

**BEFORE THE HEARINGS PANEL APPOINTED BY  
CANTERBURY REGIONAL COUNCIL**

**UNDER** the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of an application by Canterbury Regional Council

for resource consent to discharge agrichemicals to rivers and their connected waterbodies, air and the coastal marine area, and the clearance of vegetation, for the purposes of weed management to provide flood, erosion, drainage and river enhancement works.

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**STATEMENT OF EVIDENCE OF LEIGH GRIFFITHS  
ON BEHALF OF CANTERBURY REGIONAL COUNCIL (APPLICANT)**

**11 March 2024**

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## **SUMMARY STATEMENT**

- 1      Flooding is New Zealand's most common natural hazard and we need to be proactive in its management of risk to life and property especially with a changing climate.
- 2      These renewal resource consent applications are a critical tool to enable essential on-ground works throughout the Canterbury region.
- 3      We have proposed adaptive and stringent mitigation to ensure any effects are appropriately managed.
- 4      In addition to flood protection, there are many positive effects of this activity including improved natural character, reduced fire risk, and biosecurity and biodiversity outcomes including weed removal, removal of predator habitat, and habitat for braided river birds.

## **Introduction**

- 5      My full name is Leigh Frances Elizabeth Griffiths. I am employed as a General Manager Field Operations at the Canterbury Regional Council (**Regional Council**), and I have held this position since October 2022.
- 6      As General Manager I have the responsibility and oversight for flood and river resilience, Regional Parks, forestry, biosecurity and navigation safety. This division oversees more than \$40 million of work, involves 120 internal staff and a range of external contractors. I have held previous roles within the Regional Council of Rivers Section Manager and Senior Environmental Advisor. As part of these roles I have been involved in the monitoring and administration of the current herbicide consents.

## **Qualifications and Experience**

- 7      I hold a Bachelor of Science (Hons) Geography from the University of Canterbury and have worked in various river management roles at Canterbury Regional Council since 2006. I am actively involved in the national Rivers Special Interest Group (SIG) and am a duty flood controller.

## **Scope of evidence**

- 8      My evidence addresses matters under the following headings:
  - (a)    Flood protection is a community priority and funding;
  - (b)    Canterbury Regional Council flood and erosion protection, and drainage role and responsibilities;
  - (c)    Integrated flood works – the PARA approach
  - (d)    Braided River Revival/Whakahaumanu Ngā Awa ā Pākihi.
- 9      In preparing my evidence I have reviewed the following documents:

- (a) The application and assessment of environmental effects;
- (b) Three requests for, and their responses of further information;
- (c) The summary of submissions.
- (d) The Officers s42A report.

### **Flood Protection is a community priority and funding**

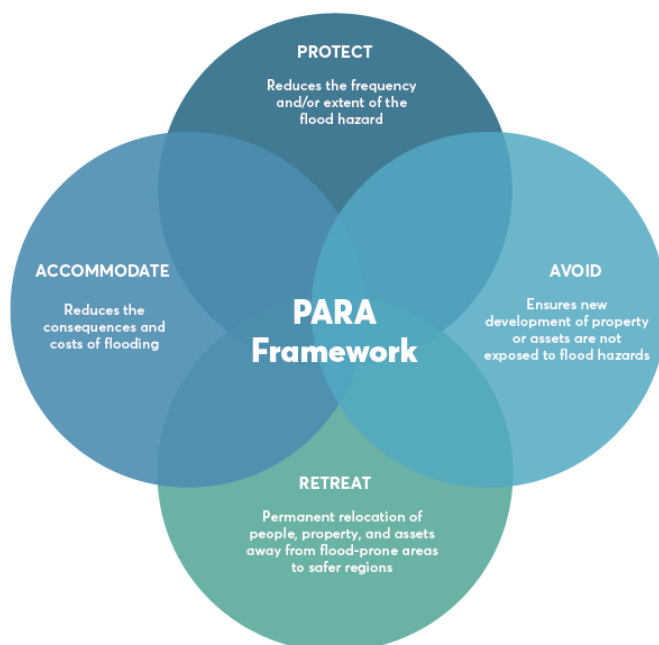
- 10 Flooding is New Zealand's most frequent natural hazard and primarily due to climate change and the risk is increasing year-on-year. We saw the devastating effect flooding can have on people, property, and critical lifeline infrastructure during 2023 cyclone Gabrielle that hit Hawkes Bay and the upper North Island. Flood protection is a matter of national interest and being prepared for events not only means forward planning of new or upgraded infrastructure but also ensuring critical maintenance of channels, berms, and assets is always carried out.
- 11 In 2021 central government agreed to the national need to invest further in flood protection, and Canterbury received one-off funding to set up a \$24.2m programme of work to increase flood and community resilience across Canterbury, in addition to our usual maintenance programme. Part of this programme of work used herbicide in combination with other techniques to give rivers more room to braid, maintain and improve critical berm buffers alongside rivers. Fourteen regional councils currently have a second Business Case in front of central government for consideration of second tranche of funding for more accelerated flood protection projects so we can continue work to reduce risk to life and property.
- 12 Locally the vast majority of flood protection works are funded by rates, with a contribution of lease and forestry income from Regional Council-owned land to some schemes. Work programmes and rates proposed in the draft Long Term Plan 2024-2034 (LTP) will be out for public consultation in March. Within the draft LTP is a 30 Year Infrastructure Strategy which describes key issues for flood protection over the next 30 years (2024-2054). The draft document not only contains budget provisions but also outlines how and when we will make decisions on issues over the next 30 years, for a 50-to-100-year timeframe.
- 13 Regional Council has been asked by several District Councils and communities post Canterbury's big 2021 floods to "do more". The draft LTP is also consulting on a permanent budget line for works outside of our existing 58 river rating schemes where needed as well as a specific budget for dedicated works within the Selwyn District. This proposal is signalling a more adaptive regionalised approach to flood management which will likely see specific river schemes absorbed in the future.
- 14 In 2023 Regional Council also received \$360,000 in funding from the Ministry for the Environment (MfE) for three two-year projects to investigate ways of working with nature to build resilience and protect communities from future flooding. We are committed to looking at different ways of doing things.

