

Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under Schedule 1, Clause 14(1) of the Act

Between **Coastlands Shoppingtown Limited**
Appellant

And **Kāpiti Coast District Council**
Respondent

Notice of Ballinger Industries Limited's wish to be a party to the proceedings

Dated 16 February 2018

KensingtonSwan 

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Form 33

Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To: The Registrar
Environment Court
Wellington

1 Ballinger Industries Limited (**'Ballinger'**) wishes to be a party to an appeal by the Coastlands Shoppingtown Limited against a decision of the Kāpiti Coast District Council (**'Council'**) on the Proposed Kāpiti Coast District Plan (**'Proposed Plan'**).

2 Ballinger is a person who:

- a submitted on aspects of or issues raised in the notice of appeal; and
- b has an interest in the proceedings that is greater than the general public has, as it stands to be affected by the amendments sought in the appeal if those amendments are granted.

3 Ballinger is not a trade competitor for the purposes of section 308C or 308CA of the Act.

4 Ballinger is interested in those aspects of the appeal that are set out below at paragraph 5 of this notice.

5 Ballinger is interested in the following particular issues:

- a The amendments to rules and policies within Chapter 6 of the Proposed Plan, which seek to undermine provisions in the Proposed Plan enabling retail activities in zones that are outside of the district centres.
- b The amendments to rules in Chapter 6 of the Proposed Plan, which seek to remove the status of "trade supply retail" and "yard-based retail" as restricted discretionary activities in the Industrial / Service Zone, rendering these activities non-complying under the Proposed Plan.

6 Ballinger seeks the following relief from the Environment Court:

- a That the appeal be declined, to the extent that it seeks amendments that will undermine provisions of the Proposed Plan enabling retail activities (including trade supply and yard based retail) in zones that are outside of the district centres.
 - b Relief consistent with (and not inconsistent with or contrary to) that relief sought in Ballinger's own appeal: **ENV-2018-WLG-009**.
 - c Costs.
- 7 Ballinger agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated 16 February 2018



Nicola McIndoe

Counsel for the Ballinger Industries Limited

Address for service of person wishing to be a party:

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Contact person: Nicky McIndoe / Adam Tapsell

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

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