

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 offices First Ave, Level 1, 87 First Avenue, Tauranga** on:

Monday, 20 November 2017 commencing at 1.30 pm.

Mary-Anne Macleod
Chief Executive
13 November 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
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Deputy Chairperson:	J Nees
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Committee Advisor:	R Garrett
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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 - 30 August 2017 9

6 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:

6.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 30 August 2017 15

Grounds

That the public conduct of the whole or 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.

6.2 Regional Coastal Environment Plan Appeals Update - November 2017 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 - Final High Court decision on declaration appeal - fishing controls and the RMA 27

APPENDIX 2 - Crown Law - Submissions on behalf of Attorney-General in support of application for leave to bring civil appeal 77

7 Confidential business to be transferred into the open

8 Readmit the public

9 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 Wednesday, 30 August 2017 commencing at 9.30 a.m.

Chairman: J Nees

Deputy Chairman: Nil

Councillors: J Cronin

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

Apologies: Cr P Thompson

1. Apologies

Resolved

That the Regional Coastal Environment Plan Appeals Subcommittee:

- 1 Accepts the apology tendered by Councillor Thompson for the meeting.**

**Nees/Cronin
CARRIED**

2. Deputy Chair to preside

In the absence of Chair P Thompson, Deputy Chair J Nees assumed the Chair position.

3. Tabled Items

Resolved

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

- 1 Receives and considers Table Document 1, Memorandum to the Environmental Court on the interim Iwi Resource Management decision as part of Public Excluded Agenda Item 2.1.3.**

4. **Declaration of conflicts of interest**

No conflicts of interest were declared

5. **Previous Minutes**

5.1 **Regional Coastal Environment Plan Appeals Subcommittee minutes - 27 June 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 June 2017

Nees/Cronin
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:

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
6.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 27 June 2017	To prevent the disclosure or use of official information for improper gain or improper advantage.	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
6.2 Regional Coastal Environment Plan Appeals Update – July-August 2017	To prevent the disclosure or use of official information for improper gain or improper advantage and necessary	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

	to maintain legal professional privilege.	information for which good reason for withholding would exist
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**Cronin/Nees
CARRIED**

The meeting closed at 11.45

