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Introduction

By Craig Redmond

In this month's newsletter we have a great article from our Wellington branch regarding Biodiversity Offsets, plus other features; In the news, new publications and an update from CEnvP about new certification categories.

Remember, we do want members to send through interesting articles and make sure to give us ideas on who we should profile in future newsletters – look out for our first profile next month. Email us at nznewsletter.eianz@gmail.com

Event Review

Biodiversity offsets: Progress and Challenges for the Practitioners

By Christopher Gibbons on behalf of the Wellington Branch Committee

On April 7th 2014 the Wellington Branch hosted an event on the topic of biodiversity offsets with support from the law firm Buddle Finlay. Biodiversity offsets are becoming an increasingly popular yet controversial tool in the solution to protecting and enhancing New Zealand's biodiversity while enabling economic growth. Biodiversity offsets link conservation with industry, and are aimed at ensuring that development projects are implemented in a manner that results in no net loss of biodiversity. A key question of the night was "what are the essential elements that ensure that any biodiversity offsetting initiatives are effective and meaningful?"

Three speakers were selected to cover a range of perspectives relating to this question - policy, law and implementation. Firstly, Spencer Clubb a Policy Analyst from the Department of Conservation (DOC) was to present on the topic of how can we ensure no net loss for the environment? Second, Bernie Napp a Policy Manager from STRATERRA spoke on making it work for developers and the environment. Lastly, David Allen an Environmental Lawyer from Buddle Findlay was to speak on guidelines from case law.

Unfortunately on the night Spencer Clubb had to pull out due to sickness. However, Abbie Bull from the DOC policy team spoke briefly on behalf of Spencer to inform the audience about DOC's biodiversity offsetting guidance principals. These principals have been developed in consultation with MFE, MPI, MBIE, LINZ and Local Government New Zealand. They are non-statutory (so can't be enforced) but instead are aimed at providing guidance to developers and decision-makers on best practice that is NZ specific. The best practice guide closely aligns with the business and biodiversity offsets programme (BBOP) that is an international collaboration between companies, financial institutions and government agencies to achieve no net loss in biodiversity. DOC was intending that the best practice guide would be launched within a matter of weeks.

Spencer's presentation looked at the process by which the guidance document was formed. Since the other two speakers had been involved in that process they were able to include this in their presentations. A key question was would DOC support a resource consent application if the developer applied the DOC guidance principals? As the principals will not be enshrined in legislation DOC considers it will not have a role in defending the principals – it will be up to the decision-makers – local and regional councils, the Environment Courts and the EPA. The guidance principals are in the form of a tool-kit aimed at helping communities, environmental NGOs, land owners, Iwi and local councils work out the best way to protect biodiversity. Consequently, the practice guide does not attempt to solve the many issues around biodiversity offsetting.

Bernie Napp considered that DOC has done great work to date. However, he thought that the industry sector was looking for outcomes in policy and regulation that is more flexible and therefore more efficient than current provisions. In his view, the current legislative framework is not workable as there are five pieces of legislation that affect biodiversity offsetting: the RMA, the Conservation Act, the Crown Minerals Act, the Wildlife Act and the Heritage New Zealand Act. For the industry sector, this is perceived as a mess that makes it difficult to do business in New Zealand.

Once mined, land can never go back to where or how it was previously. However, Bernie showed several examples of the rehabilitation of lands that had been mined. One of these was the Golden Cross mine site which is one of few examples in NZ of a mine proceeding through development, operation and closure since 1990. Rehabilitation has resulted in the site being turned into working farmland with a wetland ringed with native vegetation.

The DOC guidance is difficult for industry to accept as (except in the case of farmland) it is not easy to replace like for like. Farmland after mining is often more fertile than before due to the reconstitution of the soils and mitigation inputs. Additionally, there is concern that NGO's who don't like mining for whatever reason might use the DOC guidance as a measuring stick. This has already happened when Forest and Bird referred to the DOC draft guidance in the Environment Court in the case of the Escarpment Mine on the Dennison Plateau.

