

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 the **Wairoa Room, Bay of Plenty Regional Council, 87 First Avenue, Tauranga** on:

Wednesday, 30 August 2017 commencing at 9.30 am.

Members please note; tea and coffee will be available on arrival at 9am, prior to commencement of the meeting.

Mary-Anne Macleod
Chief Executive
22 August 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
Councillors:	J Cronin
Committee Advisor:	M Stensness

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 Declarations of Conflicts of Interests

4 Previous Minutes

- 4.1 Regional Coastal Environment Plan Appeals Subcommittee minutes - 27 June 2017 9

5 Public Excluded Section 11

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:

- 5.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 27 June 2017 13

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.

5.2 Proposed Regional Coastal Environment Plan Appeals Update - August 2017 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.

APPENDIX 1 - BOPRC High Court submissions - Royal Forest and Bird Protection Society of NZ Inc v Bay of Plenty Regional Council, 26 July 2017 27

APPENDIX 2 - Final High Court Decision - Attorney-General v Motiti Rohe Moana Trust, 10 August 2017 57

APPENDIX 3 - Amended relief from Motiti Rohe Moana Trust prior to mediation on 22 August 2017 71

APPENDIX 4 - Map to accompany amended Motiti Rohe Moana Trust relief 83

6 Confidential business to be transferred into the open

7 Readmit the public

8 Consideration of General Business

Previous Minutes

Minutes of the Regional Coastal Environment Plan Appeals Subcommittee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 27 June 2017 commencing at 10.30 am.

Present:

Chairman: P Thompson

Deputy Chairman: J Nees (Bay of Plenty Regional Council)

Councillors: J Cronin

In Attendance: D Phizacklea (Regional Integrated Planning Manager), J Noble (Senior Planner), N Moore (Committee Advisor), R Boyte (Legal Counsel, Cooney Lees Morgan)

Apologies: Nil

1 Apologies

There were no apologies tendered.

2 Tabled Items

Resolved

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

- 1 Receives and considers Tabled Document 1, High Court Decision Attorney-General v The Trustees of the Motiti Rohe Moana Trust NZMC [2017] NZHC 1429 [26 June 2017] as part of Public Excluded Agenda Item 7.2.**

Thompson/Cronin
CARRIED

3 Public Forum

There were no representations for Public Forum.

4 Declaration of conflicts of interest

There were no conflicts of interest declared.

5 Regional Coastal Environment Plan Appeals Subcommittee minutes - 27 February 2017

Resolved

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

- 1 Confirms the minutes of the Regional Coastal Environment Plan Appeals Subcommittee meeting held on 27 February 2017.**

**Thompson/Nees
CARRIED**

6 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:

6.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 27 February 2017

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

Please refer to the relevant clause in the minutes.

6.2 Proposed Regional Coastal Environment Plan Appeals Update – June 2017

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/Cronin
CARRIED**

The meeting closed at 12.35 pm.