

Mail Room

From: Peter van Sabben [peter.vansabben@clear.net.nz]
Sent: Tuesday, 2 December 2014 10:49 a.m.
To: Mail Room
Subject: further submission

Follow Up Flag: Follow up
Flag Status: Flagged

2 Dec 2014

Peter van Sabben
704 B Karaka Road
RD2 Dargaville 0372
09-439-6232
peter.vansabben@clear.net.nz

I support the excellent Whangarei District Council and the Far North District Council collaborative GMO plan change, but want any EPA approved outdoor GE experiments or field trials prohibited as well, and prohibition of all GMO releases.

I strongly support the original submissions made by:

- GE Free Northland
- Ngatiwai Trust Board
- Northland Conservation Board
- Physicians & Scientists for Global Responsibility (NZ)
- Soil & Health Association of NZ
- Te Runanga A Iwi O Ngapuhi
- National Beekeepers Association (NBA)
- Royal Forest and Bird Protection Society of NZ (Inc)
(northern branch)
- Vision Kerikeri
- Auckland GE Free Coalition

I strongly oppose the original submissions made by:

- Federated Farmers of NZ
- Ministry for the Environment
- The NZ Forest Research Institute Limited (Scion)
- Forest Owners Association
- Catherine Meger (Pararua Bay)

I do not wish to be heard

I cannot gain an advantage in trade competition through this submission.

Mail Room

From: inge@oraoraretreat.co.nz
Sent: Tuesday, 2 December 2014 9:24 p.m.
To: Mail Room; Plan Changes
Subject: WDC Plan Change 131: Genetically Modified Organisms (GMO) and FNDC Plan Change 18: Genetically Modified Organisms (GMO)

Date: 02.12.2014

*Inge Bremer
28 Landing Road
Kerikeri 0230
09-4073598*

I support the excellent Whangarei District Council and the Far North District Council collaborative GMO plan change, but want any EPA approved outdoor GE experiments or field trials prohibited as well, and prohibition of all GMO releases.

I strongly support the original submissions made by:

- GE Free Northland*
- Ngatiwai Trust Board*
- Northland Conservation Board*
- Physicians & Scientists for Global Responsibility (NZ)*
- Soil & Health Association of NZ*
- Te Runanga A Iwi O Ngapuhi*
- National Beekeepers Association (NBA)*
- Royal Forest and Bird Protection Society of NZ (Inc) (northern branch)*
- Vision Kerikeri*
- Auckland GE Free Coalition*

I strongly oppose the original submissions made by:

- Federated Farmers of NZ*
- Ministry for the Environment*
- The NZ Forest Research Institute Limited (Scion)*
- Forest Owners Association*
- Catherine Meger (Pararua Bay)*

I wish to be heard

I cannot gain an advantage in trade competition through this submission.

Inge Bremer

Mail Room

From: Rolf Mueller-Glodde [Rolf@oraoraretreat.co.nz]
Sent: Tuesday, 2 December 2014 9:22 p.m.
To: Plan Changes; Mail Room
Subject: WDC Plan Change 131: Genetically Modified Organisms (GMO) and FNDC Plan Change 18: Genetically Modified Organisms (GMO)

Date: 02.12.2014

*Rolf Mueller-Glodde
28 Landing Road
Kerikeri 0230
09-4073598*

I support the excellent Whangarei District Council and the Far North District Council collaborative GMO plan change, but want any EPA approved outdoor GE experiments or field trials prohibited as well, and prohibition of all GMO releases.

I strongly support the original submissions made by:

- GE Free Northland*
- Ngatiwai Trust Board*
- Northland Conservation Board*
- Physicians & Scientists for Global Responsibility (NZ)*
- Soil & Health Association of NZ*
- Te Runanga A Iwi O Ngapuhi*
- National Beekeepers Association (NBA)*
- Royal Forest and Bird Protection Society of NZ (Inc) (northern branch)*
- Vision Kerikeri*
- Auckland GE Free Coalition*

I strongly oppose the original submissions made by:

- Federated Farmers of NZ*
- Ministry for the Environment*
- The NZ Forest Research Institute Limited (Scion)*
- Forest Owners Association*
- Catherine Meger (Pararua Bay)*

I wish to be heard

I cannot gain an advantage in trade competition through this submission.

