

9. DISTRICT PLAN APPEALS SUBCOMMITTEE: APPOINTMENT OF REPLACEMENT MEMBER



General Manager responsible:	General Manager Regulation and Democracy Services Group, DDI 941-8549
Officer responsible:	Acting Democracy Services Manager
Author:	Max Robertson, Council Secretary

PURPOSE OF REPORT

1. The purpose of this report is to recommend the appointment of Councillor Sally Buck as a member of the Council's District Plan Appeals Subcommittee, in place of Councillor Gail Sheriff, who has resigned from the Subcommittee.

EXECUTIVE SUMMARY

2. The District Plan Appeals Subcommittee (formerly known as the City Plan References Subcommittee) currently comprises the following members:

Councillor Helen Broughton
Councillor Anna Crighton
Councillor Gail Sheriff
Councillor Sue Wells
Mr Stewart Miller (Chairman, Akaroa/Wairewa Community Board)

3. The Subcommittee's current delegations and terms of reference are set out below:

"1. *To consider and resolve any consent orders requested in respect of any proceedings before the Environment Court regarding any appeal on the Christchurch City Plan ('City Plan') or Banks Peninsula District Plan ('District Plan').*

2. *To authorise counsel and Council witnesses to call evidence in support of a compromise position or positions in the alternative for the purpose of endeavouring to agree with the parties in terms of a consent order in respect of any proceedings before the Environment Court arising out of the Council's decisions on the City Plan or District Plan.*

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 to 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 a Council delegation.*

(b) *Any authority given under this delegation shall be on such terms and conditions as the Subcommittee considers appropriate.*

Authorised positions:

- *Resource Management Manager*
- *Team Leader, City Plan*
- *Solicitor, Legal Services Unit*
- *Senior Planner, City Plan*

(c) *The exercise of such delegated powers be reported to the Council on a six-monthly basis.*

4. *To authorise any two or more officers who, for the time being, hold any of the following positions to jointly consider, and resolve by consent order, any appeal to the Environment Court against a decision of Council on submissions to the City Plan or District Plan, where the appeal relates to an alteration of minor effect or the correction of a minor error.*

Authorised positions:

- *Resource Management Manager*
- *Team Leader – City Plan*
- *Senior Planner – City Plan*

5. *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 or District Plan provided such decisions are consistent with professional advice. Where the Subcommittee is not able to do so the Subcommittee will refer its recommendation to the Council for a decision.*

FINANCIAL IMPLICATIONS

4. None.

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

5. Not applicable.

LEGAL CONSIDERATIONS

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

6. The Council has the power pursuant to Schedule 7 of the Local Government Act 2002 to appoint subcommittees, and to alter the membership thereof as required.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

7. Yes – these are covered by the provisions of the LTCCP relating to democracy and governance.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

8. Not applicable.

CONSULTATION FULFILMENT

9. No consultation is required.

STAFF RECOMMENDATION

It is recommended that Councillor Sally Buck be appointed in place of Councillor Gail Sheriff as a member of the Council's City Plan References Subcommittee.