

Oral submission closing argument

Introduction

I am **Andrew Thompson**, resident of Kokatahi. My wife and I have owned property in Kokatahi and been ratepayers in the region for almost five years. We have lived in the area for about a year and a half and have recently built a house.

Thanks to the applicant for the opportunity to engage with them and Silver Fern Farms via a site visit in May of last year.

Thanks to WCRC for the opportunity to make submissions on the proposal and be heard in opposition to it here today. Particular thanks to Tin Nguyen for prompt communication and helping out with enquiries.

Thanks to the Commissioner for your time today, consideration of my submissions, and I hope you enjoyed your time in Kokatahi yesterday, beautiful as it currently is.

My qualifications and experience lie in the fields of environmental science and land management. I have a Bachelor of Science in Wildlife Management, and a Master of Environment in Environmental Protection. Over the previous 18 years I have worked in New Zealand, Australia, and Japan in various fields including conservation and bush regeneration, asbestos and hazardous materials management, contaminated land management, air monitoring, occupational hygiene, environmental tourism, and indigenous-led landscape management. I currently work in the field of planning and resource consents.

Some of my earlier experience includes environmental offsets and mitigation projects such as work with vegetative shelter belts around dust, noise, and odour producing activities such as quarries, landfills, and linear infrastructure.

I am a member of the Environment Institute of Australia and New Zealand, the Golden Key International Honour Society, and the International Ranger Federation; and an Associate Member of the New Zealand Planning Institute.

I will also submit a response on behalf of my wife who, as a primary school teacher, cannot be here on a weekday. She teaches at the local school which is just 370m from the boundary of where the proposed activity would take place. She makes her submission not on behalf of the school, but as a qualified educator who is a resident of Kokatahi.

Opening

I am not against the principle of composting or initiatives to reduce waste to landfill.

The assessment of this proposal does not turn on whether composting can be done well. It turns on whether effects from open-air composting can be reliably avoided at this location using conditions and monitoring. My submissions on the proposal referencing the statutory planning framework, scientific literature, and examples from New Zealand demonstrate that it cannot. The expert evidence which has been submitted and presented here today validates this assertion.

As explained to the Kokatahi community at the May 2025 site visit, the proposal would relocate existing processing from Timaru to Kokatahi. The environmental benefits to be gained are incremental at best, not transformative, and reflect that the biggest gains to be made are likely in logistical efficiency.

Odour not a manageable effect

Industrial composting operations such as what is proposed in Kokatahi have been shown in New Zealand and abroad to produce odour to levels beyond mere nuisance. This is demonstrated in peer-reviewed literature and New Zealand which also highlights the correlation between repeated odour exposure and adverse health and wellbeing outcomes. Odour effects are variable and episodic in nature, and are strongly influenced by operational and environmental factors. Odour is also inherently difficult to monitor and manage.

Odour is fundamentally different from most contaminants because it is assessed primarily through human perception rather than instrumental measurement. Trained human sensory panels use dynamic olfactometry, where assessors must undergo calibration and sensitivity testing to ensure reproducible results. This means that odour monitoring cannot prevent exposure, by the time an odour can be confirmed, the adverse effect has already occurred

I have provided references which support these assertions in my written submissions. I need not repeat that detail here unless there are questions on that material you would have me address.

The evidence presented by Mr van Kekem demonstrates the unfeasibility of the proposal, and that there is a significant lack of technical information and assessment in both the applicant's proposal and WCRC's s42A report.

Odour is a prime example of where adaptive management fails. Once odour is experienced the effect has occurred regardless of subsequent compliance actions.

Consent framework cannot deliver plan outcomes

The consent framework proposed by the conditions in the s42A report cannot deliver the anticipated and stated outcomes of the statutory framework. The s42A report proposes conditions which describe the operator being responsible for monitoring the environmental effects of the activity, and complaints as a trigger for action which means remediation can only happen after exposure has already occurred.

NZS 4454 is relied upon in an attempt to maintain adverse effects of the proposal within the boundary of the subject site. This, however, is a product standard and does not address off-site effects, air quality objectives or amenity provisions.

The sampling framework proposed in Annexures 1 & 2 do not measure odour, do not capture failures from storm events, and cannot detect short-term odour exposure.

The reliance on the assimilative capacity of Duck Creek, which is shown to already be a stressed water way, is inconsistent with objectives to maintain or improve water quality.

There is no explanation for how the conditions will achieve RAQP or RLWP outcomes, only how breaches may be recorded after the fact.

The controls relied upon in the s42A report only activate after someone has already been affected. A condition that merely responds to effects cannot be said to avoid or mitigate them.

Vegetation and existing distance are not mitigation

There is no evidence provided by the applicant or WCRC which suggests the proposed vegetative screening or the separation distance from existing sensitive activities will achieve the stated aims of the application, the s42A report, or the planning framework.

I have also worked in this space involving vegetative screening professionally. The best result is that a vegetative screen mitigates effects and ensures adverse effects are not felt beyond the boundary. However, this can only work theoretically once the trees have reached maturity and resemble a barrier. In reality, they frequently do no more than provide partial visual screening.

I have provided reference to literature which demonstrates the variability in results of vegetative screening for odour, which may even include exacerbating the effects. This referenced literature also demonstrates effects are documented far beyond buffers.

Tree screening may improve how the site looks, but there is no reliable evidence it improves how it smells.

Other effects

There are other effects from dust, noise, leachate, and traffic, for example, which I have not presented in as much detail. That is not to say that they are not also concerns. However, with the time available to prepare an opposition I have needed to make a call on where to focus my efforts.

Mr van Kekem's evidence points to the potential for effects from dust to be felt beyond the site boundary. It also points to deficiencies in the proposal for appreciating the noxious potential, effective treatment, and management of leachate which will be generated.

Planning conclusion

The s42A officer report relies on the assumption that conditions, monitoring, and adaptive management can manage effects that are inherently difficult to control and validate. This is not supported by odour science, monitoring capability, planning best practice, the s42A report itself, NZ experience, or the expert evidence presented today.

- The applicant has not demonstrated experience and sound practices with regard to the proposal.
- There is a high risk of failure for this proposal in this location.
- The effects cannot be demonstrably internalised and are likely to be felt at significant distances beyond the boundary.
- Monitoring relied upon in consent conditions cannot prevent harm.
- There is an existing sensitive receiving environment with residences, visitor accommodation, school, church, hall, pub, pony club, fire station nearby. This is not an isolated rural site with distant neighbours. It is a functioning community with established amenity expectations.
- Better locations exist as demonstrated in my submission with regard to the existing district plans and wider planning framework.

