

The purpose of this report is to outline the proposed timetable and process for the adoption and release of decisions on the Proposed City Plan.

It was hoped that the decisions would be put to the Council this month. The magnitude of the task, however, has prevented us from achieving this. One of the most time consuming aspects of the process is altering the text and maps that make up the City Plan to reflect the changes resulting from the decisions. One decision alone can result in numerous changes throughout the document, and this has proved to be a significant undertaking.

The timetable now proposed involves a seminar to which all Councillors will be invited on the morning of Friday 12 February 1999. At this seminar, members of the City Plan Hearings Panels will give an overview of the decisions and the key changes arising from them. The seminar will be followed by a special Council meeting at 2.00pm, at which the Council will be asked to formally approve the Proposed Plan as amended by decisions.

It is also planned to have copies of the decisions available in a secure location about two weeks prior to the special Council meeting so that Councillors have the opportunity to view the information. City Plan staff will be available to help with this process and to answer any questions Councillors may have. It is important to note that this information is highly sensitive and must remain confidential. The public will be excluded from the special Council meeting on 12 February and the decisions will remain confidential until their official release 6 – 9 weeks later.

One difficulty which always arises when decisions on a Proposed Plan are adopted is the time delay that occurs while the revised text is being printed. This will take about 6 weeks, although staff are currently investigating possible ways of shortening this process. While the text is at the printers, the decisions themselves will be copied and collated ready to serve on submitters and further submitters by post.

The next steps are public notification of the decisions and delivery of the decisions to all submitters and further submitters. Council staff have been involved in consultation with the Environment Court and the Bar Association in this aspect of the process. During this consultation, the Environment Court has made it clear that it is insufficiently resourced to process all appeals that may be filed within the 15 working day statutory period. As a result of this, there is a real prospect that some appeals filed in time may be invalid due to the Court's inability to process them.

It has therefore been agreed that the decisions will be notified on one date (ie public notice in the newspaper), and submitters and further submitters served with the decisions in two batches three weeks apart. Only when a submitter or further submitter is served with a decision is the 15 working day appeal period triggered.

There are advantages and disadvantages associated with this approach, although it is considered that the former outweighs the latter. One disadvantage is that it would be easier and cheaper for the Council if all decisions were sent out at once rather than in two batches. A second disadvantage is that Clause 11 of the 1<sup>st</sup> Schedule to the Resource Management Act requires the Council to serve all submitters with decisions at the same time. The Council will therefore have to seek a waiver from the Environment Court in this regard.

The advantages are that the Environment Court will be better able to cope with the workload arising from the release of decisions, and submitters who have made a number of submissions are likely to have more time to consider decisions and how they will be affected by them if they do not receive them all at the same time. This should reduce the number of appeals, which will be less costly for the Council in terms of staff resources and legal input. Because the statutory timeframe for lodging appeals is so short, solicitors have tended to lodge pro forma appeals in order to safeguard their clients' interests. The need for this should be lessened by releasing the decisions in two batches.

In summary, the approximate timetable for adoption and release of City Plan decisions is as follows:

- 1 – 12 February 1999 - copies of decisions available in a secure location for perusal by Councillors.
- 12 February 1999 - overview seminar for Councillors in the morning, followed by a special Council meeting at 2pm at which the Council will be asked to adopt the decisions.
- 15 February – 26 March - revised text and planning maps will be printed during this period (hopefully we may be able to shorten this by 2 weeks). The decisions will be copied and collated ready for posting at the same time.
- 27 March 1999 - the decisions will be publicly notified.
- 29 March 1999 - release of first batch of decisions to submitters and further submitters.
- 19 April 1999 - release of second (final) batch of decisions to submitters and further submitters.

The Committee **decided:**

- (i) That the Legal Services Manager be authorised to take any steps necessary to enable the adoption and release of City Plan decisions as outlined.
- (ii) To receive the information.