MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr A R McKay (Chairperson)
Cr M E Oldfield
Cr R M Kirk

A meeting of the Committee will be held on
Friday, 18 November 2005 at 9.00 a.m.

VENUE:

Council Chamber
First Floor
Pegasus Building
Environment Canterbury
58 Kilmore Street
CHRISTCHURCH

BUSINESS:

As per Order Paper attached

Dr Bryan Jenkins
CHIEF EXECUTIVE

RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL

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Environment Canterbury
Your regional council

COMPLIANCE WITH LOCAL GOVERNMENT ACT 2002 DECISION-MAKING REQUIREMENTS

Except as below, a statement of compliance and a completed decision checklist is required for any agenda item on a council committee or the council recommending that a decision be made. This will be the responsibility of the person signing off the agenda item.

The compliance statement and checklist will not be used for:

- Recommendations that information be received or that the Council make a decision.
- Decisions taken under the Resource Management Act 1991 or the Biosecurity Act 1993 in relation to resource consents, decisions required when following the procedures set out in Schedule 1 of the Resource Management Act 1991, other permissions, submissions on plans, or references to the Environment Court.
- Decisions taken to proceed with enforcement procedures under various primary or secondary legislation or regulations, including procedures under the Resource Management Act 1991, the Biosecurity Act 1993, the Local Government Act 2002, and Environment Canterbury Bylaws.
- Administrative and personnel decisions that are entirely internal to Environment Canterbury.
- Other decisions where the procedures to be followed are set out in Legislation.

COMPLIANCE STATEMENT

The council committee (or the council) must formally certify that:

(a) It is satisfied that it has sufficient information about the options and their benefits and costs, in terms of the region's social, economic, environmental and cultural well-being and the effects on community outcomes, bearing in mind the significance of the decisions.

(b) It is satisfied that it knows enough about and has given adequate consideration to the views and preferences of affected and interested parties bearing in mind the significance of the decision.

INFORMATION CHECKLIST

(a)	A Statement of the Proposed Decision
(b)	A Statement of the Objective of the Proposed Decision and the Issue or Problem being addressed
(c)	A list of all reasonably practicable options, (including doing nothing).
(d)	For each option in (c): An evaluation of the Benefits and Costs, in terms of the region's social, economic, environmental and cultural well-being.
(e)	For each option in (c): A statement of the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner.
(f)	For each option in (c): A statement of the Impact, if any, on Environment Canterbury's capacity to undertake its statutory responsibilities
(g)	If the Proposed Decision is a significant decision in relation to land or a body of water, a statement of how Maori values have been taken into account
(h)	A Statement of significant inconsistencies, if any, with any Existing Policy, Plan or Legislation arising from the Proposed Decision.
(i)	A statement how the views and preferences of affected or interested persons have been given adequate consideration during the definition of the problem or issue, the objective, the assessment of options and the development of the proposed decision, including the particular contribution of Maori to the decision-making process.

Notes:

The significance of proposals and decisions determines how much time, money and effort is put into exploring and evaluating options and obtaining the views of affected and interested parties. The significance of proposals and decisions is determined through reference to criteria contained in the policy on significance.

The policy on significance together with Section 76 of the Local Government Act 2002 set out the Council's requirements in relation to decisions. Some decisions can only be made through the Long-Term Council Community Plan, or after the Special Consultative Procedures set out in the Act have been used, (refer to the policy on significance and the Act).

All decisions of Environment Canterbury are subject to the decision-making requirements of section 76 of the Act unless inconsistent with specific requirements of other legislation.

ENVIRONMENT CANTERBURY

REGULATION HEARING COMMITTEE

ORDER PAPER

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING (to be tabled)
3. MATTERS ARISING

MATTERS FOR DECISION BY THE COMMITTEE

4. RESOURCE CONSENT APPLICATION FOR CONSIDERATION
5. QUESTIONS
6. EXTRAORDINARY AND URGENT BUSINESS
7. NEXT MEETING – to be confirmed
8. CLOSURE

4. RESOURCE CONSENT APPLICATION FOR CONSIDERATION BY THE COMMITTEE

The following resource consent application is submitted for consideration and decision by the Committee without formal hearing.

Applications	Permit No.	Page No.
C E E and S E Glover	CRC052139	3 - 18

Report endorsed by:

Leo Fietje, Principal Consents Advisor.

Recommendation

That the Committee acting pursuant to a delegation of the Council of 22 October 2004, having had regard to the requirements of Section 104 of the Resource Management Act 1991, grants consent, pursuant to Section 105 of the said Act, to the application subject to the conditions and expiry date, and for the reason stated.

APPLICATION CRC052139
BY CEE & SE GLOVER FOR A DISCHARGE PERMIT TO DISCHARGE PIG EFFLUENT ONTO LAND AND INTO AIR

PART 1 ADVICE TO DECISION-MAKERS

My full name is Paul Sullivan. I have been employed by Environment Canterbury (the promotional name of the Canterbury Regional Council) as a Senior Consents Investigating Officer since September 2004. I hold a Bachelor of Science with honours in Environmental Science from the Manchester Metropolitan University (United Kingdom) and have completed four years doctoral research in Environmental Geochemistry (Water Quality) at the Manchester Metropolitan University (United Kingdom).

1 INTRODUCTION

1.1 Background

CEE & SE Glover (the applicant) have applied for a discharge permit to discharge piggery effluent to air and onto land from a farm on Hedley Road, Seadown, Timaru.

The applicant currently holds resource consent CRC952275 (expires 09/11/05) to discharge thirty cubic metres (30,000 litres) of piggery effluent per day. A check of monitoring reports shows a history of general compliance with some minor non-compliance.

The applicants prepared the AEE in support of their own application.

1.2 Notification

The application was publically notified on Saturday 18th June 2005 in the Timaru Herald. 30 submissions were received, 16 in support with none to be heard and 14 in opposition with initially 3 to be heard. This was reduced to 2 on 8/08/05 when Mr L G Wilson advised that he did not wish to be heard as he had ticked the wrong box. Two submissions were late with 1 (Mr T C Gibson) requesting a waiver, which was granted. Mr Gibson did not wish to be heard.

