

## DECISION OPTION 2 – NO NEW PROVISIONS

# Decisions in response to submissions on the Proposed Regional Plan for Northland Genetic Engineering and Genetically Modified Organisms

### Section 1 Introduction

- [1] On 6 September 2017 the Northland Regional Council ('the Council' or 'NRC') notified the Proposed Regional Plan for Northland ('the Plan' or 'pRPFN'). This Decision relates specifically to the submissions that were received on Genetic Engineering and Genetically Modified Organisms (GE / GMO).
- [2] The hearing and consideration of submissions on GE / GMO function was a function retained by the Council and was addressed through a separate hearing process to the hearing and consideration of other submissions on the Plan. For the avoidance of doubt, the Council affirms that throughout the performance of its duties on this matter it has been objective in considering and making decisions on the submissions.

#### *Hearings Process*

- [3] A total of 83 submitters made submissions on GE / GMO<sup>1</sup>. The relevant Council summary of submissions is Part K.1 of the Summary of decisions requested (March 2018). The pRPFN as notified did not contain provisions, including rules, of the scope sought by the primary submitters. While many submissions referred to what had occurred in Northland and Auckland Plans, and previous work that was carried out by a joint council working party, no specific s32 analysis or detailed set of proposed provisions was provided. The Hearing Panel issued Minute 1 on 30 January 2018 which requested that s32 Evaluations be prepared for provisions which were not assessed by the Council. In response to that Minute, s32 evaluations and provisions were submitted by David Badham, consultant planner on behalf of the Whangarei District Council and Far North District Council and Vern Warren, consultant planner on behalf of (originally) the Soil & Health Association, GE Free Tai Tokerau and many other submitters<sup>2</sup>.
- [4] The Council appointed Mr Peter Reaburn, an experienced and independent consultant town planner, to prepare the s42A report. Via Minute 7, the Council set in place a process by which

---

<sup>1</sup> Noting that there was some doubling-up of submissions in the submission's summary

<sup>2</sup> The submitters are listed in Vern Warren's s32 evaluation report.

the s42A report was made available to submitters approximately one month in advance of the date by which expert evidence on behalf of submitters was to be provided. It was also encouraged through the Minute that non-expert evidence be provided. In accordance with the Minute, a s42A Addendum report was provided approximately two weeks before the hearing.

[5] The hearing was held at Northland Regional Council, 36 Water Street, Whangārei, on Tuesday 30 October 2018 and Wednesday 31 October 2018. The hearing was then adjourned. During the hearing, Council members asked questions of submitters to enhance the Council's understanding of their requests, the grounds for them, and advice given in the s42A reports. The Council endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters.

[6] In Minute 8 following the hearing the Council indicated that it had, after considering all relevant material, arrived at a preliminary view (that is, not the Council's final decision), that:

- The Proposed Regional Plan will not include provisions for the management of GMOs on land (outside the coastal marine area).
- The Proposed Regional Plan will include provisions for the management of GMOs in the coastal marine area.

[7] It was further noted that Council had received recommended provisions from each of the expert planners (Vern Warren, David Badham and Peter Reaburn) which were similar. The expert planners were directed to work together with the goal of coming up with an agreed set of provisions. These were subsequently provided to submitters for further comment prior to a reconvened hearing, which was held on 26 February 2019. The planners were invited to attend and answer questions. Submitters were also able to attend, although not to participate.

[8] The hearing was then adjourned for Council to go into public excluded deliberations (on the same day). Following deliberations, Council requested further information and directed Council staff to facilitate them:

Minute 10:

- i. A legal opinion to answer the question - would the inclusion of provisions in the Regional Plan to regulate GMOs increase Council's legal liability to clean-up or otherwise address the illegal use or introduction of a GMO in the coastal marine area?
- ii. Advice from Aquaculture New Zealand on any actual or anticipated use by the aquaculture industry of genetically modified veterinary vaccines.

Minute 11:

- i. A legal opinion to answer the question: If the Regional Plan included rules regulating GMOs in the coastal marine area, what would council's responsibility be to monitor and enforce the rules?
- ii. Would it increase Council's legal liability to clean-up or otherwise address the accidental release of a GMO resulting from an 'act of god' on an otherwise authorised use of GMOs (for example, a tsunami destroying a contained GMO field trial undertaken on a wharf)?
- iii. What have other councils (that have GMO provisions in their respective plans) budgeted for the potential clean-up of the accidental or illegal release of GMOs and the costs (including staff time) of monitoring and enforcement of GMO use?