## **Canterbury Regional Council flood and erosion protection, and drainage role and responsibilities**

- 15 The roles and responsibilities of managing flood and erosion risks and drainage are outlined within a number of statutes. Regional Councils have a responsibility to ensure people, property and land are kept safe from floods. Key enactments and sections enabling and requiring this include:
- (a) Section 93 of the Local Government Act 2002 requires that local authorities have a Long Term plan (LTP), that goes through a public consultative procedure and under section 101B includes an infrastructure strategy. This LTP commits to a level of service in maintaining 'flood protection and control works' and the LTP and Annual Plans (section 95) make commitments to providing an agreed level of service in river and drainage rating districts and other river enhancement works.
  - (b) Section 126 of the Soil Conservation and Rivers Control Act 1941 states that it is a function of a Catchment Board (now regional councils) to minimise and prevent damage within its districts by floods and erosion. Section 133 outlines the actions that can be taken when maintaining and improving watercourses and defences against water etc.
  - (c) Section 17 of the Land Drainage Act 1908 outlines the actions that can be taken within Drainage Boards (now regional councils) to construct and maintain drains and watercourses. Section 25 requires that every Board ensures all watercourses and drains under its management are constructed and kept so they are not a nuisance or injurious to health, and to be properly cleared and cleansed, and maintained in proper order.
  - (d) Sections 9, 10A and 13 to 17 of the Resource Management Act 1991 set out the duties and restrictions that apply when undertaking works on or in land, the coastal marine area, river, and lake beds, in water or relating to activities that cause discharges and noise. Works are required to meet the requirements of those sections of the RMA, the relevant rules in regional and district plans or be in accordance with any required and obtained resource consent.
- 16 In recognition of its critical importance to the community, Canterbury's planning framework has been set up to be largely enabling of flood protection works with a reasonable proportion of our works being permitted subject to stringent environmental Codes of Practice. I am aware some of the activity before you today is also a permitted activity and this process seeks to authorise the parts where resource consent is required.
- 17 Canterbury Regional Council has 58 established River and Drainage Rating Districts with a total asset value of \$852m (2021). Further detail on these community schemes will be provided in David Aires's evidence.

## Integrated flood works – the PARA approach

- 18 Canterbury has over 78,000km of rivers and 800km in coastline. Our workload is increasing as more communities ask for dedicated support for ongoing flood issues which touch on all internationally recognised PARA principles, which are Protect – Avoid – Retreat – Accommodate (Figure 1). This integrated approach means we critically look at each issue holistically and work towards the best solution long term – noting that means other solutions may be needed in the short term.
- 19 Canterbury is committed to the PARA approach to our region's actions on flood and river resilience and have made it part of our draft 30 Year Infrastructure Strategy for 2024-2054.