Rolf Mueller-Glodde

Mail Room

From: Lisa Taylor [lisa@maplekiwi.com]
Sent: Friday, 5 December 2014 10:16 a.m.
To: Mail Room; Plan.Changes@fndc.govt.nz
Subject: Submission re WDC plan change 131/ FNDC GMO Plan change

Follow Up Flag: Follow up
Flag Status: Flagged

December 5, 2014

Submission by: Lisa Taylor

71 Lauries Dr, RD 1, Kamo 0185

Phone: 435 2912

Dear Councils,

I am writing to support the excellent Whangarei District Council and the Far North District Council's collaborative GMO plan change. However, I would like to see (a) clause(s) added prohibiting EP- approved, outdoor GE experiments or field trials, and all GMO releases.

I strongly support the original submissions made by:

- GE Free Northland
- Northland Conservation Board
- Physicians & Scientists for Global Responsibility (NZ)
- Soil & Health Association of NZ
- Te Runanga A Iwi O Ngapuhi
- National Beekeepers Association (NBA)
- Royal Forest and Bird Protection Society of NZ (Inc)
- (northern branch)
- Vision Kerikeri
- Auckland GE Free Coalition
- Ngatiwai Trust Board

I strongly oppose the original submissions made by:

- Federated Farmers of NZ
- Ministry for the Environment
- The NZ Forest Research Institute Limited (Scion)
- Forest Owners Association
- Hancock Forest Management (NZ) Ltd
- Catherine Meger (Parua Bay)

I oppose these submissions because they put personal and organisational profits before public interest, rely on biased research, and/or demonstrate a willingness to sell out the public good in order to keep peace with US officials who themselves have much to gain by the international acceptance of GMO technology. This technology has proven to-date to have no economic or other benefits for famers, moreover the best, bias-free research shows it carries many risks.

I do not wish) to be heard, but thank you for considering my email submission.

Lisa Taylor

Please note: I cannot gain an advantage in trade competition through this submission.

Mail Room

From: Ans de Wolf [ansdewolf@clear.net.nz]
Sent: Friday, 5 December 2014 9:55 a.m.
To: Mail Room
Subject: further submission on proposed GMO plan change 131

Follow Up Flag: Follow up
Flag Status: Flagged

Date: 5/12/14

Your name: Ans van Sabben-de Wolf

*Contact details: 704B Karaka Road
RD2 Dargaville 0372*

I support the excellent Whangarei District Council and the Far North District Council collaborative GMO plan change, but want any EPA approved outdoor GE experiments or field trials prohibited as well, and prohibition of all GMO releases.

I strongly support the original submissions made by:

- GE Free Northland*
- Ngatiwai Trust Board*
- Northland Conservation Board*
- Physicians & Scientists for Global Responsibility (NZ)*
- Soil & Health Association of NZ*
- Te Runanga A Iwi O Ngapuhi*
- National Beekeepers Association (NBA)*
- Royal Forest and Bird Protection Society of NZ (Inc)
(northern branch)*
- Vision Kerikeri*
- Auckland GE Free Coalition*

I strongly oppose the original submissions made by:

- Federated Farmers of NZ*
- Ministry for the Environment*
- The NZ Forest Research Institute Limited (Scion)*
- Forest Owners Association*
- Catherine Meger (Pararua Bay)*

I do not wish to be heard

I cannot gain an advantage in trade competition through this submission.

Mail Room

From: neil henderson [neilhenderson@vodafone.co.nz]
Sent: Wednesday, 10 December 2014 7:55 p.m.
To: Mail Room
Cc: gardner@fedfarm.org.nz
Subject: Further submission on Plan Change 131

Follow Up Flag: Follow up
Flag Status: Flagged

Neil Henderson
36 Evans Rd Glen Eden Auckland
neil@henderson.gen.nz
09 8180037

I am a person representing a relevant aspect of the public interest such that I have concerns over the legality of the following submission.

I oppose the submission of Federated Farmers #188, in its entirety.

I do could not gain an advantage in trade competition through this submission.

Further Submission to Plan Change 131. Whangarei District Council

I wish to submit against the submission of Federated Farmers #188 relating to PC 131. It is my opinion that members of Federated Farmers members, for whom this submission speaks, may indeed gain a competitive trade advantage over other organisations or individuals who choose to conduct their business ventures without resorting to using GMO. Federated Farmers has declared on behalf of its members that no such competitive advantage exists and on the basis that this is misleading, if not unlawful, I respectfully ask that their submission be rejected. (Sections 96 and 308 b and f, RMA). In addition there is evidence to suggest that Federated farmers is unable or unwilling to provide a full list of its members, such that any attempt by the Whangarei District Council to assess or test the potential for competitive advantage becomes impossible and for this reason also, their submission should be rejected in its entirety.

