

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

Via email: DunedinHospital.Fasttrack@epa.govt.nz

29 October 2021

Tēnā koe Judge Newhook,

Stage 1 Enabling Works - Invitation to Comment

I write on behalf of kā rūnaka, who represent Kāi Tahu whānui as mana whenua in the Otago region, including Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki. Aukaha is the regional environmental entity of kā rūnaka.

This letter responds on behalf of kā rūnaka to an invitation to comment on the resource consent application for the Stage 1 enabling works for Whakatuputupu, a referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

General Comment

Kā rūnaka are broadly supportive of the Dunedin Hospital Project in that, if delivered correctly and with due regard to the findings of the Cultural Narrative and Cultural Impact Assessment, it will go some way to:

- improving the social and cultural well-being of Māori and the wider community;
- reducing health inequities for Māori and Pasifika people; and
- very belatedly responding in part to broken promises to Kāi Tahu dating back to the 1840s.¹

On behalf of kā rūnaka, Aukaha have had input into the early design stages of the Whakatuputupu project. This design involvement also includes the preparation of a Cultural Narrative and Cultural Impact Assessment which form Attachments 21 and 22 to this consent application. These works will be particularly relevant in the later stages of the project, with the intent that they inform the more detailed design works and operational functioning of the hospital.

¹ *Kāi Tahu Cultural Narrative for the New Dunedin Hospital Whakatuputupu*, Aukaha 2020.

Aukaha has also provided input into archaeological assessments prepared as part of gaining archaeological authorities for this stage of the project.

Those aspects of the Stage 1 enabling works that are of particular interest to kā rūnaka are those with potential for adverse effects on cultural values, particularly in relation to archaeological discoveries and any effects on Te Awa Ōtākou (Otago Harbour) and Te Tai o Arai Te Uru (the Otago coast). These are addressed below, with kā rūnaka requesting some minor changes.

It is noted that the Otago coastal marine area, Te Tai o Arai Te Uru, which includes Te Awa Ōtākou, is a Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.

Archaeology

Condition 18 setting out accidental discovery protocols is broadly supported, but the following amendments are sought:

1. in the event of discovery of kōwi or other taoka, the preferred cease-work area is a 20m radius from the discovery site;
2. it needs to be made clear that Aukaha will seek to recover any costs incurred by Kāi Tahu archaeological specialists in the event of any discoveries (with a new general condition proposed in Attachment One); and
3. other changes are suggested in Attachment One below, to expand the condition and align it with accidental discovery protocols typically employed in projects such as this.

Contaminants in Whenua and Wai

Bearing in mind the complex industrial history of this site, kā rūnaka are particularly concerned about the adverse effects that may result from disturbing the land, with the potential for any contaminants to spread into the stormwater network (via dust migration, soil migration on vehicles, dewatering practices, surface water flow or other means) and enter Te Awa Ōtākou and Te Tai o Arai Te Uru.

It is recognised that the soil sampling has been targeted due to site constraints such as existing buildings or hardstand areas, but has nevertheless detected elevated levels of metals and other contaminants. This gives kā rūnaka cause for concern as to both the level and types of contaminants across the entire site.

A management plan approach is promoted to respond to environmental risks. Some of the desired management approach is set out in *The New Dunedin Hospital Ground Contamination Site Management Plan, Tonkin and Taylor, July 2021* (the Tonkin and Taylor Report). This is referenced in proposed condition 4(b), requiring a Ground Contamination Site Management Plan to be prepared 'in general accordance with' the Tonkin and Taylor Report. Kā rūnaka prefer the more definite term of 'give effect to'; and consider that the Dust and Sediment Control Plan (proposed condition 4(d)) should also give effect to the Tonkin and Taylor Report.

Other specific concerns are as follows.

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a) Disposal of Contaminated Soils

Kā rūnaka support the disposal of any excavated material removed from the site in a Class A or Class B landfill. However, it is proposed that some excavated material is retained on site and reused for purposes such as landscaping and refilling excavated areas. Given the findings of elevated concentrations of metals and (to a limited extent) petroleum hydrocarbons, it is sought that on-site reuse of materials does not include any fill that does not meet cleanfill standards.

b) Erosion, Sediment and Dust Control

Kā rūnaka support the measures for erosion and sediment control set out in the Tonkin and Taylor report in section 4.4, and for dust control set out in section 4.5. Any strengthening of the requirement for these proposed controls, along with increased management oversight and monitoring of these controls, would be welcomed.

It is unclear how erosion and sediment controls set out in proposed condition 17 relate to the Dust and Sediment Control Plan referenced in condition 4(b). It is proposed that these conditions are either integrated or clarified.

c) De-Watering and Wheel Wash Facilities

Kā rūnaka are strongly supportive of the discharge of dewatering water and water from wheel wash facilities into the trade wastewater network, viewing this as highly preferable to any use of the stormwater network.

