

Genetically Modified Organisms

Proposed Waikato District Plan – Hearing 8B

s42A Planner's Presentation – Neil Taylor

30 January 2020

Preliminary legal scope issue: Is PWDP a plan change or a review?

The diagram consists of two main horizontal arrows pointing in opposite directions, one to the left and one to the right. The left arrow is red and labeled 'Change', and the right arrow is also red and labeled 'Review'. Below each of these red arrows is a light pink arrow pointing in the same direction as the red arrow above it. The pink arrow under 'Change' contains a bulleted list: '• Out of scope' and '• No hearing'. The pink arrow under 'Review' contains a bulleted list: '• In scope' and '• Hear subs'. The red arrows have a slight 3D effect with a white shadow on their top edges.

Change

Review

- Out of scope
- No hearing

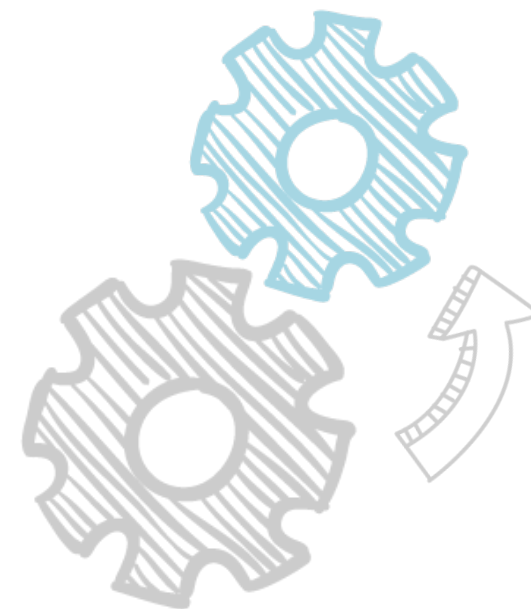
- In scope
- Hear subs

Legal opinion: Appendix 4

- Hearings Panel to decide whether the PWDP is to be treated as a full plan review.
- Tompkins Wake view – it is appropriate to treat PWDP as a plan review because:
 - Public notification for Stage 1 referred to a full review
 - Stage 1 contains the majority of provisions.

(Appendix 4 para 18)

Pause presentation, to receive directions from Hearings Panel as to whether hearing will proceed



Waikato District Plan may address GMO, but has no legal obligation to do so



No national or regional policy statement on GMO

Waikato Regional Plan does not mention GMO

GMO control not a specific district council function in RMA

Evidence of harm is necessary, but not sufficient, to justify adding GMO to district plan: wider processes are needed.

30 submitters ask for GMO provisions same as the Auckland/Northland:

Prohibit
release

Field trials
discretionary

Permit vet
use

Bonds for
monitoring

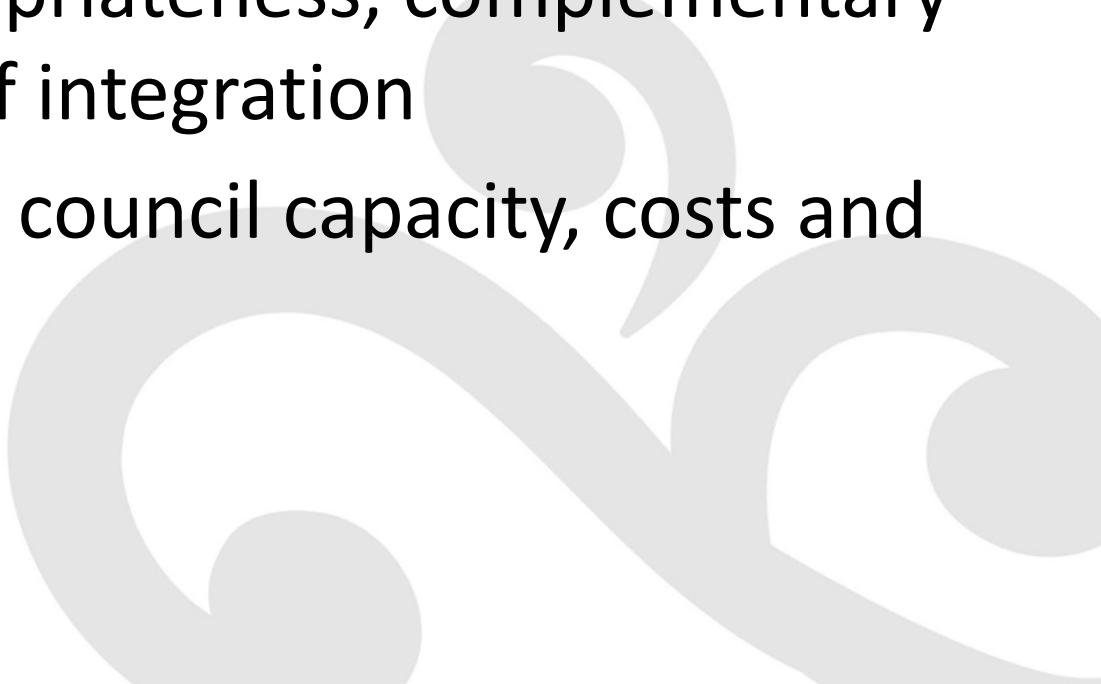
Submitters' reasons for plan provisions on GMO

