

FORM 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,  
SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT  
OR PLAN, CHANGE OR VARIATION**

Clause 8 of Schedule 1, Resource Management Act 1991

To Buller District Council  
Grey District Council  
Westland District Council  
West Coast Regional Council

Name The owners and occupiers of the following properties on Snodgrass Road which are collectively referred to as the Snodgrass Road submitters hereafter:

<b>Name</b>	<b>Address</b>	<b>Legal Description</b>
Paul Robert Reynolds	21 Snodgrass Road	Lot 1 DP 20308 Blk III Kawatiri SD
James McFarlane Risk (and Yvonne Ward as occupier)	21 A Snodgrass Road	Lot 1 DP 456393 Blk III Kawatiri SD
Elizabeth Jane Duncan, Glen Anthony Duncan, Casey Marie Scanlon	21B Snodgrass Road	Lot 3 DP 469120 Blk III Kawatiri SD

Name	Address	Legal Description
Jacob Peter Hawes (and Alexa Kliebenstein as occupier)	22 Snodgrass Road	Lot 2 DP 358517 Blk III Kawatiri SD
Hector Antony Frederick Soares, Yvonne Isabel Soares	24 Snodgrass Road	Lot 2 DP 456393 Blk III Kawatiri SD
Nigel Vaughn Kerr	62 Snodgrass Road	Lot 3 DP 349548 Blk III Kawatiri SD
Kim Robert Walters	65 Snodgrass Road	Lot 2 DP 349548 Blk III Kawatiri SD
Brian Gregory Cohen, Svetlana Cohen	66 Snodgrass Road	Lot 4 DP 349548 Blk III Kawatiri SD

Name	Address	Legal Description
Janine Rose Franklin, Jamie Michael Doyle	68 Snodgrass Road	Lot 1 DP 359713 Blk III Kawatiri SD
Kenneth John Dixon (and Joanne Dixon as occupier)	70 Snodgrass Road	Lot 1 DP 469120 Blk III Kawatiri SD
Ruth Lillian Schwass- Vaega (and Peter John Graham as occupier)	71 Snodgrass Road	Sec 1 Orowaiti Blk III Kawatiri SD
Lachlan Tom Field (and Betsy Field as occupier)	72 Snodgrass Road	Lot 2 DP 469120 Blk III Kawatiri SD
Marcus Peter Shenker	1/75 Snodgrass Road	Sec 4 Orowaiti Blk III Kawatiri SD

Name	Address	Legal Description
Michael Ralston Stevenson, Vicki Jane Stevenson, Clement Michael Carey	2/75 Snodgrass Road	Sec 2 Orowaiti Blk III Kawatiri SD
Elizabeth Mary Pahl	3/75 Snodgrass Road	Sec 3 Orowaiti Blk III Kawatiri SD
Hannah Louise McGowan	77 Snodgrass Road	Sec 5 Orowaiti Blk III Kawatiri SD
Paul James Gibson, Suzanne Catherine Gibson, Francis Thomas Dooley	1/79 Snodgrass Road	Sec 6 Orowaiti Blk III Kawatiri SD
Christine Janice Blair (and Darryl John Jose as occupier)	2/79 Snodgrass Road	Sec 7 Orowaiti Blk III Kawatiri SD

Name	Address	Legal Description
Anna Marie Daily	83 Snodgrass Road	Sec 8 Orowaiti Blk III Kawatiri SD
Trevor Morris Donaldson	85 Snodgrass Road	Sec 9 Orowaiti Blk III Kawatiri SD
Leonie Mary Byrne	87 Snodgrass Road	Sec 10 Orowaiti Blk III Kawatiri SD
Margaret Anne Broderick, Rosemary Schulte, Francis Thomas Dooley, Canterbury Trustees Limited	89 Snodgrass Road	Sec 11 Orowaiti Blk III Kawatiri SD
Thomas Michael Graham Marie-Louise Hill	91 Snodgrass Road	Sec 2 SO 14107 Blk III Kawatiri SD

