

Decision Report

Ziwi Limited

RM20-0462

Resource Consent Application

to

Bay of Plenty Regional Council

14 April 2022

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## 1 Introduction

- 1 In July 2020 Ziwi Limited (Ziwi or applicant) lodged an application with the Bay of Plenty Regional Council (BOPRC) for the discharge of contaminants to air from an existing pet food manufacturing facility and associated site operations located at 18 Boeing Place, Mount Maunganui. The application was made following an enforcement order made by the Environment Court in February 2020 (amended June 2020).<sup>1</sup>
- 2 Ziwi originally sought a consent duration of 20 years, but by way of a letter from their counsel dated 22 September 2021, Ziwi formally amended its application so that the duration sought was no more than one calendar year from the date of granting of consent or whenever Ziwi vacated the Mount Maunganui site, whichever was the earlier. Ziwi has subsequently updated its position and is now seeking a consent duration of 12 months, but says that if it fully completes its move from the Boeing Place site earlier than 12 months from the grant of consent, it will notify the BOPRC that the resource consent is no longer being exercised.<sup>2</sup>

**The application is granted for the reasons herein.**

## 2 Appointments

- 3 The BOPRC, acting under s34A of the Resource Management Act 1991, appointed independent hearing commissioners Rob van Voorthuysen (Chair)<sup>3</sup> and John Iseli<sup>4</sup> to hear and decide the application.

## 3 Process Issues

### 3.1 Decision context and submissions received

- 4 As foreshadowed in the above Introduction, Ziwi intend to vacate their Mount Maunganui site and relocate their pet food manufacturing operation to Napier sometime in the period September - November 2022. We understand that the Napier site is fully consented and that construction of the new Ziwi facility is well advanced.<sup>5</sup> Any consent granted for the Mount Maunganui site will have a duration of 12 months at most. Consequently, as provided for by s113(3) of the RMA, we cross-refer to and adopt substantial parts of the BOPRC Section 42A Report authored by Jacob Steens<sup>6</sup> and the application document prepared by Golder Associates.<sup>7</sup>
- 5 The application was publicly notified on 20 May 2021 and 123 submissions were received. Of those submissions 119 were in opposition and 25 submitters wished to be heard. The issues raised by the submitters are summarised in the Section 42A Report<sup>8</sup> and we adopt that summary, noting that issues raised related to bad odour and the adverse effects of that odour; including on outdoor activities, disturbed sleep and business productivity. We note that the applicant agreed with Mr Steens' summary of the submitter issues.<sup>9</sup>

<sup>1</sup> *Bay of Plenty Regional Council v Ziwi Limited* [2020] NZEnvC 041; *Bay of Plenty Regional Council v Ziwi Limited* [2020] NZEnvC 095.

<sup>2</sup> Legal Submissions for Ziwi Limited, 23 March 2022, paragraph 17.

<sup>3</sup> Commissioner van Voorthuysen is an experienced independent commissioner, having sat on over 350 hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy. In 2020 he was appointed as a Freshwater Commissioner by the Minister for the Environment under Clause 65 of Schedule 1 to the RMA.

<sup>4</sup> Commissioner Iseli is an experienced air quality consultant and independent hearings commissioner. He has worked in the air quality field for over 27 years and has been involved in assessment and review of the effects of numerous discharges of odorous contaminants. He has sat on over 70 hearings, primarily involving discharges to air.

<sup>5</sup> On 24 February 2022 the Hawke's Bay Today newspaper reported that Ziwi will begin transferring operations from Tauranga to Napier in June this year.

<sup>6</sup> Senior Consents Planner at the BOPRC.

<sup>7</sup> Resource Consent Application an Assessment of Effects on the Environment, Application for Air Discharge Permit – Ziwi Limited, Golder Associates (NZ) Limited, July 2020 [RCA].

<sup>8</sup> Section 7 "Submissions".

<sup>9</sup> EIC Deanne Barretto, paragraph 32.

6 We received an Addendum to the Section 42A Report on 24 March 2022<sup>10</sup> addressing odour complaints received by BOPRC subsequent to the circulation of the initial Section 42A Report, namely for the period 1 January 2022 to 23 March 2022 (82 days).

### 3.2 Site visit and hearing

7 A site visit was conducted on the afternoon of Monday 28 March 2022 accompanied by Tim Coughlan (GM - National Operations for Ziwi) and Jacob Steens.<sup>11</sup> We walked around the perimeter of the building, pausing at the odour scrubber. We were able to smell the discharge from the operating scrubber by way of a sampling tube. It was of note that the scrubber discharge had little if any discernible odour. We then toured the interior of the plant, observing the raw product grinder, the driers and the cutting room.

8 We held a hearing at Trustpower Baypark on Tuesday 29 March 2022. Despite 25 submitters originally wishing to be heard only three submitters appeared at the hearing.<sup>12</sup> We note that the Ministry of Education tabled a letter<sup>13</sup> stating that they no longer wished to be heard on the basis of the applicant confirming that conditions sought by the Ministry relating to 'Monitoring and Reporting', 'Odour Management' and 'Complaints' would be included in the consent.

9 None of the submitters who appeared presented expert evidence.

10 The BOPRC Section 42A Report and the Ziwi opening legal submissions and evidence<sup>14</sup> were pre-circulated in conformance with a Minute that we issued setting out a filing timetable. Copies of those documents are held by the BOPRC. We do not separately summarise the matters covered here, but we refer to or quote from that material as appropriate in the remainder of this Decision. We took our own notes of any answers given to verbal questions that we posed to hearing participants.

11 The applicant's Reply submissions were provided verbally at the hearing. We closed the hearing on the afternoon of Monday 11 April 2022, having concluded that we required no further information from any participants.

### 3.3 Description of the activity

12 The existing environment and the nature of the Ziwi proposal are described in the application documentation,<sup>15</sup> the Section 42A Report,<sup>16</sup> a 22 September 2021 letter from Ziwi counsel and the evidence of the Ziwi witnesses. We adopt those descriptions and there is no need for us to repeat that level of detail here. However, some of the more salient points are:

- The site at 18 Boeing Place in Mount Maunganui has been operational since 2004<sup>17</sup> and is located in an Industrial Zone<sup>18</sup> under the Tauranga City Plan (City Plan). It is surrounded by commercial, light industrial and heavy industrial premises; including timber treatment, steelwork manufacturers, steel reinforcing services, fuel refineries, fibre glassing, warehousing, bulk storage of palm kernel, commercial business units and offices;

<sup>10</sup> Bay of Plenty Regional Council Officer's Report addendum for notified resource consent application Section 42A Resource Management Act 1991 (RMA), Jacob Steens and Stuart Standen, 24 March 2022.

