

SUBMITTER DETAILS	
First name	Paul Ave
Last name	Avery
Are you submitting as an individual, or on behalf of an organisation?	organisation
Organisation (if applicable)	Bradshaw farms
Would you gain an advantage in trade competition through this submission?	No
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OUR SUBMISSION	
The specific provisions of the proposal that my submission relates to are	<ul style="list-style-type: none"> • Hazards and Risks • Historical and Cultural Values • Natural Environment Values • Subdivision • General District Wide Matters • Zones • Schedules • Appendices • General feedback
Do you wish to speak your submission?	yes
Would you consider presenting a joint case?	yes

Our submission explicitly extends to include any other related provisions in the plan touched on in our submission and/or concerning our submission or relevant to the matters raised in our submission.

Please refer to attached pages

Avery Submission on Proposed Te Tai o Poutini Plan

PART 1 – INTRODUCTION AND GENERAL PROVISIONS

Definitions

Plan Provision	Support/Oppose	Reasons	Decision Sought
Intensive Indoor Primary Production	Oppose in part	We believe that this definition could inadvertently capture herd homes and wintering barns (where the primary production activity principally otherwise occurs in an outdoor environment). We believe this should be amended so as to be clear that the use of herd homes and wintering barns is not included within the definition of Intensive Indoor Primary Production.	Amend as follows: <i>Means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry. <u>The use of herd homes and wintering barns where the primary production activity principally otherwise occurs in an outdoor environment is not included in this definition.</u></i>
New definition	-	We operate industrial activities from our property covered by SASM14. We believe that there needs to be a clear definition for “offensive industries” as it is listed in SASM – P11.	Develop a definition for “offensive industries”.
New definition	-	We operate industrial activities from our property covered by SASM14. We believe that there needs to be a clear definition for “hazardous facilities” as it is listed in SASM – P11 and SASM – R17.	Develop a definition for “hazardous facilities”.

PART 2 – DISTRICT-WIDE MATTERS

HAZARDS AND RISKS

Natural Hazards

Plan Provision	Support/Oppose	Reasons	Decision Sought
New objective	-	Similarly to NH – O4, the role that protective structures play in natural hazard mitigation needs to be recognised in the Natural Hazards Objectives.	Add a new objective: <i>To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.</i>
NH – P10	Oppose in part	The wording of this policy is too restrictive and precludes a landowner seeking other expert input or utilising solutions where the hazard could be substantially mitigated using technical solutions.	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH – P11 is more appropriate for severe overlays than the current wording. <i>Delete “and there is significant public or environmental benefit from doing so”.</i>
NH – P11	Support	We support this provision.	Retain as notified.
NH – P12	Oppose in part.	This policy is very restrictive.	Retain point b. Delete point g.
NH – R1	Oppose in part	Two and five years is an insufficient length of time for reconstruction/replacement.	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/replaced in all overlays or delete time limit.
NH – R8	Oppose in part	Point two in this rule is too	Delete point 2.

		restrictive.	
NH – R9	Oppose in part	The activity status when compliance is not achieved is too restrictive.	Amend status when compliance is not achieved to Discretionary.
NH – R12	Support	We support this rule.	Retain as notified.
NH – R13	Support	We support this rule.	Retain as notified.
NH – R14	Oppose.	Activity status is too restrictive.	Amend status to Discretionary.
NH – R38	Oppose in part	Two and five years is an insufficient length of time for reconstruction/replacement and there is no activity status where compliance is not achieved.	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/replaced in all overlays or delete time limit and if compliance is not achieved, this should be a Discretionary Activity.
NH – R39	Support	We support this rule.	Retain as notified.
NH – R40	Oppose in part	Point two in this rule is too restrictive.	Delete point 2.
NH – R41	Oppose in part	The activity status when compliance is not achieved within the Coastal Severe Overlay is too restrictive.	Amend status when compliance is not achieved to Discretionary for both Coastal Alert and Coastal Severe Overlays.
NH – R42	Oppose in part	The activity status when compliance is not achieved within the Coastal Severe Overlay is too restrictive.	Amend status when compliance is not achieved to Discretionary for both Coastal Alert and Coastal Severe Overlays.
NH – R43	Support	We support this rule.	Retain as notified.
NH – R44	Oppose	Activity status is too restrictive.	Amend status to Discretionary.