Name	Address	Legal Description
Brett Johnathon Avery	95 Snodgrass Road	Section 1 Survey Office Plan 14107, and Sec 14 Orowaiti Blk II Kawatiri SD
Malcolm Edward Anderson, Vyonnette Gail Anderson, Francis Thomas Dooley	109 Snodgrass Road	Lot 2 DP 356407 Blk III Kawatiri SD
Malcolm Edward Anderson, Vyonnette Gail Anderson, Francis Thomas Dooley	111 Snodgrass Road	Lot 3 DP 356407 Blk III Kawatiri SD
Michael Timothy Reedy, Gillian Elizabeth Reedy (and Karl Richard Barlow and Kelly Anne Reedy as occupiers)	118 Snodgrass Road	Lot 2 DP 359713 Blk III Kawatiri SD
Joshua Robert Reynolds, Tania Anne Reynolds	134 Snodgrass Road	Lot 3 DP 359713 Blk III Kawatiri SD

<b>Name</b>	<b>Address</b>	<b>Legal Description</b>
Noel Allan Burr, Helen Clare Burr	135 Snodgrass Road	Lot 1 DP 10854 Blk III Kawatiri SD
George David Field, Cindy Louise Field	137 Snodgrass Road	Lot 1 DP 356407 Blk III Kawatiri SD
Sarah-Lee Wendy Poore Smith	138 Snodgrass Road	Lot 3 DP 10854 Blk III Kawatiri SD

1. **This is a further submission on the Proposed Te Tai o Poutini Plan (“Proposed Plan”).**
2. **The individual Snodgrass Road submitters could not gain an advantage in trade competition through this submission.**
3. **The specific submissions on the Proposed Plan Change that this further submission relates to are as follows:**
  - Bruce Dowrick (S51)
  - Buller DC (S538)
  - Federated Farmers of New Zealand (S524)
  - Te Tai o Poutini Plan Committee (S171)
  - The O’Conor Institute Trust Board (S466)
  - Toka Tū Ake EQC submissions (S612)
  - Westland DC (S181)

- West Coast Regional Council (S488)

The background to the Snodgrass Road submitters overall submission is summarised in paragraph 4 below. Their further submissions on the Proposed Plan, and the specific relief sought, are then set out in Appendix A.

4. **Background and issues that inform the Snodgrass Road submitters position on the Proposed Plan**

The Snodgrass Road area originally contained a golf links course and a racecourse, with the small residential titles on the estuary side which were used as baches. In the mid-1960s the area was converted to farmland, and since that time it has been progressively subdivided and developed with rural residential properties. Whilst the area has been subject to periodic flooding of various degrees over that period, including Cyclone Fehi in 2018, and the major Westport flooding event in July 2021, and despite conducting reasonable due diligence before purchasing properties in the area, the Snodgrass Road submitters have had no reason to believe the area would be subject to a long-term unmitigated flood risk of such severity that the planning scheme would:

- prevent any further development of their properties; and
- impose a sinking lid on the existing use development rights which apply.

The LIM reports for the properties contain no mention of dwellings being potentially subject to flood risk, and until very recently the residents were also led to believe that any flood risk which is present would be addressed, alongside the rest of Westport, through the Councils' proposed flood protection scheme. In that respect, building consents have continued to be issued for new dwellings in the area up until very recently (i.e. after the July 2021 flood event).

It therefore came as a significant shock when in 2022 the business case put forward to central government for funding to address Westport's flood hazard excluded the Snodgrass Road area, and the Proposed Plan imposed significant restrictions on the use and development of properties due to the unmitigated flood hazard risk that would result.

The Snodgrass Road submitters will continue to work with the Councils and other stakeholders on the current plan for managing flood risk in Westport with a view to seeking it be amended to provide protection to the Snodgrass Road area. However, they are also cognisant that despite those efforts it is possible that the Councils will provide no further flood protection to the area. The Snodgrass Road submitters are submitting on the Proposed Plan in this context and seek that the Proposed Plan allows for the reasonable use and development of their properties.



