



SECTION 42A REPORT GMOs

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Appendix 1: Recommended amendments to Strategic Direction chapter

Appendix 2: Recommended decisions on submissions to Strategic Direction chapter



List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S359	NRC	Northland Regional Council

Note: This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The GMOs Chapter is located in Part 2: District-Wide Matters and is one of the 10 chapters within the General District-Wide Matters section of the PDP.
2. There were 7 original submitters (with 12 individual submission points) and 8 further submitters (with 45 individual submission points) received on the GMOs topic. 6 original submission points indicated general support for the provisions to be retained as notified, 3 submission points indicated support in part, with changes requested, whilst 3 submission points opposed the provisions.
3. The submissions can largely be categorised into several key themes:
 - a) GMO chapter scope in relation to HSNO
 - b) Definitions and inclusions
 - c) Provisions
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. There are no recommended changes in this report.

2 Introduction

2.1 Author and qualifications

6. My full name is Kenton Robert Owen Baxter, and I am the Policy Planner in the District Planning Team at FNDC.
7. I hold the qualifications of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.
8. I have five years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector.



2.2 Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

3 Scope/Purpose of Report

11. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
12. This report responds to submissions on GMOs.
13. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
14. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16 corrections to the PDP since notification¹. These changes are neutral and do not alter the effect of the provisions. The Clause 16 corrections relevant to the GMOs chapter are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions). For clarity and consistency with the PDP, these corrections are not shown in strikethrough or underline in Appendix 1.

4 Statutory Requirements

4.1 Statutory documents

15. I note that the GMOs Section 32 report provides detail of the relevant statutory considerations applicable to the GMOs Chapter.
16. I also note that the s42A report for Hearing 1 (Strategic Direction), sets out the relationship between the sections of the RMA and "higher order documents" i.e. relevant iwi management plans, other relevant plans and strategies.

¹ [Clause 16 Amendments | Far North District Council \(fndc.govt.nz\)](https://www.fndc.govt.nz/Clause-16-Amendments)



17. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
18. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to. Those that are relevant to the GMOs Chapter are discussed in sections 4.1.1 – 4.2.4 below.

4.1.1 Resource Management Act

19. The Government elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22nd of December 2023 and has reinstated the RMA as Zealand's primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

4.1.2 Hazardous Substances and New Organisms Act 1996

20. The Hazardous Substances and New Organisms Act 1996 (HSNO Act) is the primary legislation in New Zealand regulating genetically modified organisms (GMOs). The Act oversees the use, management, and development of GMOs across various fields, including medicine, agriculture, and industrial production. The Act requires that any genetic modification be assessed and approved by the Environmental Protection Authority (EPA) to ensure it does not pose a significant risk to the environment or public health.

4.1.3 Proposed Changes to the Hazardous Substances and New Organisms Act 1996

21. In August 2024, the Government announced that the legislation governing the management of GMO's is being reviewed and that a new approach, similar to that used in Australia is being considered. This may include making field trials for crops easier to undertake. Overall, the changes aim to make GMO regulations more efficient, reduce costs, and support innovation in research and medicine in New Zealand. At this point it is unclear whether the ability of the RMA to regulate GMO's will be retained.



4.1.4 National Policy Statements

4.1.4.1 National Policy Statements Gazetted since Notification of the PDP

22. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
23. There are no new NPSs or changes to operative NPSs that are of particular relevance to the submissions received on the GMO chapter. The relevant NPSs were addressed as part of the Statutory Context within the GMO Section 32 Report.

4.1.4.2 National Policy Statements – Announced Future Changes

24. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements (summarised in **Table 1** below). The below NPS are not anticipated to be of general relevance to the submissions received on the GMOs topic but have been included for completeness.

Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as of March 2024)

National Policy Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Freshwater Management (NPS-FM)		<ul style="list-style-type: none"> Changes to hierarchy of obligations in Te Mana o Te Wai provisions Amendments to NPS-FM, which will include a robust and full consultation process with all stakeholders including iwi and the public 	<p>End of 2024</p> <p>2024 - 2026</p>
National Policy Statement on Indigenous Biodiversity (NPS-IB)		<ul style="list-style-type: none"> Amendments to the NPS-IB Work to stop/cease implementation of new Significant Natural Areas 	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)		<ul style="list-style-type: none"> Amendments to NPS-UD, including requirements for Tier 1 and 2 Council to ‘live zone’ enough land for 30 years of housing growth, and making it easier for mixed use zoning around transport nodes. 	By end of 2024



National Policy Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Renewable Electricity Generation (NPS-REG)		<ul style="list-style-type: none"> • Amendments to NPS-REG, to allow renewable energy production to be doubled 	By end of 2024
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> • Amendments to NPS-ET, but at this stage direction and amendments are unclear. 	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> • Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility 	2024 - 2025
Proposed National Policy Statement for Natural Hazards (NPS-NH)		<ul style="list-style-type: none"> • No update on progress has been provided by current government. 	Unknown

4.2 Council's Response to Current Statutory Context

25. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
26. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
27. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
28. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.



4.2.1 National Planning Standards

29. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The GMOs provisions proposed and recommended in this report follow this guidance.

4.2.2 Treaty Settlements

30. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.2.3 Iwi Management Plans – Update

31. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview reports. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, two have been revised since notification of the PDP:

- a) Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
- b) Ahipara Takiwā Environmental Management Plan.

Ngāti Hine Environmental Management Plan

32. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the GMOs Chapter the Ngāti Hine Environmental Management Plan has a whole section titled as Section 2.9 Genetic Engineering and Modification which provides the following direction:

- a) The objectives of this section state that Ngāti Hine will be informed about the potential impacts, both positive and negative, of genetic diversity on people, land, plants, animals, and water bodies, and to actively protect and manage these taonga tuku iho.
- b) The issues section outline the complexity of GMOs which requires further investigation and wananga. The indigenous genetic diversity is a taonga passed down through whakapapa. Decisions on controlling Genetically Engineered (GE) and Genetically Modified Organisms (GMO) are often made at regional and national levels with little to no consultation with Ngāti Hine.



- c) In the policies section it outlines that Ngāti Hine opposes the introduction of genetically modified organisms or products from such organisms, viewing them as contrary to whakapapa and potentially dangerous. They support a GE-free rohe and the notions of Hua Parakore. Ngāti Hine believes that both local and central governments should consult with Māori as Treaty partners when making decisions about GMO control. They advocate for continuous review of national legislation to prohibit GMO release locally and that any changes to national policies regarding GMOs within the region must involve engagement with Ngāti Hine to consider their proposals and enable their involvement in GMO management.

Ahipara Takiwā Environmental Management Plan

33. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the GMOs Chapter, the Environmental Management Plan provides direction in relation to the following:
- a) Issues relating to biodiversity - TWNATI4 Genetic modification of indigenous flora and fauna interferes with natural whakapapa.
 - b) Objectives relating to biodiversity – TWNATO10 To require a precautionary approach to genetic modification within the takiwā.

Patukeha Hapu Management Plan

34. At the time of writing this report, FNDC anticipates that the Patukeha Hapu Management Plan will be finalised in October 2024.

4.3 Section 32AA evaluation

35. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
36. The s32AA further evaluation for each key issue considers:
- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b) The reasonably practicable options for achieving those objectives.
 - c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d) The efficiency and effectiveness of the provisions for achieving the objectives.



e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

37. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

38. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

5 Consideration of submissions received

5.1 Overview of submissions received.

39. A total of 12 individual submission points (from 7 original submitters) and 45 individual submission points (from 8 further submitters) were received on the GMOs Chapter.

40. The main submissions on the GMOs Chapter came from:

a) Ngati Rangi ki Ngawha Hapu ("Ngati Rangi ki Ngawha Hapu" / S304) and Ngati Rangi ki Ngawha ("Ngati Rangi ki Ngawha" / S515) support the provisions in part but request amendments to the provisions to ensure their rohe will remain free of G.E. and G.M.O.

b) GE Free Tai Tokerau ("GE Free" / S433) request an amendment to the provisions to include gene editing of organisms (CRISPR technique) in the definition of GMOs and to oppose its outdoor use. They also oppose the outdoor use of "gene drive". They support the precautionary and prohibitive GE/GMO provisions.

c) Federated Farmers (S421) request restrictions on the control and management of GMOs are deleted and replaced with reference to the processes and controls imposed by the EPA. They also support the precautionary approach and use of adaptive response.

d) Key Interest Groups and members of the public - Royal Forest and Bird Protection Society of New Zealand ("Forest and Bird" / S511), Kapiro Conservation Trust ("Kapiro Conservation Trust" / S442) and Rolf Mueller-Glodde ("Rolf Mueller-Glodde" / S462) support the notified provisions and seek to retain the chapter.

