

Plan Change 13 (Air Quality) Appeals Subcommittee

NOTICE IS GIVEN

that the inaugural meeting of the **Plan Change 13 (Air Quality) Appeals Subcommittee** will be held in the **Wairoa Room, Bay of Plenty Regional Council, First Avenue, Tauranga** on:

Tuesday, 1 October 2019 commencing at 9.30 am

Fiona McTavish
Chief Executive
24 September 2019



Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairperson:	Vacant - To be appointed
Councillors:	M McDonald, A von Dadelszen
Committee Advisor:	S Kameta

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

Agenda

- 1 Apologies**
 - 2 Public Forum**
 - 3 Acceptance of Late Items**
 - 4 General Business**
 - 5 Confidential Business to be Transferred into the Open**
 - 6 Declarations of Conflicts of Interests**
 - 7 Reports**
 - 7.1 Plan Change 13 (Air Quality) Appeals Subcommittee - Terms of Reference** **9**
- APPENDIX 1 - Plan Change 13 Appeals Subcommittee - Draft Terms of Reference 11
- 8 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:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
8.1 Plan Change 13 (Air Quality) Recommendations to Appeals Subcommittee for Resolution of Appeal Points	To maintain legal professional privilege	To deliberate in private, Council's decision where a right of appeal lies

8.1 Plan Change 13 (Air Quality) Recommendations to Appeals Subcommittee for Resolution of Appeal Points	17
APPENDIX 1 - Proposed Plan Change 13 Version 9.0 track changes - 29 April 2019	71
APPENDIX 2 - Memo to Appeals Subcommittee - Topic 1B - September 2019	107
APPENDIX 3 - Staff recommended Council position on Fonterra Appeal	111
SUPPORTING DOCUMENT - Plan Change 13 (Air Quality) to the Regional Natural Resources Plan - Notices of Appeal and Section 274 Notices	117

9 Confidential Business to be Transferred into the Open

10 Readmit the Public

11 Consideration of General Business

Reports



Report To: Plan Change 13 (Air Quality) Appeals Subcommittee

Meeting Date: 01 October 2019

Report From: Yvonne Tatton, Governance Manager

Plan Change 13 (Air Quality) Appeals Subcommittee - Terms of Reference

Executive Summary

The Plan Change 13 (Air Quality) Appeals Subcommittee was established by the Regional Direction and Delivery Committee on 25 June 2019 to guide the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan. The Subcommittee is required to appoint a Chair and adopt a Terms of Reference.

Recommendations

That the Plan Change 13 (Air Quality) Appeals Subcommittee:

- 1 Receives the report, Plan Change 13 (Air Quality) Appeals Subcommittee - Terms of Reference;**
- 2 Appoints a member as the Chair of the Appeals Subcommittee.**
- 3 Adopts the Plan Change 13 (Air Quality) Appeals Subcommittee Terms of Reference (attached at Appendix 1).**

1 Purpose

The Regional Direction and Delivery Committee received an update report on appeals to Plan Change 13 (Air Quality) to the Regional Natural Resources Plan on 25 June 2019. As a result the Appeals Subcommittee was established by the Committee to guide the resolution of any Environment Court appeals on Plan Change 13.

The purpose of this report is for the Appeals Subcommittee to appoint a Chair and to adopt a Terms of Reference (attached at Appendix 1).

2 Budget Implications

2.1 Current Year Budget

There are no budget implications apart from Councillors remuneration as members of the Subcommittee. These costs can be accommodated within the current budget.

2.2 Future Budget Implications

There are no future budget implications associated with establishing this subcommittee.

3 Community Outcomes

This project directly contributes to the *A Healthy Environment* Community Outcome in the Council's Long Term Plan 2018-2028.

Yvonne Tatton
Governance Manager

24 September 2019

APPENDIX 1

Plan Change 13 Appeals Subcommittee - Draft Terms of Reference

Plan Change 13 (Air Quality) Appeals Subcommittee

Terms of Reference

Delegated Function

The Plan Change 13 (Air Quality) Appeals Subcommittee was established by the Regional Direction and Delivery Committee on 25 June 2019 for the purpose of guiding the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

Membership

Two councillors with RMA Commissioner Accreditation.

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 Proposed Plan Change 13 to the Regional Natural Resources Plan unless discharged earlier by the Regional Direction and Delivery Committee.

Specific Responsibilities and Delegated Authority

The Plan Change 13 (Air Quality) Appeals Subcommittee is delegated the power of authority to guide the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

Note:

- The Regional Direction and Delivery Committee has delegated the authority to resolve Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan to the Chief Executive, subject to the direction of the Appeals Subcommittee.
- The Chief Executive has delegated the authority to staff according to the Chief Executive Delegations Manual, subject to the direction of the Appeals Subcommittee and Council's legal advisors. For the avoidance of doubt, this shall include Senior Planning staff resolving appeals consistent with direction received from the Appeals Subcommittee.
- The Regional Direction and Delivery Committee has delegated authority to the Chair of the Regional Direction and Delivery Committee to appoint replacement members to the Appeals Subcommittee if necessary.