1.3 Pre Hearing

On the 25/08/05 a pre hearing meeting was held at Environment Canterbury's Timaru Office between the applicants and the submitters wishing to be heard who were opposed to the application. Present were Councillor Mark Oldfield (chairing the meeting), Paul Sullivan (Investigating Officer), Mr & Mrs Glover (applicants), Mr & Mrs Muirhead (submitters) and Mr Jennings (submitter). At that pre hearing Mr & Mrs Glover indicated that they wished to modify their application to reduce its duration to 10 years. All the submitters were happy with this development and indicated that they no longer wished to be heard in respect of this application.

2 DESCRIPTION OF THE PROPOSED ACTIVITY

2.1 Applicant's proposal

The applicant has applied to discharge contaminants to air and onto land under the following conditions:

1) The contaminants shall only be pig effluent from a total of 1,152 pigs (129 adult sows, 29 milking sows, 11 boars, 268 weaners, 366 growers to pork, 349 growers to bacon).

2) The total nitrogen loading will be 149.98 kg/ha/year (8,999.3 Kg/yr divided by 60 hectares.

The applicant stated that the area to be sprayed is 60 hectares. Using ECan's GIS the Investigating Officer found that the properties marked on the map supplied by the applicant have a total area of 52.38 hectares. Discounting the appropriate buffers from boundaries, the Investigating Officer calculated the available area to be a maximum of 44 hectares[1].

The total volume of Nitrogen produced per year has been calculated as follows:

Number of pigs	**Nitrogen Produced per animal each year (Kg)**	**Total Nitrogen Produced per year (Kg)**
129 adult sows	11.3	1,457.7
29 milking sows	32.8	951.2
11 boars	13.5	148.5
268 weaners	2.9	777.2
366 growers to pork	6.8	2,488.8
349 growers to bacon	9.1	3,175.9
Total 1,152 pigs		**8,999.3**

The Nitrogen loading rate over 44 hectares was 204.5 kilograms per hectare per year (Kg/ha/yr). The total volume of undiluted effluent has been calculated as follows:

Number of pigs	**Daily Volume Produced per animal (litres)**	**Total Daily Volume Produced (litres)**
129 adult sows	4.2	541.8
29 milking sows	6.0	174.0
11 boars	5.3	58.3
268 weaners	1.1	294.8
366 growers to pork	2.5	915.0
349 growers to bacon	3.3	1,151.7
Total 1,152 pigs		**3,135.6**

The applicant stated that they use 26,864.4 litres of water a day to flush the system three times a day. A mix of wash water and effluent goes into a main tank, through the screen (for solids) and from there into secondary tanks. Solids are removed from the sump daily and disposed off by the sump service person. The effluent is then pumped from the secondary tanks via travelling irrigator onto paddocks. Effluent is only stored for one day before being sprayed onto land.

Mr Glover told the Investigating Officer that the water used to wash down came from the Seafield Community Scheme and from a bore on the property. Mr Glover stated further that the use from the bore was a permitted activity. Subsequently it has been determined that no

[1] GIS shows the properties to have an outer perimeter of 4,182.44 metres. The perimeter multiplied by 20 metres (average buffer distance from boundary) equals 83, 648.8 m^2 (8.36 hectares).

consent exists for this water and a water consent application has been lodged for irrigation and washdown water.

The applicant seeks a 10 year duration for this consent.

2.2 Nature of Discharge

Although the number of animals may change from time to time, this application is for the discharge of effluent from 11 boars, 129 dry sows, 268 weaners, 29 milking sows, 366 growers to pork and 349 growers to bacon. The applicant stated that 26,864.4 litres of water and effluent a day are used to flush the system three times a day.

The effluent contains pig faeces, urine, offal, sawdust and wash down water. It may also contain soil, feed residues and other chemicals. Together the effluent contains nutrients such as nitrogen, phosphorus, potassium, organic matter, harmful micro-organisms (including pathogens such as leptosporosis and salmonella) sediments and toxins. The anaerobic breakdown of some of these contaminants during decomposition will release potentially odorous gases such as ammonia.

3 LEGAL AND PLANNING MATTERS

3.1 Resource Management Act 1991 (the Act)

Section 15(1)(b) of the Act states that:

> **"No person may discharge any contaminant onto or into land in circumstances which may result in that contaminant ... entering water ... unless the discharge is expressly allowed by a rule [in a regional plan and in any relevant proposed regional plan], a resource consent or regulations."**

The proposed activity involves the discharge of piggery effluent onto land in circumstances that may result in it entering groundwater or surface water and therefore must be authorised by a regional plan or resource consent.

In addition, sections 15(2) of the RMA state that:

> **"No person may discharge any contaminant into the air or into or onto land, from any place; or any other source, whether movable or not, in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent or regulations, or allowed by section 20 (certain existing lawful activities allowed)."**

While the discharge of piggery effluent onto land other than on which it originated is a Permitted Activity in the Transitional Regional Plan (see 3.2.2 below), the Proposed Natural Resources Regional Plan (see 3.3 below) does not allow the discharge of any quantity of animal effluent onto land without a resource consent. Therefore the proposed activity must be authorised by resource consent.

Section 104 of the Act states that subject to Part II, when considering an application for resource consent and any submissions received, the consent authority shall have regard to a number of matters set out in the sections that follow.

3.2 Regional Plans

3.2.1 Proposed Natural Resources Regional Plan (NRRP)

1 CHAPTER 3 - Air Quality

Rule AQL58 of the Proposed Natural Resources Regional Plan (PNRRP) states:

Discharge of contaminants into air from intensive farming that was lawfully established at a permanent site at the date of notification of the NRRP, and where a resource consent was not required for the discharge of contaminants into air from that activity prior to the date of notification of the NRRP, is a permitted activity.

1. **There shall be no increase in the scale, intensity, frequency or duration of the discharge of contaminants into air from the activity, compared to when the activity was authorised prior to the date of notification of the NRRP.**
2. **The discharge of odour shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates.**
3. **The dispersal or deposition of particles shall not cause a noxious, dangerous, objectionable or offensive effect beyond the boundary of the property where the discharge originates**

The Investigating Officer considers that condition 3 cannot be complied with as part of the disposal area is on a neighbouring property. Therefore the activity is considered to be discretionary under Rule AQL62.

