

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission by **AMBURY PROPERTIES LIMITED** on the **PROPOSED WAIKATO DISTRICT PLAN** pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai

**JOINT WITNESS STATEMENT OF EXPERTS IN
RELATION TO WATER SUPPLY & WASTEWATER SERVICING**

1. INTRODUCTION

- 1.1 On 24 June 2020, an expert conferencing session in relation to water and wastewater was undertaken by Jim Bradley (Stantec, on behalf of Waikato District Council), Jane Shaw (Fish and Game), Tim Harty (on behalf of Ambury Properties Limited), James Whetu (on behalf of Mana Whenua), Wikitoria Tane (Waikato Tainui) and Gavin Donald (Waikato Tainui). This Joint Witness Statement is a record of the outcome of this session.
- 1.2 The session was facilitated by Hearing Panel members, Dr Phil Mitchell and Paul Cooney.
- 1.3 Also in attendance as observers were:
- a) Chloe Trenouth/Emily Buckingham, planning consultants to the Waikato District Council;
 - b) Stuart Penfold (planning consultant at BBO, on behalf of Ambury Properties Limited); and
 - c) Shaun Hamilton (planning consultant at GHD, on behalf of Ambury Properties Limited)
 - d) Will Gauntlett, Resource Management Policy Team Leader Waikato District Council
- 1.4 Notes were taken by Emily Buckingham.

Agenda - issues considered at conferencing

1.5 The issues identified as forming the agenda for the conferencing were:

Wastewater (Issue 1)

- A. Does on-site wastewater treatment represent an acceptable solution for development years 0-2 (Sleepyhead factory development)?
- B. Does connecting to the Huntly Wastewater Treatment Plant (HWWTP) represent an acceptable solution for servicing the Ohinewai Structure Plan area for years 3-6?

Points for consideration under this question:

- (i) Existing compliance issues at HWWTP – can upgrades and improvements be made to improve compliance (including nutrient removal and other parameters), while also taking into account Ohinewai Structure Plan Area (OSP) volume and load contributions for Years 3 onwards?
 - (ii) When are the upgrades to HWWTP required to provide for OSP development?
 - (iii) Can septicity concerns during the initial years of connection be sufficiently addressed via detailed design?
 - (iv) What are the implications of a possibility of a variation being required to the HWWTP consent to account for the OSP?
 - (v) What are the implications of the HWWTP consent expiry date of 2029?
 - (vi) Is it accepted that plan provisions can be formulated to restrict development until such time that wastewater infrastructure is available to service the OSP?
- C. Is the Mid Waikato Servicing Strategy (MWSS) currently being progressed by Watercare likely to provide an acceptable solution for wastewater requirements of the long-term development of the OSP?

Water Supply (Issue 2)

- D. Are there suitable water supply options available to service the Ohinewai Structure Plan area in Years 0-2?

- E. Does connecting to the Huntly Water Treatment Plant (HWTP) represent an acceptable solution for servicing the Ohinewai Structure Plan area for Years 3-6? Points for consideration under this question:
- (i) Capacity of Huntly WTP.
 - (ii) Potential shortfall in Huntly WTP water take limit when considering forecasted Ngaruawahia growth.
 - (iii) Could it be increased through applying for additional water take, or for the transfer of allocation from other consent holders.
- F. Is the Mid Waikato Servicing Strategy (MWSS) currently being progressed by Watercare likely to provide an acceptable solution for water supply requirements of the long-term development of the OSP?

Environmental and cultural considerations (Issue 3)

- G. Have the proposed wastewater and water supply options sufficiently considered environmental and cultural considerations?

- 1.6 The following sections of this joint witness statement addresses each of these issues and questions, noting where agreement has been reached and, in the event of disagreement, the nature of the disagreement and the reasons for that disagreement.

2. ISSUE ONE – WASTEWATER SERVICING – QUESTION A

Does on-site wastewater treatment represent an acceptable solution for development years 0-2 (Sleepyhead factory development)?

- 2.1 **The experts agree that on-site wastewater treatment represents an acceptable solution for the development years 0-2 (Sleepyhead Factory Development).**

- 2.2 The following positions of experts are noted on this issue

- a) TH – these initial stages are self-sufficient and a wastewater treatment facility is on site now.
- b) SP – wastewater system onsite is consented (district council) for 50 persons working – biocycle secondary system discharging to land – constructed in 2019. No regional consent required. Currently connected to site office only

- c) JB – technology there is an acceptable solution if the technology applied matches the capacity of the soils and that the appropriate district council consent is in place. No concerns if operation and maintenance is up to scratch, understanding that there is no industrial wastewater from the factory and only domestic 3m³/day in years 1 and 2 (98m³/day referred to in Woods earlier report apparently for full development)
- d) JS – agrees the solution in place is acceptable provided there is capacity and it is managed properly. Stuart to include management plan requirements for the WW system for reassurance that it will be operated and maintained properly in his evidence.
- e) GD – comfortable with approach at early stages.
- f) SP – domestic 3m³/day is from stages 1 and 2 of the factory. There will be future stages of the factory – will not include industrial discharges as far as he knows at this stage. To be addressed through wider servicing of the site. Other industrial land – expected to be dry industry, but not currently a restriction.

