

**SUBMISSION
ON AN APPLICATION FOR RESOURCE CONSENT
UNDER SECTION 96
OF THE RESOURCE MANAGEMENT ACT 1991**

Office Use Only



PART A: DESCRIPTION OF APPLICATION

CONSENT NUMBER:

APPLICANT:

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DESCRIPTION OF PROPOSED ACTIVITY:

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LOCATION:

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PART B: SUBMITTER DETAILS

Full name/s				
Postal address				
I am the owner/ occupier (delete one) of the following property:				
Primary contact person/s				
Email address				
Phone number/s	Home:		Business:	
	Mobile:		Fax:	

Signature:	Date:
Name (BLOCK CAPITALS):	

*If this is a joint submission by 2 or more individuals, each individual's signature is required
A signature is not required if you make your submission by electronic means.*

I/we **support** the application numbers indicated by a tick on the back of this form

I/we **oppose** the application

I/we **neither support nor oppose** the application

(tick one)

(tick one)

I/we **wish to be heard** in support of my/our submission.

☐

I/we **DO NOT wish to be heard** and hereby make my/our submission in writing only.

☐

If you wish to be heard, and others make a similar submission would you consider making a joint case with them at any hearing

☐ Yes

☐ No

If you indicated you wish to be heard, you will be sent a copy of the S.42A Officer's Report and a copy of the Decision once it is released. Please indicate below which format you would like to receive these documents in:

☐ Electronic (CD) copy

☐ Hard (paper) copy

I/we **have** served a copy of my/our submission on the Applicant as per Section 96(6)(b) of the RMA

☐ Yes

My/our submission is that: (state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific proposal, or wish to have amendments made, giving reasons)

I/we seek the following decision from the Local Authority:(give precise details)

Important information – please read carefully

Public information

The information you provide is public information. It is used to help process a resource consent application and assess the impact of an activity on the environment and other people.

Your information is held and administered by the West Coast Regional Council in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. It is therefore important you let us know if your form includes any information you consider should not be disclosed.



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Submission in Opposition – Von Ah Contracting Composting Proposal RC-2024-0136
(*Limited Notification under s95A–F Resource Management Act 1991*)

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From:

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Date: 13 November 2025

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1. Introduction and Standing

I, Andrew Thompson, make this submission in opposition to the application by Von Ah Contracting Ltd to discharge contaminants to air, land, and water associated with a proposed industrial composting operation at Kokatahi.

I reside within the area identified by West Coast Regional Council as being potentially affected by odour emissions from the proposed site. I am therefore an affected person under section 95E of the Resource Management Act 1991 ("RMA") and have direct standing to submit on this application.

2. Overview of the Proposal

The proposal involves the receipt and composting of approximately 5-6 truckloads, with unquantified variance, of organic waste per week, comprising:

- Paunch
- Bark chip
- Sawdust
- Old bailage and silage
- Used herd home and calf bedding (woodchip and manure)
- Abattoir DAF sludge / wastewater solids
- Karbon King (coal ash)
- Moss fines

Composting is proposed to occur in open-air windrows with turning, mixing, and aeration on a rural site approximately 14 km southeast of Hokitika, near the Kokatahi settlement.

The site is zoned Rural under the Operative Westland District Plan and General Rural under the Decisions Version of Te Tai o Poutini Plan (TTPP).

Nearby existing sensitive receptors include residential dwellings, commercial enterprises including accommodation providers, a school, a place of worship, a hall, and the Kokatahi settlement, all within West Coast Regional Council's extrapolated odour notification zone.

3. Activity Classification

Regional Land and Water Plan (RLWP) and Regional Air Quality Plan (RAQP)

The activity constitutes a discretionary activity pursuant to:

- Rule 91 (Land and Water Plan) – importation of off-site material for land application, and
- Rule 16 (Air Quality Plan) – discharge to air from an industrial or trade premises.

The operation is therefore industrial in character, not a rural production activity, and must be assessed in full under Part 2 and section 104 of the RMA.

Te Tai o Poutini Plan (TTPP)

The activity constitutes a discretionary activity pursuant to:

- GRUZ – R29 – an industrial activity further than 10km from an Industrial Zone site of sufficient size

The proposal is not consistent with definitions for agricultural, pastoral and horticultural activities, commercial activities, rural industry, or primary production. The definition of an industrial activity best describes the proposal as it is processing raw, processed, or partly processed materials.

Westland District Plan (ODP)

The activity constitutes a discretionary activity under:

- Part 5.6.2.2C for any other activity in the Rural Zone, except mining, and
- Part 6.5 as an odorous activity specified in Appendix G.

4. Key Grounds for Opposition

4.1 Odour and Amenity Effects

The initial Mote Ltd report (January 2025) estimated odour effects extending up to 600 m from the site. The updated Mote Ltd report (May 2025) revised this to 870 m, after the applicant clarified that the mixing bunker would be open-air without a biofilter. This change significantly increases potential off-site odour exposure and directly affects residential properties and accommodation businesses in Kokatahi.

The Compost Management Plan identifies in the Part 2 table an obligation to no negative impact on neighbours and community from operations. Given the demonstrated uncertainty in the management of odour effects such facilities have and the increasing potentially affected area, it is unlikely that there is to be a total absence of negative impacts as a result of this proposal.

The Compost Management Plan identifies in Part 4.3 that a bund will be planted with native trees to provide screening for dust and odour. It cannot be reasonably argued that relying on native trees for odour and dust screening will be remotely effective until at least such time as the trees have matured and begin to resemble a physical barrier. It is disingenuous to rely on the argument that native trees of any size which can be practicably planted will provide anything close to meaningful and effective screening.

The table in Part 6 of the Compost Management Plan outlines that piles will not be turned when the wind is blowing in the direction of neighbours. Mote's January 2025 report identifies that the prevailing winds are southwesterly. The subject site is located to the southwest of immediate neighbours and the Kokatahi settlement. This means it can reasonably be anticipated that this will regularly impact site operations. As the compost process has been demonstrated to have time-sensitive components which can result in objectionable odour when not adhered to, it is reasonable to conclude that from time to time the applicants will be faced with the choice of turning piles during southwesterly winds or operating contrary to compost procedures resulting in more odorous product.

