



# FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, A SUBMISSION ON NPDC'S NOTIFIED PROPOSED DISTRICT PLAN

Clause 8 of Schedule 1 Resource Management Act 1991

**To:** New Plymouth District Council  
**Address:** Private Bag 2025, New Plymouth 4342  
**Email:** districtplan@npdc.govt.nz

### **Further Submitter Details**

Name of further submitter: Bro Devon Limited  
Contact person (if different from above) Care of: Hamish Walker (BTW Company)  
Postal address: PO Box 551, New Plymouth 4340  
Email address for service: hamish.walker@btw.nz  
Phone number: 06 759 5040, 0272270482

*The Council will serve all formal documents by email. Where there is no email address provided, the documents will be posted to the postal address stated above.*

### **I am:** (please tick relevant box)

- a) A person representing a relevant aspect of the public interest.   
*(In this case, also specify the grounds for saying that you come within this category); or*
- b) A person who has an interest in the proposal that is greater than the interest of the general public.   
*(In this case, also explain the grounds for saying that you come within this category); or*
- c) The local authority for the relevant area.

Please state the grounds as to why you come within the category selected above:

- This further submission on the proposed New Plymouth District Plan is lodged to accompany the original submission prepared by Jeremy Brophy on behalf of Bro Devon Limited (submitter number 579). Bro Devon own a property that is affected by the Proposed District Plan.

### **Council Hearing** (please tick relevant box)

Do you wish to be heard in support of your further submission? Yes  No   
If others make a similar submission would you consider presenting a joint case with them at a hearing? Yes  No

### **Submission**

The submission points, support or opposition, reasons and decisions sought are set out in the attached document.

**Note:** Any attachments to your submission should only be supporting information, not the submission.

\_\_\_\_\_  
Signature of the person making further submission

24/08/2020  
Date

or the person authorised to sign on behalf of the person making further submission

## 1. Introduction

This further submission has been prepared on behalf of Bro Devon limited (the submitter). The further submission attached has been lodged in support of the original submission (submitter number: 579) on the Proposed New Plymouth District Plan (PDP) and relates to the site outlined below:



## 2. Support to surrounding landowner submissions

The further submission relates primarily to the re zoning of the properties outlined above from the General Industrial Zone (GIZ) to the Mixed Use Zone (MUZ). The owners of each site have also prepared submissions which relate to the same general area.

The submitter therefore broadly supports the following submissions which relate to neighbouring properties on Devon road included above who also seek to be re zoned to the Mixed-Use Zone:

- Submitter 577: Marsden Machinery Limited
- Submitter 580: Gordon Stables Industries Limited
- Submitter 578: Ian Humphrey

## 3. Broad reasons for submission

- The properties identified in the map above are physically separated from other properties to the south east by the Mangaone Stream and by topography which changes in elevation that ranges from 10-20m. The area is therefore physically separated from other properties that are proposed to be General Industrial Zone.
- The north western boundary of these properties adjoins Devon Road which is an identified entry corridor to New Plymouth. Mixed Use activities are considered to be a far more attractive land use along this section of Devon Road, as a key entrance corridor to the city. As opposite to Industrial Activities where the PDP would seek to screen these activities from view by way of landscaping.

- Existing lawfully established activities have not been considered in NPDC proposing the General Industrial Zone. The vast majority of activities that are currently operating in the area are commercial service and general retail activities, these activities would be better provided for within a Mixed-Use Zone.
- The ex McCurdy Engineering activity at 688 Devon Road has recently relocated to a consistently Industrial Area at 72 Connett Road, New Plymouth. As an entrance corridor to the city, Industrial Activities will not be able to operate on these sites due to typically higher lease rates per/m<sup>2</sup>. As a result, is anticipated that industrial activities will seek out properties that provide a competitive commercial proposition.
- A Mixed-Use Zone would be compatible with the Large Format Retail Zone proposed for "The Valley Mega Centre" and the Sub Regional Centre that is proposed by Bluehaven for the ex-Ravensdown site at 662 Devon Road. BDL supports Bluehaven's proposal in seeking a more specific Sub Regional Zone for it's property that will be developed as a commercial and retail complex.
- A Mixed-Use Zone would be compatible with the Large Format Retail Zone proposed for "The Valley Mega Centre" and the Sub Regional Centre that is proposed by Bluehaven for the ex-Ravensdown site at 662 Devon Road.
- The Mixed-Use Zone Rules should more effectively give effect to the objectives and policies. The Zone objectives and policies are supportive of the establishment of living activities, provide Council has control over the extent, design and location. The discretionary activity status is overly onerous and not reflective of the intent of the Zone.
- The landscaping requirements appear to be a carry-over from the Operative District Plan, which do not take into account the existing use of activities or more up to date traffic safety provisions. All of the Devon Road sites front SH3, meaning particular regard needs to be placed the on safety and efficiency of the roading network.
- The catch-all approach to activities that are not covered in the transport section is overly onerous and could result in a number of unforeseen outcomes.
- The transport provisions are too broad to fully take into account potential adverse effects on the safety and efficiency of the roading network.