Where adverse effects are likely, difficult to monitor, and cannot be undone once they occur, the Act points to avoidance, not reliance on conditions.

There are also parts of the proposal which remain unresolved including composition and proposed additional locations to discharge leachate. The implications with this variability have not been assessed, and is not supported with evidence to demonstrate the effects of the varying and potential options for the activity are less than minor.

Where higher order objectives require the avoidance of offensive and objectionable discharges, the threshold is not whether effects can be managed after they occur, but whether they can be prevented with confidence. That threshold has not been met.

There remain unresolved aspects of the proposal — including feedstock variability and leachate discharge pathways — for which the environmental consequences have not been fully assessed. Conditions cannot lawfully substitute for missing impact assessment.

Avoidance of conflicting activities

Silver Fern Farms has been identified as a key feedstock supplier and presented itself at the site briefing in May 2025 as a project partner and advocate for the proposal. In their submissions on Te Tai o Poutini Plan, they have strongly supported reverse sensitivity provisions to avoid incompatible land uses locating near industrial activities.

That planning principle is entirely legitimate and I support it, but it must operate in both directions.

This proposal introduces a new industrial activity into an environment that already contains established sensitive receptors and amenity expectations. If spatial separation is necessary to protect industry from residential encroachment, it is equally necessary to protect established residential amenity from incompatible industrial activities.

Reverse sensitivity is about avoiding foreseeable land-use conflict, not managing it after it arises. For that reason, the planning logic advanced in Te Tai o Poutini Plan submission supports declining this application at this location.

Expert evidence

As a member of the Kokatahi Environmental Group who has engaged Mr van Kekem, I wish to briefly reiterate key points from his evidence as I close.

Mr van Kekem draws the conclusion that the applicant will struggle to produce a viable product via this proposal in this location, and rainfall in this climate makes it unfeasible.

Prevailing southwesterlies will limit when irrigation can occur. Rainfall amounts and frequency will limit when windrows can be turned.

Uncontrolled odour sources are not adequately addressed.

Standard procedures are not followed or outlined.

The proposed pad is not fit for purpose.

The proposal is inappropriately sited and there is high risk of generating offsite effects including offensive and objectionable odour beyond the boundaries.

Mr van Kekem identifies his concern for the applicant's relevant experience, and provides evidence of poorly run facilities generating offensive odour to 2km.

Submission of Ashlee Speirs

If I may, I will now read from what my wife has prepared for your consideration.

I am also here today to speak on behalf of my wife. She has been an educator at the local school and deeply regrets that she couldn't be here herself to share these concerns.

Before I begin, she wants it to be clear that she is speaking tonight as an individual teacher who works in our local school. She does not represent the Ministry of Education, the school and board, or her other colleagues. These views are based on her own professional experience and her personal concern for herself and the children she teaches every day.

As a teacher, her main goal is to create a safe, focused, and healthy environment for her students. She often speaks about how the physical environment acts as a 'third teacher'—it sets the stage for everything a child achieves in a day. In her experience, for students to thrive, they need a space free from external distractions that can pull them away from their learning.

She has shared with me stories from her career where external factors like smoke or odours have directly inhibited teaching. She has seen firsthand how these distractions can make it difficult for children to play outside happily or concentrate on a lesson, both indoors or outdoors. Her concern is that if the odour from this proposed plant becomes a constant presence, her classroom will lose its ability to maintain a space of calm and focus.

She worries that on the warmest days, instead of opening windows for fresh air, she might be forced to keep them tightly shut to keep the smell out. This creates a stifling, stagnant atmosphere that is simply not suited for high-level learning or physical comfort.

My wife wants to be clear: she is not against composting. In fact, she teaches her students the value of sustainability every day. However, she is deeply concerned about the location of this plant. She believes a school should never be a 'buffer zone' for industrial activity; it is the heart of our community.

On her behalf, I urge you to reconsider this proposal. Please help us keep the learning environment clean and safe so students can focus on what matters most: their education.

Closing

Commissioner, I have strived to limit the detail in my address today as it is all in my written submissions. Though the information in the applicant's proposal and Council report is minimal, the wider literature, planning framework, and expert evidence addresses numerous issues.

I do want to say one final thing by way of context.

My wife and I have travelled the world including the vast majority of this country. We chose to live in Kokatahi because of its quiet amenity, its clean environment, and its closeness to nature. Those values are not abstract to me, they are the reason I am here, and the reason I have taken the time to engage carefully and respectfully in this process.

My concern is not theoretical. It is about whether this proposal changes the character of Kokatahi in a way that cannot be undone once consent is granted. That is why I have focused so strongly on avoidance, rather than management after the fact.

For these reasons, where adverse effects are foreseeable, difficult to control, and cannot be confidently prevented through conditions, respectfully Commissioner, I invite you to decline the application.

Thank you, Commissioner.

Hi, my name is Charlotte and I am one of the owner/occupiers of [REDACTED], and one of the owners of [REDACTED] Kokatahi Road. I also have a Bachelor of Science in Microbiology attained at Otago University. As stated in my written submission I oppose the proposal Resource content proposals.

I would like to share a number of reasons for opposing consent being granted for this activity.

My first concern is based around the starting point of this endeavour. It has been said that the definition of insanity is doing the same thing over and over again and expecting different results. As I highlighted in my submission it was noticed by Odour expert Mr Baynham that parts of the initial proposal were copied from another composting business that at the time of the application was in court cases for breach of consent. On Wednesday this week that same business was reported by 1News on their website to have been fined over \$71,000 for offensive odour. That figure was reduced from \$95,000 as a discount was given due to the companies' guilty plea. On one inspection, odour from the composting business was found about 2.5km from the site's entrance.

This particular Compost business is obviously poorly managed and controlled, but as this was a starting point for the current proposal, my concerns, I believe are rational. As a microbiologist I understand aerobic and anaerobic decomposition. In researching static pile composting I learned that it is described as a "less-managed method suitable for home composting" when describing passive static pile composting. While the proposal describes turning the piles for aeration, the von Ah proposal cannot be described as aerated static pile composting as there is no mention of a fan system to actively aerate the pile.