Odour from animal products and wastewater sludge is offensive and objectionable in character and cannot be effectively mitigated in an open system. The applicant's reliance on weather monitoring for management is reactive, not preventative, and contrary to the MfE Good Practice Guide for Odour Management (2016), which prioritises source control and separation distance. This guide also points to the principle of "internalisation" stating that those who create effects must confine them within their own sites. It notes that there is a greater expectation on newly established activities to do what is reasonably achievable to internalise

the effects. In assessing what is reasonable one must look to the context of the environment into which the odour is being introduced as well as planning and other provisions. This is elaborated upon in this submission with regard to relevant statutory documents and planning provisions.

4.2 Effects on the Rural Environment

The proposal introduces an industrial-scale waste processing activity into a rural-residential area characterised by farming, lifestyle dwellings, visitor accommodation, a school, a place of worship, a town hall, and a small settlement.

Such activity is inconsistent with:

- The amenity expectations of the Rural Zone (ODP) and General Rural Zone (TTPP) (peaceful, productive, and natural character); and
- The anticipated environmental results of both district and regional planning instruments.

It will generate industrial odours, vehicle movements, and waste storage incompatible with rural production or small-settlement living.

4.3 Leachate and Water Quality Risks

The proposal includes the irrigation of detention pond leachate to land, which the WCRC Notification Report acknowledges has the potential for nitrogen contamination, spray drift, and odour dispersal. Given the proximity to the Kokatahi River and high rainfall, these discharges risk contaminating both groundwater and surface water, contrary to the Regional Land and Water Plan Objective 8.2.1 (maintain and enhance water quality).

Part 4.3 of the Compost Management Plan states that ahead of larger rainfall events the leachate pond will be discharged to land. Rainfall itself is relied upon for diluting contaminants in runoff. Native plants are proposed along a drain to filter out contaminants. This respondent's own rain gauge recorded 590mm for September 2025 and 671mm for November 2025. This means that the leachate pond will need frequent emptying ahead of multiple rain events in any given week or month. Indeed, the applicant asserts in Part 6.1.3.1 of the Proposal and AEE that containment ponds for runoff and leachate are impractical due to the stormwater volumes which would need to be discharged.

As mentioned elsewhere in this response the proposed native plants cannot reasonably be expected to perform as asserted before establishing, maturing, and growing onsite. It is disingenuous to consider relying on planting to provide effective mitigation before such time. Moreover, it is well known that dilution is not the solution to pollution. The reliance on rainfall as mitigation and the perception that through dilution contaminants are made safe is an outdated and disproven paradigm which does not represent reliably sound environmental management. Furthermore, rainfall cannot be simultaneously and conveniently treated as a hindrance to, and means of, satisfactory onsite management where factors such as moisture content of material, volume of contaminants held, and discharges to the environment are considerations.

4.4 Functional Need

The proposal meets the definition of an industrial process or activity under the RAQP and TTPP. Proposals such as this are not anticipated by the provisions of the Rural Zone (ODP)

and General Rural Zone (TTPP). They are however expressly anticipated by the provisions of the General Industrial Zone (TTPP). Furthermore, the proposal identifies that the material to be used as part of composting operations will originate from offsite and is not an ancillary activity to any onsite agricultural or primary production activities. For these reasons, there is not a functional need for the proposal to take place at this location, let alone so close to existing, sensitive receiving environments and activities.

At an invitational onsite community meeting in May 2025, representatives from Silver Fern Farms presented themselves with the applicants to talk through the proposal in an effort to allay concerns. It is evident that Silver Fern Farms intend to provide the applicant with material for composting. It is noted that Silver Fern Farms have a 10ha property at 140 Kumara Junction Highway just north of Hokitika being Lot 1 DP 545864 which is within the General Industrial Zone (TTPP). This allotment is of a size which could accommodate the proposed 5-6 truckloads of material per week, and is located alongside other potentially odorous activity within the General Industrial Zone (TTPP) being the Hokitika sewage ponds.

4.5 Procedural Fairness and Inadequate Information

The WCRC Notification Report states: “There is some uncertainty in the odour modelling ... there is significant community interest ... special circumstances do apply.” Despite this acknowledgment, the application was not publicly notified. This is inconsistent with the precautionary principle and the Council’s duty under s95A–D RMA to notify where effects may be “more than minor” or where there is “public interest.”

Furthermore:

- The original application omitted appendices (Site Practice Plan, Management Plan, etc.), leaving key operational details absent.
- The change from enclosed to open-air system constitutes a material alteration requiring re-notification.

5. Assessment of Environmental Effects

Odour

- Source: animal waste products, paunch grass, DAF sludge.
- Dispersal: no less than 870m radius under prevailing south-westerly winds.
- Receptors: multiple nearby dwellings, commercial accommodation, a school, a place of worship, a town hall, the Kokatahi settlement.
- Effect: more than minor, likely offensive or objectionable beyond boundary (contrary to RAQP Policy 6.3.1).

Dust and Vehicle Emissions

- Dust will be generated from unsealed access and windrow turning.
- The applicant’s proposed tractor-drawn watercart is insufficient to prevent airborne particulate movement during turning events.

Cumulative and Character Effects

- The activity’s industrial nature, odour, and traffic will collectively alter the character of Kokatahi, undermining the amenity of the Rural and Small Settlement Zones (ODP), and General Rural and Settlement Zones (TTPP).

6. Assessment Against Statutory Documents

6.1 Operative Westland District Plan

6.1.1 Rural Zone

The proposed activity would take place in the Rural Zone which among other land uses provides for agricultural activities. This excludes odorous activities outlined in Appendix G. Additionally, though the Rural Zone does not permit industrial activity, the definition of this term also excludes odorous activities in Appendix G. Composting plants are listed as an odorous activity in Appendix G and are treated as a discretionary activity across the district. The description of the policy unit also provides for the impact on natural and physical resources to be minimised.

6.1.2 Small Settlement Zone (Kokatahi)

This zone provides for activities which are residential in nature, compatible with residential uses, or desirable in nature. The compost facility does not meet these parameters. Furthermore, non-residential activities need to be assessed with regard to site-specific considerations and be located where they have a minimum effect on the environment and neighbouring activities. The proximity of the proposed location to such sites within the nearby Small Settlement Zone means that the effect on the environment and neighbouring activities won't necessarily be the minimum it could be.