**Figure 1: the PARA Framework**

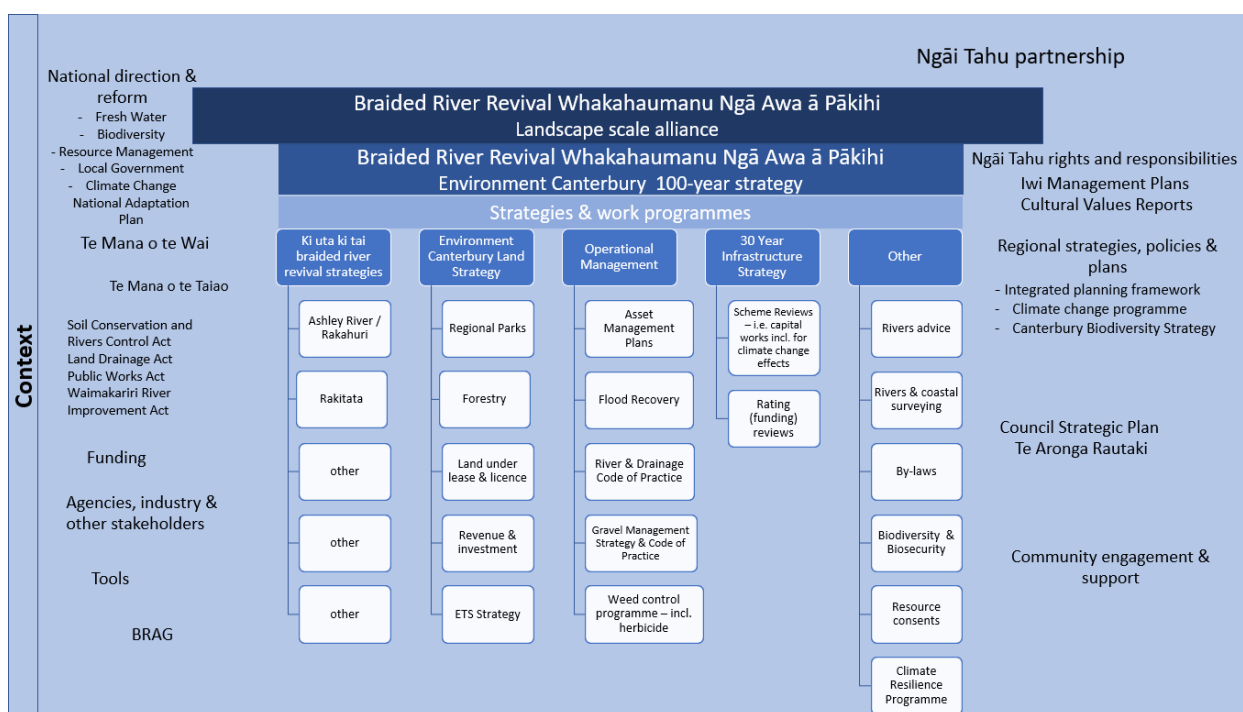
- 20 In May 2021 Canterbury was impacted by our biggest flood event in decades which caused \$22m damage to flood protection infrastructure. Financial losses to private property and other infrastructure were far more than this value. With knowledge gained from that event and from a subsequent technical review we are actively planning upgrades to critical infrastructure, retreat, land purchase, and natural solutions. The ability to choose the right tool we need to address a specific spot on the ground is imperative to our delivery. Herbicide, when needed, is one of those critical tools and we need to be able to adapt to make site-specific plans.

## Braided River Revival Whakahaumanu Ngā Awa ā Pākihi

- 21 Braided River Revival/Whakahaumanu Ngā Awa ā Pākihi is a programme of work aimed at reviving the mauri of braided rivers, ki uta ki tai (from mountains to sea) and to align collective action at a landscape level to achieve this goal. It is a partnership initiative and a

way of planning and organising our work to ensure broader outcomes are met from the mountains to the sea, taking into account a 100-year horizon.

- 22 There are both an external focus – the alliance for collective action with mana whenua partners, other agencies and communities – and an internal alignment focus, albeit working closely with others, to integrate Regional Council functions, roles and responsibilities in braided rivers.
- 23 Canterbury is unique as it has 64% of the nation’s braided rivers which are diverse and hold significant ecological and cultural values. Regional Council continues to shift towards a more integrated approach to river enhancement works addressing flood, erosion and drainage management, biodiversity, biosecurity, cultural and other community and recreational enhancement. Additional positive outcomes directly related to the renewal of these herbicide consents include improvements to natural braid character, reduced fire risk, removal of predator habitat, and increased habitat for braided river birds.
- 24 Figure 2 illustrates how we organise our work in rivers to deliver a range of outcomes and how we are taking a more integrated approach to ensure a longer-term vision in partnership.



**Figure 2: Braided River Revival/Whakahaumanu Ngā Awa ā Pākihi work programmes.**

- 25 We are strategic in how we plan our work and how we ensure value to the rate payer, especially in times when budgets are very limited.

## Conclusion

- 26 The use of herbicide is a critical tool in our community toolbox that allows us to make choices about how to deliver on the ground. Having this tool allows us to make immediate progress

on the ground as well as plan for the future. We do this in an environmentally sensitive way and follow all the relevant rules and instructions.

- 27 We have proposed stringent mitigation to ensure that we carry out this activity appropriately. The costs associated with obtaining these resource consents are substantial. Given the mitigation measures proposed and the significant amount of rate payers money that has gone into obtaining these renewal permissions, it is my opinion that it is imperative that a 20 year duration is granted.
- 28 Regional Council takes its responsibility to reduce risk to life and protect the environment extremely seriously. We carefully plan our work programmes and deliver work for our communities. In addition to flood protection there are many positive environmental outcomes from herbicide use particularly in braided rivers.
- 29 Not adequately maintaining flood infrastructure (hard and soft) leads to a lack of business confidence, creates ongoing health and psychological trauma for flood-affected communities and creates anxiety of an uncertain future. Flood events in New Zealand are increasing in frequency and scale, and it is our professional and regulatory duty to be prepared and ensure we use every tool available to deliver this critical work.

Dated 11 March 2024



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Leigh Griffiths