- Rule AQL62 of the Proposed Natural Resources Regional Plan (PNRRP) states:

  The discharge of contaminants into air from any intensive farming that:
  does not comply in all respects with the conditions specified in Rules AQL58 to AQL60 as applicable for a permitted activity or applicable standards and terms specified in Rule AQL61 for a controlled activity; or
  is not identified as a permitted or controlled activity in Rules AQL58 to AQL61;
  is a discretionary activity, provided that nothing in this rule applies to any discharge to air that is a prohibited activity under the Proposed NRRP.

The Investigating Officer notes that the discharge to air is discretionary under Rule AQL62.

2 CHAPTER 4 – Water Quality

- Rule WQL24 of the Proposed Natural Resources Regional Plan (PNRRP)

  Rule WQL24 regulates the discharge of solid animal effluent, vegetative material containing animal effluent or vegetative material from an industrial or trade process onto production land – permitted activity.

This rule covers the discharge of solid animal effluent or vegetable matter containing animal effluent onto production land, which is relevant to the clearing of solids from the sump. Provided that the conditions of the rule are complied with, the activity is permitted. The applicant stated in the application (page 3) that solids are removed and applied onto paddocks and/or composted. If these solids are being applied onto the same paddocks as the effluent, the applicant does not meet condition 3 of this rule and the activity becomes a discretionary activity under Rule WQL57.

- Rule WQL26 of the Proposed Natural Resources Regional Plan (PNRRP) states:

  "The discharge of animal effluent or water containing animal effluent or other contaminants, onto land from an animal effluent collection and storage system is –

  a controlled activity if the discharge complies with all of the conditions of this rule;

  1 The discharge shall be via a spray distribution system, and all associated tanks, pipes, sumps, and channels shall be sealed to prevent leakage onto or into the land.
  2 The application depth, including any irrigation water applied with the discharge or within 24 hours before or after the discharge, shall not exceed the application depth in Rule Table WQL26 for the soil type that predominates on the land where the discharge occurs.
  3 The discharge shall not result in any contaminants leaking or flowing:

a) into a river or a lake; or
b) onto land within ten metres of the boundary of a wetland:
i) listed in *Schedule WTL1: Moderate and higher significance wetlands*; or
ii) any other wetland unless the taking, use, damming or diversion of water is not permitted under Rule WTL2 or Rule WTL3; or
c) into a bore or onto land with 20 metres of a bore; or
d) onto an archaeological site registered with the New Zealand Archaeological Association, or a site registered with the New Zealand Historic Places Trust unless the written approval of the Trust has been obtained; or
e) onto any formed public road; or
f) onto any neighbouring property, except where the written approval of the current landowner of that property has been obtained.

4 There shall be no discharge onto frozen ground, or snow covered ground. For the purposes of this rule:
a) frozen ground means the earth temperature at five centimetres soil depth is less than zero degrees Celsius for a period of 12 hours or longer in the preceding 24 hours;
b) snow-covered ground means 80 percent of the discharge area is covered in snow with an average depth of ten centimetres for more than 48 hours.

5 There shall be no pools of effluent on the land surface three hours after the discharge occurs.

6 The nitrogen application rate for cattle effluent shall not exceed a total nitrogen loading rate of 200 kilograms of nitrogen per hectare per year; and the rate of application of effluent shall not exceed 100 kilograms of nitrogen per hectare per year within any consecutive three month period.

7 The nitrogen application rate for pig effluent or other animal effluent excluding cattle effluent shall not exceed a total nitrogen loading rate of 150 kilograms of nitrogen per hectare per year; and the rate of application of effluent shall not exceed 100 kilograms of nitrogen per hectare per year within any consecutive three month period.

8 The discharge shall not occur within the Christchurch Groundwater Recharge Zone as shown on Map Volume Part 1- Planning Maps.

9 The discharge shall not occur within a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2.

The applicant does not comply with condition 7 therefore the application is a restricted discretionary activity under this rule in which case a resource consent under Rule WQL 27 is required

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- Rule WQL27 of the Proposed Natural Resources Regional Plan (PNRRP) states:

"The discharge of animal effluent or water containing animal effluent or other contaminants, onto land from an animal effluent collection and storage system is –
a restricted discretionary activity if the discharge does not comply with any one or more of Conditions 2, 5, 6 or 7 of Rule 26, but does comply with all of the conditions of Rule WQL27;
a discretionary activity if the discharge does not comply with any one or more of Conditions 1 to 3, excluding 1(a) of Rule WQL27 in which case a resource consent under Rule WQL57 is required;

1 The discharge shall not result in any contaminants leaking or flowing:
a) into a river or a lake; or
b) onto land within ten metres of the boundary of a wetland:
i) listed in *Schedule WTL1: Moderate and higher significance wetlands*; or
ii) any other wetland unless the taking, use, damming or diversion of water is not permitted under Rule WTL2 or Rule WTL3; or
c) into a bore or onto land with 20 metres of a bore; or
d) onto an archaeological site registered with the New Zealand Archaeological Association, or a site registered with the New Zealand Historic Places Trust unless the written approval of the Trust has been obtained; or
e) onto any formed public road; or

f) onto any neighbouring property, except where the written approval of the current landowner of that property has been obtained.

2 There shall be no discharge onto frozen ground, or snow covered ground. For the purposes of this rule:

a) frozen ground means the earth temperature at five centimetres soil depth is less than zero degrees Celsius for a period of 12 hours or longer in the preceding 24 hours;

b) snow-covered ground means 80 percent of the discharge area is covered in snow with an average depth of ten centimetres for more than 48 hours.

3 The discharge shall not occur within the Christchurch Groundwater Recharge Zone as shown on Map Volume Part 1- Planning Maps.

4 The discharge shall not occur within a Community Drinking Water Supply Protection Zone for a well listed in Schedule WQL2.

As the applicant can meet these conditions, resource consent for a restricted discretionary activity is required.

