



SUBMISSION ON NEW PLYMOUTH PART OPERATIVE DISTRICT PLAN PLAN CHANGE 2: PUKETAPU STRUCTURE PLAN DEVELOPMENT AREA

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

Submitter Details

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

Name of submitter: Kiwi Trust
On behalf of: JCarter Planning (Planning Consultant) Submitting on behalf of Kiwi Trust
Postal address:
Email address: jenny@carterplanning.nz
Phone number: 021632849
Contact person: Jenny Carter

Trade Competition

Can you gain an advantage in trade competition in making this submission? Yes ☐ No ☒

Are you directly affected by an effect of the subject matter of the submission that:

- (1) Adversely affects the environment; and
(2) Does not relate to trade competition or the effects of trade competition. Yes ☒ No ☐

Council Hearing

Do you wish to be heard in support of your submission? Yes ☒ No ☐

If others make a similar submission would you consider presenting a joint case with them at a hearing? Yes ☒
No ☐

Submission

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

PRIVACY ACT NOTE: Please note that all information provided in your submission, including your personal information, will be made publicly available.

Jenny Carter _____
Signature of the person making submission
or the person authorised to sign on behalf of the
person making submission
(Note: A signature is not required if you are making
your submission by electronic means).

19-05-2026
Date

Kiwi Trust - Submission on Plan Change 2 – Puketapu Structure Plan Development Area to the New Plymouth Part Operative District Plan

Overview of the Submission

1. The Submitter requests that the spatial extent and layers of the Puketapu Structure Plan Development Area (PSPDA) and associated rezoning is extended to include all of the land between the existing and realigned Airport Drive, as illustrated in Figure 1 below.

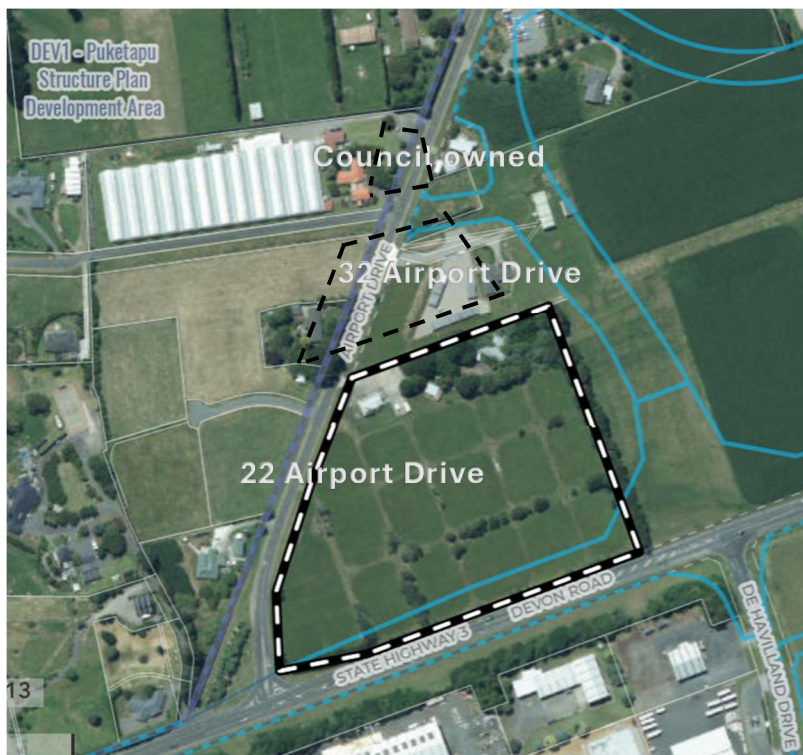


Figure 1: The Structure Plan extension area (full map in Appendix 1 to this submission)

2. The Submitter owns 22 Airport Drive, Part Lot 1 DP 9412, comprising 3.95h, situated in the south of the area proposed for inclusion in PC2. The Submitter's land is outlined in Figure 1. This submission includes two other land-holdings that are framed by the new roading alignment. These are 32 Airport Drive which is 8500m² and a small area in Council ownership that is surplus to roading requirements. While the Submitter's focus is on the land in their ownership, this submission recognises the planning merits of including all of the land west of the realigned Airport Drive.
3. For simplicity the land referred to in this submission is referred to as 'the Site', being the Site subject to this submission.

