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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

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| Local authority providing comment | Dunedin City Council |
| Contact person (if follow-up is required) | Alan Worthington, Resource Consent Manager |
| | s 9(2)(a) |
| | N/A |

Comment form

Please use the table below to comment on the application.

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| Project name | The new Dunedin Hospital, Whakatuputupu |
| General comment – potential benefits | The new hospital will be a significant asset contributing to the health and well-being of the people of Dunedin and the wider community within the SDHB area. The construction phase provides a significant economic contribution to the recovery of the City from the impact of COVID-19. |
| General comment – significant issues | Strategic issues relating to Whakatuputupu, including impacts on the strategic road network, and co-ordination with other major construction projects, are being discussed through Council's involvement in the Shaping Future Dunedin partnership and the Dunedin Hospital Local Advisory Group. |
| Is Fast-track appropriate? | The Dunedin City Council accepts the fast track process is appropriate for this project. |
| Environmental compliance history | The Council records do not show any RMA non-compliance by the SDHB. |
| Reports and assessments normally required | The response to this question is covered by the response to the third of the four specific questions posed by the Minister. |
| Iwi and iwi authorities | The Council engages with Te Rūnanga o Ōtākou and Kāti Huirapa Runaka ki Puketeraki, the two Runaka within the Dunedin district, both directly and through Aukaha on RMA matters. Aukaha is the commercial consultancy which works on behalf of Kāi Tahu as the Treaty Partner, engaging with central and local government to support rūnaka aspirations in the natural, rural and urban environments. |
| Relationship agreements under the RMA | <p>There is a protocol between Dunedin City Council and Kai Tahu ki Otago for facilitating iwi involvement and consultation in the Resource Management Act resource consent process used by the Dunedin City Council. The process to establish a Mana Whakahono a Rohe has commenced, but has yet to be completed.</p> <p>The Dunedin City Council also has a relationship agreement with the SDHB and other organisations interested in co-ordinated planning for Dunedin's Tertiary Precinct. The area of interest extends beyond the core campus, and includes the existing hospital site. The other members of the Tertiary Precinct Planning Group include the University of Otago, Otago Polytechnic, Otago Regional Council and Otago Museum.</p> |

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| Insert responses to other specific requests in the Minister's letter (if applicable) | <ol style="list-style-type: none"> 1. The Council is supportive of the use of COVID-19 (Fast-track Consenting) Act 2020 for this project. (Dunedin City Council meeting on 7 November 2020). 2. The Council is supportive of the notice of requirement part of the project to utilise the fast track legislation. (Dunedin City Council meeting on 7 November 2020). 3. The required assessments and reports for a resource consent are guided by the requirements of the Proposed District Plan (the 2GP). A hospital on the Wilson and Cadbury blocks is categorised as a restricted discretionary activity by rule 18.3.5.31 of the 2GP. The primary assessment matter rule is 18.10.3.2 and 18.10.3.3. There is a Temporary Activities section, which controls construction noise. To breach this can lead to a discretionary or non-complying activity. A table is included below of what are likely to be the relevant parts of the 2GP. Potential reports required will depend on which rules are breached. Key reports and assessments likely to be required include: assessment of relevant 2GP objectives and policies; construction noise assessment; urban design assessment; and transport assessment. 4. There is no environmental regulatory compliance history relating to the SDHB |
| Other considerations | No other responses. |

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Table to supplement to specific question four from the Minister