In the submissions to the Whangarei District Council PC 131, there is the declaration requirement around trade competition advantage. In the RMA instructions around submissions it is stated:

Trade competition issues :

There are some specific restrictions that apply to people or organisations with a trade or business interest in a plan change or plan variation. You can't make a submission about a proposed plan, plan change or variation on trade competition grounds. For example, if you own a business and a new commercial zone is proposed across the road, you can't put in a submission stating that this will impact on your business profits. However, if your concern is about the environmental effects of what's proposed (such as too much traffic on the road or parking outside your property), then this may be accepted.

If you have a trade or business interest in a plan change or variation, and are considering making a submission, then you should seek legal advice. In some cases, if it is proven that you are a trade competitor and you have acted inappropriately, then legal action may be taken and costs and/or damages awarded against you.

"Trade competitor "is not defined in the RMA, however the High Court has noted

"...trade competition presents as the use of the RMA arguments to serve the ulterior purpose of retaining or obtaining market share in unrelated markets. So a super market as a trade competitor stops a rival building another super market in its customer catchment, and uses every available RMA argument to do so."

And, as noted by Simpson Grierson in commenting on the first such case involving trade competition after the RMA Streamlining Act, It appears that under the new Act, action by Consenting authorities may come into effect at the submission stage, before an appeal to the Environment Court:

General Distributors Limited v Foodstuffs Properties (Wellington) Limited [2011 NZEnvC-112]

“Consent authorities may have the ability under section 41C(7) of the RMA to strike out submissions by trade competitors themselves (on the grounds that if the submission is in breach of sections 96 and 308B of the RMA it is an abuse of process).” <http://www.simpsongrierson.com/local-government-end-of-the-supermarket-circus/>

If correct, this would also apply to submissions by surrogates.

Trade competitors and 'surrogates'

New section 308F of the RMA prohibits trade competitors from using ‘surrogates’ to bring an appeal or be a party to an appeal for trade competition purposes.

'Surrogates' are persons whom trade competitors may directly or indirectly help to bring an appeal or to be a party to an appeal against a decision in favour of other competitors.

Surrogates must tell the Environment Court when appearing as appellants or parties if they have, are, or may knowingly receive direct or indirect help from trade competitors.

The requirement that the surrogate *knowingly* receives the assistance from a trade competitor ensures that the surrogate will not be punished for having unwittingly received that assistance (for example, by way of unrelated donations to a community group).

Federated Farmers submission.

Federated Farmers are a lobbying body that works on behalf of its members. At present they are a very vocal lobbyist for GMO, and it is of note that they are prepared to part with a considerable amount of cash to have a legal opinion written to support their stance ,attached to their submission. It is very clear that Federated Farmers have more than just a passing interest in the outcome of PC131 and it is also clear that should their submission be successful its members would appear to be ready to embrace fully some anticipated benefits they might imagine that GMO field releases in the Whangarei District Council area might bring them. Perhaps it is GM rye grass or a superior GM feed brassica, it could be anything, either way, they wouldn't be interested unless these GMO's were going to boost their incomes in some way. I mean, why else would you be interested? Why would you spend so much on legal opinions?

Federated farmers claim to have upwards of 27,000 members which would amount to 60-65 % of all New Zealand farmers. On the face of it that is pretty significant and Federated Farmers would have us believe that they all support the Federated Farmers submission. That's a large majority of New Zealand's farmers appearing to be OK with GMO.

Straight Furrow, however has recently questioned these statistics (see below). In spite of numerous requests to Federated Farmers for information about membership numbers, *Straight Furrow* has seen no evidence to suggest that more than about 20 per cent of NZ farmers and 10 per cent of NZ agricultural workers are sub-paying members of the Federation (based on the most-recent Department of Labour

statistics). And it gets worse,” all that is asked of vast gulps of their membership is a name, email address and date of birth, and they are not even required fields. No tangible, familial or professional connection is required to the farmer member, the farm in question, farming in general or even New Zealand at large. “This lack of transparency is very disturbing as Federated Farmers does not appear to want to make public how many real members it actually has or who these members might be. Aside from some utterly hypothetical farmer member who might be interested in GMO release because it might help his specific situation, giving him potentially a small competitive advantage over another farmer who chooses to shun GMO, there could just as easily be deeply vested interest in the form of large corporate block membership by entities like Bayer, Syngenta, Monsanto, etc operating under subsidiary NZ based companies, buying memberships and with the “Two for one “ membership deal, pumping up the numbers like some dodgy Facebook account. Sound far-fetched? Probably, despite Bayer’s terrible reputation overseas for interfering with legislature at National, State and County level, I am sure it operates very ethically in this country. Or am I so sure? Before we start to rest at ease, there is a final parting shot from the Straight Furrow columnist.” Furthermore, the farmer member does not need the authorised consent of the nominated member. While it is reasonable to assume that in most cases the nominated member might be kin or farm-related staff, at the same time one could be a member of Federated Farmers without one's knowledge or permission; for all I know, I might currently even be a member.”

