

Before Independent Hearing Commissioners appointed by Southland
Regional Council
at Invercargill

APP-20157616-V1

under: the Resource Management Act 1991

in the matter of: Applications by Sanford Limited to change the
conditions of various resource consents that authorise
the farming of salmon in Big Glory Bay, Stewart Island

by: **Sanford Limited**
Applicant

Legal Submissions on behalf of Sanford Limited

Dated: 25 March 2019

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May it please the Panel:

INTRODUCTION

- 1 These submissions are in support of Sanford Limited's (*Sanford's*) application for change to the conditions of various resource consents that authorise salmon farming in Big Glory Bay, Stewart Island (*the Application / the Proposal*).
- 2 Sanford seeks amendment to the conditions of seven existing coastal permits to increase the allowable nitrogen input from salmon feed across Big Glory Bay in order to support its salmon farming operation. This Application has **discretionary activity** status.
- 3 It is important to note that the Application does not involve a change or increase in the area covered by the coastal permits nor does it seek to extend the term of consent.
- 4 Only five valid submissions were received on the Application, just two of these were in opposition (the Director-General of Conservation and Te Rūnanga o Awarua / Te Rūnanga o Ngāi Tahu (*Ngāi Tahu*)). Sanford has worked with both of those submitters to resolve their concerns and has made subsequent amendments to the proposed conditions in response. Ngāi Tahu has advised that it no longer wishes to appear at the hearing.¹
- 5 Submit in summary that Sanford has demonstrated through its application and evidence that:
 - 5.1 the Proposal will generate social and economic benefits for Stewart Island and the Southland region;
 - 5.2 the proposed changes are consistent with the provisions of the New Zealand Coastal Policy Statement, Southland Regional Policy Statement and Regional Coastal Plan for Southland; and
 - 5.3 any adverse environmental effects of the Application can be avoided, remedied or mitigated through the proposed conditions.
- 6 These submissions will address:
 - 6.1 a description of the application;
 - 6.2 jurisdictional issues;
 - 6.3 legal issues;
 - 6.4 the proposed conditions.

¹ Letter from S Scott to Hearing Panel, 11 March 2019.

- 7 Sanford will call the following witnesses in support of its Application:
- 7.1 **Ms Undorf-Lay**, on the social and economic benefits of Sanford’s salmon farming operations, the role of sustainability in Sanford’s business practices and the stakeholder engagement that Sanford undertook for this Application;
 - 7.2 **Mr Culley**, on the market for New Zealand salmon and the rationale for the Application;
 - 7.3 **Mr Swart**, on Sanford’s salmon farming activities in Big Glory Bay;
 - 7.4 **Mr Wybourne**, explaining technical aspects of salmon feed and the relationship between nitrogen and salmon feed;
 - 7.5 **Dr Hartstein**, on the modelling supporting Sanford’s application and the Assessment of Environmental Effects;
 - 7.6 **Dr James**, on the anticipated effects of the Application on aquatic ecology; and
 - 7.7 **Dr Mitchell**, on planning matters.
- 8 A copy of the most up to date version of the proposed conditions is provided alongside these legal submissions.
- 9 Sanford has made further updates to the conditions following submission of its evidence in response to the second Direction of the Panel dated 18 March 2019 – set out in **Dr Mitchell’s** supplementary statement of evidence.

THE APPLICATION

Overview

- 10 Sanford holds seven coastal permits (*the coastal permits*) for salmon farming at seven sites in Big Glory Bay and collaborates with the owners of the other three salmon farming sites in the Bay.² Sanford is in effect the only active salmon farmer in Big Glory Bay.³
- 11 Sanford has been farming salmon in Big Glory Bay for several decades, as explained in the evidence **Ms Undorf-Lay** and **Mr Culley**.⁴
- 12 As **Mr Swart**, **Mr Culley** and **Ms Undorf-Lay** discuss, Sanford’s salmon farming in Big Glory Bay involves three separate farms – one for brood stock (breeding fish), one for smolt (small fish straight from the

² Statement of evidence of Mr Swart, at [14].

³ Statement of evidence of Mr Swart, at [14].

⁴ Statement of evidence of Ms Undorf-Lay, at [12]; Statement of evidence of Mr Culley, at [20]-[24].

hatcheries), and a 'grower farm' where fish are grown to market size. Sanford moves its farms around periodically to different farm sites or different areas within the same farm site to allow the environment to recover – a process called fallowing.⁵

- 13 As **Mr Wybourne** explains, salmon feed contains nitrogen, derived from the protein in the pellets. This accounts for all of the nitrogen that is subsequently released into the water. Sanford wishes to increase the intensity of salmon in its farms and that requires an increase in feed, with a corresponding increase in nitrogen in the environment. The existing coastal permits contain limits on the nitrogen that may be input into the environment from salmon feed.
- 14 The current nitrogen cap for Big Glory Bay has not been rigorously reviewed since it was first established in the 1980s. Sanford has grown its salmon farming operations up to now by improving the technology for its feed, partnering with the other parties who own coastal permits for salmon farming in Big Glory Bay to make use of those parties' nitrogen allowances, and through other continuous improvements to its farming practice.⁶
- 15 As **Mr Culley** and **Mr Swart** note in their evidence, the demand for Big Glory Bay salmon in both the domestic and international markets is growing and without the ability to intensify production on its existing sites, Sanford will not be able to meet this demand and its salmon farming business will stagnate.⁷

Increase in nitrogen input

- 16 Sanford's proposed approach through this Application gives it the flexibility that it needs to allow its salmon farm operations to grow while ensuring that the total nitrogen input in Big Glory Bay is restricted to sustainable levels which will not result in any adverse environmental effects that cannot be avoided, remedied or mitigated. The modelling and environmental assessment underpinning the Application are discussed further below.
- 17 **Dr Mitchell** has provided a description of the proposal in his evidence and has also explained the changes made to the proposed conditions post-lodgement and post-notification in response to engagement with interested parties.⁸ These changes to the conditions are also discussed in the evidence of **Dr Longdill**, **Mr Baxter** and **Ms Yozin** for the Director-General of Conservation. After evidence was submitted, **Dr Mitchell** further

⁵ Statement of evidence of Mr Culley, at [33] to [38].

⁶ Statement of evidence of Mr Culley, at [25] and [30] to [35]; Statement of evidence of Mr Swart at [38] to [54].