| Section of the 2GP | Activity and Related Rule | Activity Status (Rule) | Assessment Rules (and associated environmental effect to be managed) |
|---|--|--|---|
| B4: Temporary Activities C9: Public Health and Safety | Construction activity: Rule 4.3.2.2 provides for construction activities as a permitted activity, subject to a noise (and vibration) performance standard (Rule 4.5.4). | Noise: discretionary (Rule 4.5.4.1.c) or non-complying (Rule 4.5.4.1.d) depending on the extent of the breach Vibration: there is no associated activity status rule | Noise: Discretionary - Rules 4.9.2.1, 9.7.2.1 and 9.7.4.5 (adverse effects from noise on the health of people) Non-complying - Rules 4.10.2, 9.8.2.1 and 9.8.2.6 (adverse effects from noise on the health of people) Vibration: there is no assessment rule for vibration breaches |
| D18: Commercial and Mixed Use Zone; and B6: Transportation C9: Public Health and Safety | (Land Use) Hospital Activity (in the CMU:CEC-North zone) (Development Activity) The hospital construction project is a 'development activity' (Rule 18.3.6.1) a "buildings and structures activity" (Rule 18.3.6.2) and a new "building" (Rule 18.3.6.3), and the following (relevant) performance standards apply <ul style="list-style-type: none"> Boundary Treatments and Other Landscaping (Rule 18.3.6.1.a and 18.6.1) Height (18.6.5.2.a.iv) Minimum Glazing and Building Modulation (Rule 18.6.11.1.c) Parking, loading and access standards (buildings that contain car parks only) (rules 18.6.14 and 6.6.1, 6.6.2 and 6.6.3) | Hospital Activity: restricted discretionary (Rule 18.3.5.31.a) Performance Standard Breaches: <ul style="list-style-type: none"> Boundary Treatments and Other Landscaping: restricted discretionary (Rule 18.6.1.6) Height: restricted discretionary (Rule 18.6.5.2.b) Minimum Glazing and Building Modulation: restricted discretionary (Rule 18.6.11.6) Parking, loading and access standards (buildings that contain car parks only): the breaches that might apply to the hospital project are all identified as restricted discretionary activities, under within individual rules set out under Rule 6.6. Signs attached to buildings and structures: permitted (Rule 18.6.13) or restricted discretionary (Rule 18.6.13.d). The storage and use of hazardous substances: permitted (Rule 18.6.7) or restricted discretionary (Rule 9.3.4.4) In addition: <ul style="list-style-type: none"> new buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment | Hospital - Rules 18.10.2.6, 6.11.2.1, 6.11.2.3 and 6.11.2.5 (accessibility, safety and efficiency of the transport network) <ul style="list-style-type: none"> Boundary Treatments and Other Landscaping - Rules 18.9.2.1 and 18.9.4.1 (streetscape amenity) Height - Rules 18.9.2.1 and 18.9.4.6 (streetscape amenity, views across Otago Harbour) Minimum Glazing and Building Modulation - Rules 18.9.2.1 and 18.9.4.8 (streetscape amenity) Parking, loading and access standards (buildings that contain car parks only) - Rule 6.10.2.1 and (depending on the breach) any rule under Rule 6.10.5 (safety and efficiency of the transport network) Signs attached to buildings and structures - Rules 18.9.2.1, 18.9.4.9 and 6.10.3.8 (streetscape amenity and safety and efficiency of the transport network) The storage and use of hazardous substances - Rules 18.9.2.1, 18.9.4.5 and 9.5.3.9 (health and safety)² new buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment - Rule 18.10.3.2 (streetscape and pedestrian amenity) New or additions to parking areas that result in 50 or more new parking spaces - rules 18.10.3.3 and 6.11.2.2 (safety and efficiency of the transport network/accessibility) |

² Rules 9.5.3.9 and 18.9.4.5 are subject to a number of appeals, so the hazardous substances matters would be considered under the Operative Plan – refer to Section 17.5: Hazards, Hazardous Substances and Earthworks. The activity status and assessment matters vary, depending on the nature of the breach.