3. ISSUE ONE – WASTEWATER SERVICING – QUESTION B

Does connecting to the Huntly Wastewater Treatment Plant (HWWTP) represent an acceptable solution for servicing the Ohinewai Structure Plan area for years 3-6?

3.1 Points considered under this question:

- (i) *Existing compliance issues at HWWTP – can upgrades and improvements be made to improve compliance (including nutrient removal and other parameters), while also taking into account Ohinewai Structure Plan Area (OSP) volume and load contributions for Years 3 onwards?*
- (ii) *When are the upgrades to HWWTP required to provide for OSP development?*
- (iii) *Can septicity concerns during the initial years of connection be sufficiently addressed via detailed design?*
- (iv) *What are the implications of a possibility of a variation being required to the HWWTP consent to account for the OSP?*

- (v) *What are the implications of the HWWTP consent expiry date of 2029?*
- (vi) *Is it accepted that plan provisions can be formulated to restrict development until such time that wastewater infrastructure is available to service the OSP?*

Question B (i) - can upgrades and improvements be made to improve compliance (including nutrient removal and other parameters), while also taking into account Ohinewai Structure Plan Area (OSP) volume and load contributions for Years 3 onwards?

3.2 **The experts agreed that prior to any wastewater discharge from OSP into the HWWTP there needs to be a mechanism in place to ensure compliance with its existing consent – both in respect of future growth, volume and contaminant concentration/loadings.**

3.3 The following positions of experts are noted on this issue.

- a) JB - development is within consented discharge volume. Upgrading existing system or plugging in new modular plant components would enable upgrade to meet the quality parameters of the consent. (Required regardless of APL development).
- b) TH – upgrades are technically feasible and will work with council to get the HWWTP to compliance. No formal agreements are in place between APL and Council at this stage and this needs to be worked through and agreed.
- c) JS - Identified required upgrades in compliance reports have not been undertaken due to budget constraints. Concerned with lack of confidence the upgrades will be done
- d) TH - HWWTP needs to be upgraded or decommissioned and wastewater treated elsewhere irrespective of OSP.
- e) JS – needs to be consistently compliant over a period of time.
- f) SP – staging provisions will be provided in the planning provisions. Years 1-3 self-sufficient, years 4-7 connection to HWWTP. It is intended that development would only occur beyond year 3 once HWWTP was compliant. The experts understand that this will require both plant upgrades and improved operation of the plant and the provision for these to be funded.

- g) TH – if an alternate solution was proposed through the MWSS that worked in with the timing of when additional demand would be placed on the WWTP as a result of the development – then it is anticipated that this would influence when and what upgrades would be warranted at Huntly WWTP.

Question B (ii) - When are the upgrades to HWWTP required to provide for OSP development?

3.4 **The experts agreed the HWWTP upgrades have to be done prior to any connection by OSP.**

3.5 The following positions of experts are noted on this issue.

- a) Minimum expectation that HWWTP is already compliant – as per (3.2) above.
- b) JB - If HWWTP was already compliant, the OSP development would require additional upgrade e.g. extra modular system to continue to comply with quality parameters
- c) TH – technically, the HWWTP can receive and treat to compliance, all Huntly and OSP wastewater. There is no reason why the HWWTP could not maintain compliance with OSP added, if it was already able to achieve it.
- d) TH – In particular if HWWTP is part of the long-term the above applies. If an alternative MWSS solution was in place, then the timing of this alternative solution would also impact on whether (or the level of) upgrades would be required at HWWTP as a result of the OSP flows.

Question B (iii) - Can septicity concerns during the initial years of connection be sufficiently addressed via detailed design?

3.6 **The experts agree that these matters can be addressed via detailed design.**

3.7 The following positions of experts are noted on this issue.

- a) JB - Updated GHD memo identifies design and operational methods that can be used to control septicity.
- b) JB – Detailed design and operation by the local authority/Watercare can address the septicity concerns.

Question B (iv) - What are the implications of a possibility of a variation being required to the HWWTP consent to account for the OSP?

- 3.8 **The experts agree that the planners will need to assess whether the scope of the HWWTP consent provides for a connection from Ohinewai or whether a variation would be needed to achieve this.**

Question B (v) What are the implications of the HWWTP consent expiry date of 2029?

