



8 December 2021

Judge Laurie Newhook
Chairperson of the New Dunedin Hospital Expert Consenting Panel
c/- Environmental Protection Authority
Te Mana Rauhi Taiao
Private Bag 63002
Waterloo Quay
Wellington 6140

Via email: Gen.Hewitt@epa.govt.nz

Tēnā koe Judge Newhook,

Te Rūnanga o Ngāi Tahu response to further information request

I write in response to the further information request dated 6 December 2021 regarding the inclusion of a condition on cost recovery for Papatipu Rūnaka/Aukaha in fulfilling archaeological obligations arising from the Accidental Discovery Protocol.

Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) considers a condition of consent for cost recovery is appropriate. Section 108AA(1) of the Resource Management Act 1991 states that:

A consent authority must not include a condition in a resource consent for an activity unless—

...

(c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

Te Rūnanga considers that payment of iwi representatives in the event of accidental discovery to fulfil obligations is consistent with Section 108AA(1) as an administrative matter which is essential for the efficient implementation of the resource consent. Conditions setting out administrative matters including cost recovery are sought to provide clarity of expectations from the outset and to avoid delays in the satisfaction of consent conditions. Further, the Applicant has expressed a willingness to pay for any such fulfilment of obligations arising from accidental discovery. As a matter of consistency we also note that a condition similar to that sought in this instance was included in the Queenstown Arterials Fast-track consent conditions, decision version.

As a second preference, in light of its relationship between Aukaha and the applicant, Te Rūnanga understands that in this instance Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki

Puketeraki are comfortable with the use of a Memorandum of Understanding or other formal agreement as confirmation of cost recovery arrangements.

However, Te Rūnanga would like to take this opportunity to inform the Panel that, in our experience, not all applicants are as willing to reimburse iwi for their time and expertise providing advice or input into processes that arise from resource consent conditions. In addition, the Fast-track process does not come with any government pūtea to fund iwi involvement. Consequently, it is important that there is an efficient legal mechanism by which iwi can recover its costs in those circumstances.

Te Rūnanga appreciates the opportunity to respond to this matter and thanks the Chair for bringing the concerns of the Panel to our attention.

Nuku noa nā,



Dr Lynda Murchison
Programme Manager – Mauri
For Trudy Heath
General Manager, Te Ao Tūroa

Address for Service:
Tanya Stevens
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
Email: Tanya.Stevens@ngaitahu.iwi.nz
Ph 021 708 510

Cc: Kate Timms-Dean, Michael Bathgate, Aukaha
Lauren Semple, Greenwood Roche