HISTORIC AND CULTURAL VALUES

Sites and Area of Significance to Māori

Plan Provision	Support/Oppose	Reasons	Decision Sought
SASM14	oppose	I believe our properties at 81 Brougham st and 21A Domett street Westport have been wrongly/mistakenly categorised into SASM14	Delete properties from SASM14
SASM – R2	Oppose in part	Too restrictive.	Delete iii. a. and b.
SASM – R3	Support	We support the rule with SASM14 being excluded.	Retain as notified with SASM14 being excluded from point 2.
SASM – R4	Support	We support the rule with SASM14 being excluded.	Retain as notified with SASM14 being excluded from point 2.
SASM – R6	Oppose	Too restrictive.	SASM14 should be excluded from Schedule Three referred to in 1.i. The rule is generally too restrictive.
SASM – R9	Oppose	Too restrictive.	Delete rule or include SASM14 on the list of sites.
SASM – R10	Oppose	Too restrictive.	Delete.
SASM – R11	Oppose	Too restrictive.	Delete.
SASM – R12	Oppose	Too restrictive.	Delete.
SASM – R13	Oppose	Too restrictive.	Delete.
SASM – R14	Oppose	Too restrictive.	Delete.

SASM – R15	Oppose	Too restrictive.	Delete.
SASM – R16	Oppose	Too restrictive.	Delete.
SASM – R17	Oppose	Too restrictive.	Delete.

NATURAL ENVIRONMENTAL VALUES

Ecosystems and Indigenous Biodiversity

Plan Provision	Support/Oppose	Reasons	Decision Sought
ECO – P1	Support	We support that areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken in an appropriate and consultative way and that a formal Plan Change occurs after that time.	Retain as notified.
ECO – P3	Support	We support this policy.	Retain as notified.
ECO – P4	Support	We support this policy.	Retain as notified.
ECO – P7	Oppose in part.	We support that this policy provides for consideration of “the appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied.”	Retain as notified.
ECO – P9	Support	We support this policy.	Retain as notified.

ECO – R1 ECO – R2	Oppose in part	We request that provision is made for low-level clearance for building sites within SNAs (including for future/not yet approved subdivisions). Providing for these types of living options can actually facilitate predator and pest management and control and is an important lifestyle option for the region.	Amend wording to provide for building sites.
ECO – R4/ SUB – R7	Refer to SUB – R7 below.		
ECO - R6/ SUB - R9	Refer to SUB – R9 below.		
ECO - R8/SUB - R15	Refer to SUB – R15 below.		
ECO - R9/SUB - R27	Refer to SUB – R27 below.		

SUBDIVISION

Subdivision

Plan Provision	Support/Oppose	Reasons	Decision Sought
SUB – P9	Oppose in part	Esplanade reserves and strips should not be required to be wider than 20m	Delete references to widths greater than 20m.
SUB – R5	Oppose in part	The activity status when compliance with point 6 (i.e. Coastal Severe Overlays etc) is appropriate. Where compliance is not achieved, status should be Discretionary.	Retain status when compliance with point 6 is not achieved to Discretionary.
		We oppose SASM14 and the rules associated with it.	Delete SASM 14 or provide exclusions for it in associated rules.
SUB – R6	Oppose in part	There are parts of this rule that are too restrictive.	Activity status where there is non-

		For example, if only part of a parcel is located within overlays a specified in point 4, this should not automatically result in the entire parcel being considered inappropriate for subdivision.	compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
SUB – R7/ ECO – R4	Oppose in part	The provision heading is unclear given SNAs are yet to be mapped.	Amend heading to read: <i>Subdivision to create allotment(s) of Land Containing a n Scheduled Area of Significant Indigenous Biodiversity.</i>
		Point 2 is not necessary and a SNA does not need to be within a single allotment.	Delete point 2.
		Point 3 should allow biodiversity offsetting or compensation etc. to be considered within this point.	Amend to: <i>The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for future access to any site <u>unless adverse effects can be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation; and...</u></i>
SUB R6	Oppose in part	There are parts of this rule that are too restrictive. For example, if only part of a	Activity status where there is non-compliance with point

