

**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** **THUMB POINT STATION LIMITED AND ORS**

Lodgement: ENV-2009-AKL-000336

Appellant

**AND** **AUCKLAND CITY COUNCIL**

Respondent

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

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**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 Thumb Point Station Limited and others ("Thumb Point") 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) the status of activities not otherwise provided for in the Proposed Plan; and
  - (b) density limits for dwellings; and
  - (c) provision for wineries; and
  - (d) financial contributions; and
  - (e) helicopter activities; and
  - (f) subdivision; and
  - (g) undergrounding of electricity and telecommunications; and
  - (h) planning maps.
4. **ASHL** supports the relief sought by Thumb Point 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 Thumb Point's appeal because it recognises that:

- (a) regarding the status of activities not otherwise provided for in the plan, the decisions are neither necessary nor appropriate, nor are they the most efficient or effective way to achieve the purpose of the Act; and
  - (b) providing for a density limit on an area rather than on a per site basis would better achieve the purpose of the Act and the objectives and policies of the HGI Plan. Such a method would also better reflect the degree of effects associated with development; and
  - (c) it is inappropriate to limit wineries as a permitted activity to those areas zoned Landform 6; and
  - (d) the financial contributions provisions as amended by the decisions are unnecessary, inappropriate and are not the most effective means to achieve the purpose of the Act and the objectives and policies of the HGI Plan. Further, it agrees that the provisions are unclear and imprecise in the manner (level and form) of any contribution and how the contributions may be waived or reduced on an application for resource consent; and
  - (e) helicopter activities are an essential part of activities on Waiheke Island and contribute to the economy of Waiheke Island through horticultural practices and tourism; and
  - (f) subdivision minimum site standards are a significant feature in ensuring that land remains productive in appropriate places while still allowing a level of subdivision sufficient to meet the needs of the residential population on Waiheke Island; and
  - (g) there should be no mandatory requirement to underground telecommunications and electricity services when a parcel of land is subdivided. This is neither necessary nor appropriate to achieve the purpose of the Act nor the objectives and policies of the HGI Plan.
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 24<sup>th</sup> 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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Auckland

**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. Thumb Point Station Limited and Ors  
c/o Clendons North Shore  
Barristers and Solicitors  
PO Box 305349  
**NORTH SHORE CITY 0757**  
  
**ATTENTION:** Brian Joyce
2. Auckland City Council  
Team Leader - Litigation and Regulatory Team  
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