⁷ Statement of evidence of Mr Culley, at [27] and [39]; Statement of evidence of Mr Swart at [31].

⁸ Te Rūnanga o Awarua are the Ngāi Tahu Papatipu Rūnanga that have mana whenua with respect to the area subject to this Application.

amended the drafting of the general conditions relating to the monitoring plan in response to the Panel's direction of 18 March 2019.⁹

18 In short, Sanford seeks to vary the seven coastal permits for its salmon farms to increase the allowable nitrogen input:

18.1 from a total of 332.064 tonnes per year to 659 tonnes per year across the whole of Big Glory Bay; but

18.2 with site specific limits also remaining in place.

19 Sanford has proposed to do this through:¹⁰

19.1 Increasing the annual nitrogen limits in the coastal permits for marine farm sites MF246 and LI320 to 415.1 tonnes and 200 tonnes respectively;¹¹ and

19.2 Retaining the existing annual nitrogen limits for the sites covered by the other five coastal permits but allowing Sanford to use the new Bay-wide allowance at those sites;

provided that the total nitrogen input in Big Glory Bay does not exceed 659 tonnes per year (or 583 tonnes until at least July 2021) and provided modelling shows that an additional input on those sites will not exceed the environmental thresholds in the conditions.

20 Sanford has proposed conditions that impose:

- (a) requirements for the increase in nitrogen to be staged, with the full 659 tonne allowance only becoming available if monitoring does not indicate results and/or statistically significant trends towards greater environmental effects at the farms (and with a limit of 583 tonnes per year until at least July 2021);
- (b) environmental quality standards for water quality and the benthic environment;
- (c) a tiered response to any exceedance of the environmental quality standards;
- (d) requirements to prepare a 3 yearly Technology Update Report to evaluate and report on any new technology or management practices that could be adopted at the salmon farms;

⁹ Conditions G5, G6, G7 and G8 in the suite of general conditions applicable to all permits.

¹⁰ See also Statement of evidence of Dr Mitchell, at [31] to [38].

¹¹ AUTH-20157616 (proposed AUTH-201557616-V1) and AUTH-203236 (proposed AUTH-203236-V1).

- (e) procedures for fallowing the farm sites to allow for environmental recovery;¹² and
- (f) requirements to prepare a detailed monitoring plan and Big Glory Bay Salmon Farm Environmental Management Plan (*BGBSFEMP* or *Environmental Management Plan*).

21 The monitoring plan is a key component of the Environmental Management Plan and is to be separately submitted to Environment Southland for certification two months before the total nitrogen input from feed in Big Glory Bay is increased above 483 tonnes per year. This monitoring plan is attached to **Dr James'** evidence and has been incorporated into the change that **Dr Mitchell** made to the proposed conditions in response to the Panel's second direction.

22 With regards to the Environmental Management Plan, this is to be finalised following the decision of the Panel (the latest version of the conditions proposes 31 July 2019) and submitted to Environment Southland (*the Council*) for approval.¹³ Sanford has made substantial progress in preparing the Environmental Management Plan but it has not yet got this in a form that it is able to share with the Panel. **Ms Undorf-Lay** will be able to discuss the progress made when she presents her evidence, if the Panel has questions in that regard.

Consultation and submitter concerns

23 Sanford undertook extensive community consultation on the Application, as **Ms Undorf-Lay** explains.¹⁴

24 The Officer's Report identifies that there were just five submitters, with two in opposition:

24.1 The Director-General of Conservation (*the Director-General*); and

24.2 Ngāi Tahu.

25 The concerns of both of these submitters have now been resolved.

Director-General of Conservation

26 Sanford worked closely with the Director-General to develop the proposed conditions and resolve the concerns raised in its submission (explained further in the Director-General's evidence) as to the potential environmental effects of the proposed increase in nitrogen input.

¹² Sanford proposes to avoid and remedy adverse environmental effects on the seabed through conditions requiring that farms are to be fallowed for at least 5 years after 2 years of occupation for farming activity – see Statement of evidence of Dr James, at [32].

¹³ Condition G9 to G12 in general conditions applicable to all seven coastal permits.

¹⁴ Statement of evidence of Ms Undorf-Lay at [30].

- 27 The discussions with the Director-General resulted in the development of the conditions providing for staging and two-tiered response, and refinements to the thresholds and environmental quality standards. Engagement with the Director-General also resulted in further reporting requirements through the conditions requiring Sanford to a Technology Update Report and the BGBSFEMP.
- 28 The Director-General has submitted evidence confirming that the revised conditions address its concerns.¹⁵
- Te Rūnanga o Awarua / Te Rūnanga o Ngāi Tahu*
- 29 Sanford has also engaged with Ngāi Tahu and agreed drafting for the proposed conditions that has resolved Ngāi Tahu's concerns with the proposal.
- 30 There will be a condition on each consent and in the general conditions that Sanford will provide copies of all reports that it sends to Environment Southland simultaneously to Te Rūnanga o Awarua.
- 31 The letter dated 11 March 2019 and email dated 21 March 2019 sent by counsel for Ngāi Tahu confirms that this submitter no longer wishes to appear at this hearing.

Additional information

- 32 The Council made a request for further information under s92 RMA on 22 May 2018 accompanied by a review report from NIWA (*NIWA report*).
- 33 Sanford responded to the request for information and provided additional information in response to the NIWA report in that document.

Environmental effects

- 34 **Dr James, Dr Hartstein, Dr Mitchell and Dr Grange** discuss the actual and potential environmental effects of the proposed increase in allowed nitrogen input in Big Glory Bay. The effects are also set out in detail in the Assessment of Environmental Effects accompanying the Application and considered in the Officer's Report, NIWA report, and Sanford's response to the Council's s92 request for further information.
- 35 In short, the modelling and ecological assessment in **Dr James and Dr Hartstein's** evidence indicates that there may be some adverse environmental effects from the proposed increase in nitrogen. The key potential adverse effects are:
- 35.1 an increase in total ammoniacal nitrogen, chlorophyll-a and nutrients in the water column and a decrease in oxygen because of the additional nitrogen; and

¹⁵ Statements of evidence of Mr Longdill, Mr Baxter and Ms Yozin.

35.2 an increase in benthic deposition of waste feed and faeces from the salmon, which may impact the seabed beneath and immediately surrounding the salmon pens.