- Rule WQL29 of the Proposed Natural Resources Regional Plan (PNRRP)

  Rule WQL29 Use of land for storing human sewage effluent or animal effluent, organic matter, or stockpiling fermenting or decaying organic matter - permitted activity

This rule covers the stockpiling of fermenting organic matter and the use of land for storage of animal effluent. The total stored on a property is not to exceed 100 cubic metres (100,000 litres), shall not be sited within 50 metres of a wetland or water body, shall not be on land prone to flooding or ponding, seepage shall not exceed 10^{-8} millimetres per second (unless stockpile is located on unconfined aquifer with depth to groundwater greater than 3 metres and moisture content is less than 75% at all times) and any storage facility shall be able to hold three days worth of effluent. The applicant complies with this rule as the combined capacity for effluent storage on the property is 60,000 litres and the activity generates at most 13,136 litres a day. Environment Canterbury has a non-enforcement policy for rule WQL29, as long as the applicant can comply with conditions 2, 3 and 5. The applicant can comply with these conditions.

3.2.2 Transitional Regional Plan (TRP)

The regional rule for animal effluent disposal onto land in the TRP permits effluent discharge, provided:

- The effluent is from pigs, cows or hens only;
- Discharge is less than 2,000 litres per day of undiluted effluent, calculated according to the table provided;
- Details of the effluent disposal system are provided to the Council, as listed in the rule;
- Effluent is discharged more than 20 metres from surface water bodies and more than 30m from any well used for drinking water supply;
- The effluent application rate does not exceed 200kg N/ha/yr, or an equivalent system that matches nitrogen application with plant uptake;
- The depth of application is less than half the water holding capacity of the soil (except border dyke irrigation);
- There is no ponding of effluent;
- Channels, sumps, tanks and ponds are sealed to prevent effluent seepage and overflow.

Discharges that require consent because they are not permitted by the TRP are classified as discretionary activities. As the applicant cannot meet all these conditions, the activity is discretionary and requires resource consent.

4 CONSULTATION

The applicant has consulted with the owners of the land parcels (other than the applicant's) where the effluent is going to be sprayed. They are Mattsfield Farming Company, C/O Brosnahan and CE, Stiven. They have both given written approval.

The applicant has not obtained any written approvals but stated that a notice was published in a local newspaper.

Environment Canterbury has contacted Te Runanga o Arowhenua and they have given their written approval.

The Investigating Officer notes that the previous application for this activity was publicly notified. A petition from neighbours (with 60 signatures) was raised to oppose the application.

5 DESCRIPTION OF THE AFFECTED ENVIRONMENT

The applicant stated that:

- The soils are stony silt loam with a water holding capacity of 65 mm.
- The topography is flat and the prevailing wind is easterly
- There are no domestic bores within 200 metres
- Groundwater flows NE to SE at an average depth of 11.13 metres below ground level.
- The applicant does not know the concentrations of nitrogen
- There are no water bodies within 500 metres
- The nature of the surrounding environment is rural with some residential homes.
- There are other discharges in the area from Ravensdown Fertiliser Plant, Dairy Farms and Piggeries.

The Investigating Officer accessed GIS on 15th April 2005 and found that:

- The soils are stony silt loam with a water holding capacity of 65 mm.
- The topography is flat and the prevailing wind is easterly
- There are at least one domestic bore (K38/0329) and a total of 8 bores within 200 metres of the area to be sprayed.
- Groundwater flows NE to SW but well K38/0172, 500 metres north of the area to be sprayed, with 49 readings between 1972 and 2004 shows the highest water level to be 1.5 metres below ground level. Another bore (K38/0323, 260 metres east) with 405 readings between 1946 and 1979 shows the highest water level to be 0.42 metres below ground level.
- There are some water drains in the area, including two along boundaries of the application area.
- The nearest dwelling (other than the applicant's) is less than 200 metres away from the application area.

- There are no springs in the area.
- There are four water quality sites (SCY005210 and SCY005211, SCY005193, and SCY005200) with Nitrate Nitrogen levels of 4.1, 4.5, 5.4 and 4.7 mg/L N respectively (readings in 1993).
- This area is adjacent to a settlement (Seadown).
- This is not an area of regional or national significance, not in or close to reserves or wetlands.

Sensitivity of the receiving environment

The area is mostly rural with Ravensdown Fertiliser Plant to the north, and farms to the east and south. On the western side, 200 to 450 metres away from the area to be sprayed, there are a number of residential dwellings along Acacia Drive.

According to ECan's consents database there are a total of 24 wells within one kilometre radius of the application area, with four being specifically identified as domestic wells. Down gradient from the area of application there are at least five groundwater quality sites with readings ranging from 4.1 mg/L N to 5.4 mg/L N (in 1993).

The soils are Darnley stony silt loam with a water holding capacity of 65 millimetres.

The depth of application has been calculated to be 15.5 millimetres (30,000 litres of diluted effluent over 1932m^2/day).

The Investigating Officer considers that the sensitivity of the receiving environment is moderate, given that there are a number of residential dwellings, some at less than 200 metres from the area to be sprayed, the shallow ground water levels, and the opposition met by the application when it was publicly notified.

6 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

Effects considered relevant for the discharge of animal effluent onto land are:

- Adverse effects of the discharge of nitrogen on groundwater quality
- Adverse effects of the discharge of pathogens on groundwater quality
- Cumulative adverse effects of the discharge of contaminants on groundwater quality
- Adverse effects of the discharge of contaminants on surface water quality
- Adverse effects of the discharge on air quality
- Adverse effects of the discharge on visual amenity
- Positive effects of the discharge of nutrients on soil quality

6.1 Adverse effects of the discharge of nutrients on groundwater quality

The main nutrients discharged in animal effluent are nitrogen, phosphorus and potassium. These nutrients are soluble in water and will be discharged into groundwater unless they are removed by the treatment system. Nitrate nitrogen is the primary nutrient of concern. Nitrogen is converted to the stable form of nitrate nitrogen under aerobic conditions in the soil. Nitrate nitrogen is mobile through the soil and has potential to adversely affect human health if present in high concentrations.

