

# Proposed Plan Change 18 (FNDC) and Proposed Plan Change 131 (WDC) – Genetically Modified Organisms

## Addendum 1 – Addressing additional submission points of PC131-284 & out of scope change to PC131 provisions

### AUTHORS

WDC  
David Badham  
Senior Planner  
Barker & Associates

FNDC  
Tammy Wooster  
Senior Policy Planner  
Strategic Planning & Policy

---

## A. Additional Submission Points of PC131-284

1. On Thursday 26<sup>th</sup> May 2016, Ms Colleen Prendergast contacted Council highlighting that additional submission points in her and Arla Kerr's submission (PC131-284) appeared to have not been addressed in the section 42A hearing report ('**s42A Report**').
2. We have since established that these additional submission points were erroneously missed in the drafting of the report. We acknowledge and apologise for this accidental oversight and now address these additional points below.

### Discussion

3. Arla Kerr and Colleen Prendergast sought the following relief:
  - GMO.1.1 Descriptions and Expectations – The "adaptive risk management approach" in this section is not proposing anything beyond what already exists in relation to plan changes. Its inclusion implies Plan Change 131 provides for a new way of initiating or processing plan changes. If reference to the possibility of future plan changes is deemed necessary, express reference to the precautionary approach should be included in this part.
  - GMO.1.2 Eligibility Rules – it should be clarified that permitted activities are subject to approval required under HSNO and any conditions imposed by the EPA. Field trials should be made prohibited activities.
  - GMO.2.2 Policies – qualifying phrases "as far as can reasonably be achieved" and "to the extent possible" should be amended to provide clear direction to decision-makers implementing general development and performance standards. GMO.2.2(6) should be amended to ensure consistency with GMO.1.1 – if periodic reviews are to be adhoc this should be clarified.
  - GMO.2.3 Information Requirements – "Adverse effects to the environment and economy" should also include "cultural" effects to ensure consistency.
  - GMO.2.4 General Development & Performance Standards – should be amended to provide clear thresholds, levels or limits for applicants to meet. The plan change should provide rules or methods giving effect to the precautionary principle
  - Definitions – definitions should be provided for "precautionary approach" and "outdoor".
4. We provide the following response to each of these submission points:
  - GMO.1.1 Description and Expectations – We responded to this submission point in paragraph 76 and 77 of the s42A Report, although it is noted that reference was made to GMO.2.2.6 rather than GMO.1.1. Notwithstanding the acknowledgement of the incorrect reference, our response is the same and we do not consider that any change is necessary in response to this submission point.

- GMO.1.2 Eligibility Rules – it is correct that permitted activities will still be subject to approval under HSNO. It is noted that the PC18 provisions already have a note in 19.6.1.1 highlighting that “such activities may require consents and / or permits under other legislation / plans” As such, we propose the addition of a note in GMO.1.2 as follows to clarify this and ensure consistency – “Note: permitted activities may require consents and / or permits under other legislation / plans.” We do not support the change to make all field trials prohibited activities for the reasons already outlined in paragraphs 90-91 of the s42A Report.
- GMO.2.2 – We do not support this request to change policies GMO.2.2.2 and GMO.2.2.3. We consider that the terms “as far as can reasonably be achieved” and “to the extent possible” are important phrases when read in the context of policies GMO.2.2.2 and GMO.2.2.3. We do not support the request to change GMO.2.2.6. Periodic reviews refer to the requirement to review the District Plan every 10 years pursuant to section 79 of the RMA. Any person can elect to make an application for a private plan change at any time. We see no need to clarify this further in the policy.
- GMO.2.3 Information Requirements – We support this request and recommended that “cultural values” is added to the fourth bullet point in GMO.2.3. We agree that this would improve consistency within the PC131 provisions and ensure that applications provide information on adverse effects on cultural values. To ensure consistency between PC131 and PC18, we recommend the same change be made to the identical provision in 19.6.2.1 of PC18. As the submission is only on the PC131 provisions, this would constitute an out of scope change. However, we consider that such a change is not overly contentious and is justified in order to maintain consistency between WDC and FNDC district plan provisions.
- GMO.2.4 General Development and Performance Standards – We do not support any change to these provisions. The submission provides no suggested wording. Nonetheless, we consider that the General Development and Performance Standards are appropriate and consistent with the Section 32 Evaluation.
- Definitions – The submitter has provided no proposed wording for the “precautionary principle” or “outdoor”. Nonetheless, we do not consider that definitions of these terms are necessary or appropriate in this instance.

Recommendation

5. We recommend that the Commissioners:

- **accept** in part the relief sought regarding the amendments to GMO.1.2 and GMO.2.3 and that the PC131 text be amended as below.
- **decline** other relief sought.
- We also recommend an out of scope change to PC18 to ensure consistency.

PC131 – GMO.1.2:
------------------

**Note:** permitted activities may require consents and / or permits under other legislation / plans.”

PC131 – GMO 2.3:

“Research on adverse effects to the environment, cultural values and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects.”

PC18 – 19.6.2.1:

“Research on adverse effects to the environment, cultural values<sup>PC131-284</sup> and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects.”

## B. Out of Scope Change in PC131

6. After publishing the s42A Report, we were made aware of an error in terms of a change proposed in response to the submission from Laura Wilson (PC18-109). This submission was originally addressed in paragraphs 48-53 of the s42A report.
7. In response to submission point PC18-109/4 we recommended identical changes to PC18 – Policy 19.4.3 and PC131 – Policy GMO.2.2.3.
8. Upon review, we now realise that the proposed change to PC131 should have been identified as an out of scope change (e.g. highlighted in yellow) as the submission was only on PC18. We still consider that the change is justified for the reasons we have already identified in paragraph 51 and 52 of the s42A Report. However, for accuracy we have highlighted the change below.

### Recommendation

9. We recommend the Commissioners:
  - **Decline** PC-18-109/1, 109/2 and 109/3
  - **Accept** in part PC18-109/4 and recommend the following wording for PC18
  - We also recommend an out of scope change to PC131 for consistency:

PC18 – Policy 19.4.3

“To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, the mauri of flora and fauna, and the relationship of mana whenua with flora and fauna, from the use, storage, cultivation, harvesting, processing or transportation of a GMO.

PC131 – Policy GMO.2.2.3

““To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, the mauri of flora and fauna, and the relationship of mana whenua with flora and fauna, from the use, storage, cultivation, harvesting, processing or transportation of a GMO.”

**AUTHORS**



David Badham  
Senior Planner  
Barker & Associates



Tammy Wooster  
Senior Policy Planner  
Strategic Planning & Policy