

From: [Linda Grammer](#)
 To: [Proposed District Plan](#)
 Cc: [Martin Robinson](#); [Bary Conscience](#)
 Subject: Further submission by GE Free Tai Tokerau (submitor # 5433), we wish to be heard
 Date: Monday, 4 September 2023 11:23:45 PM

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3 September 2023

Submission to:

Far North District Council
 Private Bag 752, Kaikohe 0440
 Te Tai Tokerau

In response to:

FNDC proposed District Plan

Form 6: Further submission in support of, or in opposition to, submission(s) on the notified Proposed Far North District Plan 2022 Clause 8 of Schedule 1, Resource Management Act 1991
 This is a further submission in support of or in opposition to submission(s) on the Proposed Far North District Plan

Submission by:

GE Free Tai Tokerau

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 Te Tai Tokerau

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Please ensure FNDC sends information/ updates to both email addresses when you contact our community group- thank you.

Tena koutou katoa

Thank you for the opportunity to make a further submission so that together we can achieve sound biosecurity, biodiversity, environmental, economic, cultural, food sovereignty, and other important outcomes in the context of a robust District Plan for the Far North.

We are making a further submission as our community group with numerous members in Far North District and wider Northland

- lodged an original submission last year in response to the FNDC proposed District Plan

- is a key stakeholder.

- has an interest greater than the general public

- supports sustainable integrated management and protection of our existing valuable GE/GMO free status and "Northland, naturally" brand

If others make a similar submission we would consider making a joint case.

We wish to be heard in support of our original submission and further submission.

Our community group supports the original submissions lodged by the following (on the specific GE/GMOs issue)

and we stand by the original submission lodged by GE Free Tai Tokerau in response to the FNDC PDP (S433 GE Free Tai Tokerau).

SUPPORT for original submissions (GE/GMOs issue)

Support for Royal Forest and Bird Society NZ in part
 S511 Royal Forest and Bird Society
 GMO Submission points include – S511.105

"Forest & Bird support a precautionary approach to GMO. It accepts that rigorously contained research into GMA methods of pest and weed can take place under strict conditions of consent."

Support S511.05
 "Forest and Bird support a precautionary approach to GMO"

FS572.001

Reason for support: Support because this part of of the F & B submission (S511.05) is consistent with our original submission, and a precautionary approach to any laboratory GE/ GMO experiments or outdoor GE/GMO experiments is highly necessary. Adverse impacts of GMOs (including CRISPR/ gene edited organisms or sterility technique "gene drive") may be irreversible. We prefer outdoor GE/GMO experiments and field trials to be prohibited due to the significant risks and the fact that adverse impacts may be irreversible.

We would appreciate clarification as to what "GMA" stands for.

Reasons for support: Support because this part of the S442 submission is consistent with our original submission as well as Forest & Birds submission, and a precautionary approach to any laboratory GE/ GMO experiments or outdoor GE/GMO experiments is highly necessary. Adverse impacts of GMOs (including CRISPR/ gene edited organisms or sterility technique "gene drive") may be irreversible. We prefer outdoor GE/GMO experiments and field trials to be prohibited due to the significant risks and the fact that adverse impacts may be irreversible.

FS572.002

S462 Rolf Mueller Glodde

S462.001

"I fully support the status quo of the chapter on Genetically Modified Organisms (GMOs) as the most appropriate way to manage the issue with changes only relating to the structure, layout and minor amendment to rule language, to align with the new format of the other chapters."

FS572.003

Reasons for support:

Support because this part of the S462 submission is consistent with our original submission, and a precautionary approach to any laboratory GE/ GMO experiments or outdoor GE/GMO experiments is highly necessary. We agree that the FNDC chapter on Genetically Modified Organisms (GMOs) "is the most appropriate way to manage the issue with changes only relating to the structure, layout and minor amendment to rule language, to align with the new format of the other chapters."

