



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

Napier Civic Building
231 Hastings Street
t +64 6 835 7579
e info@napier.govt.nz
www.napier.govt.nz

SUSTAINABLE NAPIER COMMITTEE

Open Agenda

Meeting Date: Thursday 30 July 2020

Time: 10am

Venue: Large Exhibition Hall
Napier War Memorial Hall
Marine Parade
Napier

Livestreamed to Council's Facebook via Zoom

Committee Members Mayor Wise, Councillor Price (In the Chair), Deputy Mayor Brosnan, Councillors Boag, Browne, Crown, Mawson, McGrath, Simpson, Tapine, Taylor and Wright

Officers Responsible Director Infrastructure Services, Director City Strategy

Administration Governance Team

**Next Sustainable Napier Committee Meeting
Thursday 10 September 2020**

ORDER OF BUSINESS

Apologies

Councillor Chrystal

Conflicts of interest

Public forum

Eastern Screen Alliance

Announcements by the Mayor

Announcements by the Chairperson including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Minutes of the Sustainable Napier Committee meeting held on Thursday, 13 February 2020 be taken as a true and accurate record of the meeting.45

Agenda items

1 Napier City Council Submission to the TANK Plan Change3

Minor matters not on the agenda – discussion (if any)

Public excluded44

AGENDA ITEMS

1. NAPIER CITY COUNCIL SUBMISSION TO THE TANK PLAN CHANGE

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	944236
<i>Reporting Officer/s & Unit:</i>	Kim Anstey, Planner Policy/Analyst Jon Kingsford, Director Infrastructure Services

1.1 Purpose of Report

The purpose of this report is to authorise Council Officers to lodge a submission to the Hawke's Bay Regional Council's (HBRC) Proposed Change 9 to the Regional Resource Management Plan (RRMP). This plan change seeks to improve the management of fresh water in the Greater Heretaunga Catchments and is commonly referred to as the TANK plan change.

The Napier City Council submission will address the key points discussed at the Council workshop on June 25 and identified in section 1.3 below. A copy of the submission will be provided to Council prior to lodgement before the submission close date of August 14, 2020.

Officer's Recommendation

The Sustainable Napier Committee:

- a. Authorise Council Officer's to lodge a submission that addresses the key points of submission at section 1.3 below.

1.2 Background Summary

The TANK plan change will deliver a new management framework for the regions freshwater in the TANK catchments (Figure 1). The requirement for this plan change comes from HBRC's obligation to implement the 2014 National Policy Statement for Freshwater Management. It includes determining objectives, policies and rules, setting allocations limits and specific targets for all waterbodies, including aquifers and wetlands in order to maintain and improve water quality.

The HBRC used a stakeholder based collaborative planning approach to inform the plan change from the 'ground up' and to meet the diverse interests and needs of the community. The TANK group was established in 2012 and comprised over 30 groups and organisations representing a spectrum of water users, environmental interests and tangata whenua/mana whenua groups. Officers from Hastings District and Napier City Council also participated although industrial abstractors reliant on their own bores instead of municipal supply were not specifically represented. New groundwater science was presented to the group in 2017 and the final meeting of the TANK group was in July

2018. A draft plan was presented to the Regional Planning Committee in August 2018, although with some items of non-consensus. The Regional Planning committee made the final decision on these items and adopted the plan change for formal notification in May 2020.

Council's interest in the plan change reflect our responsibilities as a territorial authority and include:

- The abstraction of groundwater for municipal supply and the discharge of urban stormwater to freshwater receiving bodies
- Land use planning responsibilities under the RMA that affect freshwater
- Advocating for our communities economic and social wellbeing where this is dependent upon water quality and quantity

Napier City Council officers have worked closely with officers from Hastings District Council to establish common points of submission.

1.3 Submission Points

The main objectives of our submission is to:

- a) protect Councils ability to abstract groundwater for municipal supply to provide for growth and;
- b) protect the economic development of the region, while ensuring environmental sustainability.

The following submission points have been raised by both the Hastings and Napier Councils. These points are further developed in Appendix 1 which sets out the provision of concern, the reasons for the concern and the remedy sought in relation to these concerns. The following provides a summary:

Reference to all versions of HPUDS to ensure water availability for growth

1. The Councils request an amendment to Objective 16 and Policy 50 to ensure that water is allocated for domestic and municipal supplies to allow for future and existing demands as described in HPUDS (2017), and successive versions including the requirements identified and prescribed under a NPS on Urban Development.
2. We request an amendment to policy 50 to ensure water demand is calculated to include residential and non-residential uses (schools, hospitals, commercial, industrial, **and recreational, social, cultural and religious**) demands within our network.

Interim Heretaunga Aquifer limit

3. We request the current wording of an 'interim' aquifer limit of 90 million m3 is treated as a target, with a view to developing a formal limit in accordance with policy 42. This policy requires a review of groundwater management as the plan comes into effect with the purpose of ensuring any future aquifer limit is strongly evidence based.

Providing for economic growth when within sustainable limits

4. We request that there is a softening of the approach for new water consent requests by adding in an 'exceptional circumstances' policy

5. This new policy (37A) is to guide decisions on water allocation and use of groundwater when consents are renewed so that applications are assessed for their proposed use and consider:
 - a) Water necessary for beverage, food or fibre processing
 - b) To enable the development of Māori economic, cultural and social wellbeing
 - c) To enable significant local employment opportunities or wider economic benefits
 - d) To enable the servicing of urban growth (including new zones) and social infrastructure facilities.

Applications to change or transfer water use to protect regional industries

6. The Councils support the policy that the applications to transfer ground or surface water away from irrigation end uses be declined (so to protect the water availability of this use) but also request this policy is expanded to allow transfer to food processing uses as these uses also support the economic vitality of the Heretaunga plains.
7. We request that HBRC allow transfers of allocated but un-used water when it can be used for flow enhancement schemes.
8. The policy wording proposed allows transfer to municipal supplies but excludes transfers to industrial uses above 15m³. We request this option be reinstated.

Stream depletion mitigation schemes

9. Napier City Council request to amend policy 39 and rule 9 that requires the stream depletion of all water takes in the Heretaunga aquifer to be offset by a contribution to a stream depletion scheme. NCC requests the requirement for municipal takes be removed from this requirement. This is on the basis that it is impractical to differentiate an amount needed for essential human health when it comes to municipal supply, and a water conservation strategy approach could essentially achieve the same purpose.

NCC does not currently have sufficient understanding how any such scheme would work in practice and particularly how it may impact on NCC's legislative requirements in making financial decisions on behalf of our community, prior to being regulated in a Regional Plan. NCC considers that it would need to do a full assessment under LGA section 101(3) that requires us to ensure that all funding needs have been met from sources deemed appropriate in accordance with a number of set criteria, particularly as the stream depletion mitigation for Napier would be a water body (the Karamu Stream) that is located outside of our jurisdictional boundary.

Water permit durations

10. Napier City Council submit against the requirement for a 15-year duration Councils future water permits and instead request a duration of 30 years to align with our infrastructure strategy timeframes and associated legislative requirements to undertake long term infrastructure and financial planning.

Phasing out over allocation

11. The Councils support policy 52 that guides phasing out of over allocation but request an extra requirement that HBRC will support permit holders to seek new approaches for improved water management, prior to their consents coming up for renewal.

Permitted activity for minor surface water takes

12. The Councils request a minor amendment to rule wording here to ensure the onus is not on the property owner to upgrade inefficient bores that have been in existence prior to any rule framework being in place

Stormwater

13. NCC and HDC officers have been actively involved in the development of the Stormwater Provisions via the stormwater working group. The submission therefore will be to support the direction towards alignment between the three councils through an integrated catchment management approach and working to align policies, standards and bylaws to achieve water quality objectives. To ensure that integrated management can be achieved however, the submissions seeks changes to provide:
 - Greater clarity on roles and responsibilities;
 - Remove direction to amend District Plans due to third party rights of objection and appeal;
 - Further refinement of the risk matrix for industrial and trade premises to appropriately define low, medium and high risk sites;

Source Protection Zone provisions

14. Council supports the spatial definition of Source Protection Zones around the Napier water supply bores. This mechanism will enable improved understanding of the land use activities in these areas and the risks they pose on the safety of drinking water. The Source Protection Zone provisions were developed closely with the Hawke's Bay Drinking Water Joint Governance Committee (JWG) of which NCC is a part of. Council will refer to the submission of proposed amendments from the Joint Working group on matters relating to source protection zones.

The above submission points are developed in more detail in Attachment 1, which sets out the provisions of concern, the reasons for the concern and the remedy sought in relation to those concerns.