Some time soon, this very vocal and strident Pro GMO Federated farmers, needs to show us the books, so that any statutory declaration it makes on behalf of its members, as with this present submission, needs to be able to be checked and verified as accurate and more importantly, honest. This latter is actually quite a serious issue and should Federated Farmers choose to try to take their submission, if disregarded by the Commission, to the Environment Court of appeal and it is shown that they knowingly obscured significant membership, who could gain a clear competitive advantage, they will have opened themselves up to significant legal action.

Since we have no real knowledge about their membership and by dint of some if not all of its real member’s anticipation of competitive gain as a result of gaining quicker access to GMO products and services that other farmers (particularly organic farmers) may not or cannot embrace, this submitter should be treated as a trade competitor.

With Federated Farmers, for the purposes of its submission, all RMA based arguments presented in the submission, including its expensive legal opinion, must be seen as means to an end and as there are no actual environmental affects on the submitter resulting from the Plan Change proposed, the submission must be rejected. In addition, so that it is perfectly clear, the trade competitors that might be affected by their submission, who make up a party B so to speak, would be traditional, biodynamic, permaculture and organic growers and farmers hoping to simply enjoy the maintenance of the status quo the present Plan Change 131 would provide. Despite what proponents of GMO might contend regarding the coexistence of this technology with traditional methods, GMO introduction into the field severely affects non GMO growers and farmers. This was finally made abundantly clear in a recent survey of 260 Organic and traditional farms over 17 States in the USA (March 2014). (See attachment 1 or <http://www.foodandwaterwatch.org/briefs/eu-version-organic-farmers-pay-the-price-for-contamination/>). In this survey, 52% of growers have had crops rejected because of GMO contamination. In addition there is now considerable local and International, fact based research to show that GMO does have a serious direct and indirect detrimental effect on trade competitors ability to compete: An Overview of Genetic Modification in New Zealand 1973-2013: The first forty years http://mcguinnessinstitute.org/Site/Publications/Project_Reports.aspx and (<http://earthopensource.org/index.php/reports/gmo-myths-and-truths>.) This latter study is the May 2014 second addition of GMO Myths and Truths and contains 360 pages of summaries with fully referenced peer reviewed scientific studies. The relevant chapter in this instance is Chapter 5, Impacts on the farm and environment.

Attachment 1.

On Federated farmers membership



Fed's membership uncertain

Last updated 17:29 06/05/2013

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The current overall number of farmer members in Federated Farmers may be as low as 12,000-13,000, *Straight Furrow* has discovered.

"The big red herring, I think, is what are the numbers of members versus memberships," says ex- Chief Executive, Tony St. Clair, of the Federation's membership structure.

When Mr St. Clair took over the reins in 1997, he says Federated Farmers had a membership of about 12,800; when he left in 2005 it was sitting just over 19,000 - in both cases on a one subscription per member basis.

"There is no way those numbers can get to 27,000 unless you put mum, dad, the kids and the dog in there. Even in the days of the compulsory levy, when everyone had to be a member, those numbers were, from memory, only in or around that much," said Mr St. Clair.

The Federation allege to represent 60-65% of all New Zealand farmers, with the 27,000-28,000 members they claim to have.

In spite of numerous requests, *Straight Furrow* has seen no evidence to suggest that more than about 20 per cent of NZ farmers and 10 per cent of NZ agricultural workers are sub-paying members of the Federation (based on the most-recent Department of Labour statistics).

The gulf between farmer members and nominated members arose from 2006 onwards when a membership structure of one subscription per member was gradually changed for a *de facto* "two-for-one" structure that is currently on offer for five of their seven membership categories.

If every sub-paying member of those five categories entered a second, nominated member, *Straight Furrow* still remains unclear how that could come to 27,000, while President Bruce Wills has at times claimed to be representing "30,000 farmers," but where is the evidence?

For a lobby group that once so commendably championed the need for black and white transparency in business, public and political life, there now appears to be a growing shade of grey across their own backyard.

In a recent interview with the current Chief Executive, Conor English, *Straight Furrow* asked the man at the helm since 2008 if he can supply the details of their membership evidence.

"Look, we obviously have records of all our members. We don't generally hand that out publically...I'm just not sure how helpful it is. You can do all sorts of things with numbers if you want to.

