

**BEFORE THE ENVIRONMENT COURT
IN WELLINGTON**

ENV-2018-WLG-000013

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER OF an appeal under Clause 14(1), First Schedule of the RMA in relation to the proposed Kapiti Coast District Plan ("the Proposed Plan")

BETWEEN **PROGRESSIVE ENTERPRISES LIMITED**

Appellant

AND **KAPITI COAST DISTRICT COUNCIL**

Respondent

**NOTICE BY COASTLANDS SHOPPINGTOWN LIMITED
OF ITS WISH TO BE PARTY TO PROCEEDINGS
PURSUANT TO SECTION 274 OF THE RMA**

16 February 2018

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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:

Progressive Enterprises Limited v Kapiti Coast District Council (**ENV-2018-WLG-00013**) being an appeal against decisions of the Kapiti Coast District Council on the proposed Plan.

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

3 Coastlands has an interest in the proceedings that is greater than that of the general public in that it has an interest in land and buildings zoned district centre within the Paraparaumu Sub-Regional Centre that is adversely 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 its appeal and s274 party involvement.

6 Coastlands is interested in the appeal in its entirety.

7 The Appellant seeks:

- Amendment to Policy 6.1 (a) to enable retailing out-of-centre to be considered on its merits and grant consent if it will not undermine the efficient operation, function, viability and sustainability of the District's centres;

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

- Amendment to Policy 6.1 (d) to refer to retail activity and remove wording "will only be provided for in the Industrial/Service Zone where it is ancillary to industrial activities;
 - Amendment to Policy 6.11 to include reference to retail activities;
 - Amendment to Policy 6.16 and Table 6F.3 - restricted discretionary activities to enable supermarkets within the Industrial/Service Zone, with specific matters (as listed) Council will restrict its discretion to; and
 - Amendment to the definition of Supermarket to better reflect wording widely applied in the industry.
- 8 The Appellant has provided specific wording of the amendments sought to the specific provisions listed in the Appeal Notice.
- 9 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.
- 10 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.
- 11 Coastlands seeks for the Appeal to be disallowed.

- 12 Coastlands seeks such further or other relief as may be appropriate to give effect to its submission and further submissions on the Proposed Plan.
- 13 Coastlands agrees to participate in mediation or other alternative dispute resolution of the proceedings.
- 14 Coastlands seeks costs in respect of this appeal.

Dated this 16th day of February 2018



Penelope Ryder-Lewis
Solicitor for Coastlands Shoppingtown Limited

Address for service of person wishing to be a party

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Advice

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