- Environmental, social, economic, and cultural impacts
- Released GMOs difficult or impossible to eradicate
- Risks outweigh benefits
- RMA control best way to manage local adverse effects
- Maaori cultural impacts
 - impacts on mauri and tikanga
 - Iwi plans call for precautionary approach

Further submitters' reasons against plan provisions on GMO

- Risks are managed under HSNO, including precautionary approach, public process
- No past harm to human health or environment
- Lost opportunities for Waikato as leader in agricultural science: economic and environmental
- GMOs vary in type and risk: “one size fits all” regulatory approach is inappropriate
- Wrong process to introduce GMO provisions through submissions.

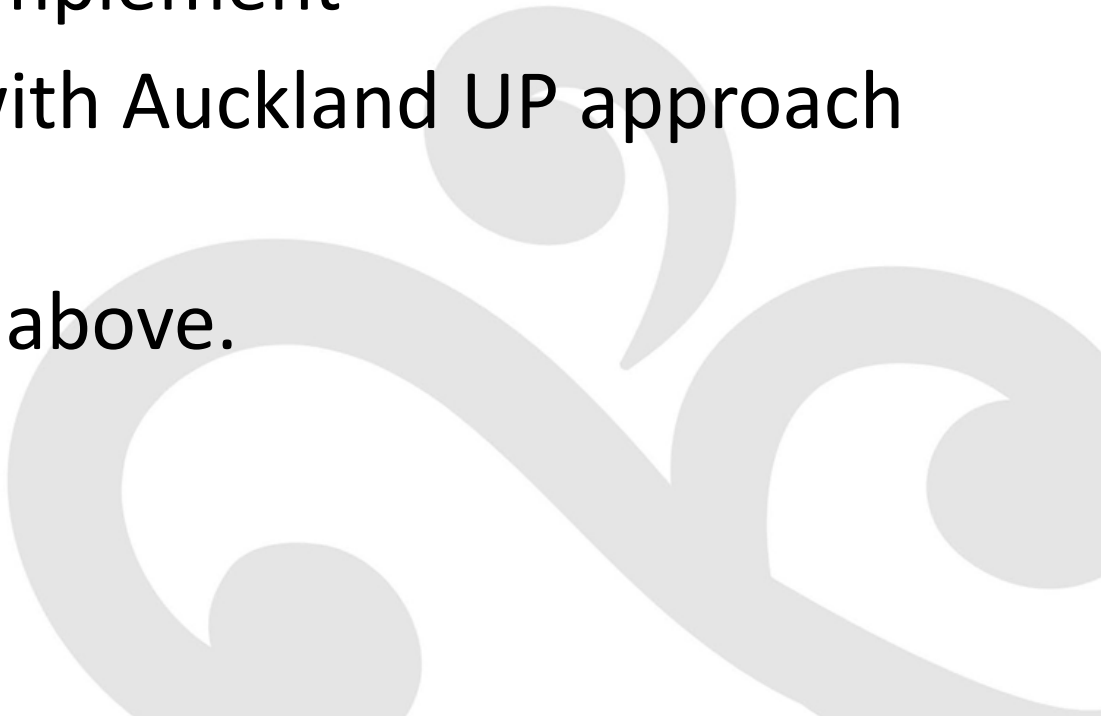
Parties were invited to include evidence on:

- risk of harm, justifying a precautionary approach
 - adequacy of central government effort to safeguard local environment and community
 - draft plan provisions: appropriateness, complementary to HSNO, meet the needs of integration
 - implementation in terms of council capacity, costs and risks.
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Precautionary approach can be considered in terms of RMA effects

- effects include potential effect of low probability which has a high potential impact
- Environment Court: “effect with a known low probability, and an unknown likelihood of a possibly high impact”
- “known” does not require a complete, quantitative assessment of risks, but implies more than a bare assertion or belief that there is a problem.