Bernie summed up that we only talk about biodiversity offsets because we are talking about development and he feels that because we need the income generated by industrial development there needs to be a more collaborative process in deciding how the environment is protected and to what level. He wondered if biodiversity offsets will ever be achieved to the standard that DOC would like.

David Allen began by defining the terminology within law on biodiversity offsetting. The High Court has resolved an argument relating to what biodiversity offsets are under the RMA – whether they are mitigation or compensation. The Court ruled that biodiversity offsets do not mitigate the effects of the activity because they are not direct and are not on the development site. They are therefore to be considered as compensation. David provided an example where Forest and Bird argued in Court that if offsetting is not mitigation it should not be given much weight in reaching a decision under the RMA. However, the High Court responded by saying you need to consider each application on a case-by-case basis. Decision makers should give offsetting as much weight as they consider appropriate taking into consideration the nature of the particular development and the requirements of the RMA.

David also provided an example of a consent application that included a biodiversity offset area of 0.45 hectares of bush in return for removing 3 patches of bush which was classified as having District Significance. The bush with District Significance was largely not fenced nor protected in any way but the district plan did have rules that meant you would need a resource consent if you wanted to chop it down. An environmental expert engaged by objectors rejected the initial proposed offset so the applicant proposed a 1.4 hectares (3:1) offset, fenced and covenanted and with 5 years of pest and weed control. Once again the objector's expert declined this application mainly because part of the bush was already properly fenced and protected by the Plan and therefore it was not a gain for the environment, in fact the loss of the 3 patches of bush would result in a net loss compared to the current situation. .

Instead the objectors sought a 6:1 offset (2.7 hectares) and legal protection in perpetuity, perpetuity in pest and weed control, offset for the loss of individual trees as well as the area of bush around it, 7.8 hectares of buffer planting for edge effects and the enhancement of ecological corridors in addition to the 15 hectares of native landscape planting that was proposed by the applicant.

In the end the decision-makers ruled that the applicant had to provide 1.5 hectares of indigenous forest, legal protection in perpetuity and 5 years of pest and management control for that area. This was similar to what was initially proposed. This agreement was a result of a hearing that included evidence from 5 experts, rebuttal

evidence and three days of expert conferencing on that topic as well as direct discussions amongst the parties and significant planning and legal input. The point made was that environmental experts need to be realistic in their expectations of what applicants under the RMA should be expected to provide in terms of biodiversity offsets. Environmental experts should also be prepared to work collaboratively to find win/win solutions instead of engaging in confrontational processes that impose costs on all parties.

All speakers put forward well balanced and thought provoking presentations. This provided plenty of discussion and questions during the evening as many members of the audience had a strong interest in the topic. Consequently, the evening went well over the allocated time. We hope all those who attended, enjoyed the evening and we look forward to seeing you at the next Wellington branch event.

Email with your thoughts on this article to nznewsletter.eianz@gmail.com and we will share them with members in our next Newsletter.

Tell Us Who We Should Talk Too

In New Zealand we are blessed to have so many passionate people and organisations that do an amazing job at protecting and enhancing New Zealand's environment.

To share their passion, we would like to profile them here in our newsletter – so if you know of any people or organisations that we should profile, please get in touch at nznewsletter.eianz@gmail.com

In the News

So in case you missed it, here are some snippets of environmental news since the last newsletter.