<sup>11</sup> Commissioner Isele was unable to attend the site visit due to personal circumstances and he also participated in the hearing over Zoom. Deborah Ryan (BOPRC air quality advisor) was similarly unable to attend the site visit or hearing in person. Photographs and notes from the site visit were provided to Commissioner Isele and Ms Ryan prior to the hearing.

<sup>12</sup> Sean Grace, Wayne Ashworth and Michael Williams (Maunganui Golf Course); and Dr Jim Miller, Medical Officer of Health (Toi Te Ora Public Health).

<sup>13</sup> Letter from Danielle Rogers, Beca Ltd on behalf of Ministry of Education, dated 23 March 2022.

<sup>14</sup> Tom Coughlan (General Manager of Operations at Ziwi Limited); Roger Cudmore (technical director of environment at WSP); Dirk Haselhoff (Director and Owner of Ozone Technologies Limited) and Deanne Barretto (senior planner at WSP).

<sup>15</sup> Section 2.0 Environmental Setting

<sup>16</sup> Section 4 Description of the Environment

<sup>17</sup> EIC Coughlan, paragraph 7.

<sup>18</sup> Industrial activities, including manufacture and processing of materials, are provided for as permitted activities within the Industrial Zone.

- The nearest residential dwellings are located around 400 metres to the north east of the site across SH2 (Maunganui Road) within the Suburban Residential Zone of the City Plan;
- Other 'sensitive' receiving environments situated within one kilometre of the site include Omanu Golf Club, Tauranga Airport, Blake Park Sports Grounds, Mount Maunganui Golf Club, Mount Maunganui Intermediate School and Mount Maunganui College;
- Prevailing winds are from the west to southwest sectors most of the time, followed by northerlies and north easterlies;
- Ziwi operate four gas fired driers to process nominally 20 tonnes per day of raw materials including dried bones, beef, chicken, lamb, deer, offal and green lipped mussels. The driers are available for use 24 hours per day, 7 days per week, and 365 days per year;<sup>19</sup>
- After the raw product is dried it is cut for packaging and dehumidified in secondary sealed condensing driers which do not produce an odorous exhaust air stream.<sup>20</sup> The resulting condensate is discharged to trade waste. The pet food product is then placed in lined bulk bins and transferred to an offsite packaging facility;
- There were over 870 odour complaints relating to the Ziwi site between the period October 2019 to January 2022. The character of the odour emanating from the Ziwi site was predominantly described as meaty, biscuit like or fatty. At times members of the community and BOPRC staff also described the odour as putrid, rotten meat or decaying meat; which indicates that at times the odour from the Ziwi operation could be extremely unpleasant;
- In response to complaints BOPRC has issued multiple abatement and infringement notices and undertook a successful prosecution in 2020;
- Enforcement orders<sup>21</sup> were made against Ziwi in 2020 and required the development of an interim odour management plan (IOMP) prior to April 2020. Ziwi began implementing the IOMP in August 2020;<sup>22</sup>
- More recently, BOPRC has received 34 complaints from 13 individuals on 21 different days during the period 1 January 2022 to 23 March 2022 (82 days). On eleven occasions BOPRC odour assessments detected odour but did not consider the odour to be offensive or objectionable and on four occasions no odour was detected. The wind direction on two complaint days was from a direction that could not be attributed to Ziwi. No offensive or objectionable odour was detected on any occasion;<sup>23</sup>
- Initially Ziwi sought to reduce odour using point source extraction and ozone treatment of the air prior to discharge via four stacks up to 15m high. Ziwi has now installed an ozone scrubber system which treats the drier exhaust flows with the treated air being discharged from a single 9m high stack. As of 13 January 2022, all four driers were connected to the ozone scrubber;<sup>24</sup>
- On 16 March 2022 the physical ozone delivery mechanism was increased to better cope with combined drier exhaust flows;<sup>25</sup>
- While the drier exhaust flows are captured by the scrubber, the odorous air in the drier room continues to be vented to the atmosphere through two ducts in the building's roof and two 15m high stacks. This discharge is likely to now comprise the main source of 'fugitive' odour emissions;<sup>26</sup>
- On 27 January 2022 WSP (commissioned by Ziwi) undertook six odour samples from the inlet and outlet of the scrubber and field odour survey assessments in ten locations, with the majority being

<sup>19</sup> A more detailed description of the current site process is set out in section 4.2 "Current site processes" of the Section 42A Report and section 3.0 "existing Site Operations and Discharges to Air" of the RCA. We adopt those descriptions.

<sup>20</sup> EIC Cudmore, paragraph 18.

<sup>21</sup> ENV-2019-AKL-132

<sup>22</sup> EIC Tom Coughlan.

<sup>23</sup> Section 42A Report Addendum.

<sup>24</sup> EIC Deanne Barretto, paragraph 13.

<sup>25</sup> Ziwi Responses to Commissioners' Questions, Dirk Haselhoff, page 6 of 7.

<sup>26</sup> Verbal evidence of Roger Cudmore.

within a range of 50m to 100 m downwind of the site boundary. Three surveys were undertaken in the residential area. WSP reported<sup>27</sup> the following conclusions:

*Qualitative assessments of the ozone scrubber inlet and outlet show a decrease in odour intensity across 4 of the 6 samples. The “Oily” character observed in the inlet was not noticeable in the outlet in two thirds of the samples.*

*The field odour observations resulted in one instance of “weak” intensity and only “no odour” and “very weak” odours for the remainder of the observations up to 100m from the site. At 500m from site, “very weak” odour was observed for 18% during one of three 10-minute sampling periods.*

- In his Supplementary Evidence<sup>28</sup> Mr Cudmore discussed further point source odour emission measurements on the ozone scrubber outlet undertaken by WSP on 11 March 2022. He concluded:

*I conclude that Ziwi’s ozone-based odour scrubber is currently working effectively when treating exhaust streams from all four driers and is discharging a residual level of odour which would be difficult to detect downwind of site.*

- We briefly discuss the WSP odour monitoring results further in section 4.1 of this Decision; and
- Ziwi proposes to operate the manufacturing facility at the site in accordance with an Odour Management Plan (OMP) and Ozone Control/Scrubber System Management Plan (OCSMP) to mitigate and manage the discharge of odour.

