

BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991  
AND of an appeal under cl 14 of the First  
Schedule to the Act  
BETWEEN ST HELIERS CAPITAL LIMITED  
(ENV-2018-WLG-00007)  
Appellant  
AND KAPITI COAST DISTRICT COUNCIL  
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

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**CONSENT ORDER**

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- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that the Kapiti Coast District Proposed District Plan be amended as set out in Appendix A.
- [B] Under s 285 of the Act, there is no order as to costs.

**REASONS**

**Introduction**

- [1] The Court has read the notice of appeal and the memorandum of the parties dated 2 July 2020.



**Other relevant matters**

[2] The following persons gave notice of an intention to become parties under s 274 to the appeal and have signed the memorandum setting out the relief sought:

- Coastlands Shoppingtown Ltd;
- Director-General of Conservation; and
- Wellington Regional Council.

**Orders**

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Wellington this 15<sup>th</sup> day of July 2020

  
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**B P Dwyer**  
**Environment Judge**





Appendix A: Approved Amendments to the Proposed Kapiti Coast District Plan (based on *Track changes version: Council's decisions*)

Provision	Amendments (additions are identified with underlined text; deletions are identified with struck out text)	
Policy 6.9 District Centre Zone Precincts	<p>...</p> <p>c) Precinct C will be developed in the following manner:</p> <p>....</p> <p>(iv) <u>Adverse effects on the landscape and amenity values of the dune system will be avoided to the extent practicable having regard to the development outcomes provided for in Precinct C and, where adverse effects cannot be avoided, they will be mitigated or offset by environmental enhancements within Precinct C that are commensurate with the scale of adverse effects.</u> <del>The dune system as a key visual landform feature within the Precinct will be protected and promoted;...</del></p>	
Table 6A.1 Permitted Activities	<b>Permitted Activities</b>  7.. <u>Except within the Dune Protection Area identified on the Structure Plan in Appendix 6.7, <del>N</del>new buildings and additions and alterations to existing buildings.</u>	<b>Standards</b>



Provision	Amendments (additions are identified with underlined text; deletions are identified with struck out text)		
<p>Table 6A.3 Restricted Discretionary Activities</p>	<p>Restricted discretionary activity</p> <p>5. <u>Earthworks, new buildings and additions and alterations to existing buildings in the Dune Protection Area identified in the Structure Plan in Appendix 6.7.</u></p>	<p>Standards</p> <p>1. <u>The activity must comply with the following standards listed in the following <i>permitted activity</i> rules:</u></p> <p><u>Rule 6A.1.1 (Standards 1 to 5 inclusive)</u>  <u>Rule 6A.1.5 (Standards 1 to 4 inclusive)</u>  <u>Rule 6A.1.6 (Standard 1)</u>  <u>Rule 6A.1.7 (Standards 1, 6 to 13 inclusive and 15 to 17 inclusive)</u>  <u>Rule 6A.1.9 (Standard 1)</u></p> <p><u>Note: All roads and associated infrastructure must be constructed to the standards specified in Chapter 11. See Rule 9A.1.2 for the separation of buildings and structures from waterbodies standards. See Tables 11P.1 to 11P.4 for parking standards. See Tables 11B.1 to 11B.5 for the rules and standards for water supply, sanitation and drainage. See Tables 12A.1 and 12.1 for the rules and standards for financial contributions for all development.</u></p>	<p>Matters over which Council will restrict its discretion</p> <p>1. <u>Effects on ecological values.</u>  2. <u>Effects on amenity and landscape values and the extent to which the dune landform and natural character are protected or retained.</u>  3. <u>The extent to which earthworks are necessary to facilitate the efficient development of land within Precinct C.</u>  4. <u>Effects on the pattern of development within Precinct C, including benefits associated with efficient development of the land.</u>  5. <u>Measures to mitigate or offset adverse effects on landscape and amenity values or to address potential soil erosion.</u>  6. <u>The profile and surface treatment of any excavated or filled area and the integration of excavated or filled areas with the natural landform.</u>  7. <u>The layout of roads, walking and cycling routes and the location of infrastructure services and stormwater management areas.</u>  8. <u>The location and finished appearance of any building.</u>  9. <u>The matters referred to in Policies 6.8 and 6.9.</u></p>
<p>Table 6A.5 Non-Complying Activities</p>	<p>Non-Complying Activities</p> <p>2. <del>New buildings and additions and alterations to existing buildings in the Dune Protection Area identified in the Structure Plan in Appendix 6.7.</del></p>		