District plans commonly contain rules which have caveats for when they border other zones, e.g. commercial activities bordering a residential zone. This is to ensure that the effects from one zone do not affect the anticipated amenity and environmental values of another. The proposed activity, although situated in the Rural Zone, has the potential to produce effects which are not anticipated in the Small Settlement Zone.

6.1.3 Discretionary Activities

The proposal is a discretionary activity as per Part 6.5(f) and is listed as an odorous activity in Appendix G. Appendix G (Odorous Activities) identifies composting as an odorous activity requiring substantial separation from residential and accommodation uses.

Appendix E states that applications to establish odorous activities will be considered with regard to neighbouring land use and measures to mitigate effects such as buffers, insulation and good management practices. It has been demonstrated that the proposed vegetative buffer will not serve its purpose until such time that it has matured which will take many years. The compost management practices as well as consideration for the impact of meteorological conditions on the operation have not been thought out well and are demonstrably grounded in unsound environmental principles.

Appendix E provides an explicit reason for declining applications as a result of residents being likely to experience strong smells. This is not zone-dependent and is written to be applied across the entirety of Westland District. As the proposed activity could "likely" result in residents experiencing strong smells, and "likely" conflict with existing uses nearby (e.g. residential activities, travellers' accommodation, school), declining the application can be considered.

The application and the subsequent independent report cannot produce measures which will ensure that the proposed activity will not, or will not be likely to, allay the concerns described by Appendix E. As such, due to the likelihood of conflicts with existing nearby land uses, it is

therefore urged that the Regional Council and District Council decline the application for resource consent.

6.1.4 Objectives

3.2 Sustainable Communities

The proposed activity is at odds with this objective as it has potentially adverse effects on the social and cultural wellbeing of the Kokatahi community. By doing so it does not necessarily recognise people as the most important asset. The potential for impacts on air, soil, water quality may impact the community's sense of wellbeing, and social and economic outcomes.

3.4 Infrastructure and Services

This objective talks about leachate from rubbish disposal sites. Leachate from organic matter and commercial waste has similar polluting potential as that from rubbish disposal sites. This creates a risk for productive soils and waterways close to the site.

3.5 Māori Perspective

The compost facility would be located about 1km from a Site and Area of Significance to Māori (SASM) as identified in TTPP. This is SASM-115 being Pukehika Pā which is located at the confluence of the Kokatahi and Hokitika Rivers. The compost facility is outside of the area of SASM-115 but is upstream from it so has the potential for downstream effects on it.

This Objective 3.5 is from the (ODP) which doesn't identify this SASM but does recognise "areas of particular significance to Poutini Ngāi Tahu" which would include this area. The ODP also recognises effluent entering rivers as a particular concern. Duck Creek and Kokatahi River are also identified for ecosystem and mahinga kai values.

The proposal is incompatible with this objective as it occurs close to areas this objective addresses, and has the potential for adverse environmental effects which are more than minor.

3.7 Natural Environments

The compost facility would be located in between Duck Creek and the Kokatahi River. It is feasible that overland flow from heavy rain or leachate could enter these streams. There are identified environmental values in this catchment which include fish species.

3.8 The Land Resource

This objective identifies that Kokatahi has some of the richest soils in Westland, being Hokitika and Ikamatua soils, and that there should be commitment to sustaining the overall productive potential of the soil. Using land which has these valuable soils for non-agricultural activities is not the best use of an important resource. The storing and processing of compost could happen in areas with less valuable, or less productive soil.

6.1.5 Policies

4.2 The Settlement Character

This policy identifies that adverse effects on settlements like Kokatahi should be avoided. Land uses include residential living, education facilities, agricultural activities, commercial activities (the pub, holiday accommodation), a place of worship, and community hall. The impact of odour and dust on visual amenity and existing land uses is at odds with this policy.

4.4 Amenity

This policy aims to ensure that level of amenity and wellbeing of residents and workers is at least maintained if not enhanced. It also speaks about noxious activities being segregated or located appropriately to ensure this happens. It identifies segregation may be necessary for

smell and fumes. As the Mote May 2025 report identifies a potentially affected area of no less than 870m, it follows that this should be the minimum distance the proposal is situated from existing, sensitive activities.

The application identifies a buffer of trees as mitigation. This will likely be ineffective, particularly in the short term. Segregation of a few hundred metres is also likely to be insufficient to achieve the aims of this policy.

4.7 Land and Soil Quality

There should be efforts to maintain the productive potential of soils and the quality of water resources. The compost facility does not make the best use of high-quality soils. The facility also will not maintain or enhance the quality of the land as leachate and overland flows from high rainfall are a risk.

The proposal will likely result in adverse effects on adjoining land uses which include residential living, education, agricultural activities, commercial activities (the pub, holiday accommodation). Character and amenity of the rural area and community will be adversely affected.

4.9 Natural Habitats and Ecosystems

Duck Creek has environmental values as a functioning ecosystem which supports mahinga kai and kohanga. Spawning habitat for whitebait species support cultural and economic wellbeing in the district. The proposed activity has the potential to result in adverse effects by being located in close proximity to Duck Creek. A location further away from a water way with such values should be considered.

4.11 Water Quality

Liaison should occur with relevant stakeholders including tangata whenua and Fish and Game which has not been submitted with the application. The District Council is also required to liaise with the Regional Council on matters of water quality. Reference back to the RMA and RAQP means that effects should be avoided, remedied or mitigated. It is urged that the hierarchy of controls is utilised and avoidance be approached with earnest as there is no functional need to locate the activity at this location; one further from sensitive receiving environments should be considered first.

6.1.6 ODP Assessment

The proposed composting operation contravenes all of these provisions. The predicted odour radius of at least 870 m demonstrably encroaches upon multiple existing sensitive activities and land uses, breaching Appendix G separation guidance and eroding rural amenity.

6.2 Te Tai o Poutini Plan (Decisions Version 2025)

6.2.1 General Rural Zone

The proposed activity is located within the General Rural Zone. The purpose of the zone is to focus on primary production activities. By definition, industrial composting would not be considered a primary production activity given it is not an activity which is ancillary to agricultural activities (by receiving offsite commercial waste), and it involves processing of commodities into a different product (outside the definition's scope). Furthermore, industrial activities not associated with primary production are restricted with the zone. Conversely, rural halls and schools are explicitly mentioned as having a presence in this zone with TTPP seeking to maintain rural character.

