BEFORE THE NORTHLAND REGIONAL COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of a hearing before the Northland Regional Council in relation to the Proposed Northland Regional Plan and submissions concerning genetic modification and genetically modified organisms

---

JOINT WITNESS STATEMENT OF PLANNERS

Joint Witness Statement by Planners on Proposed Northland Regional Plan provisions relating to genetic modification and genetically modified organisms

Caucusing was undertaken at Warkworth on Friday 30 November 2018.

Planning experts present at caucusing:

NORTHLAND REGIONAL COUNCIL

Peter Reaburn – Consultant Planner (s42A author)

Ben Lee - Strategic Planning and Policy Manager (present in an advisory capacity only)

WHANGAREI DISTRICT COUNCIL AND FAR NORTH DISTRICT COUNCIL

David Badham – Consultant Planner

SOIL AND HEALTH ASSOCIATION OF NEW ZEALAND

Vern Warren – Consultant Planner

1. Scope

The scope of caucusing was solely related to the detailed wording of genetic modification and genetically modified organisms provisions to be inserted into the Proposed Northland Regional Plan, should the Northland Regional Council determine in their final decision that provisions are appropriate.

2. The key facts and assumptions that are agreed upon by the experts

- All planners agreed that the provisions were to be focused on the coastal marine area only.

- All planners agreed that differences that existed between the s42A author and the submitters' planning experts in their evidence were not fundamental, but rather matters of detailed wording.

- Accordingly, all planners agreed that reliance could be placed on other expert evidence that supports the approach to the provisions that has been agreed.

3. Material utilised at caucusing

- A comparison table of provisions contained in the s42A report authored by Peter Reaburn and the planning evidence of David Badham (**Attachment A**).

4. The issues that are <u>agreed</u> between the experts

The experts all agree on the revised wording as contained in **Attachment B** to this statement. The experts agree that these provisions:

- Are appropriately consistent with those introduced into other plans, including the Auckland Unitary Plan;

- Are appropriately consistent with the form and structure of the Proposed Northland Regional Plan;

- Appropriately address genetic modification and genetically modified organisms issues that are particular to Northland and the role and responsibilities of the Northland Regional Council;

- Are technically correct;

- Address the relevant provisions of the Resource Management Act 1991.

5. The issues upon which the experts <u>cannot agree</u> and the reasons for their disagreement

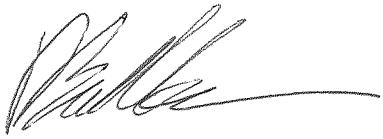
There are no issues that were not agreed by the experts.

We confirm that in producing this statement we have complied with the Code of Conduct for expert witnesses.

Peter Reaburn – Consultant Planner

4 December 2018

David Badham – Consultant Planner



4 December 2018

Vern Warren – Consultant Planner

4 December 2018

ATTACHMENT A

GMOs

Comparison Version of s42A Report and District Councils / Soil and Health Versions of Provisions

(prepared by Peter Reaburn 26 November 2018)

B Definitions

	S42A	**District Councils / Soil and Health**
Genetically Modified Organism (GMO)	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; or (b) 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. This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.	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; or (b) 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. This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.

Genetically Modified Organism Field Trials ~~(tests)~~	The carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.	The carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.
Genetically modified organism release	To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987. A Release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.	To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987. A Release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.
Genetically Modified Veterinary Vaccine	A veterinary vaccine that is a genetically modified organism as defined in this Plan.	A veterinary vaccine that is a genetically modified organism as defined in this Plan.
Genetically modified medical applications	The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the Medicines Act 1981 and approved as safe to use by the Ministry of Health, including EPA approved releases, except for the outdoor cultivation of	The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the Medicines Act 1981 and approved as safe to use by the Ministry of Health, including EPA approved releases, except for the outdoor cultivation of pharmaceutical producing

	pharmaceutical producing organisms.	organisms.
Viable Genetically Modified Veterinary Vaccine	A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.	means a genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

