

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of a submission in respect of  
the **PROPOSED WAIKATO  
DISTRICT PLAN** by **AMBURY  
PROPERTIES LIMITED**  
pursuant to Clause 6 of  
Schedule 1 of the Act

**MEMORANDUM OF COUNSEL FOR AMBURY PROPERTIES LIMITED  
IN RELATION TO  
WATER AND WASTEWATER SERVICING**

**1. INTRODUCTION**

- 1.1 Servicing the Ohinewai Structure Plan area in terms of water and wastewater was a significant issue at the rezoning hearing. Of particular interest to the Panel (and to the Waikato Regional Council ("WRC") and Waikato-Tainui) was the degree of certainty that the development would be able to connect to the municipal water and wastewater network within the appropriate time frames.
- 1.2 Since the hearing, APL has continued to work closely with technical officers of the Waikato District Council ("WDC") and Watercare Services Limited ("Watercare") (which company manages WDC's water, wastewater and stormwater infrastructure on a contractual basis) with a view to achieving greater clarity and certainty about water and wastewater servicing than was available at the time of the hearing.
- 1.3 These further discussions have resulted in agreement being reached between APL, WDC and Watercare on a proposal and time frames for water and wastewater provision. This information is relevant to the Panel's deliberations on the proposed Ohinewai rezoning and, on that basis, APL wishes to make that information available to it (and all parties).

**Purpose and scope of memorandum**

- 1.4 Against that background, the purpose of this memorandum is to provide the Panel with:
  - (a) The minutes of a meeting between Watercare, WDC and APL on 14 January 2021 which records the agreement reached (attached as **Attachment A**); and
  - (b) A brief explanation of the works proposed and timeline.
- 1.5 The next three sections address:
  - (a) Wastewater provision (Section 2).

- (b) Water provision (Section 3).
- (c) Our concluding remarks in relation to the significance of this development to the Panel's decision-making (Section 4).

## 2. **WASTEWATER – CONNECTION TO HUNTLY WWTP**

2.1 In our memorandum of counsel dated 23 December 2020, we advised the Hearing Panel that:

- (a) It is proposed that wastewater from the Ohinewai development will be treated with other municipal wastewater at the Huntly Wastewater Treatment Plant ("WWTP").
- (b) The first stage of the Ohinewai development (the foam factory) is self-sufficient) such that there is no need to connect to the Huntly WWTP until 2023.
- (c) The Huntly WWTP is failing to comply with its resource consent conditions and a full upgrade of the Huntly WWTP will be required "at some time in the future."<sup>1</sup>

2.2 As set out in the minutes of the meeting on 14 January 2021, Watercare and WDC have now confirmed that:

- (a) Desludging of the Huntly WWTP was due to commence on 18 January 2021 and will take eight to nine months. The purpose of de-sludging is to increase the treatment capacity of the plant.
- (b) The preparation of a concept design for a new WWTP for Huntly has commenced. This will take approximately six months. Costs are estimated to be \$20-30 million.
- (c) The draft Long Term Plan for Waikato District (2021-2031) ("LTP") provides for construction of a new Huntly WWTP in 2024, with completion by 2026 (subject of course to the outcome of the LTP and consultation process).
- (d) WDC and Watercare are happy for APL to pursue alternative funding mechanisms to assist WDC to bring forward the Huntly WWTP upgrades (e.g., the Crown Infrastructure Fund).
- (e) A 'part flow' or 'side stream' membrane bioreactor ("MBR") plant may be a suitable interim treatment solution either on-site at the Huntly WWTP or at Ohinewai. Watercare's preference is Ohinewai. Generally speaking, this is a less favourable option for APL and WDC, for whom the most optimal approach is to move directly to a new plant.

2.3 Assuming the Huntly WWTP upgrade is brought forward, the anticipated timetable would be as follows:

- (a) July 2021: estimated price and concept design for Huntly WWTP confirmed.
- (b) August-October 2021: possible engagement with Crown Infrastructure and /or others in relation to funding options.

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1 Memorandum of counsel for Ambury Properties Limited dated 23 December 2020, paragraph 5.3.

- (c) January 2022: commencement of detailed design with construction commencing later in the year).
- (d) 2024: plant operational.

### 3. **WATER SUPPLY**

3.1 In respect of water supply, Watercare has confirmed that:

- (a) One million litres of water per day is available at Huntly for the next 10 to 15 years. This is sufficient to supply the Ohinewai development and other potential developments in the area.
- (b) Thereafter it is envisaged that a new pipeline might be extended from Te Kauwhata; however, as this is not required in the next 10 years it will not be provided for in the forthcoming LTP).
- (c) A bridge over SH1 and the NIMT is likely to be the most viable solution for connecting water and wastewater to Huntly.

### 4. **CONCLUDING REMARKS**

- 4.1 As regards the feasibility of servicing the Ohinewai development in terms of water and wastewater, it is respectfully submitted that the progress made and the existence of the agreement between Watercare, WDC and APL represents a significant development.
- 4.2 It is submitted that both the agreement and a 'can do' attitude from the agencies that wish to see economic growth in this area can provide the Panel with comfort that the Watercare, WDC and APL have a plan and, just as significant, demonstrates that 'where there is a will, there is a way'.
- 4.3 A remaining issue is whether the new Huntly WWTP will be completed by 2024. In the event that funding is not obtained to bring construction forward and the Huntly WWTP is not ready in time to service Stage 2 of the Ohinewai development, an interim solution (e.g., a modular MBR plant) at Huntly or Ohinewai is available.
- 4.4 In that regard, we consider that any concerns about connecting to a non-complying Huntly WWTP are put into perspective and can be addressed in the manner described in Section 5 of our memorandum dated 23 December 2020 - that is, that interim solutions are available that would ensure that the Ohinewai contribution to the Huntly effluent would either be positive (as a result of increased dilution) or, at worst, neutral.<sup>2</sup>
- 4.5 In short, we submit that concerns in relation to water and wastewater servicing do not represent a factor that would preclude the rezoning of the Ohinewai Structure Plan area - the servicing of the Ohinewai Structure Plan area can happen and, if the rezoning is approved, will happen.

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2 Memorandum of counsel for Ambury Properties Limited dated 23 December 2020, paragraphs 5.8-5.19

- 4.6 Counsel is grateful to the Panel for its consideration of this memorandum and would be happy to provide further details if required.

**Dated this 26th day of January 2021**



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**S J Berry**  
**Counsel for Ambury Properties Limited**

**ATTACHMENT A**

**MEMORANDUM TO AMBURY PROPERTIES LIMITED FROM MARK  
DAVEY (WAIKATO DISTRICT COUNCIL) RECORDING MINUTES OF A  
MEETING BETWEEN AMBURY PROPERTIES LIMITED, WAIKATO  
DISTRICT COUNCIL AND WATERCARE SERVICES LIMITED HELD ON  
14 JANUARY 2021**