1.4 Significance and Engagement

A submission on the Regional Plan does not trigger the need to consult with the community in accordance with the significance and engagement policy.

1.5 Implications

Financial

The lodging of a submission on the Plan Change 9 to the Regional Resource Management Plan is able to be met within operational budgets

Social & Policy

The opportunity to submit on this plan change ensures Napier City Council participates in changes brought about by the National Policy Statement for Freshwater 2014. It gives Council the opportunity to ensure the Regional Resource Management Plan allows Council to meet our territorial responsibilities, which includes advocating for our communities economic and social wellbeing where this is dependent upon water quality and quantity.

Although the Plan Change seeks to ensure existing water use is maintained with a reasonable security of supply, growth will be severely constrained. Until the re-allocation of water to existing use is completed and a review of sustainable allocation completed alongside feasibility studies for water storage and flow enhancement, there will not be any available water for intensification or new use. This could take ten years to complete.

Risk

There is some risk that other parties with interest in the plan change would have the view that Councils submission favours water allocation for urban growth over allocation for other purposes such as irrigation. Any points raised to this effect will be assessed through the reporting on submission phase that will follow.

1.6 Options

The options available to Council are as follows:

- a. Make a submission to the HBRC on matters of support and concern in accordance with the points raised in 1.3 of this report
- b. Make a submission to the HBRC on matters of support and concern in accordance with the points raised in 1.3 of this report and additional direction provided by elected members
- c. To not lodge a submission

1.7 Development of Preferred Option

Council officers support option a. The proposed submission points above attempt to strike a balance in terms of promoting development within environmental limits, and adhering to the purpose of the RMA to promote the sustainable management of natural and physical resources. The submission seeks some amendments to the proposed plan change to ensure NCC is able to meet its statutory obligations to support housing and business capacity to meet growth demands. Not lodging a submission will remove the ability for Council to be upfront in these request and will impact on our ability to seek changes sought by others that will influence the final outcome.

1.8 Attachments

- A Submission Points Detail [↓](#)

NCC SUBMISSION TO HBRC REGIONAL RESOURCE MANAGEMENT PLAN CHANGE NO 9 - APPENDIX 1

Provision	Understanding	Issue/Concern	Request/Suggestion/Relief Sought
Water Quantity			
Objective 16	Sets out the priority under which water is to be allocated	This objective refers to HPUDS 2017 in terms of demand expectations for municipal and papakainga supplies but makes no reference to new versions following the 5 yearly reviews (of HPUDS). This suggested change aligns with the integrated planning approach in Policy 50 c) i) that requires Council to give effect to all National Policy statements within the limits of the finite resources. Refer comments re Policy 50 also.	Support Objective 16, particularly the priority order, and amend subclause (b) as follows:
<i>Suggested Amendment – add words in bold italics as follows:</i>			
(b) The allocation and reservation of water for domestic supply including for marae and papakainga, and for municipal supply so that existing and future demand as described in HPUDS (2017) and successive versions and/or any requirements prescribed under a NPS on Urban Development can be met within the specified limits;			
Policy 36	Sets out the management approach and tools for managing groundwater quantity.	Prevents re-allocation of unused water without exception and consideration of scale of overall environmental impacts in the context of re-allocation to efficient use.	Amend subclause (f) to allow new takes under 'exceptional circumstances' or similar terminology and introduce an additional Policy to guide what these circumstances may be (refer relief sought in relation to Policy 37).
<i>Suggested Amendment – add words in bold italics as follows:</i>			
<p>"36. The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on:</p> <ul style="list-style-type: none"> a) groundwater levels and aquifer depletion; b) flows in connected surface waterbodies; c) flows of the Ngaruroro River; d) groundwater quality through risks of sea water intrusion and water abstraction; e) tikanga and mātauranga Māori; <p>and will adopt a staged approach to groundwater management that includes;</p> <ul style="list-style-type: none"> f) avoiding further adverse effects by not allowing new water use unless deemed an exceptional instance under Policy 37A g) reducing existing levels of water use; h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i) gathering information about actual water use and its effects on stream depletion; j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k) including plan review directions to assess effectiveness of these measures." 			
Policy 37	Builds on Policy 36 and sets out the tools to manage the reallocation and use of groundwater. The 'interim limit' appears to be treated as a 'proper' limit, when in fact it is not, and in the context of this Plan is acting as a target to change mind sets/user behavior/expectations and base the implementation of different tools around to review and reduce allocation until a fuller review under Policy 42 in 10 year time.	In this context Policy 37(a) - (c) introduces too higher level of restriction and removes the ability to apply judgment over the term of the Plan. Policy 37(d) is narrowly focused and risks uses/industries being able to realise benefits of existing and pre-planned investment.	Amend Policy 37 as follow to: 1. Treat the interim 'limit' as a target 2. Still manage the resource as over-allocated (generally) subject to exceptions – particularly those supported by Policy LW2 of the RPS. 3. Better acknowledge that new allocations based on actual use over previous years may not be a reasonable approach for all replacement processes.

			Introduce an additional Policy (referred to as Policy 37A) to guide situations where the granting of new takes will be considered.
<p>Suggested Amendment – add words in bold italics as follows:</p> <p>"37 In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will;</p> <ol style="list-style-type: none"> Adopt <i>Set as a target</i> an interim allocation limit of 90 million cubic meters per year (based on the actual and reasonable water use prior to 2017), <i>with a view to developing a formal limit in accordance with Policy 42;</i> avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan <i>unless supported by Policy 37A;</i> <i>generally</i> manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater; when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; <ol style="list-style-type: none"> allocate groundwater <i>on</i> the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year; <i>as a starting point</i>, apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50), <i>and then, subject to the proposal being for no more than the quantity specified on the existing consent, consider any volume beyond this taking the following into account;</i> <ol style="list-style-type: none"> <i>reasons for the proposed volume of water;</i> <i>efficiency of use;</i> <i>the proposed use, particularly if for beverages, food and fibre production and processing and other land-based primary production</i> <i>the value of the investment associated with the certainty of the volume as previously authorised;</i> <i>whether substantial progress or effort has been, and continues to be, made towards giving effect to the proposed use and investment enabled by the original volume authorised;</i> mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes." <p>"37A. Notwithstanding Policy 37b) and c), and provided:</p> <ol style="list-style-type: none"> <i>There are no feasible alternative alternatives,</i> <i>Significant progress is or is likely to be made toward achieving the target in Policy 37(a), and</i> <i>The allocation limits in Schedule 31 and 32 as at <the operative date> are not or are not likely to be exceeded;</i> <p>the re-allocation of groundwater not otherwise addressed under Policy 37(d) or 50 may be considered where the proposed use is:</p> <ol style="list-style-type: none"> <i>Necessary for beverage, food or fibre processing;</i> <i>to enable the development of Māori economic, cultural and social well-being;</i> <i>to enable significant local employment opportunities or wider economic benefits</i> <i>To enable the servicing of urban growth (including new zones) and social infrastructure facilities;</i> <p>The volume of take and consent duration may also be distinguishing factors."</p> 			
Policy 38	Sets out the ability/intention to review existing allocation at either replacement or times of review.	Change will only be implemented at either replacement or review. There needs to be a more strategic approach around this – with replacement processes being aligned with investigations around flow enhancement schemes and other initiatives.	Amend the Policy to outline what is proposed to be investigated/enabled prior to replacement processes to achieve a reduction in allocation as a result of those processes.
Policy 39	Applies when considering applications to take groundwater and requires groundwater uses to cease when a stream flow trigger is reached or allows them to continue under a flow enhancement scheme.	The sequence of the Policy is confusing. Community supplies should not need to cease, rather they should be managed under a Water Conservation Strategy approach as is currently embodied in the majority of resource consent applications for municipal takes. This should be	Amend Policy 39 as follow to: <ol style="list-style-type: none"> Re-order the sequence of the Policy Provide for a Water Conservation Strategy approach for municipal takes rather than a requirement to cease.