"One of the things that I've done in my time here is that the numbers we've got *are* real numbers. So we, generally speaking, don't go around saying we've got X number of members, but we do have about 27,000 or 28,000 members."

Mr English was then asked if the Federation is capable of producing such figures but simply didn't want to.

"Well no, it's just - Look, I'm not too worried about it but I just think what's more important is that we have the discussion about the issues that matter..."

What doesn't appear to matter as much to the Federation is the issue of membership transparency, as neither did Mr English see much merit in an independent audit to set the record straight on this topic.

He did, however, clarify that there were two measures of membership at Federated Farmers: the number of invoices they send out (as opposed to the number which are paid) as well as the number of "beating hearts."

The discrepancy between those two measures is underscored by the fact that no evidence is required on their membership form that the second, nominated member may even have such a "beating heart."

All that is asked of vast gulps of their membership is a name, email address and date of birth, and they are not even required fields. No tangible, familial or professional connection is required to the farmer member, the farm in question, farming in general or even New Zealand at large.

Furthermore, the farmer member does not need the authorised consent of the nominated member. While it is reasonable to assume that in most cases the nominated member might be kin or farm-related staff, at the same time one could be a member of Federated Farmers without one's knowledge or permission; for all I know, I might currently even be a member.

As a point of comparison on membership structure, an alternative volunteer farming organisation, Farmers of New Zealand, still operates on a strictly one subscription per member basis.

"We're very open and transparent as to what we are, who we are and how we are," Hugh Rose, Kaipara District Chairman, told this paper.

"We've around 500 paid-up members in total, but we do have a member database of over 4000 members on it. If we measured membership the way the Feds do, it would be very interesting indeed."

Mail Room

From: Matt Stanley [matt@maplekiwi.com]
Sent: Tuesday, 9 December 2014 10:03 p.m.
To: Mail Room
Subject: Supporting Submissions to WDC GMO Plan Change

Follow Up Flag: Follow up
Flag Status: Flagged

December 5, 2014
Submission by: Matthieu Stanley
71 Lauries Dr, RD 1, Kamo 0185
Phone: 435 2912

Dear Sir or Madam,

I am writing to support the excellent Whangarei District Council and the Far North District Council's collaborative GMO plan changes. However, I would also like to support more effort to be made for the safety of our people and our environment than GE trials and experiments to become a discretionary activity. I strongly support an outright prohibition clause for: EPA approved outdoor GE experiments, or field trials, as well as any GMO releases.

I strongly support the original submissions made by:

- GE Free Northland submittor #206
- Northland Conservation Board #29
- Physicians & Scientists for Global Responsibility(NZ) #118
- Soil & Health Association of NZ #153
- Organics Aotearoa NZ #244
- Te Runanga A Iwi O Ngapuhi #180
- Ngatiwai Trust Board #179
- National Beekeepers Association (NBA) #255
- Royal Forest and Bird Protection Society of NZ (Inc) (northern branch) #243
- Vision Kerikeri #171
- Auckland GE Free Coalition #48
- Patuharakeke Te Iwi Trust Board Inc. #124
- GE FREE NZ #148
- Far North District Council #226
- Far North Organic Growers #23
- Putiputi Ra Organic Shop (Heather Dyas) #75

I also strongly oppose the original submissions made by:

- Federated Farmers of NZ #188
- Ministry for the Environment #26
- The NZ Forest Research Institute Limited (Scion) #217
- Forest Owners Association #232
- Hancock Forest Management (NZ) Ltd #228

I oppose these submissions because they put personal and organisational profits before the public interest. They also rely on biased research and/or intentionally flawed experiments for their support. Finally, they demonstrate a willingness to sacrifice *our* personal health, community strength, and protected environments,

while *they* make alliances with US officials who have much to gain through the international acceptance of GMO technology. Time and again, this technology has proven to have no economic (or other) benefits for farmers, communities, or local councils—only the handful corporations who own the technology win.

Thank you for considering my email submission, and no I do not wish to be heard,

Sincerely,
Matthieu Stanley

Please note: I cannot gain an advantage in trade competition through this submission.