| Section of the 2GP | Activity and Related Rule | Activity Status (Rule) | Assessment Rules (and associated environmental effect to be managed) |
|--------------------|--|---|--|
| | <p>Rule 18.3.6.4 provides for signs attached to buildings and structures as a permitted activity, subject to a performance standard (Rule 18.6.13)</p> <p>Rule 18.3.6.27 provides for the storage and use of hazardous substances as a permitted activity, subject to performance standards (Rules 18.6.7 and 9.3.4)¹</p> | <p>are identified as a restricted discretionary activity (Rule 18.3.6.7)</p> <ul style="list-style-type: none"> New or additions to parking areas that result in 50 or more new parking spaces (high trip generators) are identified as a restricted discretionary activity (Rule 18.3.6.25) | |
| | | | |
| D19: Industrial | <p>It is understood that the Ministry of Health land within the Bow Lane block is to be designated for the hospital. Should this not occur, the proposed hospital land use would be assessed as a non-complying activity (Rule 19.3.3.7), and development activity rules 19.3.4.1, 19.3.4.2, 19.3.4.16, and 19.3.4.17 and 19.3.4.19 would apply.</p> | | |

All properties within the proposed hospital site are HAIL sites. The proposal is likely to require assessment for the following activities covered by the NES regulations:

- 5(3) – sampling soil
- 5(4) – disturbing soil
- 5(6) – changing use

Assessment of the regulations for permitted activities set out under Regulation 8 of the NES will be required, viz.:

...

Sampling soil

(2) Sampling the soil of the piece of land is a permitted activity while the following requirements are met:

(a) Controls to minimise the exposure of humans to mobilised contaminants must—

¹ Rules 18.3.6.27 18.6.7 and 9.3.4 are all subject to appeal

- (i) Be in place when the activity begins:
- (ii) Be effective while the activity is done:
- (iii) Be effective until the soil is reinstated to an erosion-resistant state:
- (b) The soil must be reinstated to an erosion-resistant state within 1 month after the end of the course of sampling for which the activity was done:
- (c) Soil must not be taken away in the course of the activity except as samples taken for the purpose of laboratory analysis:
- (d) The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

Disturbing Soil

- (3) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:
 - (a) Controls to minimise the exposure of humans to mobilised contaminants must—
 - (i) Be in place when the activity begins:
 - (ii) Be effective while the activity is done:
 - (iii) Be effective until the soil is reinstated to an erosion-resistant state:
 - (b) The soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:
 - (c) The volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:
 - (d) Soil must not be taken away in the course of the activity, except that,—
 - (i) For the purpose of laboratory analysis, any amount of soil may be taken away as samples:
 - (ii) For all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:
 - (e) Soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:
 - (f) The duration of the activity must be no longer than 2 months:
 - (g) The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.

Subdividing or Changing Use

- (4) Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:
 - (a) A preliminary site investigation of the land or piece of land must exist:
 - (b) The report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:
 - (c) The report must be accompanied by a relevant site plan to which the report is referenced:
 - (d) The consent authority must have the report and the plan.

Depending on the detail of the proposal, it will be a permitted, controlled, restricted discretionary or discretionary activity under the NES.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

| | |
|---|------------------------|
| Local authority providing comment | Otago Regional Council |
| Contact person (if follow-up is required) | Joanna Gilroy |
| | Consents Manager |
| | s 9(2)(a) |

Comment form

Please use the table below to comment on the application.

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|--------------------------------------|--|
| Project name | New Dunedin Hospital Whakatuputupu |
| General comment – potential benefits | No comment |
| General comment – significant issues | No comment |
| Is Fast-track appropriate? | <p>Yes, the use of the fast-track process is appropriate given the overall scale and significance of the project.</p> <p>It is noted that the Project works will include the below that require consent from the Regional Council:</p> <ul style="list-style-type: none"> • earthworks including removal of existing building slabs and services, contamination remediation, bulk earthworks for new development; • earthworks for services installation including disturbing contaminated soil; • building piling; • retaining walls; and • on-site stormwater treatment and rain gardens. <p>To date, two consents have been granted by the Otago Regional Council for the construction. These are:</p> <ol style="list-style-type: none"> 1. Disturbance of contaminated soil associated with the removal of the foundations of the former Cadbury Social Club buildings (ref RM19.237). Approved 12th of August 2019. 2. Disturbance of contaminated soil associated test piling activity on the Cadbury and Wilsons Blocks (ref RM20.258). Approved 2nd of September 2020. |