FS572.004

S359 Northland Regional Council 359.003 Cross boundary matters

"5.2 There are likely to be cross-boundary issues relating to jurisdictional boundaries with adjoining councils (eg. incompatible / inconsistent provisions or zoning) that need to be considered. Earthworks, genetically modified organisms and vegetation clearance are likely candidates. Given the resource management reform we suggest looking at aligning the more generic district plan rules with those of adjoining councils."- ENDS excerpt from NRC original submission

Reasons for support: NRD submission 359.003

That FNDC needs to retain and enhance the precautionary and prohibitive GE/GMO provisions, policies and rules (in the operative District Plan, as a result of collaborative GE/GMO plan change #18 (FNDC) and #131 (WDC) as GE/GMO contamination does not respect boundaries. FNDC needs to continue its precautionary and prohibitive, collaborative and regional approach to the risks of GE/GMOs. We note that the Northland regional documents have precautionary and prohibitive GE/GMO provisions, policies and rules.

The Northland RPS deals with the overarching Policy and through the operative Regional Plan deals with those areas not covered by the District Plans ie. the Coastal Marine Areas.

We note that District Councils must give effect to the provisions of the Regional Policy Statements (must implement)

District Plans can not be contrary to the Regional Plans.

S304 Ngati Rangī Ki Ngāwha Hapu

We support submission S304.001

"GMO-P1 To adopt a precautionary approach by prohibiting the general release of a GMO, and by making outdoor field trialling of a GMO and the use of viable GM veterinary vaccines not supervised by a veterinarian a discretionary activity with all applications to be publicly notified.

Sentiment: Support in Part Submission:

Furthermore, as reiterated in Ngati Rangī Policy regarding Genetic Engineering and Genetically Modified Organisms:

3.4.1 The Ngāti Rangī rohe will remain free of G.E. and G.M.O. This includes but is not limited to: a. animal and plant gene manipulation; b. any G.E. field trials, and c. any food containing anything from a G.E. and G.M.O. origin. Relief sought

As reiterated in Ngati Rangī Policy regarding Genetic Engineering and Genetically Modified Organisms:

3.4.1 The Ngāti Rangī rohe will remain free of G.E. and G.M.O. This includes but is not limited to:

a. animal and plant gene manipulation; b. any G.E. field trials, and c. any food containing anything from a G.E. and G.M.O. origin.

Furthermore then reiterated in Ngati Rangī Rules regarding Genetic engineering and Genetically Modified Organisms:

3.4.1.1 Genetic engineering is prohibited within the rohe

Genetic engineering 3.4.1 The Ngāti Rangī region will remain free of G.E. This includes but is not limited to: a. animal and plant gene manipulation; b. any G.E. field trials; and c. any food containing anything from a G.E. origin."

Reasons for support:

Support because this part of the Ngati Rangī ki Ngāwha hapu submission (S511.05) is consistent with our original submission, and a precautionary and prohibitive policy regarding outdoor GE/GMO experiments is highly necessary. Support because GE Free Tai Tokerau supports the precautionary and prohibitive GE/GMO policies of all Tai Tokerau iwi/ hapu for their respective rohe. Support because of our concerns about any genetic engineering/ modification of native taonga species, including but not limited to manuka and kauri.

S515 Ngati Rangī Ki Ngāwha

FS572.006

Reasons for support: Same reasons as above (S304) Ngati Rangī Ki Ngāwha Hapu

S559 Te Runanga o Ngati Rehia S559.047

Ngati Rehia are the kaitiaki of the water resources within their rohe.

FS572.007

Support

"Insert an objective into the PDP that focuses on the relationship of tangata whenua to their ancestral waterways and the maintenance of that relationship."

Support- as GE Free Tai Tokerau supports this position. It is highly important that local mana whenua can exercise kaitiakitanga of water resources within their rohe and we note that GE/GMO crops can contaminate waterways (and soils).

OPPOSE

S421 Northland Federated Farmers (GE/GMOs issue)

FS572.008

We oppose this specific section (421.003 GE/GMOs issue) in the original submission by S421 Northland Federated Farmers of NZ

421.003

"Federated Farmers is not supportive of Councils dealing with genetically modified organisms through a restrictive process. The Environmental Protection Authority (EPA) has been tasked with the control and management of genetically modified organisms. For Councils to then seek to restrict these organisms results in the doubling the consenting process and paperwork for a farmer as well as unnecessary duplication. The EPA controls the consent process which is strictly monitored and restricted to ensure that the trials are successful and do not cause damage to the environment and local communities

RELIEF SOUGHT (Northland Federated Farmers)

(b) the deletion of the restrictions in the proposed district plan on the control and management of genetically modified organisms and replace with reference to the processes and controls imposed by the EPA; and S421.203 (c) any consequential amendments required as a result of the relief sought. " ENDS excerpt from S421

We oppose this part of the S421 submission (S421.003) because it is inconsistent with our original submission, and the relief we seek. Northland Federated Farmers and head office (Federated Farmers of NZ) falsely states that FNDC's fiscally responsible and collaborative GE/GMO provisions, policies and rules are "unnecessary duplication."