It is recognised that the permitted activities of the General Rural Zone have the potential to generate odour and result in effluent discharges beyond the boundaries of the activity site which must be managed and mitigated. The proposed activity is one whereby the methods for managing environmental discharges including odour, dust and leachate are commonly problematic, with the means for quantifying and assessing breaches difficult to do so. Furthermore, the proposed mitigation methods in the proposal present a high likelihood of being ineffective. A proposed vegetative screen through planting trees would not be close to achieving its purpose for many years, and the methods for ensuring efficient composting of material have a high likelihood to be disrupted by unfavourable winds towards the Kokatahi settlement and persistent rainfall which the region is known for.

GRUZ – Rules

GRUZ – R29 is applicable to this proposal as an industrial activity excluding rural industry. The activity is not a commercial activity. Pursuant to GRUZ – R29(2) it is recognised that there is not an Industrial Zone site within 10km of sufficient size to accommodate the activity. However, as outlined above there is not a functional need for the activity to be located at the subject site. It was communicated to the invited local community onsite in May 2025 that the origin of the waste to be composted is from Silver Fern Farms and Westland Milk Products (as advised by the applicant onsite in May 2025). Given Silver Fern Farms have an allotment within the General Industrial Zone (TTPP) at 140 Kumara Junction Highway which is just 2.5km from Westland Milk Products, it is evident that there does exist a suitable site within 10km of where the material originates from. This would mean the proposed activity would not comply with GRUZ – R29(2) and should be assessed as a non-complying activity pursuant to GRUZ – R33.

Pursuant to s104D of the RMA, Council, as a consent authority, may grant a resource consent for a non-complying activity if it is satisfied that the effects of the activity will be less than minor, or the activity is not contrary to the objectives and policies of the relevant plan or the relevant proposed plan. This submission identifies that the application and Mote reports do not demonstrate that effects will be less than minor, and the proposal is contrary to multiple objectives and policies of the ODP, TTPP, RAQP, and RLWP. Furthermore, pursuant to s104(2) of the RMA, there is not an a national environmental standard or plan which permits the proposes activity and associated effects.

Given the identified difficulty in managing odour, and the potential for more than minor effects on visual amenity and rural character on existing land uses nearby, it is urged that the Regional Council exercise their discretion with regard to these points and identify the proposed location of the activity as inappropriate.

6.2.2 Settlement Zone

Though the proposed activity does not take place in this zone it has a very real possibility that at some point its effects would impact this zone. This is evident given other jurisdictional standards and recommendations for separation distances; the identification in the Mote January 2025 report that prevailing southwesterly winds blow from the subject site towards the Kokatahi settlement; the fact that consultation has been undertaken by the applicant into the Settlement Zone; and West Coast Regional Council has extended the potentially affected area to encompass the entire Settlement Zone to Ford Road North.

The Settlement Zone comprises a mixture “of residential, commercial, recreational, rural, community and other uses” and Kokatahi is representative of this definition. TTPP further states that the Settlement Zone “provides for residential activities as well as some commercial activities” and “where industrial activities are proposed these need to be undertaken in an Industrial Zone.” It is evident that the intent of TTPP is to keep industrial activities separate from the Settlement Zone. This is to ensure the effects of such industrial activities do not

impact the anticipated amenity and character values of the Settlement Zone. Although the proposal does not take place in the Settlement Zone, given Mote (January and May 2025) and West Coast Regional Council (Notification Assessment) have concluded that there is at least the possibility that objectionable odour may be experienced in Kokatahi, the prudent approach would be to not provide resource consent for an activity where there is a likelihood that minor or more than minor effects will be experienced.

District plans commonly contain rules which have caveats for when they border other zones, e.g. commercial activities bordering a residential zone. This is to ensure that the effects from one zone do not affect the anticipated amenity and environmental values of another. The proposed activity, although situated in the General Rural Zone, has the potential to produce adverse effects which are not anticipated in the Settlement Zone. This is reinforced through proposed rules for the Settlement Zone.

SETZ – Rules

SETZ – R5 identifies that agricultural activities which include the storage and disposal of solid or liquid animal waste not generated on the site is not a permitted activity.

SETZ – R9 identifies that commercial activities other than Retail, Home Business or Visitor Accommodation should not generate dust, odour or smoke as part of the activity.

SETZ – R23(h) identifies that the management of odour and dust is a matter of discretion for Rural Industry.

These rules seek to address the effects of odour and dust from less obtrusive activities than the proposal which are anticipated in the zone. Evidently, the Settlement Zone does not permit nor does it anticipate activities such as that which is proposed. Furthermore, the proposed industrial activity inherently has the potential to create stronger adverse effects more frequently than the activities used in the three examples above. Given the difficulty in managing effects of odour and dust, the potential for more than minor effects, and the likelihood that at some point the adverse effects of the proposed activity will be experienced in the Settlement Zone, it is urged that the West Coast Regional Council exercise their discretion with regard to these points and identify the proposed location of the activity as inappropriate.

6.2.3 Rural Zones Objectives and Policies

These objectives and policies are applicable to the General Rural Zone and Settlement Zone. Small settlements and townships are a significant feature within the rural areas of Te Tai o Poutini/the West Coast.

RURZ – O1

This objective aims to maintain amenity and retain highly productive land. Te Tai o Poutini Plan does not include the Kokatahi area under a Highly Productive Land Precinct overlay. Nevertheless, its productive potential can be argued particularly given it is identified so in the operative Westland District Plan (ODP). As such, an activity such as an industrial compost facility, particularly one which is not processing primary products originating from site, should be established in an area with soils that have lower productive potential.

RURZ – O3

This objective aims to maintain and enhance rural character while providing for commercial and industrial land uses in larger settlements where these provide for local and community services. It is contended that the proposed activity will not maintain or enhance rural character and by nature of the likely environmental effects actually result in a diminishing of rural character via odour, dust, and visual amenity for particularly close neighbouring sites. Furthermore, the industrial activity does not complement the community or provide any services which Kokatahi requires.

RURZ – P2

This policy seeks to maintain rural amenity and character, and privacy and rural outlook for residential buildings. Residential buildings neighbour the proposed location. Outside of settlements, such as Kokatahi, activities should be compatible with existing development. Residential, educational, agricultural, and commercial activities are happening outside of the Kokatahi settlement and are existing developments. The proposed activity does not meet the desired outcomes of this policy.

