

Further information in Opposition – Von Ah Contracting Composting Proposal RC-2024-0136

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Executive Summary

Purpose

This further information integrates scientific evidence on compost odour effects with a rebuttal of the Section 42A Officer Report (29 January 2026). It demonstrates that the recommendation to grant consent relies on assumptions about odour management, monitoring, and adaptive conditions that are not supported by contemporary science, New Zealand regulatory guidance, or practical compliance experience.

It also makes reference to expert evidence provided by Mr Donovan van Kekem (2026) which confirms that odour assessments by the applicant and WCRC are inadequate, separation distances are insufficient, high rainfall conditions significantly increase odour risk, and reliance on operational controls is unlikely to prevent adverse effects.

Mr van Kekem (2026) concludes it will be almost impossible for the proposed activity to control odours which are likely to be offensive, and that very high rainfall rates make the composting operation unfeasible.

Key Findings

Odour from composting is a public health and amenity issue, not merely nuisance

Peer-reviewed literature and New Zealand evidence show statistically significant associations between repeated odour exposure and adverse health and wellbeing outcomes, including stress, sleep disturbance, headaches, nausea, and reduced quality of life (Bokowa et al., 2021; Ministry for the Environment, 2016; Ministry for the Environment & Stats NZ, 2024; Jarman & Wickham, 2025). These effects occur at concentrations well below toxic thresholds and are not adequately addressed by conventional air quality standards.

Odour emissions from open-air composting are inherently variable and episodic

Odour generation is highly sensitive to feedstock composition, moisture, oxygen availability, turning events, and weather conditions. Acute odour releases during windrow turning are well documented and cannot be eliminated through operational controls alone (Duan et al., 2022; Elsabbagh et al., 2025; Toledo & Muñoz, 2025).

Off-site odour effects can extend well beyond immediate neighbours

Scientific literature and New Zealand case studies demonstrate that compost odour can affect receptors hundreds of metres to kilometres downwind under unfavourable meteorological conditions (Bokowa et al., 2021; Bydder & Demetriou, 2019; Gooding, 2020; Martin, 2021; McLean, 2024). The description of the site as “relatively remote” (s42A paragraph 8) is therefore not supported in relation to this activity.

The s42A report contains unresolved uncertainty and internal inconsistency

Key aspects of the proposal remain undefined, including feedstock composition (s42A paragraphs 17 and 24) and the potential off-site land application of leachate (s42A paragraphs 60–61). These matters are material to odour, leachate, and receiving-environment effects, yet their implications are not assessed.

Consent conditions and adaptive management cannot reliably avoid odour effects

Odour is episodic, perceptual, and often detected by humans before it can be instrumentally measured (Ministry for the Environment, 2016). Conditions relying on complaint-based enforcement, post-event monitoring, and operational review (paragraphs 94, 96, 103; Conditions 3, 7, 10, 11, 12–20) document failure after exposure has occurred rather than preventing it. This is inconsistent with section 107 of the Resource Management Act.

Vegetative screening and monitoring regimes are not effective substitutes for site compatibility

Vegetative buffers are supplementary at best and highly site-specific, with some studies showing increased downwind concentrations under certain conditions (Parker et al., 2012; Liu et al., 2015). The monitoring regimes in Annexures 1 and 2 are reactive, do not monitor odour, and cannot capture episodic failures or peak leachate events (Bydder & Demetriou, 2019; Ministry for the Environment, 2016).

Reverse sensitivity and avoidance of conflicting activities

Silver Fern Farms have presented themselves as project partners to the Kokatahi Community at an invitational site visit in May 2025, and propose supplying material for the proposed composting operation. Silver Fern Farms have taken part in the proposed Te Tai o Poutini Plan process including submissions which address the principles of reverse sensitivity, avoidance of conflicting activities, and separation distances. Advancing these principles in the statutory framework development process is at odds with lending support to this proposal.