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| | <p>Resource consent requirements under the Waste, Air and Water Plans for the aforementioned activities may potentially involve but not be limited to: construction of bores, discharge of stormwater, disturbance of contaminated sites, outdoor storage of bulk products, crushing and screening of bulk materials discharge to air from construction activities. However, many of these activities, if appropriately managed are permitted by rules in the Council's Regional Plans.</p> <p>Typically short-term consents associated with the construction of a building would generally be processed on a non-notified or limited notified basis by the Council.</p> <p>However, it is not unreasonable to expect these processes to incur significant processing time, hence fast tracking may be required.</p> |
| Environmental compliance history | Based on the available compliance monitoring records for the expired RM19.237.01 (issued to the Ministry of Health to disturb a contaminated site, at 75 – 81 Castle Street, and 31 Anzac Avenue, Dunedin), the applicant has complied with the consent conditions. |
| Reports and assessments normally required | Detailed Site Investigation (DSI); Ground Contamination Assessment and Ground Contamination Site Management Plan |
| Iwi and iwi authorities | Aukaha |
| Relationship agreements under the RMA | Nil |
| Insert responses to other specific requests in the Minister's letter (if applicable) | |
| Other considerations | <p><u>Discharges to Air:</u></p> <p>It is noted that the design concept for the new Inpatient Building and Outpatient Building proposes the use of heat pump central plant supplied by the low carbon electrical grid as the primary energy source.</p> <p>If this method of heating does not eventuate there is the potential for a boiler to be selected instead. Discharges to air from boilers in excess of Council's permitted activity rules will require consent from the Council</p> <p><u>HAIL Sites:</u></p> <p>The following HAIL Sites are relevant to the new Dunedin Hospital (NDH) development proposal :</p> <ul style="list-style-type: none"> • HAIL.01088.01 - McLeod Brothers, • HAIL.00862.01 - Walkers Service Station, • HAIL.01698.01 - Carter and Rhodes • HAIL.01644.01 - McFarlane and Co |

The following site investigations which were submitted in support of LUC2020365 (land use consent for test piling for Dunedin Hospital - exceeding noise limits) refer:

- Detailed Site Investigation (DSI) of the overall Cadbury Block by BECA dated October 2017
- The Detailed Site Investigation on the Cadbury Block Site dated July 2019.
- The Ground Contamination Assessment by Tonkin & Taylor (T&T) on the Wilsons Block dated August 2019
- The Ground Contamination Site Management Plan by Tonkin & Taylor

Soil Contamination Summary:

The 2017 DSI (by BECA) found soil contaminants above background concentrations, but below the commercial land use criteria. Contaminants detected, include concentrations of lead, zinc and copper which frequently exceeded both environmental criteria and the Class A landfill screening criteria. No volatile contaminants or PCBs were detected.

The 2019 DSI (by T+T) found that all soil materials sampled contained at least one metal contaminant above local background concentrations and above Class B Landfill soil screening criteria. The Class A landfill screening criteria were also exceeded for lead, zinc and copper. Organic contaminants were detected infrequently and at low concentrations. Except for two results, detected contaminant concentrations were below the assessment criteria for commercial and industrial land uses. In one of twenty-six soil samples, asbestos was detected which appeared to have been an anomaly.

Based on the soil sampling and analysis results, the test piling project was performed outside of the areas with the potential for elevated contaminant levels.

Soil disposal:

Due to the large scale and developed nature of the site, previous sampling may not fully represent all soil onsite conditions. Therefore consideration should be given to the disposal of potentially contaminated soil removed from this site.

According to the 2019 DSI, *"excess soil/fill excavated from the majority of the site is likely to be suitable for disposal to a Class B landfill, or the Burnside Landfill. Soil from two areas of the site, coincident with historic electroplating activities and covering approximately 3,000 m² would likely require disposal to a Class A Landfill (e.g. Green Island Landfill) and may require pre-treatment to reduce leachability."*

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

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| Organisation providing comment | Waka Kotahi NZ Transport Agency (Waka Kotahi) |
| Contact person (if follow-up is required) | Richard Shaw |
| | Team Leader – Environmental Planning |
| | s 9(2)(a) |

Comment form

Please use the table below to comment on the application.

