

**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 **W HODGSON**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

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

Counsel acting:

Phil Lang
Barrister
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To the Registrar of the Environment Court Auckland:

I William Hodgson appeal against a 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 I am appealing against are:

1. The decision of the Respondent to reject my submission that there should not be any special rules against subdivision within the Airport Noise Subdivision Control Boundary or inside the SEL 95 Boundary for the Hamilton Airport.
2. The decision of the Respondent to add into the Proposed Plan a new policy 5.6.19 relating to reverse sensitivity, giving special consideration to limitation of subdivision within the Airport Noise Subdivision Control Boundary or inside the SEL 95 Boundary.

Reasons for the Appeal:

3. Rules for severe limitation of subdivision within the Airport Noise Subdivision Control Boundary or inside the SEL 95 Boundary were included in the Operative District Plan and the previous Operative District Plan, at time when expectations for growth of flight activity in and around the airport were particularly high, and in circumstances that caused concern about reverse sensitivity effects that could flow from nearby subdivision.
4. The circumstances have become very much different since those provisions were included in the Operative and previous District Plan.

5. The perceived need for this type of control on subdivision within the specified locality is no longer justified.
6. The potential for reverse sensitivity effects of removal of those special controls on subdivision would be negligible, and the corresponding benefits from more efficient use of land in that locality would outweigh any potential for reserve sensitivity effects.
7. There is no longer any resource management foundation for including special controls on subdivision within the Airport Noise Subdivision Control Boundary or inside the SEL 95 Boundary.
8. The Respondent did not have jurisdiction to add policy 5.6.19 into the Proposed Plan.

I seek the following relief:

1. Delete the rules for subdivision within the Airport Subdivision Noise Control Boundary or inside the SEL 95 Boundary from rule SUB-R63 of the Proposed Plan; and
2. Delete the Airport Noise Subdivision Control Boundary from the planning maps; and
3. a) Delete policy 5.6.19 from the Proposed Plan; or, alternatively

b) Delete policy 5.6.19(a)(ii) from the Proposed Plan.

I attach the following documents to this Notice of Appeal:

- (a) A copy of my submission.
- (b) A copy of the Respondent's decision.

- (c) A list of names and addresses of persons to be served with a copy of this Notice of Appeal.

Dated: 28 February 2022



.....
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: leok@xtra.co.nz>

AND TO: hodgsonwm@gmail.com>

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.