The New Zealand Drinking Water Standard (Ministry of Health 1995/2000) for nitrate nitrogen is 11.3 g/m^3. A chemical reaction occurs that restricts the blood's ability to transport oxygen around the body. This effect can cause 'blue baby syndrome' in bottle-fed infants. In adults nitrate can react with sulphur-containing compounds in the intestines to form carcinogenic compounds.

The applicant stated that the proposed nitrogen application rate is less than 200 Kg/ha/yr (TRP threshold) and it is considered unlikely that the proposed discharge will result in the contamination of groundwater with nitrogen. Using the spray area of 44 hectares the nitrogen loading is 204.5 kilograms per hectare per year (Kg/ha/yr).

The NRRP limits the spreading of animal effluent onto land to a rate of 150 Kg/N/ha/yr. Past groundwater monitoring by Environment Canterbury of bores that surround the immediate area of the discharge site indicate that there are no elevated levels of nitrate nitrogen in groundwater. Nitrate nitrogen concentrations up to 4.1 g/m^3 (SCY005210, located within 200m of the edge of the property, following the general direction of groundwater flow) have been recorded. The applicant stated that the groundwater level is approximately 11.13 metres below ground. Available records show otherwise (refer to discussion under Description of the Receiving Environment).

The Investigating Officer carried out a nitrate assessment for the area and determined that this application would not increase nitrate levels significantly. This assessment was conservative in that it did not take into account that this is a continuing activity with its effect already contained within the background nitrate level.

The Investigating Officer considers the proposed discharge is unlikely to result in the contamination of groundwater with nitrogen.

6.2 Adverse effects of the discharge of pathogens on groundwater quality

Animal effluent can contain pathogenic micro-organisms that may cause infections in humans, such as salmonella and leptosporosis. Because of the filtering effect on larger micro-organisms during passage through the soil and substrata, bacteria and viruses are the organisms of primary concern for discharges to groundwater. Faecal coliform bacteria have been commonly referenced as indicators of the presence of such micro-organisms. The former New Zealand drinking water standard published by the Ministry of Health (1995) required that there be no faecal coliforms detected in 100mL of drinking water. The new drinking water standard (Ministry of Health, 2000), operative from 1 January 2001, specifies E. coli as the indicator organism.

Passage of effluent through the soil provides effective treatment for pathogens, provided the application rate is sufficiently low. Research undertaken at Lincoln University and elsewhere indicates that filtration effect of the soil is optimal where the effluent application rate is less than half the water holding capacity of the soil. Where the amount of effluent applied exceeds half the pore volume in the soil, 'breakthrough' of pathogens into subsoil (and potentially groundwater) is likely to occur.

The applicant stated that 30,000 litres of diluted effluent are applied to 1,932 square metres of land every day. The depth of application is 15.52 millimetres[2].

When considering the depth to groundwater together with the fact that the application depth will be less than 50% of the minimum water holding capacity of the soils, contamination of groundwater from the discharge of pathogens is unlikely.

The Investigating Officer concludes that the applicant has sufficient land to apply 30,000 litres of diluted effluent at a depth less than 50% of the minimum water holding capacity of the soils.

[2] In the form, the applicant divided 30,000 litres (per day) of diluted effluent by the area over which effluent will be spread each day (1,932 $metres^2$ per day).

6.3 Cumulative adverse effects of the discharge of contaminants on groundwater quality

In rural areas where there are numerous sources (both point and non-point) of effluent discharges, the cumulative contribution of nutrients and pathogens to groundwater may be significant. In some instances the background concentrations of contaminants be already high because of existing activities. The rapid rate of dairy conversions in Canterbury has raised concerns regarding their cumulative impact on nitrate nitrogen concentrations in groundwater and surface water.

The applicant did not address these effects. However the Investigating Officer notes that this is a continuation of land use and scale that has been occurring for many years on this property and as such considers the effects to be minor.

6.4 Adverse effects of the discharge of contaminants on surface water quality

Animal effluent discharges into ground may contaminate surface water as a result of:

- Hydraulic connection between groundwater and a nearby surface water body; and
- Surface ponding, causing overland flow of effluent to waterways; and
- Spraying effluent close to waterways.

Pathogenic micro-organisms, nutrients (nitrogen and phosphorus) and organic matter are the primary contaminants in animal effluent with potential to adversely affect surface water quality.

The regional rule for animal effluent disposal onto land relies on a separation distance of 20 metres between the discharge area and surface water. This is usually considered adequate to prevent significant contamination of surface water, provided the effluent application rate is low enough to prevent long-term effluent ponding.

The applicant stated that the discharge will be at least 20 metres from water races.

The Investigating Officer considers that with the separation distances the effects to surface water quality will be minor.

6.5 Adverse effects of the discharge on air quality

Significant odour can be generated from decomposition of organic material in effluent under anaerobic conditions. Surface ponding of effluent for prolonged periods therefore has potential to cause odour nuisance. Spray irrigation of effluent (notably that of pigs) that has been stored under anaerobic conditions for several days can also be the cause of odour nuisance at neighbouring properties.

The applicant did not address this issue.

The code of practice for Pig Farming[3] set the buffer zone distances from buildings. Using the Variable Buffer Zones Distances for an intensive piggery (page 32) of less than 2000 pigs the Investigating Officer determined that the minimum distance to a rural dwelling not on the site of the piggery is 500 metres.

[3] Code Of Practice – Pig Farming, New Zealand Pork Industry Board (Third Edition) 1998

The distance to the nearest dwelling not on the site of the piggery is 200 metres, however the Investigating Officer considers that the effects of the discharge on air quality are likely to be *de minimis* given that all submitters who wished to be heard have now withdrawn.

6.6 Adverse effects of the discharge on visual amenity

In addition to odour impacts, the discharge of animal effluent can adversely affect the visual amenity of an area. This effect may be significant where the discharge occurs nearby residential areas, recreational facilities or public roads.

The applicant did not address this issue.

Given that the effects on air quality are likely to be minor, the Investigating Officer considers that the effects of the discharge on visual amenity are also likely to be minor.

6.7 Positive effects of the discharge of nutrients on soil quality

The nutrients and organic material in effluent improve soil productivity and plant growth. Animal effluent therefore acts as a valuable natural fertiliser. Provided the effluent application rate is sufficiently low to prevent significant leaching of contaminants into groundwater, land application constitutes an efficient use of resources.