**NOTE: it is noted that the summary of submission prepared by NPDC has omitted the zoning change from the planning map provisions. The submitter seeks to have this included as it formed a matter of the original submission.**

**Further submission matters detailed below:**

**Name of Further Submitter: Bro Devon limited**

My specific further submission(s) are as follows:

*(Please only insert one further submission point per line. Add further sheets as required)*

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
Bluehaven Commercial limited – Jeremy Brophy (BTW Company limited)	Sub No. / Point No. 584.17	Support / Oppose Support	Provision Definitions / Supermarkets	Support provided to the proposed definition of a supermarket by Bluehaven Commercial Limited (Bluehaven). The submitter supports the use of a minimum floor area to define a supermarket as 1,000m2 GFA.  The submitters original submission sought amendment to the definition to exclude smaller scale 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.	Allow.
Gordon-Stables Industries Limited – Jeremy Brophy (BTW Company Limited)	Sub No. / Point No. 580.1	Support / Oppose Support	Provision GIZ / Zoning	The submitter supports Gordon-Stables Industries Limited’s opposition to the zone change of 700, 690, 688-686 and 680 Devon Road from the Industrial C Environment Area (ODP) to the General Industrial Zone (GIZ), in favour of a Mixed-Use Zone (MUZ).	Allow.

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
Ian Humphrey – Jeremy Brophy (BTW Company Limited)	Sub No. / Point No.  578.1	Support / Oppose  Support	Provision  GIZ / Zoning	The submitter supports Ian Humphrey's opposition to the zone change of 700, 690, 688-686 and 680 Devon Road from the Industrial C Environment Area (ODP) to the GIZ, in favour of a MUZ.	Allow.
Marsden Machinery Limited – Jeremy Brophy (BTW Company Limited)	Sub No. / Point No.  577.1	Support / Oppose  Support	Provision  GIZ / Zoning	The submitter supports Marsden Machinery Limited's opposition to the zone change of 700, 690, 688-686 and 680 Devon Road from the Industrial C Environment Area (ODP) to the GIZ, in favour of a MUZ.	Allow.
Neil and Susan Drought – Hamish Walker (BTW Company Limited)	Sub No. / Point No.  575.1	Support / Oppose  Support	Provision  GIZ / Zoning	The submitter supports Neil and Susan Drought's opposition to the zone change of 67D Breakwater Road. Similarly, to the submitters site on Devon road, Neil and Susan Drought's site is considered to be more representative of a mixed use zone and existing surrounding activities do not represent the proposed characteristics of the GIZ. This example of GIZ zoning is considered to have some similarities to the submitter's property on Devon Road, concerning NPDC's determination of the proposed GIZ areas throughout the city.	Allow.
Waitomo Petroleum Limited – Hamish Walker (BTW Company Limited)	Sub No. / Point No.  572.1	Support / Oppose  Support	Provision  GIZ / Zoning	The submitter supports Waitomo Petroleum Limited's opposition to the zone change of 73-79 Breakwater Road from the Industrial D Environment to the GIZ. Similarly, to the submitters site on Devon road, Neil and Waitomo Petroleum Limited's site is considered to be more representative of a mixed use zone and existing surrounding activities do not represent the proposed	Allow.

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
				characteristics of the General industrial Zone. This example of GIZ zoning is considered to have some similarities to the submitter's property on Devon Road, concerning NPDC's determination of the proposed GIZ areas throughout the city.	
Bluehaven Commercial Limited – Jeremy Brophy (BTW Company)	Sub No. / Point No.  584.1	Support / Oppose  Support	Provision  GIZ/Zoning	The submitter supports Bluehaven's submission, which seeks the creation of a Sub Regional Centre Zone. The current permitted activities within the GIZ are not considered to be compatible with the development of a commercial and retail complex. The submission also references the existing mixed-use area on the western side of Smart Road which includes the submitters site at 690 Devon Road and supports the proposal that 700, 690, 688-686 and 680 Devon Road be zoned in the MUZ.	Allow.
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.615b	Support / Oppose  Support in Part	Provision  GIZ / Zoning / Planning Maps	The submitter supports the purpose of the submission which identifies areas in the New Plymouth District that have been zoned in the GIZ but should be zoned as the MUZ. The submission states that the re zoning of those GIZ areas will continue to enable business activities, but it will also enable further intensification of sites that are located near a range of attractive amenities for future residents.	seek that the submitters site be included as a MUZ.
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.624h	Support in part	MUZ / Rules / New rule	Support is provided to the new rule should be added to allow for entertainment and hospitality activities within the MUZ.	Allow.

