

# 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:

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**Friday, 31 August 2018 commencing at 1.00 pm.**

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Fiona McTavish  
Chief Executive  
24 August 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

<b>Chairperson:</b>	P Thompson
<b>Deputy Chairperson:</b>	J Nees
<b>Councillors:</b>	J Cronin
<b>Committee Advisor:</b>	J Durham

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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 -  
06 June 2018** **11**
- 8 Public Excluded Section** **17**

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	Ground(s) under Section 48(1) for the passing of this resolution
8.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 06 June 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
8.2 Update on Proposed Regional Coastal Environment Plan appeals - August 2018	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege.

<b>8.1 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes - 06 June 2018</b>	<b>19</b>
<b>8.2 Update on Proposed Regional Coastal Environment Plan appeals - August 2018</b>	<b>27</b>
APPENDIX 1 - Comments from Motiti Rohe Moana Trust and Forest and Bird on Council's proposed marine spatial planning provisions	35
APPENDIX 2 - Crown comments on Council's proposed marine spatial planning provisions	67
<b>9 Confidential Business to be transferred into the Open</b>	
<b>10 Readmit the Public</b>	
<b>11 Consideration of General Business</b>	



# Previous Minutes



**Minutes of the Regional Coastal Environment Plan Appeals Subcommittee Meeting held in Waikareao Room, Bay of Plenty Regional Council Building, Level 1, 87 First Avenue, Tauranga on Wednesday, 6 June 2018 commencing at 1.12 p.m.**

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**Present:**

**Chairman:** P Thompson

**Deputy Chairman:** J Nees

**Councillors:** J Cronin

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

**Apologies:** Nil

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**1 Apologies**

Nil

**2 Public Forum**

Nil

**3 Acceptance of Late Items**

Nil

**4 General Business**

**Resolved**

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, the Regional Coastal Environment Plan Appeals Subcommittee, considers the following tabled item at the meeting:

Tabled document 1	Proposal from BOPRC in response to the interim decision on the marine spatial planning appeal topic as of 22 May 2018	Public Excluded Agenda Item 10.1	Marine Spatial Planning Provisions
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Thompson/Cronin

**CARRIED****5 Confidential Business to be Transferred into the Open**

Nil

**6 Declarations of Conflicts of Interests**

Nil

**7 Previous Minutes****7.1 Regional Coastal Environment Plan Appeals Subcommittee Minutes - 02 May 2018****Resolved**

That the Regional Coastal Environment Plan Appeals Subcommittee:

- 1 Confirmed the Regional Coastal Environment Plan Appeals Subcommittee Minutes dated 02 May 2018 as a true and correct record.

Thompson/Cronin  
**CARRIED****8 Public Excluded Section****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 – 2 May 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 - June 2018	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege

Thompson/Nees  
**CARRIED**

9 **Confidential Business to be transferred into the open**

Nil

**The meeting adjourned at 2.48 pm, to be reconvened on Monday, 11 June 2018 at 11:30 am.**

**Confirmed**

\_\_\_\_\_  
Chair, Regional Coastal Environment Plan Appeals Subcommittee

\_\_\_\_\_  
Date

**Minutes of the Regional Coastal Environment Plan Appeals Subcommittee Meeting held in Mauao Room 2, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Monday, 11 June 2018 commencing at 11.30 a.m. (continuation of the adjourned meeting of Wednesday, 6 June 2018)**

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**Present:**

**Chairman:** P Thompson

**Deputy Chairman:** J Nees

**Councillors:** J Cronin

**In Attendance:** D Phizacklea (Regional Integrated Planning Manager), J Noble (Senior Planner, RIN), M Akurangi (Senior Planner, RIN), M Pansegrouw (Committee Advisor)

M Hill (Legal Counsel, Cooney Lees Morgan)

**Apologies:** Nil

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**1 Apologies**

Nil

**2 Public Forum**

Nil

**3 Acceptance of Late Items**

Nil

**4 Confidential Business to be Transferred into the Open**

Nil

**5 Declarations of Conflicts of Interests**

Nil

## 6 Public Excluded Section

### Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

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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
10.1 Update on Proposed Regional Coastal Environment Plan appeals - June 2018	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege

Thompson/Nees  
CARRIED

## 7 Confidential Business to be Transferred into the Open

Nil

The meeting closed at 1:20 pm.

Confirmed

\_\_\_\_\_  
Chair, Regional Coastal Environment Plan Appeals Subcommittee

\_\_\_\_\_  
Date