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| Project name | New Dunedin Hospital – Whakatuputupu |
| General comment | <p>Waka Kotahi does not object to the project being considered under the COVID-19 Recovery (Fast Track Consenting) Act 2020 (FTCA).</p> <p>Waka Kotahi considers itself a key stakeholder to this project. We continue to be interested in assessing the final application / notice of requirement to understand and advise on any potential adverse effects resulting from the project on both State Highway 1 (SH1) and State Highway 88 (SH88) from all phases of the proposal including demolition, construction and operation.</p> <p>We continue to be committed to engaging with the New Dunedin Hospital Team (Hospital Team), Government and the wider community to ensure a positive outcome for this project.</p> <p>By way of background information - Waka Kotahi is part of the Local Advisory Group as well as a member of the Shaping Future Dunedin Transport Project team where both groups meet regularly with the Hospital Team for updates on the project.</p> <p>The application for referral notes options being considered in relation to the road network. The options include retaining the existing one-way road network (SH1) or whether these roads (Cumberland Street and Castle Street) are converted to two-way roads. The application also notes there has been discussion on removing the State highway designation from St Andrew Street (SH88) and returning this section to a local road. These matters are yet to be resolved and discussion is ongoing. Our expectation is the Hospital Team will continue to engage with Waka Kotahi as the final application / notice of requirement information are prepared for lodgement on these matters as well as others including:</p> <ul style="list-style-type: none"> • The proposed airbridges to be constructed in the air space above the highway designations; • The potential for any structures to be constructed in highway road reserve; • The effects of vehicle generation and final access arrangements onto the highways; • Any reverse sensitivity concerns relating to noise and vibration from the highways; • Traffic management arrangements during any demolition or construction activities. |
| Other considerations | <p>Additional to our role as a key stakeholder to this project, Waka Kotahi has a statutory role as the road control authority for State Highways under the Land Transport Management Act 2003 (LTMA) and the Government Roadway Powers Act 1989 (GRPA). Both SH1 and SH88 are also designated in the Dunedin District Plan so the requirements of section 176 of the Resource Management Act</p> |

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| | <p>1991 (RMA) would still apply. Therefore, any proposed changes to either SH1 or SH88 resulting from the project (i.e. physical works, encroachment onto the highway corridor, structures and traffic management within the highway corridor, layout and operational parameters) will potentially still require approval from Waka Kotahi under the GRPA and the RMA.</p> |
| <p>[Insert specific requests for comment]</p> | <p>The Minister has asked specifically:</p> <ol style="list-style-type: none"> Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes and notice of requirement of designation processes rather than the processes in the FTCA? <p>Waka Kotahi reply:</p> <p>Waka Kotahi do not object to the project being considered under the FTCA. Waka Kotahi is a key stakeholder to this project and has a statutory role in the operation and management of the State highway network adjoining the new hospital site. Our role as the road controlling authority and the requiring authority for the designations for SH1 and SH88 provide for additional approval processes to ensure any potential concerns are resolved through the ongoing engagement as the application and design details are finalised.</p> <ol style="list-style-type: none"> In particular, are there any reasons that you consider it more appropriate for the part of the Project involving construction and airbridges over St Andrew Street and Castle Street to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? <p>Waka Kotahi reply:</p> <p>Waka Kotahi do not consider the existing RMA processes are necessarily more appropriate than the FTCA processes for the part of the project involving construction and the airbridges. Both RMA and FTCA processes will require the effects of the proposal on the highway to be assessed and addressed. Under both processes the Hospital Team will continue to engage with Waka Kotahi on the options to manage potential construction related effects and mitigation measures and any adverse effects resulting from the design, construction or operation of the airbridges across SH88 and SH1. These will be included in the matters required to be assessed and addressed by the Hospital Team prior to lodgement of the final application. Neither process would avoid the need for the project to also address the additional approval processes for works within the SH1 and SH88 corridors required under section 176 of the RMA or the provisions of the GRPA.</p> |

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