

**Further Submission on Publicly Notified Proposal for New Plymouth Proposed District Plan**

**Clause 6 of Schedule 1, Resource Management Act 1991**

---

**To:** New Plymouth District Council

Private Bag 2025

New Plymouth 4340

By email: [districtplan@npdc.govt.nz](mailto:districtplan@npdc.govt.nz)

**Name of Submitter:** Foodstuffs North Island Limited (“**Foodstuffs**”)

**Submitter No.** 302

1. Foodstuffs could not gain an advantage in trade competition through this submission.
2. Foodstuffs is directly affected by effects of the subject matters of the submission that:
  - a. Adversely affects the environment; and
  - b. Do not relate to trade competition or the effects of trade competition.
3. Foodstuffs wishes to be heard in support of the submission.
4. Foodstuffs will consider presenting its submission on a joint basis with others making submission at any hearing.

**Address for Service:**

Barker & Associates Ltd

Attn: Matt Norwell / Mary Wong

PO Box 1986

Shortland Street

Auckland 1140

Contact Number: 029 850 2780 / 021 0310291

Email: [mattn@barker.co.nz](mailto:mattn@barker.co.nz) / [maryw@barker.co.nz](mailto:maryw@barker.co.nz)

**Copied to:**

Foodstuffs North Island Limited

c/- Sam Goddard – Development Manager

[sam.goddard@foodstuffs.co.nz](mailto:sam.goddard@foodstuffs.co.nz)



The specific submission points on the New Plymouth Proposed District Plan that this further submission relates to are as follows:

Submission No.	Submitter name	Submitter Decision Request	Support/Oppose	Reasons	Relief Sought
<b>DEFINITIONS</b>					
563.86	Kāinga Ora - Homes and Communities	Supports the definition for retail activities and retain the definition as notified.	Support	Definition provides suitable explanation and clarity of this term included in the retail activities nesting table and is also generally consistent with the term “commercial activity” as defined in the National Planning Standards <sup>1</sup> .	Retain definition as notified
581.4	John and Mary Hamblyn	Supports the definition for retail activities and retain the definition as notified.	Support	Reasons as given above	Relief as given above
583.10	Fonterra Farm Source	Supports the definition for retail activities and retain the definition as notified.	Support	Reasons as given above	Relief as given above
584.9	Bluehaven Commercial Limited	Supports the definition for retail activities and retain the definition as notified.	Support	Reasons as given above	Relief as given above
296.9	Woolworths New Zealand Limited	Amend the definition for supermarkets: <ul style="list-style-type: none"> <li>to include pharmacy related activities; and</li> <li>to require foodstuffs to comprise more than 80 per cent of the total retail floor space (not 90 per cent as is currently proposed in the wording).</li> </ul>	Support in part	The pharmacy components proposed should be <u>ancillary</u> to the retailing of nature of supermarkets for domestic supplies, fresh food and groceries, and should not become a separate activity under this definition.	Amend the definition for “supermarkets” as proposed in Foodstuffs primary submission.
563.119	Kāinga Ora - Homes and Communities	Supports the definition for supermarkets and retain the definition for supermarkets as notified.	Oppose	The “supermarket” definition under the PDP is considered to be insufficiently comprehensive in terms of the full retailing of goods offered at a supermarket, the respective allocation of floor space for particular goods offered and their associated store format.  The definition under the PDP also includes “discount stores, hypermarkets, small-scale superettes and warehouse club stores” which is incompatible and inconsistent with the ordinary meaning or technical interpretation of supermarkets as defined in other district plans throughout New Zealand.	Amend the definition for “supermarkets” as proposed in Foodstuffs primary submission.
577.10	Marsden Machinery Limited	Considers that the definition for supermarkets should be amended to exclude discount stores, hypermarkets, small scale superettes and warehouse club stores because these activities	Support in part	The definition under the PDP also includes “discount stores, hypermarkets, small-scale superettes and warehouse club stores” which is incompatible and inconsistent with the ordinary meaning or technical interpretation of	Relief as given above

