

Before the Hearing Commissioner

Appointed by the Westland District Council, Grey  
District Council and West Coast Regional Council

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Under the Resource Management Act 1991

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

Hearing Topic: Rural Zone

CMP Kokiri Limited

Submission Number: 611

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**Legal submissions on behalf of CMP Kokiri Limited**

15 July 2024

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## May it please the Commissioners

- 1 These submissions are provided on behalf of CMP Kokiri Limited (**CMP**, Submission: 611), on the proposed Te Tai o Poutini Plan (**TTPP**) Rural Zones hearing.
- 2 CMP's submission relates to the zoning of its meat processing plant at Kokiri (**Site**). The meat processing plant is a well-established and long-standing activity, and a significant employer and contributor to the West Coast economy.
- 3 In summary, the zoning alternatives before the Panel are:
  - (a) The notified zoning of General Rural (**GRUZ**). CMP considers that this does not appropriately recognise the activity, and will create a high regulatory burden for future maintenance, upgrade or expansion of the plant.
  - (b) Application of a Rural Business Precinct over the GRUZ, which would provide for future meat processing activities on the site while managing effects. This is CMP's preferred relief and is supported by the expert evidence filed for CMP.
  - (c) Rezoning to General Industrial Zone (**GIZ**). This was the primary relief sought in CMP's submission. CMP remains supportive of this outcome as an alternative relief to the Rural Business Precinct.
  - (d) Rezoning to Light Industrial Zone (**LIZ**) as recommended by the Officer.<sup>1</sup> This is CMP's least preferred relief, although CMP considers this outcome is more appropriate than the GRUZ as notified.
- 4 The following evidence is provided in support of CMP's submission:
  - (a) Darryl Tones – Company;
  - (b) Katharine Jones – Transport; and
  - (c) Amy Callaghan – Planning.
- 5 Ms Callaghan and Ms Jones have also prepared supplementary briefs of evidence following receipt of the Officer's Report.

## Structure of submissions

- 6 The submissions address:

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<sup>1</sup> Officer's Report at [502]

- (a) Background
- (b) CMP's submission
- (c) Alternatives: GRUZ, Rural Business Precinct, GIZ, and LIZ
- (d) Effects
- (e) Statutory tests;
- (f) Conclusion

## **Background**

### *CMP Kokiri and ANZCO Foods*

- 7 CMP Kokiri Limited (**CMP**) is owned by ANZCO Foods Limited, and trades as ANZCO Foods Kokiri Limited.
- 8 ANZCO Foods is a multinational company supplying New Zealand beef and lamb to the world. It has a fully integrated supply chain, covering procurement, processing, design, creation, marketing and delivery of food and healthcare products/solutions.<sup>2</sup> ANZCO Foods is one of New Zealand's largest exporters, with a turnover of \$1.67 billion annually<sup>3</sup> and customers in more than 80 countries.
- 9 CMP is one of the largest employers in the West Coast Region, employing 190 people, and directly contributing \$133 million to the region annually through wages, salaries and supplier payments.<sup>4</sup>

### *The Site*

- 10 The Site is located at RD1 Dobson Arnold Valley Road, Arnold Valley 7872, legally described as Lots 1 and 2 DP 2134 (the Site). Meat processing activities have occurred on the Site for approximately 40 years, with CMP operating on the Site in excess of 20 years.
- 11 The Site is approximately 33 hectares and is bounded by Arnold River to the east, Blair Road to the south and Arnold Valley Road to the west. The Site is located approximately 5km south of Stillwater and 2.5km north of Kokiri.

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<sup>2</sup> Evidence of Darryl Tones at [8]

<sup>3</sup> ANZCO Foods Climate Change and Sustainability Report 2023

<sup>4</sup> Evidence of Darryl Tones at [14]

- 12 Processing operations are largely confined to the southern part of the Site, where the Plant is located. The proposed TTPP has identified a Significant Natural Area (**SNA**) over an area in the northern portion of the Site.
- 13 In the last 10 years new houses have been developed along Arnold Valley Road between the Site and Stillwater. The closest residential neighbours are located 100m from the Site boundary, on Arnold Valley Road. There is also a residential dwelling located on Blair Road (to the south) however this is owned by CMP.<sup>5</sup>

*Site operations and future development*

- 14 The Site processes 80,000 cattle per year, sourced from farms across the South Island.<sup>6</sup> Site operations are further detailed in the evidence of Mr Darryl Tones.<sup>7</sup>
- 15 CMP's intention is to continue operating from the Site well into the future. CMP has no immediate development plans. However, the majority of the buildings are original and have been there since the site was first established, so will need to be upgraded/replaced over time. The TTPP process provides an opportunity to ensure that appropriate plan provisions are in place to reflect the nature of the existing land use and to assist the continued successful operation of the business into the future. As it stands, the GRUZ zoning provides no recognition of the industrial nature of the long-established activity on Site.