Reducing the consent duration does not resolve the fundamental risk

The proposed reduction from 20 to 10 years does not address the inherent uncertainty of odour effects, the limitations of monitoring, or the burden placed on the receiving community, and overlooks that the applicant has requested a term of 15 years. Odour management has not materially advanced in recent decades, as reflected in the continued reliance on NZS 4454:2005 and dated regulatory assumptions.

Overall Conclusion

The evidence demonstrates that adverse odour and associated effects from open-air composting at this location cannot be reliably avoided or mitigated. Site selection and

separation distance are the only robust planning tools available. Granting consent subject to conditions would transfer unacceptable risk to the community and the regulator and would repeat outcomes that are already well documented elsewhere in New Zealand.

The Commissioner is therefore invited to decline the application.

1. Purpose and Scope of this Further Information

This further information integrates:

- the Applicant's proposal
- review of scientific literature and press articles on odour and effects from composting,
- a targeted rebuttal of the Section 42A Officer Report (29 January 2026).

The purpose is not merely to restate opposition, but to demonstrate by reference to peer-reviewed literature, New Zealand regulatory guidance, press investigations, and the officer's own proposed conditions, that the recommendation to grant consent relies on assumptions that are inconsistent with established science, planning principles, and practical compliance experience.

Where relevant, this submission:

- identifies internal inconsistencies and unresolved uncertainties within the s42A report;
- explains why consent conditions and adaptive management cannot reliably avoid or mitigate odour effects;
- demonstrates why site selection and separation distance are the only robust tools available for managing compost odour; and
- invites the Commissioner to depart from the officer's recommendation and decline consent.

2. Odour from Composting as a Public Health and Amenity Issue

Odour emissions from composting activities are increasingly recognised as a significant environmental and public health concern, rather than merely an issue of nuisance or inconvenience. Contemporary literature demonstrates that odour pollution can result in statistically significant adverse health outcomes, particularly where exposure is repeated or prolonged (Jarman & Wickham, 2025; Ministry for the Environment & Stats NZ, 2024; Radio New Zealand, 2025). These effects include impacts on mental health, stress, sleep disturbance, nausea, headaches, and reduced quality of life, even in the absence of exposure to concentrations considered toxic under traditional air quality standards (Bokowa et al., 2021; Jarman & Wickham, 2025; Ministry for the Environment, 2016).

International evidence spanning more than five decades confirms that offensive odours can elicit physiological responses similar to those observed under low-level chemical exposure, including symptoms often described by affected communities as "chemical-like" or "poisoning-like" reactions (Jarman & Wickham, 2025; Martin, 2021; Radio New Zealand, 2025). These responses are mediated not only by the chemical composition of emissions but also by perception, expectation, and cumulative exposure, making odour pollution a population-level health issue rather than an individual sensitivity (Bokowa et al., 2021; Ministry for the Environment, 2016).

Importantly, odours can elicit adverse responses at concentrations far below recognised toxic thresholds. Humans are capable of detecting odorous compounds at extremely low concentrations, and physiological and psychological responses, including nausea, headaches, sleep disturbance, anxiety, stress, and reduced quality of life, have been widely documented (Ministry for the Environment, 2016; Jarman & Wickham, 2025). Children are particularly sensitive, and odour detection thresholds generally decrease with age (Ministry for

the Environment, 2016). As such, the absence of toxicological exceedances does not equate to the absence of adverse effects.

In New Zealand, odour is consistently identified as the most common reason for air quality complaints, with composting facilities frequently featuring among the most contentious sources (Bokowa et al., 2021; Ministry for the Environment & Stats NZ, 2024; Otago Regional Council, 2024). This pattern is reinforced by numerous case studies where communities located near composting operations have experienced persistent odour impacts over many years, often despite regulatory oversight and mitigation efforts (Burns, 2025; Gooding, 2020; Martin, 2021; McLean, 2024; Neal, 2024). New Zealand's only official compost standard has not been reviewed or updated since its introduction in 2005 (Wilson et al., 2024), reinforcing that regulatory reliance on this document does not reflect contemporary understanding of odour effects.