[9] All responses were placed on the Council's website, and submitters who submitted on the inclusion of GMO provisions and wished to be heard, were notified of the responses.

[10] Overall, the Council was assisted by all the requests and suggestions by submitters and their witnesses and by the s42A report author which have substantially assisted the Council in its deliberations and in the Council's decision-making. The submissions and reports have all contributed to an effective and fair process for which Part 1 of Schedule 1 of the RMA provides.

### ***The Decisions report***

[11] The Council has no substantial disagreement with the analyses undertaken by the s42A author noting that Mr Reaburn's conclusions in relation to whether or not provisions should be introduced were "finely balanced" This Decisions report contains a summary only of the conclusions the Council has reached in relation to the issues raised in submissions and highlights matters of particular concern that have led to the decision made. To avoid further unnecessary duplication and repetition the Council affirms that, except where the detailed findings in this Decisions report vary from the s42A Reports, the Council adopts those reports, which should be read as forming part of this Decision report. Further, to the extent that the commentary is relevant to the GE / GMO matter, the Council adopts the following parts of the Hearing Panel's recommendation report<sup>3</sup> made on all other submissions to the pRPFN.

- Section 2 The Resource Management Act
- Section 3 Higher Order and other Relevant Instruments
- Section 5 Council's Approach to the Plan
- Section 6 Tangata Whenua
- Section 7 Additional Objective and Policies (General Approach)

---

<sup>3</sup> The hearing of all other submissions (all but the GE/GMO submissions) was delegated to a Hearing Panel to make recommendations to Council.

## Section 2

### Issues Raised in Submissions

[12] All primary submissions supported inclusion of restrictive, precautionary or prohibitive provisions into the pRPFN for managing GE / GMO in the region, or parts of the region. In summary, the submissions sought that the pRPFN be amended to:

- give effect to the GMO 6.1.2 policy in the Northland Regional Policy Statement 2016 ('RPS');
- provide a region-specific approach to managing GMOs, taking into account environmental, economic, cultural and social well-being considerations and including strong precautionary and prohibitive GE provisions, policies and rules for all environments - land, inland waterways and coastal – and all possible vectors of such organisms;
- add provisions in the Coastal, Land and Water and Tangata Whenua parts of the PRP to address concerns to tangata whenua and potential adverse effects on biosecurity, indigenous biodiversity, existing non-GM primary producers and public health from outdoor use of GMOs; and
- include provisions consistent with / align with / be the same as provisions in the Auckland Council Unitary Plan, and the Far North District Council and Whangarei District Council plan changes.

[13] With one exception, the further submissions received supported the primary submissions. The one exception was the further submission from Federated Farmers. That further submission opposed all of the primary submissions on the basis that:

- *There is no scope to include the provisions sought in the Proposed Regional Plan.*
- *Even if there was scope, there is no justification (in terms of RMA s32) for including the provisions sought in the Proposed Regional Plan.*

[14] The key questions evaluated in this Decisions Report include:

1. Is there a legal basis for including GE / GMO provisions in the Proposed Regional Plan?
2. Is there a legal constraint to including GE / GMO provisions in the Proposed Regional Plan?
3. Is there a legal obligation to include GE / GMO provisions in the Proposed Regional Plan?
4. Is there a sufficient evidential basis to include GE / GMO provisions in the Proposed Regional Plan?

5. Would the inclusion of provisions in the Regional Plan to regulate GMOs increase Council's legal liability to clean-up or otherwise address the illegal use or introduction of a GMO in the coastal marine area?

### Section 3 Evaluation

#### *Legal Basis for Regional Plan Provisions*

- [16] There was a consensus amongst the parties, including from Federated Farmers, that s12(3) of the RMA provides a statutory basis for the inclusion of GE/ GMO provisions in the CMA.
- [17] There was less certainty in relation to whether GE / GMOs constituted a "contaminant" under s15 of the RMA. The evidence in general concluded that, considering the large range of circumstances that may be presented, a particular form of GE / GMO may or may not be considered a contaminant. While s15 may not apply in all cases, it is likely to in some and on that basis the Council finds that it is appropriate to refer in the provisions to s15 as being a statutory basis for the inclusion of GE/ GMO provisions in the pRPFN.