RURZ – P3

This policy aims to ensure that growth and change improve the long-term viability of settlements, fits with the environmental character, and integrates with existing residential settlement. The proposed compost facility has the strong potential to contravene this policy. The environmental nature of Kokatahi would be diminished which could affect the viability of the settlement by creating a less desirable place to live. A facility of this nature has a strong potential to not integrate well with existing residential development.

RURZ – P6

This policy applies to the Highly Productive Land Precinct which is not applicable to the wider Kokatahi area pursuant to TTPP, though the soils in this area are noted in the ODP for their productive potential. Section (b) of this policy identifies that inappropriate use or development that is not land-based primary production should be avoided. In order to preserve the rich Hokitika and Ikamatua productive soils in the area it is important to ensure such areas are utilised for more suitable agricultural purposes rather than the discharge of leachate from an industrial activity to land.

RURZ – P7

This policy creates provision for non-rural activities to establish in rural areas if there is a functional need for it. Though there is a weak argument linking agriculture and rural activities to composting, it is noted that the bulk of the products for the composting are to come from Silver Fern Farms and Westland Milk Products. This means that the products are actually being trucked into the Kokatahi area and do not have a functional need to be processed there at all. A more suitable location would be on less productive soils, and much further from settlements and residential, commercial and educational activities. For example, Silver Fern Farms' own site to the north of Hokitika in the General Industrial Zone.

RURZ – P8

Furthermore, this policy states that non-rural activities should not be located in rural areas to the detriment of settlements. To grant resource consent for the industrial compost facility at the proposed location goes directly against the intent of this policy by consenting an activity which has a reasonable likelihood to result in adverse environmental effects that are minor or more than minor in nature.

RURZ – P9

This policy builds on RURZ – P7 and P8 and states that commercial and industrial activities within settlements should not detract from residential amenity. Though it is recognised the proposed activity is not being located in the Settlement Zone, per se, it is contended again that there exists evidence and reasoning to suggest that the effects will be felt in the Kokatahi settlement. Additionally, there are established residential activities which neighbour the proposed location along Upper Kokatahi Road which is a settlement in itself as a place where people live and have built homes.

RURZ – P11

This policy explicitly states that visitor accommodation and education facilities are anticipated in the Rural Zones as long as they do not impact primary production. The neighbouring

properties along Upper Kokatahi Road include commercial visitor accommodation enterprises and the Kokatahi-Kowhitirangi School. These are established activities which are anticipated in the Rural Zones and do not impact the widespread primary production activities in the Kokatahi area. The proposed industrial composting facility, which is not anticipated in the Rural Zones by TTPP, has the potential to create adverse impacts on established commercial, educational, and agricultural activities and deter further establishment of such activities.

RURZ – P17 and P18

These policies speak to ensuring that existing rural uses and consented activities should have sufficient buffering so they are not unreasonably compromised by sensitive activities. Mote (May 2025) have identified a minimum range of 870m for potentially adverse effects which is an expression of a de facto minimum buffer for existing sensitive activities. The proposed vegetative buffer may not be effective at all, and will not be until at least such time the trees have matured and actually created a buffer. Indeed, a more effective and immediate buffer would be an increased distance from established rural land uses anticipated by the objectives and policies of TTPP for the Rural Zones.

There are existing rural uses and consented activities which include residential dwellings, education facility, agricultural operations, commercial visitor accommodation enterprises, a place of worship, a town hall, and the Kokatahi settlement which may be unreasonably compromised by the proximity to the facility. Conversely, this could also result in negative reverse sensitivity outcomes for the industrial compost facility by establishing next to existing dwellings, school, and businesses. The applicants may be impacted by complaints from existing residential and educational activities, or hindered by impacts on environmental amenity and quality.

6.2.4 General Industrial Zone

An assessment of the suitability of the proposal against the objectives, policies, and rules of the General Industrial Zone is provided here to exhibit that this submission is not simply a “not in my backyard” response, but also seeks pragmatic solutions for the applicant. An assessment against the General Industrial Zone is important as it confirms that TTPP anticipates the proposed activity in this zone, and for the fact that Silver Fern Farms as a supplier of material for the proposal already have a large allotment to the north of Hokitika in this zone.

The General Industrial Zone is intended to provide for a range of industrial activities, with provision for some activities that support industrial activities and/or activities that are compatible with the adverse effects generated by industrial activities such as noise, odour, and dust. Furthermore, TTPP identifies that there are sufficient areas of land zoned for industrial use to meet anticipated growth requirements in the short- to medium-term, provided GIZ - General Industrial Zoned land is utilised for industrial purposes. Therefore, TTPP has identified that there is not a functional need for industrial activities to take place outside of the General Industrial Zone and that this zone should be used for such purposes in the first instance.

A key attribute of the zone is that it contains sites large enough to accommodate large-scale industrial activities and internalise adverse effects on adjoining zones. Therefore, the Silver Fern Farms site to the north of Hokitika by definition of its zoning has the capacity to accommodate the proposed activity.

GIZ – Rules

GIZ – R4 states that even when industrial activities are appropriately sited within the General Industrial Zone and permitted, they are not to be visible from any adjacent residential Zone, Settlement Zone, or public place. The material which has already been imported to the subject site is clearly visible from public places and settlement areas of the General Rural Zone. The minimum 1.8m screening identified by this rule would be dwarfed by the existing height of the material onsite, let alone what would be present while fully operational. It is worth noting that these are the standards applied to areas adjacent the General Industrial Zone where this activity is permitted and anticipated. In the Rural Zones this level of mitigation is unlikely to maintain the amenity and character values of the wider area. Furthermore, it has already been established that vegetative screening will not be close to achieving its purpose for many years until planted trees mature and attain a height and girth to resemble an efficient screen or hedge.

GIZ – R18 identifies that residential activities, community facilities, and non-tertiary education facilities are a non-complying activity in the General Industrial Zone. This is due to the fact that industrial activities in the General Industrial Zone would almost certainly result in adverse effects on these more sensitive activities. It follows that an industrial compost facility should then not be established in an area where these sensitive activities are established. It has already been outlined above that there are dwellings, a community hall, and primary school within the potentially affected area reported by Mote (January and May 2025), and that these activities are expressly anticipated in the Rural Zones by TTPP.