In another search I found an article from a website called Biocycle, that makes the claim of being "The organics Recycling Authority – Since 1960".

The article I read was titled "How to Avoid Composting Facility Development Pitfalls" written by Ron Alexander who has over 35 years of experience in the composting industry. He writes that odour is possibly the greatest cause of composting facility shutdowns and that odours are always generated during the commercial composting process. He also states that the location of a composting facility often goes hand in hand with nuisance odours and that siting a facility too close to neighbours is a classic mistake of the composting industry. He concludes his article by stating realities including the bullet point, No composting facility is odour-free. He also provides the following advice, "To minimise the possibility of facility failure, learn from the past. Allow past experiences in composting facility design and operation to shape the design and operation of future facilities." Therefore, it would be prudent to learn from the example of the compost facility up north and consider whether starting a compost business using the same method of composting, rather than choosing to implement advanced technology, this close to neighbours is sensible.

Another search I made was for "windrow composting new zealand" on 28/10/2025 (Appendix A Figure 1a & 1b)

One of the search results was from a Company that specialises technology for compost systems. One of their case studies is of a New Zealand compost company called Judds. The case study says

"They (Judds) had been composting mostly green waste and some paunch using turned windrows, but the local concern about additional odors required better control over the biological process."

The solution provided by the engineering company was to use an in-vessel system that used biofilters for the air to remove the odour potential, before further processing in windrows. Biofilter and active air introduction technology is mentioned in multiple searches of industrial composting, so I do not understand why a rudimentary method of composting is being proposed.

Beyond my concerns that the proposed composting business is too close to neighbours and is not keeping up with technological advances in the industry, I am also concerned about some of the science. This has led me to have some questions that are not satisfactorily answered in the proposal.

Firstly, the obvious is around maintaining aerobic conditions. Our air expert clearly raises these in his report. I would like to add in my previous professional experience as a microbiology technician at Westland Milk Products I found that microbes did not always behave as expected. In those cases, pure strains of bacteria, placed in ideal conditions, would sometimes fail to grow. When that happened, the lab had stringent written

policies to follow so that there were no negative effects to the public. In the case of composting though, if something happens to the microbes the only way to know will be because of the negative effects of odour on the local community, and then how long will it take for control to be regained and the odour to no longer be affecting the neighbourhood?

Secondly, in the proposal it states that leachate from the mixing bunker goes to the same pond as leachate from the compost pad. My concerns here relate to pathogens being released during irrigation of the leachate pond onto land growing feed for animal consumption and possibly water. The composting process is meant to pasteurise the feedstock and therefore the leachate from the compost should contain no pathogens. However, the feedstock from the mixing bunker has not undergone this treatment, and there may be windrows that haven't reached to required temperature for the required duration to achieve pasteurisation. Therefore, I am concerned both these sources could be putting pathogens onto land, into water and onto crops for animal ingestion.

Finally, I want to reiterate the closing comments I made in my submission. I simply do not want to live next to a waste processing compost business. My husband and I chose to buy our properties here in the Kokatahi Valley because of the pristine Duck Creek and farmland. I cannot believe that anyone else would choose to live, and specifically choose to buy a home, within 300m of an industrial composting business either. Therefore, if this proposal was to go ahead our two properties would become valueless overnight as it were, and we would have no viable way to leave.

As others have today, I urge the resource consents applied for to be declined.

Appendix A

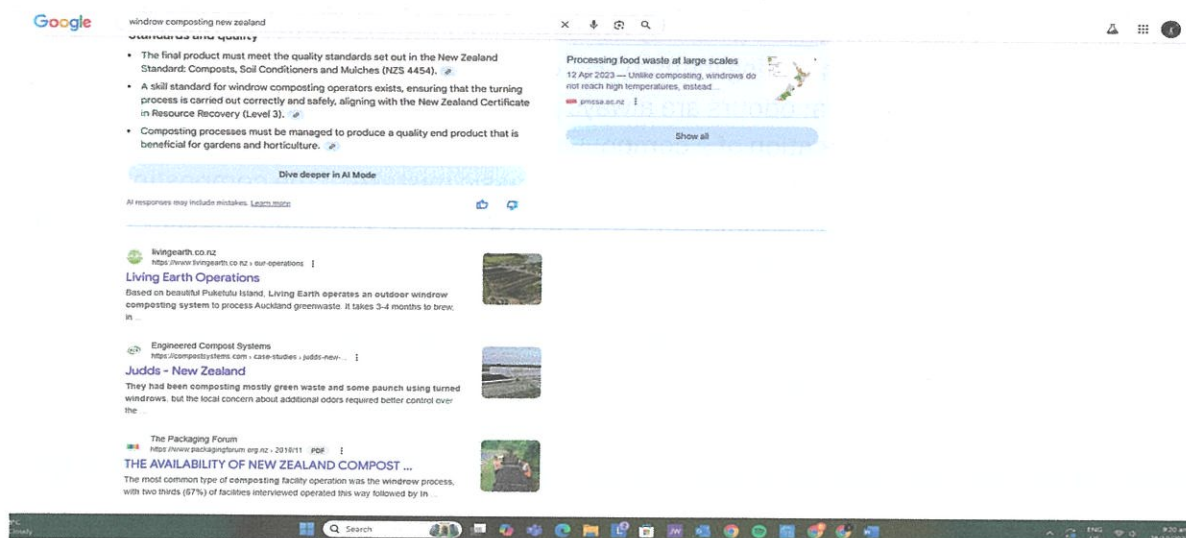


Figure 1a.

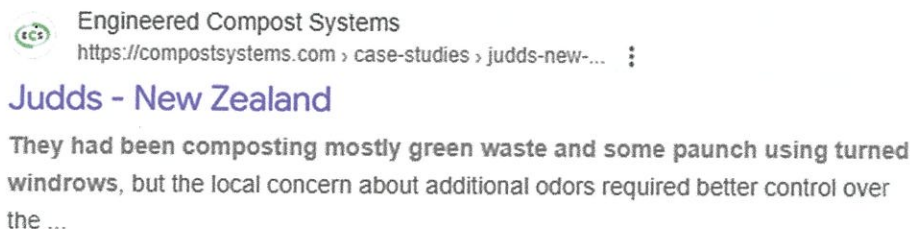


Figure 1b.

