

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2019-AKL-177

Under the Resource Management Act 1991
In the matter of an appeal pursuant to Clause 14 of Schedule 1

Between WHANGAREI DISTRICT COUNCIL and FAR NORTH
DISTRICT COUNCIL
Appellants

And NORTHLAND REGIONAL COUNCIL
Respondent

**NOTICE OF INTEREST UNDER SECTION 274 ON BEHALF OF BIOTECH
NEW ZEALAND**

**TO:
THE REGISTRAR
ENVIRONMENT COURT
AUCKLAND**

BIOTECH NEW ZEALAND (BIOTechNZ) wishes to be a party to the appeal by Whangarei District Council and Far North District Council.

1. BIOTechNZ has an interest in the appeal that is greater than the interest that the general public has.
2. **BIOTechNZ** is an unincorporated group of businesses and organisations which is part of the New Zealand Technology Industry Association Incorporated (NZTech). NZTech is a not-for-profit, non-governmental, membership funded organisation.
3. The objects of BIOTechNZ are:
 - a. To create a healthy, clean and prosperous New Zealand boosted by biotechnology. This done by:
 - i. Connecting – connecting the companies and people in the ecosystem to create a vibrant biotech sector.
 - ii. Promoting –raising the profile of biotech through educating the public and New Zealand Government.
 - iii. Advancing - Helping Government to understand biotech’s role in the global issues we are facing and to forward recommendations to the government which are backed by scientific evidence.
4. As a member-based organisation BIOTechNZ has 55 members, comprising businesses, Government agencies, universities and Crown Research Institutes.
5. BIOTechNZ is not a trade competitor for the purposes of section 308C or 308CA of the Act.

6. BIOTechNZ is interested in the entire appeal. BIOTechNZ opposes the relief sought in the appeal for the following reasons:
- a. BiotechNZ notes that the Proposed Regional Plan for Northland did not include provisions governing the release of genetic modified organisms (GMOs).
 - b. New Zealand is not GMO free. There have already been five GMO releases into the environment approved since the passing of the Hazardous Substances and New Organisms Act (Animal vaccines and human therapeutics). These releases have presented no issues.
 - c. New Zealand is facing big global challenges. There is no argument that together with the rest of the world, New Zealand faces unprecedented global challenges. A new report shows the way New Zealanders live and make a living is having a serious impact on our environment. Jointly produced by the Ministry for the Environment and Stats NZ, Environment Aotearoa 2019 outlines nine priority issues in need of attention. The nine priority issues the reports identify are:
 - Our native plants, animals and ecosystems are under threat.
 - Changes to the vegetation on our land are degrading the soil and water.
 - Urban growth is reducing versatile land and native biodiversity.
 - Our waterways are polluted in farming areas.
 - Our environment is polluted in urban areas.
 - Taking water changes flows which affects our freshwater ecosystems.
 - The way we fish is affecting the health of our ocean environment.
 - New Zealand has high greenhouse gas emissions per person.
 - Climate change is already affecting Aotearoa New Zealand.
 - d. Technology is rapidly changing- Biotechnology (commonly abbreviated as biotech) is the use of biological systems found in organisms or the use of the living organisms themselves to make

technological advances and adapt those technologies to various different fields. These include applications in various fields from agricultural practice to the medical sector.

- e. Genetic technology is rapidly changing - The traditional methods of genetic modification involve the insertion of whole genes into an organism more recent techniques (often termed “gene editing”), allow changes to be made in a far more precise way. Gene editing technologies are now capable of making changes which are indistinguishable from traditional (non-regulated) breeding techniques.
- f. Countries such as Australia, USA, Brazil, Japan, Sweden, no longer regulate some aspects of genetic modification.
- g. New Zealand is underpinned by science and technology - New Zealand’s bioeconomy is underpinned by a long tradition of applying research to wide ranging issues in human and animal health, food, agritech and energy. We have a growing number of high-tech companies whose core business is biotechnology, and this is increasing yearly. In 2016 New Zealand was ranked 4th out of 54 countries in the Scientific American World View Scorecard for Innovation Potential in Biotechnology.¹ This is driven by a great climate for doing business, world-class researchers, scientific excellence and a flexible workforce.
- h. Future proofing New Zealand and our regions- Industry leaders talked about the opportunities inherent in emerging biotechnologies; as well as the potential future impact of choosing not to use these technologies. Some contributors believed that unless we are open to using existing and emerging technologies, New Zealand cannot be:
 - a low carbon leader,
 - a sustainable food producer,
 - a contributor to feeding the world.
- i. The ability to grow plants has always been our competitive advantage, however technology is transforming how plants are grown; and we stand to lose both expertise in plant science and our competitive advantage if we are not open to this discussion.

¹ Scientific American Worldview 2016

- j. The world continuously moves forward on biotechnology, but New Zealand's capability remains stalled. Investing in research in these areas ensures we have the capability if and when a decision is made to permit their use.
- k. The message from industry leaders was clear: now is the time for a comprehensive conversation on this issue.²
- l. Inserting provisions relating to GMOs in the Regional Plan would unnecessarily and inefficiently replicate the extensive and comprehensive controls on the development, testing and release of GMOs by the Environmental Protection Agency under the Hazardous Substances and New Organisms Act 1996 (HSNO).
- m. The unnecessary duplication of controls under HSNO would have adverse social, cultural and economic effects with no corresponding social, cultural and economic benefits. Relying on the controls on GMOs in HSNO is a practicable and preferable option for achieving the objective of taking an appropriately cautious approach to GMOs.
- n. The Regional Plan should not include provisions on GMOs unless the Appellants can justify that specific controls are necessary to address specific risks or effects which cannot be appropriately addressed by the EPA.
- o. Implementing generic provisions on GMOs as sought by the Appellants would add to the dampening effect on research on GMOs of the recently introduced controls on GMOs in several district plans. These provisions are inhibiting research because researchers are unwilling to expend time and resources developing and testing GMOs under the appropriately strict HSNO regime, only to be subject to what is effectively a veto by councils making decisions on resource consent applications.

7. BIOTechNZ agrees to participate in mediation or other alternative dispute resolution of the Appeal.

BIOTECH NEW ZEALAND

² KPMG Agribusiness Agenda 2019

Signature:

Date: 4 October 2019

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TO: Registrar, Environment Court, Auckland
Appellants
All parties

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.