

Agenda 2023

Plan Change 7 Appeals Committee

Date: Thursday, 16 February 2023
Time: 1.00 PM
Venue: Council Chamber
Environment Canterbury
200 Tuam Street, Christchurch



Plan Change 7 Appeals Committee

Membership

Committee Chair: Councillor David East

Committee Members: Councillor Craig Pauling
Councillor John Sunckell

PLAN CHANGE 7 APPEALS COMMITTEE TERMS OF REFERENCE

Adopted by Council 13 April 2022

REPORTING TO:	Council
MEMBERSHIP:	Three members of Council
QUORUM:	Two (2)
MEETING FREQUENCY:	As required to fulfil the purpose and responsibilities of the committee
CHAIR:	One Chair

A. PURPOSE

1. To receive advice and provide guidance to the Chief Executive as to how the Council will respond to each of the appeals lodged on the Council's decision on Proposed Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (LWRP).

B. SPECIFIC RESPONSIBILITIES

2. The Committee will make all decisions necessary to fulfil the role and scope of the Committee, subject to the limitations imposed, for the duration of the High Court Appeals on PC7 to the LWRP, including:
 - a. Providing governance oversight in relation to PC7 to the LWRP (noting however that appeals are on points of law only);
 - b. Receiving and considering advice from legal counsel and technical staff regarding the appeals;
 - c. Providing guidance to the Chief Executive as to the Council's preferred approach and position in respect to each appeal.

C. DELEGATIONS

3. Subject to sections 4 to 6, the Council delegates to the Committee all the powers, functions and duties necessary to perform the Committee's responsibilities, except those that must not be delegated.
4. The Chief Executive has been delegated the authority to resolve High Court appeals on PC7 to the LWRP. The Committee will not be making decisions on the resolution of those appeals (with the delegation retained by the Chief Executive) but it will report to the Council on its work.
5. The Committee may make decisions on matters with a financial impact only where the related costs are budgeted for within a current, adopted Long Term Plan or Annual Plan, otherwise the matter must be referred to the Council for decision.

6. The Committee may not make a decision that is materially inconsistent with the Council's Long-Term Plan or Annual Plan.

Document history and version control

Version	Date approved	Approved by	Brief description
1.0	13 April 2022	Council	New Committee Terms of Reference.

Plan Change 7 Appeals Committee

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1. Mihi / Karakia Timatanga - Opening

The meeting will be opened with a mihi whakatau, followed by a member of the Plan Change 7 Appeals Committee with a karakia.

2. Apologies

At the time the agenda closed there were no apologies received.

3. Conflicts of Interest

Members are reminded to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4. Public Forum, Deputations, and Petitions

There were no requests for public forum, deputations and petitions at the time the agenda was prepared.

5. Extraordinary and Urgent Business

The Chairperson will give notice of items requiring urgent attention not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Plan Change 7 Appeals Committee:

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting. The item may be allowed onto the agenda by resolution of the Plan Change 7 Appeals Committee.

Minor Matters relating to the General Business of the Plan Change 7 Appeals Committee:

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. The meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

6. Notices of Motion

At the time the agenda closed there were no notices of motion received.

7. Minutes

7.1. Confirmed Minutes - Plan Change 7 Appeals Committee - 20 September 2022

Plan Change 7 Appeals Committee

Date of meeting	Thursday, 16 February 2023
Author	Petrea Downey, Committee Advisor
Endorsed by	Catherine McMillan, General Manager Governance

Purpose

1. The previously circulated minutes from the Plan Change 7 Appeals Committee on 20 September 2022 were confirmed prior to the end of the Triennium and are attached for the Committee's information.

Recommendations

That the Plan Change 7 Appeals Committee:

1. **Receives the confirmed minutes from the Plan Change 7 Appeals Committee meeting held on 20 September 2022.**

Attachments

1. 2022-09-20 Minutes Plan Change 7 Appeals Committee 20 September 2022 [7.1.1 - 3 pages]

Minutes of the Plan Change 7 Appeals Committee, held at Environment Canterbury, Council Chamber, 200 Tuam Street, Christchurch on Tuesday, 20 September 2022 at 3.02pm.

Present

Chair Jenny Hughey, Cr Nicole Marshall, and Cr John Sunckell.

Report writers and other staff were also present.

1. Mihi / Karakia Timatanga - Opening

The Chair welcomed everyone to the meeting.

Cr Nicole Marshall opened the meeting with a karakia.

2. Apologies

There were no apologies.

3. Conflicts of Interest

There were no conflicts of interest reported.

4. Public Forum, Deputations, and Petitions

There were no requests for public forum, deputations, and petitions.

5. Extraordinary and Urgent Business

There was no extraordinary or urgent business.

6. Notices of Motion

There were no notices of motion.

7. Minutes

7.1. Unconfirmed Minutes - Plan Change 7 Appeals Committee - 2 August 2022

Resolved PC7/2022/6

Staff recommendations adopted without change.

That the Plan Change 7 Appeals Committee:

1. Confirms the minutes from the Plan Change 7 Appeals Committee meeting held on 2 August 2022.

Cr John Sunckell/Cr Nicole Marshall
CARRIED

8. Resolution to go into Public Excluded

Resolved PC7/2022/7

That Imogen Edwards and Philip Maw (Wynn Williams) are permitted to remain at this meeting after the public has been excluded for items 8.2.1 and 8.2.2 because they have knowledge relevant to the matters under consideration.

AND

That at 3.05pm the resolution to exclude the public set out on pages 12 to 13 of the agenda be adopted.

Chair Jenny Hughey/Cr John Sunckell
CARRIED

The public were re-admitted to the meeting at 3.14pm.

9. Next Meeting

This being the last meeting in the triennium the Chair and other members thanked staff for being a part of the Plan Change 7 Appeals Committee.

10. Mihi / Karakia Whakamutunga – Closing

A karakia was provided by Cr Nicole Marshall.

Meeting concluded at 3.15pm.

IN ACCORDANCE WITH STANDING ORDER 28.4 THE CHAIRPERSON AND CHIEF EXECUTIVE CONFIRM THE MINUTES OF THE PLAN CHANGE 7 APPEALS COMMITTEE PRIOR TO THE NEXT ELECTION OF COUNCIL.

CONFIRMED:

CONFIRMED:

Chair Jenny Hughey
Councillor, Environment Canterbury

Dr Stefanie Rixecker
Chief Executive, Environment Canterbury

8. Report Items

9. Resolution to go into Public Excluded

Plan Change 7 Appeals Committee report

Date of meeting	Thursday, 16 February 2023
Author	Petrea Downey, Committee Advisor
Endorsed by	Catherine McMillan, General Manager Governance

Recommendations

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.
Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- a) Shall be available to any member of the public who is present; and
- b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE RELEASED
9.1.1	Confirmed Public Excluded Minutes - Plan Change 7 Appeals Committee - 20 September 2022			Refer to the previous public excluded reason in the agendas for these meetings.	Any decisions recorded in the minutes will be released separately dependent on specified criteria being met.
9.2.1.	Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu v CRC	7	7(2)(g) Maintain legal professional privilege	This report will not be released due to the permanent nature of the legal privilege.	
9.2.2	Rayonier and Port Blakely v CRC	7	7(2)(g) Maintain legal professional privilege	This report will not be released due to the permanent nature of the legal privilege.	

10. Next Meeting

The next meeting of the Plan Change 7 Appeals Committee is yet to be scheduled. The date and time will be publicly advertised and placed on the Environment Canterbury website.

11. Mihi / Karakia Whakamutunga - Closing

The meeting will conclude with a karakia by a member of the Plan Change 7 Appeals Committee.