

s274 Notices – Napier City Council

Plan Change 9: TANK

Appellant No.	Appellant Name
192	Federated Farmers of New Zealand
193	Te Taiwhenua o Heretaunga
194	Aotearoa New Zealand Fine Wine Estates
195	Hawke's Bay Winegrowers Association Inc, Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited, Pernod Ricard Winemakers New Zealand Limited (The Winegrowers);
196	Royal Forest and Bird Protection Society of New Zealand
198	T&G Global Limited
200	Horticulture New Zealand
201	Mangaroa Marae, representing the hapū – Ngāti Rāhungaiterangi, Ngāti Pōpōro, Ngāti Pāhū and Ngāti Pouwharekura
202	Ōmahu Marae, (HUPHA) – Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomōkai, Ngāti Mahuika
203	Delegat Limited
204	Heinz Wattie's Limited
206	Ngāti Kahungunu Iwi Incorporated

Before the Environment Court
At Auckland

ENV-2022-AKL-192

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Federated Farmers of New Zealand**
Appellant

And **Hawke's Bay Regional Council**
Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

Mark Goodson, Willis Legal

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-192 – *Federated Farmers of New Zealand v Hawke’s Bay Regional Council Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in part of the proceedings as specified below.
5. NCC supports the relief in respect of changes sought in respect of climate change, at page 9 of the FFNZ Appeal.
6. NCC opposes the relief sought in the FFNZ Appeal as follows:
 - (a) Those amendments sought under the heading ‘Water takes and limits’ at pages 2-9, that could result in consequential reduction or impact on the availability of water for municipal purposes as sought in the NCC Appeal, particularly the relief sought in respect of OBJ TANK 2, POL TANK 34 and POL TANK 50, and RRMP Rules 61 and 62;
 - (b) Deletion of Rules TANK 4 and 5, amendments sought under the heading ‘Source Protection Zones’ at page 10, and ‘Registered Drinking Water Supplies’ at pages 11-13, and any relief related to these topics. The relief sought would substantially weaken the protection afforded to Registered Drinking Water Supplies and would remove or comprise the ability to ensure drinking water supplies are appropriately protected for the health and wellbeing of the community.
 - (c) The relief sought under the heading ‘Municipal and Industrial Water Takes’ at pages 19-21, and any relief related to that topic. The relief sought could adversely affect the ability of NCC to continue to supply water for municipal purposes and to accommodate growth, as it is required to do by the National Policy Statement on Urban Development 2020.

7. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-193

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Te Taiwhenua o Heretaunga**
Appellant

And **Hawke's Bay Regional Council**
Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-193 – *Te Taiwhenua o Heretaunga v Hawke’s Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in those parts of the proceedings relating to the drafting and structure of PC9 generally, and the provisions relating to water quantity and source protection in particular. For the avoidance of doubt, NCC does not seek to join the proceedings insofar as they relate to water quality other than in relation to source protection.
5. NCC opposes the relief sought in the remainder of the TToH Appeal, for the following reasons (without limiting the generality of the opposition):
 - (a) While NCC agrees that PC9 should give effect to Te Mana o te Wai to the extent it can within the scope of submissions, NCC disagrees that the specific relief sought in the TToH Appeal is necessary or the appropriate means to achieve that outcome at this time given the uncertain, but potentially significant land use and community impact that granting the relief could entail;
 - (b) The relief sought, particularly, but without limitation, that relates to reduction of allocation limits, increase in minimum flows and removal of reference to managed aquifer recharge and stream flow maintenance options, could adversely affect the ability of NCC to continue to supply water for municipal purposes and to accommodate growth, as it is required to do by the National Policy Statement on Urban Development 2020.
6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-194

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Aotea New Zealand Fine Wine Estates LP**
Appellant

And **Hawke's Bay Regional Council**
Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-194 - *Aotea New Zealand Fine Wine Estates LP v Hawke's Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in all the proceedings, which relate to the drafting of POL TANK 34 and Rule TANK 8.
5. NCC supports the relief subject to:
 - (a) There being no consequential reduction or impact on the availability of water for municipal purposes as sought in the NCC Appeal; and
 - (b) Final drafting of POL TANK 34 and Rule TANK 8, noting that other appeals seek the same provisions.
6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-195

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Gimblett Gravels Winegrowers Association Incorporated &
others**

Appellant

And **Hawke's Bay Regional Council**

Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-195 – *Hawke’s Bay Winegrowers Association Inc; Gimblett Gravels Winegrowers Association Inc; Villa Maria Estate Ltd; Pernod Ricard Winemakers New Zealand Ltd v Hawke’s Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in all the proceedings.
5. NCC opposes the relief sought because providing for additional takes of water above the Actual and Reasonable amount for viticulture growth could have a material consequential effect of reducing the amount of water available within the specified limits of PC9 for other uses, specifically for municipal purposes, including municipal growth.
6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-196

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Royal Forest and Bird Protection Society of New Zealand
Incorporated**

Appellant

And **Hawke's Bay Regional Council**

Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-196 – *Royal Forest and Bird Protection Society of New Zealand Incorporated v Hawke’s Bay Regional Council (RFB Appeal)*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in those parts of the proceedings relating to the drafting and structure of PC9 generally, and the provisions relating to water quantity. For the avoidance of doubt, NCC does not seek to join the proceedings insofar as they relate to water quality other than in relation to source protection.
5. NCC opposes the relief sought for the following reasons:
 - (a) While NCC agrees that PC9 should give effect to the National Policy Statement on Freshwater Management 2020, and Te Mana o te Wai, to the extent it can within the scope of submissions, NCC disagrees that the specific relief sought in the RFB Appeal is necessary or the appropriate means to achieve that outcome given the uncertain, but potentially significant land use and community impact that granting the relief could entail;
 - (b) The relief sought could adversely affect the ability of NCC to continue to supply water for municipal purposes and to accommodate growth, as it is required to do by the National Policy Statement on Urban Development 2020.
 - (c) Without limiting the generality of the opposition to the relief sought, NCC is particularly concerned with that relating to:
 - (i) Deletion of reference to enabling “*people and communities to safely meet their domestic water needs*”, e.g. in OBJ TANK 8, 9 and 10,
 - (ii) Deletion of POL TANK 48 and Rule TANK 11;
 - (iii) Reduction of allocation limits;
 - (iv) Increase in minimum flows;
 - (v) Removal of options for stream flow augmentation, managed aquifer recharge and stream flow maintenance options;

- (vi) Prohibition of dams, other than as provided for in PC9 as notified, and
- (vii) Changes to POL 29 and rules controlling stormwater diversion and discharge from local authority networks.

6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-198

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **T&G Global Limited**

Appellant

And **Hawke's Bay Regional Council**

Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-198 - *T&G Global Limited v Hawke's Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in all the proceedings.
5. NCC supports the relief subject to:
 - (a) There being no consequential reduction or impact on the availability of water for municipal purposes as sought in the NCC Appeal; and
 - (b) Final drafting of POL TANK 34, noting that other appeals seek amendment to the same provisions.
6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-200

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Horticulture New Zealand**
Appellant

And **Hawke's Bay Regional Council**
Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-200 – *Horticulture New Zealand v Hawke’s Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in part of the proceedings, as specified below.
5. NCC opposes the relief sought in respect of Policy 8 in relation to the extent that it would weaken the protection afforded to Registered Drinking Water Supplies.
6. NCC opposes the deletions sought from Policy 48 and Rule TANK 11, but agree further clarity as to what the term ‘non-commercial need’ would encompass could usefully be clarified.
7. NCC supports the relief in respect of Policy 35, and Rules TANK 8 and 10 subject to:
 - (a) There being no consequential reduction or impact on the availability of water for municipal purposes as sought in the NCC Appeal; and
 - (b) Final drafting of those provisions, noting that other appeals seek amendment to the same provisions.
8. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-201

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Mangaroa Marae**

Appellant

And **Hawke's Bay Regional Council**

Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-201 – *Mangaroa Marae v Hawke's Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in those parts of the proceedings relating to the drafting and structure of PC9 generally, and the provisions relating to water quantity. For the avoidance of doubt, NCC does not seek to join the proceedings insofar as they relate to water quality other than in relation to source protection.
5. NCC opposes the relief sought, for the following reasons (without limiting the generality of the opposition):
 - (a) While NCC agrees that PC9 should give effect to Te Mana o te Wai to the extent it can within the scope of submissions, NCC disagrees that the specific relief sought in the appeal is necessary or the appropriate means to achieve that outcome at this time given the uncertain, but potentially significant land use and community impact that granting the relief could entail;
 - (b) The relief sought could adversely affect the ability of NCC to continue to supply water for municipal purposes and to accommodate growth, as it is required to do by the National Policy Statement on Urban Development 2020.
6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



Asher Davidson
Counsel for Napier City Council

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Before the Environment Court
At Auckland

ENV-2022-AKL-202

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Ōmahu Marae Trustee, Ngāti Hinemanu, Ngāi Te Upokoiri,
Ngāti Homonmōkai and Ngāti Manuhika Hapu Authority Inc**