### 3.4 Consent category

- 13 It was common ground that the application is a discretionary activity under Rule 19(z) of the Regional Air Plan (RAP) and Rule AIR-R15(18) of Version 10 of Proposed Plan Change 13 (PC13) to the Regional Natural Resources Plan (RNRP).<sup>29</sup>

## 4 Section 104 and 104B matters

- 14 We now address relevant aspects of the application in terms of ss104 and 104B of the RMA.<sup>30</sup>

### 4.1 Odour and odour mitigation

- 15 The key issue for our consideration is the s104(1)(a) actual and potential effect on the environment of odour generated by the Ziwi operation, the extent to which that odour is offensive and objectionable and the adequacy of the applicant’s proposed mitigation of that potential adverse effect.
- 16 The application, evidence and the Section 42A Report contain considerable detail regarding the history of odour complaints relating to the site. The enforcement orders in 2020 resulted in preparation of the IOMP and ultimately in installation of the ozone scrubber to control odour emissions from the driers. The complaints record indicates a recent decline in the frequency of odour complaints, following installation of the ozone scrubber. BOPRC responses to complaints in 2022 have not identified any incidences where officers determined the odour event to be offensive or objectionable.
- 17 We heard submissions from Sean Grace who resides at 32 Ascott Road, approximately 700m E/NE of the site. He confirmed that in the past he had experienced “pungent” odour during SW wind conditions, described as being like “cooking rotten meat”. In response to our questions, Mr Grace stated that he had experienced a reduction in odour effects since January 2022 when the scrubber was installed. He noted that he could recall only one odour event since that time.
- 18 We also heard from Michael Williams and Wayne Ashworth, representing the Mount Manganui Golf Club, who had a different opinion to Mr Grace. The golf club is approximately 700m from the site and is affected

<sup>27</sup> Ziwi Pets Odour Assessment – Tauranga (Stage 2), WSP, 23 February 2022.

<sup>28</sup> Supplementary Statement of Evidence of Roger Cudmore (Odour) On Behalf of Ziwi Limited, 18 March 2022.

<sup>29</sup> The discharges to air from the LPG fired driers are permitted activities under Rule 4(2) of the RAP and Rule AIR-R8(2)(c) of PC13.

<sup>30</sup> We note that ss104(2B), 104(2D), 104(3), 104(3A), 104(5), 104(6) and 104(7) are not relevant here.

during westerly wind conditions. Their submission was that, based on an informal survey of club members, the recent improvements in odour control had not had a significant effect on odour experienced at the golf club. Mr Williams stated that in his opinion there had not been a noticeable change to odour character or intensity.

- 19 The complaints record and the expert evidence of Mr Cudmore indicates that the odour control measures put in place by Ziwi have resulted in a reduction in odour impacts in the neighbouring industrial and residential areas, particularly during 2022 once the scrubber was fully operational. Mr Cudmore concluded from olfactometry analysis of the scrubber discharge that it is effective in reducing the “fatty” character of the odour, as well as the intensity of the discharge. He discussed the results of extensive odour scout monitoring undertaken in the local area that led him to conclude that frequency of odour exposure is now acceptable.
- 20 In relation to the frequency of odour exposure, Mr Cudmore discussed guidance from Germany regarding chronic Odour Hour (OH) thresholds<sup>31</sup>. For his assessment in this case he adopted conservative thresholds of 5% OH for the industrial area and 2% OH for residential areas. Mr Cudmore concluded that those exposure thresholds were unlikely to be exceeded. Ms Ryan’s review noted that the field odour survey data have limited value for establishing the degree of chronic odour effect. She pointed that the OH assessment thresholds adopted by Mr Cudmore have not been tested or validated in New Zealand.
- 21 Dispersion modelling was also undertaken to assess the effectiveness of the ozone scrubber and assess the degree of odour effect following implementation of the emission controls. The modelling assumed Odour Unit (OU) emission rates of 10,000 OU/s from the 9m high drier stack and 2000 OU/s in total from the two 15m high vent stacks. The modelling, reviewed by Ms Ryan, indicated that the discharge could achieve odour concentrations within the guidelines of 5 OU/m<sup>3</sup> (1 hour average, 99.5 percentile) for industrial areas and 2 OU/m<sup>3</sup> (1 hour average, 99.5 percentile) for residential areas. These guidelines have been recommended by the Ministry for the Environment and are commonly applied in New Zealand.
- 22 The dispersion modelling results are contingent on compliance with the assumed OU emission rates from the driers and the vents. Ms Ryan has pointed out that the odour emission rate from the scrubber will be variable and will depend to a degree on the product being dried. Odour emission testing undertaken by WSP in March 2022 indicated that compliance with the driers OU emission limit could be achieved for products currently manufactured at the plant. We note that these products contain a small proportion of mussels but do not contain fish, which can be more odorous. We determine that consent should not authorise processing of pet food containing fish, such as the “lamb and mackerel” formulation. We accept the evidence of Ms Ryan that fish products have the potential to result in increased odour emissions and there is insufficient information to determine if manufacturing such formulations would result in acceptable effects.
- 23 Mr Hasselhoff reviewed the performance of the ozone scrubber and confirmed he was satisfied that it could adequately control odour emissions from the driers. He noted that his company, Ozone Technologies Ltd, would be available to respond rapidly to any issues that arose with the performance of the scrubber. In response to our questions, Messrs Hasselhoff and Cudmore proposed a revised consent Condition 4.3 that specifies operating parameters for the scrubber.
- 24 Ms Ryan considered that there remained a degree of uncertainty regarding the effects of fugitive odour emissions from the site. Mr Cudmore assessed that fugitive odour emissions discharged via the two 15m high building vent stacks would be substantially reduced following improvements to the drier extraction system and repair of seals to prevent leaks. He considered that compliance with a 2000 OU/s emission limit for the vent stacks could be achieved. We have determined this emission limit should be imposed as a condition of consent, with testing of both fugitive vent and drier emissions required in the event that monitoring detects any objectionable or offensive odour event.

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<sup>31</sup> German Guidelines on Odour in Ambient Air (2008) that specify a 15% OH threshold for industrial areas and 10% for residential areas.

- 25 The applicant has proposed to continue to undertake weekly odour scout monitoring by trained personnel beyond the boundary of the site. The odour monitoring methodology will be included in the OMP, to be prepared and peer-reviewed by an independent appropriately experienced and qualified practitioner. Given the short duration of consent sought, we determine that the monitoring proposed is sufficient to determine compliance.
- 26 Mr Cudmore concluded that there is now minor potential for adverse chronic odour effects due to the low intensity of mealy type odour discharged from the scrubber, particularly having regard to the 12-month term of consent now sought. He considered that acute adverse odour effects were no longer expected. Ms Ryan reviewed the applicant's assessment and confirmed that the mitigation and monitoring now proposed, as detailed in suggested consent conditions, was likely to be adequate.
- 27 We accept the evidence of these experienced experts and find that adverse odour effects are expected to be acceptable for the consent duration now sought by Ziwi, taking into account the conditions of consent we intend to impose. We are mindful of the concerns expressed by the local community who have experienced significant adverse odour effects in the past. However, we find on the evidence that the degree of mitigation now applied is expected to avoid objectionable or offensive odour effects.