The applicant stated further that spraying effluent onto to land has a beneficial effect, as it is a great fertilizer for the land.

The Investigating Officer considers that the application of effluent onto land can have beneficial effects if applied at the correct rate and volume for the size land available.

7 ADDITIONAL MITIGATION MEASURES

The Investigating Officer recommends additional mitigation in the form of conditions as outlined in section 12 of this report

8 POLICIES AND OBJECTIVES

8.1 Regional Policy Statement (RPS)

Chapter 6 of the RPS identifies a number of issues and objectives relating to the relationship of Tangata Whenua with natural and physical resources.

Policy 3 concerns recognising specific aspects of the relationship of Tangata Whenua with their ancestral lands and water and providing for these in decisions on resource consents.

Te Runanga O Arowhenua has had an opportunity to comment on this application and they gave written approval.

Chapter 9 of the RPS concerns itself with water quality and particularly recognises the effect of discharges to land under Issue 3, with the stated objective of protecting the quality of Canterbury water bodies for future generations.

Policy 9 specifies that non-point source discharges should be managed through conditions on resource consents in order to safeguard drinking water, the life-supporting capacity of water, mahinga kai sites, wāhi tapu and wāhi taonga, natural character, outstanding natural features, trout and salmon habitats and amenity values.

The applicant has proposed conditions to mitigate any potential adverse effects on drinking water, the life-supporting capacity of water and amenity values in particular.

Chapter 13 of the RPS concerns itself with air quality and identifies adverse effects of discharges to air on social and cultural values, as well as natural and physical resources.

Policy 3 specifies that conditions should be imposed on discharges to air to avoid, remedy or mitigate any adverse effects on air quality.

The applicant has proposed conditions to mitigate adverse effects on air quality from animal effluent discharge.

To summarise, the proposal is consistent with the policies of the Regional Policy Statement.

8.2 Regional Plans

Proposed Natural Resources Regional Plan

Chapter One contains a section relating to the duration of Resources Consents (Section 1.3.5)

Chapter Two recognises the importance of resources as a Statutory Acknowledgement Area under the Ngai Tahu Claims Settlement Act 1998

Chapter Three contains a section relating to the control of discharges to air.

Chapter Five (Water Quality) contains a section relating to the prevention of discharges to land that may enter water (Policy WQL2, WQL8 and WQL12).

The Investigating Officer considers that the proposal is consistent with the policies of the Proposed Natural Resources Regional Plan.

9 PART II MATTERS

9.1 Purpose of the Act

The purpose of the Act is to “promote the sustainable management of natural and physical resources”. Based on the information available, it is the view of the Investigating Officer that the proposed activity is consistent with the purpose of the Act.

9.2 Matters of National Importance

Section 6 outlines matters of national importance that are to be recognised and provided for in achieving the purpose of the Act. These matters include, but are not restricted to, the preservation of the natural character of rivers and their margins, and the protection of them from inappropriate subdivision, use and development. The relationship of Maori, their culture and traditions to the environment must also be recognised and provided for.

The Investigating Officer considers that the activity can be carried out in a manner that will not affect section 6 matters.

9.3 Other Matters

Section 7 of the Act sets out those matters that have particular regard attributed to them in achieving the purpose of the Act.

These matters have been considered in the assessment of the proposed activity. The Investigating Officer concludes that this activity will not compromise any of the matters included in Section 7.

9.4 Principles of the Treaty of Waitangi

The Court of Appeal has identified four principles, which form the basis of developing a relationship of partnership and communication. These are the Essential Bargain, Tribal Self-Regulation, The Treaty Relationship, and Active Protection. The third principle, the Treaty Relationship, accords Maori with special status as a Treaty Partner, distinct and separate from status as an 'affected party'.

Environment Canterbury has contacted Te Runanga o Arowhenua on 8 February 2005 and they replied that they do not oppose the application but would seek a 10-year duration. The Investigating Officer notes that the applicant has amended their application to a 10-year duration.

10 OTHER RELEVANT MATTERS

Decisions of the Environment Court have accepted that occasional odours from appropriately zoned farming activities in rural areas are to be expected (Sandliands v Manawatu DC, A168/92, Ebben v Manawatu-Wanganui RC, A100/93). In Medical Officer of Health v Canterbury RC and Ravensdown Fertiliser Co-Operative Ltd (W109/94) the court found that people living in or coming to an area adjacent to a suitably zoned established industry cannot expect an environment free from odour at all times without condition or qualification. Rather, the Act requires imposition of conditions that will result in the most efficient and effective means of preventing or minimising adverse effects. The court considered that, if on the known state of science and technology odour cannot be prevented, the consent authority's duty is to minimise it by imposition of appropriate conditions.

11 CONCLUSION OF ADVICE & RECOMMENDATIONS

Based on the Investigating Officer's audit of the applicant's information, and having considered all relevant matters under s104, the Investigating Officer considers that the application can be granted subject to the mitigation measures proposed by the applicant, which the Investigating Officer has reformatted in section 12 of this report for the decision-makers consideration.

11.1 Duration

The Investigating Officer considers that it is appropriate for the consent to be granted for 10 years as requested by the applicant. This is also consistent with the term sought by Runanga

12 RECOMMENDED CONDITIONS

Discharge permit to discharge contaminants onto land and into air

RecordNo: CRC052139

1) The contaminants shall only be piggery effluent diluted with washdown water; and associated odour.

2) There shall be no discharge:
   a) Within 30 metres of any surface water body; and
   b) Within 30 metres of any bore or spring; and
   c) Within 20 metres from neighbours' properties; and

Such that contaminants are likely to run-off and enter any surface water body.

3) The rate at which nitrogen is discharged shall not exceed:
(a) 205 kilograms of nitrogen per hectare within any consecutive 12 month period; and
(b) 100 kilograms of nitrogen per hectare within any consecutive three month period.

4) The application depth, including any irrigation water applied with the discharge or within 24 hours before or after the discharge:
(a) shall not exceed 16 mm;
(b) shall not result in any runoff beyond the property boundary; and
(c) shall not result in effluent ponding on the land surface for more than three hours after the discharge occurs

5) The discharge shall be via a spray distribution system, and all associated yards, tanks, pipes, sumps and channels shall be sealed to prevent leakage onto or into land.

