

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

ENV-2022-AKL-000069

IN THE MATTER of the Resource Management Act 1991 (“Act”)

**AND
IN THE MATTER** of an appeal under clause 14(1) of the First
Schedule of the Act

BETWEEN **RANGITAHU LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF INTENTION OF KONING FAMILY TRUST AND M KONING TO BE A
PARTY TO PROCEEDINGS**

Dated: 16 March 2022

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To the Registrar of the Environment Court Auckland:


The Koning Family Trust and Martin Koning (“the Konings”) wish to be a party to the appeal by Rangitahi Limited against a decision of the Waikato District Council on submissions on the Waikato District Proposed District Plan (“the Proposed Plan”). The Environment Court’s reference number for the proceedings is ENV-2022-AKL-000069.

1. The Konings made a submission about the subject matter of these proceedings.
2. The Konings are not a trade competitor for the purposes of s308C or s308CA of the Resource Management Act 1991 (“RMA”).
3. The Konings are directly affected by an effect of the subject of the appeal that:
 - (a) Adversely effects the environment; and
 - (b) Does not relate to trade competition or the effects of trade competition.
4. The Konings are interested in part of the proceedings.
5. The part of the proceedings that the Konings are interested in is the part relating to the Te Hutewai Structure Plan and its implementation, at paragraphs 8-11, 15, 17(b), 17(e), and Annexure B of the Notice of Appeal.
6. In particular, the Konings are interested in the request by the Appellant for further details to be added into the Te Hutewai Structure Plan. That Structure Plan has been proposed by the Konings and it is supported in the decision of the Respondent.
7. The Konings oppose the relief sought because:
 - (a) The Konings own land at Te Hutewai Road, Raglan that is recognised as a growth area for Raglan. That land is close to land owned by the Appellant that is partly zoned for residential development and partly zoned (through the Proposed Plan) for future residential development.

- (b) The Konings lodged a submission requesting rezoning of their land to Residential Zone. The Appellant made a submission opposing the Konings' proposal for rezoning of the Konings land to Residential Zone.
- (c) The decision of the Respondent accepted the Konings' submission and rezoned the Konings' land to Residential Zone. That decision acknowledged the need for the Te Hutewai Structure Plan and supported the inclusion of it in the Proposed Plan, in the form proposed by the Konings .
- (d) For unknown reasons the Respondent's support for the Te Hutewai Structure Plan was not followed up with any decision by the Respondent to include that Structure Plan in the Proposed Plan, nor to require implementation of the Structure Plan in the subdivision and development of the Konings' land.
- (e) The Appellants have now appealed against the omission of the Te Hutewai Structure Plan from the decisions version of the Proposed Plan and seek substantially more detail in the Te Hutewai Structure Plan when it is inserted into the Proposed Plan.
- (f) The Konings have also appealed against the omission of the Te Hutewai Structure Plan from the Proposed Plan and have sought the inclusion of the Te Hutewai Structure Plan in the form proposed by the Konings.
- (g) The Konings continue to promote the inclusion of the Te Hutewai Structure Plan in the Proposed Plan, without the addition of further detail or any other changes to it.
- (h) The Te Hutewai Structure Plan proposed by the Konings and supported by the Respondent in its decision is adequate in all respects as a Structure Plan to guide the development of the part of the Konings' property that has been rezoned to Residential Zone. No additional detail, nor any changes to the Te Hutewai Structure Plan are needed.

8. The Konings agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 16 March 2022



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P Lang

Counsel for the Koning Family Trust and Martin Koning, authorised to sign on their behalf

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