Charles Patton

I'd like to thank the West Coast Regional Council for the opportunity to address the panel on the application from Von Ah contracting for discharge of contaminants.

I'm a resident of Valley for over three years. I come from a manufacturing management background and have been self-employed for the last 25 years, so I understand managing plant people, methods and procedures.

We initially believed that composting was a simple process, but not anymore.

The Ministry for the Environment, explaining the RMA in layman's terms says.

"The RMA encourages us to get involved in deciding what's best for the environment by telling our local councils what we value about it. This is because you, as locals are best placed to know your own surroundings and you should be involved in what we need to protect and how."

The application put before West Coast Regional Council for the proposed operation is a cut and paste from other composters in areas nothing like ours.

We have seen the footers at the bottom of the draft application which came from sites like Uruti and Silver Fern Farms own Finnegan operation.

Mr. Banham also picked up on this in point 6, page 17 on the Mote report.

Both sites that I mentioned are notoriously odorous. So, while making compost seems simple, it just takes feedstock in a balance air and water. The methodology that the applicant is asking you to trust him with is untested and unproven to work in our environment.

Open static pile composting is the least technical and controllable method, and open to the vagaries of its inputs and environmental extremes.

At point 56 in Mr. Van Keken's report, he draws this point out.

He says "the site is subject to very high rainfall rates. Such high rain rainfall rates are likely to make it very difficult to maintain moisture content within the compost windrows."

This is not an application for a proven method in our unique valley environment, but it is a proposal for an experiment where the local receptors, be they the air, soil, the water or the people are the Lab Rats.

A sentence in the management plan at point 4.3 reads.

"With this being a new system, consideration will be made as to whether the windrows will need to be covered for high rainfall events in order to minimise runoff and any negative impacts to the composting process."

So, the applicant is clearly unsure how our rainfall will affect his process. To give an example of this newness to the process of making compost, the applicant states in both the compost Process Overview and the management plan at point 4.2 that temperature is the main process variable by which the compost will be managed. Turning the piles releases heat and allows for aeration. Mr. Van Keken, in points 59, 63, and 65, states that temperature and moisture can stray outside the parameters and the process will struggle to produce a viable product. In the compost overview document on page 9 it says reaction slowing down. Once the process stops, it's hard to restart. So, this process is not like a burst pipe that can be fixed when the water is

turned off. This is a slow process that when it goes outside the parameters isn't easily or quickly fixed.

Point 59 of Mr. Van Keken's report addresses this.

"If a windrow is turned during rainfall events, the temperature profile and moisture content within the compost can stray outside the recommended parameters. Further to this, whilst rainfall can slough off the side of the windrow, some moisture will always be absorbed into compost profile. When compost becomes too wet the ability for air and oxygen to be provided to the aerobic microbes is diminished and the aerobic microbial population dies off and anaerobic microbial populations begin to propagate within the compost, leading to the emission of foul odours."

So, a question for the panel and Commissioner to direct to the applicant, if they would, Who was the expert advisor who assured Von Ah contracting that this methodology would work in a 3200 millimetre plus annual rainfall environment?

We have a report on Duck Creek by Mr. Horrox from the WCRC which in summary states the Creek has low dissolved oxygen levels which benefits algae growth. E coli is high due to intensive farming and high rainfall. Its clarity is due to its being groundwater recharged. And he says it doesn't need more nutrients.

This testing is done at the bridge above the Von Ah contracting operation. As highlighted in Mr Webb's soil report, runoff will be mainly below the soil surface and as the soils have little moisture deficiency, spread leachate can run through drains into waterways.

The Von Ah contracting irrigation plan section 4.4 talking about leachate being spread to winter crop paddocks. Last winter 2025 The wintering paddock had 150 diameter coil drain running directly into Duck Creek. The impact on this Creek and other waterways will be constant and unknown until something like the event at the Azwood site in Tasman District occurs. This event was of leachate entering a nearby creek, breaching their consent. The discharge resulted in serious adverse impact on the in-stream ecology for up to three kilometres, which is likely to have resulted in fish and invertebrate kills. They were fined \$144,000.

There is no method mentioned in the management plan, points 4.3 and 4.4 to gauge scientifically what constitutes first flush and when solids and nutrient levels are low enough to divert the stormwater straight into a direct drain to the river. Looking at water and saying it's clear and safe is no gauge. For example, the report on Duck Creek, which runs very clear but has high E coli and nutrient levels that don't need adding to.

Ngati Wae Wae are completely correct in asking for expert proof that this system will not negatively affect waterways, and without this knowledge how the Council's conclusion regarding the effects of the proposal are acceptable, on surface and groundwater, could be made.

As to our view of the amenity values of living in the Kokatahi Valley, in Doctor Jarman's report, he concludes from the survey that a high proportion of households was sensitive to amenity values of the area and would be very intolerant of offensive odours. This dovetails with point 30 in Mr. Van Keken's report that points out that the residents of the settlement zone have a higher expectation of air quality amenity effects given the nature and zoning of the area.

This is very true as most of the submitters chose to live here for the aesthetics and qualities that rural living offers. The exception is Warren Diedrichs who is 4th generation coaster and has deep roots in the valley.

We know what a herd of Jersey cows smell like. We understand the smell of silage. These are expected rural odours and are in the short term tolerable.

So, to apply this view to real time settings. Our fine weather often coincides with the South westerly wind. It's raining in Canterbury we're in sunshine, so outside activities are going to be in direct flow from the applicant's site. This impacts the ability to open windows to air our houses, barbecues and gatherings, outdoor events at the school or even the hall or pony club. And you can imagine the effect on a wedding at the church or sitting outside the Kokatahi pub for a beer.

In addition, the school has an open-air classroom which is used extensively for lunch times to bring the pupils together to eat their lunches. As well as a fresh air environment to do schoolwork in as a change from being indoors. This is our expected aesthetic and our normal. The peace we expect in a quiet settlement includes the Peace of Mind of not having the offensive odour of a composting plant going anaerobic.

Section 104 1a of the RMA requires decision makers to have regard to the actual and potential effects of an activity. That's point 48 in the Council's 42 A report. Surely this would take an empathetic evaluation of the most important sensitive receptors. It's people.