6) Contaminants shall be discharged only onto the area of land identified as the discharge area on Plan CRC052139.

7) A copy of this resource consent shall be given to all persons undertaking activities authorised by this consent prior to any discharge occurring.

8) (a) If effluent is spread from a system hydraulically connected to groundwater or surface water, a backflow preventer manufactured in accordance with AS 2845.1 (1998) or the American Society of Sanitary Engineers standards shall be installed within the pump outlet plumbing or within the mainline, to prevent the backflow of water into the waterbody.
(b) The backflow preventer shall be tested to the standard set out in AS 2845.3 (1993) or an equivalent method within one month of its installation and annually thereafter by a suitably qualified person. A test report shall be provided to the Canterbury Regional Council within two weeks of each inspection.

9) The discharge shall be managed to ensure that aerosols and spray-drift arising from the application of effluent onto land are contained within the boundary of the property on which this consent is exercised.

10) There shall be no discharge onto frozen ground or snow-covered ground.

11) The discharge and any effluent contained within any associated storage, distribution or treatment system shall not cause an odour which results in offensive or objectionable effects on the environment beyond the boundary of the property on which this consent is exercised

12) The consent holder shall keep a record of;
(i) the date and times when effluent spraying is carried out;
(ii) a description of the weather conditions and wind direction when spraying is carried out;
(iii) the general location of the irrigation run on the day, and;
(iv) an estimate of the quantity of effluent applied during the day.

This record shall be provided to the Canterbury Regional Council upon request.

13) A record of any complaints relating to the odour shall be maintained, and shall include:
(a) the location where the odour was detected by the complainant;
(b) the date and time when the odour was detected;
(c) a description of the wind speed and wind direction when the odour was detected by the complainant;
(d) the most likely cause of the odour detected; and
(e) any corrective action undertaken by the consent holder to avoid, remedy or mitigate the

odour detected by the complainant.

This record shall be provided to the Canterbury Regional Council upon request.

14) (a) The consent holder shall take all practicable measures to avoid spillages of effluent.
(b) In the event of any accidental spillage of effluent from any storage facility, structure or pond, the consent holder shall inform the Canterbury Regional Council within 24 hours of the event, and shall provide the following information:
(i) The date, time, location, and estimated volume of the spillage;
(a) The cause of the spillage, details of the steps taken to control and remediate the effects of the spill on the receiving environment, and measures to be undertaken to prevent a reoccurrence

15) The Canterbury Regional Council may, once per year, on any of the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:
(b) Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
(c) Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

16) The lapsing date for the purposes of section 125 shall be 30 December 2010.

6. EXTRAORDINARY AND URGENT BUSINESS

APPOINTMENT OF HEARING COMMITTEE AND COMMISSIONERS TO HEAR AND DECIDE RESOURCE CONSENT APPLICATIONS

6.1 GEORGE WESTON FOODS – CRC054177

Application

To discharge contaminants to air from a new animal feed mill at the Weston Animal Nutrition site, 23 Southbrook Road, Rangiora, at or about map reference NZMS 260 M35: 7732-6479. The discharges will be particulate matter and odours from the handling and processing of mostly grains into animal feed. This new plant will have capacity to process up to 200 tonnes of grain per day. A resource consent with a duration of 35 years is sought.

This consent is to be in addition to current resource consent CRC970414 for the discharge of dust and odour from this site for a flourmill and animal feed plant with a capacity to process up to 140 tonnes of grain per day.

A hearing is scheduled for 2 December 2005 to hear and decide the application and a Committee is required to be appointed.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) That the Committee appoint Councillors Budd, Little and Carroll to hear and decide resource consent application CRC054177 on 2 December 2005 and that Councillor Budd be appointed Chairperson of the hearing committee with the full powers of the Council as a consent authority.

(b) That the Committee appoint Councillors McKay and Waters as replacement members to hear and decide resource consent application CRC054177 by George Weston Foods on 2 December 2005 if one of the appointed members is unavailable and that Councillor McKay be appointed Chairperson if Councillor Budd is unavailable, with the full powers of the Council as a consent authority.

6.2 MALVERN ABATTOIR – CRC055019

Application

To discharge contaminants to air, including odour associated with the waste composting system, and odour and aerosols associated with the spray irrigation of wastewater onto land.

CRC055020

(a) to discharge up to 1,000 cubic metres per day of screened meatworks wastewater, including stormwater from animal handling areas, onto land in circumstances where contaminants may enter groundwater. The wastewater will be spray irrigated onto 91.3 hectares of land

located directly north of the MMPL abattoir site. The irrigated land will be managed as a "cut and carry" operation, with a resulting net nitrogen loading rate of 150 kilograms of nitrogen per hectare per year.

(b) to discharge stormwater from roofs, hardstanding areas and paved areas at the MMPL abattoir site, excluding those areas where the handling of animals occurs, onto land in circumstances where contaminants may enter groundwater. Stormwater from hardstanding and paved areas will discharge to land via vegetated swales, and stormwater from roofs will discharge to land via sealed soak holes.

The discharges of wastewater and stormwater described above may contain contaminants such as suspended sediments, heavy metals, hydrocarbons, nutrients and micro-organisms.

A consent duration of 35 years has been requested.

A hearing is scheduled for 15 December 2005 to hear and decide the application and a Committee is required to be appointed.

The Commissioner recommended has satisfied Council staff he has the necessary criteria including technical ability and availability to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) That the Committee appoint Barry Loe as a Commissioner to hear and decide resource consent application CRC055019 by Malvern Abattoir with the full powers of the Council as a consent authority.

(b) That the Committee appoint Barry Loe to deal with any preliminary matters associated with (a).