4. The submission seeks the inclusion of the Site into the PSPDA and consequential rezoning. The Site represents a logical and coherent extension to the PSPDA. The planned realignment of Airport Drive will reshape the surrounding urban form, and provide a strong boundary between the Site and Area R. As a result of the realigned road network the Site will functionally and spatially read as part of the PSPDA. The Site is strategically located at the main entrance to New Plymouth, Bell Block and the Airport and already provides for commercial activities. This submission seeks rezoning to allow integrated development across the site and the wider catchment, better achieving the purpose of the Plan Change.
5. While the economic, infrastructure and transport assessments provided in support of the Plan Change recognize the importance of the Site at the entrance to New Plymouth, and it's relationship to the wider catchment, the Site is not addressed in the Section 32 analysis. The Section 32 analysis therefore fails to consider the zoning options at a catchment level, and has instead assessed only one option for Local Centre Zone in isolation from the wider catchment.
6. A letter from Todd Walker is attached to this Submission outlining why the submission is 'on' the plan change and the legal framework applying to scope for this submission 'on' PC2.

Site Context

7. As illustrated on Figure 1, the Site is adjacent to State Highway 3 and contained within the realigned Airport Drive. This road alignment will connect the State Highway to Airport Drive to the north and then across to the industrial areas of Bell Block and De Havilland Drive to the south. (replacing the existing Airport Drive bordering the Site to the west). The realigned Airport Drive will now provide a strong physical boundary between the PSPDA and Area R. The planning controls for the site are shown on Figure 2.



Figure 2: Existing Zoning and overlays (Part Operative New Plymouth District Plan 15/05/2026)

8. As illustrated on Figure 2, the 1ha of the site is contained within the 'Airport Drive Specific Control Area', located at the south west corner of the Site. This enables, as a controlled activity, service stations, fast food outlets and takeaways. The remainder of the Site is located within the Special Purpose - Future Urban Zone and is subject to two overlays; the Airport Drive Viewshaft and State Highway Noise Control boundary.

Section 32 Assessment and Report

9. One of the key purposes of PC2 is to provide more residential and commercial zoned land in a steadily growing area of New Plymouth and to facilitate a well-functioning urban environment.
10. The Site was included in the assessments underpinning the Plan Change, yet there is no specific consideration in the Section 32 Report as to how including / not including the Site would be the most appropriate way to achieve the purpose of the Resource Management Act 1991 (RMA) or the objectives of PC2.
11. The Bell Block Structure Plan Economics Assessment -Property Economics Report (June 2024) attached as Appendix 3 to the Plan Change documentation identifies the amount of land required for commercial development to serve the Bell Block catchment. The report provides three viable locations for a potential centre, alongside existing Local Centre Zoning

in the Bell Block catchment. The Submitter's land is identified in the Report's Appendix 3 as Block 3 (22 Airport Drive).