	Subclause (b) provides for individual contributions to offset effects be made according to their relative contribution to overall stream depletion effects. No contribution is required for the proportion of take used for essential human health Subclause (c) implies such schemes are anticipated at the time of batch replacements/review.	provided for in Policy rather than being raised in the resource consent process.	
Suggested Amendment: Shift b and c to a and b as shown underlined, add words in bold italics as follows:			
<p>"39 When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will:</p> <ol style="list-style-type: none"> <u>assess the relative the contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and</u> <u>enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates.</u> either; <ol style="list-style-type: none"> <i>with the exception of takes for municipal purposes where a water conservation strategy approach will be taken,</i> require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or enable consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that; <ol style="list-style-type: none"> contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and improve oxygen levels and reduce water temperatures;" For the purpose of this policy, Napier City Council will be excluded to contributing to a stream flow maintenance and habitat enhancement scheme until full details of how the schemes will work is finalised and the legality of contributing to such a scheme outside of our jurisdictional boundaries is worked through for the purpose of rating. 			
Policy 40	Sets out the matters to be considered when assessing applications for flow enhancement schemes.	Sub policy (e)(i) allows transfers but is unclear if this is limited to the actual use component of an existing allocation or up to the full existing allocation.	Enable transfers of allocated but un-used water if this is to assist augmentation.
Suggested Amendment – add words in bold italics as follows:			
<p>"40 When assessing applications for a stream flow maintenance and habitat enhancement scheme the Council will have regard to:</p> <ol style="list-style-type: none"> opportunities for maximising the length of waterbodies where habitat and stream flow is maintained or enhanced; any improvements to water quality, especially dissolved oxygen, and ecosystem health as a result of the stream flow maintenance and habitat enhancement schemes; the duration and magnitude of adverse effects as a consequence of flow maintenance scheme operation; the extent to which the applicant has engaged with mana whenua; and will; <ol style="list-style-type: none"> allow site to site transfer of water <i>(including allocations issued prior to 2 May 2020)</i> to enable the operation of a flow enhancement scheme; enable water permit holders to work collectively to develop and operate stream flow maintenance and habitat enhancement schemes consistent with the requirements of Schedule 36 impose consent durations of 15 years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure." 			
Policy 41	States that HBRC will continue to investigate a storage/release scheme to remedy stream depletion effects on the Ngaruroro River arising from groundwater takes.	This needs to happen ahead of the Plan review in 10yrs time.	Amend Policy 41 so there is a clear intention to be working towards this such that its implementation can be considered as part of the Plan review in 10 years when the groundwater limit is to be defined as this is likely to be a very relevant factor.
Suggested Amendment – add words in bold italics as follows:			

<p><i>"41 Over the 10 year period leading into the groundwater management review under Policy 42, and to inform that process,</i> the Council will remedy the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through:</p> <ol style="list-style-type: none"> further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes; if such a scheme is feasible, to develop options for funding, construction and operation of such a scheme including through a targeted rate; and if such a scheme is not feasible, to review alternative methods and examine the costs and benefits of those." 			
Policy 42	<p>States that HBRC will review the Plan provisions within 10 years of the plan becoming operative with the aim:</p> <ul style="list-style-type: none"> of reviewing the appropriateness of the interim limit/target (90Mm³) and developing a plan change to ensure any over-allocation is phased out. 	<p>Apart from calculating the the amount of water allocated in relation to the interim allocation/target and the total annual metered groundwater use during the ten year prior to the time of review and reporting on any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels, it is only the benefits of flow enhancement schemes that will inform any new allocation. One issue is that these schemes /or their benefits may not be established/understood within this period.</p> <p>Furthermore, information on the long term sustainable equilibrium of the groundwater resource that accounts for annual variation in climate and prevents seawater intrusion as referred to in Objective 14 should be considered.</p>	<p>A more strategic approach around investigating and establishing flow enhancement schemes is required to inform/enable this review.</p> <p>Amend the Policy to include consideration of information on the long term sustainable equilibrium of the groundwater resource.</p>
<p><i>Suggested Amendment – add words in bold italics as follows:</i></p>			
<p>"42. After water has been re-allocated and consents reviewed in accordance with Policies 36 - 38, the Council will commence a review of these provisions within ten years of <operative date> in accordance with Section 79 of the RMA and will determine:</p> <ol style="list-style-type: none"> the amount of water allocated in relation to the interim allocation limit; the total annual metered groundwater use for the Heretaunga Plains Water Management Unit during the ten years prior to the time of review; if any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels have occurred; the extent of any stream flow maintenance and habitat enhancement schemes including in relation to; <ol style="list-style-type: none"> the length of stream subject to flow maintenance; the extent of habitat enhancement including length of riparian margin improvements, and new or improved wetlands; the magnitude and duration of stream flow maintenance scheme operation; trends oxygen and temperature levels in affected streams. <p>And will;</p> <ol style="list-style-type: none"> In relation to plan objectives and adverse effects listed in Policy 36, will; <ol style="list-style-type: none"> <i>Consider new information on the long term sustainable equilibrium of the groundwater resource that accounts for annual variation in climate and prevents seawater intrusion;</i> assess; <ol style="list-style-type: none"> the effects of the groundwater takes on stream flows; 			

<p>e) f) f) g)</p>	<p>2. effectiveness of stream flow maintenance schemes in maintaining water flows and improving water quality; 3. effectiveness of habitat enhancement including through improved riparian management and wetland creation in meeting freshwater objectives; review the appropriateness of the allocation limit in relation to the freshwater objectives; develop a plan change to ensure any over-allocation is phased out."</p>		
Policy 48	Applies when considering applications to transfer ground or surface water takes.	<p>Sub-policy (e) encourages applications to transfer water away from irrigation end uses to be declined (in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food), however such a transfer may be appropriate if enabling food processing.</p> <p>Sub policy (f) prevents the transfer of allocated but un-used water, however the feasibility of a flow enhancement scheme may require the transfer of the full allocation – noting that this allocated but un-used water would be for environmental gain.</p> <p>Sub-policy (h) allows transfers to municipal supplies but not to industrial uses greater than 15m³/day. This gives municipal takes options but would prevent the servicing of a new industrial zone for example.</p>	<p>Amend the Policy as follows to:</p> <ol style="list-style-type: none"> 1 allow transfers under (e) to food processing uses 2 Regarding (f), allow the transfer of allocated but unused water where this enables flow enhancement schemes 3 Allow transfers to be a tool for managing urban growth.
<p>Suggested Amendment – add words in bold italics and delete words struck out as follows:</p> <p>"48. When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider:</p> <p>a) declining applications where the transfer is to another water management zone unless;</p> <p>(i) new information provides more accurate specification of applicable zone boundaries;</p> <p>(ii) where the lowland tributaries of the Karamū River are over-allocated, whether the transfer of water take from surface to groundwater provides a net beneficial effect on surface water flows;</p> <p>b) effects on specified minimum flows and levels or other water users' access to water resulting from any changes to the rates or volume of take;</p> <p>c) any alteration to the nature, scale and location of adverse effects on the water body values listed in Schedule 25 and in the objectives of this Plan;</p> <p>d) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water use occurring throughout the year or changes from season to season;</p> <p>e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme or food processing, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food;</p> <p>f) in Water Quality Management Units that are over-allocated, and except where provided for under Policy 37A or for the purpose of a flow enhancement or ecosystem improvement scheme, ensuring that transfers do not result in increased water use and to prevent the transfer of allocated but unused water;</p> <p>g) declining applications for a change of use from frost protection to any other end use;</p> <p>h) enabling the transfer of a point of take and change of water use to municipal water supplies, including for marae and papakāinga (not including the transfer to industrial uses above 15m³/day) from any other use for the efficient delivery of water supplies and to meet the communities' human health needs for water subject to clause (b)."</p>			
Policy 49	Outlines the duration of resource consents for various uses	Sub-policy (h) states that HBRC will impose a consent duration for municipal supply consistent with the most recent HPUDS and	Amend the Policy as follows to exclude municipal takes and leave them to fall to 8.2.4 of the RRMP.