6.2.5 Industrial Zones Objectives and Policies

INZ – O1

This objective identifies the importance of industrial activities in contributing to economic and social wellbeing, which this respondent cannot disagree with. However, this objective identifies that industrial activities should take place in the Industrial Zones. Furthermore, when located in an Industrial Zone it should not compromise the amenity of adjoining zones. By establishing an industrial activity outside of an Industrial Zone, the proposal goes further than this objective anticipates in creating risk for the amenity of non-Industrial Zones to be diminished.

INZ – O2

This objective is explicit in stating that it is a requirement for new industrial development to be located in Industrial Zoned land. As such, in accordance with TTPP the proposal should be located appropriately.

INZ – P4

This policy identifies that industrial activities should be located on suitable Industrial Zoned land in the first instance, and not proliferate through the rural areas and settlements. It has been identified that there is a suitable location on Silver Fern Farms' allotment in the General Industrial Zone north of Hokitika. Additionally, there is a large allotment (Lot 3 DP 2887) in the General Industrial Zone approximately 2km to the southeast of Westland Milk Products which is capable of accommodating the proposed activity. As TTPP is in its early stages it is urged that an example is not set for other future industrial proposals that establishment in the rural areas and settlements is appropriate. Such a precedent has the potential to lead to a proliferation of industrial activities in such areas.

INZ – P6

This policy reinforces the intent of INZ – O1 by asserting that industrial activities are provided for in the Industrial Zones while maintaining the amenity of adjoining zones. If TTPP identifies that industrial activities appropriately sited in an Industrial Zone must also not result in adverse effects on amenity on adjoining non-Industrial Zones, it does not follow that a proposal for an industrial activity within a non-Industrial Zone should be entertained.

INZ – P7

Clause (a) of this policy states that residential activities and visitor accommodation should be excluded from establishing in Industrial Zones due to the potential for reverse sensitivity effects. This reasoning is exactly why an industrial compost facility should not be established in the Rural Zones. Such conflicting activities and land uses have the potential for minor or more than minor effects on each other and intermingling is to be avoided. In close proximity to the subject site along Upper Kokatahi Road, there are established residential activities and visitor accommodation. For the exact reasons identified in this policy, the proposed industrial compost facility should not be established on the subject site.

INZ – P10

This policy goes further in asserting those industrial activities which may already be established out-of-zone in residential, commercial, and rural areas should be promoted to relocate to an Industrial Zone. Therefore, TTPP already anticipates removing industrial activities from non-Industrial Zones into more appropriate locations. West Coast Regional Council should not consider providing resource consent to a new industrial activity in a Rural Zone with this policy in mind.

6.2.6 TTPP Assessment

An assessment of the relevant objectives, policies and rules for the General Rural Zone, Settlement Zone, and General Industrial Zone exhibits that the proposed industrial compost facility is incompatible with the proposed location and does not align with the intent of TTPP.

The activity is not ancillary to rural production but constitutes a trade premises processing off-site industrial waste. It belongs in an Industrial Zone, not a Rural Zone, and its proximity to the Settlement Zone is contrary to the zoning purpose, objectives, policies, and rules.

As the Decisions Version of TTPP has legal effect, these policies carry statutory weight and must be applied. The proposal is inconsistent with the plan's strategic framework for land-use compatibility.

6.3 Regional Air Quality Plan (RAQP)

The proposed commercial composting facility does not meet the definition of occurring on production land as it is processing primary products, in particular those which have not been produced on the same site. It does however meet the definition of an industrial or trade process as it is receiving, storing and processing raw material and/or composting organic materials.

Furthermore, Rule 16 of the Regional Air Quality Plan (RAQP) identifies composting operations on industrial or trade premises as an activity not specifically provided for by any rule and is a discretionary activity. The Regional Council retains the ability to grant or decline a consent in accordance with the principles, objectives and policies that are contained in the Act and in the Plan.

The RAQP goes on to state that “although technology exists for detecting and measuring odours, this technology can be very expensive and time consuming. Furthermore, the human nose is generally accepted as being the best instrument for measuring odours, particularly at low levels. Each person has an individual response to smell, and the pleasantness or otherwise of an odour is often related to its association with a particular activity and the visibility of that activity.”

Furthermore, the RAQP explains that “odour control and management facilities are not well developed for all industries and on the effects that being subjected to odours has on people and communities.” This is in part due to the fact that “assessment of odour can be a subjective measurement and there are a number of problems associated with classifying odours”. As such, “regional plans should contain provisions applying to the management of ‘emissions of objectionable odour or fumes’”. Given that regional plans still rely on these quotes from 1995, it can reasonably be assumed that these statements are still accurate and relevant today, and assessment and management of odour remains problematic.

While it is understood that the RAQP “adopts a permissive approach to discharges with minor effects from industrial and trade premises”, it is contended that the potential and real effects associated with, but not limited to, dust and, in particular, odour are such that it is difficult to meaningfully measure and quantify discharges and the effectiveness of mitigation measures. This means it is difficult to provide certainty that the effects will be less than minor given their proximity to residences, other commercial enterprises, a school, settlement, place of worship, and hall. As part of the definition of “sustainable management” in the RMA includes “avoiding, remedying or mitigating any adverse effects of activities on the environment”, it is urged that the Regional Council take a precautionary approach to the assessment of effects with regard to this proposal. This means considering avoidance in earnest before remedy or mitigation as aligns with the standard hierarchy of controls.

6.3.1 Objectives, Policies, and Methods

The applicant points to RAQP Method 8.5.4 and Policy 8.4.1 in support of their application. It cannot be reasonably argued that the intent of a method and policy in seeking alternatives to the composting of domestic waste, envisaged an industrial composting facility to be supplied with waste from commercial and/or industrial enterprises. That which would be burned at the home is not destined for a proposed industrial compost facility. The applicant therefore has not provided an assessment of a Regional Plan in support of their proposal with their AEE. As it is not WCRC’s responsibility to do so, the proposal is left unsupported by methods and policies of the RAQP and RLWP.

A further assessment against the policies and methods of the RAQP is provided here.

Objectives 6.3.1 and 7.3.1

The proposal will, at least from time to time, result in adverse effects from odour and dust discharges which goes against this objective to protect human health, areas of cultural and amenity value, property, and structures from such effects.