C Rules

S42A	**District Councils / Soil and Health**
	Legal effect of rules Under Section 86B of the Resource Management Act 1991 (RMA), all rules have immediate legal effect from notification of the Proposed Regional Plan. Interpretation of rules The rules have the force and effect of regulations in statute, which means they are legally binding. They determine whether the proposed activity can be undertaken without a resource consent (permitted activities) or whether it requires resource consent. The rules may also make some activities prohibited, which means a resource consent application cannot be made for that activity. An

	activity needs to comply with all relevant rules in the Regional Plan, unless the rule itself states otherwise. If an activity is covered by more than one rule, then the more specific rule for the relevant activity, area or resource applies. This does not apply where a proposal includes a number of activities which trigger separate specific rules. In that case, all rules are considered when assessing the proposal. Unless the rule states otherwise, all rules that regulate discharges (Section 15, RMA) apply to the whole region including the coastal marine area. Rules in section E 'Catchments' take precedence over other rules (whether more or less restrictive). <u>With the exception of the rules contained within Chapter C.x.x in relation to GMOs.</u> To make it easier to apply for resource consents and to reduce the number of separate resource consents required to undertake any particular activity, this Plan has, where practicable, adopted the concept of 'rule bundling'. Rule bundling is used in this Plan to combine several permissions which may be required under Section 9 and Sections 13 to 15 of the RMA into one rule. One application for resource consent can therefore be made under the bundled rule. From time to time, central government makes regulations. These must be read in conjunction with the plan provisions because the regulations are generally not repeated in the plan and in most cases the regulations prevail over rules in the plan.

	An exception is the application of a precautionary approach to the use, storage, cultivation, harvesting, processing or transportation of genetically modified organisms in Northland has been identified by the community as a priority, requiring additional control at a regional and district level. Within the Northland region this means that field trialling of a genetically modified organism within the CMA (with prior approval of the Environmental Protection Authority (EPA)) requires consent from the Regional Council and the release of a genetically modified organism is prohibited (and cannot be applied for). Genetically modified medical applications involving the use of viable and/or non-viable genetically modified organisms (including EPA approved releases, vaccines and medical research) are permitted under this Plan. District Plan provisions are also applicable and control and prohibit outdoor trials and release of genetically modified organisms on land (outside the CMA).
	GMOs in the CMA (including discharges subject to section 15) Page C.1.8.1 General – permitted activity xx C.1.8.2 GMO Field Trials - discretionary activity xx C.1.8.3 GMO Veterinary Vaccines - permitted activity xx C.1.8.4 Viable GMO Veterinary Vaccines - discretionary activity xx C.1.8.5 GMO releases – prohibited activity xx

C.1.8 Genetically Modified Organisms	
C.1.8.1 **GMOs in the Coastal Marine Area – permitted activities** The following activities involving genetically modified organisms are permitted activities: 1. research and trials within contained laboratories, and 2. medical applications (including vaccines), and 3. veterinary applications of genetically modified organisms (including vaccines) provided that any veterinary application of viable genetically modified organism vaccines is to be supervised by a veterinarian. 4. any other genetically modified organism release or use not specifically provided for or prohibited. **The RMA activities this rule covers:** • Use of genetically modified organisms in the coastal marine area (s12(3))	**C.1.8.1** **GMOs in the Coastal Marine Area – permitted activities** The following activities involving genetically modified organisms are permitted activities: 1. Research and trials within contained laboratories. 2. Medical applications (including vaccines) involving the use of viable and / or non-viable genetically modified organisms. 3. Veterinary applications of genetically modified organisms (including vaccines) provided that any veterinary application of viable genetically modified organism vaccines is to be supervised by a veterinarian. 4. Any other genetically modified organism release or use not specifically provided for or prohibited. **The RMA activities this rule covers:** • Use of genetically modified organisms in the coastal marine area (s12(3)). • Discharge of genetically modified organisms that are

