

**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** **RAINBOW MOUNTAIN HOLDINGS LIMITED**

Lodgement: ENV-2009-AKL-000334

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 Rainbow Mountain Holdings Limited ("Rainbow Mountain") 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) Clause 12.11 (General assessment criteria for discretionary applications)
  - (b) Clauses 4.2 and 4.3
  - (c) Part 6 (Financial contributions)
4. **ASHL** supports the relief sought by Rainbow Mountain 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 Rainbow Mountain's appeal because it recognises that:
  - (a) rules need to be amended to apply a more effects based approach; and
  - (b) greater certainty is needed regarding the extent (level and form) of financial contributions payable on the grant of resource consent.
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  
A M B Green  
Telephone No. 09 379 9350  
Fax No. 09 379 3224  
P O Box 240  
DX CP24134  
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. Rainbow Mountain Holdings Limited  
c/o McCaw Lewis Chapman  
PO Box 3240  
**HAMILTON**  
  
**ATTENTION:** Don Shirley / Daniel Shore
2. Auckland City Council  
Team Leader - Litigation and Regulatory Team  
Private Bag 92516  
Wellesley Street  
**AUCKLAND**