36 However, those effects:

36.1 would be localised to the areas where the farm sites are located;

36.2 would be at a level that is within the assimilative capacity of the wider Big Glory Bay environment; and

36.3 in any case, will be avoided, remedied or mitigated by the conditions proposed.

Effects on the water column

37 **Dr James** has explained in his evidence that to date there is no evidence that salmon farms in Big Glory Bay have been shown to cause overall adverse effects in the water column.¹⁶

38 Aquadynamic Solutions Sdn Bhd (*ADS*) has modelled the anticipated effects on the water column under two scenarios – ‘mid-level’ and ‘higher-level’ expansion, taking a conservative approach to the inputs and assumptions on which the model is based in order to avoid under-estimating the potential environmental effects.¹⁷ The modelling shows that, in a conservative and ‘worst case’ scenario where the full 659 tonnes of nitrogen is being input into the Bay, levels of total nitrogen and chlorophyll-a will increase and the level of dissolved oxygen will decrease. However overall these impacts will be within the carrying capacity of the Big Glory Bay environment and will not result in significant adverse environmental effects.¹⁸

39 **Dr James** does not expect that the increased nitrogen input proposed will result in any *actual* change to the trophic levels and water quality to the degree predicted by the modelling.¹⁹ Further, **Dr Hartstein** notes that there appears to be something removing nitrogen from the system in Big Glory Bay, most likely farmed mussels.²⁰ To maintain a conservative approach, **Dr Hartstein** has not included this in the modelling, but it provides further assurance that the environment in Big Glory Bay will be able to receive the increase in nitrogen proposed by Sanford without adverse effects.

40 The thresholds proposed in the conditions, and responses that they trigger, are designed to further ensure that total ammoniacal nitrogen, chlorophyll-

¹⁶ Statement of evidence Dr James, at [80] to [81].

¹⁷ Statement of evidence of Dr Hartstein, at [57], [60], [64] and [101].

¹⁸ Statement of evidence of Dr Hartstein, at [66] to [71].

¹⁹ Statement of evidence of Dr James, at [83], [86], [90].

²⁰ Statement of evidence of Dr Hartstein, at [103].

a and oxygen in the water column remain at levels that will not result in adverse effects.

- 41 Overall the assessment based on monitoring and the modelling done by ADS show that, even taking a conservative, 'high level' expansion scenario that assumes maximum input of nitrogen in line with the proposed allowance, the potential effects on water quality will remain within the carrying capacity of the Big Glory Bay environment and adverse effects will be avoided.
- 42 The conditions proposed will further ensure that levels of total ammoniacal nitrogen, chlorophyll-a and oxygen will be kept at safe levels and, if unexpected adverse environmental effects to the water column do arise, they will be identified at an early stage and remedied or mitigated.

Effects on the seabed

- 43 **Dr James** explains that anticipated effects on the seabed will be localised and reversible.²¹ Existing monitoring shows that the impacts on the seabed are limited to the area immediately beneath the salmon farm pens and extend no further than 50 to 100m from the edge of the pens.²² **Dr Hartstein** explained that the modelling which he has undertaken has demonstrated that potential effects on the seabed in a 'higher-level' expansion scenario are still expected to be concentrated beneath the farms themselves, with only a small footprint extending beyond the boundary of each site.²³
- 44 Fallowing is an important management strategy to allow the environment beneath farms to recover and to avoid permanent effects.²⁴ Sanford proposes to fallow sites for no less than 5 years after 2 years of occupation and use as a farm, or earlier if monitoring shows that there are signs of adverse effects under farms.²⁵ This fallowing strategy is based on recovery studies carried out both in New Zealand and overseas.²⁶
- 45 **Dr Grange** has noted in his evidence that he holds some reservations about the ability of the benthic community to assimilate the deposition beneath the pens.²⁷ **Dr James, Dr Hartstein** and **Dr Mitchell** have responded to these concerns in their evidence.²⁸

²¹ Statement of evidence of Dr James, at [109].

²² Statement of evidence of Dr James, at [97] to [111].

²³ Statement of evidence of Dr Hartstein, at [90] to [98].

²⁴ Statement of evidence of Dr James, at [109].

²⁵ Statement of evidence of Dr James, at [109]; Fallowing and Rotation Plan attached to conditions (Appendix 3 Dr Mitchell evidence).

²⁶ Statement of evidence of Dr James, at [110].

²⁷ Statement of evidence of Dr Grange, at [4].

²⁸ Statement of evidence of Dr James, at [148] to [155]; Statement of evidence of Dr Hartstein, at [100]; Statement of evidence of Dr Mitchell, at [45.7].

- 46 In summary, temporary impacts on the seabed are expected from the increased nitrogen input at the farm sites. But these impacts will be restricted to the area immediately below the pens and, in any case, within 100m of the farm boundary.²⁹ The proposed conditions, in particular the staging, monitoring and fallowing conditions, will ensure that any adverse environmental effects on the seabed are identified at an early stage and avoided or remedied.
- 47 *Overall, no adverse effects that cannot be avoided, remedied or mitigated* **Dr James** and **Dr Hartstein** have concluded on the basis of monitoring data gathered from Big Glory Bay and thorough modelling that both of the key environmental effects of the proposed increase in nitrogen input can be appropriately avoided, remedied or mitigated through the proposed conditions.
- 48 The expert evidence submitted by **Dr Longdill, Mr Baxter** and **Ms Yozin** makes the same conclusion.
- 49 **Dr James** and **Dr Mitchell** also considered the following potential impacts of the Application:³⁰
- 49.1 risk of increasing marine pests;
 - 49.2 effects on wild fisheries in Big Glory Bay;
 - 49.3 effects on marine mammals and seabirds;
 - 49.4 landscape and visual effects; and
 - 49.5 effects on recreation and navigation.
- 50 The evidence demonstrates that the Application will not result in any adverse environmental effects in terms of the above matters that are more than minor.³¹
- 51 Briefly addressing natural character and landscape issues, Big Glory Bay is not within an "outstanding natural landscape", nor is it assessed as being an area of "outstanding natural character".³² The Regional Coastal Plan (discussed further below) identifies Big Glory Bay as having a 'naturalness' rating of between 'modified' and 'semi-natural'.³³ The Regional Coastal Plan

²⁹ Statement of evidence of Dr James, at [97].

³⁰ Statement of evidence of Dr James, at [112] to [126]; Statement of evidence of Dr Mitchell, at [45.8] to [45.10].

