

BEFORE THE FAR NORTH AND WHANGAREI DISTRICT COUNCIL'S
JOINT HEARING PANEL

EVIDENCE Greg Wilson
TOPIC AMO PC131/PC18
SUB# 002
DATE 13/6/2016

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of Proposed Plan Change 131 and Proposed Plan Change 18 – Genetically Modified Organisms

AND

IN THE MATTER of the submissions and further submissions on the above two proposed plan changes

STATEMENT OF GREGORY HECTOR WILSON
ON BEHALF OF FAR NORTH and WHANGAREI DISTRICT COUNCILS

Dated 13 June 2016

Introduction

1. My full name is Gregory Hector Wilson. I am the Manger of the District Planning Team at the Far North District Council. The purpose of my statement is to put forward Proposed Plan Change 18 and Proposed Plan Change 131 – Genetically Modified Organisms (GMO) prepared respectively by Far North District (FNDC) and Whangarei (WDC) District Councils, to be heard by the Joint District Council Hearing Committee.
2. The Far North District Plan was made partially operative in 2007 and fully operative in 2009. The plan making and appeal process included a number of agreements or Consent Orders to be addressed that subsequently enabled progression of the plan to operative status. This included consideration of an appeal relating to Genetically Modified Organisms (GMO).
3. An agreement between parties and subsequent inter Council process has lead to identification of GMOs as being a significant resource management issue. Subsequent evaluation against the section 32 requirements of the Resource Management Act 1991 (the Act) has determined that provisions to manage GMOs in the respective plans are appropriate to contribute to sustainable management purpose of the Act. The following provides context for the support of the proposed Plan Changes, the development of the proposed policy framework and the overall appropriateness for the intervention.

Background

4. Genetically Modified Organisms (GMOs) are organisms where any genes or other genetic material has been modified by in vitro techniques or are inherited or otherwise derived from genes or other genetic material that has been modified by in vitro techniques.
5. Concerns have been expressed by many groups in the community including Maori about the nature and uncertainties of GMOs. These include, but are not limited to:
 - potential for adverse effects on indigenous species,
 - There is potential for released GMOs to contaminate non-genetically modified products, affecting marketing and branding;
 - The cost of cleaning up any adverse contamination under the current regulatory regime would be uncertain;

- Potential adverse effects on human health; and,
 - Potential adverse effects on Maori cultural beliefs.
6. Currently GMOs are managed under the Hazardous Substances and New Organisms Act 1996 (HSNO), through the Environmental Protection Authority (EPA). The HSNO Act has no requirements for GMOs users to prove financial fitness or to post a bond in case of damages.
 7. In 2000, the proposed District Plan was notified, resulting in over 10,000 submissions and 93 appeals. The proposed plan did not include any provisions relating to the management of GMOs.
 8. An appeal was lodged by GE Free Northland requesting that the District Plan include rules to regulate the outdoor release of GMOs. The appeal was withdrawn upon the signing of a Memorandum of Understanding (MoU) between the Council and GE Free Northland.
 9. This MoU required that Council work with other Northland Councils to develop an appropriate response to the outdoor use of GMOs. This included resuming full membership in the Inter-Council Working Party (ICWP), which members include Whangarei District Council (WDC), Auckland Council (AC) and all superseded Councils, Kaipara District Council (KDC) and Northland Regional Council (NRC).
 10. The ICWP undertook research, surveys and consultation. This resulted in the development of a draft plan change to be introduced into all district/unitary plans. The ICWP contributed to the cost of developing this plan change and section 32 report, with KDC contributing to earlier reports.
 11. In May 2013, FNDC made a formal resolution "That Council agrees and supports in principle the resolutions of the ICWP, including agreeing in principle to proceed with a plan change process to regulate the outdoor use of GMOs through provisions in the Far North Plan in collaboration with other Councils".
 12. Accordingly, proposed plan changes have been developed in accordance with the provisions of Schedule 1 of the Act to progress a process to introduce provisions to FNDC and WDC District Plans.

The Proposed Plan Changes

13. The proposed plan changes 18 and 131 have been developed as a joint body of work through a collaborative process involving the ICWP and informed by public participation.

14. Both proposed plan changes take a precautionary approach and makes GMO releases a prohibited activity. The policy framework proposed by Plan Changes 18 and 131 involves the insertion of a new chapter and new definitions into the respective Far North and Whangarei District Plans. The following summarises the proposed provisions for the Far North District Plan:

- The creation of a district wide GMOs chapter that includes:
 - A description of the purpose and expectations of the new chapter, which is to manage the outdoor use of GMOs
 - Eligibility rules that outline what GMO activities are covered and what GMO activities are not covered by the new provisions
 - Notification criteria, which states that all applications for resource consent under the proposed GMO provisions must be publicly notified
 - Objectives specifying outcomes sought for the outdoor use of GMOs
 - Policies specifying courses of action to achieve outcomes sought for the outdoor use of GMOs
 - Information requirements for applications for GMO field trials
 - General development and performance standards outlining minimum controls without limiting the discretion reserved to Council
 - Particular matters to be considered when determining the amount of bond required and a monitoring strategy for a GMO discretionary activity
- Amendments to Chapter 3 “Definitions” by inserting the following terms:
 - Genetically Modified Organism Field Trials (Tests)
 - Genetically Modified Organisms (GMO)
 - Genetically Modified Organism Release

15. The above methods are similar to that proposed by the WDC Proposed Plan Change 131, yet some elements differ mainly due to the formatting of the respective plans.

Appropriateness of the Proposed Policy Framework

16. The Councils’ have undertaken an evaluation under section 32 of the Act and determined that the proposed policy framework is the most appropriate way to achieve the sustainable management purpose of the Act.

17. The section 32 evaluation report regarding the proposed plan changes identifies the comprehensive consultative process associated with the development of the plan change. This includes feedback obtained through the LTCCP and LTP processes, a Colmar Brunton survey, and through iwi participation in Hui, submissions to various strategies and documents, and in iwi/hapu management plans. The theme established via these consultative processes was a preference for provisions to be included in district and regional plans. Supporting technical

evidence and opinions combine to identify the appropriateness of the policy framework.

Conclusion

18. Submissions on the Proposed Plan Changes have been considered and reported on by Tammy Wooster on behalf of FNDC and David Badham on behalf of WDC. The section 42A joint hearing report provides an assessment of the appropriateness of the relief sought by submitters and makes recommendations as to where amendments are required.
19. Proposed Far North District Council Plan Change 18 and Proposed Whangarei District Council Plan Change 131 are put forward to be heard and the section 42A report to be assessed with recommendations to the Whangarei and Far North District Councils.

G H Wilson

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