

**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

Section 274 Notice on behalf of Tony Young and Cindy Young

Dated 22 March 2022

Jeremy Brabant
Barrister
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To: The Registrar
Environment Court
Auckland

1. Tony Young and Cindy Young (**Youngs**) 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 Youngs:
 - a. Made a submission about the subject matter of the appeal (FS#1221); 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 80 Fraser Road within the proposed 100m building setback area sought by the Appellant.
3. The Youngs are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. The Youngs 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 Youngs 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 Youngs agree to participate in mediation or other alternative dispute resolution of the appeal.

Signature:

Tony Young and Cindy Young by their
authorised agent:



Jeremy Brabant

Date:

22 March 2022

Address for service: Jeremy Brabant
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Advice

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