#### 4.2 Māori cultural values and interests

- 28 We understand that Waitaha, Ngāti Ranginui, Ngai Te Rangi, Ngāti Pukenga and Ngāti Kuku and Ngai Tukairangi all have an interest in the area potentially affected by the Ziwi discharge. However, as no submissions pertaining to any cultural effects were received, Mr Steens was unable to identify any Māori values or interests that might be impacted by the proposal.<sup>32</sup>
- 29 Mr Coughlan advised:

"I had a meeting on site on 23<sup>rd</sup> September 2021 with representatives of two local Hapu who responded to our enquiries to Iwi concerning consultation. These were Hayden Henry of Ngai Tukairangi and Nathan James from Ngati Kuku. Neither of these representatives had any issues with Ziwi's current operation. They were interested in the IOMP, and the mitigation outlined in the IOMP. The mitigation was demonstrated during the site visit. Mr Henry confirmed in writing that Ngai Tukairangi would agree to a 5 year consent period, subject to Ziwi remaining within consent conditions. Mr James confirmed he had no issues at the site visit and subsequently via telephone conversation on the 29 November 2021."

- 30 In that regard, Mr Steens advised that a letter was provided by Hayden Henry on 6 November 2021 stating that Ngai Tukairangi agreed to a consent duration of no more than 5 years. Nothing we heard at the hearing suggested to us that there were any issues arising from the Ziwi application that were particular to Māori values or interests.

#### 4.3 Submitter issues raised at the hearing

- 31 As noted earlier, we heard in person from three submitters. The issues they raised included:
- Sean Grace outlined the offensive nature of the odour received at his residence in Ascot Road over the last 6 years. In answer to our questions, he advised that there had only been one incident of what he considered to be offensive Ziwi generated odour since January 2022;
  - For the Mount Maunganui Golf Club, Wayne Ashworth and Michael Williams outlined the nature of offensive odours reported by members of the Club that they considered were attributable to the Ziwi operation, including during February 2022; and
  - The Medical Officer of Health, Dr Jim Miller, stated that odour from the Ziwi plant had been considered a significant and priority issue for Te Toi Ora Public Health at the time of notification due to its potential to impact on a large number of people's health and welfare. He considered a mid-duration review of the odour mitigation efficacy (the ozone scrubber) would be appropriate and he assumed that any

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<sup>32</sup> Section 42A Report, section 9.5.



complaints would continue to be responded to. In answer to our questions, he said he was not aware of any people seeking medical help or advice in response to odour incidents.

32 In Reply, Ms Atkins observed that Sean Grace had acknowledged that odour had improved since the ozone scrubber had been fully operational. She considered that the evidence of the Mount Maunganui Golf Club representatives and the Medical Officer of Health were less acknowledging of that improvement and their concerns were, in her view, more representative of the situation prior to the ozone scrubber becoming fully operational.

33 We have taken these matters into account, particularly when considering the conditions that should be imposed on the consent.

#### 4.4 Positive effects

34 As noted by Mr Steens,<sup>33</sup> Ziwi provided an assessment of what it considered to be positive effects associated with enabling the ongoing operation of the Mount Maunganui site and the implementation of the proposed mitigation measures. These claimed positive effects were also discussed in the Ziwi opening legal submissions.<sup>34</sup>

35 We consider that the positive effects of granting the application are the ongoing employment of around 60 staff required to operate the Ziwi site, economic benefits of Ziwi sourcing goods and services from local suppliers, and the use of processed food waste products (otherwise called the raw product) that might otherwise be dumped. However, the localised employment and economic effects will be short lived given the intention to shortly relocate the pet food manufacturing operation to Napier. The short-lived nature of that effect was conceded by counsel for Ziwi.<sup>35</sup> We note that Ziwi will continue to use the same raw product suppliers, so that positive effect will continue.

36 We agree with Mr Steens that the proposed scrubber mitigation and the resultant improvement in ambient air quality is not a positive effect that should be afforded any weight. It is merely the remediation of a long-standing adverse effect that has clearly impacted adversely on nearby businesses and residents.

#### 4.5 Monitoring and review

37 Mr Steens recommended monitoring conditions that included:

- at least weekly odour monitoring to be undertaken by a suitably qualified and experienced person in accordance with an Interim Odour Management Plan;
- recording the weekly monitoring results and providing them to BOPRC (weekly or in response to a complaint); and
- an independent assessment report of the monitoring results, including the odour records, to be undertaken by Ziwi within six months of *“the anniversary of the granting of consent”* and for that assessment to be provided to BOPRC for peer review.

38 We are satisfied that weekly odour monitoring is appropriate, given the site’s odourous history.

39 In answer to our written questions Mr Cudmore advised that further odour emission testing was not considered appropriate, and that instead on-going and frequent assessment of ambient odour levels, as proposed, was considered to an effective monitoring approach. Mr Cudmore reiterated that view at the hearing and for the BOPRC, Ms Ryan agreed that was a sensible approach in the circumstances.

40 We note that condition 5.3 now requires Ziwi to undertake an investigation if the regular weekly monitoring identifies offensive or objectionable odours beyond the boundary of the site. If the odour source cannot be determined or if Ziwi is the likely source, then a further scrubber emission test and a fugitive vent

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<sup>33</sup> Section 42A Report, section 9.7.

<sup>34</sup> At paragraphs 27 to 35.

<sup>35</sup> Opening legal submissions, paragraph 31.

emission test are to be undertaken. Such a test should also be undertaken if the site discharges are identified as the source of the odour. We consider that to be an appropriate 'adaptive management' approach in light of Mr Coughlan's verbal advice to us that each scrubber odour emission test costs around \$10,000.

41 However, we consider that it is also necessary to address the drier room ventilation emissions as they are now likely to be the primary source of fugitive emissions.

42 We note that it is common practice to impose a consent condition that enables a council to undertake a review of conditions under s128 of the RMA. In this case Mr Steens recommended a comprehensive review condition that we find to be generally appropriate. However, given the short duration of consent now sought and the history of odour complaints associated with the Ziwi operation, we consider that it would be prudent to enable a review of conditions on a reasonably frequent basis. To ensure that we comply with the requirement in s128(1)(a) regarding the need to specify "... at any time or times specified for that purpose in the consent..." we have amended the review condition to refer to monthly intervals following the granting of the consent.

