

Before the Independent Hearing Commissioners

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Te Tai o Poutini Plan

Topic: Rural Zone

CMP Kokiri Limited

Submitter number: 611

Evidence of Amy Louise Callaghan

18 March 2024

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Introduction

- 1 My name is Amy Callaghan.
- 2 I hold a Bachelor in Resource and Environmental Planning with Honours from Massey University. I am a full member of the New Zealand Planning Institute.
- 3 I am currently employed as a Technical Director – Planning at GHD Limited and have held that position since 2022.
- 4 My previous work experience includes both planning in a local authority environment and in the private sector. This has involved experience preparation of environmental scoping reports, resource consent applications and Assessments of Effects on the Environment for regional and district council requirements and preparing evidence and submissions to resource consent hearings, private plan changes and the Environment Court. I have specific experience with meat processing facilities and am currently involved in projects for facilities throughout New Zealand.
- 5 I have prepared a planning assessment supporting the submission of CMP Kokiri Limited, trading as ANZCO Foods Kokiri Limited (**ANZCO**), on the proposed Te Tai o Poutini Plan (**TTPP**).
- 6 ANZCO owns and operates a meat processing plant located at RD1 Dobson-Arnold Valley Road, Arnold Valley 7872, legally described as Lots 1 and 2 DP 2134 (**Site**).
- 7 ANZCO seeks to rezone the Site Rural to General Industrial, or similar zoning that provides for continued meat processing activities on the Site.
- 8 In preparing this evidence I have considered the following documents:
 - (a) ANZCO's original submission on the TTPP
 - (b) The TTPP, in particular:
 - (i) The General Rural Zone objectives, policies and rules
 - (ii) The General Industrial Zone objectives, policies and rules
 - (c) The section 32 reports for the General Rural and General Industrial Zones.

Code of Conduct for Expert Witnesses

- 9 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 10 I have prepared planning evidence in relation to ANZCO's submission seeking the re-zoning of ANZCO's meat processing plant at Kokiri under the TTPP from General Rural Zone (**GRUZ**) to General Industrial Zone (**GIZ**). This includes:
- (a) The planning implications of the proposed GRUZ for ANZCO's ongoing operations; and
 - (b) A proposed solution for recognising the existing operations and the need to provide for them on an ongoing basis through the use of a precinct, while managing adverse effects.

ANZCO's Original Submission

- 11 ANZCO made a submission on the TTPP in its entirety, with a particular focus on the zoning of their site at RD1 Dobson-Arnold Valley Road, Arnold Valley. The submission seeks the rezoning of the Site from General Rural to General Industrial. ANZCO's alternative relief is to rezone the Site to another zone that appropriately provides for continued meat processing activities on the site.
- 12 ANZCO's primary concerns with the proposed General Rural Zone are that it:
- (a) fails to recognise and provide for the ongoing use and development of the Site as an established industrial activity which services the region;
 - (b) will not give effect to the West Coast Regional Policy Statement 2020 and the National Policy Statement on Urban Development 2020;
 - (c) will not promote the efficient use and development of resources; and

(d) will otherwise be inconsistent with the purpose and principles in Part 2 of the RMA.

13 ANZCO considers a General Industrial zoning better reflects the established and intended use of the Site.

14 I agree with ANZCO that the current zoning of the Site is inappropriate to support their ongoing operations. The remainder of my evidence sets out the reasons for this and a proposed approach for addressing these issues.

Implications of the General Rural Zone for ANZCO

15 As noted in ANZCO's submission, a meat processing plant has been established in this rural location for approximately 40 years. ANZCO has been operating its meat processing plant for over twenty years, with significant investment on the Site over that time.¹ The Site also provides an important role for the rural community and supports local employment.

16 As currently drafted, the GRUZ provisions will have significant implications for ANZCO's ongoing operations. This includes:

(a) Objectives and policies that are heavily weighted towards maintaining rural character and amenity and discourage 'non-rural activities';

(b) A rule framework which restricts the bulk and location of buildings on the site, thereby potentially hindering any future changes or additions to the existing site layout which may be required. In particular:

(i) The plant operations would likely be considered 'rural industry' which are a restricted discretionary activity where the activity meets the relevant bulk and location standards (Rule GRUZ – R21). ANZCO's existing buildings have a footprint of approximately 8,500m² and do not comply with some of the proposed setback standards.