		reviews that align with other consents in the zone. HPUDS is reviewed every 5 years – which would risk limiting municipal durations to no greater than 5 years.	
Suggested Amendment – add words in bold italics and delete words struck out as follows:			
<p>“49. When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:</p> <ul style="list-style-type: none"> a) knowledge about the water bodies; b) over-allocation of water; c) patterns of water use; d) development of new technology; e) climate change effects; f) efficacy of flow enhancement schemes and any riparian margin upgrades; and the Council; g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter. h) will impose a consent duration for municipal supply taking Chapter 8.2.4 of the RRMP and consistent with the remaining timeframes of the most recent HPUDS into account and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit; i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry date, except where the application is subject to section 8.2.4 of the RRMP).” 			
Policy 50	Policy 50 relates to making decisions on resource consents for municipal and papakainga takes.	This policy refers to HPUDS 2017 (to 2045) in terms of demand expectations but makes no reference to new versions following the 5 yearly reviews (of HPUDS). This suggested wording change aligns with the integrated planning approach at Policy 50 c) i) that requires Council to give effect to all National Policy statements within the limits of the finite resources and aligns with Objective 16. The policy refers to an ILI of 4, however this is just one tool and the level of assessment to confirm may be too onerous for papakainga and smaller community supplies.	Amend the Policy as follows to: <ol style="list-style-type: none"> 1 Include successive versions of HPUDS. 2 Ensure that the definition of non-residential includes all possible scenarios that municipal demand can supply. 3 Not limit the measure of efficiency to the 'Infrastructure Leakage Index 4' tool.
Suggested Amendment – add words in bold italics and delete words struck out as follows:			
<p>“50. In making decisions about resource consent applications for municipal and papakainga water supply the Council will ensure the water needs of future community growth are met within water limits and;</p> <ul style="list-style-type: none"> a) allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017) and successive versions to 2045; b) calculate water demand according to existing and likely residential, non-residential (schools, hospitals, commercial, and industrial, recreational, social, cultural and religious) demand within the expected reticulation areas; and <ul style="list-style-type: none"> (i) require that water demand and supply management plans are developed and adopted and industry good practice targets for water infrastructure management and water use efficiency including whether an infrastructure leakage index of 4 or better can be are achieved taking tools such as an Infrastructure Leakage Index of 4 into account; (ii) seek that the potential effects of annual water volumes are reflected in level of water supply service and reliability of supply objectives in asset management plans and bylaws for water supply; c) work collaboratively with Napier City and Hastings District Councils to; <ul style="list-style-type: none"> (i) develop an integrated planning approach thorough HPUDS that gives effect to the National Policy Statements within the limits of finite resources; (ii) develop a good understanding of the present and future regional water demand and opportunities for meeting this; (iv) identify communities at risk from low water reliability or quality and investigate reticulation options.” 			

Policy 52	Builds on Policy 36 and outlines the tools to phase out over allocation.	Unsure if this Policy follows Policy 42 or applies from the outset.	Amend the Policy as follows if it applies from the outset so as to better align with other areas of relief sought in relation to concerns raised.
<p>Suggested Amendment – add words in bold italics and delete words struck out as follows:</p> <p>“52. The Council will phase out over-allocation by;</p> <ul style="list-style-type: none"> a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020) unless supported under Policy 37A; b) for applications in respect of existing consents due for expiry or when reviewing consents, to; <ul style="list-style-type: none"> (i) generally allocate water according to demonstrated actual and reasonable need (except as provided for by Policy 50) (ii) impose conditions that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards; c) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated; d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020; e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or, separate to the Councils own initiatives under Policy 57, promoting and supporting permit holders, ahead of consent replacement processes, to develop water augmentation/harvesting schemes; f) limit prevent site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use; g) enabling and supporting permit holders, ahead of consent replacement processes, to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups, consent or well sharing or global water permits; h) enabling and supporting, including ahead of consent replacement processes, the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.” 			
Policy 56	Acknowledges the beneficial effects of water storage and augmentation schemes and outlines the matters that will be taken into account when considered resource consent applications for these purposes.	The beneficial effects identified are presented as a criteria that must be met. The level of information required to confirm this would be extensive. This may be appropriate for an augmentation scenario or where stored water is delivered to uses by a run of the river system, however as simple individual out of stream storage proposal should not be subject to this level of expectation/information.	Amend the Policy as follows to provide discretion as to the type of activity and scale of activity that is to be subject to the full extent of the Policy.
<p>Suggested Amendment – add words in bold italics</p> <p>“56 The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream- storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria in a manner commensurate to the scale of activity proposed;</p> <ul style="list-style-type: none"> a) benefits for aquatic organisms and other values in Schedule 25 or in relation to the objectives of this plan in affected water bodies; b) whether water availability is improved or the level to which the security of supply for water users is enhanced; c) whether the proposal provides for the productive potential of un-irrigated land or addresses the adverse effects of water allocation limits on land and water users, especially in relation to primary production on versatile land; d) whether the proposal provides benefits to downstream water bodies at times of low flows provided through releases from storage or the dam; e) the nature and scale of potential ecosystem benefits provided by the design and management of the water storage structure, its margins and any associated wetlands; f) benefits for other water users including recreational and cultural uses and any public health benefits; g) other community benefits including improving community resilience to climate change; h) whether the proposal provides for renewable electricity generation.” 			
Policy 57	Sets out that HBRC will carry out further investigation to understand the present and potential future regional water demand and	This needs to happen before the review under Policy 42.	Amend the Policy as suggested below.

	supply including for abstractive water uses and environmental enhancement and in relation to climate change and will consider water storage and augmentation options.		
Suggested Amendment – add words in bold italics			
<p>“57 To support and inform the review under Policy 42, the Council will carry out further investigation to understand the present and potential future regional water demand and supply including for abstractive water uses and environmental enhancement and in relation to climate change. It will consider water storage options according to the criteria in Policy 56 in consultation with local authorities, tangata whenua, industry groups, resource users and the wider community when making decisions about water augmentation proposals in its Annual and Long Term Plans.’</p>			
Policy 60	Outlines the matters to be considered in assessing resource consent applications to take and store high flow water – all of which generally relate to Maori well-being.	Unclear as to whether this policy relates to all high flow takes or just the high flow allocation reserved for Maori development in Schedule 31.	Amend the Policy to link it to takes considered under Policy 59 as follows:
Suggested Amendment – add words in bold italics as follows:			
<p>“60 When making decisions about resource consent applications to take and store high flow water as reserved under Policy 59, the Council will take into account the following matters:</p> <ul style="list-style-type: none"> a) whether water allocated for development of Māori well-being is still available for allocation; b) whether there is any other application to take and use the high flow allocation for development of Māori well- being relevant to the application; c) the scale of the application and whether cost effective or practicable options for taking and using the high flow allocation for Māori development can be incorporated into the application; d) the location of the application and whether cost effective or practicable options for including taking and using water for Māori development can be developed as part of the application; e) whether there has been consultation on the potential to include taking and using all or part of the water allocated for Māori development into the application; f) whether it is the view of the applicant that a joint or integrated approach for the provision of the high flowwater allocated to Māori development is not appropriate or feasible, and the reasons why this is the case.” 			
Rule TANK 7 – Permitted Activity for minor surface water takes		Condition (f) prevents effects on other lawfully established efficient groundwater takes which existed prior to commencement of the take. Takes used for domestic and community purpose should not be affected even if the take is not defined as 'efficient' i.e. the onus should not be on these parties to upgrade their bore.	<p>Amend Condition f by adding the words in bold italics as follows:</p> <p>“f) The take shall not prevent from taking water, any:</p> <ul style="list-style-type: none"> (i) domestic or community take, which existed prior to commencement of the take. (ii) other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take.”
Rule TANK 8 – Permitted Activity for minor groundwater takes		Condition (d) prevents effects on other lawfully established efficient	Amend Condition d by adding the words in bold italics as follows:

		<p>groundwater takes which existed prior to commencement of the take. Takes used for domestic and community purpose should not be affected even if the take is not defined as 'efficient' i.e. the onus should not be on these parties to upgrade their bore.</p>	<p>"d) The take shall not prevent from taking water, any:</p> <p>(i) <i>domestic or community take, which existed prior to commencement of the take.</i></p> <p>(ii) other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take."</p>
Rule TANK 9 – Groundwater takes	<p>Restricted Discretionary Activity Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents).</p>	<p>The activity description should not refer to s124 as whether or not s124 rights are obtained is separate to/should not influence activity status.</p> <p>Note: Sub-headings above the conditions also confuse the understanding of the rule framework and are not necessary.</p> <p>As considered in relation to Policy 39, a Water Conservation Strategy approach should be taken for municipal and papakainga takes as supported in condition 6 (a) rather than a requirement to cease. The suggested amendments to (g) have the effect of excluding Napier City Council from contributing to a stream flow maintenance and habitat enhancement scheme. The rationale provided with policy 39 applies here also. Napier City Council would need full details of how such schemes will work so they can consider the legality of contributing to such a scheme outside of our jurisdictional boundaries. This needs to be worked through for the purpose of passing this cost on to the ratepayer.</p> <p>Matter of control/discretion (6) includes reference to an Infrastructure Leakage Index of 4, does not include successive versions of HPUDS and does not include full spectrum of non-residential uses that may utilise municipal supplies (refer issues raised in relation in Policy 39)</p>	<p>Amend the Activity Description in Rule 9 by <i>adding the words in bold italics and deleting the words shown as struck out</i> as follows;</p> <p><i>"Replacement of an existing Resource Consent to take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents)</i>"</p> <p>Amend Condition (g) by <i>deleting the words shown as struck out</i> as follows;</p> <p>"(g) Any take authorised under clause (d) is not subject to conditions (f) in respect of that part of the total allocated amount used for essential human health</p> <p>Amend Matter for Control/Discretion 5 by <i>adding the words in bold italics</i> as follows;</p> <p>"Where the take is in a Source protection Zone <i>or Source Protection Extent</i>"</p> <p>Amend Matter of Control/Discretion 6 by <i>adding the words in bold italics and deleting the words shown as struck out</i> as follows:</p> <p>"</p> <p>a) provisions for demand management over time so that water use is at reasonable and justifiable levels including whether an infrastructure Leakage Index of 4 or better will be achieved</p>