Kā rūnaka retain a concern of risk associated with any failure in the system (such as network overflows) that leads to wastewater exiting the network and potentially entering Te Awa Ōtākou and Te Tai o Arai Te Uru. It is sought that the proposed condition 16 provides some certainty around adequate measures that may be used to manage this risk, such as avoiding dewatering during high rainfall events.

Decision Sought

Thank you for the opportunity to comment on this application. Kā rūnaka welcome the development of Whakatuputupu, while seeking to ensure that any adverse environmental effects are avoided or minimised.

To this end, kā rūnaka recommend a number of relatively minor amendments to the conditions of consent, as set out in Attachment One.

Kā rūnaka also request that there is a process for Aukaha to be informed where any incidents or exceedances could lead to a risk of any adverse effects on Te Awa Ōtākou and Te Tai o Arai Te Uru, either directly or via contaminants entering the stormwater network.

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Nāku noa,

nā,

A handwritten signature in black ink, appearing to be 'Kate Timms-Dean', written in a cursive style.

Dr Kate Timms-Dean
General Manager, Mana Taiao
Aukaha (1997) Ltd.

Cc: Trudy Heath, General Manager Te Ao Tūroa, Te Rūnanga o Ngāi Tahu

Attachments:

Attachment One. Recommended Amendments to Proposed Conditions.

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Attachment One. Recommended Amendments to Proposed Conditions

General Conditions

Insert a new General Condition following Condition 1:

Where conditions require the applicant to work with Aukaha and other advisors to mana whenua, the applicant will meet reasonable costs to enable the involvement of those parties.

Contaminated Whenua and Wai

Amend condition 4(b) as follows:

(b) A Ground Contamination Site Management Plan (GCSMP) prepared by a suitably qualified experienced practitioner ~~in general accordance with~~ to give effect to the New Dunedin Hospital Ground Contamination Site Management Plan, Tonkin + Taylor, July 2021, and which outlines how soil contamination effects will be managed to ensure effects on human health and the surrounding environment are minimised.

Amend condition 4(d) as follows:

(d) A Dust and Sediment Control Plan (DSCP) prepared by a suitably qualified experienced practitioner to give effect to the New Dunedin Hospital Ground Contamination Site Management Plan, Tonkin + Taylor, July 2021, and that outlines how dust and sediment will be managed to ensure it does not cause a noxious, dangerous, offensive or objectionable discharge of contaminants beyond the site, or into the Council reticulated stormwater network.

Amend condition 14 as follows:

All earthworks involving contaminated soils must

a) be undertaken in a way that minimises the potential for effects on human health and the surrounding environment, including Te Tai o Arai Te Uru.

Amend condition 15 as follows:

Contaminated soils and material removed from the site must be deposited at a disposal site that holds a consent to accept the relevant level of contamination. All soil and material must be covered during transportation off-site. All excavated material re-used on site must meet the standards of cleanfill.

Amend condition 16 as follows:

All contaminated water from dewatering and wheel wash facilities is to be discharged to the Dunedin City Council trade waste sewer network in compliance with the Dunedin City Council Trade Waste Bylaw permitted discharge characteristics, or a trade waste consent, including any requirements for on-site pre-treatment of discharge, for the avoidance of dewatering discharges during high or sustained rainfall events, and any other mechanisms to be used to avoid or minimise the risk of contaminants entering the stormwater network.

Amend condition 17 to clarify how it relates to condition 4(b).

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Accidental Discovery Protocols

Amend condition 18 as follows:

18. The following archaeological discovery protocols must occur where an unidentified archaeological site, which may include suspected kōiwi (human remains), taonga, Maori artifacts, or evidence of pre-colonial occupation, is ~~are~~ encountered during the enabling works:

a) Work shall cease immediately at that place and within 20m around the site.

b) The contractor must shut down all machinery, secure the area, and advise the Site Manager.

c) The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist.

d) If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and Papatipu Rūnaka (being Te Rūnaka o Ōtākou and Kati Huirapa ki Puketeraki Rūnaka) of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).

~~e) a) If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The~~ Heritage New Zealand Pouhere Taonga Archaeologist, New Zealand Police and Aukaha must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8) and no further work in the area may take place until future actions have been agreed by all parties.

~~f) b) Aukaha shall be informed if any possible taonga or Māori artefacts and evidence of pre-colonial occupation are identified to enable appropriate~~ cultural procedures and tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met.

g) Where Papatipu Rūnaka so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

h) Heritage New Zealand will advise if any further archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

Heritage New Zealand Archaeologist contact details:

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Advice note:

It is an offence under S87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.

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