Policy 6.4.1

This policy seeks to avoid or mitigate effects through good management practices, appropriate control technologies, and buffer zones. It has been shown that the application lacks detail in management practices, the mitigation proposed will not achieve its purpose, and there would be an insufficient buffer zone as identified by Mote (January and May 2025) in describing the potentially affected area.

Method 6.5.2

This method advocates buffer zones around odorous, and potentially odorous, activities. Mote (May 2025) have identified a minimum buffer of 870m. This area was increased by a further 200m by West Coast Regional Council for Limited Notification purposes which in effect recognises that effects could reach that far. As such, an effective buffer zone as advocated by this method is not possible.

Method 6.5.4

This method states that guidelines for mitigating the effects of odour will be developed by West Coast Regional Council. If these have been developed, they have not been incorporated into, or referenced by, the proposal and AEE. This demonstrates that the proposal is not supported by, or unaware of, best practice guidelines.

Method 6.5.5

This method states that West Coast Regional Council will consider applying the best practicable option to prevent or minimise adverse effects resulting from discharges to air. The objectives and policies of multiple guiding documents, and the standard, well-accepted hierarchy of controls identifies avoidance as the most effective solution. The identification of other suitable locations in the General Industrial Zone (TTPP) ensures that this is also a practicable solution.

6.4 Regional Land and Water Plan (RLWP)

The proposal correctly identifies that the industrial compost facility will not comply with what the RLWP anticipates for composting operations via Rule 85. In addition to the lack of alignment with objectives, policies and rules identified above, this further exhibits an incompatibility with the statutory framework of the West Coast and Westland. The proposed activity is described as bringing material and potential contaminants in from offsite to be processed on land known and zoned for its agricultural potential. This directly contravenes Part 2 of the RMA by failing to promote sustainable management or to safeguard the life-supporting capacity of air, water, and soil. It is understood that West Coast Regional Council will instead use its discretion under Rule 91 to assess the proposal against the RLWP.

6.4.1 Objectives, Policies, and Methods

The applicant does not address any RLWP objectives, policies or methods in their application. The applicant therefore has not provided an assessment of a Regional Plan in support of their proposal with their AEE. As it is not WCRC's responsibility to do so, the proposal is left unsupported by methods and policies of the RAQP and RLWP.

A further assessment against the objectives, policies and methods of the RLWP is provided here.

Objective 13.2.1

This proposal does not demonstrate that the adverse effects of discharging liquid will avoid or mitigate adverse effects on water and soil quality, social cultural, and amenity values, and human health. The application is not robust in describing how this will be achieved.

Policy 13.3.1

The proposal cannot demonstrate that the discharge of liquid contaminants will not be at a rate which exceed the ability of the land to assimilate the contaminant. The high rainfall the wider area receives means that there is likely to be runoff from stockpiles and stored material above what is anticipated to be discharges. This has the potential to impact upon rich soils in the area and environmental values of nearby waterways.

Policy 14.3.1

Though this policy likely focuses on landfill facilities, in lieu of their being objectives and policies for composting facilities this is considered. The policy states that siting and design are key to avoiding and mitigating the effects on the environment. It is identified in this submission that there are more appropriate locations for siting an industrial compost facility. Furthermore,

the design does not adequately take into account the weather patterns of the region, in particular high rainfall.

6.5 West Coast Regional Policy Statement (RPS)

The first guiding principle in Part 1.2 of the RPS states: "People are at the heart of this RPS. All district and regional plans should have regard to people and communities and their need for a healthy environment, well managed infrastructure, employment, business opportunities and education for their wellbeing and long-term economic success." Kokatahi is fortunate to have its needs addressed when considering this statement. The environment is healthy and productive, there is well-managed infrastructure for a small settlement of its size, employment opportunities, and a primary school. The introduction of an industrial composting facility does not contribute to these needs and has the potential to adversely affect them.

Chapter 4 of the RPS identifies that the resilience and sustainability of communities has relied upon industries which utilise resources to promote economic development. This chapter identifies that a significant issue for the West Coast is population decline. Kokatahi is typical of small settlements on the West Coast in that it homes a small population to support local and nearby enterprises. A relatively small number of residents leaving settlements such as Kokatahi can unfortunately kickstart inevitable declines of habitable communities. The proposal has the very real potential to impact the amenity and character of Kokatahi so that it encourages residents to leave and discourages others to relocate. It also has the potential to affect property values which would impact the economic wellbeing of existing residents. The proposal presents an unnecessary gamble for the future of Kokatahi by introducing, alongside existing sensitive activities, an industrial composting facility which seems to rely on unsound environmental management principles, insufficiently demonstrated processes and methodologies, and ideal meteorological conditions in a region noted for inclement and dynamic weather patterns.

Chapter 5 of the RPS identifies that the use and development of resources on the West Coast has been key in providing for the social, economic and cultural wellbeing of the region. However, it is noted that land use activities can be incompatible with each other creating conflict. Planning for this ensures that the social, economic and cultural wellbeing of communities is looked after. Policy 2(a)(ii) explains that siting new activities near industrial activities can result in reverse sensitivity effects as a result of such conflict. In Kokatahi though, it is the opposite of this situation which could result in the same negative outcome; the siting of an industrial activity near existing sensitive activities.

Chapter 10 of the RPS addresses air quality and recognises that industrial discharges to air including odour and dust are a by-product of resource use and development by people providing for their wellbeing. However, Policy 2(a) of this chapter advises that the management of these adverse effects must consider reverse sensitivity and not site incompatible development in proximity to activities which discharge contaminants to air. This means not establishing sensitive activities such as residences, schools, etc. near those activities discharging to air. However, in Kokatahi it is the appropriately-sited, sensitive activities which are already in existence, and the siting of a new industrial facility which would discharge to air which would create the incompatibility.

7. Part 2 Resource Management Act 1991

Section 5 of the RMA states that the purpose of the Act is to promote the sustainable management of natural and physical resources. The proposal will not enable, and will likely at some point adversely affect, the community in providing for social, economic and cultural wellbeing, and health and safety. It has been demonstrated that the effects and management of odour are not well understood and problematic to resolve. The proposal risks creating adverse effects on the life-supporting capacity of air, water, soil and ecosystems in the wider area and has the potential to impact the foreseeable needs of future generations. Avoidance, as the first and most effective method in the hierarchy of controls, should be considered in earnest in accordance with s5(2)(c).