These findings directly contradict the implicit assumption in the s42A report (e.g. paragraphs 94, 96, and 103) that odour effects can be adequately controlled through conditions and monitoring once the activity is operational.

3. Nature and Variability of Odour Emissions from Composting Processes

Odour emissions from composting arise from a complex mixture of volatile organic compounds (VOCs) and related malodorous substances produced during biological degradation of organic material (Elsabbagh et al., 2025; Szyłak-Szydlowski et al., 2025; Toledo & Muñoz, 2025). Open-air composting facilities can produce significant amounts of odour, particularly if not managed properly (González et al., 2024; Sinclair Knight Merz Ltd, 2009; Van Kekem, 2026). These compounds include short-chain fatty acids, sulphur-containing compounds, nitrogen-containing compounds, and other VOCs that are detectable by humans at extremely low concentrations (Elsabbagh et al., 2025; Ministry for the Environment, 2016).

Crucially, odour emissions from composting are highly variable over time and are strongly influenced by operational and environmental factors, including oxygen availability, moisture content, temperature, carbon-to-nitrogen ratio, pH, particle size, microbial activity, feedstock composition, and turning frequency (Duan et al., 2022; Elsabbagh et al., 2025; Toledo & Muñoz, 2025; Van Kekem, 2026). Even well-designed composting systems can generate offensive odours when these parameters deviate from optimal ranges, particularly under adverse weather conditions such as prolonged rainfall or low wind dispersion (Ministry for the Environment, 2016; Toledo & Muñoz, 2025; Van Kekem, 2026).

Open-air windrow composting is especially prone to episodic odour releases (González et al., 2024; Toledo and Muñoz, 2025; Van Kekem, 2026). While it is commonly preferred due to its lower capital and operational costs, mechanical turning of windrows has been shown to release large quantities of VOCs in short periods, producing acute odour events with the potential to affect receptors at considerable distances (Bokowa et al., 2021; Duan et al., 2022; Szyłak-Szydlowski et al., 2025; Van Kekem, 2026). These emission patterns are repeatable across composting cycles and are closely tied to microbiological activity, making them difficult to eliminate entirely through process control alone. With West Coast Regional Council's s92 further information request identifying that odour could travel 1-2km under certain conditions, evidently the positioning of the proposed facility at the proposed location means adverse effects would be felt across the settlement (West Coast Regional Council, 2024).

This risk is strongly supported by expert evidence. Mr Van Kekem (2026) states that the very high rainfall rates at the site are not conducive to effective composting conditions and significantly increase the likelihood of anaerobic conditions and foul odour emissions. This evidence also states that the broad arc of prevailing wind conditions and operational restrictions would severely limit when essential composting activities such as windrow turning could occur, making it difficult for the operator to maintain proper composting conditions. It is concluded that the proposed operation may be fundamentally unfeasible at this location without more advanced enclosed composting methods.

4. Dispersion, Distance, and Assessment of “Localised Effects”

VOCs and odorous compounds emitted from composting activities are capable of spreading over considerable distances, particularly under stable atmospheric conditions and low wind speeds (Bokowa et al., 2021; Bydder & Demetriou, 2019; Szyłak-Szydłowski et al., 2025; Van Kekem, 2026). West Coast Regional Council have identified odour from the proposed facility may travel 1-2km (West Coast Regional Council, 2024). International regulatory experience reflects this reality, with some jurisdictions applying odour impact criteria for composting facilities at distances of up to three kilometres from the source (Bokowa et al., 2021).

Expert evidence confirms this concern. Mr Van Kekem (2026) notes that the nearest dwelling is approximately 230 metres from the proposed operation, well within commonly recommended separation distances for composting facilities. He states that with the proposed feedstocks and turned windrow methodology, it would be “almost impossible” to control odour such that it does not reach nearby receptors.

