

Regional Coastal Environment Plan Appeals Subcommittee

NOTICE IS GIVEN

that the next meeting of the **Regional Coastal Environment Plan Appeals Subcommittee** will be held in **Mauao Meeting Room 1, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga** on:

Monday, 27 February 2017 commencing at 12.30 pm.

Mary-Anne Macleod
Chief Executive
20 February 2017



Regional Coastal Environment Plan Appeals Subcommittee

Terms of Reference

Delegated Function

The Regional Coastal Environment Plan Appeals Subcommittee, was established by the Regional Direction and Delivery Committee on 20 August 2015, for the purpose of guiding the resolution of Environment Court appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan.

Membership

Three councillors.

Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the subcommittee is not fewer than two members of the subcommittee.

Term of the Committee

For the duration of Environment Court Appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan, unless discharged earlier by the Regional Direction and Delivery Committee.

Meeting frequency

As required.

Specific Responsibilities and Delegated Authority

The Regional Coastal Environment Plan Appeals Subcommittee is delegated the power of authority to guide the resolution of Environment Court appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan.

Note:

Council has delegated the authority to resolve appeals to regional plans to the Chief Executive. She has, in turn, delegated her authority to the General Manager Strategy and Science, Regional Integrated Planning Manager and Senior Planner, to negotiate and resolve appeals in a manner that is consistent with direction received from the Subcommittee.

Membership

Chairperson:	P Thompson
Deputy Chairperson:	J Nees (Bay of Plenty Regional Council)
Councillors:	J Cronin
Committee Advisor:	N Moore

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

1 Apologies

2 General Business and Tabled Items

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be delayed until a subsequent meeting.

3 Public Forum

4 Declarations of Conflicts of Interests

5 Previous Minutes

5.1 Regional Coastal Environment Plan Appeals Subcommittee minutes - 09 December 2016 9

6 Reports

7 Public Excluded Section 15

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

7.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 09 December 2016 17

Grounds

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Reason

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to maintain legal professional privilege

7.2 Regional Coastal Environment Plan Appeals, February 2017 Update 21

Grounds

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Reason

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to maintain legal professional privilege.

APPENDIX 1 - Mangrove Protection Society - response from legal counsel to BOPRC suggested wording	31
APPENDIX 2 - Comment on Mangrove Protection Society response on Council's suggested wording of the mangrove provisions	35
APPENDIX 3 - BOPRC Opening submissions for Iwi Resource Management Hearing - 23 January 2017	41
APPENDIX 4 - BOPRC Closing Submissions for Iwi Resource Management Hearing - 27 January 2017	73
APPENDIX 5 - Report from Mary Hill (Cooney Lees Morgan) on Iwi Resource Management Hearing 13 February 2017	91
APPENDIX 6 - High Court Minute Justice Katz - Attorney-General v Trustees of the Motiti Rohe Moana Trust - 14 February 2017	97
APPENDIX 7 - BOPRC Position Matakana Island Environment Court Hearing - 16 February 2017	103
SUPPORTING DOCUMENT - Environment Court transcript for Iwi Resource Management Hearing	107

8 Confidential business to be transferred into the open

9 Readmit the public

10 Consideration of General Business

Previous Minutes

Minutes of the Regional Coastal Environment Plan Appeals Subcommittee Meeting held in the Wairoa Meeting Room, Bay of Plenty Regional Council, First Avenue, Tauranga on Friday, 9 December 2016 commencing at 1.35 pm.

Present:

Chairman: P Thompson

Deputy Chairman: J Nees

Councillors: J Cronin

In Attendance: Councillor T Marr, N Moore (Committee Advisor), J Noble (Senior Planner), D Phizacklea (Regional Integrated Planning Manager), D Llewellyn (Legal Specialist), F McTavish (Group Manager Strategy & Science), P Cooney, R Zame (Legal Counsel, Cooney Lees Morgan)

Apologies: Nil

1 General Business and Tabled Items

Resolved

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following items be considered at this meeting.

Tabled document 1	Environment Court	Public Excluded Item 7.2	Report and Direction of the Court – Decision No [2016] NZEnvC 239 – Mangrove Protection Society, Royal Forest & Bird Protection Society
Tabled document 2	Environment Court	Public Excluded Item 7.2	Declaration for Decision Granted – Decision No [2016] NZEnvC 240 - Motiti Rohe Moana Trust
Tabled document 3	Environment Court	Public Excluded Item 7.2	Consent order – General application of the planning maps ENV-2015-AKL-000120 Paul Francis

Tabled document 4	Mangrove Management	Public Excluded Item 7.2	Mangrove Management Provisions, Track Change Version
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Resolved

That the Regional Coastal Environment Plan Appeals Subcommittee under its delegated authority:

- 1 Receives and considers the tabled items.
- 2 The grounds for accepting the tabled items are that they cannot be delayed until the next meeting of the Regional Coastal Environment Plan Appeals Subcommittee.
- 3 Under section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, considers tabled documents 1.0 in public excluded noting that:
- 4 Good reason for withholding exists under section 48(1)(a);
- 5 The grounds to exclude the public is to maintain the effective conduct of public affairs through the free and frank expression of opinions and to maintain legal professional privilege.

Thompson/Cronin
CARRIED

2 Declaration of conflicts of interest

There were no conflicts of interest declared.

3 Regional Coastal Environment Plan Appeals Subcommittee minutes - 19 August 2016

Resolved

That the Regional Coastal Environment Plan Appeals Subcommittee under its delegated authority:

- 1 Confirms the minutes, Regional Coastal Environment Plan Appeals Subcommittee minutes - 19 August 2016 as a true and correct record.

Thompson/Cronin
CARRIED

4 Public Excluded Section

Resolution to exclude the public

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

4.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes – 19 August 2016

Grounds

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Reason

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to maintain legal professional privilege.

4.2 Update on appeals on the Proposed Regional Coastal Environment Plan – December 2016

Grounds

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Reason

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to maintain legal professional privilege.

**Thompson/Nees
CARRIED**

The meeting closed at 3.00 pm.

Reports