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				Add a new rule as follows: MUZ-RXX Entertainment and hospitality activities.	
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.629e	Support in part	MUZ / Rules / New rule	Considers that a new rule should be added.  Submission summary states:  Add a new rule as follows: New Activity General retail activities up to 200m2 GFA Activity status: PER Where: 1. any office activity or retail activity that is ancillary to the primary activity occupies no more than 15 per cent of the gross floor area of the building and is located within the same building on the same site; and 2. Mixed Use Zone Effects Standards MUZ-S1 – MUZ-S7 are complied with. Note: Community facilities must meet the noise insulation standards set out in NOISE-S3.  Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: 1. The extent to which it is necessary to locate the ancillary activity on the same site as the primary activity and/or the extent to which locating the ancillary activity in the Mixed Use Zone may adversely impact on the role and function of the Local, Town or City Centre zones.	Allow. Provision for some General retail as a permitted activity is supported.

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
				2. The extent to which general retail activities exceeding 200m <sup>2</sup> GFA in the Mixed Use Zone may adversely impact on the role and function of the Local, Town or City Centre zones. 3. The extent to which the ancillary activity may limit or constrain the establishment and use of land for activities that are permitted in the zone. 4. Any potential reverse sensitivity effects and/or conflict with existing activities, and the ability to mitigate these effects. 5. The extent and effect of non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule(s) or standard(s).	
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.642	Oppose	MUZ / Rules / New rule	Submitter considers that a new effects standard should not be added as described below.  Submission summary states: Add a new effects standard as follows: Minimum dwelling size To ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate; dwellings must have a minimum net internal floor area as follows: 30m <sup>2</sup> for studio dwellings. 45m <sup>2</sup> for one or more bedroom dwellings. Matters of discretion if compliance not	Disallow. Submitter considers that the market is best to decide on the size of dwelling units.



<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
				achieved: 1. The adverse effects of reduced apartment size, having regard to: a. The extent to which outdoor living areas and/or balconies are proposed; b. The proximity of the development to public open spaces and/or recreation opportunities; and c. The cumulative effects of reduced dwelling sizes across a development. 2. The extent to which the activity satisfies the policy outcomes under MUZ-P4 and MUZ-P6.	
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.643	Support	MUZ / Rules / New rule	Considers that a new effects standard should be added.  Submission summary states:  Add a new effects standard as follows:  Outlook Space An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing. 1. The minimum dimensions for a required outlook space are as follows: a. a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a	Disallow. Submitter considers that the market is best to decide on the size of dwelling units.

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				<p>minimum dimension of 6m in depth and 4m in width; and</p> <p>b. all other habitable rooms of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width.</p> <p>2. The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</p> <p>3. The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</p> <p>4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</p> <p>5. The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</p> <p>6. Outlook spaces may be within the site, over a public street, or other public open space.</p> <p>7. Outlook spaces required from different rooms within the same building may overlap.</p> <p>8. Outlook spaces may overlap where they are on the same wall plane.</p> <p>9. Outlook spaces must:</p> <p>a. be clear and unobstructed by buildings;</p> <p>b. not extend over adjacent sites, except for where the outlook space is over a</p>	

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				<p>public street or public open space as outlined in MUZ-S9.6 above; and</p> <p>c. not extend over an outlook spaces or outdoor living space required by another dwelling.</p> <p>Note:</p> <p>1. This standard applies to residential activities and visitor accommodation. Matters of discretion if compliance not achieved:</p> <p>The adverse effects of reduced outlook on the amenity of adjoining sites in a residential zone where relevant.</p> <p>The ability of existing vegetation and topography on the site or adjoining sites to mitigate any adverse visual effects of reduced outlook.</p> <p>The ability to mitigate any adverse visual effects of reduced outlook through the use of alternative methods.</p> <p>The design, layout and use of the site which may compensate for reduced outlook.</p> <p>The extent to which the reduced outlook satisfies the policy outcomes under MUZ-P4 and MUZ-P6.</p> <p>MUZ - Figure XX - Minimum required outlook space (refer to the diagram in original submission for illustrated changes).</p>	