--

Matt Stanley
Sent with [Sparrow](#)

Mail Room

From: rowan.corymbosa@gmail.com on behalf of Rowan Stanley [rowan@corymbosa.me]
Sent: Wednesday, 10 December 2014 3:41 p.m.
To: Mail Room
Cc: tony18er@xtra.co.nz; elizamber@hotmail.com; maureenanneadair@gmail.com;
aikens@slingshot.co.nz; natasha.tod@mfe.govt.nz; nativegardenman@gmail.com;
bevieandrogie@gmail.com; reotahi@clear.net.nz; j.ancliffe@xtra.co.nz; shushila1@gmail.com;
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inge@oraoraresort.co.nz; brightria33@gmail.com; jean.brine@hotmail.com;
andreyabrown@hotmail.com; kowgalskreations@gmail.com;
youcangetmeonline@yahoo.com; caruso@xtra.co.nz; cawthorne@ubernet.co.nz;
maggiechurcher@gmail.com; rossgclark47@gmail.com; rixon49@gmail.com;
barbarabelger@gmail.com; mjcloass@ultracom.co.nz; ulf@minicat.kiwi.nz;
okuraplantation@gmail.com; goldnbird@xnet.co.nz; janecunningham@slingshot.co.nz;
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jeck@woosh.co.nz; md1@ihug.co.nz; charles@cdrace.co.nz; michael203@gmail.com;
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eyer@xtra.co.nz; tammy.wooster@fndc.govt.nz; bhuttiynz@gmail.com;
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deck.hazen@gmail.com; tiahealey@live.com; neil@henderson.gen.nz;
hansherleth@gmail.com; iakhjelm@gmail.com; inahoefer@yahoo.de;
bigrockfarm@vodafone.co.nz; return2nz@gmx.com; aranatahi@gmail.com;
tawhiri@gmail.com; secretary@gefrees.org.nz; iinocentre@gmail.com;
karearea.f@gmail.com; kowi.jellick@xtra.co.nz; jellico@clear.net.nz;
kajiampa@yahoo.co.nz; mariejoesnz@gmail.com; ted.mariejones@xtra.co.nz;
jalabaster@igrin.co.nz; donna.smith@fndc.govt.nz; vanessakeegan@gmail.com;
organics@value.net.nz; joykerr727@gmail.com; krisnterry@orcon.net.nz;
pkjungle@gmail.com; braenz@gmail.com; andre@atozdiving.co.nz; joachim@wec.co.nz;
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maryroymcd@gmail.com; mike.mcglynn@xtra.co.nz; survivors@xtra.co.nz;
richard@stonestorelodge.co.nz; gil.minogue@gmail.com; trish4monahan@yahoo.co.nz;
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info@makoecheese.co.nz; crisscross@xtra.co.nz; cliffroyal@gmail.com;
millan@wairuaenergy.co.nz; secaura@yahoo.com.au; allan.ryan@harkerherbals.com;
gafer@clear.net.nz; sandmanandbecky@gmail.com; uelisagi@gmail.com; oromai51@gmail.com;
dean@e-outcomes.co.nz; felix@wairereboulders.co.nz;
rita@wairereboulders.co.nz; bloodrainnz@me.com; dandfslater@gmail.com;

Cc: terriwalsh@clear.net.nz; fewsmith@xtra.co.nz; katherine@naturalmedicine.org.nz; spear@clear.net.nz; dagmar@mode-design.co.nz; suzanne12@xtra.co.nz; juliastruyck@clear.net.nz; cindlecotq@gmail.com; travernor@xtra.co.nz; neil4thomas@yahoo.com; skypetobecks@hotmail.co.nz; phyllis@truehealth.co.nz; akketiem@xtra.co.nz; tombsben@gmail.com; ftombs@kerikerihigh.ac.nz; cyberi@slingshot.co.nz; michaelletrott@gmail.com; m.tschirky@slingshot.co.nz; smcmanu@slingshot.co.nz; samvallings@hotmail.com; peter.vanandel@yahoo.co.nz; bottldragon@gmail.com; ansdewolf@clear.net.nz; michelevdk@gmail.com; trishandgijs@gmail.com; tiber.vogel@gmail.com; gwadeferrrell@gmail.com; yyyjonathan@gmail.com; wompah@xtra.co.nz; bill@accessasiabiz.com; kathwatzig@yahoo.com; donna.wellington@colmarbrunton.co.nz; debhorse9@hotmail.com; mtiernywilson@xtra.co.nz; micasgallery@gmail.com; koutucolleen@gmail.com; wiga_autet@yahoo.com; asta.wistrand@yahoo.com; wright_nz@yahoo.com; vnrwright33@gmail.com; lizwright@clear.net.nz; marianna.nz@gmail.com; krisnterry@orcon.net

Subject: Plan Change 131: Attention Melissa Needham

Follow Up Flag: Follow up
Flag Status: Flagged

9 December 2014

Rowan Stanley
123 Worsnop Road
Ruatangata R.D.6
Whangarei 0176

rowan@corymbosa.me

I strongly support the original submissions made to WDC by:

- Tony Achtzehner PC131-34
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- Velary N Wright PC131-182
- Graeme Wylie and Lorene Royal PC131-119
- Marianna Young PC131-223

I seek that the whole of these submissions be allowed.