#### *Legal constraints in relation to Regional Plan Provisions*

- [18] The Council was referred to a number of Court decisions that have addressed whether there is jurisdiction to include GE / GMO provisions in a regional plan. Consistent with those Court decisions the Council is satisfied that there is no express exemption for consideration of control of new organisms under the RMA in either the RMA or the Hazardous Substances and New Organisms Act 1996 ('HSNO'). The Council notes in particular the High Court's finding that, while there was an overlap between the HSNO Act and the RMA:

*"...there is nothing present in these pieces of legislation to prevent the establishment of objectives, policies and methods to achieve integrated management of natural and physical resources in the broad terms directed by the RMA.... I consider that there is a readily identifiable policy reason for that in these pieces of legislation, read together. Once having been approved for import and release into New Zealand under HSNO, regional authorities can provide for use and protection of them together with other resources in a fully integrated fashion, taking account of regional needs for spatial management that might differ around the country for many reasons, not the least of which might include climatic conditions, temperatures, soils, and other factors that might drive differing rates of growth of new organisms and/or of other organisms, as just a few of perhaps many examples. I agree with the opposition parties that the RMA and HSNO offer significantly different functional approaches to the regulation of GMOs<sup>4</sup>."*

---

<sup>4</sup> Federated Farmers of New Zealand v Northland Regional Council CIV-2015-488-0064 [2016] NZHC 2036 Paragraphs 48 and 49

- [19] In relation to the justification required under RMA s32 for including provisions in the pRPFN, the notified pRPFN s32 document did not assess GE / GMO provisions further than noting this was a matter that may be addressed at a later date. As noted in Section 1 above, the Council requested through Minute 1, s32 evaluation reports for the provisions sought to be introduced by submissions, and two s32 reports were subsequently provided. The Council has had particular regard to those Section 32 Reports.<sup>5</sup> Section 32AA of the RMA requires a further evaluation of any further changes made, which can be the subject of a separate report, or referred to in the decision-making record.<sup>6</sup> If it is referred to in the decision-making record, it should contain sufficient detail to demonstrate that a further evaluation has been duly undertaken.<sup>7</sup>
- [20] An assessment of the efficiency and effectiveness of amendments to the pRPFN must involve identifying and assessing the benefits and costs of the anticipated effects of implementing them, including opportunities for economic growth and employment. If practicable, the assessment should quantify those benefits and costs; and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject-matter. This Decisions report, including the Section 32 documentation provided, the s42A reports the scientific, economic and cultural evidence provided at the hearing and Appendix A is intended to form part of the Council's decision-making record. The Council adopts this material as evaluations under s32 and s32AA.

#### ***Legal obligations in relation to Regional Plan Provisions***

- [21] The Council has carefully considered the s42A report, the submissions and the evidence relating to Council's obligations under Section 67(3) of the RMA, and in particular the New Zealand Coastal Policy Statement and the Northland Regional Policy Statement ('RPS'). A number of submitters considered that there was an obligation under these higher order documents for the regional plan to manage GMOs. However the conclusion reached by the author of the s42A report, informed by legal advice received by the Council, was that there was no legal obligation. In that respect Council notes that the EPA is legislatively mandated to control GMOs, and their role includes having regard to such matters as effects on the natural environment and on issues of concern to tangata whenua. The extent to which the EPA processes would address matters that could only be addressed by the pRPFN was the subject of some debate, including as to whether the EPA process would reach decisions that aligned with community views, or would otherwise be sufficiently robust to avoid environmental risks. Overall, the Council has found that it is for it, as the decision-maker, to consider and determine whether, after taking a precautionary approach in its considerations, it is necessary to add another layer of GMO management as part of the pRPFN.

---

<sup>5</sup> RMA, s66(1)(e).

<sup>6</sup> RMA, s 32AA(1)(d) and (2).

<sup>7</sup> RMA, s 32AA(1)(d)(ii).

