

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 **Waikareao Room, Bay of Plenty Regional Council Building, Level 1, 87 First Avenue, Tauranga** on:

Wednesday, 2 May 2018 commencing at 1.00 pm.

Mary-Anne Macleod
Chief Executive
23 April 2018



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.

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:	P Thompson
Deputy Chairperson:	J Nees
Councillors:	J Cronin
Committee Advisor:	J Durham

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 Previous Minutes**
- 7.1 Regional Coastal Environment Plan Appeals Subcommittee minutes - 08 March 2018** **11**
- 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
9.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 08 March 2018	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege
10.1 Update on Proposed Regional Coastal Environment Plan appeals - April 2018	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege

9 Previous Minutes

9.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 08 March 2018	15
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10 Reports

10.1 Update on Proposed Regional Coastal Environment Plan appeals - April 2018	19
APPENDIX 1 - Draft cover for the new Regional Coastal Environment Plan	25
APPENDIX 2 - Memorandum from Regional Council relating to Forest and Bird appeal (natural heritage topic), updating the Court as to progress - 16 April 2018	29
APPENDIX 3 - Forest & Bird Memorandum in response to Court's directions on Natural Heritage - 23 March 2018	35
APPENDIX 4 - Memorandum of Counsel seeking directions from the Environment Court on Matakana Island ONFL topic	41
APPENDIX 5 - [2018] NZCA 67 Court of Appeal Decision on the questions of law arising from the High Court declaration decision on RMA and Fisheries Act interface	47

11 Confidential Business to be transferred into the open

12 Readmit the Public

13 Consideration of General Business

Previous Minutes

Minutes of the Regional Coastal Environment Plan Appeals Subcommittee Meeting held in Wairoa Room, Bay of Plenty Regional Council, First Avenue, Tauranga on Thursday, 8 March 2018 commencing at 1.01p.m.

Present:

Chairman: P Thompson

Deputy Chairman: J Nees

Councillors: J Cronin

In Attendance: D Phizacklea (Regional Integrated Planning Manager), J Noble (Senior Planner RIN), J Durham (Committee Advisor)
M Hill (Legal Counsel, Cooney Lees Morgan)

Apologies: Nil

1 Apologies

Nil

2 Public Forum

Nil

3 Acceptance of Late Items

Resolved

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

Pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, considers the following tabled item at the meeting:

Tabled document 1	Draft proposal to resolve the Natural Heritage appeal topic	Public Excluded Agenda Item 7.2	Regional Coastal Environment Plan Appeals Update – March 2018
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Thompson/Nees
CARRIED

4 General Business

Nil

5 Declaration of conflicts of interest

Nil.

6 Previous Minutes

6.1 Regional Coastal Environment Plan Appeals Subcommittee minutes - 20 November 2017

Resolved

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

- 1 Confirms the Regional Coastal Environment Plan Appeals Subcommittee Minutes of 20 November 2017 as a true and correct record.

Cronin/Nees
CARRIED

1 Public Excluded Section

Resolution to exclude the public

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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
7.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 20 November 2017	Please refer to the relevant clause in the open meeting minutes	Good reason for withholding exists under Section 48(1)(a).
7.2 Regional Coastal Environment Plan Appeals Update – March 2018	Withholding of the information is necessary to maintain legal professional privilege.	Good reason for withholding exists under Section 48(1)(a).

Thompson/Cronin
CARRIED

The meeting closed at 2.17pm