
REPORT 2
(1215/11/IM)

**Report of the Makara/Ohariu Community Board
Extraordinary Meeting of Monday 5 September 2005**

Members: Ruth Paul (Chair), Gavin Bruce, John Hume, David Jennings,
Justin Robbers and Ted Smith.

THE COMMUNITY BOARD RECOMMENDS:

- 1. ITEM 114/05MB MAKARA/OHARIU COMMUNITY BOARD
PERMISSION TO JOIN AS A SECTION 274 RESOURCE
MANAGEMENT ACT 1991 APPELLANT TO MERIDIAN ENERGY
APPEAL TO DISTRICT PLAN CHANGE 33
(1215/13/IM) (ORAL REPORT)**

THAT the Makara/Ohariu Community Board:

- 1. Make a formal request to Wellington City Council for the delegated authority to apply to be party to proceedings under section 274 of the Resource Management Act 1991 in respect of the appeal by Meridian Energy Limited against District Plan Change 33.*
- 2. Request limited financial or legal assistance in order to lodge the appeal application (\$100 lodgement fee plus 2 to 5 hours legal advice).*

NOTE:

Attached is an explanatory note from the Board on why they wish to be a section 274 appellant.

Ruth Paul
Chair

MAKARA/OHARIU COMMUNITY BOARD

request to be PARTY TO PROCEEDINGS under S274 RESOURCE MANAGEMENT ACT 1991 in respect of **DISTRICT PLAN CHANGES 32 and 33**

Since 1998 the Makara/Ohariu Community Board ('the Board') has been involved with the development of changes to the District Plan rules for the rural area, .e. the 'rural review'.

The Board submitted (and further submitted) on Plan Change 33.

In May 2005 the decision of the Hearings Committee was notified. Much of what the Board had submitted on was reflected to the Boards satisfaction in the recommendations.

Plan Change 33 has subsequently been appealed to the Environment Court by (amongst others) Meridian Energy Ltd, The Southern Environmental Association, and West Tawa Developments Ltd.

Meridian energy opposes the inclusion of Quartz Hill and the Mt Misery/Quartz Hill ridgeline in the 'identified' ridgelines and hilltops overlay. The Board actively supported the community in their desire to see these areas retain protection as they visually dominate the settled areas of Makara.

The Board agreed in their meeting of 21 July to join the appeals as a s274 party if possible:

(the Board) Agree to apply to the Environment Court under s274 of the Resource Management Act 1991 as a party to the proceedings before it in respect of the appeals against District Plan changes 32 and 33 (Wellington City Council).

The Board has since decided only to apply in respect of Plan change 33.

The Board has been advised by Council officers that:

"The Local Government Act 2002 clearly sets out at section 53(1)(a) that the powers of a community board are limited to those delegated to it. Council has not delegated that authority to the Boards. So, while the RMA itself provides for submitters to apply to the Court to become parties, the Board doesn't have the delegated authority to take that step without Council consent."

The Board agreed unanimously to pursue this application at the meeting of 18 August 2005, but in oversight failed to pass a resolution requesting council approval.

The Board therefore wishes Council to consider a request that the Board be allowed to apply (under section 281 RMA - out of time applications) to become party to proceedings under s 274 RMA. Apart from being submitters, we have an interest as representatives of the rural community in particular that is greater than the normal public interest. We request that Council votes on the proposed recommendation (to the effect):

"That the Makara/Ohariu Community Board have approved delegated authority to apply to be party to proceedings under s 274 of the Resource Management Act 1991 in respect of the appeal by Meridian Energy Ltd against Plan Change 33."

The Board would also require limited financial or legal assistance from Council in order to lodge the application (\$100 lodgement fee plus a maximum 2-5 hours of legal advice). We do not mind sharing the same legal counsel as WCC.

Thank you for your consideration of the above matter.

Ruth Paul
Chairperson
Makara/Ohariu Community Board.