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- Paul Allen PC131-247
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- Rebecca Thompson PC131-219
- Pedro and Martina Tschirky PC131-52
- Deb Williams PC131-245
- Mary-Frances Wilson PC131-06

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- Glen Mackie of the Forest Owners Association PC131-232
- Ursula Buckingham of Hancock Forest Management LTD PC131-228
- Catherine Meger PC131-02
- Amy Adams, Minister for the Environment PC131-26
- The NZ Forest Research Institute Ltd (SCION) PC131-217

I seek that the whole of these submissions be disallowed.

I cannot gain a trade advantage through this submission.

Mail Room

From: Millan Ruka [millan@wairuaenergy.co.nz]
Sent: Wednesday, 10 December 2014 11:26 p.m.
To: Mail Room
Cc: Rowan Stanley; tania.pene@ngapuhi.org; Meryl Carter; Richard Shepherd; Allan Ngati Hau; teraa.nehua@xtra.co.nz; Solomon Tipene
Subject: Report #105 - Re: Submissions on GMO releases - Plan Change 131: Attention Melissa Needham

Follow Up Flag: Follow up
Flag Status: Flagged

To Whangarei District Council
From
Millan Ruka
PO Box 98, Whangarei

I strongly support the original submissions made to WDC by the following

- Tony Achtzehner PC131-34
- Maureen Anne Adair PC131-21
- Neil Adams PC131-207
- Gail and John Aiken PC131-67
- Shushila Ajani PC131-264
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I seek that the whole of these submissions be allowed.

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- Ursula Buckingham of Hancock Forest Management LTD PC131-228
- Catherine Meger PC131-02
- Amy Adams, Minister for the Environment PC131-26
- The NZ Forest Research Institute Ltd (SCION) PC131-217

I seek that the whole of these submissions be disallowed.

I cannot gain a trade advantage through this submission.

Millan Ruka

Mail Room

From: neil henderson [neilhenderson@vodafone.co.nz]
Sent: Wednesday, 10 December 2014 9:03 p.m.
To: Mail Room
Cc: delwyn.wharehoka@scionresearch.com
Subject: Further submission to PC 131 -Scion

Neil Henderson
36 Evans Rd Glen Eden Auckland
neil@henderson.gen.nz
09 8180037

I am a person representing a relevant aspect of the public interest such that I have concerns over the legality of the following submission.

I oppose the submission of Scion #217, in its entirety.

I could not gain an advantage in trade competition through this submission.

I do wish to speak to this and to the further submission I have made against Federated farmers #188.

Further Submission to Plan Change 131. Whangarei District Council

Further Submission to Whangarei District Council

I wish to submit against the submission of Scion # 217 relating to the Whangarei District Council PC 131 on genetically Modified organisms. It is my opinion that Scion, through its partnership with Arborgen, and through it, with Rubicon, would gain a competitive trade advantage or would be acting as a surrogate for other entities that seek to gain such an advantage, over other organisations or individuals who choose to conduct their business ventures without resorting to using GMO. Scion has declared in its submission that no such competitive advantage exists and on the basis that this is misleading, if not unlawful, I respectfully ask that their submission be rejected in its entirety. (Sections 96 and 308 b and f, RMA)

In the original submission to the Whangarei District Plan Change and with subsequent submissions, there is the declaration requirement around trade competition advantage. In the instructions around submissions for RMA related matters, it is stated:

Trade competition issues

There are some specific restrictions that apply to people or organisations with a trade or business interest in a plan change or plan variation. You can't make a submission about a proposed plan, plan change or variation on trade competition grounds. For example, if you own a business and a new commercial zone is proposed across the road, you can't put in a submission stating that this will impact on your business profits. However, if your concern is about the environmental effects of what's proposed (such as too much traffic on the road or parking outside your property), then this may be accepted.

If you have a trade or business interest in a plan change or variation, and are considering making a submission, then you should seek legal advice. In some cases, if it is proven that you are a trade competitor and you have acted inappropriately, then legal action may be taken and costs and/or damages awarded against you.

"Trade competitor" is not defined in the RMA, however the High Court has noted

"...trade competition presents as the use of the RMA arguments to serve the ulterior purpose of retaining or obtaining market share in unrelated markets. So a super market as a trade competitor stops a rival building another super market in its customer catchment, and uses every available RMA argument to do so."

