

**BEFORE THE ENVIRONMENT COURT
WELLINGTON**

ENV-2016-WLG-

UNDER	Section 311 of the Resource Management Act 1991
AND	
IN THE MATTER	of an application for declarations
BETWEEN	Coastal Ratepayers United Inc Applicant
AND	The Kapiti Coast District Council Respondent

**Memorandum of Counsel for Applicant for Presiding Judge
dated 5 July 2016**

**Solicitor on the record: Chris Mitchell
PO Box 499 Waikanae**

04 293 3646, email: chris@mitchelllaw.co.nz

Your Honour:

1. This application continues issues which were raised in an earlier application (ENV -2016 - WLG -16) by North Otaki Beach Residents Group Incorporated ('NOBRG'). Coastal Ratepayers United Incorporated ('CRU'), the present Applicant, was an interested party in that application and contributed the bulk of the technical evidence in support of it..
2. That earlier application was withdrawn on 23 June 2016 following an agreement between the NOBRG and the Council. That agreement did not involve CRU. From CRU's perspective, the issues raised in the declarations which were sought remain live. Had CRU been aware that NOBRG was prepared to withdraw its application on the basis it did, CRU would have made its own (parallel) application some time ago.
3. The new application requests substantially the same two declarations which were 'live' in the earlier application prior to its withdrawal. The only differences are rewording to improve clarity, and greater particularisation.
4. The new application is supported by the same affidavits filed by CRU in support of the earlier application. The deponents, Joan Allin and Katharine Moody have consented to their affidavits being used for this purpose.
5. A significant amount of time was spent by both the Court and the parties in refining the earlier application, and in defining the appropriate steps prior to hearing. The Applicant respectfully suggests that there is no benefit in duplicating these efforts in the new application..
6. The Applicant respectfully requests that the application be allocated a priority track. The declarations sought will be of considerable significance to the Council's proposed district plan ('PDP') which is currently being heard by a Council panel of commissioners. A significant number of submitters on the PDP are members of CRU. Decisions on the PDP are planned to be made before the end of 2016 and rights of appeal to this Court will then exist. This application calls into question the legal foundations of the current PDP, and it is in the interests of both parties that the questions of law and compliance be determined at an early stage.



**PC Mitchell
Counsel for the Applicant**

5 July 2016