### *Evidential Basis for Including Provisions in the Regional Plan*

- [22] At the hearing scientific evidence was given by Professor Jack Heinemann on behalf of Whangarei District Council / Far North District Council and Professor Andrew Allan on behalf of Federated Farmers. Professor Heinemann and Professor Allan were some distance apart in their views on the risks associated with GMOs, Professor Allan being much more confident that GM is safe. Professor Allan also criticised the evidence to date as not having had regard to gene editing, an issue responded to by Professor Heinemann at the hearing. The evidence indicated that the scientific community does not have consensus on this issue. To the extent that this may suggest a precautionary approach is therefore justified, the Council finds this is a relevant, although not determining factor. Other relevant considerations include the apparent lack of urgency associated with this issue, the comfort that an EPA process must be conducted regardless of any pRPFN provisions and Council's concerns about the absence of some key information and the process that has been adopted to this point. These are all matters further addressed below.
- [23] The only expert economic evidence was from Dr John Small, on behalf of Whangarei District Council / Far North District Council. For the reasons put forward in his evidence Dr Small concluded that introducing GE / GMO provisions into the pRPFN would provide net benefits and should be approved. As a part of this analysis, Dr Small stated that there appears to be no GMO close to release for which there is a realistic prospect of release in the Northland Region over the 10-year life of the Plan. He was of the view that, if precautionary approach provisions were introduced now, the absence of any likely prospect of GMO applications meant opportunity costs would be very low. While accepting this evidence, as far as it went, Council was left with the question as to why it was necessary to introduce provisions into the pRPFN which would unlikely be used in the life of the plan, particularly considering the process by which those provisions has been arrived at. In that respect, the Council is concerned that the provisions proposed have not been developed through Council's own RMA section 32 process, are translated provisions rather than bespoke to the Northland CMA, and have not had the robust comment and analysis that may have been conducted through the normal public notification process.
- [24] An additional costs concern for Council, not recognised in Dr Small's evidence, relates to what the introduction of the proposed provisions may mean in respect of Council's monitoring, compliance and enforcement obligations.
- [25] The proposed provisions include imposition of a bond. Council agrees that this would be a key mechanism for addressing the risk of escape of GMOs from approved GMO facilities. However Council finds that calculating a bond is too speculative and could well be so high that it would make proposals untenable.
- [26] Expert cultural evidence was given by Dr Benjamin Pittman and Tui Shortland. The iwi and hapū management plans<sup>8</sup> that exist in relation to Northland iwi and hapū contain a strong signal that GMOs are culturally inappropriate. Dr Pittman explained why the introduction of GE / GMO would be offensive to the principles of tikanga and seriously damage the mauri of

---

<sup>8</sup> As recognised under s.66(2A) RMA

the environment. These are relevant and important. The question remaining is the extent to which these concerns would otherwise be satisfactorily addressed as part of the EPA process. The Council finds that there may be benefits in having the opportunity for iwi and hapū input at the regional (as opposed to national) level, and that gives some justification for introducing a management regime at the regional level. This benefit must be weighed against other factors.

[27] The expert planning evidence, from Peter Reaburn, the s42A author, David Badham, consultant planner on behalf of the Whangarei District Council and Far North District Council and Vern Warren, consultant planner on behalf of the Soil & Health Association, was largely in alignment. Informed by the other specialist evidence, all planners considered that it was appropriate to introduce GE / GMO provisions into the CMA for precautionary reasons. Mr Warren additionally referred to parts of the statutory framework, including the NZCPS and RPS, as requiring the introduction of provisions. As noted earlier in this Decision report, the planners were ultimately agreed on the wording of CMA provisions to be introduced into the pRPFN.

[28] The evidence from Gavin Forrest on behalf of Federated Farmers, while not expert planning evidence, raised a number of questions regarding whether there should be GE / GMO provisions at this time, and the reasoning given to date for RMA provisions, at least of the type proposed, being necessary given other options available. Council has made the following findings in relation to the questions Mr Forrest raised:

