

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

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of an appeal under clause 14 of  
Schedule 1 of the Resource Management  
Act 1991 against a decision of the Waikato  
District Council on the Waikato District  
Proposed District Plan

**BETWEEN** **Koning Family Trust & M Koning**

**Appellant**

**AND** **WAIKATO DISTRICT COUNCIL**

**Respondent**

**Notice of Appeal to Environment Court against decision on the Waikato  
District Proposed District Plan**

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**To the Registrar of the Environment Court Auckland:**

The Koning Family Trust and Martin Koning appeal against a decision of Waikato District Council on the Waikato District Proposed District Plan (“the Proposed Plan”).

We made a submission on the Proposed Plan.

We are not trade competitors for the purposes of section 308D of the RMA.

We received notice of the decision on 17 January 2022.

The decision was made by the Waikato District Council.

The parts of the decision that we are appealing against are:

1. The failure to include in the Proposed Plan an Appendix containing the Te Hutewai Structure Plan proposed by the Appellant.
2. The failure to include in the Proposed Plan any rules requiring subdivision and development within the Te Hutewai Structure Plan Area to be in accordance with the Te Hutewai Structure Plan.

Reasons for the Appeal:

3. The Respondent agreed with the Appellant’s proposal for rezoning of the Appellant’s land to General Residential Zone and expressly made that zoning in the Decisions Version of the Proposed Plan.
4. The decision report relating to the Appellant’s rezoning proposal includes endorsement of and support for the Te Hutewai Structure Plan that was proposed by the Appellant and explained during the submission hearing.
5. Although the decision report includes support for the Te Hutewai Structure Plan, there was no direction that the Te Hutewai Structure Plan be included in the District Plan as was requested by the Appellant.

6. Nor does the decision report include any change to the Proposed Plan rules to insert a rule requiring subdivision and development within the Structure Plan Area to be in accordance with the Te Hutewai Structure Plan.
7. The Proposed Plan should be amended by including the Te Hutewai Structure Plan as an Appendix and by inserting a rule or rules requiring subdivision and development within the Appellant's land to be generally in accordance with the Te Hutewai Structure Plan.

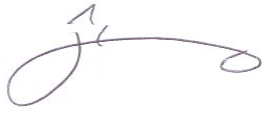
We seek the following relief:

1. Addition of the Te Hutewai Structure Plan, attached as Appendix A to this Notice, as an Appendix to the Proposed Plan.
2. Addition of the attached rule in Appendix B into the Proposed Plan.
3. Such further or other relief as is required to achieve the insertion of the Te Hutewai Structure Plan as a document guiding subdivision and development of the Te Hutewai Structure Plan Area.

We attach the following documents to this Notice:

- (i) A copy of our submission;
- (ii) A copy of the Respondent's decision;
- (iii) A list of names and addresses of persons to be served with a copy of this notice;
- (iv) Appendices A and B described above.

Dated: 28 February 2022



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P Lang, Counsel for the Appellant, authorised to sign on their behalf

Address for service: PO Box 19539 Hamilton 3244,

**AND by email to** [p.lang@xtra.co.nz](mailto:p.lang@xtra.co.nz)

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### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 Act.

You may apply to the Environment Court under [section 281](#) of the Act for a waiver of the above timing or service requirements (see [form 38](#)).

#### *\*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

\*Delete if these documents are attached to copies of the notice of appeal served on other persons.

*Advice*

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

**Appendix A – Te Hutewai Structure Plan**

**Appendix B – Proposed Rule requiring compliance with Appendix A**