	"contaminants" under the definition in s2 of the RMA (s15(1)(a))
C.1.8.2 **GMO Field Trials - discretionary activity** A genetically modified organism field trial in the coastal marine area is a discretionary activity provided: 1 The GMO activity has the relevant approval from the Environmental Protection Authority; and is undertaken in accordance with Environmental Protection Authority approval conditions for the activity.	**C.1.8.2** **GMO Field Trials - discretionary activity** Genetically modified organism field trials within the coastal marine area (including any structure intended to house, or otherwise contain, plants and animals which are associated with the conducting of genetically modified organism field trials) are a discretionary activity provided: 1. The GMO activity has the relevant approval from the Environmental Protection Authority; and is undertaken in accordance with Environmental Protection Authority approval conditions for the activity. 2. Council requires the applicant for the resource consent to provide a performance bond, with an approved trading bank guarantee, in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the GMO activity (prior to, during and after the activity). This bond is to be available for payment to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry of the consent. The form of, time and manner of implementing and

	discharging the bond shall be decided by, and be executed to the satisfaction of Council. *Note: All of the following matters will be considered when determining the amount and type of the bond:* *(a) what adverse effects could occur and the potential significance, scale and nature of those effects, notwithstanding any measures taken to avoid those effects;* *(b) the degree to which the consent holder for the activity has sought to avoid those adverse effects, and the certainty associated with whether the measures taken will avoid those effects:* *(c) the level of risk associated with any unexpected adverse effects from the activity; (d) the likely scale of costs associated with remediating any adverse effects that may occur;*
2 A Risk Management Plan is provided with the application, including details of: • the species, its characteristics and lifecycle, to which the genetically modified organism activities will relate • the research undertaken that characterises and tests the GMO, and the certainty associated with the accuracy of that information.	The following information shall be provided in support of the application: • Evidence of approval from the EPA for the specific GMO for which consent is sought. The duration of any consent granted will be aligned with EPA approval terms. • Details of proposed containment measures for the commencement, duration and completion of the proposed activity.

• the areas in which the activity, including discharges, is to be confined. • proposed containment measures for the commencement, duration and completion of the proposed activity. • the potential adverse effects to the environment, cultural values and economy associated with the activity, including in the event that GMOs escape from the prescribed activity area, • the proposed measures, including contingency measures, that will be taken to avoid, remedy or mitigate potential adverse effects. • how and by whom monitoring will be undertaken • reporting requirements • recommended conditions of resource consent covering the matters listed above. 3 Details of a performance bond, with an approved trading bank guarantee, are provided, to ensure the performance of any one or more of the conditions of the consent. The bond is to be available for payment to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry or surrender of the consent. **Notification:** Any application for resource consent under rule C.1.8.4 must be	• Details of the species, its characteristics and lifecycle, to which the GMO activities will relate. • Research on adverse effects to the environment, cultural values and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects. • Evidence of research undertaken that characterises and tests the GMO, and the certainty associated with the accuracy of that information. • A management plan outlining on-going research and how monitoring will be undertaken during, and potentially beyond, the duration of consent. • Details of areas in which the activity is to be confined. • Description of contingency and risk management plans and measures. **Notification:** Any application for resource consent under rule C.1.8.4 must be

publicly notified: **The RMA activities this rule covers:** • Use of genetically modified organisms in the coastal marine area (s12(3))	publicly notified: **The RMA activities this rule covers:** • use of genetically modified organisms in the coastal marine area (s12(3)). • Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))
C.1.8.3 **Viable GMO Veterinary Vaccines - discretionary activity** The use of any viable genetically modified veterinary vaccine that is not a permitted activity under rule C.1.9.1 GMOs in the Coastal Marine Area – permitted activities, is a discretionary activity, provided: 1 The GMO activity has the relevant approval from the Environmental Protection Authority; and is undertaken in accordance with Environmental Protection Authority approval conditions for the activity.	**C.1.8.3** **Viable GMO Veterinary Vaccines - discretionary activity** The use of any viable genetically modified veterinary vaccine not otherwise provided for is a discretionary activity provided: 1. The GMO activity has the relevant approval from the Environmental Protection Authority; and is undertaken in accordance with Environmental Protection Authority approval conditions for the activity. 2. Council requires the applicant for the resource consent to provide a performance bond, with an approved trading bank guarantee, in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the GMO activity (prior to, during and after the activity). This bond is to be available for payment to redress any adverse environmental effects and any other