1. While the pRPFN as notified did not contain provisions, including rules, of the scope sought by primary submitters the Council is satisfied that there is jurisdiction to do so. The general theme of primary submissions was clearly that provisions based on the Auckland Unitary Plan should be introduced into the pRPFN. The Council has attempted to take a careful approach to ensure that submitters and further submitters are aware of what provisions could be introduced, including through inviting submitters in Minute 1 to provide provisions, and s32 analyses of those provisions. This was done, by two major submitter parties and was thus available for all parties from an early stage in the hearings process for the parties to consider and provide comment on. Further information and evidence was sought and provided throughout the hearings process. It is an accepted response to s32 that the process is iterative and includes information provided right up to the stage of final consideration by the decision-maker. However, while Council accepts there is jurisdiction, it also accepts that there may be some doubt as to whether the issue has been thoroughly tested with the public and in that respect greater confidence could have been gained if the pRPFN as notified had contained provisions, including rules, relating to GE / GMOs.
2. The evidence confirmed that there are no current or imminent risks that would require immediate decisions. There is no particular activity or use of GE / GMOs that is currently more than a theoretical possibility in Northland's CMA. In that respect, while Professor Heinemann identified some possibilities, there is a major question as to whether these are "real" prospects, at least in the foreseeable future. The Council finds that greater



specificity of potential activities, uses, risks and effects is required so that provisions, if found to be necessary at all, are devised in a more targeted manner. On the basis of current information that there is no short term risk, the Council finds there is time to further consider whether GMO provisions need to be developed and, if there is that need, how they can be appropriately developed so that they are bespoke to Northland, and then have the robust examination enabled through the normal public notification process.

3. The use of Pest Management Plans and / or Regional Pathway Management Plans prepared under the Biosecurity Act to manage the adverse effects of GE / GMO are not a replacement for provisions considered and introduced under the RMA.
4. It is not accepted that the evidence presented by those favouring pRPFN provisions consistent with other plans is out of date, however it is accepted that the Federated Farmers evidence presents another view, and that has added to the information on which decisions have been considered and made.

[29] A number of submitters continued to seek land-based provisions throughout the hearings process. While acknowledging submitters' desire that provisions be adopted that are as comprehensive as possible, the Council has determined that it is not appropriate for land-based provisions to be included in the pRPFN, for a number of reasons:

1. As noted by the s42A author, land-based provisions would need to rely on s15 RMA as the statutory basis. Section 15 RMA would apply only if GE / GMOs was regarded as being a contaminant. The consensus in evidence was that, while some GE / GMOs could potentially be defined as a contaminant, this would be case-dependent. In order to provide a statutory basis, it would therefore be necessary to specify what forms of GE / GMO would be a contaminant, and therefore subject to regional plan land-based management. Given the potential range of GE / GMOs (on land) is substantial this would be a very difficult exercise.
2. No submitter proposed provisions to address this concern or indeed any land-based provisions for Council's consideration.
3. The Council agrees with submitters that concerns relating to GE / GMOs apply as much, or even potentially more, to the land as the CMA, and that GMOs do not recognise CMA / land boundaries. RPS Policy 6.1.2 (Precautionary Approach) applies to both regional and district councils. Method 6.1.5 specifically envisages district councils as taking a role in applying the policy. As an example, the Council was advised that the Auckland Unitary Plan provisions relied upon by many submitters are not regional plan provisions – they are CMA and district plan provisions. In relation to land-based concerns this strongly suggests that provisions are better addressed in district plans, where there is no question that s9 RMA provides a statutory basis. In that respect, Whangarei District Council and Far North District Council already have GE / GMO provisions and the Council was advised that the Kaipara District Council is currently considering introduction of provisions into its district plan. To the extent that land-based GMO proposals may have

a potential effect within the CMA, provisions within the CMA are not necessary to ensure those effects are addressed and appropriately managed.

4. The provisions that have been sought for inclusion in the pRPFN are essentially the same as those that have already been introduced by the Whangarei District Council and Far North District Council into their respective district plans. No submitter identified how the same land-based provisions in the pRPFN would provide any additional benefits to sustainable management of the environment. To the contrary, separate processes would be confusing, inefficient and potentially even conflicting which could result in uncertain and costly outcomes for applicants and the community.

[30] In addition to the above, the Council has carefully considered all other evidence presented, including that by lay witnesses.

[31] The Council recognises that it may be shown later that a particular proposal for GE / GMOs will not result in adverse effects or that the EPA process will adequately manage potential adverse effects. It is further recognised, if it is later found that it is appropriate to amend the provisions, including to provide for any GMO that may be found to have benefits without adverse effects, this will incur time and monetary costs. In any case, the evidence is that proposals for GE / GMOs is unlikely over the life of the pRPFN. Council has accordingly found it is not necessary to introduce provisions into the pRPFN at this stage. Further development of the knowledge and science associated with GMOs, and the extent to which regional control may be required, will ensure that there is no unnecessary extra level of management in the meantime.