**CMP's submission**

- 16 In its original submission, CMP sought:<sup>8</sup>
  - (a) As primary relief, that the Plant Site be rezoned General Industrial;
  - (b) As alternative relief, rezoning of the Plant Site to an alternative zone (for example, Light Industrial) that provides for continued meat processing activities on the Site;
  - (c) Such other relief to give effect to this submission, including alternative, further or consequential amendments to objectives, policies, rules and definitions of the TTPP to address the matters raised by CMP Kokiri.

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<sup>5</sup> Evidence of Darryl Tones at [16]

<sup>6</sup> Evidence of Darryl Tones at [13]

<sup>7</sup> Evidence of Darryl Tones at [18] – [23]

<sup>8</sup> Submission 611 on the proposed Te Tai o Poutini Plan

- 17 While CMP primarily sought rezoning of the Site to GIZ, its alternative/other relief provides for rezoning to another appropriate zone such as LIZ, or a zone overlay such as a site-specific precinct.
- 18 In the course of preparing for the hearing, CMP has taken expert advice and as a result revised its preferred relief to the application of a Rural Business Precinct over the underlying GRUZ as set out in the planning evidence of Ms Callaghan.
- 19 We provide a summary of the alternatives, and the reasons for CMP's position in respect of each alternative, below.

## **GRUZ**

- 20 Ms Callaghan advises that the GRUZ zoning, as proposed in the TTPP, will have significant implications for CMP's ongoing operations, including:<sup>9</sup>
  - (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, potentially hindering any future changes or additions to the Site.
- 21 The GRUZ zoning does not sufficiently recognise the long-established operations on the Site or provide an appropriate consenting pathway for future changes, while managing the adverse effects on the surrounding rural environment.<sup>10</sup>
- 22 GRUZ is not the most appropriate outcome for the Site, having regard to the efficient use of existing physical resources on the Site, management of effects, and future requirements for and processing of resource consents.

## **Rural Business Precinct**

- 23 Ms Callaghan recommends a precinct approach in preference to industrial rezoning of the Site.
- 24 Applying a precinct approach, the existing underlying GRUZ would be retained and an activity-specific precinct would apply to the Site.<sup>11</sup>
- 25 Ms Callaghan considers that the precinct approach recognises and provides for the existing activity on the Site,<sup>12</sup> while providing long term protection from the effects

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<sup>9</sup> Evidence of Amy Callaghan at [16].

<sup>10</sup> Evidence of Amy Callaghan at [18].

<sup>11</sup> Evidence of Amy Callaghan at [21].

<sup>12</sup> Supplementary Evidence of Amy Callaghan at [13].

associated with the establishment of another industrial activity should the meat processing plant cease to operate on the Site. In her view that this approach provides greater long-term protection of the amenity values associated with the surrounding rural environment, than either GIZ or LIZ, other industrial activities which could establish may have a far bigger impact on the surrounding GRUZ.

### **General Industrial Zone**

- 26 In the event that the Panel consider a zoning approach is preferable to application of a precinct, CMP's preferred alternative relief is GIZ zoning.
- 27 Ms Callaghan observes that there is no distinction between the types of activity that can establish in the LIZ or GIZ. There is limited guidance on zone purpose in the Overview statements<sup>13</sup> 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".<sup>14</sup>
- 28 If the Panel were to favour industrial rezoning over a precinct approach, Ms Callaghan considers that the GIZ best aligns with the operation of the meat processing facility. She notes this approach is consistent with the Officer's recommended rezoning of the Harihari sawmill<sup>15</sup> from Settlement Zone to GIZ, reflecting the industrial use of the site for more than 20 years.<sup>16</sup>
- 29 It is submitted that the types of activities associated with a meat processing facility such as slaughter, processing, discharges and treatment ponds, heavy vehicle transportation produce effects similar to GIZ, for example saw mills, construction companies and manufacturers.

