

BEFORE THE

Marlborough District Council

UNDER THE

the Local Government Act 2002

AND

Section 22AB of the Land Transport Act 1998

IN THE MATTER

of hearings on a proposed Bylaw using a Special Consultative Procedure (the Proposed East Coast Beach Vehicle Bylaw)

MEMORANDUM OF COUNSEL FOR BURKHART FISHERIES LIMITED AND LANFAR HOLDINGS (NO.4) LIMITED REGARDING A RESOURCE CONSENT APPLICATION

Dated this 1st day of April 2022

GASCOIGNE WICKS
LAWYERS
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May it Please the Panel:

- 1 In Counsel's previous Memorandum to the Panel dated 10 December 2021 reference was made to existing resource consents in relation to the activities of a submitter in these proceedings, being Burkhart Fisheries Limited and Lanfar Holdings (No. 4) Limited.
- 2 The following was also noted in that Memorandum at paragraphs [5] and [6]:

The latter consent was associated with a water take and discharge consent. Those take and use consents have been surrendered. In addition they do not seem to be directly relevant to the operation undertaken.

Other entities have resource consents to take water in the area. In the New Year Burkhart/Lanfar will investigate whether its operation is covered by a permitted activity rule or whether a consent is required.
- 3 This review has since been undertaken and a resource consent has been lodged with Council (U220164) (**attached**). That consent is for a water permit to take coastal water from an existing intake adjacent to the saltworks intake structure at Lake Grassmere.
- 4 The application is a discretionary activity under the proposed Marlborough Environment Plan, by virtue of being in the Lake Grassmere Salt Works Zone (if it were in the Coastal Marine Zone it would have been a permitted activity).
- 5 To date, the application has been accepted under s88 of the Resource Management Act 1991 as a complete application for processing.
- 6 Counsel have a speaking slot at the reconvened hearings on 13 April and can answer any questions of the Panel including on this application, as required.

Dated this 1st day of April 2022



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Quentin A M Davies / Emma L Deason
Solicitors for the Applicant