[32] The response Council received from Aquaculture NZ stated that they see no need in the immediate or foreseeable uptake of GMOs or GMO based vaccines into the NZ aquaculture industry and that a precautionary approach was supported. The response has been taken into account in Council's considerations, noting that Aquaculture NZ did not make any particular comment about the form proposed provisions should take.

### ***Council liability***

[33] The Council has obtained legal opinions from its lawyers Wynn Williams in relation to matters of legal liability on the Council arising from the introduction of GE / GMO provisions. The opinion concludes that the inclusion of provisions in the Proposed Regional Plan to regulate GMOs will not increase the Council's legal liability to clean-up or otherwise address the illegal use or introduction of GMOs in the coastal marine area.

[34] Notwithstanding legal liability Council has remained concerned that there may be an enhanced expectation on the part of the community to address adverse effects arising from unlawful or accidental use of GMOs. This would become a "social cost". The extent to which that expectation may be enhanced through explicit regulation of GMOs in the pRPFN is a matter of serious concern to the Council, particularly as there is a separate management regime through the EPA that may prove effective itself in managing GMOs and would, in the

event of an issue arising, focus responses at the national, rather than regional, level. It would also focus responsibility for monitoring and enforcement on fewer agencies, thus minimising the risk of not having a co-ordinated response.

### ***Conclusion***

[35] In summary, the Council finds that:

1. There is no basis or justification for GE / GMOs to be managed by the pRPFN on land, particularly given the district plan management that already exists over most of Northland.
2. The evidence shows that there is no prospect of GE / GMOs being introduced into Northland's CMA over the expected life of the pRPFN. This gives the opportunity for a more robust analysis of the need for, and means of, addressing regional level regulation of GE / GMOs.
3. Management of GE / GMOs by the EPA, particularly in relation to the CMA, may still be shown to be sufficient, without an extra layer of regional plan management.
4. The proposed provisions have been adapted from other Council's generic provisions and are not appropriately targeted to what may be a more focused and relevant management regime for Northland's CMA. Any future plan changes that may be shown to be necessary, including in respect of a GMO that may be shown to have significant benefits, could involve significant cost and time.
5. The proposed provisions requiring imposition of a bond to address the risk of escape of GMOs, while essential, involve significant uncertainties in relation to calculating a sufficient bond amount, and could well be so high that it would make proposals untenable.
6. Further experience of the EPA processes, at least as they relate to the CMA, need more time to evolve to see whether they prove effective itself in managing GMOs. This will, in the event of an issue arising, focus responses at the national, rather than regional, level, including in relation to monitoring and enforcement on fewer agencies, thus minimising the risk of not having a coordinated response.
7. Having regard to the above, and having taken a precautionary approach in its considerations, Council finds there is insufficient basis to introduce further provisions relating to GE / GMOs into the pRPFN at this time.
8. The Council is confident that its findings are not inconsistent with Objective 2 and Policies 2 and 3 of the NZCPS 2010, or Policy 6.1.2 and Method 6.1.5 of the RPS.

[34] In making this decision Council has given serious consideration to the considerable community interest (addressing social, economic and cultural wellbeing), exhibited by the many submissions and substantial body of evidence supporting regulation. Council recognises, that in making the decision it has, the communities represented by submitters will be

disappointed. However, the Council in balancing the weight of community concern with the issues it has identified in this decision has found that there has been insufficient analysis and that there is insufficient justification to introduce further provisions relating to GE / GMOs into the pRPFN at this time. The Council will however continue to monitor this issue and is prepared to review its position in future if further information becomes available.

## **Section 4 Decision**

- [35] The Council has considered and deliberated on GE / GMO provisions in the pRPFN; the submissions lodged on it; and the reports, evidence and submissions made and given at the public hearing. In reaching its decisions the Council has sought to comply with all applicable provisions of the RMA. The Council has had particular regard to the evaluations and further evaluations of the amendments to the pRPFN it has decided upon. The relevant matters the Council has considered, and its reasons for them, are summarised in the s42 reports and the main body of this report. The Council is satisfied that its decision is the most appropriate for achieving the purpose of the RMA and for giving effect to the higher-order instruments, including the RPS and the NZCPS.
- [36] Relief sought in submissions is not accepted for the reasons outlined in this Decisions Report.