Examples like the State of Victoria Environmental Protection Agency section 5 point 3.3 and its table of suitable activities as interface land uses within an odour separation distance. It states land uses sensitive to odour and dust, including dwellings, hospitals, aged care facilities, education centres, childcare centres, places of worship, corrective institutions. Which, apart from a couple of those items, describes our settlement. Under suitability, it says, to be prevented. This proactive stance eliminates problems.

In conclusion, a point of concern from the 42a report under Reasons for Recommended decision point 103 granting it is consistent with the purpose and principles of the RMA.

The purpose of this act, according to the RMA itself, is to promote the sustainable management of natural and physical resources.

The Ministry of the Environment puts it in layman's terms. It says its purpose is to ensure activities won't harm our neighbours or communities, or damage the air, water, soil and ecosystems. The science and experience, from the experts says it will.

Points 105 of the 42A says due to the relative uncertainty associated with composting activities in this environment and its potential volatility if not managed correctly the recommended term has been truncated to 10 years.

Thus, there's no expert or scientific data to say this methodology will work in our valley. It is not worth taking the risk for 10 years when the experts are warning against the hazards.

This proposal to convert industrial waste into compost is a new experience of all here in this hearing, including probably the WCRC officers, the applicant and the submitters.

It is not worth taking the risk on this proposal and we therefore oppose it and want the resource consents denied.

SUBMISSION AGAINST THE VON AH COMPOSTING PROPOSAL APPLICATION

Adair Quaipe

Although the idea is great in itself , the area is unsuitable if not managed well.

I have a copy of Donvovan Van Kekem's Report which I will refer to as I present my submission.

- ☐ First, the open air composting processing business is too close to residential housing. I live close to the composting area, as a homeowner and see myself as a sensitive receptor as noted on page 6 paragraph 20, of the report, noting that I would be effected by air pollution and have a reasonable expectation that enjoyment of the amenity values of that place will not be materially impaired by the effects of odour or dust
- ☐ For residents who collect their water (no well) for consumption there is no guarantee that composting dust will not be picked up by the prevailing south westerly winds. The data from the Mote report from the Hokitika airport does not correspond to the differences in Kokatahi environment . Therefore there is a risk that water collected for consumption from residential roofs (including the school) ,and airborne dust/moisture may carry Legionella bacteria causing a severe respiratory disease . Legionella bacteria is found in soil and water, with common sources being potting mix or compost and warm water systems
- ☐ There is no guarantee that the shelter belt proposed by the applicant will prevent wind blown dust or any odour and spray drift from irrigation systems to contaminate residential properties, particularly in its early stages of growth. Reference to the spray drift page 22, paragraphs 77 - 83
- ☐ My concern with the range of proposed feedstocks (as listed in 42a report), which appears to have been updated , (reference page 5 paragraph 16) of Donovan's report, as to whether it leaves any ability to increase the range of feedstocks, including carcasses if the property was sold on at a later date.
- ☐ In conclusion, if the proposed application for composting so close to residential housing and a primary school, if not managed well and monitored regularly, the odour ,dust and increased heavy traffic to the area, will also lower the the value residential properties and enjoyment of the area, which is why we bought properties in the country in the first place. I refer to page 17 paragraph 54 of the Donovan Van Kekem report

Before the Independent Hearing Panel
appointed by the West Coast Regional Council

Under	the Resource Management Act 1991
In the matter of	a resource consent application by von Ah Contracting Limited for a section 15 discharge to air permit associated with the operation of a composting facility at 1047 Kaniere-Kowhitirangi Road, Kokatahi (RC-2024-0136)

Summary Statement of Donovan Van Kekem

26 February 2026

Qualifications and experience

- 1 My full name is Donovan Van Kekem. I am the Managing Director of NZ Air Limited and have held that position since establishing NZ Air Limited in 2016. My qualifications and experience are set out in my evidence in chief (EIC).
- 2 I have been engaged the Kokatahi Environment Group (**KEG**) which consists of a number of submitters who have made submissions on the application by von Ah Contracting (**VAC**) to discharge contaminants to air associated with the operation of a composting facility at 1047 Kaniere-Kowhitirangi Road, Kokatahi. I have been engaged to review and provide my expert air quality opinions on the application for an air discharge consent by VAC.
- 3 I have reviewed the application documents, Mote technical reports and s42a report and have a good understanding of the proposed infrastructure and processes on-site. I have also visited the site surrounds (on 13/2/26) and have a good understanding of the receiving environment.
- 4 In my EIC I have assessed the existing environment surrounding the proposed VAC composting facility. I have discussed the local meteorological conditions and how they may affect the composting process and the ability for air discharges from the proposed site operations to travel to adjacent sensitive receptors.
- 5 I have provided my expert opinions regarding the applicant's assessment of effects. I consider that the assessment of air quality effects which has been undertaken by the applicant is inadequate and not consistent with industry good practice for a consent application of this nature.
- 6 I have concerns that the proposed wind direction restrictions on certain site activities such as windrow turning and leachate irrigation will inhibit the applicant's ability to effectively operate the site to the standards proposed.
- 7 In my EIC I have outlined a number of aspects of the proposed operations which are inconsistent with industry best practice and potential facility design oversights.
- 8 I consider that the separation distances between the proposed site operations are much too small for the proposed composting methodology and operations. They are much smaller than the published recommended separation distances for a composting operation of this nature and scale. In my expert opinion the applicant has not provided a sufficiently detailed site specific assessment of potential adverse air quality effects to justify the smaller separation distances proposed.

- 9 Composting is inherently an odorous activity. In my experience even a well run turned windrow composting operation following industry good practice is likely to produce odours which are observable, and could be considered offensive in some instances, at a sensitive receptor 190 m from the facility.
- 10 Based on my experience and the technical advice I have reviewed, the very high rainfall rates at the proposed site will impair the ability for the proposed turned windrow composting operation to effectively compost the feedstocks proposed. I consider that with the proposed composting methodology and associated controls there is a real risk that the applicant will not be able to maintain aerobic conditions within the compost windrows. This will result in malodour emissions.
- 11 Given the small separation distances between the proposed operations and neighbouring sensitive receptors I consider that there is a high risk of offensive or objectionable odour effects beyond the boundary of the site.
- 12 I consider that should VAC wish to compost the proposed feedstock volumes and types on this site, it would need to move the site operations to the furthest extent of the site such that the separation distances are ~600 m or more and use a more advanced composting methodology which includes full enclosure of the operations coupled with foul air extraction and treatment.
- 13 Given the lack of evidential basis supplied in the application I do not agree with the overall conclusion reached by the applicant in Section 5.1 of the AEE that *"the effects of discharges to air are entirely contained within the site and can be avoided, remedied or mitigated to the extent that they are less than minor"*.
- 14 I have provided comment and suggested edits to the recommended consent conditions in the s42a report.
- 15 For the reasons I have outlined in my EIC I consider that it will be difficult for the applicant to comply with the proposed conditions of consent in the s42a report. As such I disagree with the s42a report conclusion that the proposal is unlikely to cause any significant adverse effects on the environment.