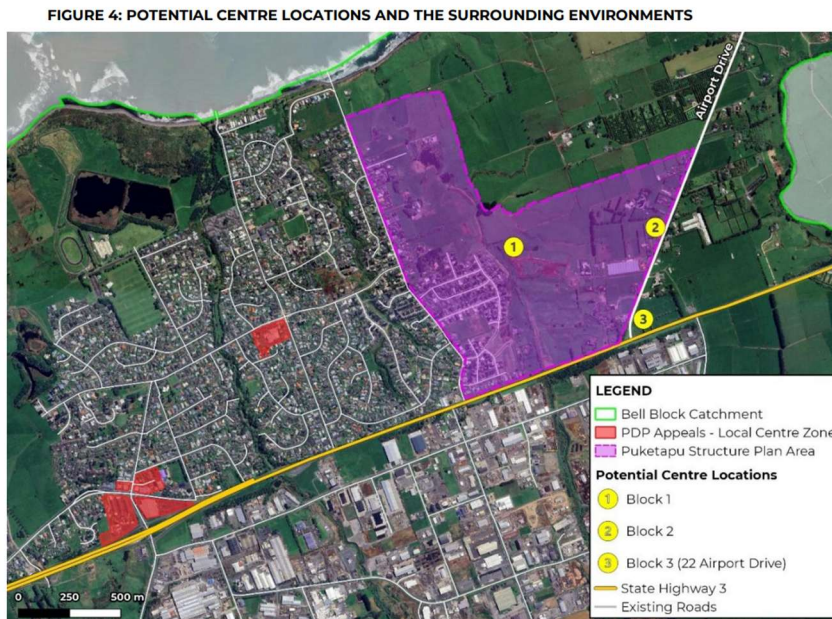


Figure 3: Property Economics Centres (PC 2 Appendix 3: page 32)

12. The Economics Assessment identifies that the Bell Block catchment as able to sustain an additional 2-2.4ha commercial zoning.¹ The PSPDA proposes rezoning approximately 7,000m² of land for commercial.²
13. While identified in the Economics Report as a potential commercial centre location, 22 Airport Drive is not addressed in the Section 32 Report. The Section 32 Report fails to undertake a wider spatial analysis and does not address the relationship between the proposed Local Centre Zone and the existing Specific Control Area. This in turn is a failing of PC2 in terms of assessment against s 32(1)(b) in respect of considering other reasonably practicable options for achieving the objectives of the plan and assessing the efficiency and effectiveness of the provisions in achieving the objectives.
14. The submitter requests that the Site is included in the PSPDA and options for its rezoning considered within the Section 32 for PC 2 for the following reasons:
 - a. Council's economic assessment shows demand for commercial land in Bell Block and recognizes that the Site is strategically located on State Highway 3 and the realigned Airport Drive, providing the opportunity for a vibrant, high performing commercial environment.
 - b. The Specific Control Area within the Site already allows for commercial activity, being a petrol station and fast food restaurants. This fact needs to be recognised when zoning local centre land in the catchment to ensure a well-functioning urban environment. PC2 fails to adequately recognise and have regard to this anticipated environment.

¹ At p. 29-30.

² Section 32 Report, at [24].

- c. The Site is strategically located with frontage to State Highway 3 and Airport Drive and is critical in providing an entrance experience to New Plymouth and the Airport that celebrates the Taranaki Maunga. Inclusion of the Site within the PSDA better enables its comprehensive design and planning and avoids fragmented, piecemeal outcomes that would arise should the development of the Specific Control Area be undertaken in isolation from the wider site and the wider catchment.
 - d. Infrastructure planning for the Site is occurring in parallel with the PSDA. The Airport Drive realignment designations are in place and construction works commencing shortly (2026/2027). Further, the land is included in the Waitaha stormwater catchment. It is efficient to assess the development opportunities of the Site at the same time as the PSDA.
 - e. The realigned Airport Drive will be a main arterial road and provides a strong physical boundary between the PSDA and the wider Area R. It is important that this site is planned concurrently with the PSDA to achieve a well functioning urban environment.
 - f. There is still substantial planning work to be undertaken to advance the rezoning of the wider Area R. This could delay the release of the Site, which as above is infrastructure and development ready. Rezoning the Site as part of PC 2 will fill a potential spatial gap that would exist until Area R rezoning progresses.
15. Inclusion of the Site within PC2 represents a logical amendment and would better achieve its wider purpose, giving effect to the strategic and higher order provisions of the District Plan and regional and national policy direction.
16. The submitter has approached Puketapu hapū in developing this submission. Puketapu hapū indicated that they would be willing to engage in a process, guided by Policy FUZ P7 regarding the rezoning of the land. The submitter will work with key stakeholders, including Council and Puketapu hapū to advance this matter further, prior to presenting at the hearing.
17. Early master planning and viewshaft assessments have been undertaken for the Site. These identify opportunities for comprehensive development that reinforces the entrance corridor, Taranaki Maunga and cultural identity.

