

Oral Submission to the Independent Hearing Panel

**West Coast Regional Council – Resource Consent Application RC-2024-0136
Von Ah Contracting Ltd – Commercial Composting Facility, Kokatahi**

Presented by Charles Vincent Patton and Raewyn Joanne Patton
12 Ackland Street, Kokatahi

Dated: 27 February 2026 (the hearing)

Kia ora, Commissioner, West Coast Regional Council, Applicant, Expert Witnesses, and Submitters.

Thank you for the opportunity to speak in support of our written submission dated 14 November 2025.

We are Charles and Raewyn Patton, long-term residents at 12 Acland Street in the Kokatahi small settlement zone. We moved to Kokatahi to retire near our daughter and son in law, the Mitchell's - also here today, and who have the accommodation venues bordering the proposed composting site. We oppose the granting of all three resource consents (RC-2024-0136-01, -02 and -03) in full.

We are members of the Kokatahi Environment Group (KEG) and support the expert air quality evidence of Donovan Van Kekem (dated 19 February 2026), which directly addresses the air discharge aspects of this proposal.

Mr Van Kekem is a highly qualified and experienced air quality expert who has assessed dozens of composting facilities across New Zealand. His evidence provides independent, technical support for every key concern we raised in our submission. We incorporate his quotes and page references below to show why this application must be declined.

1. Inappropriate siting of a Commercial Composting facility in a rural/residential area

Our submission stated that this is a commercial activity being brought into a rural site surrounded by waterways, homes, tourist accommodation, a school, a church, and an eating establishment. The von Ah proposal states the feedstock is being trucked into the Kokatahi area. It is not a proposal to reduce or recycle waste produced on the Von Ah property so *they* are not currently sending this material to landfill.

Refusing to consent the application will not adversely affect the environment at all nor end the Applicant's existing livelihood. Approving this application has a very significant potential to end a number of existing livelihoods... as our Expert Witness supports in his evidence.

Regarding this imported waste, Mr Van Kekem confirms:

"The separation distances between the proposed VAC composting operation and the nearest sensitive receptors are all well *within* [published guideline] distances... There are a large number of dwellings and the local school which are within many of these guidelines." (p 16, para 48)

He lists multiple national and international guidelines:

- Victoria EPA: 650 m for turned-windrow composting up to 5,000 t/year

- South Australia EPA / ACT: 1,000 m
- Netherlands: 225–300 m (but only with conventional turning and low-risk waste)

The school is only 430 m away, the closest dwelling is 190 m away, tourist accommodation is within 280m, and our small settlement zone is approximately 650 m away. These distances are far too small.

2. Nature of the Feedstock & Risks from Abattoir Waste and coal fly ash

We highlighted that much of the feedstock is commercial industry waste, including abattoir DAF sludge, coal fly ash, and that some materials are hazardous as detailed in the proposal documents. We noted the applicant lacks the expertise to manage pathogenic and pest risks.

Mr Van Kekem states:

“I consider that it will be imperative for VAC to have a very high level of odour capture and control for some of the feedstocks proposed... In particular, abattoir DAF sludge, old silage... and the composting of paunch grass... are of particular concern.” (p 17, para 52–53)

“The current proposed method of receiving these feedstock streams in a bunker and combining them in a 1:1 mix of wood chip is not consistent with best practice for high-risk feedstocks. Best practice is for these feedstocks to be received in an enclosed building which is maintained under negative pressure via a foul air extraction and treatment system.” (p 17, para 53)

Coal fly ash, spoiled silage, used calf bedding, and industrial abattoir sludge are listed as high-risk classification in the documents Mr Von Kekam cites. Being high risk, the Victoria EPA best practice report indicates the receiving bunker would need to be sited much further from any of the neighbouring properties than is proposed.

Section 42a, Description of the Affected Environment point 24. includes a comment by Dr Joe Wildy that removing fly ash from the feedstock would be beneficial in reducing harm to the environment. The Applicant states they have a good understanding of the compost process and management of the feedstocks yet the WCRCs own expert recognises the Applicant has not understood that his feedstocks are high risk. Also that the paucity of carbon content does not warrant the use of coal fly ash in compost.

