

From: [Lauren Phillips](#)
To: [Plan Hearings](#)
Subject: RE: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan - Webpage updates
Date: Friday, 17 July 2020 3:23:50 pm
Attachments: [Canterbury PC7 EIC Annabelle Coates.pdf](#)
[MW8310 Canterbury PC7 EIC Andrew Burt.pdf](#)
[MW8310 Canterbury PC7 EIC Jane Chrystal.pdf](#)

Thank you so much Tavisha,

Please find attached the evidence in chief for B+LNZ by

- Annabelle Coates
- Jane Chrystal
- Andrew Burt

Please let me know if I have missed anything or you need more information.

Kind regards,

Lauren

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From: Plan Hearings <planhearings@ecan.govt.nz>
Sent: Friday, 17 July 2020 10:03 AM
To: Lauren Phillips <lauren.phillips@beeflambnz.com>
Subject: RE: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan - Webpage updates

Ata marie Lauren

Thank you for your email.

Please provide the evidence via this email (planhearings@ecan.govt.nz)

Nga mihi

Tavisha

From: Lauren Phillips <lauren.phillips@beeflambnz.com>
Sent: Friday, 17 July 2020 9:59 am
To: Plan Hearings <planhearings@ecan.govt.nz>
Subject: RE: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan - Webpage updates

Tavisha, please forgive me, but I can't find your original email with the details. Please could you advise what the email address and/or website is that we send in our evidence to? Or simply resend the email or minute that held those directions to me?

Thank you

Lauren

Lauren Phillips | Environment Policy Manager – South Island

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From: Plan Hearings <planhearings@ecan.govt.nz>

Sent: Thursday, 16 July 2020 2:33 PM

Subject: Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan - Webpage updates

Tena koe

There have been a number of documents added to the website for [Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan](#), additional documents are regularly added to the webpages for the Plan Changes.

The following documents have been added under the “Council Documents” tab:

- [Memo on Consolidated Officer Recommendations on PC7 10 July 2020](#)
- [Consolidated Officer Recommendations on PC7 10 July 2020 \(PDF\)](#)
- [Consolidated Officer Recommendations on PC7 10 July 2020 \(word\)](#)
- [Memorandum of Counsel on behalf of Canterbury Regional Council regarding the Explanatory Note - Orari FMU Land Use Attributes](#)

The following document has been added under the “Independent Hearing Commissioner Documents” tab:

- [Decision 2 of the Hearing Commissioners](#)

The following documents have been added under the “Additional information released by Council” tab:

- [GIS information of Officer recommendations to amend the proposed PC7 planning maps of 'Indigenous Freshwater Species Habitat'](#)
- [Well data used to generate Figures 2-6, 2-8 and 2-9 in the Nitrate Management report \(Kreleger and Etheridge, 2019\) \(CCC_wells.csv\)](#)
- [Well data used to generate Figures 2-6, 2-8 and 2-9 in the Nitrate Management report \(Kreleger and Etheridge, 2019\) \(CCC_wells_all_nitrate.csv\)](#)
- [Data referred to in Figure 6-3 of the Waimakariri Land and Water Solutions Programme \(Etheridge and Hanson, 2019\) \(SC vs depth inland vert grad area.xlsx\)](#)
- [Memo - Data that provides the Environment Canterbury Soil Types Layer on Canterbury Maps](#)
- [Orari FMU Land Use Attributes](#)

Statements of evidence-in-chief are being uploaded under the “Submitters Documents” tab and will be uploaded over the course of the next week.

Should you have any questions, please do not hesitate to get in touch with me.