(ii) Future changes to the Site will therefore require discretionary activity resource consent (under Rule GRUZ-R29), regardless of the scale of those changes.

17 This policy and rule framework will unduly restrict ANZCO in its ability to efficiently operate its business on the Site. The proposed provisions would result in considerable costs and uncertainty, particularly in light of a

¹ Evidence of Darryl Tones, dated 18 March 2024.

discretionary activity status combined with a narrow policy framework to support non-rural activities in the zone, such as meat processing.

- 18 While I support the intent of the TTPP to enable rural industry in the GRUZ in my opinion the plan does not sufficiently recognise the long-established operations on ANZCO's site at Kokiri or provide an appropriate consenting pathway for future changes, while managing the adverse effects on the surrounding rural environment.

Proposed ANZCO Foods Kokiri Precinct

- 19 ANZCO's primary relief was to rezone the Site from GRUZ to GIZ. I note the GIZ is 'intended to provide for a range of industrial activities, with provision for some activities that support industrial activities and/or activities that are compatible with the adverse effects generated by industrial activities'². I also note the TTPP anticipates 'lower standards of amenity' in industrial zones.
- 20 In my opinion, the application of the GIZ to the Site would potentially provide for a significant scale of development on a site that is surrounded by rural activity and could potentially create significant adverse effects. I understand the intent of the TTPP is to direct industrial activities to more appropriate locations in the region. A General Industrial zoning (as currently drafted in the TTPP) on this site could create a situation where a much wider range of industrial activities, and particularly scale of development, are provided for in the future in the event the existing meat processing plant ceases to operate on this site. This is not the intent of ANZCO's submission.
- 21 On this basis I consider an alternative approach would be to retain the existing underlying GRUZ and apply an activity-specific precinct to the ANZCO site, as is provided for in the National Planning Standards. I note the GRUZ already includes two precincts, being the Coastal Settlement Precinct and the Rural Residential Precinct.
- 22 The proposed Kokiri Rural Industry Precinct would provide for the ongoing operation of the Site as a meat processing plant and provide a consent pathway for future changes on the site, where this is required. Appendix 1 (**attached**) includes the proposed Precinct provisions (**Precinct provisions**), including an objective, policy and proposed rule framework. I also recommend the addition of a new definition for 'meat processing facility/meat processing'.

² Proposed Te Tai o Poutini Plan, GIZ - General Industrial Zone – Te Takiwā Ahumahi Whānui, Overview

23 The Precinct provisions are based on the TTPP proposed GIZ provisions and seek to strike a balance between the GRUZ and GIZ standards. I have also drawn on the example of the Business F Zone of the Ashburton District Plan which provides for meat processing facilities subject to appropriate controls.

24 Table 1 below sets out the comparison between the GRUZ, GIZ and my proposed Precinct development standards:

Standard	General Zone ³	Rural General Zone	Industrial Zone	Proposed ANZCO Foods Kokiri Precinct
Building height	10m		Industrial buildings – 20m	15m
Site coverage	N/A		80%	30%
Setbacks	10m from road boundaries, 20m from a State Highway boundary, 10m from internal boundaries.		10m from State Highways, 5m from road boundaries, any RESZ, OSRZ or SETZ boundary and the Rail Corridor	10m from road boundaries, 30m from boundaries with neighbouring properties where the building(s) is used for the housing or slaughtering of animals for the processing of meat or produce, 10m for all other buildings. *exemption for existing encroachments into these setbacks.

³ Rural Industry is provided for in the GRUZ as a Restricted Discretionary Activity subject to compliance with these standards.