Planning background

18. In August 2005 Plan Change 20 included the Site within the Area R Future Development Area overlay. The underlying rural zoning was retained with restrictions included through the overlay to 'protect' the land for future urban development. This Plan Change also established the Area Q Structure Plan on the land to the west of the Site (which was subsequently renamed the PSDA). When the Proposed District Plan (PDP2019) was notified the Future Development Area overlay was removed and Area R (including the Site) was rezoned to Special Purpose Zone – Future Urban Zone (FUZ). The PSDA was rolled over into the PDP2019 with minor changes.
19. The FUZ identifies land that is suitable for future urban development and seeks to avoid urban development until re-zoning and an approved structure plan is in place. As a result, any

commercial activity on the Site that is outside the Airport Drive Specific Control Area is a non-complying activity.

20. The landowner lodged a submission to the PDP2019 seeking the rezoning of 22 Airport Drive from FUZ to Mixed Use or Local Centre Zone. The rezoning request was declined by Council and an appeal was lodged. The appeal was resolved via mediation, with a consent order providing for the Airport Drive Specific Control Area over 1 ha of the submitter's land. This allows for service stations, drive through restaurants and takeaway food outlets as a controlled activity (provided that the SH3 Airport Drive roundabout is in place). Figure 2 above illustrates the extent and location of the Specific Control Area.
21. Whilst negotiations were underway to resolve the appeal the Council notified its Future Development Strategy (FDS) 2024–2054 as required under the National Policy Statement Urban Development (NPS UD). The submitter requested the inclusion of its land in the PSPDA and for consideration for rezoning. However, the Council did not consider the merits of the request on the basis that the land was at that time still subject to appeal. It was indicated that the FDS would be updated following resolution of the appeal to consider 22 Airport Drive, however that has not occurred.
22. There are a number of planning controls that are relevant to the Site. In addition to the Specific Control Area these include the Airport Drive viewshaft, the State Highway Noise Control boundary, the Entrance corridor and the road alignment designations NPD-160 and NZTA 1 as shown in Figure 2 above. The Airport Drive viewshaft is located on the western side of the Site and places a 6m height limit on any buildings. Breaches are assessed as a restricted discretionary activity.
23. As identified above, PC2 was notified in April 2026, and proposes:

Rezoning land on the planning maps north of the existing PSPDA from Rural Production Zone to General Residential Zone and Open Space Zone, and therefore expanding the PSPDA boundary;

Rezoning land on the planning maps on the corner of Airport Drive and the proposed Parklands Avenue extension within the existing PSPDA from General Residential Zone to Local Centre Zone, and applying a defined pedestrian frontage requirement³;
24. It is noted that while PC 2 rezones 7000m² of residential zone to Local Centre it does not consider the Site. Further, the Plan Change extends the existing PSPDA to the north, rezoning that land from Rural Production Zone to General Residential Zone and Open Space Zone.
25. Also of relevance, the Council is currently developing the Bell Block Spatial Plan that will consider growth and development scenarios for the wider Bell Block Area. Although this submission stands on its own there is significant opportunity to align outcomes and timings in this Plan Change with the key directions provided by the Bell Block Spatial Plan.

³ Plan Change Report Explanation, page 2 of Plan Change 2 (Puketapu Structure Plan Development Area) to the New Plymouth Part Operative District Plan

Planning considerations

The following planning considerations support the inclusion of the Site into the PSPDA.