41. The key issues identified in this report are set out below:

a) Key Issue 1: GMO chapter scope in relation to HSNO



b) Key Issue 2: Definitions and inclusions

c) Key Issue 3: Provisions

42. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

5.2 Officer Recommendations

43. A copy of the recommended plan provisions for the GMOs chapter is provided in **Appendix 1 – Recommended provisions to this report.**

44. A full list of submissions and further submissions on the GMOs chapter is contained in **Appendix 2 – Recommended Decisions on Submissions to this report.**

45. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter [section-32-overview.pdf](#) (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

5.2.1 Key Issue 1: GMO chapter scope in relation to HSNO

Overview

Provision(s)	Officer Recommendation(s)
Whole chapter	Retain as notified.

Analysis of Submissions on Key Issue 1

Matters raised in submissions

46. Federated Farmers (S421.203) requests deleting the restrictions on the control and management of genetically modified organisms and replace with reference to the processes and controls imposed by the EPA. They do not support Councils managing genetically modified organisms through a separate and restrictive process. Their view is that the Environmental Protection Authority (EPA) has been tasked with the control and management of genetically modified organisms. They state that the EPA controls the approval 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. Consequentially, they consider that Councils seeking to restrict these organisms results in the doubling the



consenting process and paperwork for a farmer as well as unnecessary duplication.

Analysis

47. In my opinion, the relief sought Federated Farmers is not appropriate. The jurisdiction to regulate GMOs under the RMA was addressed in the case of *Federated Farmers of New Zealand v NRC [2015] NZRMA 217*. Principal Environment Court Judge L.J. Newhook determined that regional councils have the authority under the RMA to control the use of GMOs through RPSs and plans. While the decision does not specifically address district plans, it is relevant because the RPS, as a result of this decision, includes a reference to adopting a precautionary approach in the management of GMOs as follows:

6.1.2 Policy - Precautionary approach

Adopt a precautionary approach towards the effects of climate change and introducing genetically modified organisms to the environment where they are scientifically uncertain, unknown, or little understood, but potentially significantly adverse.

48. District plans are required to give effect to the RPS.
49. The Environment Court's decision was appealed by Federated Farmers to the High Court on points of law. The High Court upheld the Environment Court's decision in *Federated Farmers of New Zealand Inc v NRC [2016] NZHC 2036*. This High Court ruling provides critical clarification on the scope of local government powers to manage GMO-related activities through planning instruments. I consider the Environment Court and High Court decisions as the prevailing legal position on this matter.
50. Based on these court decisions, it is my opinion that FNDC have the jurisdiction to manage and control GMOs within the PDP.

Recommendation

51. For the reasons above, I recommend that this submission on the GMO chapter is rejected as set out in **Appendix 2**.
52. I do not recommend any amendments to the GMO chapter provisions.

Section 32AA evaluation

53. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.



5.2.2 Key Issue 2: Definitions and inclusions

Overview

Provision(s)	Officer Recommendation(s)
Definitions	<ul style="list-style-type: none"> Retain as notified
Whole Chapter	<ul style="list-style-type: none"> Retain as notified