Donovan Van Kekem

Dated 27 February 2026

I'd like to thank the West Coast Regional Council for the opportunity to address the panel on the application from Von Ah contracting for discharge of contaminants.

I'm a resident of Valley for over three years. I come from a manufacturing management background and have been self-employed for the last 25 years, so I understand managing plant people, methods and procedures.

We initially believed that composting was a simple process, but not anymore.

The Ministry for the Environment, explaining the RMA in layman's terms says.

"The RMA encourages us to get involved in deciding what's best for the environment by telling our local councils what we value about it. This is because you, as locals are best placed to know your own surroundings and you should be involved in what we need to protect and how."

The application put before West Coast Regional Council for the proposed operation is a cut and paste from other composters in areas nothing like ours.

We have seen the footers at the bottom of the draft application which came from sites like Uruti and Silver Fern Farms own Finnegan operation.

Mr. Banham also picked up on this in point 6, page 17 on the Mote report.

Both sites that I mentioned are notoriously odorous. So, while making compost seems simple, it just takes feedstock in a balance air and water. The methodology that the applicant is asking you to trust him with is untested and unproven to work in our environment.

Open static pile composting is the least technical and controllable method, and open to the vagaries of its inputs and environmental extremes.

At point 56 in Mr. Van Keken's report, he draws this point out.

He says "the site is subject to very high rainfall rates. Such high rain rainfall rates are likely to make it very difficult to maintain moisture content within the compost windrows."

This is not an application for a proven method in our unique valley environment, but it is a proposal for an experiment where the local receptors, be they the air, soil, the water or the people are the Lab Rats.

A sentence in the management plan at point 4.3 reads.

"With this being a new system, consideration will be made as to whether the windrows will need to be covered for high rainfall events in order to minimise runoff and any negative impacts to the composting process."

So, the applicant is clearly unsure how our rainfall will affect his process. To give an example of this newness to the process of making compost, the applicant states in both the compost Process Overview and the management plan at point 4.2 that temperature is the main process variable by which the compost will be managed. Turning the piles releases heat and allows for aeration. Mr. Van Keken, in points 59, 63, and 65, states that temperature and moisture can stray outside the parameters and the process will struggle to produce a viable product. In the compost overview document on page 9 it says reaction slowing down. Once the process stops, it's hard to restart. So, this process is not like a burst pipe that can be fixed when the water is

turned off. This is a slow process that when it goes outside the parameters isn't easily or quickly fixed.

Point 59 of Mr. Van Keken's report addresses this.

"If a windrow is turned during rainfall events, the temperature profile and moisture content within the compost can stray outside the recommended parameters. Further to this, whilst rainfall can slough off the side of the windrow, some moisture will always be absorbed into compost profile. When compost becomes too wet the ability for air and oxygen to be provided to the aerobic microbes is diminished and the aerobic microbial population dies off and anaerobic microbial populations begin to propagate within the compost, leading to the emission of foul odours."

So, a question for the panel and Commissioner to direct to the applicant, if they would, Who was the expert advisor who assured Von Ah contracting that this methodology would work in a 3200 millimetre plus annual rainfall environment?

We have a report on Duck Creek by Mr. Horrox from the WCRC which in summary states the Creek has low dissolved oxygen levels which benefits algae growth. E coli is high due to intensive farming and high rainfall. Its clarity is due to its being groundwater recharged. And he says it doesn't need more nutrients.

This testing is done at the bridge above the Von Ah contracting operation. As highlighted in Mr Webb's soil report, runoff will be mainly below the soil surface and as the soils have little moisture deficiency, spread leachate can run through drains into waterways.

The Von Ah contracting irrigation plan section 4.4 talking about leachate being spread to winter crop paddocks. Last winter 2025 The wintering paddock had 150 diameter coil drain running directly into Duck Creek. The impact on this Creek and other waterways will be constant and unknown until something like the event at the Azwood site in Tasman District occurs. This event was of leachate entering a nearby creek, breaching their consent. The discharge resulted in serious adverse impact on the in-stream ecology for up to three kilometres, which is likely to have resulted in fish and invertebrate kills. They were fined \$144,000.

There is no method mentioned in the management plan, points 4.3 and 4.4 to gauge scientifically what constitutes first flush and when solids and nutrient levels are low enough to divert the stormwater straight into a direct drain to the river. Looking at water and saying it's clear and safe is no gauge. For example, the report on Duck Creek, which runs very clear but has high E coli and nutrient levels that don't need adding to.

Ngati Wae Wae are completely correct in asking for expert proof that this system will not negatively affect waterways, and without this knowledge how the Council's conclusion regarding the effects of the proposal are acceptable, on surface and groundwater, could be made.

As to our view of the amenity values of living in the Kokatahi Valley, in Doctor Jarman's report, he concludes from the survey that a high proportion of households was sensitive to amenity values of the area and would be very intolerant of offensive odours. This dovetails with point 30 in Mr. Van Keken's report that points out that the residents of the settlement zone have a higher expectation of air quality amenity effects given the nature and zoning of the area.

This is very true as most of the submitters chose to live here for the aesthetics and qualities that rural living offers. The exception is Warren Diedrichs who is 4th generation coaster and has deep roots in the valley.

We know what a herd of Jersey cows smell like. We understand the smell of silage. These are expected rural odours and are in the short term tolerable.

So, to apply this view to real time settings. Our fine weather often coincides with the South westerly wind. It's raining in Canterbury we're in sunshine, so outside activities are going to be in direct flow from the applicant's site. This impacts the ability to open windows to air our houses, barbecues and gatherings, outdoor events at the school or even the hall or pony club. And you can imagine the effect on a wedding at the church or sitting outside the Kokatahi pub for a beer.