³¹ Statement of evidence of Dr James, at [112] to [126].

³² Boffa Miskell (2017) *Port Pegasus / Pikihatiti Salmon Farms – Natural Character, Landscape and Visual Amenity Effects Assessment Prepared for Environment Southland and Ministry of Primary Industries* 11 October 2017; Assessment of Environmental Effects, section 3.6.

³³ Regional Coastal Plan for Southland, March 2013, Appendices page 88.

discusses potential activities that could adversely affect the natural character of the Eastern Bays landscape which includes vegetation removal along coastal ridges, installations on skylines, ridgelines and coastlines, intensive large-scale development, and plantation forestry.³⁴ Sanford's application will not change the spatial footprint of the existing salmon farms, nor will it result in new structures. As set out in the Assessment of Environmental Effects, no adverse impacts are expected on landscape, visual amenity or natural character as a result of this Application.

- 52 **Dr James** has recommended that Sanford take proactive steps to minimise interactions of marine mammals and seabirds with the farm sites and minimise the risk of invasion by pest species.³⁵ This will be incorporated into the Environmental Management Plan.³⁶

Economic and social benefits of Sanford's marine farming activities

- 53 Sanford's salmon farming operations provide employment and economic benefits. Aquaculture generates around \$500 million in total revenue in New Zealand, with salmon in Southland accounting for approximately \$39 million of that total revenue.³⁷
- 54 **Ms Undorf-Lay** and **Mr Culley** have noted in their evidence that Sanford's salmon farming business employs 24 full time employees plus contractors in Stewart Island and 70 full time employees in Bluff.³⁸ Salmon is a premium export product and also provides the New Zealand domestic market with a sustainable source of high quality protein.³⁹ **Ms Undorf-Lay** notes that Sanford's business also generates spending locally.⁴⁰
- 55 The ability to expand Sanford's operations would allow for continued increases in economic output and revenue from salmon farming in Southland. It will also support further local employment in the future and continued investment in the Stewart Island and Bluff communities, for example, through an expansion of Sanford's processing business in Bluff.⁴¹
- 56 As a long-standing business in the region, Sanford has a history of contribution to social and community wellbeing in the Stewart Island and

³⁴ Ibid.

³⁵ Statement of evidence of Dr James, at [131].

³⁶ Statement of evidence of Dr Mitchell, at [45.8].

³⁷ Assessment of Environmental Effects, citing Aquaculture New Zealand *New Zealand Aquaculture: A sector overview with key facts and statistics* August 2018, available online at <https://www.aquaculture.org.nz/wp-content/uploads/2018/08/New-Zealand-Aquaculture-facts-2018.pdf>.

³⁸ Statement of evidence of Ms Undorf-Lay at [22]; Statement of evidence of Mr Culley at [9].

³⁹ Statement of evidence of Mr Culley at [15], [17] to [19].

⁴⁰ Statement of evidence of Ms Undorf-Lay at [26].

⁴¹ Statement of evidence of Ms Undorf-Lay at [22].

Bluff communities.⁴² The efforts that Sanford made to inform and consult with the community on this application further demonstrates its commitment to engaging with the community and behaving in a socially responsible and transparent manner.

JURISDICTIONAL MATTERS

Variation or new application

- 57 Sanford originally lodged, and Environment Southland originally accepted, the Application as a variation under s127 RMA.
- 58 As noted in the Officer's s42A Report (*Officer's Report*),⁴³ after Sanford provided additional sets of proposed conditions after lodgement, Environment Southland subsequently determined that the Application should be processed and considered as a new resource consent application.
- 59 Sanford acknowledges that the Council has discretion to determine how to process an application in the circumstances of the case,⁴⁴ but maintains its position that the Application should properly be treated as a variation under s127 rather than a new application:
- 59.1 This is a consideration of fact and degree. Where the variation would result in a fundamentally different activity, or one having materially different adverse effects, or one that seeks to expand or extend the original activity, it should be treated as a new application;⁴⁵
- 59.2 The Application, as amended in the additional proposed changes to conditions, does not seek consent for a materially different activity from that which Sanford is currently undertaking under the coastal permits;
- 59.3 The Application does not seek to change or increase the area in which the salmon farming will take place, nor will it change existing practices such as fallowing, which has been happening on Sanford's farms since 2016;⁴⁶
- 59.4 The existing consent conditions already allow for the ability to use nitrogen allowances on a 'bay-wide' scale "provided that significant

⁴² Statement of evidence of Ms Undorf-Lay at [25] to [29]; Statement of evidence of Mr Swart at [50], [51] and [53].

⁴³ Staff Report for Hearing of Application – APP-201557616-V1, Danielle Korevaar, 25 March 2019 (*Officer's Report*), at section 4.1 page 16 to 18.

⁴⁴ *Sutton v Moule* (1992) 2 NZRMA 41, at page 17.

⁴⁵ *Body Corporate 970101 v Auckland CC* (2000) 6 ELRNZ 183; [2000] NZRMA 202 (HC) affirmed by the Court of Appeal in *Body Corporate 97010 v Auckland CC* [2000] 3 NZLR 513; (2000) 6 ELRNZ 303; [2000] NZRMA 529 (CA) at [36] to [37] and [45] to [46].

⁴⁶ Statement of evidence Mr Swart at [55]; Statement of evidence Mr Culley, at [34] to [38]; Statement of evidence Ms Undorf-Lay at [14].

*adverse effects on the seabed are avoided and other effects can be remedied or mitigated”;*⁴⁷

59.5 Sanford simply seeks to increase the allowed levels of nitrogen input from feed for salmon and consequently the intensity of farming on the sites of the existing consents. Alongside the primary change to conditions to increase the nitrogen allowances, Sanford has proposed further amendments to ensure that the anticipated environmental effects of the proposed nitrogen input increase will be avoided, remedied or mitigated;

59.6 In summary, the amended conditions sought in the Application will not result in a fundamentally different activity, or one having materially different adverse effects. While the Application seeks conditions that will allow for an increase in intensity compared to the original activity, it will not expand or extend the original activity in terms of the physical footprint of the salmon farming;

59.7 Submit that, on balance, the Application can therefore properly be treated as a variation under s127 RMA.

60 However, as noted in the Officer’s Report and also briefly addressed by **Dr Mitchell**,⁴⁸ the issue of whether or not the Application is treated as a variation does not practically affect the activity status or statutory considerations for the Panel.

