

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE HAMILTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**Act**)
AND

IN THE MATTER of an application for subdivision and land use
consent for the Amberfield development
pursuant to the Act.

APPLICANT Weston Lea Limited

CONSENT AUTHORITY Hamilton City Council

**EVIDENCE-IN-REPLY OF RAYMOND BRIAN O'CALLAGHAN
FOR WESTON LEA LIMITED**

Dated: 30 April 2019

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INTRODUCTION

1. My name is Raymond Brian O'Callaghan. My qualifications and experience are set out in my evidence in chief dated 12 April 2019.
2. I repeat the confirmation given in my evidence in chief that I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
3. I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF THIS EVIDENCE

4. In this statement, I address the evidence of Mr Graham McBride given in support of the submission (submission 42) he lodged on the application.

STATEMENT OF GRAHAM MCBRIDE

5. Mr McBride has queried the dilution factor for mixing set out in my evidence¹ (in the event of an overflow from the wastewater pipe from Amberfield) between the Amberfield site and Hamilton City Council's (**HCC**) downstream water treatment plant. My evidence on this matter was provided in response to his submission (submission 42).
6. He states in paragraph 11 of his evidence that he does not expect mixing in the river to be as high as a dilution factor 10^5 that I set out in my evidence because "(i) full transverse and vertical mixing across the river may not have occurred in the kilometre between the overflow point and the water treatment plant intake and, (ii) there may be 'dead zones' near the river edge."
7. I had based my assessment on the basis that the distance between the two points is just over 2 kilometres (not a kilometre referred to in Mr McBride's statement) and there are three 90° bends in the river between the two points,

¹ O'Callaghan EIC, paragraph 112.

which I consider would result in significant mixing. Thus, full mixing would result in a dilution factor in the order of 10^5 .

8. Mr McBride in paragraph 13 of his evidence advocates a precautionary approach to manage the risk of contaminated water supply and recommends the Amberfield consent should include a condition requiring that a quantitative microbial risk assessment be performed.
9. I agree that water supply infrastructure should be operated and managed with the appropriate precautionary risk management processes.
10. However, Hamilton City Council (**HCC**) own and operate the water treatment plant and the consent holder has no role in assessing or implementing any activities associated with the water treatment plant. HCC are responsible for assessing risk and managing that risk accordingly.
11. In addition, as soon as the first stage of titles within the Amberfield development are produced, the wastewater pipes and pumping stations become vested as HCC infrastructure. At this point HCC takes over the operation of this infrastructure. The consent holder no longer has any role in the operation, management or risk management of this infrastructure.
12. It is therefore an HCC responsibility to review what impact the Amberfield wastewater infrastructure might have on the operation and management of the HCC water treatment plant.
13. I note that HCC's experts have not raised any concerns regarding the proposed construction of the wastewater infrastructure upstream of the water treatment plant. I interpret HCC's silence on this matter to align with my view that the presence of the Amberfield wastewater infrastructure does not increase, to any notable extent, the existing operation and management processes within the water treatment plant that are designed to treat surface water to the appropriate standards for potable water supply.

14. I therefore consider that a condition on the consent holder to carry out a quantitative microbial risk assessment is inappropriate in this case as the consent holder does not have any role associated with water treatment and supply.

Dated this 30th day of April 2019

A handwritten signature in blue ink, appearing to read 'R. B. O'Callaghan'.

Raymond Brian O'Callaghan