

**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**

**DOUGLAS AND OTHERS**

Lodgement: ENV-2009-AKL-000298

Appellant

**AND**

**AUCKLAND CITY COUNCIL**

Respondent

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APPLICATION FOR WAIVER

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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. **ANSWER SERVICES HOLDINGS LIMITED ("ASHL")** applies for a waiver in the matter of an appeal under Clause 14(1) of the Resource Management Act 1991("the Act") by Douglas and others ("Douglas") regarding decisions by the Auckland City Council ("the Council") on the Auckland City District Plan - Hauraki Gulf Islands Section – Proposed 2006 ("HGI Plan") (ENV-2009-AKL-000298).
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 in the previous proceedings.
3. ASHL is interested in the parts of the appeal regarding Island Residential 1 (traditional residential) and Island Residential 2 (bush residential) zoning.
4. ASHL applies for a waiver of the timing requirements for the lodgement and service of ASHL's notice of intention to be heard under section 274 of the Act.
5. ASHL was not served with a copy of this appeal, however it became aware of the appeal after checking the Auckland City Council's website where all appeals on the HGI Plan have been posted and confirming the date of lodgement with the Court Registrar.
6. ASHL considers that there will be no prejudice to any party from it joining the Douglas appeal. The period for lodgement of section 274 notices on the Douglas appeal closed on 17 August 2009, however the last date for lodgement of section 274 notices on other appeals regarding the same matter is 7 September 2009. At this stage, little or no work has been undertaken by the parties to these appeals in order to resolve matters.
7. Further, the Court's directions dated 17 August 2009, concerning the lodgement of a memorandum of counsel setting out groups of topics and sub topics and a proposal for progressing all the appeals is not due to be filed with the Court until 30 September 2009 that is, not for another 6 weeks. Therefore, sufficient time exists for ASHL to be

consulted on its position regarding the appeal without prejudicing the drafting of a memorandum or the efficient advancement of the appeals.

DATED the <sup>2</sup>24 day of August 2009

**ANSWER SERVICES HOLDINGS LIMITED** as interested party 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.