<sup>1</sup> National Planning Standards, November 2019 prepared by Ministry for the Environment.

		tend to be much smaller than traditional supermarkets which primarily retail foodstuffs.		supermarkets as defined in other district plans throughout New Zealand.	
578.10	Ian Humphrey	Considers that the definition for supermarkets should be amended to exclude discount stores, hypermarkets, small scale superettes and warehouse club stores because these activities tend to be much smaller than traditional supermarkets which primarily retail foodstuffs.	Support in part	Reasons as given above	Relief as given above
579.12	Bro Devon Limited	Considers that the definition for supermarkets should be amended to exclude discount stores, hypermarkets, small scale superettes and warehouse club stores because these activities tend to be much smaller than traditional supermarkets which primarily retail foodstuffs.	Support in part	Reasons as given above	Relief as given above
580.10	Gordon-Stables Industries Limited	Considers that the definition for supermarkets should be amended to exclude discount stores, hypermarkets, small scale superettes and warehouse club stores because these activities tend to be much smaller than traditional supermarkets which primarily retail foodstuffs.	Support in part	Reasons as given above	Relief as given above
581.9	John and Mary Hamblyn	Amend the definition for supermarkets to: <ul style="list-style-type: none"> <li>• reduce the 90 per cent retail floor space specification relating to foodstuffs to 70 per cent.</li> <li>• specify a minimum gross floor area for supermarkets.</li> <li>• exclude superettes because it is unreasonable to include smaller foodstuff retailers within the broad supermarket definition.</li> </ul>	Oppose and support in part	The defining characteristic for supermarkets is its retail offering of goods and their particular store formats (i.e. retail floor space, loading spaces and back of house areas). It is considered unnecessary to specify a minimum gross floor area in order to qualify as a supermarket because there are different types of store formats and therefore consequential sizes of supermarkets (for example, smaller metro stores versus full service stores) but they have commonality in the retail offering of domestic household supplies, fresh food and groceries.  It is appropriate to exclude “superettes” from the definition of supermarkets because this is included under the definition of “General retail activities” which is a separately defined activity under the PDP.	Amend the definition for “supermarkets” as proposed in Foodstuffs primary submission.
584.17	Bluehaven Commercial Limited	Amend the definition for supermarkets to: <ul style="list-style-type: none"> <li>• reduce the 90 per cent retail floor space specification relating to foodstuffs to 70 per cent.</li> </ul>	Oppose	Reasons as given directly above	Relief as given above

		<ul style="list-style-type: none"> <li>specify a minimum gross floor area for supermarkets.</li> <li>exclude superettes because it is unreasonable to include smaller foodstuff retailers within the broad supermarket definition.</li> </ul>			
<b>TRANSPORT</b>					
116.21	Fire and Emergency New Zealand	Retain Effects Standard TRAN-S8 (Minimum number of on-site vehicle parking spaces) as notified.	Oppose	<p>The car parking standards as notified in the PDP are unnecessarily complex and onerous. The parking standards apply to a broad range of activities under broader definitions of the PDP (i.e. commercial service activities) but does not recognise that those different range of activities have different store formats such that the parking standard is not suited for the particular activity, or it has the consequential effect of generating a higher parking requirement than the actual demand resulting in unintended consequences.</p> <p>It is acknowledged that the direction of the NPS-UD will eventually remove minimum car parking standards in District Plans across New Zealand. However, it is expected that the PDP will become operative prior to implementing this policy direction of the NPS-UD and it is important to develop a district plan that is practical and achieves intended outcomes.</p>	Simplify the car parking standards as notified and include more specific standards for specific activities that are suited to their operational requirements and store formats.
459.112i	Te Kotahitanga o Te Atiawa Trust - Hemi Sundgren	Retain Effects Standard TRAN-S8 (Minimum number of on-site vehicle parking spaces) as notified.	Oppose	Reasons as given above	Relief as given above
504.83h	Papa Rererangi Puketapu Limited (NP Airport) - Richard Buttimore	Retain Effects Standard TRAN-S8 (Minimum number of on-site vehicle parking spaces) as notified.	Oppose	Reasons as given above	Relief as given above
563.286	Kāinga Ora - Homes and Communities	Review and amend non-residential parking rates in TRAN-Table 6 to reduce minimum requirements.	Support	Reasons as given above	Relief as given above
<b>LARGE FORMAT RETAIL ZONE</b>					
296.5	Woolworths New Zealand Limited	Amend the Large Format Retail Zone so that supermarkets that are already consented and operating in the zone area a permitted activity, subject to meeting standards.	Support in part	<p>It is noted that supermarkets that are already consented and operating in the zone would have existing use rights under section 10 of the RMA.</p> <p>The discretionary activity status for supermarkets in the Large Format Retail zone is considered to be unnecessarily onerous. Policy LFRZ-P3 also specifically <u>excludes</u> supermarkets from the list of incompatible activities in the LFR zone which therefore suggests that it is compatible for this zone but this is not accordingly reflected in its activity status. This discretionary activity status</p>	Amend the activity status of supermarkets to permitted in the Large Format Retail zone.