		parcel is located within overlays a specified in point 4, this should not automatically result in the entire parcel being considered inappropriate for subdivision.	should be Discretionary. There should be no escalation to Non-Complying status.
SUB - R9/ECO - R6	Oppose in part	The provision is unclear given SNAs are yet to be mapped.	Amend heading to read: <i>Subdivision of Land to create allotment(s) Containing a Scheduled Area of Significant Indigenous Biodiversity not meeting Rule SUB – R7.</i>
		Point 2 is not necessary and a SNA does not need to be within a single allotment.	Delete.
		Point 3 should allow biodiversity offsetting or compensation etc. to be considered within this point.	Amend to: <i>The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four <u>unless adverse effects can be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation; and...</u></i>
SUB – R13	Support	We support the provision.	Retain as notified.
SUB R15/ECO – R8	Oppose in part	Points 1 and 2 should be deleted from this rule as the escalation to Non-Complying is inappropriate and too restrictive.	Delete points 1 and 2. Activity status where there is non-compliance should be deleted as there should

			be no escalation to Non-Complying status.
SUB – R16	Oppose in part	Point 1 should be deleted from this rule as the escalation to Non-Complying is inappropriate and too restrictive.	Delete point 1. Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status.
SUB – R17	Support	We support the provision.	Retain as notified.
SUB – R18	Support	We support this provision.	Retain
SUB – R20	Support	We support this provision.	Retain
SUB – R21	Support	We support this rule but note the error that where activity status where compliance is not achieved status becomes Non-Complying	Amend to: <i>Activity status where compliance not achieved:</i> <i>Non-complying N/A.</i>
SUB – R23	Support	We support this provision.	Retain
SUB – R25	Oppose.	The rule is too restrictive.	Delete
SUB - R27/ ECO - R9	Oppose	The rule is too restrictive.	Delete

GENERAL DISTRICT-WIDE MATTERS

Coastal Environment

Plan Provision	Support/Oppose	Reasons	Decision Sought
Coastal Environment Overlay	Oppose	This overlay is far too extensive. The extent inland that overlay covers is inappropriate and will unduly restrict development.	Amend overlay extent to exclude our properties.
CE – P5	Support	We support this provision.	Retain as notified.
CE – P6	Support	We support this provision.	Retain as notified.
CE – R1	Support	We support this provision.	Retain as notified.
CE – R4	Oppose in part	The maximum height limit of buildings and structures should be that specified for the particular zone.	Delete point 2. a. i. Delete point 2. a. iii.

		The gross ground floor area is too restrictive and should revert to zone rules.	
CE – R12	Support	We support this rule.	Retain as notified.
CE – R19	Support	We support this rule.	Retain as notified.

Noise

Plan Provision	Support/Oppose	Reasons	Decision Sought
NOISE – R3	Oppose in part	We believe that these acoustic insulation requirements should apply within 100m of our consented quarry to new buildings used for sensitive activities that built in the General Residential Zone at Alma Road if that proceeds to any extent.	Amend NOISE – R3 so that this rule includes that to include acoustic insulation requirements within 100m of our consented quarry for new buildings used for sensitive activities built at the proposed residential development at Alma Road.
NOISE – R5	Oppose	We are opposing this due to reverse sensitivity concerns regarding our quarry operations.	Amend to explicitly exclude consented quarrying operations and similar.

PART 3 – AREA SPECIFIC MATTERS

ZONES

General Residential Zone

Plan	Support/Oppose	Reasons	Decision Sought
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Provision			
Residential Zone	Support	We support that the properties owned by our family on Orowaiti Road and Brougham Street (through freehold or leasehold titles) are zoned residential (i.e. Lot 3 DP 18892, Pt Section 213 Square 141, Lot 2 DP 692, Lot 10 DP 1086, Lot 11 DP 1086, Lot 12 DP 1086 and Pt Lot 13 DP 1086).	Retain as notified.
General residential zone	Oppose in part	We oppose the entire enclave of General Residential Zoning at Alma Road. We believe this should be General Rural Zone or Rural Lifestyle Zone.	Amend General Residential Zoning in the Alma Road area to a lower density zone such as General Rural Zone or Rural Lifestyle Zone.

