

4. CITY PLAN - FURTHER DELEGATIONS



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The purpose of this report is to recommend to the Council that a new delegation be made to the City Plan References Subcommittee in relation to matters arising out of references to the City Plan.

BACKGROUND

At its December 2001 meeting the Council delegated to the City Plan References Subcommittee the power "...to consider and resolve any consent order requested in respect of any proceedings before the Environment Court regarding any reference on the Proposed City Plan".

From time to time appeals may be filed in the High Court by submitters against Environment Court decisions. As the Council is always a party in such Environment Court decisions, then inevitably it will be a party in any High Court proceedings, although its interest in particular appeals will vary in circumstances. However, the Council needs to be in a position to formally advise the Court as to what position it takes in relation to a particular set of proceedings.

Again at the present time, there is no formal process for instructions to be given to the Council's lawyers and to the position to be taken before the Court, and this is also an area where it is considered appropriate that a delegation could be made at the City Plan References Subcommittee to provide such direction to Council staff.

Recommendation: That the City Plan References Subcommittee be delegated the power to make decisions, on behalf of the Council, in relation to any High Court proceedings arising out of decisions by the Environment Court on the City Plan.