And, as noted by Simpson Grierson in commenting on the first such case involving trade competition after the RMA Streamlining Act, under the new ACT, action by Consenting authorities may come into effect at the submission stage ,before an appeal to the Environment Court:

General Distributors Limited v Foodstuffs Properties (Wellington) Limited [2011 NZEnvC-112]

“Consent authorities may have the ability under section 41C(7) of the RMA to strike out submissions by trade competitors themselves (on the grounds that if the submission is in breach of sections 96 and 308B of the RMA it is an abuse of process).” <http://www.simpsongrierson.com/local-government-end-of-the-supermarket-circus/>

If correct, this would also apply to submissions by surrogates.

Trade competitors and 'surrogates'

New section 308F of the RMA prohibits trade competitors from using ‘surrogates’ to bring an appeal or be a party to an appeal for trade competition purposes.

'Surrogates' are persons whom trade competitors may directly or indirectly help to bring an appeal or to be a party to an appeal against a decision in favour of other competitors.

Surrogates must tell the Environment Court when appearing as appellants or parties if they have, are, or may knowingly receive direct or indirect help from trade competitors.

The requirement that the surrogate *knowingly* receives the assistance from a trade competitor ensures that the surrogate will not be punished for having unwittingly received that assistance (for example, by way of unrelated donations to a community group).

Scion’s Submission.

The Crown Research Institute Scion and ArborGen LLC have a multi-million dollar partnership deal. Scion, based in Rotorua, and ArborGen based in the United States, has signed a research and development agreement to focus on the areas of gene discovery and molecular breeding for forest trees. In addition, ArborGen and one of its investors, New Zealand-based Rubicon, who own one third shares of ArborGen, have licensed their pine and eucalyptus EST databases to further the Scion discovery programme and commercial relationship between the two entities. At the time of the signing, Scion Chief Executive, Dr Tom Richardson, says the partnership demonstrates how New Zealand researchers have recognised value on the world stage.

"We have the ability and expertise to cross international boundaries and we have the credibility in forestry science to attract international investment. “He says the partnership is an exciting development for Scion, not only because of the research potential, but because of the very nature of the commercial relationship.

ArborGen is poised at the moment to get approval to plant frost tolerant GMO eucalyptus in the South Eastern United States, but this precedent setting move is meeting considerable resistant there because of the already invasive nature of eucalyptus around the world.(<http://www.wilderutopia.com/health/genetically-engineered-eucalyptus-plantations-threaten-us-south/>) and here <http://www.scoop.co.nz/stories/PO0906/S00313.htm>.

It is my contention that the real driver behind this submission is simply, perceived loss of future profit opportunity or market share. It is clear that Scion, for all its "neither fish nor fowl" CRI status, is definitely operating as a profit making company, despite its shareholders being Government Ministers and thus the New Zealand public. Rubicon, in partnership with Scion has stated that it wants commercialisation of GE forests in New Zealand to have less regulatory impediments. (<http://www.scoop.co.nz/stories/PO0906/S00313.htm>).

As such, all RMA based arguments presented in the submission must be seen as ends to this means and as there are no actual environmental affects on the submitters resulting from the precautionary provisions proposed in PC 131, the submission must be rejected. In addition, the trade competitors that might be affected by their submission, if successful, who make up a party B so to speak, would be traditional, biodynamic, permaculture and organic growers and farmers, crops, trees or otherwise, hoping to simply enjoy the maintenance of the status quo the plan change provisions will provide. Despite what proponents of GMO might contend regarding the coexistence of this technology with traditional methods, GMO introduction into the field in its various forms, severely affects non GMO growers and farmers. In the agriculture industry, this was finally made abundantly clear in a recent survey of 260 Organic and traditional farms over 17 States in the USA (March 2014). (See attachment 1 or <http://www.foodandwaterwatch.org/briefs/eu-version-organic-farmers-pay-the-price-for-contamination/>). In this survey, 52% of growers have had crops rejected because of GMO contamination. In addition there is now considerable local and International, fact based research to show that GMO does have a serious direct and indirect detrimental effect on trade competitors ability to compete: An Overview of Genetic Modification in New Zealand 1973-2013: The first forty years http://mcguinnessinstitute.org/Site/Publications/Project_Reports.aspx and (<http://earthopensource.org/index.php/reports/gmo-myths-and-truths>). This latter study is the May 2014 second addition of GMO Myths and Truths and contains 360 pages of summaries with fully referenced peer reviewed scientific studies. The relevant chapter in this instance is Chapter 5, Impacts on the farm and environment.