

Before the Expert Consenting Panel
Appointed by the Environmental Protection Authority

Under the COVID-19 Recovery (Fast-track Consenting) Act 2020

In the matter of an application for resource consent for the New Dunedin
Hospital – Whakatuputupu Stage 2 Outpatient Building

**Memorandum of Counsel on behalf of Foodstuffs South Island Properties
Limited regarding flooding risk**

28 June 2022

Interested party's solicitor:

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May it please the Panel

- 1 This memorandum of Counsel is filed on behalf of Foodstuffs (South Island) Properties Limited (**Foodstuffs**) in relation to the flooding risk associated with the New Dunedin Hospital – Whakatuputupu Outpatient Building (**NDH** or **Proposal**).
- 2 Foodstuffs is the owner of the properties at 95-95E Hanover Street, 121 Great King Street, 133 Great King Street and 371 Cumberland Street, 124 St Andrew Street, all located in close proximity to the NDH site. The properties at 133 Great King Street and 371 Cumberland Street (the **Properties**) are directly opposite and adjacent to the Proposal, are occupied by Foodstuffs and operated as a supermarket (New World Centre City) and Centre City Mall.
- 3 Foodstuffs made comments on the application for the Proposal, expressing concern in relation to the following aspects of the Proposal and potential effects on Foodstuffs' properties:
 - (a) Noise and construction;
 - (b) Access and parking;
 - (c) Flood risk;
 - (d) Conditions of consent; and
 - (e) Management plans.
- 4 This memorandum relates to the flood risk to Foodstuffs' Properties.
- 5 Foodstuffs has serious concerns regarding flood risk to its Properties, in particular:
 - (a) It is evident from the Flood Risk Assessment provided as part of the NDH application that Foodstuffs' Properties will be subjected to increased flood levels. However, the Flood Risk Assessment provided as part of the NDH application does not contain a site specific assessment for Foodstuffs' Properties or an assessment on Cumberland Street as an access and connectivity provider.
 - (b) The Flood Risk Assessment provided as part of the NDH application does not assess risk on the surrounding environment for a 1% AEP ("1 in 100 year") flood at all.

- 6 Foodstuffs was disappointed by the Applicant's response to its concerns regarding flooding risk, which fails to adequately address those concerns.
- 7 The fast-track consenting process creates a decision-making process that leaves little time for an affected party to engage expert assistance on a proposal to "test" the evidence and conclusions made and to gain a full picture of the potential effects a proposal may have. Foodstuffs consider that effects associated with flooding are of such a serious nature that they require adequate testing, whether at the application stage or as part of the conditions of consent. As such, Foodstuffs seek either:
 - (a) Leave for time to obtain a site specific flood risk assessment, and/or the Applicant should be required to obtain a peer review of the Flood Risk Assessment for the Properties, at the cost of the Applicant; or
 - (b) Security that appropriate assessment will be undertaken by inclusion of conditions of consent requiring:
 - (i) a site-specific flooding assessment for the Properties; and
 - (ii) a pre-construction condition and depilation survey of the buildings and carparking areas of the Properties.
- 8 Foodstuffs would be grateful if this memorandum could be put before the Panel for consideration.

Dated this 28th day of June 2022



A Booker
Counsel for Foodstuffs (South Island) Properties Limited