Nga mihi

Tavisha

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[]

**BEFORE COMMISSIONERS APPOINTED
BY THE CANTERBURY REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the First Schedule to the Act

AND

IN THE MATTER of Canterbury Regional Council proposed Plan Change 7
to the Canterbury Land and Water Regional Plan

AND

IN THE MATTER of submissions under clause 6 First Schedule

BY **BEEF + LAMB NEW ZEALAND LIMITED**
Submitter

BRIEF OF EVIDENCE OF ANNABELLE JULIA COATES

16 July 2020

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QUALIFICATIONS AND EXPERIENCE

1. My name is Annabelle Julia Coates. I am currently employed by Babbage Consultants Limited (Babbage) as an Ecologist in the Ecology and Environmental Engineering team. I have been employed by Babbage since July 2018.
2. I hold a Bachelor of Science, endorsed in Environmental Science, and a Master of Science in Environmental Science, from the University of Canterbury. I am a member of the Environmental Institute of Australia and New Zealand, a professional body for environmental practitioners.
3. I have seven years experience as a professional ecologist and during that time have undertaken numerous ecological surveys and monitoring, assessments of ecological value and assessments of effects of proposed works on ecological values for freshwater, estuarine, marine and terrestrial environments.
4. I have considerable experience in the Canterbury region including fish surveys, assessments of water races, various assessments of effects, expert evidence, and general advice regarding ecological values. Relevant experience includes:
 - a. Assessment of effects for Oceania Dairy Factory upgrade at Glenavy
 - b. Consent compliance monitoring for Fonterra Clandeboye
 - c. Stormwater monitoring and sampling
 - d. Assessment of effects for various major cycleways in Christchurch including those adjacent to the Heathcoat River and Avon-Heathcote Estuary
 - e. Assessment of ecological values of Ashburton District's Stockwater Races
 - f. Assessment of effects of proposed closures to some of Ashburton District's Stockwater Races
 - g. Fish surveys and ecological monitoring in the Avon River
 - h. Assessments of effects for various bridge upgrades and replacements throughout Canterbury
 - i. Fish surveys and assessments of ecological values of various waterways around Canterbury
 - j. Research assistant surveying bignose and upland longjaw galaxiids in the Mackenzie Basin

5. This brief of evidence provides an ecological assessment which specifically focuses on the matters in the Canterbury Regional Council's ('CRC') proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (LWRP), and on which Beef + Lamb New Zealand submitted. The evidence includes support for Beef + Lamb New Zealand's submissions and on PC7.
6. In preparing this evidence I have reviewed the plan change and supporting Officers' reports, and relevant background documents and technical reports, including:
 - a. CRC proposed PC7;
 - b. CRC s42A report; and
 - c. B+LNZ's submission on PC7.
7. I have read the Code of Conduct for Expert Witnesses in the Environment Court's 2014 Practice Note and agree to comply with it. I confirm that the opinions I have expressed represent my true and complete professional opinions. The matters addressed by my evidence are within my field of professional expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

EXECUTIVE SUMMARY

8. I have been asked by Beef and Lamb New Zealand (B+LNZ) to prepare evidence in relation to components of their submission to CRC on proposed Plan Change 7 (PC7) of the Canterbury Land and Water Regional Plan (LWRP).
9. I have been specifically asked to comment on:
 - a. the proposed definition and new planning map layer for Indigenous Freshwater Species Habitat, and;
 - b. 'significant habitats of indigenous fauna and flora' as a point of discretion for rule 5.115.
10. I support B+LNZ's proposed amendments to the proposed definition for IFSH.
11. I support B+LNZ's request that PC7 provide clarity around 'significant habitat for indigenous fauna and flora'.

BEEF + LAMB NEW ZEALAND SUBMISSIONS

12. B+LNZ have made a submission on PC7 that I have summarised below as is relevant to my evidence.

13. PC7 has proposed a new planning layer, Indigenous Freshwater Species Habitat. The proposed definition for Indigenous Freshwater Species Habitat ('IFSH') is:

Means an area identified as 'Indigenous Freshwater Species Habitat' on the Planning Maps, and which provides habitat for at least one of the freshwater species listed below:

1. *Giant kōkopu/Taiwharu (Galaxias argenteus)*
2. *Lowland longjaw galaxias (Waitaki) (Galaxias cobitinis)*
3. *Canterbury mudfish/Kōwaro (Neochanna burrowsius)*
4. *Bignose galaxias (Galaxias macronasus)*
5. *Upland longjaw galaxias (Galaxias prognathus)*
6. *Upland longjaw galaxias (Waitaki) (Galaxias prognathus)*
7. *Shortjaw kōkopu (Galaxias postvectis)*
8. *Northern flathead galaxias (Species N (undescribed))*
9. *Lamprey/Kanakana (Geotria australis)*
10. *Freshwater crayfish/Kekewai (Paranephrops zealandicus)*
11. *Freshwater mussel/Kākahi (Echyridellamenziesi)*

14. B+LNZ has sought for the definition to be amended as follows:

Means an area identified as 'Indigenous Freshwater Species Habitat' on the Planning Maps, and which provides habitat for at least one of the freshwater species listed below where the presence of that species has been confirmed by a suitably qualified and experienced practitioner:

...