Section 6 of the RMA describes the matters of national importance with regard to the use, development, and protection of natural and physical resources. The proposed activity is likely at some point to create adverse effects on the natural character of nearby rivers and margins. This is not consistent with s6(a).

Section 7 of the RMA describes the other matters which are to be regarded in managing the use, development, and protection of natural and physical resources. It has been demonstrated that the proposal will at some point likely affect amenity values and the quality of the environment. Through discharge to land and water there is the potential for adverse effects in the Kokatahi River and Duck Creek which is a known source for trout. The proposal also does not demonstrate sound mitigation practices or sufficient consideration of the surrounding environment and its values. This is therefore inconsistent with s7(aa), (b), (c), (d), (f), (g) and (h).

Section 8 of the RMA states that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are to be taken into account in relation to managing the use, development, and protection of natural and physical resources. The SASM-115 Pukehika Pā is within 870m to the northwest of the subject site meaning it is within the same distance of the potentially affected area as identified in Mote's May 2025 report. The applicant has not addressed this in their application or provided any evidence of consultation with Poutini Ngāi Tahu. This is not necessarily consistent with the provisions of this section. It is noted that the West Coast Regional Council have identified Te Rūnanga o Ngāti Waewae as an affected party.

8. Locational Logic and Alternatives

The applicant's primary feedstock source, Silver Fern Farms, is located within the General Industrial Zone (TTPP), on a large, well-served site where composting would be expressly anticipated and environmentally appropriate. TTPP identifies that the extent of the General Industrial Zone can accommodate additional industrial activities in the short- and medium-term and that sites in this zone are large enough to accommodate such activities. It is noted that the Westland District Council's sewage ponds are nearby to this location and also within the General Industrial Zone. This is a similarly potentially odorous activity which has been situated within an appropriate zone. This therefore provides precedent for this location on SH6 north of Hokitika. The addition of a composting operation would therefore not be considered to change the character of this wider area.

It is noted that Part 6.1.1 of the Composting Proposal and AEE does not explore alternative locations despite the potential for adverse impacts at the proposed location, and a more suited location in an appropriate zone much closer to the source of the material to be composted. This failure to select a suitable location demonstrates poor site suitability under the "avoid incompatible activities" policies of district and regional plans. Transferring waste 15 km into a

rural-residential area creates unnecessary environmental risk and planning conflict. There is no functional need for this activity to be located at Kokatahi.

It is noted that one of the Silver Fern Farms representatives present at the invitational community meeting onsite in May 2025 stated that “anywhere closer than Timaru” would be preferential for their compost material; an apparent reference to their current arrangement. While potentially received as hearsay, this respondent considers that comment to suggest a prioritisation of an improved financial position rather than best-practice environmental and social considerations. It is noted that Silver Fern Farms’ own allotment north of Hokitika is closer than Timaru, closer to the source of material from Westland Milk Products, and in a location where Silver Fern Farms as an interested party can conveniently monitor operations on their own site.

9. Relief Sought

It has been shown that:

- The proposal does not exhibit sound environmental management paradigms.
- The proposal does not adequately address and mitigate the effect of prevailing winds and local rainfall on the ability of the operation to be successful and to not create effects on the wider area which are minor or more than minor.
- There is not a functional need for the proposal to operate on the subject site.
- There is a suitable location to the immediate north of Hokitika which:
 - Is appropriately zoned General Industrial Zone (TTPP).
 - Has a character which includes other potentially odorous activities also located within General Industrial Zone (TTPP), i.e. sewage ponds.
 - Is owned and operated by Silver Fern Farms who presented themselves to the community as project partners and advocates for the proposal, and will be a source of material to be composted.
- Odour as an environmental contaminant remains difficult to manage and an understanding of the effects it can have on people and communities are not well developed.
- The proposed mitigation is based in unsound environmental management principles and will not be effective until at least such time as native plants mature and provide effective screening. Noting that screening is not guaranteed to provide adequate mitigation, and is just one (and not the first) option in the hierarchy of controls.

I respectfully request that the West Coast Regional Council decline the application for discharge to air, land, and water associated with the Von Ah composting proposal.

In the alternative, if the Council is not minded to decline:

- Publicly notify the application under s95A–D RMA, and
- Commission an independent peer review of odour, leachate, and amenity effects using verified onsite meteorological data.

10. Conclusion

This proposal represents an inappropriate industrial activity within a sensitive rural environment. The predicted odour effects extend into Kokatahi, the assessment information is incomplete and inconsistent, and the location is unsuitable given the proximity of existing sensitive land uses.

The application fails to achieve the purpose of the RMA, is inconsistent with Regional and District Plans, and does not represent sustainable management of natural and physical resources.

Though the RAQP is permissive in its approach to applications, the Kokatahi community urges that the Regional Council and the District Council also assess the application with regard to the rules, standards, objectives and policies of the ODP and TTPP. It conflicts with the zoning frameworks of both the Westland District Plan and the Te Tai o Poutini Plan (Decisions Version), breaches air quality and amenity provisions, and lacks functional justification for its sensitive rural location.

These documents consistently present justification for declining resource consent for such an activity in close proximity to an existing settlement, and existing rural land use and consented activities which include residences, commercial activities, a school, place of worship, and community hall. A precautionary approach should be implemented which:

- recognises people as the most important resource of Westland;
- reserves productive soils for productive activities;
- sites non-rural, industrial activities in locations without sensitive receiving environments within industrial zones;
- is committed to the long-term viability of settlements;
- understands that the management, measuring, assessment, and mitigation of odours and dust is challenging and that avoidance is the best form of mitigation;
- understands that composting facilities are consistently identified as odorous activities and activities which have high likelihood of undesirable adverse effects when mismanaged;
- recognises that the proposal does not go far enough to instil confidence in the proposed activity and likelihood of successfully managing adverse outcomes.

Accordingly, the activity should be declined on the basis of:

- significant and offensive odour and dust effects;
- inconsistency with local and regional planning objectives; and
- availability of more appropriate industrially-zoned land for the same purpose.

Signed:

A handwritten signature in black ink, appearing to read 'Andrew Thompson', with a horizontal line drawn through the middle of the signature.

Andrew Thompson BSc MEnv MEIANZ Assoc.NZPI