

SPOKEN STATEMENT – Jolene Irvine

1. I am Jolene Irvine, employed as a Rivers Planning Advisor at Environment Canterbury. I have provided planning evidence on behalf of the applicant for this proposal.
2. As you have heard, the application relates to the discharge of agrichemicals to water, to land where it may enter water, to the coastal marine area, and to air. With the purpose being to manage weeds in and near waterways as required in the ongoing delivery of flood and erosion protection, provision of drainage and other river enhancement works.
3. There are three consents being considered: two discharge permits and one coastal permit. I agree with the s.42A report, that the activity status should be bundled with the proposal having an overall discretionary activity status. The relevant rules were assessed in:
 - a. the Canterbury Land and Water Regional Plan;
 - b. the Waimakariri River Regional Plan;
 - c. the Opihi River Regional Plan (although that plan has since been revoked, and the assessment under Canterbury Land and Water Regional Plan is now applicable to that catchment);
 - d. the Canterbury Air Regional Plan;
 - e. the Regional Coastal Environment Plan
4. You should have also received my supplementary evidence where I updated my view in relation to the consents required under the National Environmental Standards for Freshwater from that presented in my substantive evidence (submitted 11 March 2024). I no longer consider it is possible for this panel to decide the section 9 and section 13 consents required for the vegetation clearance in, and within 10 metres of wetlands, through this current process. These consents will need to be sought separate to the applications before you.
5. I consider the impacts of agrichemical use in, and within 10 metres of wetlands, with the outcome of clearing vegetation, has been considered and addressed throughout the AEE, evidence and s.42A report. So, I do not consider there to be any meaningful consequence to this process of not deciding those consents required under NES-F alongside CRC222040, CRC222041 and CRC222043.
6. It is my view that the key outstanding matters are:
 - a. The ability to use 'improved' agrichemicals, if they become available in the future;
 - b. The use of triclopyr where it may enter surface or groundwater, and what appropriate mitigation measures are;

- c. The extent of reporting and information sharing with third parties;
 - d. The extent of environmental sampling and research; and
 - e. The appropriate consent duration.
- 7. Whilst I acknowledge the bundled activity status is discretionary, from a planning perspective, I consider it reasonable to consider the extent of the permitted activity baseline, relative to the proposed activity. Section 104(2) of the RMA allows for a consenting authority to disregard an adverse effect of the activity on the environment if a plan permits an activity with that effect.
- 8. In regards to the discharge of agrichemicals to water, or to land where it may enter water, in all catchments except those covered by the Waimakariri River Regional Plan, the proposal meets all permitted activity criteria except where:
 - a. the discharge is directly to surface water and is within a community drinking water protection zone,
 - b. or directly to a river or artificial watercourse that is within 250 metres upstream or 100 metres downstream of other surface water intakes.
- 9. The clearance of vegetation is also a permitted activity, except where it is within 10 metres of a wetland.
- 10. There has been generally consistent advice between the s.42A and applicant's experts on the potential and actual effects of the proposed activities, with no significant issues raised.
- 11. On assessment of the relevant statutory provisions, as required by section 104(1)(b) of the RMA, and other relevant matters, as required by section 104(1)(c) of the RMA, I consider the proposal to be consistent with the intent of those relevant documents. This conclusion applies to both the requirement of enabling communities to prosper by protecting them against impacts of flooding, and also in regard to the management of the relevant environmental and cultural protections.
- 12. I agree with the s.42A reporting officer, that it is appropriate for these resource consents to be granted although I have a different view than the s.42A officer on what conditions are appropriate.
- 13. In reviewing the s.42A report recommended conditions, and drafting those I have recommended, I have focused on streamlining those conditions, and ensuring any reporting and engagement requirements are well justified and succinct. It is my opinion that overly lengthy reports, or too frequent offloading of details to third parties can be counterproductive.

14. I do consider it reasonable to allow the applicant the ability to identify, assess and be approved to use any other agrichemical that becomes available, if it is demonstrated that it is a better option than glyphosate and triclopyr. I have drafted a condition that I believe will ensure a robust and certain process is followed. This leans on the approval process of the Environmental Protection Agency having already approved the use of any such agrichemical.
15. The s.42A officer has included a requirement for the applicant to reduce the overall area sprayed throughout the life of any granted consent. From the evidence presented by Ms Griffiths, Mr Aires and Ms Shearer, I consider this may have unfavourable consequences. My preference is for the Strategic Management Plan to require routine review to ensure best practice, from an overarching-strategic point of view. That through that process opportunities of using alternatives to agrichemicals can be identified, and the applicant gradually extends their use of those alternatives. I believe that requiring the applicant to reduce the area sprayed year on year may unnecessarily hinder future flood protection or river enhancement work that is of benefit to the community.
16. Overall, I consider the environmental sampling and monitoring recommended by the s.42A report to be particularly onerous; again, on consideration of the permitted baseline. I do not consider benthic invertebrate or groundwater sampling to be well justified.
17. Whilst there is agreement on many conditions requiring setback between the discharge and certain sensitive areas, I do not agree with all of those recommended in the s.42A report. For instance, recommended condition 32 and 33 will hold the applicant to the criteria in the permitted activity rule of the Land and Water Regional Plan, effectively making CRC222040 redundant. The applicant has clearly identified a need to undertake agrichemical discharges within those setbacks, otherwise consent would not have been sought.
18. The applicant sought a duration of 20 years and the s.42A report has recommended a duration of 15 years. It is my opinion that a 20-year duration is justified given the importance of flood protection to the community and the management of any actual and potential effects through comprehensive conditions.
19. I also need to make a correction, that I stated Dr Duncan Gray provided evidence of the impacts on stygofauna. Whilst Dr Gray's provided advice on stygofauna that informed the RMA s92 #2 response, his written evidence did not address stygofauna.