60.1 Variations are processed as discretionary activities,⁴⁹ which is the same activity status as would apply to a new application for salmon farming activities in Big Glory Bay;⁵⁰

60.2 s127(3) applies ss88 to 121 RMA to a variation application “*as if the application were for a resource consent*”;

60.3 The key difference between a variation compared to a new application is that under a variation, discretion is limited to a consideration of effects arising as a result of the variation (s127(3)(b)). In the case of a new application, the Council has discretion to consider all actual and potential effects. However practically speaking the seven existing coastal permits and salmon farming activity currently underway in Big Glory Bay pursuant to

⁴⁷ See for example AUTH-20157616, condition 4(a).

⁴⁸ Statement of evidence of Dr Mitchell, at [39].

⁴⁹ Resource Management Act 1991, s 127(3)(a).

⁵⁰ The Officer’s Report sets out the applicable rules in the Regional Coastal Plan for Southland at page 17.

those permits make up the 'existing environment' against which the effects of the application should be assessed.⁵¹

60.4 In essence, the inquiry for the Panel will focus on the same environmental effects regardless of whether the Application is treated as a variation or a new application.

Duration

- 61 As discussed above, Sanford applied for a variation to the conditions of its seven coastal permits under s127 RMA. Section 127(1)(b) specifically states that applications for variation of consent conditions cannot include a change or cancellation on the duration of the consent.
- 62 The current term for all seven coastal permits expires on 1 January 2025.
- 63 The Officer's Report states that as the Council determined that the Proposal was to be treated as a new application rather than a variation, the duration of the consent should be considered.⁵² The Officer then recommended a 20 year duration.⁵³
- 64 The scope of an application for resource consent is defined by the original application, together with the documents incorporated by reference.⁵⁴ Sanford does not seek to extend the duration of the consents in the Application.
- 65 In addition, it is relevant to consider whether it is fairly and reasonably plausible that other persons would have stayed out of the proceedings or would not have lodged submissions if the application had been for a 20 year duration rather than seeking to retain the 2025 term.⁵⁵ The issue of duration is important to Te Rūnanga o Awarua / Te Rūnanga o Ngāi Tahu and Ngāi Tahu's approach to the proceedings may have been different (in particular they may have presented evidence and sought to be heard) had Sanford's application involved a 20 year consent duration – demonstrated by the contents of the letter sent to the Panel by counsel for Ngāi Tahu on 11 March 2019 (which was also signed by myself) and as discussed by **Ms Undorf-Lay**.⁵⁶

⁵¹ *Queenstown Lakes DC v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299; [2006] NZRMA 424 (CA), at [57] and [82]; most recently discussed in *Speargrass Holdings Ltd v Queenstown Lakes District Council* [2018] NZHC 1009 at [73].

⁵² Officer's Report, at section 10 page 49.

⁵³ Ibid.

⁵⁴ *Darroch v Whangarei District Council* A18/93 at p27; *Clevedon Protection Society Inc v Warren Fowler Ltd and Manukau City Council* C43/97 2 NZED 354, ELRNZ 169 at p18; *Brooklands Properties 2000 Ltd v Road Metals Co Ltd* EnvC C164/07 at [37]; *Mead v Queenstown Lakes DC* [2010] NZEnvC 207, at [24] to [25]; recently confirmed in *Aotearoa Water Action Inc v Canterbury Regional Council, Cloud Ocean Water Ltd & Rapaki Natural Resources Ltd* [2018] NZHC 3240, at [50] and [146].

⁵⁵ *Mead v Queenstown Lakes DC* [2010] NZEnvC 207, at [24] to [25].

⁵⁶ Statement of evidence of Ms Undorf-Lay at [50].

- 66 Sanford acknowledges that it is constrained by the scope of its original application and in any case has not sought to extend the term of the coastal permits beyond the existing 1 January 2025 expiry date.
- 67 For completeness, it is also noted that s123A(2)(a) RMA specifies that coastal permits should be granted for no less than 20 years duration *unless a shorter period is requested by the applicant*. That is the case in this Application.
- 68 Submit that despite the Officer's recommendation, the Panel does not have jurisdiction to grant the coastal permits for a duration that was not sought in the original application.

LEGAL ISSUES

Statutory considerations under the RMA

- 69 As this Application is for discretionary activity the Council may grant or refuse it, with any conditions it considers appropriate.⁵⁷
- 70 As noted above, the considerations set out in s104 RMA apply to variations and to new applications. I address those considerations that are relevant and applicable to the present Application below.⁵⁸

Actual and potential effects on the environment of allowing the variation – s104(1)(a) RMA

- 71 The actual and potential effects on the environment have been discussed above.
- 72 Sanford's expert evidence is that the increased nitrogen input sought will not result in any adverse effects on the environment that cannot be avoided, remedied or mitigated through conditions.
- 73 The conditions proposed ensure that:
- 73.1 environmental quality standards are set and will be complied with;
 - 73.2 breach of the standards will trigger action in response, while monitoring and reporting will ensure that any breach or any unanticipated environmental effects are identified early;
 - 73.3 the following regime will allow the environment to recover following a period of farming activity to safeguard against permanent environmental effects; and
 - 73.4 the proposed staging allows for adaptive management – with processes to ensure that the full allowance for 659 tonnes of nitrogen will not be utilised unless monitoring confirms there are no results or

⁵⁷ Resource Management Act 1991, s 104B and 108.

⁵⁸ Subsection (2), (2B)

trends towards progressively greater environmental effects on the farms and, in any case, not before July 2021.

- 74 Finally, as explained in **Ms Undorf-Lay's**, **Mr Culley's** and **Mr Swart's** evidence, the salmon farms generate many beneficial social and economic effects.