6.3 HURUNUI DISTRICT COUNCIL – CRC052974

Application

To discharge contaminants into water. The contaminants will include up to 600 cubic metres per day of wastewater. The wastewater will include up to 400 cubic metres per day of oxidation pond treated domestic sewage and up to 200 cubic metres of rainwater falling onto the oxidation ponds servicing the Waikari Township. The wastewater will be discharged at a maximum rate of 7.5 litres per second into the Waikari River. The discharge will occur approximately 200 metres upstream of the State Highway 7 Bridge, at or about map reference NZMS 260 M33: 8600-0560. The discharge will only occur at times when wet ground conditions prevent the discharge of the wastewater onto land. The contaminants in treated sewage effluent are known to include organic material, nitrogen, phosphorus, heavy metals and micro-organisms.

A consent duration of 10 years has been requested for this application.

A hearing is scheduled for 28 November 2005 to hear and decide the application and a Committee is required to be appointed.

The Commissioner recommended has satisfied Council staff he has the necessary criteria including technical ability and availability to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) That the Committee appoint Councillors Johnston, Kirk and McKay to hear and decide resource consent application CRC052974 on 28 November 2005 and that Councillor Johnston be appointed Chairperson of the hearing committee with the full powers of the Council as a consent authority.

(b) That the Committee appoint Councillors Oldfield and Cunningham as replacement members to hear and decide resource consent application CRC052974 by Hurunui District Council on 28 November 2005 if one of the appointed members is unavailable and that Councillor McKay be appointed Chairperson if Councillor Johnston is unavailable, with the full powers of the Council as a consent authority.

6.4 WAIMAKARIRI DISTRICT COUNCIL – CRC970752

Application

To change condition 3 of CRC970752.3, which requires the installation of a pumping system at the confluence of McIntosh's Drain and the Kaiapoi River, to mitigate flood flows resulting from the discharge of stormwater from the Moorcroft subdivision at Main North Road, Kaiapoi, when the developed area of the subdivision exceeds 4.5 hectares. Instead of installing the pump station, as required by this condition, the applicant now proposes to design and install a catchment wide solution to mitigate flooding within the McIntosh's Drain catchment by 1 July 2009.

A hearing is scheduled for 13 December 2005 to hear and decide the application and a Committee is required to be appointed.

The Commissioner recommended has satisfied Council staff he has the necessary criteria including technical ability and availability to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) That the Committee appoint Robert Batty as a Commissioner to hear and decide resource consent application CRC970752.4 by

Waimakariri District Council with the full powers of the Council as a consent authority.

(b) That the Committee appoint Robert Batty to deal with any preliminary matters associated with (a).

6.5 TANK MAINTENANCE (1986) LIMITED – CRC042602

Application

To discharge contaminants into air from abrasive blasting and spraying of marine and industrial coatings. The location is Lyttelton dry dock and slipways, Godley Quay, Lyttelton, at or about map reference NZMS 260, m36: 8670-3345. Blasting contaminants to be discharged include used blast media, paint particle, rust, base metal, and organic matter such as algae, seaweed, and shellfish from ship hulls. Spray painting contaminants to be discharged include solvents, mono-isocyanates, and overspray paint particulates. A consent with a duration of 35 years is sought.

A hearing is scheduled to hear and decide the application and a Commissioner is required to be appointed.

The Commissioner recommended has satisfied Council staff he has the necessary criteria including technical ability and availability to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) That the Committee appoint Robert Nixon as a Commissioner to hear and decide resource consent application CRC042602 by Tank Maintenance (1986) Limited with the full powers of the Council as a consent authority.

(b) That the Committee appoint Robert Nixon to deal with any preliminary matters associated with (a).

6.6 R D HUGHES DEVELOPMENTS – CRC054107 AND CRC054113

Applications

CRC054107 - to discharge stormwater to ground from only the North Block of the proposed subdivision. Stormwater will be discharged to ground via swales and two soakage basins located in various positions across the proposed North Block development.

Treated stormwater may contain contaminants such as suspended solids, hydrocarbons, heavy metals and micro-organisms. A consent duration of 35 years is sought by the applicant. No consent is being sought for the discharge of stormwater from the South Block at this stage.

CRC054113 - to discharge up to 200 cubic metres of treated sewage effluent to ground via a dripline irrigation system. The treated effluent will be discharged at a maximum hydraulic loading rate of 4.4 millimetres per day over a disposal area of approximately 4.5 hectares, centrally located within the proposed South Block.

Sewage effluent from individual allotments within the proposed subdivision will be treated on each individual allotment via an onsite treatment tank and primary filter system prior to discharge into the low-pressure reticulated network servicing the entire subdivision. Sewage effluent is then conveyed to a central treatment plant consisting of a re-circulating packed bed reactor (rtPBR) and treated via Ultra Violet (UV) light disinfection system prior to discharge into land via the dripline irrigation system described above.

A consent duration of 35 years is being sought by the applicant.

A hearing is scheduled for 30 November 2005 and 1 – 2 December 2005 to hear and decide the applications.

The Commissioners recommended have satisfied Council staff they have the necessary criteria including technical ability and availability to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) That the Committee appoint Roger Tasker and Barry Loe as Commissioners to hear and decide resource consent applications CRC054107 and CRC054113 by R D Hughes Developments with the full powers of the Council as a consent authority.

(b) That the Committee appoint Roger Tasker and Barry Loe to deal with any preliminary matters associated with (a).

6.7 WAIMAKARIRI – SELWYN GROUNDWATER ZONE – CRC970091.1, CRC041755, CRC042631, CRC042858, CRC042859, CRC042558, CRC042801, CRC042484 AND CRC052839

A hearing is scheduled for 14 – 16 December 2005 to hear and decide nine resource consent applications to take and use groundwater from the Waimakariri – Selwyn Groundwater Zone.

The Commissioners recommended have satisfied Council staff they have the necessary criteria including technical ability and availability to carry out the duties required.

Report prepared by Donald Fraser, Consents Hearings Officer.
Endorsed, Don Rule, Consents Operations Manager.

Recommendation

(a) *That the Committee appoint Alec Neill and Emma Christmas as Commissioners to hear and decide resource consent applications CRC970091.1, CRC041755, CRC042631, CRC042858, CRC042859, CRC042558, CRC042801, CRC042484 and CRC052839 with the full powers of the Council as a consent authority.*

(b) *That the Committee appoint Alec Neill and Emma Christmas to deal with any preliminary matters associated with (a).*