	adverse effects to third parties (including economic effects) that become apparent during or after the expiry of the consent. The form of, time and manner of implementing and discharging the bond shall be decided by, and be executed to the satisfaction of Council. The following information shall be provided in support of the application: • Evidence of approval from the EPA for the specific GMO for which consent is sought. The duration of any consent granted will be aligned with EPA approval terms. • Details of proposed containment measures for the commencement, duration and completion of the proposed activity. • Details of the species, its characteristics and lifecycle, to which the GMO activities will relate. • Research on adverse effects to the environment, cultural values and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects. • Evidence of research undertaken that characterises and tests the GMO, and the certainty associated with the accuracy of that information. • A management plan outlining on-going research and how monitoring will be undertaken during, and potentially beyond, the duration of consent. • Details of areas in which the activity is to be confined. • Description of contingency and risk management plans and measures.

The RMA activities this rule covers: • Use of genetically modified organisms in the coastal marine area (s12(3))	**Notification**: Any application for resource consent under rule C.1.8.4 must be publicly notified. **The RMA activities this rule covers:** • use of genetically modified organisms in the coastal marine area (s12(3)). • Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a)).
C.1.8.4 **GMO releases – prohibited activity** The following activity is a prohibited activity: 1 Genetically modified organism releases – both food-related and non-food related within the coastal marine area. **The RMA activities this rule covers:** • Use of genetically modified organisms in the coastal marine area (s12(3))	**C.1.8.4** **GMO releases – prohibited activity** Genetically modified organism releases – both food-related and non-food related within the coastal marine area , except as specifically provided for. **The RMA activities this rule covers:** • use of genetically modified organisms in the coastal marine area (s12(3)). • Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA

	(s15(1)(a)).

D Policies

S42A	District Councils / Soil and Health
D.2 General **D.2.3** **Application of policies in the Regional Policy Statement for Northland to non-complying activities** ….. 11. Policy 6.1.2 – Precautionary approach	
D.5 Coastal **D.5.28** **Managing the effects of the use of genetic engineering or the release of genetically modified organisms**	**D Policies** **D.7 Genetically modified organisms (GMOs)**
1. Adopt a precautionary approach to assessing the risks, significance, scale and nature of potential adverse effects associated with the use of genetic engineering or the release of genetically modified organisms.	D.7.1 Precautionary principle To adopt a precautionary approach by prohibiting outdoor *genetically modified organism release* and by making *genetically modified organism field trials* and the use of viable genetically modified veterinarian vaccines not of a specific dose and supervised by a

	veterinarian a discretionary activity.
	D.7.2 Medicinal and veterinary Provide for the use of Environmental Protection Authority approved non-viable and/or viable genetically modified medical applications (including genetically modified vaccines) as a permitted activity.
2. Adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism through periodic reviews of the genetically modified organism provisions, particularly if new information on the benefits and/or adverse effects of a genetically modified organism activity becomes available.	D.7.7. Adaptive Approach To adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a GMO in the district through periodic reviews of these plan provisions, particularly if new information on the benefits and/or adverse effects of a GMO activity becomes available.
3. Ensure that a resource consent granted for genetically modified organism field trials is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, adverse effects on indigenous flora and fauna, and the relationship of tangata whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism.	D.7.4. Risk Avoidance To ensure that a resource consent granted for *genetically modified organism field trials* are subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, the mauri of flora and fauna, and the relationship of mana whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a *genetically modified organism*.
	D.7.5. Monitoring Costs To ensure that a resource consent granted for the *genetically modified organism field trials* is subject to a condition requiring that monitoring costs are met by the consent holder.