Well-functioning urban environment

26. The inclusion of the Site within the PSPDA enables comprehensive and integrated development that would better achieve a well-functioning urban environment. There is an opportunity to realise positive connections between the existing and future residential areas, proposed local centre zoning and the commercial use already anticipated on the Site.
27. The Site's strategic location at the entrance to New Plymouth, Bell Block, and the Airport, makes its incorporation into the PSPDA a logical and efficient extension that supports high-quality urban form. The realigned Airport Drive will be a main arterial road supporting access to the Airport and eastern Bell Block. The realigned road provides a strong physical boundary between the PSPDA and the wider Area R. The Site is located west of this physical boundary and is best planned comprehensively within the PDSA to provide maximum integration and connectivity to surrounding land.
28. The frontage to State Highway 3 and Airport Drive will frame the entrance experience to New Plymouth, Bell Block and the New Plymouth Airport. Comprehensive planning of the Site offers an opportunity to better recognise and provide for the important entrance experience to New Plymouth and the Airport, and recognise and provide for the views to Maunga Taranaki.
29. Excluding the Site from PC2 would lead to the Specific Control Area being developed in isolation from the wider catchment and the remainder of the Site. This would limit the ability to plan holistically and increases the risk of fragmented, ad hoc outcomes that fail to recognise the needs of the wider commercial catchment.
30. A comprehensive approach across the wider catchment and the Site is necessary to achieve the Strategic Objectives of the District Plan and give effect to the NPS-UD's direction for integrated, accessible, resilient urban environments. Rezoning only 47 Airport Drive to Local Centre zone, without a wider assessment, represents piecemeal planning, and risks a failure to deliver integrated planning outcomes, particularly when this Site has been identified as a strategic location for commercial activity.
31. In order to meet the obligations of the NPS-UD, to achieve a well-functioning urban environment, commercial zonings in the area should be considered comprehensively.

Infrastructure Readiness

32. Infrastructure planning for the Site is occurring alongside the infrastructure planning for the PSPDA. This is evidenced by the Plan Change supporting documents.
33. **Traffic** Appendix 5 to the Plan Change provides a Structure Plan Traffic Assessment dated 26 November 2014. Since this Assessment the Airport Drive realignment has been designated in the District Plan and land negotiations complete. NZTA is progressing the SH3 roundabout for construction in 2026/27 with a two year construction timeframe.

34. **Stormwater** Appendix 1 Beca-Morphum Pre-Structure Stormwater Assessment and Appendix 2 BTW Water course assessment report – Draft Waitaha Catchment (Lower) confirm that the Site is part of the Waitaha catchment. This is illustrated in figures 4a below figure 4 and 4b, which are extracts from Appendix 1.



Figure 4a Map from report of Waitaha catchment (PC 2: Appendix 1 Page 3)

1.3 Site Extents

The site extent for the Puketapu Structure Plan area has been provided by NPDC and is illustrated in Figure 1. Run-off flowing to the Waitaha Stream catchment from an adjacent structure plan area (Area R) has also been considered in this assessment.



Figure 4b Scope of the stormwater assessment (PC 2: Appendix 1 Page 2)

35. Section 4.1.2 of the Stormwater Report acknowledges that commercial development in and around the Airport Drive intersection is planned and that this use has been factored into the overall stormwater solution for the development of the PSPDA.
36. The Plan Change documentation does not include information on waste water and water supply. There are no known issues that would impact the inclusion of the Site in the PSPDA with respect to either wastewater or water supply.
37. The PC2 supporting documentation confirms that Council is already planning and sequencing infrastructure for the Site alongside the PSPDA, particularly in relation to transport upgrades and stormwater catchment management. With these infrastructure matters addressed, there is no strategic or operational reason against inclusion of this land in the PSPDA.

Relief Sought

38. The Submitter opposes PC2 in its notified form and seeks the following relief:

- a. The Site is included for rezoning in PC2.
- b. The PSPDA is extended to include the Site, being the land between the existing and realigned Airport Drive (see Attachment 1).
- c. That the Site is rezoned to reflect its strategic location, and to enable commercial and other mixed uses including but not limited to a supermarket, retail and visitor accommodation, consistent with the reasons set out in the submissions above, by any of the following rezoning options or a combination thereof on the Site:
 - i. Mixed Use, Local Centre, and / or

- ii. any other zoning that would give effect to PC2 and higher order objectives.