Standard	General Rural Zone ³	General Industrial Zone	Proposed ANZCO Foods Kokiri Precinct
Outdoor storage areas	N/A	<p>Screened by a 1.8m fence or landscaping so that:</p> <p>It is not visible from any adjacent RESZ or SETZ boundary or adjacent public place; and</p> <p>The fence or landscaping is set back from the road boundary so that it does not restrict visibility</p>	<p>Screened by a 1.8m fence or landscaping so that:</p> <p>- It is not visible from any adjacent public place; and</p> <p>b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;</p>
Landscaping	N/A	<p>Area adjoining the road frontage and side boundary that adjoins a RESZ, SETZ, OSZ, or MUZ must be landscaped with minimum width of 2m of a standard that does not restrict road visibility or obstruct signage or accessways within the road corridor.</p>	<p>The area adjoining the road frontage of all sites, shall contain landscaping with a minimum width of 2 metres (except where this is not able to be achieved due to the presence of existing buildings), of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor.</p>

Table 1 Comparison of key development standards across the GRUZ, GIZ and Proposed ANZCO Foods Kokiri Precinct

- 25 The proposed provisions would enable maintenance and upgrade of the existing plant, and a limited extent of expansion, as a permitted activity. Where the permitted activity standards were exceeded, consent would be required as a restricted discretionary activity. I have provided a section 32AA evaluation of the proposed provisions in Appendix 2 (**attached**).
- 26 In order to achieve the intended outcome it is also necessary to consider the wider planning provisions to identify any other consequential amendments that are necessary. Rule TRN R12 requires high traffic generators to obtain restricted discretionary activity consent. I consider that it is appropriate to include an exemption to these provisions where the activity is otherwise permitted.

Conclusion

- 27 Overall, I consider that the proposed GRUZ zoning is inappropriate for the ongoing use and development of the Site for ANZCO's operations. The GRUZ fails to recognise this established use on the Site and the plan provisions will create a high regulatory burden for ANZCO.
- 28 While I support the general intent of the TTPP to provide for rural industry to the extent that it meets performance standards, the Site is a unique situation where a rural industrial activity established in the rural environment several decades ago. I consider a more appropriate approach would be to provide for ANZCO's activities via an activity-specific precinct within the GRUZ.
- 29 This approach will provide an appropriate balance between providing for an established use while managing the adverse effects on the surrounding rural environment.

Dated 18 March 2024

Amy Louise Callaghan

Appendix 1: Proposed Objectives, policy and rule framework for ‘Kokiri Rural Industry Precinct’ to be inserted in the General Rural Zone chapter of the TTPP

New objective

GRUZ-07

The Kokiri Rural Industry Precinct is used and developed for meat processing and ancillary activities and adverse effects on the rural environment from activities and development within the Precinct are managed effectively.

New policy

GRUZ-PREC6 – P6

Provide for meat processing and ancillary activities and associated buildings in the Kokiri Rural Industry Precinct while managing the height, bulk and location of structures, noise and traffic in a way that:

- a. Manages adverse effects on rural character and amenity of the surrounding environment
- b. Recognises the important role and function of activities in the Precinct to support local and regional social and economic wellbeing
- c. Supports the safe and efficient functioning of the local transport network and adjacent railway operations.

Rules

Permitted Activities

<p><u>GRUZ – R15</u></p>	<p>Meat processing facilities (including wastewater treatment) and ancillary activities in the Kokiri Rural Industry Precinct</p>	
<p><u>Activity Status Permitted</u> <u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>Maximum building height above ground level is 15m</u> 2. <u>Maximum building coverage is 30%</u> 3. <u>New buildings are setback a minimum of:</u> <ol style="list-style-type: none"> a. <u>10m from road boundaries</u> b. <u>30m from boundaries with neighbouring properties, where the building(s) is used for the housing or slaughtering of animals for the processing of meat or produce</u> c. <u>10m for all other buildings</u> 4. <u>All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:</u> <ol style="list-style-type: none"> a. <u>It is not visible from any adjacent public place; and</u> b. <u>The fence or landscaping is set back from the road boundary so that it does not restrict visibility;</u> 5. <u>There shall be no offensive or objectionable dust nuisance at or beyond the boundary as a result of the activity;</u> 6. <u>The area adjoining the road frontage of all sites, shall contain landscaping with a minimum width of 2 metres, (except were this is not able to be achieved due to the presence of existing buildings) of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;</u> 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>	

Restricted Discretionary Activities

<u>GRUZ – R27</u>	<u>Meat processing facilities and ancillary activities in the Kokiri Rural Industry Precinct</u>	
<u>Activity Status Restricted Discretionary</u> Discretion is restricted to: <ul style="list-style-type: none"> a) <u>The bulk and location of any new buildings</u> b) <u>The extent to which compliance with other standards in GRUZ-R15 mitigates the effects of any non-compliance</u> c) <u>Landscape treatment</u> d) <u>Hours of operation</u> e) <u>Management of access, parking and traffic generation.</u> 		<u>Activity status where compliance not achieved:</u> <u>Restricted Discretionary</u>