In addition, the school has an open-air classroom which is used extensively for lunch times to bring the pupils together to eat their lunches. As well as a fresh air environment to do schoolwork in as a change from being indoors. This is our expected aesthetic and our normal. The peace we expect in a quiet settlement includes the Peace of Mind of not having the offensive odour of a composting plant going anaerobic.

Section 104 1a of the RMA requires decision makers to have regard to the actual and potential effects of an activity. That's point 48 in the Council's 42 A report. Surely this would take an empathetic evaluation of the most important sensitive receptors. It's people.

Examples like the State of Victoria Environmental Protection Agency section 5 point 3.3 and its table of suitable activities as interface land uses within an odour separation distance. It states land uses sensitive to odour and dust, including dwellings, hospitals, aged care facilities, education centres, childcare centres, places of worship, corrective institutions. Which, apart from a couple of those items, describes our settlement. Under suitability, it says, to be prevented. This proactive stance eliminates problems.

In conclusion, a point of concern from the 42a report under Reasons for Recommended decision point 103 granting it is consistent with the purpose and principles of the RMA.

The purpose of this act, according to the RMA itself, is to promote the sustainable management of natural and physical resources.

The Ministry of the Environment puts it in layman's terms. It says its purpose is to ensure activities won't harm our neighbours or communities, or damage the air, water, soil and ecosystems. The science and experience, from the experts says it will.

Points 105 of the 42A says due to the relative uncertainty associated with composting activities in this environment and its potential volatility if not managed correctly the recommended term has been truncated to 10 years.

Thus, there's no expert or scientific data to say this methodology will work in our valley. It is not worth taking the risk for 10 years when the experts are warning against the hazards.

This proposal to convert industrial waste into compost is a new experience of all here in this hearing, including probably the WCRC officers, the applicant and the submitters.

It is not worth taking the risk on this proposal and we therefore oppose it and want the resource consents denied.

Thank you very much for allowing us to speak - we want to present today our concerns about this composting application- we're not opposed to composting we are definitely opposed to this large scale technical operation at this location with an operator with no experience. Some of our concerns that we have are in our submission are, location, the type of feedstock and the skill and knowledge of the management. Potential for odours.

And we are very concerned that the applicant has not provided any expert evidence at all to show this will not have adverse effects.

We will briefly touch on our concerns, which are in our submission in more detail. We have individually and as a group of concerned residents engaged some expert evidence they will expand on our concerns.

We are also concerned the council is going against the mote report about the fact there will be an odour beyond the boundary. And also recommending a covered area for receiving high risk feedstocks like sludge DAF.

We are confused as to why the council after-hours team sent amended conditions last night with no opportunity to review or comment. As we all had agreed timelines for lodging evidence. Cost as all a lot of money and time, unrealistic to get this reviewed from our experts with this short notice. We reserve the right to seek time to respond fully if needed.

explain our **evidence #1** - Duck Creek and the Kokatahi River *are* listed as Significant Poutini Ngāi Tahu Waterbodies.

- **evidence# 2,3** - Soil report and photos showing flooding around duck creek and the applicants farm.

Points we will touch on:

1 - Cultural and Spiritual Values of Poutini Ngāi Tahu - Refer to evidence # 1

The Section 42A report appears to recognise only the Hokitika River as a waterbody of significance spiritual and cultural beliefs to Poutini Ngāi Tahu under Schedule 7C of the Regional Land and Water Plan. However:

- Duck Creek and the Kokatahi River *are* listed as Significant Poutini Ngāi Tahu Waterbodies on the WCRC website.
- Ngāti Waewae's submission identifies these waterways as having value and significance also.
- Duck Creek flows into the Kokatahi River, which then flows into the Hokitika River.

2 – Expert Evidence needs to provided - We share the views of the local iwi that the applicant should be providing expert reports that this proposal will work and **not** have an adverse effect on the land, air, water and local residents. As referred to to NZ Air report 22 & 23

3 - Nearby bores

The S42 mentions registered bore 635 meters away. There are multiple bores located close to the proposed site, including:

- A school bore approximately 250 metres
- The bore mentioned on the report at 1000 Kaniere–Kowhitirangi Road (approx. 600 metres from the compost operation). But 250 meters from duck creek. Which runs downstream from the site. There is no rain water collection at this property.
- There are additional unregistered bores near close neighbouring properties we have been informed about

4 - Lack of Applicant Experience and Operational Risk

The applicant has no demonstrated experience operating a composting facility of this scale. Composting requires careful, science-based management, especially in a high-rainfall environment. Lack of experience increases the risk of odour generation and operational failures.

At the June 2025 onsite meeting with silver ferns representative, the applicant stated:

A - The compost operation is secondary to their contracting business. They are busy "all day, every day," raising concerns about who will manage compost conditions (temperature, moisture, turning, pond levels before heavy rain).

B - They intend to "keep small scale until they get the recipe right," which suggests experimentation rather than proven method.

C - A Silver Ferns representative mentioned it would only be turned over not often, every 2 – 4 weeks, but the application says ideally weekly. while the Section 42A report suggests turning 3 times every 15 days. Turning is identified as a high-risk odour activity.

5- Long-Term Liability and Future Ownership

There is no clarity about what happens if the property is sold and the new owners do not wish to continue operating the compost facility.

Who becomes responsible for partially composted or decomposing material left onsite?

6-Quality of Life

We enjoy outdoor living—BBQs, dining outside, time with friends and family.

There is significant concern that odour will limit our ability to use our outdoor spaces, especially during summer, and have to close our windows

Property values may also be negatively affected if the odour becomes persistent.

7-School and Child Health Concerns

Local school children and staff spend time outdoors. Odour, dust, and potential bioaerosols pose risks to their well-being.

The wider community, including families with school-aged children, were not fully notified and therefore have not been able to participate in this process or understand the potential environmental exposure to their children while at school.

8-Nature of the Feedstock and Future Expansion Risks

A significant proportion of the proposed feedstock is industrial waste transported from multiple off-site industrial facilities. This includes:

- Waste derived from burning coal, Fly Ash
- Abattoir effluent and protein-rich organic waste, DAF Sludge

These materials carry elevated risks in terms of odour generation, leachate contamination, and environmental impact. The application does not clearly define what additional feedstocks may be added in the future, nor does it provide limits on volume or type.