Settlement Zone

Plan Provision	Support/Oppose	Reasons	Decision Sought
Settlement Zone	Support	We support that 95 Snodgrass Road is zoned Settlement Zone (i.e. Section 1 SO 14107 and Section 14 Town of Orowaiti).	Retain as notified.

General Rural Zone

Plan Provision	Support/Oppose	Reasons	Decision Sought
General Rural Zone	Support	We support that the land we own at 107 Alma Road is zoned General Rural Zone (i.e. Lot 4 DP 15375, PT Lot 2 DP 7181, Section 1 SO 14701 and Section 2 SO 14701).	Retain as notified.

General Rural Zone	Support	We support that Lot 1 DP 17523 is zoned General Rural Zone (i.e. part of 103 Alma Road). Our quarry is important to our business and to the district. It would suffer from inevitable reverse sensitivity issues if adjacent land was zoned for urban/residential use. We support the proposed buffering areas to limit the likelihood of reverse sensitivity effects on our operation from surrounding land use and housing density changes.	Retain as notified.
General Rural Zone	Support	We support that the land between our quarry and Pakihi Road is zoned General Rural Zone (i.e. Lot 2 DP 404550, Lot 2 DP 418652 and Pt Section 24 Blk VII Kawatiri SD). Our quarry is important to our business and to the district. It would suffer from inevitable reverse sensitivity issues if adjacent land was zoned for urban/residential use. We support the proposed buffering areas to limit the likelihood of reverse sensitivity effects on our operation from surrounding land use and housing density changes. We believe that there is a potential natural hazard risk in this area due to overland flow that requires evaluation.	Retain as notified
General	Support	We support that the land that we	Retain as notified.

Rural Zone		own between Bulls Road and Bradshaws Road <u>north</u> of State Highway 67A is zoned General Rural Zone (i.e. Sections 26 and 27 Blk II Steeples SD).	
General Rural Zone	Oppose	We oppose that the land we own between Bulls Road and Bradshaws Road <u>south</u> of State Highway 67A is zoned General Rural Zone (i.e. Section 1 SO 14694, Part Section 2 Blk II Steeples SD, Section 3 Blk II Steeples SD, Section 4 Blk II Steeples SD, Section 5 Blk II Steeples SD, Section 42 Blk II Steeples SD and Section 71 Blk II Steeples SD). We submit that this should be zoned Rural Residential Precinct.	Amend to <u>Rural Residential Precinct.</u>

Commercial Zone

Plan Provision	Support/Oppose	Reasons	Decision Sought
Commercial Zone	Support	We support that Lot 4 DP 15375 and Lot 1 DP 15375 are zoned Commercial Zone (i.e. part of 103 Alma Road and 20 Gillows Dam Road). Our quarry is important to our business and to the district. It would suffer from inevitable reverse sensitivity issues if adjacent land was zoned for urban/residential use. We support the proposed buffering areas to limit the likelihood of reverse sensitivity effects on our operation from surrounding land use and housing density changes.	Retain as notified.

PART 4 – APPENDICES

SCHEDULES

Schedule Three: Sites and Areas of Significance to Māori

Plan Provision	Support/Oppose	Reasons	Decision Sought
SASM 14 and associated rules	Oppose	We oppose SASM14 and the rules associated with it.	Delete SASM14 or provide exclusions for it in associated rules.

OVERLAYS

NATURAL HAZARD OVERLAYS AND ASSOCIATED OBJECTIVES, POLICIES AND RULES

Westport Hazard Overlay and Associated Natural Hazard and Subdivision Objectives, Policies and Rules

Plan Provision	Support/Oppose	Reasons	Decision Sought
Westport Hazard Overlay and associated Natural Hazard and Subdivision objectives, policies and rules.	Oppose in part	This overlay is inappropriate. Associated provisions take an excessively restrictive approach to hazard management and mitigation.	Amend overlay and amend associated objectives, policies and rules to be more enabling.

Coastal Tsunami Hazard Overlay

Plan Provision	Support/Oppose	Reasons	Decision Sought
Coastal Tsunami Hazard Overlay	Oppose in part	This overlay is too extensive.	Amend overlay extent to exclude our properties.