The findings of the Northland/ Auckland INTER COUNCIL WORKING PARTY ON GMO RISK EVALUATION AND MANAGEMENT OPTIONS (of which FNDC is a full member since its inception in 2003), Local Government NZ, and many other councils (including Hastings District Council, Bay of Plenty Regional Council, Nelson City Council) clearly show significant deficiencies in the Hazardous Substances and New Organisms (HSNO) Act and multiple failures by the central government regulator (ERMA/ EPA).

Deficiencies in HSNO include inadequate liability provisions and no mandatory requirement by the EPA to take a precautionary approach to outdoor GE/GMO applications.

It has also been documented that in a number of cases MAF/MPI failed to adequately monitor ERMA/EPA rubber stamped outdoor GE/GMO field trials, including Plant and Food Research's GE brassica trial.

Local councils creating an additional tier of protection against the risks of outdoor GE/GMO experiments, field trials, conditional release (and banning full release) is highly necessary and in keeping with the wishes of the majority of their ratepayers and residents. The responsible action of FNDC (and the other Northland/ Auckland councils) serves to help protect not only existing GM free primary producers and their valuable enterprises, but our biosecurity, wider environment, food sovereignty, and economy.

Three major reports commissioned by the Northland/Auckland Working party have identified a range of risks involved with the outdoor trialling and release of GMOs. They also include approaches to managing those risks.

Northland Federated Farmers and head office (Federated Farmers of NZ) should be conversant with the above information and case law, given Federated Farmers repeated failures in the courts (attempting to stop local councils from placing precautionary and prohibitive GE/GMO provisions, policies and rules in local plans). Federated Farmers lost every single case in the Environment Court, High Court, Court of Appeal and Environment Court. Full costs were awarded to WDC, FNDC, Soil & Health Association, GE Free Northland (see Principal Environment Court Judge Laurie Newhook comments below at ***).

See

13 April 2018

Another win for GE-Free New Zealand

<https://soilandhealth.org.nz/media-releases/another-win-for-ge-free-new-zealand/>

16 April 2018 Radio NZ

"Federated Farmers slammed by judge for blocking GMO bans"

<https://www.rnz.co.nz/news/national/355238/federated-farmers-slammed-by-judge-for-blocking-gmo-bans>

"Judge slams Federated Farmers"

24 April 2018 Dairy News

<https://www.ruralnewsgroup.co.nz/dairy-news/dairy-general-news/judge-slams-federated-farmers>

"Feds caned in Environment Court"

2 May 2018 RURAL NEWS

<https://www.ruralnewsgroup.co.nz/rural-news/rural-general-news/feds-caned-by-environment-court>

IMPORTANT We also note there is an issue with the FNDC staff summarising of this submission point on the FNDC website regarding the FNDC PDP (FNDC has incorrectly captured Northland Federated Farmers of NZ original submission point 421.003 as "support" when it is the opposite).

FS572.009-.010

SUPPORT

We support the following specific section (S421.202 and S421.201 of the original submission lodged by Northland Federated Farmers of NZ

"Federated Farmers supports the use of the precautionary approach and the use of adaptive responses which has been adopted by the Council in terms of the use of genetically modified organisms.

Federated Farmers seeks the following relief: (a) the retention of the precautionary approach and the use of adaptive response throughout this chapter of the proposed district plan" (ENDS excerpt from Northland Fed Farmers original submission to FNDC PDP

We support this specific section (S421.202 and S421.201) as it is consistent with part of our original submission. The use of the precautionary approach and FNDC's adaptive, fiscally responsible, and collaborative approach to the risks of any outdoor GE/GMO experiments/ field trials/ releases is highly appropriate. FNDC's approach is consistent with the precautionary and prohibitive GE/GMO provisions, policies and rules in the operative FNDC District Plan and in alignment with the FNDC precautionary and prohibitive, collaborative and regional approach to the risks of GE/GMOs.

