

**BEFORE THE NORTHLAND REGIONAL COUNCIL**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of a hearing before the Northland Regional Council in relation to the Proposed Northland Regional Plan and submissions concerning genetic modification and genetically modified organisms

---

**JOINT WITNESS STATEMENT OF PLANNERS – SUPPLEMENTARY STATEMENT**

---

**Supplementary Joint Witness Statement by Planners on Proposed Northland Regional Plan provisions relating to genetic modification and genetically modified organisms**

This supplementary statement follows the expert planners' consideration of comments and recommendations made by submitters on the agreed wording of provisions circulated with the Joint Witness Statement of Planners dated 4 December 2018 ("**Primary Statement**").

Comments and / or recommendations sighted by the expert planners include those submitted by:

- Soil and Health Association of New Zealand Inc.
- GE Free New Zealand
- GE Free Tai Tokerau (including separate submissions from Dr. Benjamin Pittman)
- Auckland GE-Free Coalition
- Federated Farmers of New Zealand Inc.
- Physicians and Scientists for Global Responsibility
- Zelka Linda Grammer

It is noted that the submitter comments / recommendations have been posted on the Council website.

The expert planners conferred by way of email exchange. The expert planners involved are as listed in the Primary Statement.

## **1. Scope**

It will be noted from the Primary Statement that:

- The scope of caucusing was solely related to the detailed wording of genetic modification and genetically modified organisms provisions to be inserted into the Proposed Northland Regional Plan, should the Northland Regional Council determine in their final decision that provisions are appropriate.
- All planners agreed that the provisions were to be focused on the coastal marine area only.

The planners have noted that comments / recommendations made by GE Free Tai Tokerau, Dr. Benjamin Pittman, Physicians and Scientists for Global Responsibility and Zelka Linda Grammer all seek land-based provisions. Land-based provisions were not considered by the expert planners, consistent with what we were tasked to do in Minute 8 issued by the Northland Regional Council.

## **2. Amendments Sought by Federated Farmers**

Amendments to provisions sought by Federated Farmers substantially change provisions supported by all of the expert planners in evidence at the hearing and in the subsequent agreed version circulated with the Primary Statement. The amendments are not supported by the expert planners.

## **3. Amendment Sought by Soil and Health Association of New Zealand Inc.**

Soil and Health make one suggestion regarding risk management plans ("RMP"), that the following matter be added to Policy D5.33:

- (10) provision for the systematic review and approval of any amendments to the Risk Management Plan by Council.

The planners support this amendment because:

- It is appropriate that the RMP be a living document so that technology, circumstances and experience can be taken into the plan when appropriate;
- Because the RMP is a fundamental core document for management of a GMO activity should it be consented, it is good practice and prudent to ensure that provisions for its future amendment be provided for. By including this in the policy, any approved RMP will necessarily include an approved process for future amendment. The suggested wording also makes it clear that the Council will be the consenting body for any changes to a RMP.
- Including this item in the policy will also give greater public confidence in the future management of any GMO consent which is important, given the strong public concerns on this topic.

The amendment has been made to the revised wording, see underlined in Attachment A to this statement.

### **3. Amendment Sought by GE Free New Zealand**

GE Free New Zealand, supported by GE Free Tai Tokerau and Auckland GE-Free Coalition, seek a rule amendment, that the words “(conditional or full)” be added to the Prohibited Activity rule C.1.8.4, so that the rule reads:

#### **C.1.8.4 Genetically modified organism releases – prohibited activity**

Any:

1. genetically modified organism release (conditional or full),  
or
2. genetically modified organism field trial, or
3. use of any viable genetically modified veterinary vaccine,

that is not a permitted or discretionary activity in Section C.1.8 of this Plan, is a prohibited activity

The planners agree that these words are a helpful addition as they provide greater clarity. The amendment has been made to the revised wording, see underlined in Attachment A to this statement.

#### **4. Other Amendments Sought**

GE Free New Zealand, supported by GE Free Tai Tokerau and Auckland GE-Free Coalition, seek that the words “as far as can reasonably be achieved” be deleted from Policy D.5.30, which is:

##### **D.5.30 Avoiding adverse effects of genetically modified organism field trials**

Ensure that any resource consent granted for genetically modified organism field trials avoid, as far as can reasonably be achieved, risk to the environment, adverse effects on indigenous flora and fauna, and the relationship of tangata whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism.

The planners do not agree with the amendment sought. Absolute avoidance is not considered realistically achievable, given the potential for human error or natural events. It is noted that the exact expectations in respect of implementing this policy, including the management procedures to be applied, will be set at the stage a resource consent is processed. It is further noted that the provisions require all applications for genetically modified organism field trials to be notified.

GE Free New Zealand, supported by GE Free Tai Tokerau and Auckland GE-Free Coalition, seek further provisions, including a further objective (F.O.16). The planners note that the requested objective appears to be “note” rather than an objective. The planners further note that any application will need to apply both the relevant Regional Plan and District Plan provisions and all provisions will need to be taken into account irrespective of any cross-referencing. The planners do not agree with the amendment sought.

GE Free Tai Tokerau seeks an amendment to C Rules - Legal effect of rules referencing activities that may occur outside the CMA. For the reasons given above, i.e. that the provisions are limited to the CMA, the planners do not support this amendment.

We confirm that in producing this statement we have complied with the Code of Conduct for expert witnesses.

A handwritten signature in blue ink, appearing to read "Peter Reaburn".

Peter Reaburn – Consultant Planner  
7 February 2019

A handwritten signature in black ink, appearing to read "David Badham".

David Badham – Consultant Planner  
7 February 2019

A handwritten signature in blue ink, appearing to read "Vern Warren".

Vern Warren – Consultant Planner  
7 February 2019