- 3.9 **The experts reached no agreement with regards to the specifics of this question.**

- 3.10 The following positions of experts are noted on this issue.

- a) JB - Reconsenting is a different ballgame. Vision and Strategy Plan Change 1, Waikato sub-region three waters group, future NPS Freshwater 2020 and NES for Wastewater. A new benchmark may have been set by the Waikato – Pukekohe WWTP standards further down catchment.
- b) GD notes Waikato Tainui Environmental Plan also important in this regard. Jim agrees.
- c) WT – Waikato-Tainui has Mana Whakahaere over Te Awa o Waikato and expects there to be consideration of wider impacts on Te Awa o Waikato me oona pikonga in this plan. The plan should clearly demonstrate how it gives effect to Te Ture Whaimana o Te Awa o Waikato and Tai Tumu Tai Pari Taiao – Waikato-Tainui Environmental Plan.

Question B (vi) - Is it accepted that plan provisions can be formulated to restrict development until such time that wastewater infrastructure is available to service the OSP?

- 3.11 **The experts agree that this is a planning issue but that any plan change would need to be predicated on the pre-conditions to connections outlined above.**

4. ISSUE ONE – WASTEWATER SERVICING – QUESTION C

Is the Mid Waikato Servicing Strategy (MWSS) currently being progressed by Watercare likely to provide an acceptable solution for wastewater requirements of the long-term development of the OSP?

4.1 **The experts reached no agreement with regards to the specifics of this issue.**

4.2 The following positions of experts are noted on this issue.

- a) TH – understanding the MWSS is going to set direction for this area. APL not party to development of the strategy. All agree without this direction some of the other issues are hard to address suitably.
- b) TH - Do not currently know which plants will be upgraded or if a new one will be built – Huntly is closest at the moment. Watercare has made a commitment on behalf of council that servicing of Ohinewai will be provided in medium term
- c) TH - Given the compliance challenges currently, the MWSS needs to go ahead
- d) JB – hoping the MWSS pulls in other strategic matters like FutureProof, Waikato sub-region three waters, Vision and Strategy etc
- e) JS - considers that accepting a connection into the wastewater treatment plant would need to satisfy a number of technically appropriate criteria.
- f) TH – Huntly in interim (0-10years), operational improvements required. Any larger mid Waikato solution as a new plant would require substantially improved discharge quality.
- g) GD – uncomfortable with reliance on the MWSS without knowing what it contains and the level of ambitiousness it provides for.
- h) WT – Waikato-Tainui has not been furnished with the MWSS and therefore cannot rely on its efficacy in giving effect to Te Ture Whaimana or the Waikato Tainui Environmental Plan.
- i) WG – 30 June MWSS due to be presented to Watercare Waikato (as the client) and will then be socialised with the Waters governance board. It is not yet known when it will be socialised wider.
- j) TH – the intention is for the MWSS to be incorporated in the LTP 2021-2031.

5. ISSUE TWO – WATER SERVICING – QUESTION D

Are there suitable water supply options available to service the Ohinewai Structure Plan area in Years 0-2?

5.1 The experts reached agreement on this issue.

5.2 The following positions of experts are noted on this issue.

- a) TH/SP - Self-sufficient (short term) – rain tanks – 800m³ from roof water. If roof water not enough, 15m³/day can be taken from onsite bore as permitted activity.
- b) JB agrees suitable options are available.
- c) GD is in support of water recycling onsite.

6. ISSUE TWO - WATER SERVICING – QUESTION E

Does connecting to the Huntly Water Treatment Plant (HWTP) represent an acceptable solution for servicing the Ohinewai Structure Plan area for Years 3-6? Points for consideration under this question:

- (i) *Capacity of Huntly WTP.*
- (ii) *Potential shortfall in Huntly WTP water take limit when considering forecasted Ngaruawahia growth.*
- (iii) *Could it be increased through applying for additional water take, or for the transfer of allocation from other consent holders.*

6.2 The experts reached no agreement with regards to the specifics of these issues and that these matters can be addressed further in evidence as required.

6.3 The following positions of the experts are noted.

- a) TH – allocation issue, but HWTP is capable of being upgraded to have capacity to supply the site. No technical issues with treatment or reticulation.
- b) JB – 2,000m³ allocated to Ngaruawahia and a bit of Huntly that needs to be reserved for future growth – when adding OSP (2,150m³) this exceeds the Huntley consented water take volume. This is a major

concern in servicing the full development in terms of consented take in respect to the future allocation situation of the Waikato.