			<p>b) Rate and volumes of take limited to the projected demand for the urban area provided in HPUDS 2017, or successive versions to 2045."</p> <p>c) water demand based on residential and non-residential use including for schools, rest homes, hospitals, commercial, industrial, recreational, social, cultural and religious demands within the planned reticulated area</p>
Rule TANK 10 – surface and groundwater takes	<p>Restricted Discretionary Activity</p> <p>To take and use water where Section 124 applies (applies to existing consents). Applies to surface water takes and groundwater takes now connected to surface water i.e. those outside the Heretaunga Plains Water Management Unit (Quantity)</p>	<p>The activity description should not refer to s124 as whether or not s124 rights are obtained is separate to/should not influence activity status.</p> <p>Note: Sub-headings above the conditions also confuse the understanding of the rule framework and are not necessary.</p> <p>Matter for Control/Discretion 4 needs to refer to Source Protection Extents (See comments relating to Schedule 35).</p> <p>Matter of Control/Discretion (5) includes reference to an Infrastructure Leakage Index of 4 and does not include successive versions of HPUDS (refer issues raised in relation to Policies).</p>	<p>Amend Activity description in Rule 10 by adding the words in bold italics and deleting the words shown as struck out as follows;</p> <p>Replacement of an existing Resource Consent to take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents)"</p> <p>Amend Matter of Discretion 4 description by adding the words in bold italics as follows;</p> <p>"Where the take is in a Source protection Zone or Source Protection Extent"</p> <p>Amend Matter of Discretion 5 by adding the words in bold italics and deleting the words struck out as follows:</p> <p>"</p> <ul style="list-style-type: none"> provisions for demand management over time so that water use is at reasonable and justifiable levels including whether an infrastructure Leakage Index of 4 or better will be achieved Rate and volumes of take limited to the projected demand for the urban area provided in HPUDS 2017, or successive versions to 2045."
Rule TANK 11 – ground and surface takes not complying with TANK 7-10	Discretionary Activity	<p>Condition (b)(i) picks up 'existing' takes not meeting the 'actual and reasonable use' definition.</p> <p>Condition (b)(ii) picks up 'new' takes provided allocation limits are still complied with (except takes for frost protection and takes of water associated with and dependant on release of water from a water storage impoundment).</p> <p>Rule TANK 11(b)(ii) is the only pathway for a 'new' take, however as there is effectively no available allocation, no new take would be</p>	<p>Amend Rule 11 to avoid new takes within the existing allocation as at the date of the plan becoming operative falling to Prohibited or consider the introduction of a new Non-comping activity 'in-between' and clarify the effect of the interim limit/target and the long term limit set in line with Policy 42 in relation to this rule.</p> <p>Either way, and as noted in relation to the relief sought around Policy 36 and 37 and suggested Policy 37A, only takes where the existing allocation (as at the date of the Plan</p>

		able to fall within (b)(ii), meaning they would fall to Prohibited under TANK 12. Rule 11 clearly intends to provide for the consideration of new takes provided the existing allocation is not exceeded, but redrafting is required to enable this. The further guidance provided by the amended Policy 37 and new Policy 37A would assist in the assessment of such applications.	becoming operative) will be exceeded or the limit set pursuant to Policy 42, should fall to prohibited under Rule 12.
Rule TANK 12	Prohibited Activity	Prohibited Activity Status is too restrictive without changes to Rule 11 as sought above and generally inappropriate in relation to an interim target/limit within a staged approach with uncertainty in the severity of any adverse effects.	Subject to the outcome of relief sought in relation to Rule TANK 11, change the Activity Status of Rule 12 to <i>Non-Complying</i> .
Rule 62a – New rule pertaining to transfers Controlled Activity	Controlled Activity		Amend Rule 62a by <i>deleting the words shown as struck out</i> from Condition (j) as follows: "The transfer enable efficient delivery of water supply to meet the communities' human health needs." Add the following advice note shown in bold italics: <i>"For the purpose of (i), the transfer of water from a municipal supply to a point of take servicing industrial uses with a demand of greater than 15m³ per day is not considered to be a change of use."</i>
Rule TANK 15 Take and use from a dam or water impoundment	Discretionary Activity	Re format for clarity.	Add the words <i>"That does not comply with the conditions of TANK Rule 7"</i> to the Activity Description and delete Condition (a).
Rule TANK 16 – activities that do not comply with the conditions of Rules TANK 13- 15	Non-complying Activity	Re format for clarity.	Add the words <i>"That does not comply with the conditions of TANK Rules 13-15"</i> to the Activity Description and delete the words <i>"The activity does not comply with the conditions of TANK Rules 13-15"</i> in the Conditions/Standards and Terms.
Rule TANK 18 Transfer and Discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (quantity) as associated with a Stream Flow Maintenance and Habitat Enhancement Scheme	Discretionary Activity	Compliance with Schedule 36 as a condition of consent may be too onerous for smaller schemes. Also, a proposal would be a Discretionary regardless whether or not it fully complies with Schedule 36	Delete condition (a) and refer to Schedule 36 in the right hand column as an Assessment Criteria (not a matter of control/restriction).
Source Protection Note: Key submission is to support the Source Protection Provisions with amendments to match JWG recommendations			

Objective 9	This objective communicates a strong priority for protecting source water and managing risks within those source protection zones. Wording is as proposed by JWG.		Support Objective
Policy 6	Sets up ability for SPZs to be defined and for activities within the zones to be regulated where they may present a risk to the source water.	Policy preamble and clause (a) are supported as it provides for spatial definition of SPZs as per Schedule 35'.	Support policy. Amend subclause (b) adding the words in bold italics as follows: “ (i) Direct or indirect discharge of a contaminant to the source water including by overland flow and/or percolation to groundwater (iv) Shortening or quickening the connection between contaminants and the source water, including damage to a confirming layer of the aquifer ”
Policy 7	This policy sets up for SPZs to be defined through consenting processes for registered drinking water supplies and requires applications for water take for registered drinking water supplies to assess SPZs.	Unclear as to vires of this process as the spatial extent of regulation under the Plan is being defined via a consenting process. Generally supported subject to confirming process for incorporation of changes to SPZs through the consenting process in to the Regional Plan. If the SPZ boundary is able to be modified via a consenting process, then this does not provide certainty to Plan users. This is partially addressed by clause (d)(ii) and (d)(iii),	HDC supports the intent of this policy but seeks to ensure that it is enforceable and practicable. HDC seeks to understand how this policy will be implemented prior to confirming relief sought.
Policy 8:	Policy sets out the activities which are to be regulated because of their location within SPZs as well as considerations for consenting of such activities.	Clause (iv), re risks as a result of non-routine events, refers to land use and discharge activities only and should potentially also include water takes. Clause (v) has been amended in the notified TANK Plan change such that there is a requirement for Regional Council to notify water suppliers of any abstraction which may have the potential for impacts on flow, direction or hydrostatic pressure. This appears to be a notification to water suppliers only, rather than the ability for regional council to consider such effects (and presumably set conditions to manage those effects) in their decision making.	Amend the Policy 8(b) by adding the words in bold italics and deleting those shown as struck out as below: “ (v) any risks to the proposed landuse, water takes or discharge activity has either on its own or in combination with other existing activities as a result of non-routine event. (vi) any risks ensuring the water supplier is aware of any abstraction of groundwater where abstraction has the potential to have more than a minor impact on flow direction and speed and/or hydrostatic pressure (viii) outcomes of consultation with the Registered Drinking Water Supplier with respect to the risks to source water from the activity, including measures to minimise risk and protocols for notification to the

