

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY  
I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TAMAKI MAKAUURAU**

**ENV-2022-AKL-000048**

**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** Waka Kotahi New Zealand Transport Agency

**Appellants**

**And** Waikato District Council

**Respondent**

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**Section 274 Notice on behalf of Brenda Butcher and Gavin Butcher**

**Dated 22 March 2022**

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Jeremy Brabant  
Barrister  
Level 4, Vulcan Building Chambers  
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Auckland City  
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**To:** The Registrar  
Environment Court  
Auckland

1. Brenda Butcher and Gavin Butcher (**Butchers**) give notice that they wish to be a party to the following appeal:

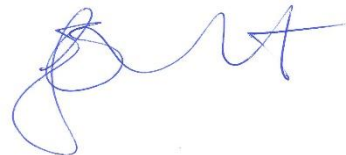
ENV-2022-AKL-000048 *Waka Kotahi New Zealand Transport Agency v Waikato District Council.*

2. The Butchers:
  - a. Made a submission about the subject matter of the appeal (FS#1283); and
  - b. Have an interest in the proceeding that is greater than the interest that the general public has on the grounds that they own land at 60 State Highway 2 within the proposed 100m building setback area sought by the Appellant.
3. The Butchers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. The Butchers are interested in the appeal to the extent that it seeks to amend the Proposed Waikato District Plan provisions to impose a 100m building setback from state highways for noise sensitive activities.
5. The Butchers oppose the relief sought as:
  - a. Appropriate setbacks for noise sensitive activities are already provided for.
  - b. A 100m setback from state highways:
    - i. Is not an efficient use of the land resource particularly in relation to the objectives and policies of the Waikato Regional Policy Statement and National Policy Statement for Urban Development.

- ii. Is not justified from a noise, vibration, or amenity perspective.
  - iii. Is not supported by a sufficiently robust assessment demonstrating reasonably practical alternatives, the effectiveness and efficiency of the proposed provisions, or the cost-benefit that will likely arise from the adoption of the relief sought.
  - iv. Is not an appropriately balanced or equitable approach to managing land use and resources, particularly as it transfers the cost and responsibility of noise and vibration mitigation onto adjacent landowners.
6. The Butchers agree to participate in mediation or other alternative dispute resolution of the appeal.

**Signature:**

**Brenda Butcher and Gavin Butcher** by their authorised agent:



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**Jeremy Brabant**

**Date:**

22 March 2022

**Address for service:** Jeremy Brabant  
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**Auckland**

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*Advice*

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