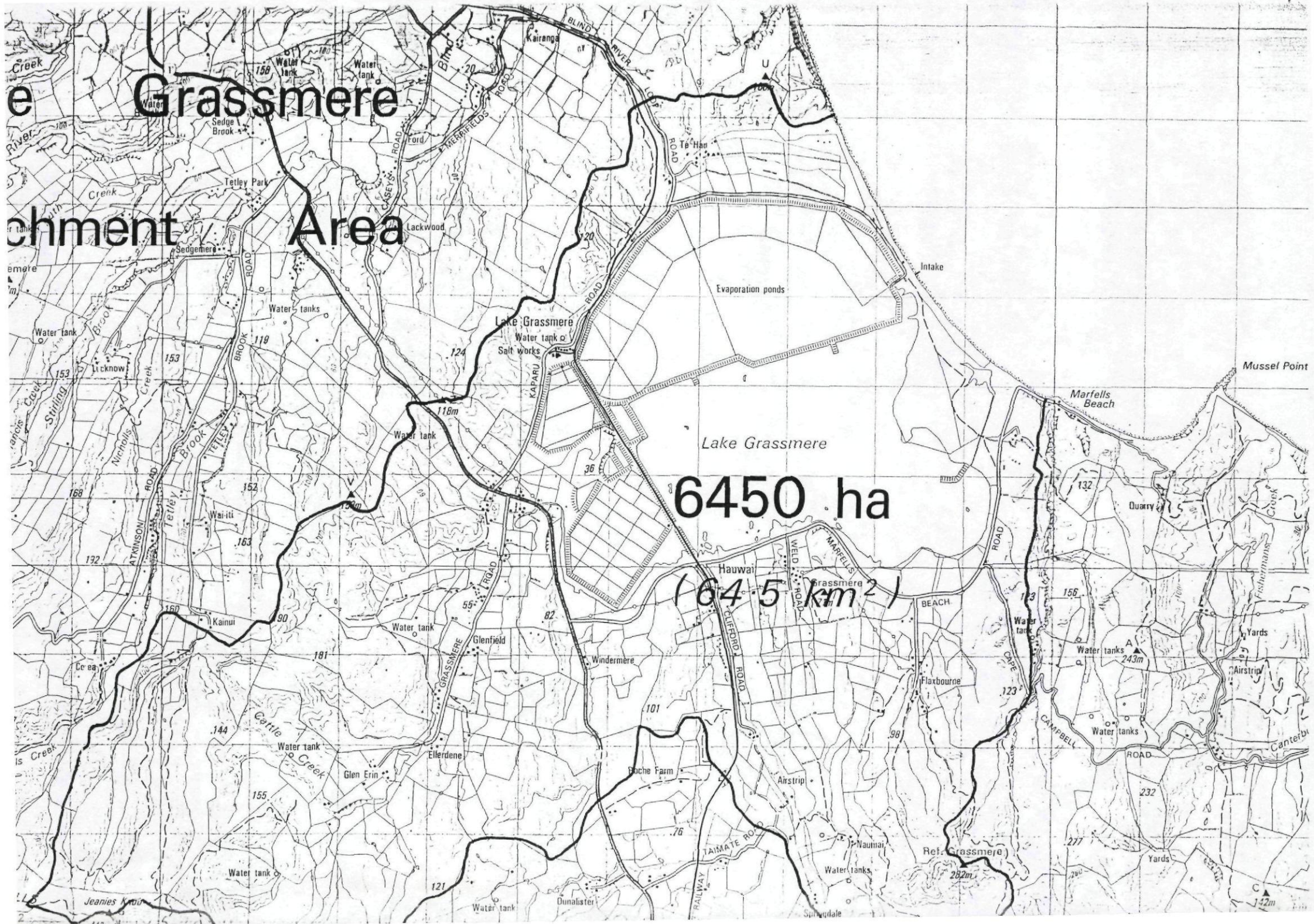
The applicant's operation at Lake Grassmere is of regional and national importance in terms of salt production. Granting consent to these applications will enable the applicant to continue to produce salt while avoiding, remedying or mitigating any



adverse effects on the environment.

Although the intake facility's major purpose is the transfer of seawater, at times it is also used for discharging fresh water from lake Grassmere back to sea. Effectively, it provides drainage for a major catchment area, to the benefit of surrounding farm lands.

In essence the intake facility provides the means of control and protection for the surrounding environment. Prior to installation of the intake, neighbouring farm lands were prone to flooding in the winter months and exposed to dust bowl conditions of the lake bed when it dried out in the summer. The water level in the lake is now controlled throughout the year.



Grassmere Catchment Area

6450 ha

(64.5 km²)