

## 28. BANKS PENINSULA DISTRICT PLAN LANDSCAPE PROVISIONS



<b>General Manager responsible:</b>	General Manager, Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Manager, Environmental Policy and Approvals
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### PURPOSE OF REPORT

1. The purpose of this report is to seek confirmation from the Council that the District Plan Appeals Subcommittee exercise its delegation from the Council in respect to the mediation before the Environment Court on appeals to the Banks Peninsula District Plan Landscape Provisions.

### EXECUTIVE SUMMARY

2. At the Council seminar on 3 April 2007, Councillors were informed about the outstanding appeals on the Banks Peninsula District Plan and the progress on the landscape and ecology study. At that seminar it was requested that preliminary consideration on these matters be undertaken by the District Plan Appeals Subcommittee, to be followed by a report to the Council. Members will recall that the report on the Banks Peninsula District Plan Ecology Study was considered at the Council meeting on 3 May 2007.
3. The Subcommittee met on Friday 4 May 2007 and considered a report on the Banks Peninsula District Plan Landscape Provisions. In addition a copy of the Banks Peninsula landscape study prepared by Boffa Miskell was tabled at the meeting. This study had only been received immediately prior to the meeting and provided advice on the best way to manage the Banks Peninsula landscapes in accordance with the Resource Management Act.
4. Mediation in respect of the landscape provisions has been set down to be heard before the Environment Court on 5-6 June 2007. The Subcommittee did not, however, feel able to give appropriate consideration to this matter at its meeting on 4 May 2007 and will meet again on 17 May 2007 to consider a further detailed report including the information provided in the landscape study prepared by Boffa Miskell
5. As the last Council meeting for May 2007 will be held on 17 May 2007 it will not be possible to provide a report from the Subcommittee to the Council prior to the commencement of mediation on 5-6 June 2007
6. Subcommittee members were mindful of the wish expressed at the Council seminar on 3 April 2007 that this matter be reported back to the Council by the Subcommittee, for confirmation of the position to be taken in mediation.
7. Accordingly the Subcommittee wishes to seek confirmation from the Council that it exercises its delegated authority and, following consideration of the further information requested, at its meeting on 17 May 2007 instructs staff in respect to the position to be taken at the mediation hearings.
8. The current delegations from the Council to the District Plan Appeals Subcommittee provide for:
  - “3(a) To authorise any one or more officers holding the positions listed below to participate in a mediation of any proceeding before the Environment Court arising out of the First Schedule of the Resource Management Act 1991. This authority shall include the power to commit the Council to a binding agreement to resolve the proceeding, provided it does not require any Council expenditure not authorised by Council delegation.
  - (b) Any authority given under this delegation shall be on such terms and conditions as the Subcommittee considers appropriate. Council 23 November 2006.”
9. Alternatively, if the Council wishes to consider this matter itself prior to mediation, then it will be necessary for it to resolve to hold an extraordinary meeting prior to 5 June 2007 to instruct staff on the position to be taken by the Council.

#### **FINANCIAL IMPLICATIONS**

10. There are no direct financial implications associated with the preferred option. There would, however, be some small additional costs associated with an extraordinary Council meeting.

#### **Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

11. As above

#### **LEGAL CONSIDERATIONS**

12. Both options are within the authority of the Council as determined by the Seventh Schedule of the Local Government Act 2002.

#### **Have you considered the legal implications of the issue under consideration?**

13. As above.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Refer to page 113 of the LTCCP, level of service in Democracy and Governance

#### **Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

15. As above.

#### **ALIGNMENT WITH STRATEGIES**

16. Not applicable.

#### **Do the recommendations align with the Council's strategies?**

17. Not applicable.

#### **CONSULTATION FULFILMENT**

18. Not applicable.

#### **SUBCOMMITTEE RECOMMENDATION**

It is recommended by the District Plan Appeals Subcommittee that the Council:

- (a) Confirm that the District Plan Appeals Subcommittee exercise its delegated authority in respect of mediation on the Banks Peninsula District Plan landscape appeals.
- (b) Note that Council staff will report back to the Subcommittee after mediation for further guidance in respect to the mediation on this issue.