This evidence directly challenges the characterisation in paragraph 8 of the s42A report that the locality is “relatively remote.” That description is not supported by any quantitative assessment of receptor sensitivity, existing land-use patterns, or odour dispersion behaviour. While a low-impact activity such as a single dwelling might reasonably be described as remote in this location, an open-air composting operation with documented off-site odour effects cannot.

New Zealand examples reinforce that odour impacts from composting are not confined to immediate neighbours. Communities in Bromley, the Urutū Valley, Balclutha, Timaru, Eltham, and Tasman have reported odour effects across wide areas, often described as pervasive, persistent, and disruptive to daily life (Burns, 2025; Gooding, 2020; Martin, 2021; McLean, 2024; Neal, 2024). Indeed, a Councillor has been cited with regard to a Christchurch composting site that a contributing factor is processes “that were never up to scratch” (Sargent, 2023). It can be drawn from Mr van Kekem’s evidence (2026) that the compost operation proposed by the applicant is also “not up to scratch”. These cases demonstrate that distance alone does not provide protection where emissions are episodic, meteorology is unfavourable, and operational processes are problematic.

5. Internal Inconsistencies and Uncertainty in the s42A Description of the Proposal

Paragraph 17 of the s42A report suggests reliance on carbon-rich waste streams, while paragraph 24 records expert advice recommending minimisation or removal of carbon-rich inputs due to potential adverse environmental outcomes. This contradiction is material. Feedstock composition is a primary determinant of odour generation (Elsabbagh et al., 2025;

Toledo & Muñoz, 2025). Until the feedstock and processing methodology are clearly defined, the scale and nature of effects cannot be reliably assessed.

Similarly, paragraphs 60 and 61 introduce the potential off-site land application of leachate, including to neighbouring farms. This would expand the affected area beyond the application site and introduce additional exposure pathways via spray drift and runoff. The s42A report does not assess how this possibility alters the receiving environment or the risk profile. Nor does it provide any reliable characterisation of leachate composition, despite acknowledging its variability. It is noted that Mr Van Kekem's evidence (2026) confirms that compost leachate ponds can themselves be significant odour sources, particularly where high biological oxygen demand leads to anaerobic conditions.

6. Odour Is Not a Contaminant That Can Be Reliably Managed by Conditions

The s42A report repeatedly concludes that odour effects are acceptable subject to conditions (paragraphs 94, 96, 103). This conclusion is inconsistent with both scientific evidence and the officer's own proposed conditions. Odour effects are episodic, transient, and often detected by humans before they can be instrumentally measured (Bokowa et al., 2021; Duan et al., 2022; Ministry for the Environment, 2016). Conditions that rely on compliance with NZS 4454:2005, complaint logging, or post-event mitigation do not prevent exposure but document failure after the effect has occurred.

Conditions 3 and 7 prohibit objectionable or offensive odour beyond the site boundary. Condition 10, however, allows operations to proceed "where possible" at times least likely to cause effects, implicitly accepting that off-site odour may occur. This internal inconsistency undermines the conclusion in paragraph 96 that section 107 RMA effects will not arise. Of note is s107(1)(e) which does not allow for a consent authority to grant a discharge permit which would allow "any emission of objectionable odour".

Condition 11 and paragraph 39 rely on adaptive management which adjusts operations in response to observed effects. For odour, this approach fails as a matter of principle as once offensive odour is experienced the adverse effect has already occurred regardless of subsequent operational changes (Ministry for the Environment, 2016).

These concerns are supported by independent expert evidence. Mr Van Kekem (2026) states that the potential for adverse odour effects beyond the site boundary has been inadequately assessed and lacks the level of detail normally required for an air discharge consent of this nature. The evidence confirms that abattoir DAF sludge and similar materials are highly malodorous in their raw state and should normally be managed within enclosed buildings under negative pressure with active air treatment. It also states that the applicant's proposed open handling approach is not consistent with best practice. It is concluded that the applicant's AEE does not provide sufficient technical information to support its conclusions regarding off-site odour effects.