43 Mr Steens also recommended conditions<sup>36</sup> that would enable a review of the consent conditions if:

- the BOPRC peer review of the six month post-granting 'independent assessment report' referred to above concluded that surrounding premises or residencies were being subjected to offensive or objectionable odours; or
- if the operation of the ozone scrubber did not sufficiently mitigate the occurrence of offensive or objectionable odours beyond the site boundary.

44 We also find that to be appropriate, subject to our comments in section 6 of this Decision.

#### 4.6 Consent duration

45 As noted earlier in this Decision, Ziwi now seeks a consent duration of no more than 12 months from the date of granting of consent. We understand that neither the RAP, the RNRP nor the RPS provide any guidance regarding an appropriate consent duration in this case. Mr Steens advised:<sup>37</sup>

*"I believe a one year term is appropriate in these circumstances due to the clear commitment to mitigating the current odour issues and expert opinion that the proposed mitigation will achieve its intended purpose."*

46 We agree with Mr Steens and we note that section s113(1)(b) of the RMA requires us to state "*in a case where a resource consent is granted for a shorter duration than specified in the application, the reasons for deciding on the shorter duration.*" In light of the evidence before us, we cannot conceive of any reason why the very short duration now sought by Ziwi should not be granted.

#### 4.7 National environment standards and other regulations

47 One might assume that the National Environmental Standards for Air Quality (NESAQ) would have some bearing on our consideration of the Ziwi application. However, as noted by Mr Steens,<sup>38</sup> the NESAQ does not include any standards relating to discharges of odour and so it is not relevant here. The evidence is that ground level concentrations of residual ozone discharged from the scrubber will be well below the NESAQ for ozone.

48 No other national environmental standards or regulations were brought to our attention.

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<sup>36</sup> Recommended conditions 5.3 to 5.5.

<sup>37</sup> Section 42A Report, section 12.

<sup>38</sup> Section 42A Report, section 10.3.

#### 4.8 National policy statements

49 We were not made aware of any national policy statements that are relevant to our assessment of the Ziwi application.

#### 4.9 Regional Policy Statement

50 We have not considered the Bay of Plenty Regional Policy Statement (RPS) in any detail because we agree with Mr Steens<sup>39</sup> that PC13 to the RNRP gives effect to the RPS and it provides more specific and direct guidance to decision-makers. For Ziwi Ms Barretto adopted the same approach.<sup>40</sup> Accordingly, we are satisfied that having regard to the RPS does not weigh against a grant of consent.

#### 4.10 Regional plans

51 The relevant plans are the RAP and PC13 to the RNRP. Mr Steens undertook a thorough assessment of the relevant provisions of those plans.<sup>41</sup> He quite rightly, in our view, placed more weight on the provisions of PC13 to the RNRP given that:

- PC13 introduces a coherent suite of objectives and policies that establish clear guidance regarding the assessment of the Ziwi proposal, including a specific rule;
- the relevant provisions of PC13 have progressed past the point of appeal; and
- PC13 gives effect to higher order documents, such as the National Environmental Standard for Air Quality (2004) and the Regional Policy Statement (2014), whereas the RAP predates those higher order documents.

52 Mr Steens concluded:

*“Overall, based on the information I have available to me at this time, I conclude that the proposal is consistent with the Pre-Operative Plan change 13. The mitigation measures put forth in the consent application in conjunction with the proposed consent conditions will mean that adverse environmental effects can be mitigated or avoided. While there are clearly historical and current adverse effects associated with this proposal through the submissions received, I am confident that the proposed mitigation aligns with the intended policy direction.”*

53 Ms Barretto agreed with Mr Steens assessment,<sup>42</sup> but nevertheless provided a further detailed assessment of the relevant PC13 provisions, concluding the Ziwi proposal was consistent with the policy framework of PC13.<sup>43</sup>

54 Having considered the provisions of PC13 to the RNRP ourselves, we agree with and adopt Mr Steens' assessment and his conclusions.

55 In particular, we are satisfied that the applicant's use of an ozone scrubber to treat the discharge from all four driers is the best practicable option for safeguarding the life supporting capacity of the air, protecting human health, and mitigating adverse odour effects on cultural values, amenity values, and the environment (PC13 policy AIR P3). In making that finding we are cognisant of both the nearby sensitive areas, especially the residential properties to the north east of SH2 (PC13 policy AIR P4(1)) and the operational requirements and locational constraints on the Ziwi operation, albeit that those are temporary constraints given the pending shift to Napier (PC13 policy AIR P4(8)).

56 We are satisfied that having regard to the provisions of PC13 to the RNRP does not weigh against a grant of consent for the limited duration now sought.

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<sup>39</sup> Section 42A Report, section 10.2.

<sup>40</sup> EIC Deanne Barretto, paragraph 77.

<sup>41</sup> Section 42A Report, section 10.1.

<sup>42</sup> EIC Deanne Barretto, paragraph 79.

<sup>43</sup> EIC Deanne Barretto, paragraphs 80 to 87.

**4.11 Section 104(1)(c) other matters**

57 No further 'other matters' were brought our attention.

**4.12 Section 105(1) matters**

58 Section 105(1) of the RMA states that where an application is for a discharge permit to do something that would otherwise contravene s15 or 15B of the RMA we must have regard to certain matters. In terms of s105(1) Mr Steens stated:<sup>44</sup>

*"The discharge of odour to air is considered to be the only method of discharge at this site as it is directly related to the activity. The proposed mitigation has been assessed by a technical expert and deemed to be suitable for achieving its intended purpose provided the OMP, OCSMP and consent conditions are adhered to."*

59 For the applicant Ms Barretto stated:<sup>45</sup>

*"... the discharge of contaminants into air is site specific and there is no practicable alternative location or method of discharging to air or receiving environments to discharge into. ... Notwithstanding this, the proposed method for the discharge of odour along with the recommended management and control measures is considered appropriate for the Site"*

60 We accept the statements of Mr Steens and Ms Barretto and we find that having regard to s105(1) matters does not weigh against a grant of consent.

**5 Part 2 matters**

61 We are aware of the caselaw which outlines that if the lower order statutory instruments appropriately deal with Part 2 matters, then no further assessment of Part 2 matters is required. We find that recourse to Part 2 matters would not add anything to the assessments that we have cross-referred to and adopted in preceding sections of this Decision.

**6 Consent Conditions**

62 We were provided with recommended consent conditions by Mr Steens. For the applicant, Ms Barretto noted<sup>46</sup> that those conditions generally reflected the measures recommended by Mr Cudmore and advised that Ziwi "... is agreeable to the BOPRC proposed conditions of consent as attached to the Officer's s42A report." She suggested only one minor change to condition 4.7 regarding odour units.