5. **The Snodgrass Road residents' do wish to be heard in support of their submission. If others make a similar submission, Snodgrass Road residents' will consider presenting a joint case with them at any hearing.**

Signed as agent on behalf of the Snodgrass Road Submitters:



**Elizabeth Jane Duncan**

**Date: 30.06.2023**

Address for Service: C/O P O Box 57, Westport 7866

Contact person: Elizabeth Jane Duncan

Telephone: 021 136 2029

Email: [jane@stevensorchard.co.nz](mailto:jane@stevensorchard.co.nz)

**Note to submitter**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

APPENDIX A: SNODGRASS ROAD RESIDENTS FURTHER SUBMISSIONS

Name of Submitter	Submission Point	Provision	Support or Oppose	Reason	Decision Sought from Council
Definitions					
The O'Conor Institute Trust Board (S466)	S466.008	Westport Hazard Overlay	Oppose	The Snodgrass Road area is currently within the Westport Hazard Overlay but not identified in the LTTP as an area which is protected by the flood protection area. The submission seeks the definition of that overlay be amended so it applies to the area <i>"certified by the WCRC as protected noting the impacts of climate change have been included in the design, development and implementation of the Westport Flood and Coastal Erosion Protection Scheme"</i> .  This is incorrect insofar as it applies to the Snodgrass Road area.	Reject submission.
Urban Form and Development Strategic Direction					
Toka Tū Ake EQC (S612)	S612.006	UFD - O1	Oppose in part	Oppose insofar as the amendment would allow for undue restrictions on the development and fair use of the Snodgrass Road property owners	Reject submission
NH Natural Hazards					
Federated Farmers of New Zealand (S524)	S524.041	NH - O1	Support in part	Agree with the reasoning that the West Coast is diverse and a regionally consistent approach may not be appropriate between regions.	Accept in part
Toka Tū Ake EQC (S612)	S612.039	NH – P13	Oppose	Oppose submission insofar as it would place further restrictions on the development and fair use of the Snodgrass Road properties.	Reject submission.
Bruce Dowrick (S51)	S51.001	Natural Hazards	Support	Support reasoning to amend natural hazard overlays to not unduly restrict landowners	Accept in full
Buller District Council (S538)	S538.095	Natural Hazards Policies	Support in part	Support in so far as the submission seeks flexibility in Policy NH-P10 to allow residential activities to be developed in the Coastal Severe and Flood Severe Hazard overlays where the hazard can be mitigated.	Accept in part
Toka Tū Ake EQC (S612)	S612.041	NHR1	Oppose	Enabling people to rebuild following a natural disaster with a minimum of bureaucracy is an essential part of the plan providing for the social and economic wellbeing of people and communities.	Reject submission
The O'Conor Institute Trust Board (S466)	S466.011	NHR1	Support in part	Support the submission that the 2-year timeframe imposed within clause 3 of this policy to rebuild is too short for all design, consenting and construction to be completed.	Accept in part
Westland District Council (S181)	S181.005	NHR1	Oppose	Enabling people to rebuild following a natural disaster with a minimum of bureaucracy is an essential part of the plan providing for the social and economic wellbeing of people and communities.	Reject submission.
Toka Tū Ake EQC (S612)	S612.042	Flood Severe Overlay and Flood	Oppose	The Snodgrass Road residents oppose this submission insofar as it would change the overlay which applies to their properties and impose additional restrictions on the reasonable use of their land.	Reject submission.

