

IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY

ENV-2018-WLG-000020

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 KAPITI COAST AIRPORT HOLDINGS 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: 17 February 2018

ELLIS GOULD
SOLICITORS
AUCKLAND

REF: D A Allan

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**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-000020 dated 25 January 2018 by Kapiti Coast Airport Holdings Limited c/- Brigid.kelly@toddproperty.co.nz ("**the Appeal**") against the decisions of Kapiti Coast District Council in respect of the proposed Kapiti Coast District Plan ("**the Proposed Plan**").
2. SHCL has an interest in the proceedings that is greater than that of the general public in that:
 - a. It owns District Centre zoned land within the Paraparaumu Sub-regional Centre, the status and future role of which will be directly affected by relief sought in the Appeal.
 - b. SHCL's management of its land holdings and any developments will be directly and adversely affected by relief sought in the Appeal.
3. 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 on some of the provisions subject to the Appeal ("**the SHCL Appeal**").
4. SHCL lodged further submissions in opposition to the original submissions by Kapiti Coast Airport Holdings Limited that gave rise to the Appeal.
5. 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.

6. SHCL is interested in the Appeal in its entirety, but in particular opposes the elements of the Appeal that relate to:
 - a. The relative role and function of the Airport and the Paraparaumu Sub-regional Centre.
 - b. The extent to which retail activities should be provided for at the Airport and the thresholds and activity status applying to such activities.
 - c. The definition of Department Store.
 - d. Parking standards for large format retail.
 - e. Chapter 9 Hazards, as a consequence of the interrelationship in stormwater management and control on the SHCL land and the Airport.

7. 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 relief sought will enable commercial and retail development at the Airport of a scale and nature that would compete with the Paraparaumu Sub-regional Centre (rather than complement it) to an extent and in a way that:
 - i. Would significantly reduce the prospect of the improvements in connectivity arising (in terms of both transport routes and intervening land use) between Paraparaumu Sub-regional Centre Precinct A and

the Expressway Interchange that are necessary if the Paraparaumu Sub-regional Centre is to continue to perform its intended and planned function;

- ii. Would prevent the implementation of a sound urban form for the Paraparaumu Sub-regional Centre;
- iii. Would cause a significant decline in the intensity, vitality and functionality of the Paraparaumu Sub-regional Centre; and
- iv. Would ultimately generate a significant consequential loss in the amenity and utility experienced by residents of the District.

c. The relief sought in the Appeal would generate adverse effects in terms of traffic flows within and around the Paraparaumu Sub-regional Centre and the Kapiti Road Expressway Interchange.

d. The grounds set out in the SHCL Appeal.

8. SHCL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

9. 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 land currently used for industrial and or commercial purposes. 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