			<i>Registered Drinking Water Supplier in the event of an event which would present a risk to source water."</i>
Policy 9:	This policy sets out a collaborative, multi-agency approach for the provision of safe drinking water including NCC, HDC, HBDHB and Drinking Water Assessors.	Policy clause (g) is repetitive of (a) and not needed.	Support but delete clause (g) .
Rules TANK 1-6 Use of Production Land	It is a condition of Permitted Activity Rule to have a Farm Environment Plan (FEP) or be a member of a Catchment Collective or Industry Programme. The requirements for and FEP, Catchment Collective or Industry Programme (Schedule 29) require productive land in SPZs to identify the location within the SPZ, the water supply manager, and measures to reduce the risk of contamination of source water.	<p>Support this approach as it does not place a consenting burden on productive land and it uses the FEP (or similar) vehicle to encourage communication with the water supplier and consideration of risks to the source water. It is noted that there is not any provision at present for those Farm Plans to be provided to water suppliers, no direction to those preparing the FEPs to engage with water suppliers in preparing the FEPs, nor is there any assessment of the efficacy of the FEP.</p> <p>Further, the timing of the FEP is linked to whether the site is in a high, medium or low priority area (which has different spatial zones for three different parameters – Sediment, Total N and Dissolved Oxygen; and a site may have three different priority ratings).</p> <p>High priority zones must have their FEPs in place within three years of the TANK plan change coming operative; Medium priority is six years and low priority is nine years, meaning that some FEPs may not be required until nine years after the plan becomes operative.</p>	<p>Support subject to:</p> <p><i>SPZs being made high priority areas for preparation of FEPs</i></p> <p>Amend the FEP / Catchment Collective Plan / Industry Programme requirements in Schedule 29 to encourage engagement with water suppliers in their preparation and for a copy of the FEPs / Catchment Collective Plans / Industry Programmes to be provided to the respective water suppliers.</p> <p>Add the words shown in <i>bold italics</i> to the Matters for Control/Discretion at (1)(g) in TANK 2, (4) in TANK 4, (2)(g) in TANK 5 and (4)(g) in TANK 6:</p> <p>"Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply, <i>irrespective of any treatment process for the Registered Drinking Water Supply</i>"</p>
Amendments to Rules in RMMP where activities are located with SPZs in order to give effect to the National Environmental Standard for Sources of Human Drinking Water (NESHDW)	<p>JWG recommended several changes to the Regional Plan Rules so that:</p> <ul style="list-style-type: none"> - Permitted Activities would give effect to the NESHDW - SPZs would have the same consenting requirements (regulatory protection) as the unconfined aquifer <p>Where consents were required, there would be explicit requirements for consideration of effects on, and risks to, source drinking water</p>	<p>Not all of the recommended amendments have been incorporated into the notified TANK Plan Change. The recommendations not included are:</p> <ul style="list-style-type: none"> - Amend Rule 1 and 2 Bore drilling to include bore use and maintenance of bores located within drinking water source protection zones. - Provision of information to demonstrate that PA criteria have been met in SPZ is only "on request" in notified version. - Rule 6 Feedlots and Feedpads 6 has not been amended to include the SPZ considerations as a matter of discretion 	<p>Support subject to amending the rules to fully incorporate the recommendations of the JWG. <i>(To be discussed at JWG)</i> as outlined alongside.</p> <p><i>(Note: Submission to be further developed)</i></p>

		<ul style="list-style-type: none"> - Rule 7 Vegetation Clearance & Soil Disturbance (Permitted) no specific amendments relating to the SPZ - Rule 12 Stock Feed (Permitted) Evidence of PA criteria being met to be a condition in the SPZ has been added but only needs to be provided on- request. - Rule 13 Use of Compost, biosolids and other soil conditioners (Permitted) limited to 100 m3 of material in SPZ (this is a different approach but likely to be acceptable) - Rule 40 Discharges from Closed Landfills (Controlled): No amendments made in TANK - Rule 48 Discharge of Solid Contaminants to Land (Permitted): No amendments made in TANK. <p>Rule 49 Discharges to Land that may enter water (Permitted): No amendments made in TANK.</p>	
Schedule 28: relates to priority catchment and Rule TANK 1 relating to production land		Provide for land within a Source Protection Zone as a High Priority and land within a Source Protection Extent as a Medium priority	Amend the table by adding the words " <i>land within a Source Protection Zone</i> " as a High Priority and " <i>land within a Source Protection Extent</i> " as a Medium Priority .
Schedule 30: sets out the requirements for the establishment of a TANK Industry Group or TANK Catchment Collective			<p>Amend 2.2 <i>adding the words in bold italics</i> as follows:</p> <p>f) Measures required to reduce risk of contamination of the source water for any Registered Drinking Water Supply. <i>Landowners are encouraged to engage with the relevant Registered Drinking Water Supplier to understand potential risks of activities on the source water and to identify appropriate risk mitigation measures</i></p>
Schedule 35: sets out the methodology by which spatial extent of the SPZs are to be developed.	<p>For supplies serving more than 501 persons, only the Napier Urban and Hasting urban have spatial extent defined – others will be defined as consents are renewed.</p> <p>Source Protection Extents are defined for supplies serving between 25 and 500 persons.</p>	<p>Only Hastings and Napier urban supplies have extents defined, and these are understood to be different to those agreed with the suppliers. It is unclear as to whether or not the maps form part of the Plan.</p> <p>Naming the area for smaller supplies as Source Protection Extent rather than Source Protection Zones means that the regulatory provisions of the Rules will not apply to the smaller supplies.</p>	<p>Amend Matters of Consideration in rules to include <i>Source Protection Extents</i> (i.e. to make these considerations explicit for activities which already require a consent, but are located in the source protection area for smaller supplies)</p> <p>(Note: Submission to be further developed)</p>
Stormwater			

Policy 28: Urban Infrastructure	The policy sets up a de facto objective of reducing or mitigating effects of stormwater quality and quantity on aquatic ecosystems and community wellbeing by January 2025 and then sets out a number of activities / initiatives for achieving this.	Clause (h) directs amendments to district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities. While integration and alignment of policies and provisions may be appropriate, the direction to do such in a Regional Plan is considered inappropriate and should be removed.	<p>Amend by adding the words in bold italics and deleting the words shown as struck out as follows:</p> <ul style="list-style-type: none"> a) Local Authorities adopting an integrated catchment management approach to the management, collection, treatment and discharge of stormwater. b) requiring increased retention or detention of stormwater, where necessary to prevent, while not exacerbating the exacerbation of flood hazards. d) taking account sites specific constraints including areas of high groundwater, source protection zones or extents and or an outstanding water body. ... g) amending district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge through consent conditions that will achieve freshwater objectives set out in this plan.
Policy 30 Dealing with the Legacy	<p>Sets out water quality objectives for stormwater that will be achieved by HBRC working with Napier City and Hastings District with respect to stormwater networks, namely:</p> <ul style="list-style-type: none"> • 80th percentile level of species protection by January 2025 • 95th percentile level of species protection by December 2040. <p>Plus achievement of management objectives of Schedule 25 for freshwater and estuary health</p>	Should be measured after reasonable mixing	<p>Amend Policy 30(a) by adding the words shown in bold italics as follows:</p> <ul style="list-style-type: none"> "(i) the 80th percentile level of species protection in receiving waters after reasonable mixing by January 2025. (ii) the 95th percentile level of species in receiving waters after reasonable mixing protection by December 2040."
Policy 31: Consistency and Collaboration – integration of city, district and regional council rules and processes.	Provides a policy direction for implementing similar stormwater protection standards across NCC, HDC and HBRC through adoption of good practice engineering standards; consistent plan rules and bylaws, shared information, consistent levels of service, integrated stormwater catchment management approach, mapping and aligning consent processes.	<p>Need to ensure that Regional Plan is not directing amendments to District Plan or LGA documents.</p> <p>Also need provisions to clarify roles and responsibilities of the various agencies.</p>	<p>Amend Policy 31 by adding the words shown in bold italics and deleting those shown as struck out as follows:</p> <ul style="list-style-type: none"> "b) consistent plan rules and bylaws" c) shared information and processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination, including clarification of roles and responsibilities for managing stormwater.