7. Complaint-Based Management and the Burden Shift to the Community

The s42A report proposes remedy conditions which rely on residents complaining contemporaneously, retrospective correlation of complaints with onsite conditions, and corrective actions preventing further failure. The *Consent Guide for Composting Operations in New Zealand* identifies that an odour is deemed objectionable or offensive if: it is deemed so

by a regional council enforcement officer, or is observed by them over a period of more than ten minutes or frequently over more than one hour (Sinclair Knight Merz Ltd, 2009). Given the demonstrated difficulty with real-time validation, and the positioning of the WCRC office approximately 45 minutes from the subject site by car, this is another example of a planning framework which cannot adequately manage odour as an adverse effect.

Alternatively, no less than three people from no less than two households need to provide written declarations providing specific information relating to the odorous event for it to be considered objectionable or offensive. (Sinclair Knight Merz Ltd, 2009). Odour annoyance thresholds are generally below what may be considered offensive or objectionable for compliance reasons with ongoing exposure to even low-level odour resulting in cumulative adverse amenity and health effects (Jarman and Wickham, 2025, Ministry for the Environment, 2016).

There is the risk that residents will cease complaining if doing so is perceived to be ineffective. Planning principles, regulatory experience, and scientific literature warn against reliance on complaint-based management as the effects can be systematically underreported whilst shifting the onus of proof on to affected parties (Ministry for the Environment, 2016). This is imperfect and resource-intensive, and can take months or years to resolve issues (Gooding, 2020; Ministry for the Environment, 2016; Neale, 2024; Otago Regional Council, 2024). This renders Conditions 5 and 12-20 ineffective in an attempt to manage adverse effects.

8. NZS 4454:2005 and the Limits of Product Standards

A reliance on demonstrating consistency with NZS 4454:2005 does not necessarily mean that there will be no adverse effects from the proposed activity. This is a product quality standard and cannot be relied upon as a standard for environmental effects as it does not assess offsite odour effects, provide buffer distances, or override the RMA provisions regarding amenity. Reliance on this standard does not resolve the key issue of adverse effects to be encountered beyond the boundary of the site.

9. Vegetative Screening and the Myth of Effective Odour Mitigation

Tree screening is presented as a mitigation method. However, no adjusted odour modelling is provided to account for this, nor is any evidence presented which cites the success of shelterbelts reducing compost odour impacts. The RAQP requires avoidance or mitigation of effects, not a reliance on visual screening. It is noted that vegetation has a limited and inconsistent effect and has even been shown to exacerbate the effects of odour downwind from the source (Liu et al., 2015; Parker et al., 2012) with odorous compounds able to spread over considerable distances (Szyłak-Szydłowski et al., 2025). Neither the application nor the s42A report substantiate that vegetation as mitigation or operational controls is effective alone or in combination. It is also noted that the applicant has not submitted supplementary expert evidence which supports these assertions. Mitigation is assumed without demonstration.

10. Duck Creek, Assimilative Capacity, and Managed Decline

The s42A report concludes that there is “some capacity for contaminant assimilation” in Duck Creek. However, a system which is already nutrient-enriched and vulnerable to low dissolved oxygen is less, not more, resilient to incremental nutrient and organic increases. Reliance on dilution rather than avoidance of degradation is at odds with the RLWP and is more

representative of managed decline in values. This is inconsistent with objectives to maintain or improve water quality. It is noted that the 17 February 2026 letter from Te Rūnanga o Ngāti Waewae also expresses valid concerns with the water quality data (West Coast Regional Council, 2025c), lack of technical expert assessment, arbitrary determination of monitoring to be undertaken 200m from the discharge point (West Coast Regional Council, 2026), and subsequent conclusions drawn regarding the assimilative capacity of Duck Creek, Kokatahi River, and other unnamed water courses on and in the vicinity of the subject site.

