

**Before the commissioners appointed by the
Canterbury Regional Council**

In the matter of The Resource Management Act
1991

**and
In the matter of** 60 water permit applications to
take and use water, 29 land use
consent applications and 21
discharge permit applications, for
agricultural and horticultural
activities in the upper Waitaki
catchment

Section 42A Report – Cumulative Water Quality Assessment

Date of hearing: September 2009 – February 2010

**Clarification of the Relationship between Original and Addendum s42A
Reports – Michael Conrad Freeman**

INTRODUCTION

1. The following table (Table 1) sets out the relationship between the matters considered in my original s42A report and those I make comment on in my Addendum report.
2. This information is provided to the commissioners to enable an improved understanding of the original audit issues that remain unresolved, are referred to in other reporting officer's evidence, or that have been addressed in Addendum evidence.

Table 1 Relationship between Original and Addendum s42A Reports

Original s42A report paragraph number	Issue	Status
1 - 5	Background and qualifications	Same as original s42A report
6 - 17	Scope of overview report, main documents reviewed and context information	Background information
18 - 38	Legal and planning framework, relating to water quality	Not contested by any party, does not need presenting
39 - 40	PNRRP and district plan provisions relating to landscape	Relevance of landscape effects contested by applicant representatives but refer to addendum

S42A reports - clarification, Michael Conrad Freeman

Original s42A report paragraph number	Issue	Status
		for more specific information
41 - 47	Background description of the environment	Not contested by any party, does not need presenting
48 - 49	Background on assessment of effects and distinction between cumulative and precedent effects	Not contested by any party, does not need presenting
50 - 51	Comments on the lack of specific mitigation measures proposed at the time of preparation of the original s42A report	Largely superseded by addendum s42A report. Also refer to individual consent application and cumulative effect s42A reports
53 - 55	Summary of Mr Tom Heller's original s42A report	Refer to Mr Tom Heller's s42A addendum report
56 – 58	Summary of Dr Brent Clothier's original s42A report	Refer to Dr Brent Clothier's s42A addendum report
59 – 62	Summary of Mr Carl Hanson's original s42A report	Refer to Mr Carl Hanson's s42A addendum report
63 – 66	Summary of Dr Adrian Meredith's original s42A report	Refer to Dr Adrian Meredith's s42A addendum report
67 - 71	Summary of Dr Marc Schallenberg's original s42A report	Refer to Dr Marc Schallenberg's s42A addendum report
72	Overall conclusion about the assessment of cumulative effects on water quality and lack of specific mitigation measures proposed at the time of preparation of original s42A reports.	Superseded by my s42A addendum report
73 - 80	Summary of Mr Chris Glasson's original s42A report	Refer to Mr Chris Glasson's s42A reports and my s42A addendum report
81 - 86	Background and top level RMA provisions, section 5 & 6	Context and factual material, does not need presenting
87	Conclusion on cumulative water quality effects in the context of matters of national importance – section 6(a),(c) & (e)	Conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my

S42A reports - clarification, Michael Conrad Freeman

Original s42A report paragraph number	Issue	Status
		s42A addendum report.
88	Conclusions on cumulative landscape effects in the context of matters of national importance – section 6(b)	Still unresolved landscape issues. Refer to Mr Glasson's and my addendum s42A reports
90	Background - RMA section 7	Context and factual material does not need presenting
91 - 92	Conclusions on cumulative landscape effects in the context of section 7 matters	Still unresolved landscape issues. Refer to Mr Glasson's and my addendum s42A reports
93	Conclusions on cumulative water quality effects in the context of section 7 matters	Conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my s42A addendum report.
94 - 95	Background - RMA section 8	Contextual factual information.
96	Conclusions on cumulative water quality and landscape effects in the context of section 8 matters	Cumulative water quality conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my s42A addendum report. Cumulative landscape effect conclusions still unresolved. Refer to Mr Glasson's and my addendum s42A reports
97	Whether a cumulative effects analysis warrants consideration of extending the bundling principle beyond one applicant.	The observation still appears to be potentially relevant. Not analysed further in my addendum s42A report.
98	Introductory comment	Contextual comment
99	RMA section 104(1)	Factual information
100	Conclusion about cumulative water quality effects in the context of s104(1)(a) and lack of specific mitigation measures proposed at the time of preparation of original s42A reports.	Conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my s42A addendum report.
101 - 102	Conclusion about cumulative landscape effects in the context of s104(1)(a) and	Still unresolved landscape issues. Refer to Mr Glasson's and my

S42A reports - clarification, Michael Conrad Freeman

Original s42A report paragraph number	Issue	Status
	few specific mitigation measures proposed at the time of preparation of original s42A reports.	addendum s42A reports
103	Conclusion about cumulative water quality effects in the context of s104(1)(b) and lack of specific mitigation measures proposed at the time of preparation of original s42A reports.	Conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my s42A addendum report.
104	Conclusion about cumulative landscape effects in the context of s104(1)(b) and few specific mitigation measures proposed at the time of preparation of original s42A reports.	Still unresolved landscape issues. Refer to Mr Glasson's and my addendum s42A reports
105	RMA section 104(1)(c)	Factual information
106	Applicability of district plan provisions relating to landscape effects	Conclusion still relevant.
107	RMA s104D (noncomplying activities	Factual information
108	Conclusion about cumulative water quality effects in the context of s104D(1)(a) and lack of specific mitigation measures proposed at the time of preparation of original s42A reports.	Conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my s42A addendum report.
109	Conclusion about cumulative landscape effects in the context of s104D(1)(a) and few specific mitigation measures proposed at the time of preparation of original s42A reports.	Still unresolved landscape issues. Refer to Mr Glasson's and my addendum s42A reports
110	Statement of case law interpretation of "not contrary to" in the context of s104D(1)(b)	Factual case law information
111	Conclusion about cumulative water quality effects in the context of s104D(1)(b) and lack of specific mitigation measures proposed at the time of preparation of original s42A reports.	Conclusions still relevant to applications categorised as 'red' and 'amber' in the context of proposed consent condition issues. Refer to my s42A addendum report.
112	Conclusion about cumulative landscape effects in the context of s104D(1)(b) and few specific mitigation measures proposed at the time of preparation of	Still unresolved landscape issues. Refer to Mr Glasson's and my addendum s42A reports

Original s42A report paragraph number	Issue	Status
	original s42A reports.	
113	An overall s104D assessment is undertaken at an individual or bundled level but can be informed by a cumulative effects assessment.	Factual information
114	Unable to comment about implications of the National Water Conservation (Ahuriri River) Order	Not addressed further in my addendum report and is of no significance to the effects of water permit applications on water quality. Water quality issues appear to be specific to discharge permits.
115	NES only applies to Twizel water supply which is upstream of applications.	Factual information
116 - 121	Summary of background information relevant to consideration of effects on tangata whenua.	Factual and contextual information still relevant. Will have been updated with information from Te Runanga o Ngai Tahu submission.
122	RMA section 104B	Factual information
123	Premature to make recommendations regarding cumulative water quality effects.	Superseded by my s42A addendum report
124 - 125	Premature to make recommendation for majority of cumulative landscape situations.	Still unresolved landscape issues. Refer to Mr Glasson's and my addendum s42A reports
126	Premature to make decisions regarding duration.	Superseded by my s42A addendum report

Signed:



M. C. Freeman

29 January 2010