			e) an integrated stormwater catchment management approach, <i>which determines roles and responsibilities for managing stormwater</i> "
Rule TANK 19 Small Scale Stormwater Activities	Permitted Activity for small scale stormwater discharges	Condition (b) provides for discharges as a permitted activity that cannot connect to a 'current' of 'planned reticulated stormwater network'. What is meant by 'planned reticulation stormwater network' – is there a time horizon that is relevant?	Clarify the implementation of Condition (b) in relation to what 'planned reticulation' is defined as.
Rule TANK 20 Small Scale Stormwater Activities (Restricted Discretionary)	Provides a consent pathway where Permitted Activity criteria of TANK 19 are unable to be met.	Criteria should apply irrespective of whether stormwater potentially affects source water for a registered drinking water supply that is treated or not.	<p>Amend Clause 7 of Matters for Control/ Discretion by <i>adding the words shown in bold italics</i> as follows:</p> <p>"The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies <i>irrespective of treatment</i></p> <p>Add the following matter of discretion:</p> <p><i>"Where consent is required because TANK 19(b) cannot be met due to a planned reticulation network not being available, conditions requiring connection to the network when that network becomes available."</i></p>
TANK 21 Stormwater Activities - Local Authority Managed Network (Controlled)	Provides a controlled activity pathway for local authority networks; controlled activity is subject to Integrated Management Plan	Support subject to minor amendments to assist implementation and simplify Some minor wording changes may be sought to	<p>Amend Conditions by <i>adding the word in bold italics and deleting those shown as struck out</i> as follows:</p> <p>"a)(ii) cause or contribute to flooding of any property <i>except where flooding occurs over a watercourse or designated secondary flow path.</i></p> <p>a)vi)(v) cause to occur or continue to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water</p> <p>(vi)(vi) Cause to occur or continue to the <i>exceedance of water quality targets for</i> discharge of microbiological contaminants</p>

			<p>including sewerage, blackwater, greywater or animal effluent "</p> <p>b)(xi) Where the stormwater network (or part thereof) of discharge locations are situated within a Source Protection Zones of a registered drinking water supply, a description of measures to prevent or minimise adverse effects on the quality of the source water <i>irrespective of treatment</i>"</p>
TANK 22 Stormwater Activities – Industrial or Trade Premises (Restricted Discretionary)	Provides consenting pathway where there is no reticulated stormwater network at the property boundary. Where there is a network, any application for on-site management would not meet TANK 22 and would be considered a Discretionary Activity under TANK 23. Requires Urban Site Specific Stormwater Management Plan as per Schedule 35	Consider that "urban" should be removed from "Urban Site specific stormwater management plan" as activities are unlikely to be in the "urban" area given that they are unable to connect to urban reticulation.	<p>Amend Conditions by <i>adding the words in bold italics and deleting those shown as struck out</i> as follows:</p> <p>"a) An application for resource consent must include an Urban Site Specific Stormwater management Plan (Schedule 34)."</p> <p>d)(ii) the <i>exceedance of water quality targets for discharge of</i> microbiological contaminants including sewerage, blackwater, greywater or animal effluent"</p> <p>Amend Clause 1 of Matters for Control/ Discretion by <i>deleting the word in bold italics</i> as below:</p> <p>"1. "the efficacy of the Urban Site Specific Stormwater Management Plan"</p> <p>Amend Clause 3 of Matters for control/ Discretion by <i>adding the word in bold italics</i> as below:</p> <p>3 The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies <i>irrespective of treatment</i></p>
TANK 23 Stormwater Activities (Discretionary)	Any stormwater activities which cannot be considered under TANK 19 to 22 are to be assessed as Discretionary under this rule	Support with the exception that the notes associated with a review are not necessary as these are guided by S128 of the RMA	Delete the sole Matter of Control/Discretion referring to Reviews
Schedule 34: Urban Site Specific Stormwater Management Plan	Sets out basic requirements for Urban Site Specific Stormwater Management Plan	Support, with deletion of the word Urban for the reasons given in respect of Rule 22	Delete the word "Urban" in the heading to Schedule.

			<p>Amend the Site Management Plan (SMP) reference wherever it appears in the Plan Change by <i>adding the words shown in bold italics</i> as follows:</p> <p>“Site <i>Specific Stormwater</i> Management Plan (SSSMP)”</p> <p>Amend the 3rd bullet point in (5) by <i>adding the words shown in bold italics</i> as follows:</p> <ul style="list-style-type: none">- “<i>Source control: methods of good site management including contingency measures in event of a spill or hazardous event.</i>”
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PUBLIC EXCLUDED ITEMS

That the public be excluded from the following parts of the proceedings of this meeting, namely:

AGENDA ITEMS

1. Land Acquisition & Road Stopping - McLeod Road

The general subject of each matter to be considered while the public was excluded, the reasons 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 were as follows:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
1. Land Acquisition & Road Stopping - McLeod Road	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A 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: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

SUSTAINABLE NAPIER COMMITTEE

Open Minutes

Meeting Date:	Thursday 13 February 2020
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Time:	10am – 11.10am 11.11am – 11.39am 11.49am – 12.30pm
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Venue	Council Chambers Hawke's Bay Regional Council 159 Dalton Street Napier
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Present	Mayor Wise, Councillor Price (In the Chair), Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Simpson, Tapine, Taylor and Wright
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In Attendance	Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing, Kaihautū (Principal Māori Advisor), Senior Māori Advisor, General Manager National Aquarium of New Zealand
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Administration	Governance Team
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Apologies

Nil

Conflicts of interest

Nil

Public forum

Justin Leydesdorff and Kim Hooper – Napier City Business Inc. (NCBI)

Justin and Kim spoke on behalf of Napier City Business Inc. which represents Napier CBD business and property owners, and addressed their concerns around consultation in relation to large format retail developments outside of the CBD. It was noted that although many of the planned developments will be located within 2.5km of the CBD, consultation with CBD businesses is not currently required.

They asked that consultation be considered as part of the Retail Strategy review due to be undertaken later this year, and hoped that this would also include hospitality businesses which are also impacted by these developments due to the inclusion of secondary/ supplementary services.

They suggested that the sum effect of large format retail developments should be considered, and asked what will happen to the CBD if Council continues to support these outside of the CBD.

In response to questions from Councillors the following points were clarified:

- It was confirmed that developments such as the Kmart development on Prebensen Drive, the 'Gravel Pit' development and the proposed Taradale Road development have been approved without notification to CBD businesses. There is currently no requirement to consult with these impacted parties under the Retail Strategy.
- It was confirmed that NCBI were approached for information in relation to the developments but not for consultation.
- Justin and Kim agreed that it would be beneficial to establish a panel to review the Retail Strategy and noted that this panel should include representatives from the hospitality, as well as retail, industries.

Announcements by the Mayor

Nil

Announcements by the Chairperson

The Chair advised that he has requested a report to come to the next Sustainable Napier Committee meeting regarding establishing a working group for indoor sports facilities.

It was noted that the following minor matters not on the agenda would be discussed following the agenda items:

- Public forum – consultation on large format retail development
- The opening of Te Kōhungahunga Atawhai
- Update on dirty water projects

Announcements by the management

The Director Infrastructure Services provided the following updates to Council:

Chlorine free capable water supply network review

It was noted that stage one of the procurement process - expressions of interest - is now closed for submissions. Seven submissions were received and are now with the tender evaluation team.

Three waters management review

Officers are now moving into stage two of this review following confirmation of government funding, and workstreams are now underway in order to commence this work.

Confirmation of minutes

Nil

AGENDA ITEMS

1. NATIONAL AQUARIUM DETAILED BUSINESS CASE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	841656
<i>Reporting Officer/s & Unit:</i>	Antoinette Campbell, Director Community Services

1.1 Purpose of Report

The purpose of the report is to receive the National Aquarium of New Zealand Detailed Business Case (DBC), approve the communications and engagement plan, and apply to the Provincial Growth Fund and Government for funding.

At the Meeting

The Director Community Services spoke to the report, noting that the proposal has changed significantly from the Indicative Business Case and original consultation. She provided an extensive overview of the process followed to date, outlined the options available to Council and covered the officer's recommendations as set out in the report.

The Principal Māori Advisor spoke to the Cultural Case, which is included in the Detailed Business Case, and advised that an aquarium based on indigenous knowledge would be a global first. The Cultural Case and Detailed Business Case marry indigenous knowledge with western science for a better understanding of our environment as a whole. He suggested that, should the proposal proceed to the revenue generation stage, that Ngāti Kahungunu post-settlement entities should be approached before pursuing other potential partnerships.

The General Manager for the National Aquarium of New Zealand discussed the changing nature of aquaria, noting that this proposal is an opportunity for Council to be inclusive of our community both regionally and nationally and to do this properly.

