

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a an appeal pursuant to clause 14 of the First Schedule to the Act

AND

IN THE MATTER of Auckland City District Plan – Hauraki Gulf Islands Section – Proposed 2006

BETWEEN

DOWNIE AND ORS

Lodgement: ENV-2009-AKL-000356

Appellant

AND

AUCKLAND CITY COUNCIL

Respondent

**NOTICE OF INTENTION TO BE HEARD UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991**

**BROOKFIELDS
LAWYERS**
A M B Green
Telephone No. 09 379 9350
Fax No. 09 379 3224
P O Box 240
DX CP24134
AUCKLAND

TO: The Registrar
Environment Court
AUCKLAND

1. Take notice that **ANSWER SERVICES HOLDINGS LIMITED ("ASHL")** requests to be heard under section 274 of the Resource Management Act 1991 ("the Act") in relation to an appeal under Clause 14(1) of the Act by Downie and others ("Downie") regarding decisions by the Auckland City Council ("the Council") on the Auckland City District Plan - Hauraki Gulf Islands Section – Proposed 2006 ("HGI Plan").
2. **ASHL** claims status to be heard on the appeal as a party who made submissions and further submissions on the same matters within the HGI Plan.
3. **ASHL** is interested in the parts of the appeal regarding:
 - (a) Part 12 – Subdivision; and
 - (b) Part 10c; and
 - (c) Part 11.
4. **ASHL** supports the relief sought by Downie insofar as it is consistent with the relief sought in **ASHL's** own appeal, and because the relief sought:
 - (a) is not contrary to the purposes and principles of the Act;
 - (b) is the most appropriate means of assisting the Council in fulfilling its functions, powers and duties under the Act; and
 - (c) is reasonable, certain and not ambiguous.
5. Without derogating from the generality of the matters set out at paragraph 4 above, **ASHL** further states that it supports Downie's appeal because it recognises that while this appeal focuses on rules regarding Great Barrier, there is a need for consistency across the Hauraki Gulf Islands and:
 - (a) subdivision restrictions need to be amended to allow multiple dwellings on one site and a review of the minimum site size needs to be undertaken; and
 - (b) development controls regarding earthworks and vegetation need to be amended to ensure that adequate provision is made for clearing sites and creating access ways into land parcels; and

(c) amendments need to be made to the assessment criteria for access ways.

6. **ASHL** supports the relief sought which is consistent with the relief sought in its own appeal, for the reasons expressed in that appeal.
7. **ASHL** agrees to participate in mediation and other alternative dispute resolution of these proceedings.
8. A copy of this notice has been served on the parties to the appeal listed below.

DATED the th 24 day of August 2009

ANSWER SERVICES HOLDINGS LIMITED as
appellant by its lawyers and duly authorised agents
BROOKFIELDS

per:



A M B Green
Counsel for appellant

Address for service of appellant:

Brookfields Lawyers
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THIS NOTICE is filed by **ANDREW MICHAEL BASFORD GREEN**, solicitor for Answer Services Holdings Limited. The address for service of Answer Services Holdings Limited is at the offices of Brookfields, Lawyers, 11th Floor, 19 Victoria Street West, Auckland 1001.

Documents for service on Answer Services Holdings Limited may be left at the address for service or may be:

1. Posted to the solicitor at P O Box 240, Auckland 1001.
2. Left for the solicitor at Document Exchange for direction to DX CP24134.
3. Transmitted to the solicitor by facsimile to 09 379 3224.

Names and addresses of persons who have been served with a copy of this notice:

1. Downie and Ors
145 Shoal Bay Road
Tryphena
Great Barrier Island
AUCKLAND

ATTENTION: Paul Downie
2. Auckland City Council
Team Leader - Litigation and Regulatory Team
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