Analysis of Submissions on Key Issue 2

Matters raised in submissions

54. GE Free Tai Tokerau (S433.003) seek an amendment in the overview section to note that controversial and risky gene edited organism (CRISPR technique) are GMOs. The submitters reasons for this are that gene edited organisms (CRISPR technique) are genetically modified organisms under NZ law and in the EU. They state gene-edited organisms have been shown in various independent reports and peer-reviewed scientific papers to have unforeseen, off-target adverse effects, including undesirable traits manifesting in the organism. They are of the view that that this type of organism should not be allowed in the Far North District or the wider region.
55. GE Free Tai Tokerau (S433.004) also seek an amendment to the overview to oppose any outdoor use of risky and controversial gene edited organisms (CRISPR) or "gene drive" which is a sterility technique that, in their view, presents grave risks to NZ's biosecurity, indigenous biodiversity, and wider environment. They request this to support robust protection of native flora and fauna. In their opinion the use of risky new genetic technologies on public conservation lands (or elsewhere) would be counterproductive and potentially create far more serious problems than it solves.
56. Federated Farmers (S421.200) 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. They seek to retain this approach outlined in the Overview section.

Analysis

57. The Section 32 Report for GMOs states that the provisions within the PDP have been carried over from the ODP with only structural, layout, and minor amendments to the rule language. This approach has been adopted to retain the effect of the provisions within the PDP structure, as the GMO provisions were recently introduced into the ODP via Plan Change 18, which became operative on 19 September 2018. Plan Change 18 was undertaken in conjunction with Whangarei District Council's Plan Change 131. Given the recency of these changes and the absence of significant alterations in the approach to GMOs, much of the same reasoning continues to apply. Consistency with Plan Change 131 is important to ensure that the provisions across Northland are effective as a whole. As



noted, the RPS for Northland has a specific policy 6.1.2 which has not been amended in this time. The Kaipara District Council has also indicated that they are notifying a PDP this year, which is anticipated to include GMO provisions in accordance with the RPS.

58. The relief sought by GE Free Tai Tokerau requests amendments to clarify that the CRISPR technique is classified as a GMO. This submission point has been coded to the overview section however the purpose of the overview section is not to give direction on opposing certain things. The submission point has been addressed in relation to the whole chapter, not just the overview section.
59. The notified PDP definition of GMOs is as follows:
- "means unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:*
- a. have been modified by in vitro techniques;*
 - b. or are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques.*
- For the absence of doubt, this does not apply to genetically modified (GM) products that are not viable (and are thus no longer GMOs), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods)."*
60. In my opinion, this definition includes the CRISPR technique; therefore, it would be considered a GMO. CRISPR involves modifying genes or genetic material through in vitro techniques, which directly falls under the first criterion of the definition. Additionally, if the modified genes or genetic material are inherited or derived from genes altered by CRISPR, this would also meet the second criterion of the definition.
61. In my opinion, additional reference to CRISPR is not necessary in the overview or the definition of GMOs as it is already covered.
62. GE Free Tai Tokerau also oppose any outdoor use of CRISPR or "gene drive." As discussed previously, these techniques are included in the definition of GMOs and would be subject to the GMO-related provisions as notified in the chapter. GMO-R2 relates to GMO field trials. Field trials are experiments conducted outdoors to evaluate the performance, safety, and environmental impact of genetically modified crops or organisms under natural conditions. GMO field trials are managed by GMO-R2 as a discretionary activity subject to certain standards, including PER-1 (the activity has been approved by the Environmental Protection Authority (EPA)), PER-2 (the activity complies with standards 1-3). Where compliance is not achieved with PER-1 or PER-2, the activity becomes non-complying. Any outdoor release of GMO is prohibited under GMO-R4,



meaning it cannot be done and cannot be applied for through a resource consent. GMO-R5 also specifies that all resource consent applications in relation to the GMO chapter must be publicly notified.

63. In my opinion, the provisions as notified adequately address the use of the specified techniques, as requested by the submitter. The discretionary status for GMO-R2 (GMO field trials) is, in my view, appropriate. Under this status, a resource consent application can be made for such activities, and the Council will have full discretion regarding the matters to be considered and the conditions that may be imposed.
64. It is also important to note that to meet the discretionary activity threshold, the activity must have EPA approval and comply with standards 1-3 as specified in the GMO chapter of the notified PDP. If these requirements are not met, the activity defaults to a non-complying status. However, without EPA approval, GMO field testing cannot proceed, as outlined in the paragraph below. The EPA approval process establishes stringent requirements for the field testing of GMOs, as set out in the HSNO Act; every activity involving GMOs must comply with its provisions.
65. A non-complying activity status is more stringent than discretionary activity status, and it provides the Council with the ability to fully assess the application and impose conditions without restriction. Both discretionary and non-complying activity statuses enable the Council to decline an application if it is deemed inappropriate. On this basis, I do not recommend any changes to the notified provisions.
66. Federated Farmers support the use of the precautionary approach and adaptive responses adopted by the Council regarding the use of genetically modified organisms. I agree with this approach and do not recommend any amendments for the reasons outlined above.

