

IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY

ENV-2018-WLG-000013

IN THE MATTER of the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 against decisions
of the Kapiti Coast District Council regarding the Proposed
Kapiti Coast District Plan ("**Proposed Plan**")

BETWEEN **PROGRESSIVE ENTERPRISES LIMITED**

Appellant

A N D **KAPITI COAST DISTRICT COUNCIL**

Respondent

NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS UNDER
SECTION 274 OF RMA

BY ST HELIERS CAPITAL LIMITED

RE: PROPOSED KAPITI COAST DISTRICT PLAN

DATED: 13 February 2018

ELLIS GOULD
SOLICITORS
AUCKLAND

REF: D A Allan

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AUCKLAND

**Notice of wish to be party to proceedings under section 274 RMA by
St Heliers Capital Limited**

**To: The Registrar,
Environment Court,
Wellington**

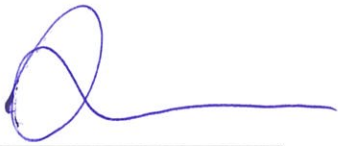
1. St Heliers Capital Limited ("**SHCL**") gives notice pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") of its wish to be a party to Notice of Appeal ENV-2018-WLG-000013 dated 25 January 2018 by Progressive Enterprises Limited c/- james@jghbarrister.com ("**the Appeal**") against the decisions of Kapiti Coast District Council in respect of the proposed Kapiti Coast District Plan ("**the Proposed Plan**").
2. The Appeal concerns the policy framework regarding the provision of supermarkets in the District, the activity status of "*retail activities such as supermarkets*" and the definition of "*supermarket*". SHCL has an interest in the appeal greater than the public generally:
 - a. SHCL owns District Centre zoned land within the Paraparaumu Sub-regional Centre. SHCL's management of its land holdings and any developments may be directly and adversely affected by relief sought in the Appeal.
 - b. SHCL made submissions about some of the subject matter of the proceedings and has also lodged Notice of Appeal ENV-2018-WGN-000007 dated 23 January 2018 which seeks relief concerning the status of large format retail, including supermarkets ("**the SHCL Appeal**") within Precinct C of the Paraparaumu Sub-regional Centre Structure Plan.
 - c. The relief sought in the Appeal (with particular reference to the activity category, "*retail activities such as supermarkets*") introduces a degree of uncertainty and ambiguity that could have significant implications for the provision of retail activities throughout the District, including on the SHCL land.
3. SHCL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 RMA. In any event, SHCL is directly affected by 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.
- 4. SHCL is interested in the Appeal in its entirety.
- 5. The reasons for SHCL's opposition to the aspects of the Appeal identified above are:
 - a. The relief sought in the Appeal:
 - i. Is inconsistent with and contrary to the purpose and principles of the RMA and Part 2 of the RMA.
 - ii. Is inappropriate in terms of section 32 of the RMA.
 - iii. Is not consistent with sound resource management principles and practice.
 - iv. Is not consistent with regional and district planning policies and imperatives.
 - b. The grounds set out in the SHCL Appeal.
- 6. SHCL agrees to participate in mediation or other alternative dispute resolution of the proceedings.
- 7. The Appeal and the SHCL Appeal form part of a group of appeals filed with the Environment Court in relation to the District Plan provisions affecting the Paraparaumu Sub-regional Centre, the Kapiti Airport land and nearby Industrial / Service zoned land. In that regard:
 - a. The proceedings collectively and individually concern interrelated provisions in a number of zones with implications for:
 - i. Matters of urban form;
 - ii. The hierarchy of centres in the District Plan including the respective roles of the Paraparaumu Sub-regional Centre and the Kapiti Airport land; and

- iii. The relationship between land use and transport planning in and around the Paraparaumu Sub-regional Centre.
- b. Evidence on each appeal is likely to have implications for the other appeals.
- c. As a consequence of the interrelationship between the appeals, SHCL considers that they ought to be processed, mediated and heard together.

Dated this 13th day of February 2018

**Signed for and on behalf of St Heliers Capital Limited
by its solicitors and duly authorised agents Ellis Gould:**



D A Allan

Address for Service of Section 274 Party: The offices of Ellis Gould, Solicitors, Level 17, The Vero Centre, 48 Shortland Street, Auckland (PO Box 1509, Auckland, 1140), DX CP22003, Phone: 09 307-2172, Facsimile, 09 358-5215. Attention: D A Allan, Email: dallan@ellisgould.co.nz