Consideration should be given to all zoning options or overlays, including the need for any site-specific provisions (policies, rules, objectives, or overlays) within those rezoning options, to address any site-specific resource issues (if required),

- d. That restrictive overlays / development controls that limit the efficient and effective use of the Site for commercial and mixed use purposes are removed from the Site. In particular:
 - i. Removal of the Airport Drive Viewshaft overlay; and
 - ii. On the basis that the Site is comprehensively rezoned as in (c), the removal or relocation of the Airport Drive Specific Control Area.

In the alternative, the Submission seeks site-specific relief that would give effect to the objectives of these restrictive overlays / development controls while ensuring appropriate commercial and mixed development may occur on the Site.

- e. Any alternative, consequential or other amendments to Plan Change 2 to give effect to the intent and objectives of this submission, including but not limited to consideration of other down-zoning of commercially zoned land proposed by PC2 and / or amendments to DEV 1 provisions.

Attachments:

Attachment 1: Proposed updated Structure Plan.

Attachment 2: Letter from Todd Walker "Plan Change Scope" dated 19 May 2026

19 May 2026

Kiwi Trust
c/o Jenny Carter
Carter Planning

By email: jenny@carterplanning.nz

Dear Jenny

Kiwi Trust submission on Plan Change 2 to the Part Operative District Plan

1. You have asked us to provide an opinion in respect of whether the Kiwi Trust submission (**Submission**) is within the legal scope of Plan Change 2: Puketapu Structure Plan Development Area (**PC2**).
2. We understand that this letter will be attached to the Submission by Kiwi Trust to be made on PC2. At the time of writing, we have reviewed a copy of the final submission and the PC2 context.
3. In summary, our opinion is that the Submission satisfies both limbs of the established legal test for 'scope' and is considered to be 'on' PC2. Specifically:
 - a. it is directly connected to the purpose and content of PC2 and fairly and reasonably relates to the notification documents and preparatory materials;
 - b. its inclusion does not create any procedural unfairness or natural justice issues for any persons interested in, and engaging with, PC2;
 - c. the relief sought by Kiwi Trust is necessary to meet statutory obligations under PC2, and will promote a well-functioning, sustainable urban environment in accordance with the Resource Management Act 1991 (**RMA**) and relevant policy directives of the planning framework.
4. The inclusion of the Submission in PC2 would be a logical and reasonably foreseeable submission in the context of the plan change.

Submission summary and site context

5. The Submission relates to the area of land between the existing and realigned Airport Drive, situated immediately adjacent to the Puketapu Structure Plan Development Area (**PSPDA**) (described as the **Site** in the Submission). These parcels are currently zoned Special Purpose – Future Urban Development (**FUZ**).

6. The Submission seeks that Plan Change 2 (**PC2**) be extended to include the Site and that the Site is zoned for alternative options to achieve commercial and mixed-use development (or other) outcomes, including by the following rezoning or a combination thereof:
 - a. Local Centre and / or Mixed Use and / or any other zoning that would give effect to PC2 and higher order objectives; and / or
 - b. other overlay / precinct / site specific provisions that would support commercial and mixed uses on the Site; and
 - c. review of restrictive planning overlays that are contrary to the above objectives for development of the Site.