In response to questions from Councillors, the following points were clarified:

- Officers are currently in the process of arranging meetings with the appropriate Ministers. These meetings will need to happen before Council can submit their Provincial Growth Fund (PGF) application.
- Ngāti Kahungunu have endorsed the proposal and intend to accompany the Mayor to any meetings with Ministers in Wellington, in support.
- Other partners, such as Hawke's Bay Regional Council, will be approached through the consultation process. It was noted that there is already visibility around this with other Councils as the proposal sits within the Matariki RDS plan.
- The projections around tourism numbers have been compiled based on business as usual; it is not possible to forecast any pandemics/ emergencies

etc. that may impact visitor numbers. Council officers noted that the visitor numbers are considered to be conservative.

- The Director Corporate Services spoke to the ongoing operational costs and confirmed that the operating deficit currently sits with Council; however, the Detailed Business Case is a starting point for discussion and there are opportunities to look at depreciation and other ways the deficit could be reduced.
- A specialist financial modeller has been brought in and has been working through the financials with Terra Moana. The financial model has been a joint effort and provides transparency around costs.
- The specialist fundraisers who pulled together the strategy and implementation plan (the plan) believe that the project will appeal to investors. The plan states that it will be important to gain the backing of a high net worth individual in order to attract other investors. Officers confirmed that the revenue generation specialists are confident that the project will be able to achieve the target of \$40Million.
- The Principal Māori Advisor confirmed that the compelling Cultural Case is an invitation for Māori to invest both financially and culturally in this facility. Initial discussions have indicated a high likeliness for Māori to invest; however, formal discussion cannot take place until Council is able to present their Detailed Business Case.
- Government funding has not come through for the second half of the business case yet, and officers have not yet received confirmation whether the application has been approved or not.
- Without Central Government backing the project will not proceed further and Council will then need to consider options for the facility moving forward.
- There are limits on what can be approved through the Provincial Growth Fund and officers have been advised that since the proposal is of National significance it will need to go through Cabinet first.

A number of Councillors advised that they were not comfortable proceeding further until the meetings with Ministers had taken place and the extent of Government's support was known.

Councillors Browne and Mawson left the meeting at 11.10am.

The Chair adjourned the meeting at 11.11am to allow for a short break. Councillors Browne and Mawson returned to the meeting during the break and the meeting reconvened at 11.15am.

Councillor Simpson moved an amended motion, excluding part d. of the officer's recommendation, seconded by Councillor Browne. Following debate, the motion was lost with Deputy Mayor Brosnan foreshadowing further amendments.

A new substitute motion was moved by Deputy Mayor Brosnan, seconded by Mayor Wise.

The Chair adjourned the meeting at 11.39am for administrative purposes, and reconvened at 11.49am.

The wording of the motion was workshopped during the meeting by Councillors, with a number of Councillors noting that they would ideally like to see a contribution towards ongoing operational costs from Government.

Officer's Recommendation

The Sustainable Napier Committee:

- a. Receive the National Aquarium Detailed Business Case.
- b. Note additional Provincial Growth Fund (PGF) funding for completion of Detailed Business Case is to be confirmed following meeting with Ministers.
- c. Note the increased annual operational cost identified in the Detailed Business Case and that alternative options to offset this are being explored.
- d. Approve the high level Communications and Engagement Plan and commence community engagement.
- e. Resolve to apply to the Ministry of Business, Employment and Innovation (MBIE) Provincial Growth Fund (PGF) and other government funds for funding pending meeting with relevant Ministers.
- f. Receive the National Aquarium and Oceans Centre Concept Design.

Substitute Motion

Councillors Simpson / Browne

That the Sustainable Napier Committee:

- a. Receive the National Aquarium Detailed Business Case.
- b. Note additional Provincial Growth Fund (PGF) funding for completion of Detailed Business Case is to be confirmed following meeting with Ministers.
- c. Note the increased annual operational cost identified in the Detailed Business Case and that alternative options to offset this are being explored.
- e. Resolve to apply to the Ministry of Business, Employment and Innovation (MBIE) Provincial Growth Fund (PGF) and other government funds for funding pending meeting with relevant Ministers.
- f. Receive the National Aquarium and Oceans Centre Concept Design.

*The motion was declared **lost** by 1 vote to 12 votes. Councillor Simpson voted in favour of the motion.*

Substitute Motion

Committee's recommendation

Deputy Mayor Brosnan / Mayor Wise

That the Sustainable Napier Committee:

- a. Receive the National Aquarium Detailed Business Case.
 - b. Receive the National Aquarium and Oceans Centre Concept Design.
 - c. Note Council's view that this project is of National significance and has outgrown Council's capacity to resource and lead.
 - d. Note Council's support and endorsement for the concept and this facility's ongoing presence in Napier.
 - e. Confirms it will not further the project as set out in the detailed business case without:
 - Government capital support of a minimum of \$35Million.
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- a commitment to ongoing operational costs from Government in recognition that the facility is of National significance.
 - the conversations with Government being reported back to Council along with recommendations on the next steps.
- f. Approve the high level Communications and Engagement Plan and commence community engagement following Government endorsement as detailed in part e.
- g. Resolve to apply to the Ministry of Business, Innovation and Employment (MBIE) Provincial Growth Fund (PGF) and other government funds for funding pending meeting with relevant Ministers.

The motion was declared carried by 12 votes to 1 vote. Councillor Tapine voted against the motion.

Carried

MINOR MATTERS NOT ON THE AGENDA

Public forum – consultation on large format retail development

The Director City Strategy advised that under the District Plan, Council is unable to consider parties that may be economically disadvantaged. Notification must be based on environmental impacts identified through the project. Through the City Vision, there has been a strong drive by Council to make the CBD the best it can be; however, the District Plan must give certainty to land owners.

It was noted that the District Plan Review is currently underway and this particular issue will be part of that work. The matter will firstly come to Council to consider prior to consultation with affected parties, which will include the CBD and large format retail. Following this, Council will decide what will then go out for wider consultation.

The opening of Te Kōhungahunga Atawhai

Councillor Brosnan advised that the Te Kōhungahunga Atawhai officially opened on 12 February 2020 in Ocean Boulevard. It was confirmed that at the time this project was commenced, the Womens' Rest was considered earthquake prone and \$50,000 was set aside in the Long Term Plan in order to provide a similar parent/child facility in the CBD. A more recent investigative report indicates that the Womens' Rest seismic assessment rating may not be as high as initially thought. Council may need to consider the future of this space.

Update on dirty water projects

The Director Infrastructure Services provided an update to Council on the three waters programme, noting that it is very complex.

There are three main programmes; firstly, the Tamatea District metered zone as a pilot project. This is about being able to isolate a particular area within the water network from receiving water from the bulk water mains, and being able to gravity feed water directly into that area from reservoirs. This will allow Council to understand how the area might be isolated, and then to undertake this work. The timeframe for the Tamatea Pilot programme will hopefully be delivered within the next 3-4 months.

Secondly, the ability to treat manganese at the bore, which could involve mainly either chemically treated or green sand filtered treatment. Upon investigation, a treatment plant of sufficient size and capacity for green sand filter treatment would cost around \$6Million. This is not considered to be cost effective and the recommendation is not to pursue this.

Thirdly, the development of a new bore. The selection of locations has followed a multi criteria analysis approach that considered among other criteria, the quality of water in those locations. Two locations have been identified for which approval will be sought to move forward on. The timeframe for this work is difficult to estimate at this time.

A formal paper will come to Council to highlight the overall strategy and to formalise the recommendations.

A Councillor requested the timeframe for the second de-chlorinated water station. The Director Infrastructure Services confirmed that he will look into this and come back to Council.

ACTION: Director Infrastructure Services to provide an update to Council regarding the timeframe for the second de-chlorinated water station.

A further question was raised in relation to what Council's involvement will be in relation to impacts due to the coronavirus, and whether there is an opportunity for Council to request a report addressing the key impacts to the City as a result of this, or to commence discussions with the likes of the Ministry of Social Development to see how Napier might be impacted?

The Chief Executive advised that anything in this space will be led by Government; any response will be Nationally led. Council will need to wait for Government's response to understand the level of Government support. It was suggested that the Civil Defence group would be better placed to raise concerns with Government departments as the matter concerns resilience.

It was noted that both the District Health Board and Central Government have pandemic plans which will come into effect. The Chief Executive confirmed that this could be raised with Matariki RDS to consider from a regional perspective.

PUBLIC EXCLUDED ITEMS

Councillor Taylor / Mayor Wise

That the public and all staff be excluded from the following parts of the proceedings of this meeting, namely:

1. Chief Executive Contract

Carried

The general subject of each matter to be considered while the public was excluded, the reasons 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 were as follows:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
1. Chief Executive Contract	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(g) Maintain legal professional privilege</p>	<p>48(1)A 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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>

The meeting moved into committee 12.30pm.

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval