

Submission to CHRISTCHURCH CITY COUNCIL on
**“PROPOSED CHRISTCHURCH DISTRICT PLAN – STAGE 3”
(AUGUST 2015)**

INTRODUCTION

1. Straterra¹ welcomes the opportunity to submit on Stage 3 of the proposed Christchurch District Plan² (the proposed Plan), released for public consultation on 25 July.
2. Straterra limits this submission to Appendix 9.1.4.5 on biodiversity offsets.
3. Straterra welcomes the opportunity to engage with Christchurch City Council, on any aspect of our submission.

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¹ Straterra represents NZ minerals production, exploration, research, services, and support

<http://www.straterra.co.nz/about/>

² <http://proposeddistrictplan.ccc.govt.nz/PropertySearch/ContentContainer.html?page=planhome>

EXECUTIVE SUMMARY

4. Straterra proposes the deletion of Appendix 9.1.4.5 on biodiversity offsets³ from the proposed Plan, and related content, for the following reasons:
 - The wording of the appendix reveals a lack of knowledge of biodiversity offsets;
 - An earlier attempt within government to produce guidance on biodiversity offsets – as Straterra has represented to government and other interested parties– is all but unworkable in practice; and
 - The Government has announced its intention to relaunch development of a national policy statement on biodiversity, which is the appropriate forum for developing policy for local government and others to use on biodiversity offsets.
5. Biodiversity offsets is a complex field demanding technical expertise in science, policy, planning, the law, and business and operations before an appropriate framework can be developed for use in New Zealand.
6. The failure to develop workable guidance on biodiversity offsets in New Zealand to date has occurred because the advice of stakeholders has been ignored in several crucial respects, and the international context has been applied with little or no consideration of New Zealand's legislative context, in particular, that of the RMA.
7. As a consequence, legal practitioners within Straterra's membership are currently and actively advising their clients to stay away from biodiversity offsets, as unworkable.
8. Our worst fears are now being realised, that an unworkable technical document is being converted into a statutory requirement around the country, via RMA planning processes. This proposed Plan is a further example.
9. Straterra contends that New Zealand is unlikely to be well served by councils around the country developing individual approaches to biodiversity offsets. This is a national issue demanding nationally-driven policy.

RECOMMENDATIONS

10. Straterra recommends Christchurch City Council to:
 - a) Agree to delete Appendix 9.1.4.5 on biodiversity offsets, and support the Government's announced intention to develop a national policy statement on biodiversity, which could and should include national policy on biodiversity offsets.

³ **Biodiversity offsets** are a tool for managing the effects on biodiversity of development at one site by creating or enhancing biodiversity at a separate site to a measurable standard of no net loss, or, if possible, net gain in biodiversity. This tool comes into play in respect of residual effects that would result after proposals for avoiding, remedying and mitigating effects on site have been implemented.

DISCUSSION

11. The proposed Appendix 9.1.4.5 looks to have been written without in-house expert knowledge on biodiversity offsets policy. It appears to draw uncritically on non-statutory guidance prepared by others.
12. Straterra continues to advocate for a stakeholder-informed process to achieve workable and fit-for-purpose national-level policy on biodiversity offsets, in a way that is integrated into New Zealand's legislative frameworks, with particular emphasis on the RMA.
13. It is noted that the Minister for the Environment, Hon Dr Nick Smith, recently announced that the Government would return to developing a National Policy Statement on Biodiversity. That would be the appropriate forum in which to develop national policy on biodiversity offsets for New Zealand.
14. Straterra, therefore, recommends the council to withdraw this Appendix in its entirety, and related content from the proposed Plan, as lacking in rigour, and as pre-empting national policy development on biodiversity offsets.
15. Straterra's concerns over previous guidance that has been written include and are not limited to:
 - A legal opinion that biodiversity offsets are all but inadmissible under the Conservation Act 1987 (concessions regime), an opinion we dispute;
 - There is no ability for applicants to design one biodiversity offset package to meet the requirements of overlapping legislation, e.g., RMA, Conservation Act, Crown Minerals Act 1991 (access to Crown land), and the Wildlife Act 1953 (wildlife permits);
 - The requirement to first consider proposals to avoid, remedy and mitigate effects on site, in that order, is at odds with the RMA, which provides appropriately for flexibility in the managing of effects on site;
 - The imperative to bring social equity, stakeholder input and traditional knowledge into the design of a biodiversity offset is inappropriate in New Zealand – even if these are international principles – because these matters are already considered within the RMA planning and consenting framework;
 - The requirement for multipliers in offset design to address: distance between the site of development and that of the offset; time lag between development and the offset being achieved; differences between biodiversity at one site and another; and certainty of biodiversity loss at one site v. uncertainty of biodiversity gain at another, is such that in many cases an offset calculation would be likely to be uneconomic for applicants; and
 - The emphasis on like-for-like biodiversity exchanges is very restrictive.

Taken together, the DOC guidance would likely lead to biodiversity offsets being restricted to exchanges in grassland or manuka scrub. That is a missed opportunity to encourage environmentally-responsible economic development in New Zealand.

CONCLUSION

16. The topic of biodiversity offsets has occupied the minds of experts in policy, planning, business, science, law, and operations all over the world for a number of years. It is beyond Straterra's ability to incorporate all of the knowledge that has been accumulated into this submission, with a view to applicability in the New Zealand context. Nor is this necessary, given that the Government is to relaunch policy discussions on a national policy statement for biodiversity. Straterra considers that this would be the appropriate context in which national-level policy could be developed on biodiversity offsets.