63 For the applicant, Mr Cudmore<sup>47</sup> advised:

*"I have reviewed the draft consent conditions attached to the officer's report and consider these should ensure ongoing ambient monitoring and effective operation of the site's odour control system. I consider the Ozone Control/Scrubber System Plan should include specify key operating parameters which should be met to ensure the odour scrubbing system operates within appropriate operating ranges."*

64 We find the recommended conditions to be generally acceptable in principle. However, during the hearing we suggested that the recommended conditions could be improved and asked Mr Steens and Ms Barreto to undertake caucusing and develop an amended suite of conditions for our consideration. We received those amended conditions on 8 April 2022.

65 We are grateful to Mr Steens and Ms Barreto for their further assistance, but we have made a range of further amendments to the 8 April 2022 suite of conditions as described below. In out text below we use the condition numbering as it now appears in Appendix 1 unless stated otherwise:

<sup>44</sup> Section 42A Report, section 10.5.

<sup>45</sup> EIC Deanne Barretto, paragraphs 68 and 74.

<sup>46</sup> EIC Deanne Barretto, paragraphs 35 and 90.

<sup>47</sup> EIC Roger Cudmore, paragraph 92.

- Referring consistently to “the Bay of Plenty Regional Council”;
- Using consistent language and terms throughout the conditions;
- Correcting the condition numbering;
- Recasting the latter part of Condition 3.1 as an Advice Note because conditions cannot bind a third party (in this case the Bay of Plenty Regional Council);
- Inserting a new Condition 3.2.5 relating to the weekly odour monitoring;
- Referring explicitly to the hearing evidence of Roger Cudmore and Dirk Haselhoff in Condition 3.3.1;
- Inserting a new Condition 3.3.3 requiring the OMP to specify that the odour monitoring methodology is to be in accordance with good practice;
- Amending Condition 3.3.4 to require the OMP to implement the objectives listed in Conditions 3.2;
- Deleting what was Condition 3.4.2 as it duplicated Condition 3.4.1;
- Amending what is now Condition 3.4.2 to also refer to odour monitoring;
- Making Conditions 3.4.3 and 3.4.6 more specific to the pet food manufacturing activity and the on-site odour sources;
- Amending Condition 3.4.4 to also refer to the driers;
- Including a reference to the onsite wastewater treatment plant in Condition 3.4.3 as that was a source of discernible odour during our site visit;
- Moving the details of the off-site odour monitoring plan (was Condition 5.1) into a new Condition 3.3.5;
- Amending Condition 3.4.7 to refer back to the measures and procedures described in previous conditions;
- Inserting a new Condition 3.5 requiring the Consent Holder to operate the pet food manufacturing facility in accordance with the most recently certified versions of the OMP and OCSMP;
- Inserting a new Condition 4.2 restricting the production of pet food products containing fish, other than the small amount of mussels that Mr Coughlan advised are used in each product formulation;
- Amending Condition 4.4.1 to refer to “no less than 13 m/s” as it is impractical to require the efflux velocity to always be exactly 13 m/s;
- Amending Condition 4.4.3 to refer to the 9m stack height referenced in the application documents and the evidence of the Ziwi witnesses;
- Inserting new Conditions 4.6 and 4.7 regarding the 15m high stacks that vent air from within the building and an odour emission rate limit applying to these sources (as assessed);
- Deleting the OMP requirements from Condition 5.1 as these have been relocated to Condition 3.3.5;
- Amending Condition 5.3 to also refer to odour monitoring undertaken by BOPRC;
- Amending Condition 5.3 to clarify what is to occur if discharges (including from the building ventilation stacks) are determined to be the source of offensive or objectionable odours;
- Requiring the 6-month assessment report (Condition 5.4) to be prepared by a suitably qualified and experienced person
- Recasting what were recommended Conditions 5.4 and 5.5 as Advice Notes as they refer to possible future actions of the BOPRC;
- Amending Condition 6.2.3 to refer to rectifying the cause of the odour;
- Amending the Condition 7.1 review opportunities to monthly;
- Amending Condition 7.1.3 to refer to the efficacy of the ozone scrubber and any other on-site odour controls;

- Inserting an Advice Note under Condition 9.1 to implement the response given by Ziwi counsel to our questions during the hearing.

66 In light of these numerous amendments, it is conceivable that the conditions may now contain minor errors. Accordingly, should the applicant or BOPRC identify any minor mistakes or defects in the attached conditions, then we are prepared to issue an amended schedule of conditions under s133A of the RMA correcting any such matters. Consequently, any minor mistakes or defects in the amended conditions should be brought to our attention prior to the end of the 20-working day period specified in section 133A of the RMA.

## 7 Determination

67 We grant discharge permit RM20-0462 sought by Ziwi Limited to undertake a discretionary activity being the discharge of odorous gases to air.

68 Our reasons are detailed in the body of this Decision, but in summary they include:

- (a) Potential adverse effects of the proposal can in all likelihood be suitably avoided, remedied or mitigated by the imposition of appropriate conditions of consent (including comprehensive monitoring and mitigation of unforeseen adverse odour effects should they arise); and
- (b) The proposal is generally consistent with the relevant statutory instruments and any inconsistencies are minor and do not weigh against a grant of consent.

Signed by the commissioners:



Rob van Voorthuysen – Chair



John Iseli

Dated: 14 April 2022

**APPENDIX 1: CONSENT CONDITIONS**

# Resource Consent



## Resource Consent RM20-0462-AP

Ziwi Limited

Consent(s) to:

RM20-0462-DC.01     Discharge To Air

Expiry     14 April 2023



The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

A handwritten signature in grey ink, appearing to read "TCM".



Consent Number: **RM20-0462-DC.01**

## Bay of Plenty Regional Council

### Resource Consent

A resource consent:

**Under section 15(1)(c) and 15(2A)(b) of the Resource Management Act 1991 and Rule 19(z) of the Bay of Plenty Regional Air Plan and Rule AIR-R15(18) of Plan Change 13 to undertake a discretionary activity being the discharge of odorous gases to air**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for the discharge of odour to air from a pet food manufacturing facility.

#### 2 Location

- 2.1 The activity authorised by this resource consent shall be located:
1. At 18 Boeing Place, Mount Maunganui, Tauranga; ~~and~~
  2. At or about map reference NZTM 1877856,5822757; and
  3. As shown on BOPRC Consent Plan RM20-0462/01.

#### 3 Odour Management

- 3.1 Within twenty working days of the commencement of this resource consent the Consent Holder shall ~~submit prepare~~ an updated Odour Management Plan (OMP) and Ozone Control/Scrubber System Management Plan (OCSMP) prepared and peer-reviewed by an independent appropriately experienced and qualified practitioner ~~and provide it to the Bay of Plenty Regional Council for certification.~~ The OMP and OCSMP shall detail site procedures, measures for managing discharges to air, process controls and design, day-to-day operation of pet food manufacturing and the ozone odour/scrubber control system. The purpose of the OMP and OCSMP is to give effect to the objectives listed in condition 3.2.