15. There are proposed provisions through PC7 which are related to the IFSH planning layer and the proposed definition. B+LNZ has sought that, if the IFSH definition is not amended, the matter of discretion that pertains to the definition in these related provisions is deleted.

16. PC7 has proposed two new matters for discretion (underlined) for rule 5.115:

The taking and using of water for a community water supply from groundwater or surface water is a restricted discretionary activity, provided the following conditions are complied with:

- 1. A Water Supply Strategy prepared in accordance with Schedule 25 is submitted with the resource consent application; and*
- 2. Where the application seeks water for purposes other than drinking water, the application shall identify which components are not related to drinking water, and which of those are existing or new activities.*

The exercise of discretion is restricted to the following matters:

- 1. The reasonable demand for water, taking into account the size of the community, the number of properties and stock that are to be supplied, the uses that are to be supplied and the potential growth in demand for water; and*
- 2. The effectiveness and efficiency of the distribution network; and*
- 3. The quality and adequacy of, compliance with and auditing of the Water Supply Strategy; and*
- 4. The actual and potential adverse effects on other water takes, including reliability of supply; and*
- 4A. The effect on the environmental flow and allocation limits within the relevant sub-region Sections 6 to 15; and*
- 5. The potential benefits of the activity to the applicant, the community and the environment; and*
- 6. Compliance with any relevant Water Conservation Order; and*
- 7. The need for and extent of the proposed Community Drinking-water Protection Zone; and*
- 8. The matters set out in Schedule 1 and the way in which those matters are responded to in the proposal for which consent is sought and the assessment of effects forming part of the application; and*
- 9. The actual and potential effects on any user of land located within the proposed Community Drinking-water Protection Zone; and*
- 10. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga; and*

11. The potential adverse effects on significant habitats of indigenous fauna and flora.

17. Matter of discretion 10 is outside of the scope of my evidence.
18. Matter of discretion 11 is within the scope of my evidence. B+LNZ has submitted that, with regards to matter 11, more clarity is needed around what is 'significant habitats of indigenous fauna and flora', how this habitat is identified and by whom, what relationship if any this has to wider policy or legislation, what the wider implications are for land users, and what the procedures are to challenge the identification of a significant habitat of indigenous fauna and flora.

EVIDENCE

Indigenous Freshwater Species Habitat

19. I will discuss my professional opinion of the IFSH definition in the context of B+LNZ's submission on PC7. As part of this discussion, I will consider:
- a. the proposed IFSH layer of the Planning Maps;
 - b. identification of IFSH areas based on historic fish records;
 - c. consistency in the application of the layer; and
 - d. points of note in the suite of policies associated with the IFSH definition.
20. New Zealand's freshwater environment has been subject to pressure from various human activities such as urbanisation, inputs of stormwater and wastewater, rural land intensification and improvement, vegetation removal, and water abstraction. As a result, the species that inhabit these waterways have also been put under pressure and many have experienced reductions in population size and extent.
21. The species listed in the IFSH definition are not common species and have current threat classification of At Risk or Threatened. Many areas where the species listed in the IFSH definition would have historically been present are no longer suitable for their habitation. In principle, I agree that areas where IFSH species are currently known to be present should be managed appropriately to ensure their persistence.