Relevant national policy statement and plan provisions – s104(1)(b) RMA

- 75 The Assessment of Environmental Effects, Officer's Report and **Dr Mitchell's** evidence have addressed the relevant planning provisions that apply to the Application.
- 76 The applicable planning documents are as follows:
- 76.1 New Zealand Coastal Policy Statement 2010 (*NZCPS*);
- 76.2 Southland Regional Policy Statement (*SRPS*);
- 76.3 Regional Coastal Plan for Southland (*RCP*);
- 76.4 Te Tangi a Taurira – Natural Resource and Environmental Iwi Management Plan (*Iwi Management Plan*).
- 77 These submissions will not repeat the planning provisions or assessment in full. In summary:

NZCPS

- 77.1 The Application is consistent with the NZCPS objectives and policies. In particular:
- (a) Objective 6 and Policies 6 and 8 seek to enable communities to provide for their social and economic wellbeing. Aquaculture from salmon in Southland generates approximately \$39 million in revenue per year,⁵⁹ and Sanford's salmon farms provide employment opportunities in Stewart Island and Bluff. This contribution will be able to increase if Sanford is able to further expand its business through the increase in nitrogen input;
- (b) Policy 3 requires a precautionary approach towards proposed activities whose effects are uncertain, unknown, little understood but potentially significantly adverse. Submit that the effects of increased nitrogen input from salmon farming are known and understood. However, even if the Panel takes a different view, submit that the staging and other conditions

⁵⁹ Assessment of Environmental Effects, Volume 1, page 53; Aquaculture New Zealand *New Zealand Aquaculture: A sector overview with key facts and statistics* August 2018, available online at <https://www.aquaculture.org.nz/wp-content/uploads/2018/08/New-Zealand-Aquaculture-facts-2018.pdf>.

proposed adopt an appropriately precautionary approach towards the activity;

- (c) Objective 1 and Policy 11 require the protection and safeguarding of indigenous biodiversity in the coastal environment through avoiding adverse effects on biodiversity. As set out in the Assessment of Environmental Effects and evidence, the proposed changes in this Application are not expected to affect indigenous biodiversity and will be within the assimilative capacity of the Big Glory Bay environment.
- (d) Objective 2 and policies 13 and 15 address the protection of natural character and landscape values. As outlined above, Big Glory Bay does not have outstanding natural landscape value as it is a modified, 'semi-natural' environment and the proposed increased intensity of salmon farming will not result in an expansion of the footprint of the farm or associated structures. Therefore the Application will not affect the natural character of the Big Glory Bay coastal environment.
- (e) Objective 4 and policy 6 require public access and amenity to be maintained and enhanced but also recognise the need to promote efficient use of occupied space. The proposed changes in the Application will not extend the space that is occupied by salmon farms, they in fact seek to make more efficient use of this already-occupied space, consistent with the direction on occupation of the coastal marine area in the NZCPS.
- (f) Objective 3 and policy 2 address the Treaty of Waitangi, tangata whenua and Māori interests. There has been active participation of, and consultation with, tangata whenua since the early stages of this Application as well as recognition of Te Rūnanga o Awarua's relationship with natural and physical resources. Sanford has also worked with Te Rūnanga o Awarua to successfully resolve the concerns raised in its submission. The proposed conditions requiring Sanford to provide all reports to Te Rūnanga o Awarua simultaneously with Environment Southland provide continuing recognition, participation and consultation for tangata whenua going forward. Sanford has also complied with its obligations under the Marine and Coastal Access (Takutai Moana) Act 2014 (discussed below).
- (g) Policy 23 specifies matters to have particular regard to in managing discharges to water in the coastal environment. The Assessment of Environmental Effects and expert evidence addresses the matters listed in policy 23.

SRPS

77.2 The Application is consistent with the SRPS. The Assessment of Environmental Effects and the Officer's Report contain a thorough precis of the relevant provisions of the SRPS.⁶⁰ Notably, aquaculture is specifically recognised as an activity in the coastal environment that should be provided for and allowed to expand, where appropriate, while managing adverse effects.⁶¹ The contribution that aquaculture makes to the wellbeing of people and communities is also recognised, while ensuring that adverse effects are avoided, remedied or mitigated.⁶² Big Glory Bay is an appropriate location for aquaculture activities and, as discussed above, Sanford's evidence and modelling demonstrate that the adverse effects can be avoided, remedied or mitigated.

RCP

77.3 The Application is consistent with the RCP, as discussed in the Assessment of Environmental Effects and the Officer's Report.⁶³ Big Glory Bay is recognised in the RCP as an appropriate location for aquaculture and is the only part of Stewart Island where this is the case.⁶⁴ Any adverse environmental effects of the proposal are able to be avoided, remedied or mitigated and modelling shows they will be within the assimilative capacity of Big Glory Bay.

Te Tangi a Taurira

77.4 Finally, the Application is consistent with the Te Tangi a Taurira Iwi Management Plan. The Officer's Report sets out in detail the relevant provisions of that management plan.⁶⁵ The Iwi Management Plan contains policies relating to the management of Southland's coastal environment, structures in the Coastal Marine Area, and aquaculture and marine farms. Most importantly, the Plan seeks to ensure that rūnanga have active involvement in the consent process for aquaculture and participate in research into the effects of aquaculture.⁶⁶ As explained above, Te Rūnanga o Awarua has had an active involvement in the consent process and will continue to be involved in the proposal as a mandatory recipient of reporting on the operation of the coastal permits.

⁶⁰ Assessment of Environmental Effects, page 61 to 65; Officer's Report, section 7.2.

⁶¹ Southland Regional Policy Statement, Objective COAST.2.

⁶² Southland Regional Policy Statement, Objective COAST.5; Policy BIO.3 and Policy COAST.3.

⁶³ Assessment of Environmental Effects, page 65 to 68; Officer's Report, section 7.3.

⁶⁴ Regional Coastal Plan for Southland, March 2013, Chapter 3 Values of the Coastal Marine Area, at 3.14.9; Chapter 15 Marine Farming, Introduction; Policy 15.1.3 and 15.1.5.

⁶⁵ Officer's Report, page 43.

⁶⁶ Te Tangi a Taurira, Chapter 3.6.11, Policies 3, 5 and 6.

Other matters relevant and reasonably necessary to determine the application – s104(1)(c) RMA

Officer's report recommends granting

78 The Officer's Report has recommended granting the Application. While not binding on the Council, this is a persuasive factor in support of granting the Application and is also a relevant consideration for the Panel.

No longer any submitters in opposition

79 As discussed above, there were only two submitters in opposition to the Application and both have now confirmed that the proposed conditions address their concerns. The Application is therefore in effect unopposed.

Alternatives

80 Schedule 4 clause 6(d) RMA requires applications for an activity that involves the discharge of any contaminant to contain a description of any possible alternative methods of discharge.

81 The Assessment of Environmental Effects considered various alternatives:⁶⁷

81.1 changing the composition of feed to eliminate nitrogen;

81.2 relocating salmon farming activities; or

81.3 undertaking salmon farming at a new site.