Coastal Environment

Plan Provision	Support/Oppose	Reasons	Decision Sought
Coastal Environment Overlay	Oppose in part	This overlay is far too extensive. The extent inland that the overlay covers is inappropriate and will unduly restrict development.	Amend and reduce the inland extent of the Coastal Environment Overlay.
CE – O1-O2	Support	We support these objectives.	Retain as notified.
CE – O3	Support in part	The term “functional need” does not go far enough in recognising that some activities are required to operate in the coastal environment e.g. due to the location of mineral deposits.	Amend as follows: <i>To provide for activities which have a functional, technical, operational or locational need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.</i>
CE – P1	Support	We support this provision.	Retain as notified.
CE – P4	Support in part.	We believe this policy needs amending.	Include a point c. that provides for activities

			which have a functional, technical, operational or locational need to locate in the coastal environment.
CE – P5	Support in part.	We support this provision but believe this needs amending.	Amend point d. as follows: <i>Have a functional, technical, locational or operational need to locate within the coastal environment.</i>
CE – P6	Support	We support this provision.	Retain as notified.
CE – R1	Support	We support this provision.	Retain as notified.
CE – R4	Oppose in part	The maximum height limit of buildings and structures should be that specified for the particular zone. The gross ground floor area is too restrictive and should revert to zone rules.	Delete point 2. A. i. Delete point 2. A. iii.
CE – R5-R12	Oppose in part	We believe this is too restrictive.	Amend to be more enabling of development.
CE – R14-R19	Oppose in part	We believe this is too restrictive.	Amend to be more enabling of development.
CE – R21	Oppose in part	We believe this is too restrictive.	Amend to be more enabling of development.

Flood Hazard Severe and Associated Natural Hazard and Subdivision Objectives, Policies and Rules

Plan Provision	Support/Oppose	Reasons	Decision Sought
Flood Hazard Severe Overlay and associated Natural Hazard and Subdivision objectives, policies and rules.	Oppose in part	<p>We understand that there is a possibility that this overlay will be extended from what is notified in the proposed plan. We do not support our properties being included in any extension.</p> <p>Associated provisions take an excessively restrictive approach to hazard management and mitigation.</p>	<p>Oppose any extension from what has been notified that would include our properties.</p> <p>Amend associated objectives, policies and rules to be more enabling.</p>

Flood Hazard Susceptibility and Associated Natural Hazard and Subdivision Objectives, Policies and Rules

Plan Provision	Support/Oppose	Reasons	Decision Sought
Flood Hazard Susceptibility Overlay and associated Natural Hazard and Subdivision objectives, policies and rules.	Oppose in part	<p>We understand that there is a possibility that this overlay will be extended from what is notified in the proposed plan. We do not support our properties being included in any extension.</p> <p>Associated provisions take an excessively restrictive approach to hazard management and mitigation.</p>	<p>Oppose any extension from what has been notified that would include our properties.</p> <p>Amend associated objectives, policies and rules to be more enabling.</p>

Coastal Hazard and Associated Natural Hazard and Subdivision Objectives, Policies and Rules

Plan Provision	Support/Oppose	Reasons	Decision Sought
Coastal Hazard Overlay and associated Natural Hazard and Subdivision objectives, policies and rules.	Oppose in part	We understand that there is a possibility that this overlay will be extended from what is notified in the proposed plan. We do not support our properties being included in any extension. Associated provisions take an excessively restrictive approach to hazard management and mitigation.	Oppose any extension from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling.

Coastal Hazard Severe and Associated Natural Hazard and Subdivision Objectives, Policies and Rules

Plan Provision	Support/Oppose	Reasons	Decision Sought
Coastal Hazard Severe Overlay and associated Natural Hazard and Subdivision objectives, policies and rules.	Oppose in part	We understand that there is a possibility that this overlay will be extended from what is notified in the proposed plan. We do not support our properties being included in any extension. Associated provisions take an excessively restrictive approach to hazard management and mitigation.	Oppose any extension from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling.

GENERAL FEEDBACK

I support recognising the importance of mining to the West Coast. I support specifically providing for mineral extraction in zones across the three West Coast districts including within rural, open space and specific mineral extraction zones. I support the Mineral Extraction Zone remaining in the Plan and including future activities to help ensure economic opportunities on the West Coast into the future.

