

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000061

IN THE MATTER of appeals under Clause 14(1) of
Schedule 1 of the Act in relation to the
Proposed Waikato District Plan.

AND

IN THE MATTER of a Proposed District Plan

BETWEEN **NEALE RUSSELL LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar
Environment Court – Auckland**

**SECTION 274 NOTICE FROM KOPUERA LAND COMPANY LIMITED
ON THE APPEAL BY
NEALE RUSSELL LIMITED**

21 March 2022

Counsel Instructed

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TO The Registrar
Environment Court
Auckland

NOTICE

1. Kopuera Land Company Limited (**Kopuera**) wishes to be a party pursuant to s 274 of the Resource Management Act 1991 (**Act**) to the following proceedings:

Neale Russell Limited v Waikato District Council: ENV-2022-AKL-000061

Master Topic: Proposed Waikato District Plan.

2. The Appellant is seeking that the planning provisions, regarding the hours of operation for flights, is extended at night during the winter months from 7pm to 10pm.
3. Kopuera has an interest in these proceedings that is greater than the interest that the general public has because it;
 - a) Owns land that is within the noise contours of the airport zone as shown on **Attachment 1**;
 - b) Is directly affected by the extension to the winter night-time hours of operation sought by the Appellant;
 - c) Represents farming interests and neighbours that would also be adversely affected by the extended hours of operation and will be disadvantaged if the relief sought is granted;
 - d) Is in the interests of natural justice for it to be able to participate in the proceedings; and
 - e) Meets the Purpose of the Act for its interest to be recognised.
4. Kopuera is not a trade competitor for the purposes of section 308C or 308CA of the Act.

5. Kopuera is interested in the whole of the proceeding and all of the issues arising from the relief sought.
6. Kopuera opposes the relief being sought to extend the planning provisions regarding the hours of night-time operation during winter months for reasons including;
 - a) The planning provisions guide the determination of resource consents including the renewal of the current airport consent.
 - b) The operator of the airport has a resource management responsibility to internalise the external effects of its operation.
 - c) The operation of the airport at night during winter months will have a significant adverse effect on the receiving environment including farm animals who will be more startled by aircraft movements at night.
 - d) The relief sought will adversely affect the amenity values and quiet enjoyment of neighbouring residents and particularly those located in the noise contour boundary.
 - e) The airport should not be effectively allowed to privatise the benefits of increased night-time noise, and externalise the costs onto neighbouring residents.
7. Kopuera agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 21st day of March 2022



Peter Fuller
Counsel for Kopuera Land Company Limited

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LIST OF PARTIES TO BE SERVED WITH THIS NOTICE**Respondent – Waikato District Council**

District Plan Hearings Administrator
Waikato District Council
Private Bag 544
Ngaruawahia 3742
Email: Districtplan@waidc.govt.nz

Neale Russell Limited

C/- Julian Dawson
Barrister
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Submitters Served by the Appellant

ATTACHMENT 1 – KOPUERA AFFECTED LAND