Even if Von Ah Composting Ltd limits the initial feedstock there was provision in several earlier iterations of documents with West Coast Regional Council to add to the feedstock without community consultation at a later date.

This concerns me given that stock piling coal fly ash on the VAC site was deemed acceptable by WCRC when I emailed and received a reply from Mr Tony Ridge, Senior Consents Officer, declaring coal and its by product, fly ash, to be the same product. Coal is a combustible sedimentary rock mined for energy. Fly ash is the powdery, inorganic residue left over after burning pulverized coal in power plant boilers.

In recommendations by WasteMINZ regarding what not to compost, the foremost item, number 1, is coal ash. Why? Quote: “Contains sulphur and heavy metals that can make soil toxic. Coal and charcoal ash can be harmful to plants and microorganisms in the compost due to their long term toxicity.” Reference: Bay of Plenty Regional Council warns that coal ash should never be added to compost due to its contaminating effects of soil.

Documents received from Tin Nguyen of WCRC last night, include references to phone conversations between Tony Ridge and Dr Joe Wildy regarding 20 animal carcasses being

trialled on the site by Von Ah Contracting as part of the composting proposal. Rotting Animal carcasses are also listed as high-risk feed stock. Advocating such an activity as a 'trial' does not offer us any confidence in this proposal.

3. Odour and Amenity Effects

We said open windrow composting has a “well-documented record... of producing persistent odour and nuisance effects” and that odours will be “noxious, offensive, objectionable, and potentially dangerous.” Documents presented by the applicant and WCRC list used animal bedding containing calf manure and urine, dead animal pieces, fat and wash down slurry from an abattoir, the contents of dead animal stomachs, spoiled silage, possibly whole dead carcasses on occasion. I believe these things to be extremely odorous and they take a day or two to be covered up according to the Von Ah process management documents due to receiving and weather conditions.

Mr Van Kekem's expert opinion is clear:

“Given the small separation distances... I consider that there is a high risk of offensive or objectionable odour effects beyond the boundary of the site.” (p 28, para 123)

“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.” (p 28, para 121)

“Wind conditions are critical... the nearest sensitive receptors will be downwind for a relatively large proportion of the time.” (p 14, para 41)

He also notes that the applicant's own Mote modelling showed an 870 m odour plume radius, and that the AEE's conclusion of “less than minor” effects is “fundamentally unsupported” because no proper FIDOL assessment was done (p 9, para 25).

4. Contamination of Surface and Ground Water, and Land

The proposal is on the Hazardous Activities and Industries List (HAIL). Leachate will be generated and irrigated.

Mr Van Kekem supports our concern (cross-referencing water evidence):

“Compost leachate storage ponds are a potential odour source and have been the cause of odour complaints at other composting operations across NZ. The applicant has not assessed the potential for odour discharges from this source.” (p 20, para 70)

He also highlights that the proposed leachate pond is too small for local rainfall, irrigation aerosolises odours, and there is no proper assessment of discharge to waterways (p 20–21). This reinforces our RMA, NPS-FM, and regional plan inconsistencies.

5. Inadequate Mitigation

We said boundary plantings will take years to mature and are insufficient; proper mitigation requires enclosed systems, biofilters, etc.

Mr Van Kekem agrees exactly:

“In addition... there would need to be much more restrictive consent conditions. As a minimum the composting operations would need to be fully enclosed with active air extraction and effective treatment of the air...” (p 27, para 114)

He notes that the applicant has not adopted Mote's own recommendation for negative-pressure enclosed receipt of high-risk feedstocks (p 17, para 53). Simple bunding and trees are nowhere near enough.

6. Unsuitable Location

The site is immediately upwind of the Kokatahi Kowhiterangi School, small settlement zone of Kokatahi, existing accommodation businesses, and the Hokitika Gorge tourist route.