22. Having reviewed the areas identified as IFSH in the Planning Maps, I have a number of points I would like to discuss.
23. I understand the areas have been identified based on records of the target fish species contained within the New Zealand Freshwater Fish Database (NZFFD), and through local knowledge of freshwater mussel/kākahi and crayfish/kekewai distribution.
24. The PC7 definition does not provide any requirement for the presence of these species to be confirmed. Rather, it provides a number of areas throughout the region and states that these areas must provide habitat for at least one of the named species. There are various reasons why appropriate habitat may be available but the IFSH species are absent. Reasons can be historical, and can be natural or manmade and include fish barriers, water quality changes and seasonal variability among others. Various waterways in Canterbury have been and/or continue to be subject to human influence, including periodic weed and sediment removal, changes to riparian vegetation and management, altered sediment inputs, diversion and realignment, water takes and discharges, installation of bridges and culverts, and engineering such as dams. Natural changes include variable water levels, natural realignment, and in some cases closure of waterways through events such as landslides. All these activities alter fish habitat, including physical, biological and chemical components. In some cases, habitat can change over very short time scales (e.g. a matter of weeks).
25. In light of these factors, the proposed definition's underlying reliance on historical records of fish presence and absence without ground truthing is flawed.

Inaccuracies in the Planning Maps

26. I have read CRC Officer's Section 42a Report for PC7 to the LWRP (the S42A Report). I note that the S42A Report, considers the accuracy of the Planning Map layer (paragraphs 5.21 to 5.35, pages 91 to 94), outlining submissions provided to CRC. I support the recommendations set out in paragraph 5.29 (pages 92 and 93) to improve the accuracy of the maps.
27. While planning map inaccuracies have been raised by other submitters, and addressed in the S42A Report, there are a few inaccuracies I wish to discuss, specifically in relation to B+L NZ's

submission asking for an inclusion in the definition that presence of these species be confirmed by a suitably qualified and experienced practitioner (SQEP).

28. Braided rivers are highly dynamic environments with active and abandoned channels, and islands and gravel bars regularly changing depending on various factors including rainfall, snow melt, and seasonality. Habitats within braided rivers are also highly variable. Within a very small area there can be a number of habitats (e.g. pool, riffle, run, all of varying depths and flow velocities). Each habitat is suitable for, and may contain, a specific assemblage of species, depending on their habitat requirements.
29. For example, upland longjaw galaxias are found in springs, and very shallow rivers/channels, including side and connecting braids of large braided rivers. Habitats such as this in braided river channels are often highly temporary in nature and can be lost from one fresh to another. Therefore, a section of river that may have been suitable for, and contained upland longjaw galaxias during the time the NZFFD record was made, may in fact be completely different now, and no longer contain suitable habitat for the species.
30. While changing the identification of IFSH from polygons to lines, indicating that the habitat consists of the entire reach of river and not just the identified channel, goes some way to protecting the habitat of these species across a river despite potential changes in river morphology, it does not account for changes displacing populations either upstream or downstream. Displacement such as this is a common occurrence.

Relying on historic NZFFD records

31. In Canterbury, records in the NZFFD date back to 1920. While it appears these very old records have not been considered for some species (e.g. lamprey in the LII River and Selwyn River), records for other species, specifically Canterbury mudfish, have. The oldest record for Canterbury mudfish dates from 1926 for a tributary of the Eyre River near Oxford. This waterway has been included in the Planning Maps as an IFSH despite no more recent data than the 1926 record.
32. In my professional experience, I have never proposed or assigned ecological value to an area based on a record that is nearly 100 years old, without verifying that record with a specific

survey, or at least an assessment of the available habitat first. If I was reviewing an assessment claiming high value based on a record this old, I would not accept it. Without on-site confirmation, there is no way of knowing if this habitat is still suitable for any fish species, let alone Canterbury mudfish.

33. In relation to this waterway specifically (number 144 from the IFSH layer) at the corner of Mill Road and Bush Road, Oxford, I have reviewed aerial images, and images contained within Google Street View. I note the following:

- a. The channel appears to contain slow flowing water, suitable for mudfish.
- b. There does not appear to be any macrophyte growth within the waterway, although I cannot say this for sure as macrophyte growth is seasonal. It appears the images have been collected during colder months as trees in the area have lost their leaves, and as such macrophyte growth may be lower due to cooler temperatures. Mudfish prefer streams and wetlands with weedy conditions.
- c. The waterway has been excavated as there are large piles of spoil dumped on the banks. Excavating waterways significantly alters instream habitat and spoil often contains fish that die if they are not able to reach the waterway.

