

**RESOURCE MANAGEMENT ACT 1991****Decision of Marlborough District Council**

**RESOURCE CONSENT:** U200704  
**APPLICANT:** Dominion Salt Limited  
**LOCATION:** Lake Grassmere, Seddon

**THIS IS THE DECISION ON THE APPLICATION FOR RESOURCE CONSENT:**

To install a 14 metre long extension to the Lake Grassmere Salt Works seawater intake/outfall pipe, including incidental sediment discharges to seawater during construction.

**DECISION:** **Granted**

**RESOURCE CONSENTS ISSUED:**

Type of Consent	Number	Activity	Section	Page
Coastal Permit (Structure)	U200704.1	To install a 14 metre long extension to the Lake Grassmere Salt Works seawater intake/outfall pipe.	12	1
Coastal Permit (Discharge to Seawater)	U200704.2	To discharge sediment to seawater during in the construction works of the extension of the intake/outfall pipe.	12	2

## Certificate of Resource Consent

<b>Consent Holder:</b>	Dominion Salt Limited
<b>Consent Type:</b>	Coastal Permit (Structure)
<b>Consent Number:</b>	U200704.1
<b>Lapse Date:</b>	1 November 2021
<b>Expiry Date:</b>	31 December 2032
<b>Part 3, Section:</b>	12

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** the application for a coastal permit to install a 14 metre long extension to the Lake Grassmere Salt Works seawater intake/outfall pipe, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

### Conditions

1. Except insofar as required to comply with the other conditions of this resource consent, the intake/outfall pipe extension must remain in accordance with the Application for Resource Consent U200704.
2. The consent holder must ensure that the seawater intake/outlet pipe is designed, constructed and maintained in a tidy, safe and structurally sound condition at all times.

### Advice Notes

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to [monitoring@marlborough.govt.nz](mailto:monitoring@marlborough.govt.nz).
2. This resource consent does not constitute a building consent nor does it imply that the proposed intake/outlet pipe extension complies with the Building Code.
3. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.
4. All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an Authority to modify, damage or destroy an archaeological site.

## Certificate of Resource Consent

**Consent Holder:** Dominion Salt Limited

**Consent Type:** Coastal Permit (Discharge to Seawater)

**Consent Number:** U200704.2

**Lapse Date:** 1 November 2021

**Expiry Date:** 1 November 2021

**Part 3, Section:** 12

Pursuant to sections 34A(1) and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, the Marlborough District Council **grants** the application for a coastal permit to discharge sediment to seawater during in the construction works of the extension of the intake/outfall pipe at Lake Grassmere, subject to the following conditions imposed under section 108 of the Resource Management Act 1991.

### **Condition**

1. The activity must be carried out in accordance with the Application for Resource Consent U200704.

### **Advice Notes**

1. All electronic correspondence relating to the operation of this consent and compliance with consent conditions should be sent to [monitoring@marlborough.govt.nz](mailto:monitoring@marlborough.govt.nz).
2. Pursuant to section 36 of the Resource Management Act 1991 and the Marlborough District Council's schedule of fees, the consent holder will be responsible for all actual and reasonable costs associated with the administration and monitoring of this resource consent.

## Reasons

### Proposal

1. The applicant seeks resource consent to construct a 14 metre long extension and new intake pipe for the existing intake/outfall pipe at the Dominion Salt works, including the discharge of sediment to seawater as a direct and temporary result of installing the pipe.

### Background

2. The applicant has previous consent under U970945 which expires on 31 December 2032.

### Description of Existing and Surrounding Environment

3. The intake pipe is located to the north of the salt works, on the coastline of Clifford Bay. Following the 2016 earthquake the beach width has grown approximately 36 metres, as a result, the previous low tide line is now significantly further down the beach. The intake pipe has had to be closed off as insufficient water was able to be collected and the pipe was filling with beach material. The new pipe extension allows for the change in coastline by extending the distance another 14 metres out into the bay. This new position for the intake mouth will allow for a renewal of continual seawater flow, a vital element of the salt works operations.

### Activity Status

#### *Proposed Marlborough Environment Plan*

4. The site is zoned Coastal Marine in the Proposed Marlborough Environment Plan. The application is assessed against Rules 16.6.7, 16.6.10 and 16.6.11 as a **Discretionary Activity**.

### Notification and Affected Parties

5. The application was processed on a non-notified basis.

### Assessment of Effects

6. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, the extension of the existing inflow pipe is consistent with the established character and amenity of the immediate area – the pipe extension is vital to the operation of Dominion Salt works and is necessary due to the widening of Clifford Bay beach (by 36.5 metres) due to the ongoing effects of the Kaikoura earthquake on the surrounding landscape.
7. The application is consistent with the existing usage of the area and in conjunction with the salt works operation. The pipe extension ensures safe and ongoing operation for Dominion Salt works with the minimum disturbance possible.