4. Require, where appropriate, more stringent measures than those required under the provisions of the Hazardous Substances and New Organisms Act 1996 to manage potential risks.	D.7.8 Mitigation Requirements Require, where appropriate, more stringent measures than those required under the provisions of the Hazardous Substances and New Organisms Act 1996 to manage potential risks.
5. Require consent holders for a genetically modified organism activity to be liable (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.	D.7.6. Liability To require consent holders for a *genetically modified organism* activity to be liable (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.
6. Ensure that a resource consent granted for the genetically modified organism field trials of a genetically modified organism is subject to conditions that ensure that the consent holder is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation.	D.7.3 Financial Accountability To ensure that a resource consent granted for the *genetically modified organism field trials* of a *genetically modified organism* is subject to conditions that ensures that the consent holder is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation, including via the use of bonds.
7. Require performance bonds as a means to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry or surrender of a consent, including consideration of; (a) the significance, scale, nature and timescale of potential adverse effects,	

(b) the degree to which the consent holder for the activity has sought to avoid potential adverse effects, and the certainty associated with whether the measures taken will avoid those effects: (c) the extent of monitoring that may be required in order to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied. (d) the likely scale of costs associated with remediating any adverse effects that may occur.	

F Objectives

S42A	**District Councils / Soil and Health**
FO:15 The coastal marine area is protected from potential adverse effects associated with the use of genetic engineering and the release of genetically modified organisms to the environment through the adoption of a precautionary approach, including adaptive responses, to manage uncertainty and lack of information.	F.0.2.1 Objective The coastal marine area is protected from potential adverse effects associated with the use, occupation, cultivation, harvesting, processing or transportation of GMOs through the adoption of a precautionary approach, including adaptive responses, to manage uncertainty and lack of information.

	F.0.2.2 Objective The sustainable management of the natural and physical resources of the coastal marine area with respect to the use of GMOs, a significant resource management issue identified by the community.

Attachment B

GMO provisions – agreed wording

B Definitions

Genetically Modified Organism (GMO)	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; or (b) 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. This does not apply to genetically modified products that are not viable and are no longer genetically modified organisms, or products that are dominantly non-genetically modified but contain non-viable genetically modified ingredients, such as processed foods.
Genetically Modified Organism Field Trials	The carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.
Genetically modified organism release	To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987. A Release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.
Genetically Modified Veterinary Vaccine	A veterinary vaccine that is a genetically modified organism as defined in this Plan.
Genetically modified medical applications	The manufacture, trialling or use of viable and/or non-viable genetically modified organisms for medical purposes recognised as medicines under the Medicines Act 1981 and approved as safe to use by the Ministry of Health, including Environmental Protection Authority approved releases, except for the outdoor cultivation of

	pharmaceutical producing organisms.
Viable Genetically Modified Veterinary Vaccine	A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

C Rules

C.1.8 Genetically Modified Organisms

C.1.8.1 Genetically modified organisms in the coastal marine area – permitted activities

The following activities in the coastal marine area involving genetically modified organisms are permitted activities:

1. research and trials within contained laboratories, and
2. medical applications (including vaccines) involving the use of viable and / or non-viable genetically modified organisms, and
3. veterinary applications of genetically modified organisms (including vaccines) provided that any veterinary application of viable genetically modified organism vaccines is supervised by a veterinarian.

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

C.1.8.2 Genetically modified organism field trials - discretionary activity

A genetically modified organism field trial in the coastal marine area is a discretionary activity provided:

1. The genetically modified organism field trial has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.
2. A Risk Management Plan is provided that addresses all matters set out in Policy D.5.33.

