

Plan Change 13 (Air Quality) Appeals Subcommittee

NOTICE IS GIVEN

that the next meeting of the **Plan Change 13 (Air Quality) Appeals Subcommittee** will be held via **Zoom (Audio Visual meeting)**, Bay of Plenty Regional Council, Virtual Meeting Room on:

Tuesday, 12 May 2020 commencing at 8.30 am

Part of this meeting is open to the public via live streaming on the Bay of Plenty Regional Council website. To watch the meeting live, please click on this link <http://www.boprc.govt.nz/livestream>

Fiona McTavish
Chief Executive
4 May 2020



Proposed Plan Change 13 (Air Quality) Appeals Subcommittee

Membership

Chairperson	Cr Andrew von Dadelszen
Member All members must hold current RMA Commissioner Accreditation	Cr Matemoana McDonald
Ex Officio	Chairman Doug Leeder
Quorum	Two members, consisting of the number of members
Meeting frequency	As required

Purpose and Role

To guide the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

Power to Act

- To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed for the duration of Environment Court Appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan unless discharged earlier by the Strategy and Policy Committee.
- The Chief Executive has delegated the authority to resolve Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan to, 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 Strategy and Policy Committee Chair has delegated authority to appoint replacement members to the Appeals Subcommittee if necessary.

Power to Recommend

Proposed Plan Change 13 (Air Quality) Appeals Subcommittee recommends and reports to the Strategy and Policy Committee.

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.

Agenda

- 1 Apologies
- 2 Public Forum
- 3 Acceptance of Late Items
- 4 Confidential Business to be Transferred into the Open
- 5 Declarations of Conflicts of Interests
- 6 Previous Minutes
- 6.1 Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 12 February 2020 11
- 7 Verbal update on progress of all other unresolved appeals
- 8 Public Excluded Section 13

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 Public Excluded Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 12 February 2020	To maintain legal professional privilege.	To deliberate in private, Council's decision where a right of appeal lies.
8.2 Options Analysis for Handling of Bulk Solid Material	To maintain legal professional privilege.	To deliberate in private, Council's decision where a right of appeal lies.

8.1 Public Excluded Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 12 February 2020	15
8.2 Options Analysis for Handling of Bulk Solid Material	19
9 Confidential Business to be Transferred into the Open	
10 Readmit the Public	
11 Consideration of Late Items	

Previous Minutes

Minutes of the Plan Change 13 (Air Quality) Appeals Subcommittee Meeting held in Mauao Room 1, Bay of Plenty Regional Council, 87 First Avenue, Tauranga on Wednesday, 12 February 2020 commencing at 9.30 am

Present:

Chairman: Councillor Andrew von Dadelszen

Councillors: Matemoana McDonald

In Attendance: Karen Parcell – Team Leader Kaiwhakatinana, Rachel Zame – Legal Counsel, Cooney Lees & Morgan, Julie Bevan – Policy and Planning Manager, Sarah Omundsen – General Manager Regulatory Services, Shari Kameta – Committee Advisor

1 Apologies

Nil

2 Public Forum

Nil

3 Acceptance of Late Items

Nil

4 General Business

Nil

5 Confidential Business to be Transferred into the Open

Nil

6 Declaration of Conflicts of Interest

Nil

7 Previous Minutes

7.1 Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 16 January 2020

Resolved

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

- 1 Confirms the Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 16 January 2020.**

**von Dadelszen/McDonald
CARRIED**

8 Reports

8.1 Update on Consent Orders

Karen Parcell – Team Leader Kaiwhakatinana summarised key points of the report and noted that all rules resolved by consent orders from the Court were now operative.

Resolved

That the Plan Change 13 (Air Quality) Appeals Subcommittee

- 1 Receives the report, Update on Consent Orders.**

**von Dadelszen/McDonald
CARRIED**

8.2 Public Excluded Section

Resolved

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
Update on Mediations for Plan Change 13 (Air Quality)	To maintain legal professional privilege	To deliberate in private, Council's decision where a right of appeal lies

**von Dadelszen/McDonald
CARRIED**

The meeting closed at 10:31 am at the conclusion of the public excluded section of the meeting.

Confirmed DATE

Councillor Andrew von Dadelszen
Chairperson