Politics

[Greens unveil bold carbon tax plan](#)

[Carbon policy dangles cash carrot](#)

[US set 'to take very significant step' on climate](#)

[US to unveil curbs on coal power](#)

[Local voice lost in push to super councils, say MPs](#)

[Will a new climate fund unlock a global deal?](#)

[MPs asked to leave climate change campaign launch](#)

Conservation

[Species disappearing far faster than before - study](#)

[DoC under attack after seal badly hurts walker](#)

[Many more native fish at risk, say experts](#)

[DoC carries out pest control on private island](#)

[Marine reserve 'dream' arrives](#)

[NZ 'needs to do the right thing' to save Maui's dolphin](#)

[Hunt for oil in Africa's oldest national park halted](#)

[Nelson's new sanctuary](#)

[Kea make pests of themselves in beach town Kaiteriteri](#)

[DOC spends \\$6k on photo opportunity](#)

[Surprise at number of rare frogs](#)

Water

[Our drinking water: Just how clean is it, really?](#)

[Decision time for dirty river](#)

[Tale of two waterways: How pristine is our water?](#)

[Growing pains of China's water needs](#)

Culture and Heritage

[Inca trails, ancient French cave vie for World Heritage status](#)

Air Quality

[Log burners blamed for high smog levels](#)

[Air plan rethink as pollution levels rise](#)

[Scientists explore using trees to clean pollution](#)

[Smoggy start after high-pollution night](#)

[Anger over state-home log-burner upgrades](#)

[Mayor pushes pollution issue](#)

[China's plan to combat pollution will fight climate change too](#)

Business

[Electric vehicle programme to kickstart opportunity for NZ](#)

[\\$52,500 fine for second dirty dairying conviction](#)

[Gelita gets extension before hearing](#)

[Environmental record a key Landcorp concern](#)

Professional Development Opportunities

The following Professional Development Opportunities are available and as always, all EIANZ events are available on the calendar of our home page <http://www.eianz.org/>

EIANZ Conference 2014 – Living on the Edge



Living on the edge
21st century solutions
for environmental practitioners

Living on the edge- environmental management has many edges; borders of ecological communities, divisions in the landscape created by development, and sharpness of thought, language and argument about environmental outcomes and good practice.

See Tasmania in the spring time, come and explore 21st century challenges in environmental policy and practice. The conference will showcase new knowledge and skills that will ensure that you can practice at the leading edge of shaping a resilient and sustainable environment. Reserve the date now – plan to present a paper or poster about your research or practice. Let's ensure as a chapter, New Zealand is well represented.

Abstracts can be submitted until 11 July 2014 – see here for more information

<http://www.eianz.org/conference/call-for-papers>

Registration opens on Friday 6 June 2014.

Where: **Hobart, Australia**

When: **30 and 31 October 2014**

Venue: **Hotel Grand Chancellor, Hobart, Tasmania**

New Zealand Symposium 2015 – Save the Date - 27 March 2015

We are pleased to announce that the 2015 New Zealand EIANZ Symposium will be held in Wellington on Friday 27 March 2015. Topics at this stage are;

- Implementing the NPS on Freshwater Management - how to make it work
- Local Government Reform – strengthening councils' capacity for environmental management

The New Zealand Coastal Society Annual Conference



Join the New Zealand Coastal Society for their 22nd Annual Conference in Raglan.

Where: **Raglan, Waikato**

When: **November 18-21 2014**

Webpage for more information: <http://coastalsociety.org.nz/conference2014/>

Environmental Compensation Roadshow

Our friends at the RMLA are running a nationwide roadshow on Environmental Compensation during June through to August.

This seminar will provide an introduction to the basic concepts of environmental compensation, including biodiversity offsets and their places in the RMA and Conservation Act. The lawyer will present a summary of the case law to date, and the practical and planning implications for the classification of environmental compensation by the Courts. There will be a discussion on trouble shooting and the loose application of terms, and the fact all international concepts are not necessarily transferrable to NZ. From the practical perspective, the ecologist will introduce some of the mechanics associated with biodiversity offsets, their application, and ongoing research and debate into the details of these tools, as they relate to the development of Plans and consenting strategies.

To find out more, go to www.rmla.org.nz/events

Shaping Auckland

On Queens Birthday Campbell Live focused on what Auckland could learn from Seattle and New York in regards to its public places, housing and transport. It is well worth a watch.

