

To: The Registrar
Environment Court
Wellington

1 Coastlands Shoppingtown Limited (**Coastlands**) wishes to be a party pursuant to section 274 of the RMA to the following proceedings:

St Heliers Capital Limited v Kapiti Coast District Council (ENV-2018-WLG-00007) being an appeal against decisions of the Kapiti Coast District Council on the Proposed Plan

2 Coastlands made a submission and further submissions on the Proposed Plan that gave rise to the Appeal.¹

3 Coastlands has an interest in the proceedings that is greater than the general public in that it has an interest in land and buildings zoned district centre within the Paraparaumu Sub-Regional Centre that will be directly and adversely affected by the relief sought in the appeal.

4 Coastlands is not a trade competitor for the purposes of section 308C of the RMA. In any event, Coastlands is directly affected by the effects of the subject matter of the appeal that:

(a) Adversely affect the environment; and

(b) Do not relate to trade competition or the effects of trade competition.

5 Out of an abundance of caution, Coastlands will seek a declaration confirming its status that it is not a trade competitor for the purposes of s274 party involvement.

6 Coastlands is interested in the appeal in its entirety.

7 The Appellant seeks:

- That the Proposed Plan provisions in Chapter 6 (identified in paragraph 5 of the Appeal Notice), Appendix 6.7 and Appendix 6.9 be amended to the extent necessary or desirable in order to address appropriately and adequately the matters raised in the Appeal - as a minimum. The Appellant seeks amendments to the text and diagrams shown and described in Schedule C of the Appeal Notice, which illustrates one way in which the appeal may be resolved;

¹ Submission 218 (1 March 2013); Further Submission 55 (7 May 2013).

- Amendments to Policy 6.7 – Paraparaumu Sub-Regional Centre by adding a new Clause c) seeking the Centre take advantage of its visual exposure to the Expressway and proximity to the Kapiti Road Expressway Interchange; and a new Clause d) seeking an improvement in the quality and breadth of retail and other commercial activity within the Centre;
- Amendments to Policy 6.8 – District Centre Zone by deleting Clause b) requiring *residential activities* to be near the Wharemauku Stream; amending Clause c) by deleting the reference to *limited retail* (in Precinct C) and adding provision for *appropriate compatible and complementary retail* (in Precinct C); and requiring additional analysis of the potential effects of activities in the vicinity of watercourses on stormwater flows;
- Amendments to Policy 6.9 – District Centre Zone Precincts by deleting the term *primary* in Clause a) (in Precinct A) in reference to the purpose of Precinct A to be the primary retail and commercial core within the District; and a significant number of amendments to Clause c) (in Precinct C) that are intended to provide a strong interface between the District Centre and the Expressway to accommodate development compatible with and complementary to the balance of the Centre and reinforce the Sub-Regional status and competitiveness of the Centre;
- Amendments Policy 6.9 to direct how Precinct C will be developed include: focus transport circulation in sub-clause i. to be between the Expressway and the balance of the District Centre; delete sub-clause iv. regarding the protection and promotion of the dune system as a key visual and landform feature; amend sub-clause v. by adding retail activity as a complementary activity and deleting the term *primary* when referring Precinct A as being the primary retail and commercial core of the District Centre Zone; deletion of sub-clause vi. that limits retail activities in Precinct C; amending sub-clause vii. to enable medium density retail; and adding a new sub-clause viii. requiring measures to be taken to avoid exacerbating stormwater concerns when development in areas identified in the Structure Plan as having stormwater issues;
- Amendments to Rule 6A.1.5 – Commercial and residential activities in Precinct C by deleting Standard 2 restricting commercial activities except under visitor accommodation and home occupations;
- Including a new Rule 6A.1.5A – Retail activities in Precinct C that provides for retail activities limited to the listed activities subject to standards as permitted activities;

- Amendments to Rule 6A.3.4 - Large Format Retail activities in Precinct C where those activities are not defined as Permitted Activities by deleting Clauses 1 - 3 that list activities now included in the new Rule 6A.1.5A; LFR activities to be restricted discretionary activities with an additional matter over which Council will restrict its control being: *Effects on the vitality and viability of the Paraparaumu District Centre*;
 - Include a new Rule 6A.3.1.5 - Any work in those areas of Precincts B and C that are subject to the stormwater overlay notation subject to matters of control (added by Appeal);
 - Include a new Rule 6A.4.2 – Retail activities in Precinct C that are not Permitted or Restricted Discretionary Activities;
 - Deletion of Rule 6A.5.2 – New buildings and additions and alterations to existing buildings in the Dune Protection Area identified in the Structure Plan in Appendix 6.7;
 - Amendments to the Structure Plan in Appendix 6.7 by deleting a number of notations over Area C and amending the focus of the Structure Plan in Precinct C in relation to: enabling residential activities; enabling commercial and limited retail and limited residential activities; identify where additional analysis required in terms of potential effects on stormwater flows; recognise the Expressway and Expressway Interchange; and amendments to the focus of Precinct A, Precinct B and Precinct C.
- 8 Coastlands is concerned that the substantial amendments to the policies, rules and Structure Plan for the District Centre are contrary to the *Consolidation Approach* developed for the District Centre Zone and the intention to ensure the vitality and vibrancy of the existing Paraparaumu Town Centre is provided for and will have a significant detrimental effect on the amenity values of the Town Centre.
- 9 Coastlands considers that the amendments and relief sought in the Appeal:
- (a) Fail to achieve the sustainable management of the natural and physical resources required under the RMA, and in particular the sustainable management of the District Centre resources;
 - (b) Are contrary to Part 2 of the RMA, in that it will not enable social , economic and cultural wellbeing;
 - (c) Are not appropriate in terms of s32 of the Act;
 - (d) Do not give effect to national, regional and district planning objectives and policies;

- (e) Will preclude the safe, efficient and effective development of the District Centre and associated traffic network;
 - (f) Will result in a significant decline in the efficiency, amenity, vitality and functionality of the Sub -Regional centre; and
 - (g) Are inconsistent with the grounds and relief sought as set out in the Coastlands Notice of Appeal.
- 10 Coastlands seeks for the Appeal to be disallowed.
 - 11 Coastlands seeks such further or other relief as may be appropriate to give effect to its submission and further submissions on the Proposed Plan.
 - 12 Coastlands agrees to participate in mediation or other alternative dispute resolution of the proceedings.
 - 13 Coastlands seeks costs in respect of this appeal.

Dated this 16th day of February 2018



Penelope Ryder-Lewis
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Advice

If you have any questions about this notice, contact the Environment Court in Wellington.