3. Details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in Policy D.5.32.

Notification:

Any application for resource consent under rule C.1.8.2 must be publicly notified.

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

C.1.8.3 Viable genetically modified veterinary vaccines - discretionary activity

The use of any viable genetically modified veterinary vaccine that is not a permitted activity under rule *C.1.8.1 Genetically modified organisms in the Coastal Marine Area – permitted activities*, is a discretionary activity, provided:

1. The genetically modified veterinary vaccine has the relevant approval from the Environmental Protection Authority and the application is consistent with Environmental Protection Authority approval conditions for the activity.
2. Details of a performance bond, with an approved trading bank guarantee, is provided that addresses all matters set out in Policy D.5.32.

Notification:

Any application for resource consent under rule C.1.8.3 must be publicly notified.

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

C.1.8.4 GMO releases – prohibited activity

Any:

1. genetically modified organism release, or
2. genetically modified organism field trial, or

3. use of any viable genetically modified veterinary vaccine,

that is not a permitted or discretionary activity in Section C.1.8 of this Plan, is a prohibited activity

The RMA activities this rule covers:

- Use of genetically modified organisms in the coastal marine area (s12(3))
- Discharge of genetically modified organisms that are "contaminants" under the definition in s2 of the RMA (s15(1)(a))

D Policies

D.5 Coastal

D.5.28 Precautionary approach to assessing and managing genetically modified organisms

Adopt a precautionary approach to assessing and managing the:

1. Risks;
2. Uncertainty and lack of information; and
3. Significance, scale and nature of potential adverse effects.

associated with the use of genetic engineering or the release of genetically modified organisms in the coastal marine area.

D.5.29 Adaptive approach to the management of genetically modified organisms

Adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism, including through periodic reviews of the genetically modified organism provisions, particularly if new information on the benefits and/or adverse effects of a genetically modified organism activity becomes available.

D.5.30 Avoiding adverse effects of genetically modified organism field trials

Ensure that any resource consent granted for genetically modified organism field trials avoid, as far as can reasonably be achieved, risk to the environment, adverse effects on indigenous flora and fauna, and the relationship of tangata whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a genetically modified organism.

D.5.31 Liability for adverse effects from genetically modified organism activities

Require consent holders for a genetically modified organism activity to be liable, including financial accountability, (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.

D.5.32 Bonds for genetically modified organism activities

Require bonds as a condition of resource consents for the use of genetically modified organisms to provide for the redress of any adverse effects (including any adverse economic effects on third parties) that become apparent during or after expiration of a consent, including consideration of (but not limited to) the following:

(a) the significance, scale, nature and timescale of potential adverse effects;
(b) the proposed measures to be taken to avoid those effects;
(c) the monitoring proposed to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied; and
(d) the likely scale of costs associated with remediating any adverse effects that may occur.

D.5.33 Risk management plan for genetically modified organism field trials

A Risk Management Plan for genetically modified organism field trials must include, but is not limited to, the following:

1. The species, characteristics and lifecycle of the genetically modified organism;
2. All research undertaken that characterises and tests the genetically modified organism, and the certainty associated with the accuracy of that information;
3. The areas in which the genetically modified organism, including discharges, is to be confined;
4. Proposed containment measures for the commencement, duration and completion of the proposed field trial;
5. The actual and potential adverse effects to the environment, cultural values and economy associated with the field trial, including in the event the genetically modified organism escapes from the contained area;
6. The proposed measures, including contingency measures, that will be taken to avoid, remedy or mitigate actual and potential adverse effects;
7. Details of the monitoring to be undertaken, including how and by whom monitoring will be undertaken;
8. Reporting requirements;
9. Recommended conditions of resource consent covering the matters listed above.

F Objectives

F.0.15 Use of genetic engineering and the release of genetically modified organisms

The coastal marine area is protected from adverse effects on the environment associated with the use of genetic engineering and the release of genetically modified organisms.