Name of Submitter	Submission Point	Provision	Support or Oppose	Reason	Decision Sought from Council
		Susceptibility Overlay			
Westland District Council (S181)	S181.010	NHR7	Oppose	Oppose this submission. The submission implies that Council should be controlling the establishment of unoccupied buildings to protect landowners from making an investment in buildings that could be damaged or lost during flooding.	Reject submission
Buller District Council (S538)	S538.104	NHR9	Support in part	Support in so far as the amendment relates to ensuring overlays are supported with evidence and defined correctly and that further work may be required in regard to the identification of overlays and the extent they cover.	Accept in part
Buller District Council (S538)	S538.151	NHR38	Support in part	Support in so far as the amendment relates to ensuring overlays are supported with evidence and defined correctly.	Accept in part
Toka Tū Ake EQC (S612)	S612.070	NHR38	Oppose	Oppose the suggestion as it would unduly restrict the property owners at Snodgrass Road. Their view is that the Rule should permit the reconstruction and replacement of Lawfully Established Buildings in the Coastal Alert Overlay permitted within a 5-year timeframe.	Reject submission
Toka Tū Ake EQC (S612)	S612.083	Westport Hazard Overlay	Oppose	Oppose the submission insofar as it would further restrict the use and development of properties on Snodgrass Road.	Reject submission
Toka Tū Ake EQC (S612)	S612.126	NHR38	Support in part	Support insofar as it relates to mitigation measures in place for the reconstruction of buildings for sensitive activities within the Coastal Alert Hazard Overlay	Accept in Part
Westland District Council (S181)	S181.011	NHR38	Oppose	Oppose the submission. Enabling the rebuilding of damaged properties is an essential aspect of the natural hazard provisions.	Reject submission
Westland District Council (S181)	S181.012	NHR39	Oppose	The submission implies that Council should be controlling the establishment of unoccupied buildings to protect landowners from making investments in buildings that could be damaged or lost during flooding.	Reject submission
Buller District Council (S538)	S538.154, S538.155, S538.156, S538.157	NHR41, NHR42, NHR43, NHR44	Support in part	Support in so far as it relates to ensuring that overlays are justified and supported by evidence.	Accept in part
West Coast Regional Council (S488)	S488.015, S488.016, S488.017, S488.018, S488.019, S488.020, S488.021	Natural Hazards Maps and Overlays, NHR50, NHR51, NHR52, NHR53	Support in part Oppose in part	Support insofar as it seeks the natural hazard overlays be refined and mapped at a property scale. Oppose insofar as the proposed rule-based relief would not provide for the reasonable use of land by Snodgrass Road landowners where they are located within an overlay.	Accept in part Reject in part
Buller District Council (S538)	S538.162	NHR52	Oppose in Part	Oppose insofar as the proposed rules would not provide for the reasonable use of land by Snodgrass Road landowners where they are located within an overlay.	Reject submission

Name of Submitter	Submission Point	Provision	Support or Oppose	Reason	Decision Sought from Council
Te Tai o Poutini Plan Committee (S171)	S171.003, S171.005	NHR52, NHR50	Oppose in Part	Oppose insofar as the proposed rules would not provide for the reasonable use of land by Snodgrass Road landowners where they are located within an overlay.	Reject submission
Toka Tū Ake EQC (S612)	S612.084	NHR52	Oppose	Oppose insofar as the proposed rules would not provide for the reasonable use of land by Snodgrass Road landowners where they are located within an overlay	Reject submission
Ecosystems and Indigenous Biodiversity					
Buller District Council (S538)	S538.209	ECO - R2	Support in part	Support insofar as it seeks a permitted activity rule be inserted which would authorise the Snodgrass residents to clear indigenous vegetation on their properties of up to 5000 m2 over any continuous 3-year period.	Accept in part
Coastal Environment					
Buller District Council (S538)	S538.291	CE - R4	Support in part	Supports the notion that the maximum floor area for new buildings specified in clause 2(iii) is too restrictive.	Accept in part
Buller District Council (S538)	S538.310	Permitted Activities within the High Coastal Natural Character Overlay	Support in part	Support insofar as it relates to removing unduly restrictions on the Snodgrass Road property owners affected by the Overlay	Accept in part