**Advice Note:** *The Bay of Plenty Regional Council's certification is limited to confirming that the OMP and OCSMP:*

1. ~~Complies~~ Comply with all conditions under sections 3 and 4 and condition 6.1 of this resource consent;

2. *Adopts best practicable options for the management of odorous gases as identified in the consent application titled 'Application for Air Discharge Permit - Ziwi Limited, Tauranga', Prepared July 2020 by Golder Associates (NZ) Limited; ~~and~~*
3. *Ensure the optimization of the ozone scrubber system along with its management controls and monitoring; and*
4. *Contains provisions that are enforceable.*

3.2 The objectives of the OMP and OCSMP are to:

1. Ensure that on-site activities (manufacturing of pet food) achieve compliance with the conditions of this resource consent and avoid or minimise ~~potential~~ odour effects that occur beyond the site boundary, ~~and~~
2. Identify the cause of any offensive or objectionable odours that occur at or beyond the site boundary and to require remedial measures to be undertaken to avoid a repeat occurrence of those offensive or objectionable odours; ~~and~~
3. Implement best practicable option for odour control for this type of operation (being pet food manufacturing); ~~and~~
4. Optimize the monitoring and odour removal performance of the ozone scrubber system;
5. Describe the methodology for weekly odour monitoring at and beyond the site boundary; and
6. Ensure day-to-day running of the ozone scrubber system has processes in place to minimise both human and mechanical error.

3.3 The OMP shall document all relevant site management, monitoring and operational procedures and contingency plans. Prior to submitting the OMP to the Bay of Plenty Regional Council, the Consent Holder shall have an independent appropriately experienced and qualified practitioner review the OMP to verify that:

1. The OMP adopts the mitigation measures identified in the application documentation and the evidence to the Hearings Panel of Roger Cudmore and Dirk Haselhoff, or as otherwise required by the conditions of ~~the~~ this consent;
2. The implementation of the OMP will minimise, to the extent that is reasonably practicable, the occurrence of offensive or objectionable odours causing an adverse effect at or beyond the site boundary;
3. The odour monitoring methodology is in accordance with good practice; and
4. The OMP implements the objectives in ~~gives effect to~~ condition 3.2 of this resource consent.

3.4 The OMP shall be in general accordance with the information supplied in support of the application and the evidence to the Hearings Panel, and should as a minimum include, without being limited to, the following aspects:

1. Key personnel contact details, including management personnel and employees responsible for the implementation of the OMP;  
~~Identification of employee responsibilities for the implementation of the OMP;~~
2. Employee training (in relation to odour remediation or mitigation procedures and odour monitoring);

3. ~~Description of the process management measures, including identification of potential sources of odour associated with the pet food manufacturing activity undertaken on site, including odours from the onsite wastewater treatment plant;~~
4. Odour management, remediation, mitigation and control measures, including inspection, monitoring, maintenance and undertaking good housekeeping procedures (including keeping external doors shut and ensuring seals around the driers and fixtures such as doors and vents are maintained);
5. A Monitoring Plan targeting off-site odour, including the monitoring route, monitoring methodology and monitoring frequency which shall be no less than weekly on a routine basis and additionally in response to complaints;
6. Contingency / emergency planning and procedures including identification of potential failure scenarios and contingency planning for such events for the potential odour sources described under condition 3.4.3;
7. ~~Product management~~ Procedures for the review of the measures and procedures described in conditions 3.4.4 and 3.4.6 and reporting procedures;
8. Complaint response, investigation resolution and reporting procedures; and
9. Any other specific measure required by conditions of this resource consent.

3.5 The Consent Holder shall operate the pet food manufacturing facility in accordance with the most recently certified versions of the OMP and OCSMP.

#### **4 Emission Limits and Controls**

- 4.1 The Consent Holder shall ensure that all manufacturing processes are only operated with the ozone scrubber fully operational at all times as described in the OCSMP.
- 4.2 This consent only authorises the manufacture and drying of pet food, including meat products and a small proportion of mussels, that can achieve compliance with the odour emission rate limits in Conditions 4.5 and 4.7. No pet food products containing fish, including the lamb and mackerel formulation, shall be dried unless evidence of compliance with the odour emission limits is submitted to, and prior express written approval is obtained from, the Bay of Plenty Regional Council.
- 4.3 The Consent Holder shall ensure that the ozone scrubber ~~shall be~~ is operated in accordance with the following parameters:
  1. Ozone application rates are to maintain an oxidation reduction potential (ORP) of above 300mV;
  2. The recirculating water temperature is to be maintained at or below 35°C;
  3. The water pump pressure is to be maintained at or greater than 2 Bar;
  4. In the event that the odour scrubber fails during manufacturing operations, the manufacturing operations shall cease as soon as reasonably practicable. The Bay of Plenty Regional Council is to be informed within 24 hours of any odour scrubber failures; and

5. If there is any demonstrated non-compliance with any condition of this consent, the conditions of this resource consent may be reviewed under condition 7.1.
- 4.4 The stack discharging residual odour from the odour scrubber shall be designed so that:
1. The minimum exit efflux velocity from the stack at full load shall be no less than 13 m/s;
  2. The stack discharge shall be vertical and unimpeded by any cowls or other fixtures on the top of the stack, except that coning may be used to increase the discharge velocity;
  3. The stack shall discharge at a height of ~~be no less than 7m in height from~~ 9m above ground level; and
  4. The sampling point(s) shall meet the requirements of A 3423.1 1995 Stationary Source Emission – selection of sampling positions (or its successors) and be able to be safely sampled from a platform.
- 4.5 The maximum odour discharge rate measured at the scrubber stack measuring point established in accordance with Condition ~~4.4.4~~ 4.6 shall not exceed 10,000 OU/s.
- 4.6 The two stacks discharging ventilation air from within the building shall be designed so that:
1. The stack discharges shall be vertical and unimpeded by any cowls or other fixtures on the top of the stacks, except that coning may be used to increase the discharge velocity; and
  2. The stacks shall discharge at a height of no less than 15m above ground level
- 4.7 The maximum combined odour discharge rate from the two ventilation stacks shall not exceed 2000 OU/s.

