

**UNDER THE RESOURCE MANAGEMENT ACT 1991
IN THE ENVIRONMENT COURT AT WELLINGTON**

ENV-WLG-2018-00015

IN THE MATTER of a reference to the Environment Court under Clause
14 of the First Schedule to the Resource Management
Act 1991

AND

IN THE MATTER of the Kapiti Coast Proposed District Plan

BETWEEN

Coastlands Shoppingtown Limited
Appellant

AND

Kapiti Coast District Council
Respondent

**Notice of Kapiti Coast Airport Holdings Limited's wish to be a party to
proceedings under s274 of the Act**

To the Registrar
Environment Court
Wellington

Introduction

1. Kapiti Coast Airport Holdings Limited (**KCAHL**) wishes to be a party to the appeal proceedings ENV-2018-WLG-00015, being an appeal by Coastlands Shoppingtown Limited ("**Coastlands**") in relation to the Kapiti Coast District Council's ("**Council**") decision on the Proposed Kapiti Coast District Plan.
2. KCAHL made a submission and further submission on matters included in the Coastlands' appeal.
3. KCAHL owns and operates the Kapiti Airport and Kapiti Landing commercial and retail area. KCAHL is also an appellant on the Proposed Plan. KCAHL's appeal (ENV-2018-WLG-000020) addresses a number of matters, including provisions that directly affect its landholding (generally identified as "Airport zone" in the proposed plan).
4. KCAHL was served a copy of the Coastlands' appeal on 25 January 2018. The Environment Court in *Kapiti Coast Airport Holdings Limited v Alpha Corporation Limited* [2016] NZEnvC 137 held that Coastlands is a trade competitor of KCAHL in the sense intended to be captured by Part 11A of the RMA.
5. The appeal by Coastlands seeks amendment to the Airport zone. KCAHL is the only landowner in the Airport zone and is, therefore, directly affected by the subject matter of the Coastlands' appeal and has an interest greater than the public generally in the provisions affecting the Airport zone.
6. KCAHL is interested in only part of the proceedings. KCAHL's section 274 interest in the Coastlands' appeal is limited to the amendments sought to the Airport zone rules and standards.¹ The part of the proceedings KCAHL is

¹ For completeness, it is noted that other matters raised in the Coastlands' appeal overlap with those raised in KCAHL's appeal (eg the higher-level objectives and policies relevant to the Working Zones). KCAHL does not seek to join those parts of the Coastlands' appeal.

interested in is limited to the changes sought to 6.1.2.7 – Airport Zone Rules and Standards (Table 6G), and in particular those set out in Appendix C to the Coastlands' appeal.

7. In particular, KCAHL opposes the relief sought in relation to the Airport zone because it seeks to further restrict development of the Airport zone, including through the introduction of onerous prohibited activity status for retail activities and the inclusion of a requirement for compulsory public notification of resource consents in the Airport zone. The relief sought by Coastlands in relation to the Airport zone appears to be an attempt to protect its trade by preventing or deterring a trade competitor.
8. KCAHL is directly affected by those parts of the Coastlands appeal affecting 6.1.2.7 – Airport Zone Rules and Standards (Table 6G). Its interest in this appeal is focused solely on implications for its land, and is not related to protecting itself or preventing or deterring others from trade competition elsewhere in the District (eg on Coastlands' land).
9. The relief sought in the Coastlands appeal is contrary to the purpose of the RMA, does not give effect to the relevant objectives and policies of the Regional Policy Statement and the National Policy Statement on Urban Development Capacity, and is not the most appropriate means of achieving the objectives and policies of the Proposed District Plan.
10. KCAHL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 14 February 2018



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