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Landpro Limited – Kathryn Hooper	Sub No. / Point No.  475.5	Support / Oppose  Support	Provision  MUZ / Rules	<p>The submission by Landpro Limited aligns with the submitter's point number 579.50: The submitter also opposes the non-complying status for business service activities in the MUZ. The submitter agrees that this is overly restrictive and inconsistent with the diversity outcomes the MUZ is supposed to encourage.</p> <p>This matter is also relevant to Rules / MUZR17.</p> <p>Submission summary states: Opposes Business Service Activities being identified in the Mixed Use Zone as incompatible activities because:</p> <ul style="list-style-type: none"> <li>● This is overly restrictive and inconsistent with their effects.</li> <li>● The submitter has a Business Service Activity in the Mixed Use Zone which is discouraged in this zone and encouraged to locate in the city centre. All around are non-complying Business Service Activities.</li> <li>● Business Service Activities are compatible with the Mixed Use Zone and provide vibrancy and diversity of use that this zone encourages.</li> <li>● The submitter is in this area due to the availability of parking for our clients, staff and business vehicles and the ability of the site to allow storage and maintenance (cleaning etc) of their equipment.</li> </ul>	Allow.

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.645	Support in part	MUZ	<p>Supports some parts of the submission and opposes others.</p> <p>Opposition to the following submission points is provided:</p> <ul style="list-style-type: none"> <li>● The wording and intent does not align with the National Planning Standards definition of Mixed Use Zone: "Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities." The word predominantly provides flexibility for other compatible activities to be located in the Mixed Use Zone.</li> <li>● Disagrees that the Mixed-Use zone will become a 'holding area' for non-residential activities that are not provided for in the City Centre Zone or the Medium Density Residential Zone, creating a 'barrier' between the suburbs and the city centre with a low grade urban form. This is a broad assumption on land use.</li> <li>● The effects of non-residential activities should be managed through a resource consent or prescriptive performance standards are not supported.</li> <li>● Additional effects standards sought in relate to residential activities are not supported.</li> </ul> <p>Support to the following submission points is provided:</p>	Allow in part.

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				<ul style="list-style-type: none"> <li>● The submitter's property will be located in proximity to the proposed 'Sub Regional Centre Zone' proposed by Bluehaven and the SH3 road corridor which will enable efficient land use and the provision of a range of activities.</li> <li>● The submitter agrees that the plan does not efficiently utilise this resource to achieve its strategic objectives regarding residential intensification, and places a greater emphasis on revitalising the city centre at the expense of efficient land use.</li> <li>● The zone could further enable high-density residential activities in addition to the City Centre Zone, particularly as the plan does not utilise a high-density residential zone.</li> <li>● The zone could provide for activities that support high density residential living. General 'convenience' sized retail can be provided (i.e. up to 200m<sup>2</sup>) that would not compromise the viability of the City Centre Zone or other centres.</li> </ul>	
Kāinga Ora - Homes and Communities - Dr Claire Kirman	Sub No. / Point No.  563.646	Oppose	MUZ	Considers that a Mixed Use Design Guideline is not necessary to support development in the Mixed Use Zone. Support is provided to the current PDP provisions which do not include a design guide.	Disallow.
Z Energy Limited - Sean Stirling (4Sight Consulting)	Sub No. / Point No.	Support	MUZ / Objectives / MUZ-O1	Supports the recognition of commercial services as a predominant activity in MUZ-O1 (the Mixed Use Zone is predominantly	Allow.

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	284.16			used for and characterised by commercial service, sport and recreation and community activities).	
Foodstuffs North Island Limited – Mary Wong	Sub No. / Point No.  302.1a	Support / Oppose  Support	Provision  CCZ / Policies / New Policy	<p>The submitter agrees with the submission point in that specific activities that are anticipated within the MUZ (i.e. supermarkets) have specific functional and operational requirements that may be contrary to design outcomes. While the point is supported, the submitter notes that the objectives and policies for the MUZ do not specifically require urban design considerations, rather ensures that design is compatible with the existing character and amenity values of the surrounding environment.</p> <p>The submitter, therefore supports design related objectives and policies for the MUZ in their proposed form.</p>	Allow - to ensure the operational and functional requirements of supermarkets are not jeopardised by strict design standards.

### Note to Further Submitter

This further submission on the Proposed District Plan must be received by the New Plymouth District Council by **5pm on Tuesday 25 August 2020**.

To get your further submission to us, either:

Post to: New Plymouth District Council, Reply Paid DX, DX Box NX10026, New Plymouth.

Attention: District Planning Team

Deliver to: Civic Centre, Liardet Street, New Plymouth  
or to library and service centres at Bell Block, Inglewood or Waitara

Email to: [districtplan@npdc.govt.nz](mailto:districtplan@npdc.govt.nz)

Visit our website: [newplymouthnz.com/eplan](http://newplymouthnz.com/eplan)

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. Contact details for all submitters can be found on our Proposed Plan page at [newplymouthnz.com/eplan](http://newplymouthnz.com/eplan).

Please note all information provided in your submission, including your personal information, will be made publicly available.

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

- 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.