## 5 Monitoring and Reporting

- 5.1 The Consent Holder shall undertake at least weekly odour monitoring at and beyond the site boundary in accordance with the certified OMP ~~Interim Odour Management Plan, commencing upon the granting of this consent. The purpose of the monitoring is to evaluate the likelihood of a non-compliance with this resource consent. A Monitoring Plan as part of the OMP required by condition 3.1 indicating the monitoring route, methodology and frequency shall be provided to the Bay of Plenty Regional Council within 20 working days of the date of grant of this resource consent. (See Advice Notes 1 and 3).~~
- 5.2 The odour monitoring required by condition 5.1 shall be undertaken by a suitably qualified and experienced person (see Advice Note 1 ~~6~~).
- 5.3 ~~If the odour monitoring undertaken under Condition 5.1 by the Consent Holder, or undertaken independently by the Bay of Plenty Regional Council, identifies offensive or objectionable odours beyond the boundary of the site, then the Consent Holder shall conduct an investigation shall be conducted to determine the source of the odour. If the source is unable to be determined, or if discharges from the site are determined as the likely source, the Consent Holder shall undertake a odour emission tests of the scrubber stack and the two ventilation stacks to~~

determine compliance with the conditions of this consent. The results of this testing shall be submitted to the Bay of Plenty Regional Council within 20 working days of the first occasion when offensive or objectionable odours are identified to ensure it is working in accordance with the parameters set out in condition 4.2 above.

- 5.4 The monitoring results obtained in compliance with condition 5.1 above shall be recorded and provided to the Bay of Plenty Regional Council with sufficient detail of each monitoring event (weekly or in response to a complaint) so that a clear understanding of the occurrence of odours, including those which may be offensive or objectionable, is established. Within the 6-month anniversary of the granting of this consent, an independent assessment report of the monitoring results, including the odour records, shall be prepared by a suitably qualified and experienced person and provided to the Bay of Plenty Regional Council for peer review.
- 5.4 ***Advice Notes:*** *If the Bay of Plenty Regional Council peer review concludes that surrounding premises or residencies are being subjected to offensive or objectionable odours, then the consent may be reviewed in accordance with condition 7.1.*
- 5.5 ~~Upon commencing operation of the ozone scrubber system in accordance with conditions 3.1 and 4.2, the Consent Holder shall monitor the odour in the same manner as required by conditions 5.1, 5.2, 5.3 and 5.4 for the duration of this consent. If, in the opinion of the Bay of Plenty Regional Council, the operation of this the odour mitigation equipment required to be operated under condition 4.1 does not sufficiently mitigate the occurrence of offensive or objectionable odours beyond the site boundary, this resource consent may be reviewed under condition 7.1.~~

## 6 Complaints

- 6.1 The Consent Holder shall log all complaints received. The complaint details logged shall include:
1. The date, time and nature of the complaint;
  2. An assessment of weather conditions at the time; the name, phone number and address of the complainant, unless the complainant elects not to supply these details; and
  3. Any remedial action undertaken by the Consent Holder.

The Consent Holder shall also log each complaint with the Bay of Plenty Regional Council Pollution Hotline. The details of the complaint and any remedial action undertaken shall be provided to the Regional Council within seven (7) working days of receipt of the complaint.

- 6.2 In the event of any odour complaints substantiated by a Bay of Plenty Regional Council staff member as being offensive or objectionable beyond the boundary of the pet food manufacturing facility site, the following action shall be taken by the Consent Holder:
1. Determination of the cause and/or source of the odour; and
  2. Determination of whether the cause of the odour can be immediately rectified; and
  3. If the cause of the odour is unable to be immediately rectified eliminated ~~beyond the boundary~~, production shall cease until such a time as the odour

is deemed not offensive or objectionable beyond the boundary of the site by a Bay of Plenty Regional Council ~~staff member~~ Staff or delegate.

## 7 Review of Consent Conditions

- 7.1 The Bay of Plenty Regional Council may, on receipt of any report submitted to the Bay of Plenty Regional Council under any condition of this resource consent or compliance report, ~~or monthly for the duration of this consent within one month of the six month anniversary of the granting of this consent~~, serve notice on the Consent Holder of its intention to review the conditions of this resource consent, under s128 of the Resource Management Act 1991. The purposes of this review may include one or more of the following:
1. To modify the OMP and/or OCSMP and/or require additional monitoring and reporting to address any identified offensive or objectionable odour arising from the pet food manufacturing facility at or beyond the site boundaries;
  2. To assess, and if necessary to address, any identified adverse effects of odour discharge from the pet food manufacturing facility at or beyond the site boundaries;
  3. To assess and if necessary to review the efficacy of the ozone scrubber and any other on-site ~~current~~ odour controls for the purpose of ensuring compliance with conditions of this resource consent;
  4. To require the Consent Holder to adopt the best practicable option for odour control in accordance with section 128(1)(a)(ii) of the Resource Management Act 1991; ~~and or~~
  5. To ensure that management practices at the site are consistent with any provisions or restrictions that are required to be implemented by the Regional Council for any National Standards or Regulations.

## 8 Resource Management Charges

- 8.1 The Consent Holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

## 9 Term of Consent

- 9.1 This consent shall expire on 14 April 2023.

**Advice Note:** *The Consent Holder has undertaken to surrender this resource consent prior to its expiry once the pet food processing facility at 18 Boeing Place, Mount Maunganui is fully decommissioned following the relocation of the pet food processing operation to Napier.*

## 10 The Consent

- 10.1 This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

## Advice Notes

- 1 *A suitably qualified person for undertaking ambient odour assessments can be a company employee or contractor who has had a nose calibration using n-butanol via the current AS/NZS standard for olfactometric measurements, and has been trained by a CAQP certified, independent air quality practitioner. The suitably qualified person should also have the results of ambient odour intensity and character assessments compared to other experienced assessors (including BOPRC enforcement officers) once every 6 months and at the commencement of monitoring as required by the conditions of this consent.*
- 2 *FIDOL factors used to assess odour effects are: Frequency, Intensity, Duration, Offensiveness, Location.*
- 3 *Odour perception is subjective and perceived differently, depending on the sensitivity of the person in question. Plan Change 13 to the Regional Natural Resources Plan, specifically AIR-P4, shall be used to guide and inform the monitoring process including the use of monitoring persons and verified complaints in the main instance to identify offensive or objectionable odour emissions. The odour discharge rate can be quantified using an olfactometer, for analytical and comparative purposes with regards to the intensity. However, the determination whether an odour is objectionable should be made using all FIDOL factors (see Advice Note 1).*
- 4 *Notification and reporting required by this resource consent should be made in writing to the Manager Pollution Prevention, Bay of Plenty Regional Council, Box 364 or email [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) and should include the consent number RM20-0462.*
- 5 *The Consent Holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant resource consent conditions, plans and associated documents.*
- 6 *The Consent Holder is advised that non-compliance with resource consent conditions may result in enforcement action against the Consent Holder and/or their contractors.*