[Bold new ideas from Seattle for modern living](#)

[Should Auckland follow in New York's footsteps?](#)

[Aucklanders' wish list for creating a better city](#)

New Publications

Drilling for oil and gas in New Zealand: Environmental oversight and regulation

Environment Commissioner urges New Zealand to “get ahead of the game” on an expanding oil and gas industry

The Parliamentary Commissioner for the Environment has found regulation in New Zealand is not adequate for managing the environmental risks of oil and gas drilling, especially if the industry expands beyond Taranaki.

In her 2012 report into fracking, Commissioner Dr Jan Wright found that much of the concern about fracking was associated with the expansion of the industry. The technique of hydraulic fracturing – fracking – could be used to extract ‘unconventional’ oil and gas from many parts of the country outside Taranaki. In some parts of the United States and Australia, this has led to oil and gas wells multiplying



so rapidly that regulators have found themselves “scrambling to catch up”.

Exploration wells are being drilled into the shale of the East Coast Basin – near Dannevirke, near Gisborne, and soon in Hawke’s Bay, said Dr Wright. The shale in this part of the country has been compared with the Bakken and Eagle Ford rock formations in the United States where the number of wells has proliferated in just a few years.

Dr Wright said that there are some deficiencies in the way the industry is managed in Taranaki, but beyond that, some fresh thinking is needed.

“The East Coast Basin is very different to Taranaki in a number of relevant ways, apart from the difference in rock formations”.

“The region is drier and very reliant on a number of key aquifers. There are major known earthquake faults, so wells would be more vulnerable to damage from seismic activity, and therefore more likely to leak into groundwater. Increasingly, the region identifies itself as a producer of premium food, and there would be conflicts between this and a mushrooming oil and gas industry”.

Dr Wright has made six recommendations in the report. They are:

- The Government should develop a national policy statement paying particular attention to ‘unconventional’ oil and gas.
- Revision of regional council plans should include better rules for dealing with oil and gas wells. Most council plans do not even distinguish between drilling for water and drilling for oil and gas.
- Wells need to be designed to minimise the risk of leaking into aquifers.
- Processes around who pays if something goes wrong need to be improved. Abandoned wells need to be monitored – the older a well is, the more likely it is to leak.
- Regulations on hazardous substances at well sites need to be better enforced.
- The disposal of waste from wells by spreading it on farmland needs review. There have been instances of farm animals grazing these areas before the breakdown of hydrocarbons is complete.

Although she has found that the local environmental impacts of oil and gas drilling can be managed, Dr Wright said that she does not want the report to be seen as giving a big tick to the expansion of the industry in New Zealand.

“I would much rather see a focus on ‘green growth’ because my major concern is the impact of the burning of fossil fuels on the global climate.

Download your copy of the report here - <http://www.pce.parliament.nz/publications/all-publications/drilling-for-oil-and-gas-in-new-zealand-environmental-oversight-and-regulation/>

See here for how the media covered the release of this report

[Fracking report due](#)

[Oil and gas industry welcomes report](#)

[Greens call for fracking moratorium](#)

[Councils should be able to ban fracking - environmental watchdog](#)

Certified Environmental Practitioner – closing Friday 5th September 2014

Certified through a process of peer and Board assessment, Certification can provide a greater level of assurance to the community, employers, clients and professional associates of the credentials and peer recognition of an environmental professional.

Maintaining high quality professional outputs of practitioners not only has positive environmental and social results, but may offer economic gains by enhancing sector competitiveness.

The CEnvP Scheme was established in 2004 as an initiative of EIANZ. It is Australasia's first certification scheme for general environmental practice, and one of the first in the world.

There are currently over 540 CEnvPs across Australia and New Zealand (as at June 2014).

We encourage suitably qualified practitioners to participate in this important initiative for the environment profession.

For more information about certification criteria and the application process, please visit www.CEnvP.org/apply

New Zealand: 03 741 3102

info@cenvp.org

New Certification Categories for CEnvP

Following the release of specialist programs for Impact Assessment and Ecology Specialists, the CEnvP Board is pleased to announce the upcoming launch of the Climate Change Specialist category.