34. Overall, I consider the habitat unsuitable for Canterbury mudfish, and believe it is highly unlikely they continue to be present. However, their presence, or lack of, could be easily confirmed by a simple and relatively low cost survey undertaken by a SQEP.

35. There are a number of other IFSH areas, that appear to have been assigned based on records that are between 20 and 50 years old. A number of these waterways have had subsequent surveys that have found no species, or else have found only species that are not listed in the IFSH definition. This is typically due to a significant change in the channel(s) since fish records were added to the NZFFD. Changes include alteration and/or removal of vegetation, realignment, closure, and significant reductions in surface flow (naturally and through abstractions).

36. For example, Ashburton District Council operates a network of stockwater races. Many of these races were once natural waterways but have been realigned and channelised to convey stockwater and therefore are generally considered to be artificial or very highly modified. The network of races on the coast, just south of the Ashburton River mouth have records of

Canterbury mudfish presence. However, the race network there has been closed. While there may be some natural surface water inputs, many of the races have been filled in, or are predominantly dry, posing little value as mudfish habitat. I believe it is pointless assigning these areas as IFSH based solely on records, without ground truthing. If water is not present for the majority of the time, mudfish will not persist, and other species will not be present.

37. This issue is specifically pertinent to waterways on the plains, as these have generally been subject to higher levels of human influence. However, waterways in hill country and subalpine areas are generally highly dynamic and therefore available habitat also regularly changes.
38. I am experienced in undertaking fish surveys and I am aware that just because a species is not found during a survey, does not mean it is definitely not present. However, I question the wisdom of assigning regulation with potentially significant impacts for surrounding land use to these areas, solely based on historic records with no requirement for ground truthing. This has the potential to penalise some land users through regulation in order to protect a habitat that has low ecological significance. Under the current proposed definition, the regulation would apply even if the landowner engaged a SQEP to conduct a survey, and none of the target species were found.

Inconsistency in approach to applying IFSH areas

39. There appears to be some inconsistency with applying IFSH to areas containing the species listed in the definition. This is most obvious for freshwater mussels/kākahi and freshwater crayfish/kekewai.
40. There are a number of locations around Canterbury where freshwater mussels/kākahi and freshwater crayfish/kekewai have been recorded in the NZFFD, but they have not been included in the IFSH layer. In contrast, there are a number of IFSH waterways with no associated NZFFD records. I assume that those waterways contain freshwater mussels/kākahi and/or freshwater crayfish/kekewai and their presence has been recorded from the online survey undertaken by CRC, referred to in the S42A Report.
41. If that is the case, it is not clear why some areas containing freshwater mussels/kākahi have been excluded from the IFSH layer despite the species being named in the definition. If this is

because the online survey revealed they are no longer present in the non-IFSH areas, then it is not clear why it is acceptable to ground truth for some species and not others.

42. There are also waterways and reaches of waterway that have other species listed in the definition present, but have not been included within the IFSH layer. A brief review of the NZFFD records mapped with the IFSH layer has shown freshwater mussels/kākahi and freshwater crayfish/kekewai not included, as discussed, but also lamprey, upland longjaw galaxias and Canterbury mudfish.
43. A block of Canterbury mudfish records south of the Selwyn River around Rakaia Selwyn Road, Leeston Dunsadel Road and Irwell Rakaia Road have possibly been excluded due to the fish being found in artificial races. However, mudfish records in artificial, or at least very highly modified waterways within Ashburton Districts stockwater race network have been included, despite these races having been closed some time ago, as already discussed.
44. I note this has been raised by submitters; and is covered in the S42A Report. Paragraph 5.27 (page 92) states records in artificial habitats such as races were deliberately removed, however as discussed, a large area of stockwater races in Ashburton is still included in the IFSH layer.
45. Paragraph 5.27 states:
'If the artificial component of flow in the water body, such as stock water, has been closed off and there is still water in the water body, then the mapped habitat is within a modified watercourse and the section 13 RMA rules apply.'
The races in Ashburton District have been closed and a number already filled in, as discussed above. As these races no longer provide habitat, it is my opinion they should be removed from the layer.
46. In my professional opinion, the approach to assigning IFSH status to waterways under PC7 is unclear, arbitrary and inconsistent.
47. The accuracy of the IFSH definition and planning layer could easily be remedied by requiring a SQEP confirm the presence of one or more of the named fish species, prior to applying for either permitted activity status or a subsequent resource consent, if the species is found.