Mr Von Kekam states:

"This school environment will be particularly sensitive to observable odour... due to larger number of people present and the nature of the receptor." (p 10, para 31)

While the School Board elected to remain silent in these proceedings, the families and staff were not given an opportunity in this limited notification process.

Living at Kokatahi we observe many tourists enroute to the Hokitika Gorge and beautiful Dorothy Falls. These locations attract cyclists, motorcyclists, and camper vans. My family operate a tourist accommodation business directly beside the proposed Composting facility. Anglers frequent Duck Creek and Kokatahi River alongside. Would these activities be enjoyable or reviewed favourably when the prevailing South Westerly drifted over raw feedstock, a leachate pond, a windrow that was souring to an anaerobic state?

WCRCs Officer's report Section 42a Effect 3: Irrigation of leachate, point 58 declares irrigation of the leachate to be an odorous activity and point 60 states the leachate can occur at neighbouring farms. This provision increases the odour source sites for the community. and further complicates wind direction management for the small number of staff the von Ah Composting facility lists.

7. Activities Commenced Without Consent

Stock piling a significant mountain of coal fly ash prior to obtaining a consent to stock pile or compost proposed waste streams raises concerns in my mind over the applicant's willingness to be compliant with council regulations. A facility specific pad is described in the proposal that includes layers and depths, liners and thicknesses. When we visited the Von Ah site we were informed it was already in place. In my experience of building structures with defined purposes, inspections are required along the way to ensure compliance. No established wetlands are in place to perform any sort of adverse mitigations. No hedge of natives is established to mitigate adverse effects. I have read about a lot of intentions in the proposal and management plans. Good intentions are just that. Evidence is what is asked for.

When I contacted WCRC about the large stock pile of coal fly ash the staff were unaware of its existence and requested photographs which I sent to them. They duly inspected the site and declared the pile to be coal in their email to me. This raised concerns in my mind over the resources WCRC have to monitor such activities.

Further I have concerns regarding the Section 42a report where it references domestic composting rules, Rule 85, and composting on production land using waste from that land. We are discussing a Commercial Composting facility in this instance. Labelling the end product or the resulting troublesome leachate as 'fertiliser', page 6 of the report, in order to declare the operation a permitted activity is also of concern to me. Nowhere in the von Ah Proposal did I

see reference to the end result being tested to comply with the governing Agricultural Compounds and Veterinary Medicines Act 1997 or the Biosecurity Act 1993.

Within the Regional Land Water Plan fertiliser is described as being a proprietary substance specifically manufactured for use in increasing nutrient status of land. Section 42a report references this on page 5. For this report to declare that the leachate Von Ah Contracting could 'potentially produce' does not align with the words 'specifically manufactured for' as stated in RLWP.

The Council also states that for this to be a permitted activity, the effects must be minor.

Overall Conclusion from the Expert Evidence states

Mr Von Kekam states, "I disagree with the Section 42a report conclusion that the proposal is unlikely to cause any significant adverse effects on the environment." (p 28, para 127)

Mr Von Kekam is an air expert with extensive experience in composting operations. The Applicant specifically told our community when we visited his site that commercial composting is a brand new venture for him and his family.

Mr Von Kekam is highly qualified in his field and states:

"The assessment of air quality effects which has been undertaken by the applicant is inadequate and not consistent with industry good practice." (p 27, para 117)

This proposal has already caused me, my family, and our community a significant amount of adverse effects emotionally and financially.

We repeat our request:

Decline the application in full.

The expert evidence of Donovan Van Kekem proves that even with perfect management this site is unsuitable. With the poor assessment and inadequate controls proposed, the risk of significant adverse effects on the greatest asset of the West Coast Region, it's **people**, this proposal is unacceptable.

Thank you.

Charles & Raewyn Patton
12 Ackland Street, Kokatahi

References: Quotes are from the Evidence of Donovan Van Kekem, 19 February 2026, filed in support of the Kokatahi Environment Group (including ourselves). Section 42a report from Tony Ridge, Senior Consents Office. Dr Joe Wildy. Report and addendum supplied by Tin Nguyen, Full document available to the Panel.