- c) Post expert conferencing Shaun Hamilton of GHD has confirmed to Jim that the peak daily demand graph on page 7 of the GHD Memo and the power point slide on page 39 of the Memo does not include the 2000m³ per day growth requirement for Ngaruawahia. It is not known when the growth will be occurring, therefore it is not possible based on this information to determine the year of exceedance.
- d) TH - The shortfall in 2026 is based off 2017 FutureProof estimates. It is his understanding that the Futureproof projections do not include the 2,000m³/day referred to by Jim for Ngaruawahia. When the growth in Ngaruawahia occurs (and the rate at which this 2000m³/day for Ngaruawahia is taken up) will determine when the 2026 shortfall occurs – i.e. could be earlier, or it could be no change (if the growth is occurring post 2026). The growth needs to be tracked and uptake in demand measured. It may never be used.
- e) GD – Waikato River will likely be over allocated if Auckland take is fast tracked.
- f) TH – if extra water cannot be secured from Huntly, transfer of allocation from others is option.
- g) SP – agreement in principle with Te Kauwhata irrigation society – expires June 2024 and would be renewed. SP – confidential discussions also occurring with another party allocated water.
- h) TH – under RPV6, understands municipal supply can be granted from over allocated catchment. All agree that this is a legal/planning issue.
- i) SP – rainwater reuse is part of stormwater strategy and looking at whether to include this in plan provisions.

7. ISSUE TWO – WATER SERVICING – QUESTION F

Is the Mid Waikato Servicing Strategy (MWSS) currently being progressed by Watercare likely to provide an acceptable solution for water supply requirements of the long-term development of the OSP?

- 7.1 The experts hope that it would, but are not able to form a clear conclusion, not having seen any detail.

- 7.2 The following positions of experts are noted on this issue.
- a) JB – there is comfort from the last minutes from Watercare meeting 28 April that confirmed the Ohinewai development is catered for and Watercare is committed to taking it into account.
 - b) GD – Waikato Tainui would have an expectation that outcomes that are best for river would be in the MWSS.

8. ISSUE THREE – ENVIRONMENTAL AND CULTURAL CONSIDERATIONS – QUESTION G

Have the proposed wastewater and water supply options sufficiently considered environmental and cultural considerations?

8.1 The experts agree that water, wastewater and stormwater (three waters) for the MWSS generally, and Ohinewai specifically, need to be addressed in an integrated manner – especially in relation to the Waikato River catchment, given the degraded state of the Waikato River and the need to implement the Vision and Strategy

- 8.2 The following general positions of experts are noted on this issue.
- a) It is acknowledged that there is the potential for improved discharge quality through pooling of resources and agreeing on upgrades to Huntly WWTP between APL and WDC.
 - b) The MWSS will be subject to extensive environmental and cultural assessments. The experts are unable to provide specific comment given that the details of the MWSS are not available. GD and JW noted that the Mana Whenua working group are currently working through the issues.
 - c) JW – Explained that there is Mana whakahaere of Waikato Tainui for the whole Waikato River and that the priority is to give effect to the Vision and Strategy.
 - d) JW - As a collective, Mana Whenua in Ohinewai are working together in the exercise of Mana whakahaere in the Sleepyhead project area, and its impacts and restoration efforts in the catchment.
 - f) JW - APL are working with Mana Whenua to apply the Vision and Strategy in the local context/catchment, whilst also the main stem of the Waikato River.

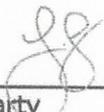
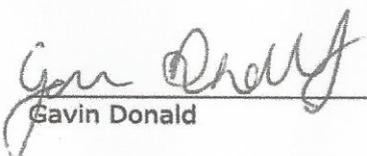
- g) JW - identified that environmental and cultural considerations are a wider planning matter, not confined to water and wastewater considerations.
- h) JW - Outlined that there is a level of acceptance by Mana Whenua of the 0-3 years approach to water and wastewater (based on the information presented to date). But are looking for certainty in the medium and long term.

9. PARTIES TO JOINT WITNESS STATEMENT

9.1 The signatories to this Joint Witness Statement confirm that:

- a) They agree with the outcome of the expert conference as recorded in this statement;
- b) They have read Appendix 3 of the Environment Court's Practice Note 2014 and agree to comply with it; and
- c) The matters addressed in this statement are within their area of expertise.

SIGNATURES:

 <hr/> Jane Shaw	Date: <u>21. 07. 2020</u>
 <hr/> Tim Harty	Date: <u>27/07/2020</u>
 <hr/> James Bradley	Date: <u>24/07/2020</u>
 <hr/> Wikitoria Tane	Date: <u>18/08/2020</u>
 <hr/> James Whetu	Date: <u>19/08/2020</u>
 <hr/> Gavin Donald	Date: <u>11/8/2020</u>