### Relevant Statutory and Plan Provisions

8. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, Policies 6, 13, 15, 18 and 19 of the New Zealand Coastal Policy Statement 2010; Objectives: 5.3.2, 5.3.10, 7.1.2, 7.1.9, 7.2.7 and 8.1.2 and Policies: 5.3.11, 7.1.7, 7.2.8, 7.2.10 and 8.1.6 of the Marlborough Regional Policy Statement; Policies 2.2.1.2, 6.1.2.1.4, 8.3.1.8, 9.2.1.1.1, 9.2.1.1.3 and 19.3.1.4 of the Wairau/Awatere Resource Management Plan; and Policies 13.10.2, 13.10.3, 13.10.5, 13.10.6, 13.10.7, 13.10.8, 13.10.9 and 13.10.10 of the Proposed Marlborough Environment Plan are of relevance to an evaluation of the proposal. Within the context of the site it is concluded that the proposal, subject to conditions, is consistent with many of the identified provisions.

**Part 2 Resource Management Act 1991**

- 9. Having considered the matters of national importance, other matters and principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the Act would be better achieved through a grant of resource consent, subject to the conditions specified. In particular, granting the consent recognises the functional need for the intake/outlet extension pipe as a vital part of the operations of Dominion Salt works.

**Consent Duration and Lapse Date**

- 10. Section 123 of the Resource Management Act 1991 requires that every coastal permit have an expiry date. In order to align with resource consent U970945 for the existing pipe, the expiry date for the pipe extension is set at 31 December 2032. Upon expiry of this resource consent a new application will be required to be made and will be determined in accordance with the legislation and policies in place at that time. A shorter expiry of one year for the incidental discharge of sediment is appropriate given that the installation is planned to occur within a few months.
- 11. A lapse date of one year has been applied for the installation of the pipe which is deemed more than ample for the scale of the structure, however the works are anticipated to be completed within a few months from the issue of this consent.

**Recommended for approval:**



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**Sarah Silverstar**  
**Environmental Planner**

**Approved:**



**28 September 2020**

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**Anna Eatherley**  
**Marlborough District Council Manager Resource Consents**

# Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

## Commencement of a Resource Consent

Refer to section 116 of the Resource Management Act 1991

- Where no submissions were lodged or any submissions were withdrawn, a resource consent commences, (and may be actioned) on the date of the receipt of the decision.
- Where submissions were lodged to the application, and not withdrawn, the resource consent commences once the time for lodging an appeal has passed, provided no appeals have been received, or when all appeals have been resolved or withdrawn.
- If the resource consent was for activities controlled by the district plan on reclaimed land or land in the coastal marine area, or a restricted activity; then there are specific provisions regarding the commencement of resource consent. These provisions are outlined in section 116 of the Resource Management Act 1991.

## Lapsing

Refer to section 125 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to).
- Council requires full implementation of the establishment conditions prior to the lapse date in order to demonstrate effect has been given to the consent. Please note this includes commencing the activity you have applied for (for example taking water). It is important that when you commence the activity you do so in the sequence that your conditions require (for example installing a meter, then completing a meter inspection, then taking water, all before the lapse date). If you are unable to do so you are strongly recommended to make an application to extend the lapse date or vary the condition that is posing difficulty to implement.

## Conditions of Resource Consent

Refer to section 108 of the Resource Management Act 1991

- If conditions are imposed these will be set out in the decision document.
- Please read your consent and ensure that you fully understand any conditions.
- If you have concerns with any condition(s), in the first instance you should discuss your concerns with Council, although an option may be to lodge an appeal or objection.
- It is a legal requirement that there be **compliance with** all conditions.
- If any conditions are contravened it may be that the Council or members of the public will initiate enforcement action (outlined in Part XII of the Resource Management Act 1991).

## Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

## Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

## Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

## Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision, however there is no right of appeal against the whole or any part of the decision to the extent that the decision relates to one or more of the following, but no other, activities:
  - a) a boundary activity, unless the boundary activity is a non-complying activity;
  - b) a subdivision, unless the subdivision is a non-complying activity;
  - c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.
- A submitter can only appeal to the Environment Court if their appeal is related to a matter raised in their submission and their submission, or the part of their submission to which the appeal relates, has not been struck out under section 41D of the Resource Management Act 1991.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

**Before lodging an objection or an appeal it is recommended that you seek professional advice.**

## Subdivision Consents

Refer to sections 223 and 224 of the Resource Management Act 1991

- If no lapse date is specified in the conditions of this consent, the consent will lapse 5 years after the decision date, unless the consent has been actioned (given effect to). The lapse date is subject to the provisions of section 125 of the Resource Management Act 1991.
- The consent holder has a further 3 years following the issue of the section 223 approval to obtain a section 224 certificate from Council and lodge the survey plan for deposit with Land Information New Zealand prior to the resource consent lapsing.
- Payment of any compensation due as a result of road vesting or esplanade acquisition will be made upon receipt of your invoice and evidence that the new certificates of title have issued with the esplanade strip agreement registered on them, or vesting completed.

## Annotation History

Date	Reason for Amendment/Alteration