A wider process is needed to decide how best to address GMO

- Develop integration with EPA, Auckland Council
 - Identify community preferences, appetite for risk, Maaori perspectives
 - Develop WDC capacity to implement
 - Consider options – along with Auckland UP approach – under s32
 - Draft according to findings above.
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Wider process – Hearings Panel must consider:

Integrated resource management

Adopt an integrated approach to resource management (WRPS)

Iwi plans

Take into account Iwi plans (RMA s74)

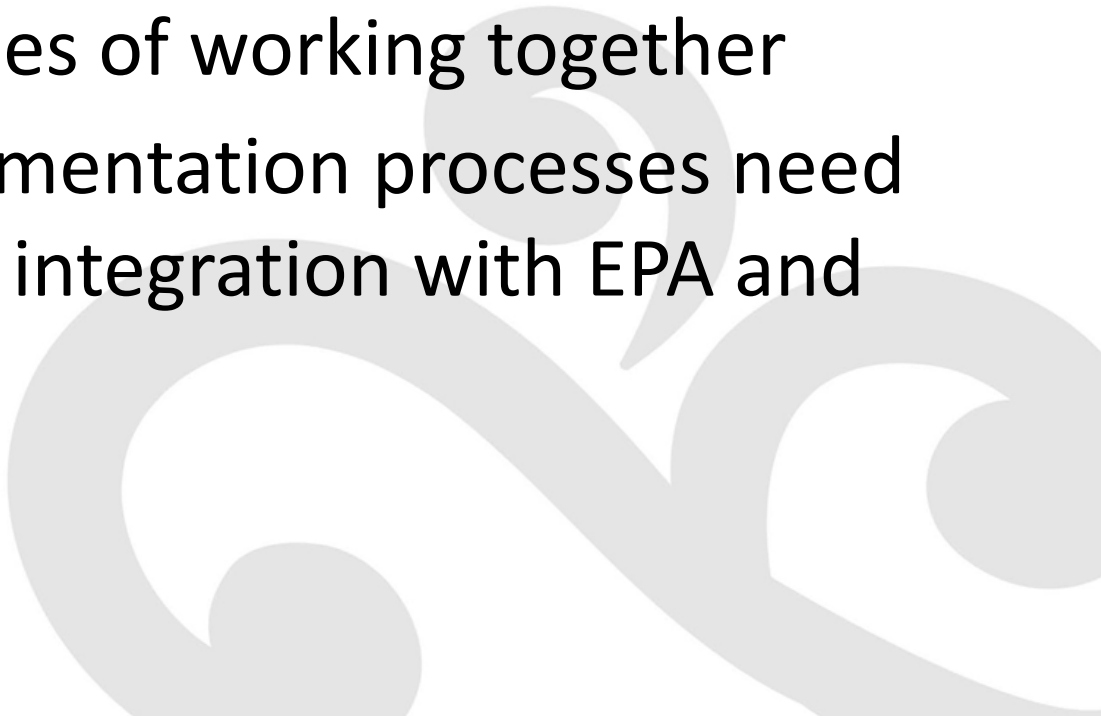
Adjacent council

Have regard to extent district plan needs to be consistent with Auckland (RMA s74)

Integrated management is a council function

- RMA s31: Functions of territorial authorities include:
“the establishment, implementation, and review of objectives, policies, and methods to achieve **integrated management** of the effects of the use, development, or protection of land and associated natural and physical resources of the district”


Integration needs to be developed through engagement with EPA and Auckland Council

- WRPS policy 4.1 requires ... an integrated approach that recognises the benefits of aligning the decisions of relevant management agencies and maximises the benefits and efficiencies of working together
 - Plan provisions and implementation processes need to be designed to achieve integration with EPA and Auckland Council.
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Engagement is needed to identify community preferences on the potential risks of GMO: what is acceptable or not

- Hearings Panel is being asked to identify community preferences
- Community preferences and acceptance of risk are best identified through a full plan development process, with wide public engagement before and after notification
- Submitters and further submitters are polarised – some unrepresented middle ground might be found.

More options need to be considered in drafting plan provisions

- Auckland/Northland model is the only option within scope of this hearing
 - Auckland Unitary Plan provisions may not be most appropriate for Waikato District
 - Process (and time) needed to develop Waikato-appropriate plan provisions
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Implementation: Council lacks capacity to assess GMO resource consents, monitor field trials and releases

- Council currently has no GMO expertise
 - Needs to allocate resources through LTP processes
 - Needs to develop skills, systems
 - Need to harmonise plan provisions with council's capacity to implement them.
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Evidence of harm is necessary, but not sufficient, to justify adding GMO to district plan: wider processes are needed.