Recommendation

67. For the reasons above, I recommend that these submissions on the GMO chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
68. I do not recommend any amendments to the Overview section or GMO chapter in general.

5.2.3 Key Issue 3: Provisions

Overview

Provision(s)	Officer Recommendation(s)
Objectives and Policies	<ul style="list-style-type: none"> • Retain as notified
Whole Chapter	<ul style="list-style-type: none"> • Retain as notified



Analysis of Submissions on Key Issue 3

GMO-O1

Matters raised in submissions

69. Federated Farmers (S421.201) 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. They seek to retain this approach outlined in GMO-O1.

Analysis

70. Federated Farmers support the use of the precautionary approach and adaptive responses adopted by the Council regarding the use of genetically modified organisms. This approach is outlined in Objective GMO-O1. There are no submission points opposing this objective. I agree with this approach and do not recommend any amendments.

Recommendation

71. For the reasons above, I recommend that this submission point on the GMO chapter is accepted as set out in **Appendix 2**.
72. I do not recommend any amendments to the Objective GMO-O1 or GMO chapter in general.

GMO-P1

Matters raised in submissions

73. Ngāti Rangi ki Ngawha Hapu (S304.001) and Ngāti Rangi ki Ngawha (S515.006) request GMO-P1 is amended to be consistent with Ngāti Rangi Policy (3.4.1) which states the rohe will remain free of G.E. and G.M.O. and rule (3.4.1.1) which prohibits G.E. within the rohe. The requested relief is to ensure the Ngāti Rangi 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.*

74. Federated Farmers (S421.202) 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. They seek to retain this approach outlined in GMO-P1.

Analysis

75. The relief sought by Ngāti Rangi ki Ngāwhā Hapū and Ngāti Rangi ki Ngāwhā would in effect be a blanket prohibition on GMOs. They request



amendments to GMO-P1 to align with the policies and rules within the Taiao Management Plan 2014. As noted above, the Taiao Management Plan seeks to ensure that the Ngāti Rangi rohe remains free of animal and plant gene manipulation, GMO field trials, and food with GMO content. Animal and plant gene manipulation would fall under the definition of a GMO which would make this activity subject to the relevant GMO provisions.

76. GMO-R1 specifies that indoor use of and research involving GMOs is a permitted activity, subject to certain conditions. These include research within contained laboratories involving GMOs, the use of non-viable genetically modified veterinary vaccines, and viable genetically modified vaccines with a specific delivery dose supervised by a veterinarian, as well as medical applications involving the manufacture and use of non-viable GM products. Because of the specific conditions associated with this rule and the HSNO Act framework, adverse effects from indoor use and research involving GMOs are not anticipated.
77. In, addition, the relief sought would also contrast with the notified PDP GMO-P1 that adopts a precautionary approach by directing the general release of GMOs, amongst other matters, to be considered as discretionary activities. All applications under this rule are required to be publicly notified. Field trials are specifically managed by GMO-R2 in the PDP as Discretionary Activity (subject to prior approval from the EPA) as directed by GMO-P1.
78. While the notified PDP framework does not act as a prohibition, in my opinion, the PDP sets a high bar in managing field trials for GMOs. This, along with mandatory public notification (GMO-R5) ensures that Ngāti Rangi ki Ngāwhā Hapū and Ngāti Rangi ki Ngāwhā will have the ability to submit on field trial proposals and be heard in a hearing in addition to the requirement to consider Iwi/Hapū Management Plans set out in 104(c) when decision makers make determinations on resource consents.
79. In my opinion, it is important that the GMO provisions do not entirely eliminate potential opportunities for the outdoor use of GMOs in all cases, particularly if evidence establishes that a specific GMO is both safe and significantly beneficial. A prohibited activity status would therefore be unduly restrictive. In my opinion, a discretionary activity status for field trials is appropriate, as it provides the necessary flexibility to allow field trials to proceed where risks can be avoided, and benefits realised and after the community has been given an opportunity to participate in decision making.
80. I note that food containing elements from GE and GMO origins is not classified as a GMO under the PDP definition. The definition explicitly excludes genetically modified products that are non-viable, meaning they cannot reproduce or propagate, thereby excluding foods and other products where the genetic material is no longer capable of replication or