The **Climate Change (CC) Specialist Category** has been developed by the EIANZ Climate Change Special Interest Section, headed up by Tom Davies (MEIANZ). It is aimed at CC practitioners with ten years professional experience (five must be CC specific) and a related degree. By recognising ethical and professionally competent CC practitioners, this should lead to improved confidence and outputs in professional CC practice.

More details will be available at www.CEnvP.org shortly.

Development of Contaminated Land Certification

The EIANZ and CEnvP Board have been evaluating the benefits of establishing a specialist scheme for contaminated land professionals. Over the last 12 months we have consulted with various groups and found there is a strong drive from a number of parts of Government and industry for such an initiative.

We are interested in the thoughts of the profession and EIANZ membership base regarding the development of the scheme.



Please email info@cenvp.org if you have any thoughts or queries, or wish to assist in the establishment of a land contamination category.

New Members

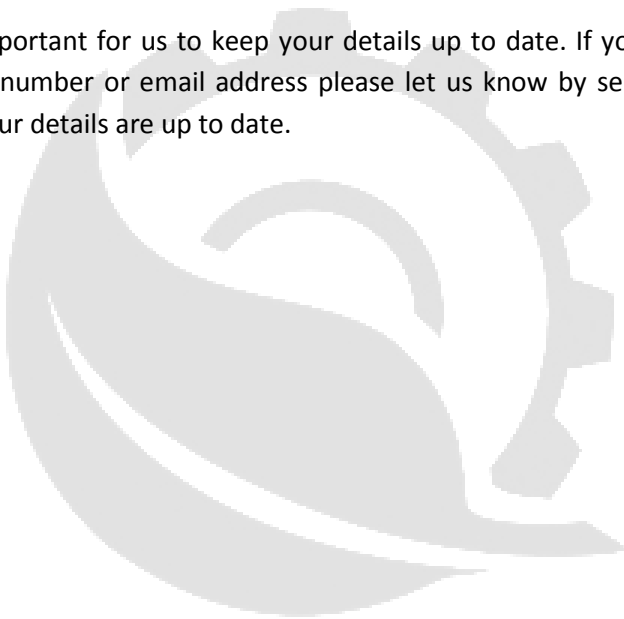
If you know of anyone who might like to join EIANZ, send them an email, send them a copy of this newsletter, invite them to one of the local events or direct them to our website for more information.

Job Opportunities

If you know of an environmental job opportunity that our members may be interested in, let us know and we will include here in the next newsletter – email us at nznewsletter.eianz@gmail.com

Have your details changed?

It is important for us to keep your details up to date. If you have recently moved house or job, changed your phone number or email address please let us know by sending an email to newzealand@eianz.org to ensure that your details are up to date.



Environment
Institute of
Australia and
New Zealand

Key Institute and Chapter Information

NZ Chapter Executive Committee

NZ Chapter Executive Committee

President: [Joh Taylor](#)

Vice President: [Ian Boothroyd](#)

Councillor: [Di Buchan](#)

Secretary: [Taryn Pearce](#)

Treasurer: [Chris Bailey](#)

Regional Branch Coordinators

Auckland: [Kathryn McDonald](#)

Bay of Plenty: [Sharon De Luca](#)

Wellington / Central: [Leonie Waayer](#)

Canterbury: [Pene Ferguson](#)

Committee Members:

[Stacey Swanson](#) (Students and Early Careers Portfolio)

[Steph Brown](#) (CEnvP) Coordinator

[Geoff Meadows](#)

Other Key Roles

Membership Secretary: [Eric Scott](#)

Newsletter Editor: [Craig Redmond](#)

Contact for general enquiries: newzealand@eianz.org

EIANZ Website: www.eianz.org and www.eianz.org.nz

Find out about events at: www.eianz.org/eventsplus/category/new-zealand

Join us at: www.eianz.org/membership/category/new-zealand

Watch us at: www.youtube.com/nzeianz

Follow us at: www.twitter.com/nzeianz

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