

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 **WAIHEKE PROJECT MANAGEMENT LIMITED**

Lodgement: ENV-2009-AKL-000350

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 Waiheke Project Management Limited ("WPM") 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 whole appeal and specifically the parts of the appeal regarding:
 - (a) Use of the controlled activity status in the HGI Plan
 - (b) Financial contributions
 - (c) Part 10c
 - (d) Part 12 (Subdivision)
4. **ASHL** supports the relief sought by WPM 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 WPM's appeal because it recognises that:
 - (a) land owners and developers require certainty regarding the possible uses of their land and that the removal of the controlled activity status removes that certainty over regulating development on the Hauraki Gulf Islands; and
 - (b) the Council's decisions regarding financial contributions create uncertainty and provide the Council with the opportunity to require land and money following the grant of a subdivision consent; and


(c) the proposed rules in Part 12 –Subdivision will have a detrimental effect on land owners development aspirations and the minimum site areas are too small to achieve the objectives and policies of the HGI Plan regarding efficient use and development of land in accordance with the purpose and principles of the Act.

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 ¹²24 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. Waiheke Project Management Limited
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Oneroa
WAIHEKE ISLAND

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2. Auckland City Council
Team Leader - Litigation and Regulatory Team
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