82 As **Mr Wybourne** has explained in his evidence, the composition of Sanford's salmon feed is the result of extensive research and a highly technical process.⁶⁸ Protein is an essential component of the feed and all the nitrogen derives from that protein content.⁶⁹ This alternative of changing the composition of salmon feed to exclude nitrogen is therefore not viable.

83 With regards to the other possible alternatives, it is less efficient both environmentally and commercially to expand the existing salmon farming across a larger area or new site in Big Glory Bay. Big Glory Bay is the only area where aquaculture activity is provided for in Stewart Island and has been the location of aquaculture activities for several decades.⁷⁰ Relocation is not a practicable alternative, particularly not to sites in Stewart Island or elsewhere that are currently not occupied by aquaculture and may have more sensitivities than Big Glory Bay.

⁶⁷ Officer's Report section 9.2

⁶⁸ Evidence of Mr Wybourne, at [14] to [19].

⁶⁹ Evidence of Mr Wybourne, at [20], [21] and [26].

⁷⁰ Regional Coastal Plan for Southland, March 2013, Chapter 3 Values of the Coastal Marine Area, at 3.14.9; Chapter 15 Marine Farming, Introduction; Policy 15.1.3 and 15.1.5.

84 As **Mr Culley** has explained, Sanford has also exhausted alternative options for intensifying its production via currently-available technological advancement and improvements to farming practice.⁷¹

Duration

85 The fact that Sanford has not sought review of the duration of the permits is also relevant as it allows for the new nitrogen input and conditions to be reviewed and reconsidered in 2025 in the context of any renewal application. By the time any application is made for continued use of the increased nitrogen allowance for an extended timeframe, the Council will have the benefit of six years of monitoring and information from the present Application to inform that decision.

Assessment of part 2 matters – s104(1) RMA

86 Section 104(1) RMA states that the consent authority must have regard to the matters listed in that section subject to part 2 RMA.

87 The Court of Appeal has confirmed in the *RJ Davidson Family Trust* case that in the context of resource consent applications the decision in *Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd (King Salmon)*⁷² does not prevent recourse to part 2.⁷³ However, general recourse to part 2 considerations in deciding resource consent applications cannot render the relevant plan provisions ineffective, and genuine consideration of the application of relevant plans may leave little room for part 2 to influence the outcome.⁷⁴

88 In this case, the relevant planning policies are contained in the New Zealand Coastal Policy Statement, the Southland Regional Policy Statement, the Regional Coastal Plan for Southland, and the Iwi Management Plan. These documents have been prepared in accordance with part 2 RMA and consideration against those relevant plans is therefore the primary framework for assessing the Application.

89 However, the Privy Council in *McGuire v Hastings District Council* has held that sections 6, 7 and 8 RMA are “strong directions, to be borne in mind at every stage of the planning process”.⁷⁵

⁷¹ Evidence of Mr Culley, at [30] to [40].

⁷² *Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593.

⁷³ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, at [82].

⁷⁴ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, at [82].

⁷⁵ *McGuire v Hastings District Council* [2002] 2 NZLR 577, (2001) 8 ELRNZ 14, [2001] NZRMA 557 (PC), at [21].

- 90 A comprehensive assessment of the Application against part 2 matters can be found in the Assessment of Environmental Effects.⁷⁶ These submissions therefore briefly address part 2 considerations for completeness.

Section 5

- 91 With regards to s5, the Officer's Report notes that the framework set out by the relevant planning documents addresses the sustainable management of the coastal marine area.⁷⁷ Sanford agrees with this statement. The application is consistent with the relevant objectives and policies in those documents (discussed above) and, in light of this, is also therefore consistent with section 5 RMA.

Section 6

- 92 With regards to s6 matters of national importance, several matters are of particular relevance to this Application:

92.1 The preservation of natural character of the coastal environment, including protection from inappropriate subdivision, use and development (s6(a)); and

92.2 The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers (s6(d)).

- 93 These matters are provided for in the NZCPS and the relevant regional plans. With regard to s6(a), it should be noted that 'natural' does not equate with 'pristine'.⁷⁸ As discussed above, Big Glory Bay is already a modified environment with many man-made structures in place and is not considered to be an area of outstanding natural landscape value in the Regional Coastal Plan. Further, the Application relates to existing areas and does not seek to expand the size or alter the location of the marine farms – it will not further alter the natural character of the coastal environment in Big Glory Bay nor will it further restrict public access to the coastal marine area. Big Glory Bay has been designated in the regional planning documents as an area in which aquaculture is considered appropriate. In light of these factors and for the reasons discussed above with respect to compliance and consistency with the planning documents themselves, the Application is consistent with the matters in s6(a) and (d).

- 94 The Assessment of Environmental Effects contains analysis of the Application against ss6(b), (c), (e) and (g) (protection of outstanding natural features and landscapes; protection of significant indigenous vegetation and significant habitats of indigenous fauna; relationship between Maori and their culture and traditions with ancestral lands, water,

⁷⁶ Section 5.5, page 69.

⁷⁷ Officer's Report, page 45.

⁷⁸ Discussed in several cases: *Harrison v Tasman DC* [1994] NZRMA 193 (PT), *Brooke Wetherwell-Johnson v Tasman DC* W181/96, cited in *Browning v Marlborough DC* W020/97, *Kuku Mara Partnership v Marlborough DC* W039/04, and *Freda Pene Reweti Whanau Trust v Auckland RC* (2004) 11 ELRNZ 235 (EnvC).

sites, waahi tapu, and other taonga; and protection of customary rights).⁷⁹ In summary, Big Glory Bay is not identified as an area of significant indigenous vegetation or habitat, nor is it an outstanding natural feature or landscape. While some indigenous fauna is known to occur in Big Glory Bay, it is not an important habitat in this regard. As discussed above, the Application has considered the cultural setting of Big Glory Bay and provided recognition for the relationship of tangata whenua to this coastal environment.