FNDC's approach is also in alignment with the precautionary and prohibitive GE/GMO provisions, policies and rules in the operative Whangarei District Plan. FNDC undertook GE/GMO Plan change #18 collaboratively with Whangarei District Council (Plan change #131). FNDC's approach is also in alignment with the findings of the Northland / Auckland INTER COUNCIL WORKING PARTY ON GMO RISK EVALUATION & MANAGEMENT OPTIONS (of which FNDC is a member).

For information on the work of the Northland/Auckland "Inter Council Working Party on GMO Risk Evaluation & Management Options" see

Whangarei District Council GENETIC ENGINEERING REVIEW

<http://www.wdc.govt.nz/PlansPoliciesandBylaws/Plans/Genetic-Engineering/Pages/default.aspx>

We note that the Northland regional documents have precautionary and prohibitive GE/GMO provisions, policies and rules.

The Northland RPS deals with the overarching Policy and through the operative Regional Plan deals with those areas not covered by the District Plans ie. the Coastal Marine Areas.

We note that District Councils must give effect to the provisions of the Regional Policy Statements (must implement). District Plans can not be contrary to Regional Plans.

We wish to be heard, please keep us informed. Thank you.

Appendix:

The Inter-Council working party on Genetically Modified Organisms (GMO) Risk Evaluation and Management Options was established to respond to community concerns in the Northland region about GMOs.

The Far North, Whangarei, and Kaipara District Councils, Auckland Council and Northland Regional Council are represented on the working party.

Risk Evaluation and Management Options

"Three major reports commissioned by the working party have identified a range of risks involved with the trialling and release of GMOs. They also include approaches to managing those risks. GMO Reports [link to documents]

Environmental risks

GMOs becoming invasive and affecting other species including native flora and fauna
the development of herbicide or pesticide resistance creating "super-weeds" or "super-pests"
long term effects on ecosystem functioning.

Socio-cultural risks

effects on Maori cultural beliefs of whakapapa, mauri, tikanga
ethical concerns about mixing genes from different species including human genes
concerns about the long term safety of genetically engineered food.

Economic risks

loss of income through contamination (or perceived contamination) of non-GMO food products
negative effects on marketing and branding opportunities such as "clean and green" or "Northland, naturally"
costs associated with environmental damage such as clean-up costs for invasive weeds or pests.

Associated with these risks are limited liability provisions under the Hazardous Substances and New Organisms (HSNO) Act 1996."

ENDS

(excerpt from the Northland/ Auckland ICWP on GMOs web page)

DAIRY NEWS 24 April 2018

"JUDGE SLAMS FEDERATED FARMERS"

Judge Newhook says "despite losing a jurisdictional argument in this court on its own appeal and losing its appeal to the High Court and its substantive appeal to the Court of Appeal and its substantive appeal to this court, Federated Farmers has endeavoured to run somewhat similar arguments on the papers before me in the current stage of the Whangarei District Council (WDC) appeal. These things collectively seem quite remarkable."

Essentially, when Feds lost the Northland case it tried to re-litigate the arguments by joining an appeal by WDC for a minor wording change which the judge agreed to.

Judge Newhook describes the Feds submission in this latest case as "curious to say the least" and that he agrees with the counsel for the Soil and Health that the Federation's submissions were "rather difficult to follow in logic".

He says the Feds' argument that genetically modified organisms (GMOs) should only be controlled by central government is wrong because under the Resource Management Act regional councils have the power to control GMOs through their regional policy statements and plans.

The tenor of the judgement suggests that the judge is perplexed or exasperated by the arguments run in this latest case by the federation.

He concludes by saying that the submission by Feds is "largely a re-run of the arguments about jurisdiction previously heard in this court and in the High Court and ruled upon. It is not open to Federated Farmers to run these arguments again especially in view of the binding findings of the High Court and I will not consider that part of the submission further".

The decision by Judge Newhook to open up the issue of costs is almost unprecedented and suggests his frustration at the nature of their appeal. (ENDS excerpt)