				for supermarkets do not align or correlate with this policy direction for the zone.	
<b>MIXED USE ZONE</b>					
563.629b	Kāinga Ora - Homes and Communities	Supports the permitted activity status of MUZ-R2 (supermarkets).	Support	The permitted activity status for supermarkets gives effect to objective MUZ-01 and policy MUZ-P1 of the PDP by enabling the zone to be predominantly used for supermarkets and allowing activities which are compatible with the role, function and predominant character of the zone to establish and effectively operate.	Retain MUZ-R2 as notified.
296.4	Woolworths New Zealand Limited	Remove MUZ-S4 or adopt an alternative control such as requiring landscaping along road boundaries, except in the vicinity of access and egress points, to be a minimum width (eg: 1m wide landscaping strip)	Support	The requirement of MUZ-S4 (Landscaping requirements on a road boundary) is too prescriptive in terms of requiring a tree to be planted for every 6m increment of the road boundary. This tree planting requirement has the potential to give rise to unintended adverse traffic effects as the planting and location of trees within 5m of the road boundary can block sightlines and cause safety issues. Sites with extensive road frontages could also be required to plant an excessive number of trees which will result in onerous on-going maintenance requirements.	Amend MUZ-S4 to require a minimum landscape buffer of 2m in depth provided along the street frontage between the street and car parking, loading, or service areas which are visible from the street frontage only.  The required landscaping is to comprise a mix of trees, shrubs or ground cover plants (including grass) only.
459.324	Te Kotahitanga o Te Atiawa Trust	Supports MUZ-S4 (landscaping requirements on a road boundary) and retain MUZ-S4 as notified.	Oppose	The requirement of MUZ-S4 is considered to be prescriptive and onerous, and has the potential to generate unintended consequences.	Amend MUZ-S4 as given above.
546.13	Bruce and Raewyn Barron	Supports the intent of MUZ-S4 (landscaping requirements on a road boundary) but considers that there should be specific consideration of transport safety and/or efficiency as a matter of discretion (whereby a reduction in landscaping may be appropriate to account for transport safety and/or efficiency).	Oppose	The requirement of MUZ-S4 is considered to be prescriptive and onerous, and has the potential to generate unintended consequences.	Amend MUZ-S4 as given above.
563.633	Kāinga Ora - Homes and Communities	Considers that MUZ-S4 (landscaping requirements on a road boundary) should be amended.	Support	The requirement of MUZ-S4 is considered to be prescriptive and onerous, and has the potential to generate unintended consequences.	Amend MUZ-S4 as given above.
583.48	Fonterra Farm Source	Supports the intent of MUZ-S4 (landscaping requirements on a road boundary) but considers that there should be specific consideration of transport safety and/or efficiency as a matter of discretion (whereby a reduction in landscaping may be appropriate to account for transport safety and/or efficiency).	Oppose	The requirement of MUZ-S4 is considered to be prescriptive and onerous, and has the potential to generate unintended consequences.	Amend MUZ-S4 as given above.
459.327	Te Kotahitanga o Te Atiawa Trust	Supports MUZ-S6 (outdoor storage requirements) and retain as notified.	Oppose	The requirement of MUZ-S6 for outdoor storage is considered to be unnecessarily prescriptive in terms of the volume and duration.	Amend MUZ-S6 to require rubbish collection areas to be screened as opposed to regulating the volume of