Appellant

And **Hawke's Bay Regional Council**

Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-202 – *Ōmahu Marae Trustee, Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Homonmōkai and Ngāti Manuhika Hapu Authority Inc v Hawke’s Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in those parts of the proceedings relating to the drafting and structure of PC9 generally, and the provisions relating to water quantity. For the avoidance of doubt, NCC does not seek to join the proceedings insofar as they relate to water quality other than in relation to source protection.
5. NCC opposes the relief sought, for the following reasons (without limiting the generality of the opposition):
 - (a) While NCC agrees that PC9 should give effect to Te Mana o te Wai to the extent it can within the scope of submissions, NCC disagrees that the specific relief sought in the appeal is necessary or the appropriate means to achieve that outcome at this time given the uncertain, but potentially significant land use and community impact that granting the relief could entail;
 - (b) The relief sought could adversely affect the ability of NCC to continue to supply water for municipal purposes and to accommodate growth, as it is required to do by the National Policy Statement on Urban Development 2020.

6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



Asher Davidson
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Before the Environment Court
At Auckland

ENV-2022-AKL-203

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Delegat Limited**

Appellant

And **Hawke's Bay Regional Council**

Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-203 – *Delegat Limited v Hawke's Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in all the proceedings, particularly to the drafting of POL TANK 34 and the definition of 'Actual and Reasonable'.
5. NCC supports the relief subject to:
 - (a) There being no consequential reduction or impact on the availability of water for municipal purposes as sought in the NCC Appeal; and
 - (b) Final drafting of POL TANK 34, noting that other appeals seek amendment to the same provisions.
6. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-204

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Heinz Wattie's Limited**
Appellant

And **Hawke's Bay Regional Council**
Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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To: The Registrar
Environment Court
Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-204 – *Heinz Wattie's Limited v Hawke's Bay Regional Council*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in all the proceedings.
5. NCC supports the relief sought in relation to Policy TANK 34 subject to:
 - (a) There being no consequential reduction or impact on the availability of water for municipal purposes as sought in the NCC Appeal; and
 - (b) Final drafting of POL TANK 34, noting that other appeals seek amendment to the same provisions.
6. NCC supports the relief sought in relation to the policy and rule framework for water storage, use and reticulation subject to appropriate drafting of the relevant provisions.
7. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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Before the Environment Court
At Auckland

ENV-2022-AKL-206

I Te Koti Taiao O Aotearoa
Tamaki Makaurau Rohe

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal pursuant to clause 14(1) of Schedule 1 of the
RMA

Between **Ngāti Kahungunu iwi Incorporated**
Appellant

And **Napier City Council**
Respondent

Notice by Napier City Council of wish to be a party to proceedings

Dated 16 November 2022

Solicitor Acting:

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To: The Registrar
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Auckland

1. Napier City Council (**NCC**) wishes to be a party to the following proceedings: ENV-2022-AKL-206 – *Ngāti Kahungunu iwi Incorporated v Hawke’s Bay Regional Council (NKII Appeal)*.
2. NCC is a local authority who made a submission about the subject matter of the proceedings. NCC is also an appellant in ENV-2022-AKL-207 (**NCC Appeal**).
3. NCC is not a trade competitor for the purposes of s 308D of the Act.
4. NCC is interested in those parts of the proceedings relating to the drafting and structure of PC9 generally, and the provisions relating to water quantity and source protection in particular. For the avoidance of doubt, NCC does not seek to join the proceedings insofar as they relate to water quality other than in relation to source protection.
5. NCC opposes the relief sought for the following reasons (without limiting the generality of the opposition):
 - (a) While NCC agrees that PC9 should give effect to Te Mana o te Wai to the extent it can within the scope of submissions, NCC disagrees that the specific relief sought in the appeal is necessary or the appropriate means to achieve that outcome at this time given the uncertain, but potentially significant land use and community impact that granting the relief could entail;
 - (b) The relief sought, particularly but without limitation, that relating to reduction of allocation limits, increase in minimum flows, removal of options for water storage and reference to managed aquifer recharge and stream flow maintenance options, could adversely affect the ability of NCC to continue to supply water for municipal purposes and to accommodate growth, as it is required to do by the National Policy Statement on Urban Development 2020.
6. In the event that the preliminary legal issue, regarding the duty to give effect to the National Policy Statement on Freshwater Management, is heard as a preliminary matter, NCC wishes to be heard on that matter.

7. NCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 16th day of October 2022.



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