Legal framework determining the ‘scope’ of a plan change

7. The legal framework determining the ‘scope’ of a plan change (and therefore whether public submissions on the same are within its scope) is settled, with a bipartite ‘limb’ assessment endorsed by the Courts:¹
 - a. Firstly, a submission should be directly connected with the degree of change the plan change makes to the pre-existing status quo; and
 - b. Secondly, whether treating a submission as ‘on’ a plan change would enable a planning instrument to be materially amended without a genuine opportunity for those potentially affected to participate. If so, that will be a strong consideration against concluding the submission is ‘on’ the plan change in question.
8. Key considerations informing whether a submission is ‘on’ a plan change include:
 - a. The breadth of change to the pre-existing status quo.² This assessment involves assessing the full context of PC2 – its policy and purpose, the background, and the scale and degree of change that PC2 brings about.
 - b. What the Section 32 Report assessed and / or should have assessed and the nature and degree of any further assessment required to support the submission.³ Case law has suggested that it is not enough to exclude scope based upon an omission in the Section 32 report, rather, the question is what ought to have been assessed.
 - c. The nature of submissions and further submissions received, including consideration of whether submissions are incidental, consequential, or directly

¹ See: *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP34/02 14 March 2003; *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290.

² *Motor Machinists* at [54]-[56]; *Option 5 Inc v Marlborough District Council* (2009) 16 ELRNZ 1 (HC) at [43].

³ *Bluehaven Management Ltd v Western Bay of Plenty District Council* [2016] NZEnvC 191; *Albany North Landowners v Auckland Council* [2017] NZHC 138; *Well Smart Investment Holding (NZQN) Ltd v Queenstown Lakes District Council* [2015] NZEnvC 214.

connected to the plan change, compared to being an unexpected or unforeseen 'submissional side-wind'.⁴

- d. The potential for procedural unfairness or natural justice issues from accepting a submission in terms of directly affected parties and the likelihood that they would (or would not) have been sufficiently aware of the changes sought in the submission.⁵

Application of case law tests to the Kiwi Trust Submission and PC2

First Limb – directly and logically connected to the degree of change under PC2

9. The Submission aligns with the purpose of PC2, as outlined in the notification of PC2, Section 32 Report, and Plan Change Report.⁶ The particular focus of PC2 is to provide more residential and commercial zoned land in a steadily growing area of New Plymouth and to facilitate a well-functioning urban environment.⁷ PC2 responds to the directives within the Ngamotu Future Development Strategy 2024 (**FDS**) and national and regional policy direction.
10. The breadth of change proposed by PC2 is broad. It expands the current extent of the PSPDA by rezoning land to the north from Rural Production to General Residential and Open Space, and specified land within the existing PSPDA is identified to be rezoned as Local Centre. Together, this represents a significant change to zoning and anticipated land use in the area. The Submission seeks a further discreet extension of the PSPDA to the east. In light of the recent substantive steps made towards achieving realignment of Airport Drive to the east, the Site is logically and directly connected to the PSPDA.
11. The Section 32 Report for PC2 failed to adequately address the Site in greater detail and considered whether its inclusion would have been appropriate to achieve the objectives of the Act and objectives of PC2. This is particularly so, in light of the other supporting expert assessments for PC2 having assessed the Site. 'Area R' (which includes the Site) has been earmarked for urban development and identified as a logical extension to existing urban boundaries in the FDS.⁸
12. In terms of site-specific features, the Site is strategically located for commercial and mixed business use to serve a wider catchment of residential land. Its inclusion within PC2 will enable a coherent and logical patterning of commercial / mixed use zoned land to support new residential development.

⁴ *Motor Machinists* at [55]; *Albany North Landowners*.

⁵ *Motor Machinists* at [86].

⁶ Accessed at: <https://haveyoursay.npdc.govt.nz/planchange2>.

⁷ Section 32 Report, at p. 3; Plan Change Report, at [3].

⁸ Ngamotu Future Development Strategy 2024, at p. 39.

13. Specifically, the Land:
 - a. was identified as an appropriate location for commercial development in the Economics Assessment for PC2;⁹
 - b. offers greenfield development opportunities to support a well-functioning urban environment, noting the constraints on existing commercial zoning within the Bell Block catchment; and
 - c. has a consent order for commercial development within a specific control area, based on the premise that commercial service activities were deemed to be appropriate in advance of the wider Area R being rezoned.¹⁰
14. Area R was also considered within assessments underpinning PC2, yet the Section 32 Report only briefly addresses 'Area R.' The Report notes that while detailed structure planning has not yet taken place, "it is an important growth node for the district."¹¹
15. The deficiency of the Section 32 Report to then further assess the Site for rezoning is a failure of the requirements of s 32(1)(a) and (b) of the Act, and it is reasonably foreseeable that an ordinary reader of PC2 would expect this land to be included for rezoning.

Second limb – procedural fairness and natural justice

16. Given the above, the Submission cannot be seen to be unexpected, unforeseen, or a 'submissional side-wind'. The rezoning of Area R / FUZ has been signalled in prior planning processes and the Submission seeks relief that is consistent with the zoning patterns promoted in PC2 and its strategic and higher order objectives (and those of the PODP itself). The relief is a logical and foreseeable extension of PC2, not a novel and unexpected change. It would also be a discreet and unique area of land for inclusion of the PSPDA, thereby lessening any potential effects external to the Site on possible further submitters. The Section 32 Report anticipated potential submissions requesting the extension of the PSPDA into Area R.¹²
17. PC2 has wide ranging and broad overarching objectives, including to provide more residential and commercial zoned land in a steadily growing area of New Plymouth and to facilitate a well-functioning urban environment.¹³ Those outcomes sought are likely to affect, and be of interest to, a diverse range of submitters within and beyond the PSPDA itself. The scale and scope of PC2 have implications for next generation and strategic planning growth at a wider district-level and therefore a wide consideration of alternative rezoning options to achieve the objectives is warranted.

⁹ Property Economics – Bell Block Economic Assessment for Structure Plan Development, June 2004, at Figure 4.

¹⁰ *Erb v New Plymouth District Council* [2025] NZEnvC 180, at [8].

¹¹ At [40].

¹² At p. 52.

¹³ Section 32 Report, at p. 3; Plan Change Report, at [3].

This broad scope of the PSPDA reasonably puts potentially interested and affected persons on notice as to logical and foreseeable alternative and rezoning requests being made and considered. Particularly where those have site specific characteristics like that explained above for the Submission.

18. There is no material risk of procedural unfairness, or natural justice issues, as affected parties would reasonably have anticipated the possibility of the Site being included in PC2 and furthermore will have the opportunity to participate in the plan change process.
19. Further submissions afford an opportunity for interested parties to respond to the Submission.

Concluding comments

20. The Submission must be seen to be 'on' PC2 and its inclusion would not result in procedural unfairness. As such, the Submission is within the scope of PC2.
21. We can provide further detailed legal submissions on this at the hearing of PC2.

Yours faithfully

Todd Walker

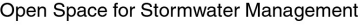
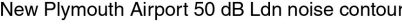
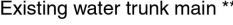
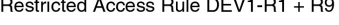
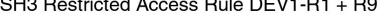
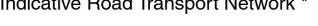
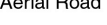
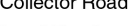


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Principal
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Lucy King
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Legend

-  Development Area *
-  Site of Significance to Māori *
-  Archaeological Site *
-  Special Purpose - Future Urban Zone
-  Local Centre
-  Possible Local Centre
-  Possible Open Space
-  Historic Reserve
-  Esplanade Reserve
-  Wetland
-  Open Space for Stormwater Management
-  New Plymouth Airport 50 dB Ldn noise contour
-  Waterbody - River *
-  Existing water trunk main **
-  Existing wastewater pump station **
-  Existing wastewater trunk main **
-  Landscape Buffer Entrance Corridor +
-  Restricted Access
-  Restricted Access Rule DEV1-R1 + R9
-  SH3 Restricted Access Rule DEV1-R1 + R9
-  Coastal Walkway
-  Indicative Road Transport Network *
-  Aerial Road
-  Collector Road
-  Local Road
- * District Plan overlay/ symbol
- ** Non-District Plan NPDC infrastructure network
-  Proposed Access



Proposed Amendments



Area R