11. Monitoring Regimes Cannot Prevent Odour or Leachate Effects

The regimes provided in Annexures 1 and 2 are reactive and do not monitor odour at all. This means Conditions 32 and 33 are ineffective in managing odour effects. The regimes also do not capture peak leachate discharge events, rely on periodic sampling which will miss failures as a result of heavy weather events, and cannot detect short-term odour exposure (Bydder and Demetriou, 2019). Condition 31(c) is explicit in prohibiting objectionable odour in receiving water bodies 200m from the discharge point, but no method is provided to proactively detect or enforce this. This demonstrates the consent framework is incapable of addressing harm until it has occurred.

If compliance depends on effects being noticed, then the plan framework is not being met. A prohibition that cannot be reliably enforced is not effective implementation of the plan. The Section 42A report does not explain how the proposed conditions would achieve RAQP outcomes, only how breaches might be recorded after the fact. Odour is a prime example of an effect for which adaptive management fails as a planning tool (Ministry for the Environment, 2016). Once offensive odour is experienced, the adverse effect has already occurred, regardless of subsequent compliance actions.

12. Consent Duration, Uncertainty, and Risk Allocation

The s42A report concludes that effects are acceptable subject to conditions. However, it has been demonstrated that odour cannot be reliably mitigated by conditions, the compliance framework is responsive rather than proactive, and the receiving environment is already sensitive (Bokowa et al., 2021; Bydder and Demetriou, 2019; Duan et al., 2022; Ministry for the Environment, 2016; Van Kekem, 2026). This means that the controls relied upon only activate after someone has already been affected. The uncertainty inherent with the proposal and associated effects is resolved in favour of the applicant, not the receiving environment. Where effects are uncertain, mitigation relies on operator performance, monitoring cannot prevent harm, and affected parties bear disproportionate risk, the appropriate decision is to decline the application, rather than grant with conditions which are ineffective. The recommendation in the s42A report to reduce the period of consent from 20 years to 10 years does not do anything to address the concerns outlined in this submission, nor does it support the proposed conditions to be more effective in avoidance or mitigation. It is also noted that the applicant's final proposal and AEE actually requests a term of 15 years, not 20 years; a key detail which appears to have been overlooked.

The s42A report provides reasoning in paragraph 106 for the reduction in consent timeframe. However, with regard to (b), the adverse effects will certainly vary over time as that is inherent with open-air composting and odour effects (González et al., 2024; Toledo and Muñoz, 2025). Regarding (c), work in the space of odour management and composting has not substantially

progressed in the previous 20-30 years and remains inherently difficult to manage. This is evidenced through NZS 4454 as a 2005 publication (Standards New Zealand, 2005), and the RAQP relying on quotes from 1995 which explain that odour control is not well developed, and assessment of odour is subjective and problematic (West Coast Regional Council, 2025a).

Finally, and with regard to (h) and (i), as the proposal is an outdoor operation investment in capital will be lower than for an enclosed compost facility. Therefore, the life expectancy of assets is less of an influencing issue, and the administrative burden on WCRC from a much reduced consent period to, say, two years can be considered appropriate. The administrative task for WCRC after two years would be to either renew the resource consent for a well-functioning facility, or be relieved of compliance operations after two years for a poorly-functioning facility. This should be seen as a reluctant last option, with refusal of consent the only appropriate option to avoid and mitigate adverse effects.

13. Reverse Sensitivity and Consistency with Planning Principles

Silver Fern Farms has been identified as a key feedstock supplier and has, in May 2025, presented itself as a project partner to the Kokatahi community invited to a site visit. In parallel, it has advocated strongly in the proposed Te Tai o Poutini Plan (TTPP) process for robust reverse sensitivity protections to avoid incompatible land uses. The planning logic advanced in that context is equally applicable here.

Silver Fern Farms' submissions on TTPP emphasise the importance of managing reverse sensitivity by avoiding the encroachment of residential and other sensitive land uses near established industrial activities, on the basis that such proximity can create land-use conflict and constrain industrial operations (Silver Fern Farms, 2022, 2023).