					storage size and their duration of outdoor storage.  Additional clarity is required as to what forms of “outdoor storage” that requires screening.  The requirement for screening should only apply to boundaries which adjoin a residential or open space and recreation zone only where there is a more sensitive interface with business zones.
546.14	Bruce and Raewyn Barron	Supports MUZ-S6 (outdoor storage requirements) and retain as notified	Oppose	Reasons as given above	Amend MUZ-S6 as given above.
563.638	Kāinga Ora - Homes and Communities	Supports MUZ-S6 (outdoor storage requirements) and retain as notified	Oppose	Reasons as given above	Amend MUZ-S6 as given above.
583.49	Fonterra Farm Source	Supports MUZ-S6 (outdoor storage requirements) and retain as notified	Oppose	Reasons as given above	Amend MUZ-S6 as given above.
578.61	Ian Humphrey	Opposes limitation on outdoor storage area and time limit in MUZ-S6 (outdoor storage requirements) because it does not consider activities that require outdoor storage for display of goods.	Support	Reasons as given above	Amend MUZ-S6 as given above.
579.41	Bro Devon Limited	Opposes limitation on outdoor storage area and time limit in MUZ-S6 (outdoor storage requirements) because it does not consider activities that require outdoor storage for display of goods.	Support	Reasons as given above	Amend MUZ-S6 as given above.
580.49	Gordon-Stables Industries Limited	Opposes limitation on outdoor storage area and time limit in MUZ-S6 (outdoor storage requirements) because it does not consider activities that require outdoor storage for display of goods.	Support	Reasons as given above	Amend MUZ-S6 as given above.
<b>LOCAL CENTRE ZONE</b>					
563.502c	Kāinga Ora - Homes and Communities	Supports rules LCZ-R3 (supermarkets) as a permitted activity and retain LCZ-R3 as notified.	Support	The permitted activity status for supermarkets gives effect to the Local Centre zone standards to create vibrant retail areas and attractive places for people to work. This is also consistent with the policy direction (LCZ-P1) for the zone in terms of (retail) activities which are compatible with the role, function and predominant character of the Local Centre Zone.	Retain LCZ-R3 as notified.
<b>TOWN CENTRE ZONE</b>					
563.531a	Kāinga Ora - Homes and Communities	Supports TCZ-R1 (retail activities) and retain TCZ-R1 as notified.	Support	Retail activities (the definition of which includes supermarkets) will give effect to the policy direction (TCZ-P1) of the Town Centre zone and will contribute to giving effect to the objectives of creating vibrant retail areas used for a variety of activities which serve the retail and convenience	Retain TCZ-R1 as notified.

				needs of the immediate and surrounding neighbourhoods.	
<b>CITY CENTRE ZONE</b>					
563.569a	Kāinga Ora - Homes and Communities	Supports Rule CCZ-R1 (retail activities) and retain Rule CCZ-R1 as notified.	Support	Retail activities (the definition of which includes supermarkets) will give effect to the policy direction (CCZ-P1) of the City Centre zone and will contribute to giving effect to the objectives of creating dynamic and vibrant retail areas and will reinforce the city centre as the primary location for a wide range of retail activities.	Retain Rule CCZ-R1 as notified