### **Light Industrial Zone**

- 30 The Officer recommends rezoning the Site to LIZ.
- 31 Within the TTPP, the LIZ is intended to provide for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.<sup>17</sup>

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<sup>13</sup> Supplementary Evidence of Amy Callaghan at [14].

<sup>14</sup> Overview: General Industrial Zone, proposed Te Tai o Poutini Plan

<sup>15</sup> Lots 2 and 2 DP 462928

<sup>16</sup> Supplementary Evidence of Amy Callaghan at [16].

<sup>17</sup> Overview: Light Industrial Zone, proposed Te Tai o Poutini Plan

- 32 Ms Callaghan's opinion is that LIZ activities will be more consumer focused than general or heavy industry.<sup>18</sup> This is consistent with the Overview which states that the types of activity anticipated in LIZ include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities, and that aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.<sup>19</sup>
- 33 The National Planning Standards describe the zones as follows:<sup>20</sup>
- (a) Light industrial zone – Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.
  - (b) General industrial zone – Area used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.
- 34 In my submission, meat processing activities sit more comfortably within the GIZ, as any associated adverse effects are less likely to be considered reasonable to sensitive residential activities near the Site. For members of the public who may wish to undertake activities in the vicinity of the Site, GIZ also provides a more appropriate indication of the nature of activities on the Site and their effects.

### **Effects - Traffic**

- 35 In considering the potential effects of a change to the notified provisions, we identified that the primary effect of potential concern would be traffic. Ms Jones has undertaken an assessment of traffic effects associated with the Site and the application of a Precinct or industrial zoning.
- 36 Ms Jones is satisfied that the Site is not contributing to any safety issues on the existing roading network<sup>21</sup> and that existing access and road formation in proximity of the Site is suitable for anticipated vehicle movements associated with use of the Site. She recommends the installation of lighting at the Site entrance to improve its visibility during the hours of darkness.<sup>22</sup> If ANZCO plans to further develop the Site in the future and this triggers the “high trip generating” criteria for Industrial

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<sup>18</sup> Supplementary Evidence of Amy Callaghan at [15].

<sup>19</sup> Supplementary Evidence of Amy Callaghan at [15].

<sup>20</sup> National Planning Standards, 8. Zone Framework Standards, Table 13

<sup>21</sup> Evidence of Katharine Jones at [21]

<sup>22</sup> Evidence of Katharine Jones at [17]; Supplementary Evidence of Katharine Jones at [19]

activities, the development would need to be assessed against the criteria stated in TRN S14 of the TTPP (including a further transport assessment).<sup>23</sup>

37 We note that the Officer raises no issues in respect of traffic.

**Statutory tests**

38 The statutory tests for preparing a district plan, which will be well known by the Hearings Panel.

39 It is submitted that the either the precinct approach or industrial rezoning will:

- (a) give effect to the National Policy Statement on Urban Development 2020, providing plan enabled business (industrial) land;
- (b) give effect to the West Coast Regional Policy Statement, providing for economic development and activity, while also protecting the environment by managing activities around the SNA;
- (c) result in an efficient outcome as it will reduce the costs associated with unduly restrictive consent processes that would otherwise be required under a GRUZ zoning;
- (d) produce an effective outcome for CMP providing for its existing and future operations at the Site;<sup>24</sup>
- (e) promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.

40 However, it is submitted that the application of a Rural Business Precinct as sought will:

- (a) better assist the Council in carrying out its statutory duties under the Resource Management Act 1991 (RMA), in particular the management of the effects of the use, development, or protection of land; and
- (b) is the more appropriate outcome, as assessed under section 32 of the RMA.

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<sup>23</sup> Evidence of Katharine Jones at [22]

<sup>24</sup> Appendix 2, Evidence of Amy Callaghan



## Conclusion

- 41 The proposed TTPP provides the Council with the opportunity to recognise and provide for the meat processing activity at the Site, which is a long-standing activity and important part of the West Coast economy.
- 42 While any of the precinct or industrial zoning options would achieve this, in our submission the Rural Business Precinct will ensure better management of adverse effects.

Dated 15 July 2024



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