Ecological Significance

48. I am aware that protection of known and potential habitats for New Zealand's threatened native fish species is essential for their continued persistence. However, we must also consider the ecological significance of waterways, rather than just consider the habitats known to be historically occupied by those species. Otherwise, we are protecting habitat for the sake of protecting it, without there being any real chance that these species may be able to occupy this habitat again.
49. In my professional opinion, it is not appropriate to assign ecological value based solely on historic records.
50. I also question the value of assigning discrete small reaches of waterway as IFSH for species which are predominantly mobile, and for which mobility may be crucial to their ability to inhabit a reach of waterway.
51. The nature of the NZFFD is that it contains records of fish species, only where surveys have been undertaken. It is not a census. There is a very high likelihood that if a species is found in one reach of a waterway it will also be present in other reaches of the same waterway, providing suitable habitat is present and the species is physically able to access this reach. The records are also not subject to quality control and there are potentially issues around fish misidentification, and errors with GPS locations, that are not picked up when inputting the data.
52. Under the proposed IFSH provisions there is a risk of creating a piecemeal network of protected habitats, with no means for species to move between habitats, and of protecting habitats with little to no ecological significance.

Rule 5.115

53. Rule 5.115 makes a community water take from surface or groundwater a restricted discretionary activity where certain conditions are met. One of the proposed new matters of

discretion is matter number 11., the '*potential adverse effects on significant habitats of indigenous fauna and flora*'.

54. B+LNZ has requested that 'significant habitat for indigenous fauna and flora' is given more clarity than what PC7 has provided.
55. 'Indigenous flora and fauna' for the purposes of this rule are currently not defined in the LWRP, and the rule itself does not clarify or define indigenous flora or fauna.
56. Without further definition, 'indigenous fauna and flora' as described in rule 5.115 could encompass every indigenous species in New Zealand; from terrestrial to freshwater to marine.
57. Moreover, it could conceivably capture any indigenous fauna or flora, regardless of its rarity or commonality within Canterbury. Indigenous flora and fauna could range from the common and Not Threatened species such as fantail and flax, to highly threatened species such as the black stilt.
58. In order for discretion point 11 to have any value, it needs to be amended to specify regionally 'significant' or 'threatened' indigenous flora and fauna. Species such as this can be easily identified by a SQEP using published information such as DoC's conservation status documents, and applying them to the Canterbury region, as a species that is common in other parts of New Zealand, may be threatened regionally or locally. Alternatively, CRC could provide a list species considered to be significant.
59. 'Significant habitat' is also not defined by the LWRP or rule 5.115.
60. Assessing what is significant habitat for indigenous species is relatively simple and can be undertaken by any SQEP using the Guidelines for the Application of Ecological Significance Criteria for Indigenous Vegetation and Habitats of Indigenous Fauna in Canterbury Region, as prepared by Wildlands for CRC in 2013, also listed in Appendix 3 of the Canterbury Regional Policy Statement. Other guidelines such as the Environment Institute of Australia and New Zealand Ecological Impact Assessment Guidelines for use in New Zealand, are also appropriate for determining what is to be considered significant habitat.

CONCLUSION

61. I support B+LNZ's submission that the presence of one or more of the listed species in the proposed definition of Indigenous Freshwater Species Habitat should be confirmed in order for the associated provisions proposed by PC7 to apply, and that this should be undertaken by a suitably qualified and experienced practitioner.
62. Requiring confirmation that one or more of the target species is present within the identified reach, will not have any detrimental impact on the intent of the definition. The confirmation of species presence should be undertaken by a SQEP, mitigating the risk of such target species being missed.
63. If none of the listed species are present, the requirement for protection is significantly reduced, and therefore the activities could still occur as permitted activities.
64. I support B+LNZ's submission that 'significant habitat' and 'indigenous fauna and flora' be clarified as they pertain to rule 5.115

DATED 16 July 2020



Annabelle Julia Coates