

**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 **RUDY VAN DAM**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

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

Instructing Solicitor:
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To the Registrar of the Environment Court Auckland:

I Rudy van Dam appeal against the Waikato District Council decision on the Waikato District Proposed District Plan (“the Proposed Plan”).

I made a submission on the Proposed Plan.

I am not a trade competitor for the purposes of section 308D of the RMA.

I received notice of the decision on 17 January 2022.

The decision was made by the Waikato District Council.

The parts of the decision that are appealed against are:

1. The decision not to apply requested urban zonings to land owned by my company St Isadore Company Limited (“St. Isadore”) at Taupiri.

Reasons for the Appeal:

2. I am a shareholder and director of the owner of the subject land at Taupiri, being St. Isadore. I and Mr Howard Lovell made a joint submission to the Proposed Plan seeking various extensions to the Residential Zone, Country Living/Village Zone and the Commercial/Light Industrial Zone to make provision for the proposed expansion of urbanization at Taupiri. (“the joint submission”). Part of the proposed expansion area is land owned by St. Isadore near to the western boundary of the Waikato Expressway.
3. St. Isadore lodged a further submission supporting the joint submission, so far as it relates to the St. Isadore land at Taupiri.
4. The decision of the Respondent was to make the requested changes to create “live” urban zones for the Lovell land as requested in the joint submission, but to apply a Future Urban Zone to the St. Isadore land.

5. The reasons for applying the “live” urban zonings to the Lovell land apply equally to the St. Isadore land.
6. The provision for future growth at Taupiri will be more efficient and comprehensive by including the requested extensions of urban zonings to the St. Isadore land, in addition to the Lovell land.
7. The key to achieving good connectivity for Taupiri is inclusion of the St. Isadore land in the Taupiri expansion area. Development of that land will enable good connections with Great South Road in the West and with Gordonton Road and the Waikato Expressway in the East.
8. Achievement of the relevant objectives and policies of the Proposed Plan, and compliance with the National Policy Statement Urban Growth will be better achieved by applying the requested urban zonings to the St. Isadore land, than by applying the Future Urban Zone to that land.

I seek the following relief:

1. Amendment of the relevant Proposed Plan planning maps for Taupiri by applying the zonings requested for the St. Isadore land in St. Isadore’s further submission. A copy of the plan contained in the further submission showing the requested zonings is attached as Appendix A; or alternatively
2. If the relief in 1 above is not granted, amendment of the relevant Proposed Plan planning maps for Taupiri by applying the zonings requested for the St. Isadore land in the joint submission. Copies of the plans contained in the joint submission showing the requested zonings are attached as Appendix B.
3. Inclusion in the Proposed Plan of a structure plan for the Taupiri Village Expansion Area (“TVEA”). .
4. Add appropriate subdivision and development rules into the Proposed Plan requiring that the development of the TVEA is carried out in accordance with the Structure Plan.

5. Such further or other amendments to the District Plan as are appropriate to achieve the expansion of zonings requested by St. Isadore and appropriate development controls.
6. Such consequential amendments to the Proposed Plan as are appropriate to fully integrate the primary amendments into that Plan.

The following documents are attached to this Notice of Appeal:

- (a) Appendix A;
- (b) Appendix B;
- (c) A copy of the joint submission by H Lovell and R van Dam;
- (d) A copy of the further submission by St. Isadore Company Limited;
- (e) A copy of the Respondent's decision in Decision Report 28M: Zoning – Taupiri;
- (f) A list of names and addresses of persons to be served with a copy of this Notice.

Dated: 28 February 2022



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

Address for service: PO Box 19539 Hamilton 3244,

AND by email to p.lang@xtra.co.nz

AND TO: ravandam56@gmail.com

AND TO: robert.davies@nwm.co.nz

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.