activity. Accordingly, the GMO provisions in the notified PDP do not apply to food containing elements from GE and GMO origins.

81. Regardless of whether food could be considered a GMO by the PDP, it is acknowledged that some processed foods may contain approved genetically modified material that may have been imported as a finished product or as ingredients. Foods derived from genetically modified crops can only be sold in New Zealand if they have been assessed for safety by Food Standards Australia New Zealand (FSANZ) and meet the Food Standards Code. Imposing a prohibition either in the district or Ngāti Rangī ki Ngāwhā Hapū and Ngāti Rangī ki Ngāwhā rohe would create regulatory inconsistencies with the rest of New Zealand. It is also unlikely that Council could effectively monitor and enforce any prohibition on parties bringing food of the kind referred to into the district or Ngāti Rangī ki Ngāwhā Hapū and Ngāti Rangī ki Ngāwhā rohe. Therefore, I do not consider prohibiting these types of food to be appropriate.
82. In my opinion, given all of the above, the request for a prohibited activity status for all GE and GMOs, including indoor use and field trials and food is inappropriate.
83. Federated Farmers support the precautionary approach and adaptive responses adopted by the Council regarding the use of GMOs and seek to retain GMO-P1. I agree with this approach and do not recommend any amendments for the reasons outlined above.

Recommendation

84. For the reasons above, I recommend that these submissions on the GMO chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
85. I do not recommend any amendments to the Objective GMO-P1 or GMO chapter in general.

Support for notified provisions

Matters raised in submissions

86. A number of submitters including Royal Forest and Bird Protection Society of New Zealand (S511.105) and Kapiro Conservation Trust (S442.124) seek to retain the chapter as notified. They support a precautionary approach to GMO and accept that rigorously contained research into GMO methods of pest and weed can take place under strict conditions of consent. Rolf Mueller-Glodde (S462.001) also seeks to retain the chapter as notified 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 PDP format.



87. GE Free Tai Tokerau (S433.001) also support retaining the precautionary and prohibitive GE/GMO provisions/policies/rules in the operative FNDC District Plan (as a result of successful GE/GMO plan change #18, undertaken in a collaborative process with Whangarei District Council - WDC PC #131) being carried over into the PDP. This reflects Far North Districts farmer/primary producer, and other ratepayer/residents wishes and aspirations, sets council policy direction, helps protect our existing valuable GE/GMO free status, as well as financial/budgetary requirements.

Analysis

88. Royal Forest and Bird Protection Society of New Zealand, Kapiro Conservation Trust and Rolf Mueller-Glodde seek to retain the GMO chapter as notified. I agree with this relief sought, for the reasons outlined by the submitters and reasons outlined in relation to other submission points in Key Issue 1.
89. GE Free Tai Tokerau also support retaining the precautionary and prohibitive GE/GMO provisions/policies/rules in the operative FNDC District Plan. I agree with this relief sought, for the reasons outlined by the submitters and reasons outlined in relation to other submission points in Key Issue 1.

Recommendation

90. For the reasons above, I recommend that these submissions on the GMO chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
91. I do not recommend any amendments to the GMO chapter provisions.

Section 32AA evaluation

92. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

6 Conclusion

93. This report has provided an assessment of submissions received in relation to the GMOs chapter. There are no amendments that I have recommended.
94. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the GMOs chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
95. I recommend that provisions for the GMOs matters be amended as set out in the GMOs in **Appendix 1** below for the reasons set out in this report.



Recommended by: Kenton Baxter – Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 10/09/2024