Section 7

- 95 With regards to s7 'other matters', the relevant matters in the context of the present Application are:
- 95.1 kaitiakitanga and the ethic of stewardship (s7(a) and (aa));
 - 95.2 the efficient use and development of natural and physical resources (s7(b));
 - 95.3 the maintenance and enhancement of amenity values (s7(c));
 - 95.4 intrinsic values of ecosystems (s7(d));
 - 95.5 maintenance and enhancement of the quality of the environment (s7(f)); and
 - 95.6 any finite characteristics of natural and physical resources (s7(g)).
- 96 Again, these considerations are addressed primarily through consideration of the relevant plan rules and policies. **Ms Undorf-Lay, Mr Culley and Mr Swart** have explained the ethic of stewardship and sustainability that Sanford aspires and ascribes to in its business practices, and Sanford's stewardship of Big Glory Bay to date since commencing salmon farming in the 1980s. Sanford has also prepared the Application taking into account the views of Ngāi Tahu / Te Rūnanga o Awarua. The proposed conditions require continued engagement with tangata whenua by providing Te Rūnanga o Awarua with reports on matters such as monitoring to ensure they can continue to exercise kaitakitanga.
- 97 The Application is an efficient use of natural and physical resources because it seeks to more efficiently use the existing consent area and marine farming sites in Big Glory Bay while ensuring that the environmental effects can be assimilated into the receiving environment. In preparing the Application, Sanford has addressed the impacts that it will have on the intrinsic values of ecosystems, the quality of the environment, and the relevant natural and physical resources. Sanford has demonstrated that the adverse effects of the Application can be avoided, remedied or

⁷⁹ Page 71 to 72.

mitigated. The potential effects of the Application on amenity values are negligible.

Section 8

98 Section 8 recognises the relationship of tangata whenua with natural and physical resources and encourages active participation of, and consultation with, tangata whenua in resource management decision-making.⁸⁰ This is discussed above in relation to NZCPS Objective 3 and policy 2 which address the principles of the Treaty of Waitangi and recognise the role of tangata whenua in relation to the coastal environment. The Application is consistent with these NZCPS provisions as well as the policies and rules in the other planning documentations relating to tangata whenua and Māori issues. Those plan provisions give effect to s8 requirements in this context.

99 Sanford has also complied with its obligations under the Marine and Coastal Access (Takutai Moana) Act 2014 (discussed below).

Value of investment of the existing consent holder – s104(2A) RMA

100 The value of Sanford's investment is a relevant consideration because s165ZH(1)(c) applies - this Application has been made by an existing coastal permit holder and relates to existing coastal permits that are in force at the time of application for occupation of the same space and for the same aquaculture activity.

101 **Ms Undorf-Lay** and **Mr Culley** discuss the substantial investment that Sanford has made in salmon farming in Big Glory Bay over a number of decades in terms of infrastructure, research and development, and direct financial investment. The Officer's Report has recognised this as well.⁸¹ The level of Sanford's existing investment, including the long-standing nature of this investment, is submitted to be a persuasive factor in favour of granting the changes sought in the Application.

Adequacy of information – s104(6) and (7) RMA

102 Sanford received and responded to a request for additional information and has provided significant data, analysis and expert evidence in support of the Application. The Officer's Report further confirms that the Council is satisfied that any information inadequacies have been dealt with and there is adequate information available for a decision to be made.⁸²

Section 105 and 107 RMA

103 Section 105(1) RMA states that if an application is for a discharge permit or coastal permit that would contravene s15 RMA the consent authority must also have regard to:

⁸⁰ *Winstone Aggregates Ltd v Franklin DC* EnvC A080/02, at [213].

⁸¹ Officer's Report, page 50.

⁸² Officer's Report, page 50.

- 103.1 The nature of the discharge and sensitivity of the receiving environment to adverse effects;
- 103.2 The applicant's reasons for the proposed choice; and
- 103.3 Any possible alternative methods of discharge, including discharge into any other receiving environment.
- 104 These matters have been addressed in the Application, as discussed above. Sanford has described the nature of the discharge and receiving environment in its Assessment of Environmental Effects and its evidence, as well as its reasons for the Application. Alternative methods of discharge were also considered and described and, for the reasons discussed above, are not considered to be practicable.
- 105 Section 107(1) RMA states that a consent authority shall not grant a discharge permit or coastal permit to do something that would contravene section 15 RMA if, after reasonable mixing, the contaminant or water discharged is likely to give rise to certain effects, including:
- 105.1 Conspicuous oil or grease films, scums or foams or floatable or suspended materials;
- 105.2 Any conspicuous change in colour or clarity;
- 105.3 Any emission of objectionable odour; and
- 105.4 Any significant adverse effects on aquatic life.
- 106 As set out in the Assessment of Environmental Effects, Sanford's evidence, the Officer's Report and the submissions above, the Application will not result in any of the effects set out in s107(1).
- Marine and Coastal Access (Takutai Moana) Act 2011**
- 107 Sanford was required to notify and seek the views of Te Rūnanga o Ngāi Tahu as a Customary Marine Title Group under s62(3) Marine and Coastal Access (Takutai Moana) Act 2011.
- 108 Sanford issued this notification on 16 November 2017, as explained in section 3.8 of the Assessment of Environmental Effects.
- 109 As discussed above, Sanford has engaged with Te Rūnanga o Awarua as the relevant papatipu rūnanga of Te Rūnanga o Ngāi Tahu extensively through this process. Ngāi Tahu has now confirmed that it no longer has any concerns with the proposal.

CONDITIONS

- 110 **Dr Mitchell** has further amended the proposed conditions that were attached to his evidence in response to the Panel's second direction (18 March 2019).
- 111 The proposed conditions have been prepared following extensive discussion with Environment Southland, the Director-General of Conservation and Te Rūnanga o Awarua and reflect the engagement and agreement reached with those parties prior to hearing. The conditions also reflect significant work done by Sanford when preparing its Application.
- 112 Sanford submits that these conditions will ensure that the effects of the increased input of nitrogen through salmon feed are appropriately avoided, remedied or mitigated. The conditions also ensure robust mechanisms (through staging and monitoring) to identify and address any unexpected environmental effects.

CONCLUSION

- 113 In summary, the Assessment of Environmental Effects and evidence provided by Sanford demonstrates that the increase in nitrogen input sought through this Application will result in social and economic wellbeing benefits for the region. The salmon farming activity has a long history in Big Glory Bay, which has been specifically identified in the relevant planning documents as an appropriate location for aquaculture. Any adverse effects of the increased intensity of salmon farming will be avoided, remedied or mitigated through the conditions accompanying the application, as amended in response to the concerns of submitters and at the request of the Panel.
- 114 Sanford respectfully submits that the Panel should follow the recommendation in the Officer's Report and grant the Application subject to the conditions presented at this hearing.

Date: 25 March 2019



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