The planning principle underlying this position, that incompatible land uses should be separated to avoid foreseeable conflict, is equally applicable in the context of this application. The proposal before the Commissioner would place industrial-scale composting activity in close proximity to established sensitive receptors, including existing rural residences, domestic water collection systems, a school, and other previously described activities. The logic of avoiding incompatible land uses does not operate solely to protect existing industry; it applies wherever established land uses with differing sensitivity and amenity expectations would be adversely affected. This principle is consistent with the effects-based approach of the Resource Management Act, including the avoidance of adverse effects where they cannot be reliably mitigated through conditions, and with objectives and policies in the aforementioned planning framework and plans which seek to manage land-use conflict.

As Silver Fern Farms' own submissions on TTPP demonstrate, reverse sensitivity is a planning tool to avoid conflict by means of spatial separation and appropriate zoning rather than a mechanism to manage conflict after it arises. By that same reasoning, the current proposal's reliance on post-consent conditions to address odour and other effects is inconsistent with sound planning practice and the efficient use of land. Approving the activity in this location would be at odds with the planning principles Silver Fern Farms has advanced in TTPP process.

14. Conclusion and Invitation to Depart from the Officer's Recommendation

The evidence demonstrates that odour effects from open-air composting at this location cannot be reliably avoided or mitigated through conditions, monitoring, or adaptive management. The s42A report is careful and well-intentioned but rests on assumptions that are contradicted by scientific literature, regulatory guidance, and New Zealand experience.

Expert evidence submitted by Mr van Kekem (2026) concludes it will be almost impossible for the proposed activity to control odours which are likely to be offensive, and that very high rainfall rates make the composting operation unfeasible.

The Commissioner is therefore invited to depart from the officer's recommendation and decline consent, on the basis that the proposal fails to demonstrate consistency with the statutory framework, transfers unacceptable risk to the community and regulator, and relies on mechanisms that cannot deliver the outcomes required by the plans.

15. Reasons for Departure from the Section 42A Recommendation

The Commissioner is invited to depart from the officer's recommendation to grant consent for the following reasons:

Mischaracterisation of effects

The Section 42A report treats odour as a manageable nuisance, whereas the evidence establishes it as a contaminant with demonstrable health and amenity impacts (Bokowa et al., 2021; Jarman & Wickham, 2025; Ministry for the Environment, 2016).

Expert evidence demonstrates proposal will result in adverse effects beyond boundaries

Expert evidence submitted by Mr van Kekem (2026) concludes it will be almost impossible for the proposed activity to control odours which are likely to be offensive, and that very high rainfall rates make the composting operation unfeasible.

Reliance on conditions that cannot deliver the required outcomes

Conditions 3 and 7 prohibit off-site odour, while Conditions 10 and 11 implicitly allow it through adaptive management. This internal inconsistency undermines the conclusion in paragraph 96 that s107 RMA effects will not arise.

Inappropriate reliance on complaint-based enforcement

Conditions 5 and 12–20 rely on community reporting and retrospective validation, a method widely recognised as ineffective for episodic odour and inconsistent with precautionary planning (Gooding, 2020; Ministry for the Environment, 2016).

Unresolved uncertainty resolved in favour of the applicant

Key aspects of the proposal, including feedstock composition and leachate management (paragraphs 17, 24, 60–61), remain undefined. The risk associated with this uncertainty is borne by the receiving environment rather than avoided through site selection.

Failure to demonstrate consistency with regional plan objectives and policies

The Section 42A report concludes consistency with the RLWP and RAQP (paragraphs 81 and 84) without reconciling contrary objectives and policies that require avoidance of adverse effects and protection of sensitive receiving environments.

Monitoring and consent duration do not cure fundamental defects

Reactive monitoring and a reduced consent term do not prevent harm, do not ensure compliance with s107 RMA, and do not provide certainty that plan outcomes will be achieved.

For these reasons, granting consent would be inconsistent with the statutory framework, contemporary scientific understanding, and New Zealand experience. Declining consent is the only decision that reliably avoids the adverse effects identified.

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