<u>Meat processing facility/meat processing</u>	<u>means the use of a site for the yarding and slaughtering of animals; the associated processing of meat including fish processing, stock finishing, by-product and co-product processing; rendering; fellmongery, tanning, casing and pelt processing; the associated chilling, freezing, packaging and storage of meat and associated products; the treatment and disposal of effluent from the above processes; and ancillary activities.</u>
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Consequential Amendments

TRN – R12

Activity Status Restricted Discretionary

Where:

1. This is the establishment of a new activity or the expansion of an existing activity listed in Table TR 6 that complies with Standard TRN S14.

Exemptions: This provision does not apply to activities that are otherwise permitted in the Kokiri Rural Industry Precinct

Appendix 2: Section 32 AA Evaluation – Proposed Kokiri Rural Industry Precinct

<i>Appropriateness of the objective</i>	The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognizes the established use of the ANZCO site for meat processing and ancillary activities, supports this ongoing use for this purpose. It also ensures the effects of these activities are appropriately managed in the context of the rural environment.
<i>Are the provisions the most appropriate way to achieve the objectives?</i>	The provisions provide for reasonable use of the site for ANZCO's existing operations and allow scope for future changes on the site within appropriate parameters to manage the effects on the rural environment including bulk and location and the design of buildings.
<i>Other reasonably practicable options</i>	<p>Other options considered include:</p> <ul style="list-style-type: none"> • Status quo • Rezone to General Industrial • Rezone to Special Purpose Zone <p>The status quo and rezoning to General Industrial is not considered appropriate for the reasons outlined in paragraphs 19 - 20 of my primary evidence.</p> <p>A Special Purpose zoning was considered, however it is noted that the National Planning Standards only provides for the use of this where the proposed land use activities or anticipated outcomes of the zone meet all of the following criteria:</p> <ul style="list-style-type: none"> • Are significant to the district, region or country • Are impractical to be managed through another zone • Are impractical to be managed through a combination of spatial layers. <p>While ANZCO's operations are significant for the district and region, as outlined in my primary evidence in my opinion there are other zones and spatial layers that can be applied to the site.</p>
<i>Costs</i>	The costs associated with the proposed precinct and its provisions are considered low given the site is already in use as a meat processing facility. The main costs are likely to be environmental, however these costs are known and the proposed provisions reflect the existing Plant footprint and operations with limited expansion, and with appropriate parameters to manage these adverse environmental effects.
<i>Benefits</i>	There will be social and economic benefits associated with the proposed precinct and its provisions as they provide certainty for ANZCO and the community about the future use and development of the site and how effects will be managed. The Plant provides significant employment and plays an important role in supporting the region's economy.
<i>Efficiency and effectiveness</i>	<p><i>Efficiency</i></p> <p>The proposed approach is efficient as it will reduce the costs associated with unduly restrictive consent processes that would otherwise be required under a General Rural zoning. At the same time, the proposal provides appropriate parameters to manage the effects of the use and development of the site for meat processing on the surrounding rural environment.</p>

	<p><i>Effectiveness</i></p> <p>The proposed precinct and its provisions balance the need to support the continued operation of ANZCO's activities on the site, while ensuring use and development of the site does not compromise the amenity of the rural environment. The provisions manage the bulk and location of buildings on the site and include requirements to screen storage and parking areas, and provide landscaping on road frontages. These provisions will maintain the amenity of the surrounding rural environment. The activity specific precinct provides certainty that in the event meat processing operations cease on the site, the underlying General Rural Zone provisions will apply.</p>
<p><i>Risks of Acting/not acting if there is uncertain or insufficient information</i></p>	<p>There is certain and sufficient information on which to base the proposed precinct and provisions because they provide for the existing use on the site and the costs and benefits are well understood.</p> <p>Overall, the risk of not acting is considered to be greater than the risk of acting.</p>
<p><i>Reasons for deciding on the provisions</i></p>	<p>The proposed approach recognises and provides for the established activities on the site, provides regulatory certainty, while managing the adverse effects of the activity on the surrounding rural environment.</p>