

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

UNDER the Resource Management Act 1991

IN THE MATTER applications for resource consents by Lyttelton Port
Company for capital and maintenance dredging

SUMMARY

**EVIDENCE OF ANDREA JUDITH RICKARD FOR TE HAPŪ O NGĀTI
WHEKE, TE RŪNANGA O KOUKOURĀRATA, NGĀI TAHU SEAFOOD, AND
TE RŪNANGA O NGĀI TAHU**

8 May 2017

TABLED AT HEARING

Application:

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Date: *8 May 2017*

NATURAL RESOURCES LAW LIMITED

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1. My full name is Andrea Judith Rickard. My qualifications and experience are as set out in my evidence in chief (EIC) dated 4 April 2017.
2. The following sets out a summary of my evidence, and has been prepared since I attended (by teleconference) a meeting with representatives of the LPC applicant team on Friday 28 April.

SUMMARY OF MY EVIDENCE

3. In my EIC I prepared a short commentary that sets out my view and my experience on the role of conditions. A key point that I state is that the conditions are the legacy of a hearing panel's decision, if consents are granted. They are where the design of the proposal and the conclusions of all the environmental and planning assessments come together to set out the scope of the consents and the management of environmental effects of the activities.
4. Conditions need to endure, be easy to understand (in, say, 35 years). They need to have both bottom lines and achieve clear outcomes, as well as have flexibility to adapt.
5. I also discuss adaptive management in my EIC, which is generally agreed to be a circular process (PLAN-DO-CHECK-ACT). All steps in the circle are important, and conditions need a clear structure to facilitate those steps to occur in practice. The conditions need to provide for a situation where the outcome may be either positive or negative, or the same as what was predicted, and to allow for adjustment accordingly.
6. I agree that the draft conditions encompass an adaptive management approach. However, I remain of the view that there are complexities in how the process works, such that it may be difficult for the circular process to be adopted in order to manage environmental effects.
7. I also state in my EIC my view that the table of contents for the draft EMMP submitted by the applicant to be well structured, with a sensible order and layout. I also recognise the importance of the detail in that Plan, and how it is finalised.
8. I set out in my evidence how the draft conditions (if the consents are granted) would benefit from refinement in the following broad areas:

- (a) Specificity around Condition 1 and in particular, the referenced “in general accordance” documents – the importance of this is that it defines the scope of what has been approved and sets a framework for the consents to operate from;
 - (b) Clearer and less time bound review processes – Condition 2.1 – and including a reference to Section 128, so that the conditions are better able to respond quickly to an issue (from the 28 April meeting with LPC representatives, I understand that the EMMP is seen as the key tool to accommodate review processes, though a more frequent review was suggested at the meeting as being monthly);
 - (c) A clearer process for getting the EMMP completed, submitted and certified or approved, including clarity of what the Council role is going to be, as well as how the draft document prepared as part of the application documentation then translates into the version that is implemented;
 - (d) More clarity as to how the trigger levels are set and how they will work, particularly how actual effects are detected, assessed and responded to. In my view, it is important that the trigger is able to be set at a level that provides confidence that effects will be able to be avoided, and the effects assessment tools (including the modelling) are key to achieving this.
 - (e) Connected to the trigger levels – a definition of “event”. Since I wrote my evidence I understand that more information has been provided about how a trigger event is defined, though I am still of the view that the process appears to be very complicated; and
 - (f) Clarity as to how the three required project teams and groups will work. I note that the groups appear to have more of a communication function, rather than a formal technical function, and whilst communication is still important, it is also important that group members are clear on the purpose and function of the group and that expectations are clear.
9. I set out in my evidence that at present there appears to be notable differences in views between experts in the areas of modelling and coastal processes, as to whether the correct models have been used, whether they are comprehensive, and whether the results are

reasonably consistent with observed environmental patterns. In my opinion, modelling is a tool to assist in the prediction of actual and potential effects. It is important that it is used to then inform the analysis of effects and the management of effects when consents are given effect to. Whilst the EMMP sets out an assurance monitoring process, it is my understanding that this could be difficult to directly relate to environmental effects and the activities being undertaken, particularly before adverse effects actually arise.

10. I have read the additional condition proposed in the evidence of Ms Lynch regarding mahinga kai (at page 24), and consider the general framework that she sets out would be workable and measurable, albeit needing the gaps filled. I recognise this is a condition that the applicant would need to adopt itself (Augier principle).

DATE 8 May 2017

A handwritten signature in blue ink, appearing to read 'Andrea Rickard', written in a cursive style.

Andrea Rickard