Of particular concern is the statement in the applicant's Composting Proposal (page 36), which notes the intention to:

"include a new feedstock, subject to the approval of the West Coast Regional Council."

This broad, open-ended provision creates significant uncertainty for the community. It potentially allows for:

- Increases in industrial waste volumes over time
- Introduction of new, higher-risk waste types
- Expansion of the operation without further public notification

Given the proximity of the facility to homes, accommodation provider, bores, waterways, and a school, we believe **any changes to feedstock type or volume should trigger a limited public notification and reassessment**. Approval for new feedstocks should not be delegated to a simple administrative sign-off.

9- Work already started

We are concerned that significant works have already been undertaken on the site—such as construction of the base, placement of a large pile of coal/fly ash, and formation of a pond—prior to resource consent being granted. This raises serious doubts about the applicant's willingness to comply with council processes and conditions in the future.

Furthermore, there is no assurance that the pad and pond have been constructed to the standards set out in the application. Without independent verification, the integrity of these structures and their ability to prevent environmental contamination cannot be guaranteed.

There has been a large pile of fly ash sitting onsite for many months (possibly up to 1 year), the dangers are well known and documented and yet the council has allowed this pile to remain even after being notified, raising concern about potentially harmful effects land, and water and residents.

10- Contamination of Surface and Ground Water, and Land And water ways- **Refer to Trevor Webb report and attached photos of flooding. Evidence 2 and 3**

further points below:

Inappropriate siting of industrial waste processing facility The application would inappropriately establish an industrial waste processing facility at what is currently a rural site surrounded by

waterways, residential homes, tourist accommodation, a school, a church, and an eating establishment.

Nature of the Feedstock Much of the feedstock for the proposed composting facility is industrial waste to be sourced from other industrial premises or facilities. This includes waste derived from burning coal, and abattoir effluent and proteins transported from off-site sources. Concerns about being open to increasing volume and adding new feedstock types in the future.

Risks from Coal/Fly Ash and Abattoir Waste Coal ash - Fly Ash is known to contain heavy metals and toxic elements. The mixing of fly ash with abattoir effluent, and wood chip soaked in animal waste creates a hazardous and odorous combination. The proposal does not clearly define what additional materials may be added in future.

As many residents collect their drinking water from rainfall on their roofs, there is no reticulated water supply system in this area. Therefore, these heavy metals could easily contaminate water supply and severely affect our health.

Pests: We are concerned that this composting facility could attract pests such as rodents and flies. Once these pests are established in this area it is hard to mitigate or control.

Odour and Amenity Effects The proposed activity will generate significant adverse odour effects, and will adversely impact on the rural and rural residential amenity values of the location. Open windrow composting has a well-documented record throughout New Zealand of producing persistent odour and nuisance effects. Councils across the country have struggled to manage public complaints and compliance issues arising from such facilities. Refer to Donovan Van Kekem report.

Contamination of Surface and Ground Water, and Land And water ways- The proposed activity is included in the Hazardous Activities and Industries List (HAIL) and will lead to contamination of ground and surface waters, and productive lands. Affecting fish and breeding birds, recreational activities. Duck Creek and Kokatahi River are close to the proposed site. The risk of leachate flooding during high rainfall events, which could breach the pond and carry contaminants into Duck Creek and the Kokatahi River. The application relies on pumping out the pond before heavy rain, but it does not clearly define:

- What constitutes a “high rainfall event”
- How forecasts are monitored and acted upon

Inadequate Mitigation The proposed mitigation—establishing boundary plantings—is insufficient. Trees will take years to mature, and no existing hedges or wetlands currently provide containment of odour, dust, or pests. Experience from other regions shows that effective mitigation of windrow composting odour requires engineered solutions such as: • Enclosed bunkers with mechanical aeration, • Biofilters • Fully enclosed composting systems. None of these are proposed here.

Unsuitable Location The proposed site is immediately upwind of a school. Also a small settlement zone containing homes, businesses, a church, a restaurant, a pony club, and a fire station—all within approximately 800–900 metres. The cumulative impact on health, amenity, and well-being will be significant. The odour impact zone includes part of the route to the Hokitika Gorge, which is one of Westland’s premier and iconic tourist attractions.

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. Using land that has these valuable soils for non-agricultural activities is not the best use of an important non-renewable resource. The storing and processing of compost could happen in areas with less valuable, or less productive soil. We need to protect these rare soil types. A precedent effect will be set for even more development of this type within the rural zone on these high-quality soils.

Visual impact

Visual amenity and rural outlook & character on existing land uses nearby would be affected.

Property Value

The effect of the resource consent being granted would be that we and other residents in or around Kokatahi settlement would have our property value reduced.

Section 42A Officer Report

- The duration of consent (officers report changes length from 20 years to 10 years, the amended application was only for 15 years).
- The location and suitability of alternative land for irrigation—this information is unclear and incomplete. 20 kms is a radius of arahura valley, kowhitarangi, ruatapu. Are these near water ways, houses?

Complaints Register Transparency

Condition 5 of the draft conditions from the S42 officers report requires the applicant to maintain a complaints register. Is there a register that is publicly accessible upon request, so affected residents can ensure complaints are being recorded accurately and acted upon.

Inadequate Consultation and Notification

The consultation process has been insufficient for a proposal of this scale and potential impact:

- The notification period by the applicant was rushed, leaving residents with insufficient time to understand the application, .example Notified on a Tuesday wanting an answer by the following Monday.
- Important environmental information was not adequately presented to the affected parties, (only on an "if they wanted to know they could of asked basis)
- The application contains repeated "copy-and-paste" text from unrelated applications elsewhere in NZ.

Given these issues, the community has not been meaningfully engaged, and the assessment of environmental effects cannot be considered robust.

Odour Risk and Management Concerns

The Mote Report (p.15) clearly states that materials in an advanced state of decomposing—such as animal remains and DAF sludge—should be refused due to the significant odour risk they pose. Quantities exceeding 0.5 m³ of anaerobic material are particularly difficult to manage without creating off-site odours.

Although immediate composting of high-risk feedstock is recommended, this is often impractical due to weather and operational delays. The report recommends a covered receiving area with odour extraction and treatment via a partitioned biofilter with manometers for monitoring.

I request clarification from Council on how these recommendations would be implemented and enforced by the applicant if consent is given.

Conclusion:

Decline consent to avoid the adverse effects identified by the experts.