

**BEFORE THE ENVIRONMENT COURT  
IN WELLINGTON**

**ENV-2018-WLG-000020**

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**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** **KAPITI COAST AIRPORT HOLDINGS LIMITED**  
**Appellant**

**AND** **KAPITI COAST DISTRICT COUNCIL**  
**Respondent**

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**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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**Solicitor Acting:**

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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:

*Kapiti Coast Airport Holdings Limited v Kapiti Coast District Council (ENV-2018-WLG-00020)* 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.<sup>1</sup>

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:

- Amendments to Objective 2.16 - Centres and its associated explanation to either recognise the Airport or alternatively to recognise that retail activities may be focused and consolidated in non-centre locations;

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<sup>1</sup> Submission 218 (1 March 2013); Further Submission 55 (7 May 2013)

- Amendments to Objective 2.14 – Access and Transport and Objective 2.15 – Economic Vitality and their explanation to focus the provisions on access and transport and economic vitality, and not on restricting retail activities at the Airport;
- Amendments to Policy DW8 – Management of Business Activities and Policy DW9 - Retail, Commercial and Industrial Activities not within Centres or Other Working Zones to better reflect the realities of the District, and the role of the Airport Zone within it, while ensuring that appropriate recognition is given to the NPS UDC in the drafting of these policies;
- Amendments to Policy 6.1 - Consolidation of Business Activities, Policy 6.2 - Centres Hierarchy, Policy 6.3 - Activities in the Working Zones, Policy 6.4 - Intensification of Centres and Policy 6.20 – Airport Zone Precincts as required to ensure the role of the Airport Zone is appropriately recognised;
- Amendments to Chapter 6 Rules 6G.1 - 6G.6 – Airport Zone to change the activity status of retail activities by: providing for one departments store as a discretionary activity and any other department stores as non-complying activities; providing for a range of business activities as restricted discretionary activities in the Airport Mixed Use Zone (including more than one store between 151m<sup>2</sup> - 1,500m<sup>2</sup> GFA that retails groceries or non-specified food lines and where the permitted activity standards are not complied with, Small Scale Convenience Retail and Commercial Service activities);
- The deletion of floor area limits for Large Format Retail and increase the maximum gross floor area for small scale convenience retail and small scale commercial activities;
- Amendments to the gross floor area thresholds for when an Integrated Transport Assessment is required by:
  - Modifying Rule 6G.1 to include development up to 62,500m<sup>2</sup> (instead of 43,050m<sup>2</sup>) gross floor area in the Airport Mixed Use Precinct as a permitted activity;
  - Removing the requirement for an integrated traffic assessment at 43,050m<sup>2</sup> and instead require a single integrated traffic assessment as a controlled activity when the cumulative development threshold exceeds 62,500m<sup>2</sup> gross floor area in the Precinct, along with the existing restricted discretionary requirement at 102,900m<sup>2</sup> (Rule G6.2.2(7)); and

- Amending the Chapter 11 standards for maximum vehicle movements per day so that these do not apply to development within the Airport Mixed Use Precinct (standard 11E.1-11E.5);
  - Amendment to the list of permitted activities in Rule 6G.1.5 to include Trade Supply Retail;
  - Amendment to the definition of Department Store to prevent the new proposed Trade Supply Retail definition to be classified as a department store in the Precinct; clarify the type of store typically considered to be a Department Store (make specific reference to apparel);
  - Amendments to the definitions relating to flood hazards, Maps 11C and D and Policy 9.1 and explanation; and consequential changes to section 9.2 to ensure there is flexibility to change these provisions when flood modelling changes in the future as more and better information becomes available without undertaking a plan change process;
  - Amend Chapter 11 Rules 11E.1-11E.5 and 11P.1 to ensure parking standards, if any, are proportionate and that the rules do not unnecessarily seek to address matters already specifically addressed in the Airport Zone, to give effect to the reasons above; and
  - Amend the retail definitions included in Chapter 1 to the extent required to give effect to the intended policy outcomes.
- 8 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.
- 9 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.
- 10 Coastlands seeks for the Appeal to be disallowed.
  - 11 Coastlands seeks such further or other relief as may be appropriate to give effect to its submission and further submissions on the Proposed Plan.
  - 12 Coastlands agrees to participate in mediation or other alternative dispute resolution of the proceedings.
  - 13 Coastlands seeks costs in respect of this appeal.

Dated this 16<sup>th</sup> day of February 2018



Penelope Ryder-Lewis  
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**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.