



ATTACHMENT 8

Otago Regional Council Pre-
Application Consultation Feedback

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Planner, Otago Regional Council

File: RM25.034

Date: 11 April 2025

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Tēnā koe,

Pre-Application Meeting Follow up – RM25.034

Thank you for attending a pre-application meeting with myself and Dwayne Daly (and members of Council's Engineering, Natural Hazards and Transport teams) on 6 March 2025 to discuss your pending Fast-track referral application for a proposed logistics and freight hub.

This letter summarises and confirms our advice to you following this meeting.

If you are successful with your referral application, we can provide comments and advise through this pre-application service on the preparation of your substantive application. This consultation may include:

- Assistance with rules assessments and determining consent requirements.
- Review of technical reports.
- Review of draft conditions and provision of Otago Regional Council's standard consent conditions.
- Site visits

During this meeting we provided some high-level consents advice based on your description of this project. We also advised that we would circulate the documents you had provided to other interested teams within council to comment on. The below comments have been provided based on the discussion at the pre-application meeting, the pre-application form you provided, and a draft copy of your referral application that you provided after the meeting.

Consents Team Comments

1. Consent from the Otago Regional Council for earthworks would not be required as the relevant Regional Plan Water (RP Water) rules relate to earthworks for residential development only. However, if the site (or a portion of the site) is contaminated and is

disturbed by the works, consent would be required for disturbance of a contaminated site (Rule 5.6.1 of the Regional Plan Water).

2. Discharge of stormwater to Silver Stream is being considered. The rules of Section 12B of the RP Water would apply. Consent would be required under 12.B.3.1 as a restricted discretionary activity. Council's discretion is restricted to the matters specified in the rule and include values listed in Schedule 1 of the RP Water. Silver Stream has the following values identified in the Regional Plan Water:

- Large water bodies supporting high numbers of particular species, or habitat variety, which can provide for diverse life cycle requirements of a particular species, or a range of species.
- Absence of: exotic species of fish; aquatic pest plants (e.g. Lagarosiphon) identified in the Pest Management Strategy for Otago 2009;
- Significant presence of trout and eels
- Presence of significant fish spawning areas
- Presence of significant areas for development of juvenile fish
- Presence of a significant range of indigenous invertebrates (midreaches)
- Presence of riparian vegetation of significance to aquatic habitats (upper catchment).
- Presence of indigenous invertebrates threatened with extinction upstream of I44:144849.
- Presence of indigenous fish species threatened with extinction.
- Significant habitat for Koaro upstream of I44:114899 and including several tributaries.
- Significant habitat for lamprey (uncommon in Otago).
- High degree of naturalness above 900 metres asl and within Scenic Reserve and water reserve.
- Dunedin Water Supply at I44:096859; I44:105844; I44:105848; and I44:105850
- MA1 Kaitiakitanga – the exercise of guardianship by Kai Tahu in accordance with tikanga Maori* in relation to Otago's natural and physical resources; and includes the ethic of stewardship.
- MA2 Mauri – life force; for example the mauri of a river is most recognisable when there is abundance of water flow and the associated ecosystems are healthy and plentiful; a most important element in the relationship that Kai Tahu have with the water bodies of Otago.
- MA3 Waahi tapu and/or Waiwhakaheke – sacred places; sites, areas and values associated with water bodies that hold spiritual values of importance to Kai Tahu. (Note: Kai Tahu should be consulted regarding the location of these places, sites areas and values for a river identified as MA3).

- MA4 Waahi taoka – treasured resource; values, sites and resources that are valued and reinforce the special relationship Kai Tahu have with Otago’s water resources.
 - MB1 Mahika kai – places where food is procured or produced. Examples in the case of waterborne mahika kai include eels, whitebait, kanakana (lamprey), kokopu (galaxiid species), koura (fresh water crayfish), fresh water mussels, indigenous waterfowl, watercress and raupo.
 - MB2 Kohanga – important nursery/spawning areas for native fisheries and/or breeding grounds for birds.
 - MB3 Trails – sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes).
3. The site is within the Taieri Catchment, which is currently overallocated.
 4. The site is over the East Lower Taieri Aquifer and allocation is currently available.
 5. The Lower Taieri Aquifer has the following values listed in Schedule 3A of the RP Water – Human consumption without treatment – Stock drinking water supply and farm dairy water – Irrigation – Industrial
 6. The site is within a Groundwater Protection Zone
 7. If there is a discharge of water (other than stormwater) or a contaminant, consent would also be required under 12.B.4.1 as a discretionary activity (as the site would be an industrial or trades premises).
 8. Although not entirely clear from the pre-application meeting, a defence against water (due to storm water being directed into channels by bunds) appears to be required. If that is the case, consent would be required under Rule 14.3.2.1 as a discretionary activity.
 9. No water takes are proposed. However, if temporary dewatering of groundwater during construction is required, consent would be needed under Rule 14.1.1.1 for the construction of a bore as a Controlled Activity. This is because the definition of a bore in the RP Water is as follows:

Every device or means, including any well or pit, which is drilled or constructed for the purpose of taking groundwater, or which results in groundwater being taken, other than piezometers or other monitoring devices used for water sampling purposes only.

Groundwater taken for temporary dewatering may be a permitted activity under Rule 12.2.2.2 if the criteria of the rule can be met.

Conditions of Consent

Council has a range of standard conditions that are typically applied to the consents outlined above. A copy of these standard conditions is available upon request.

Policy Team Comments

Our Policy team have provided the below comments:

- For Policy, one of the main issues the Port will need to address is that this land is LUC 1, so highly productive land (HPL). The NPS for HPL has a very clear policy framework

it would have to navigate (exemptions and exemptions) to demonstrate how its proposal could justify a loss of HPL.

- The activity will also need to address meeting the policy framework in the RPS19 (and perhaps the RPS21 if court orders are made soon) of Objective 5.3 (sufficient land is managed and protected for economic production) and policy 5.3.1.
- ORC's Natural Hazards and Science team will address a lot of the other issues the proposal will need to recognise, identify and manage – and navigate the appropriate regional framework in the RPS and plans.

Engineering Team Comments

Our Engineering Team have provided the following comments:

The Engineering Team's key concerns with this application will be -

- Management of stormwater on site - we anticipate that Natural Hazards will be able to provide you with detail as to the level that is acceptable in this area.
- Potential impacts on scheduled drain S3 (including access arrangements, which are presently via Stedman Road).
- Potential changes to scheduled drains associated with proposed alterations roading network (in particular the Main Drain at the intersection of Dukes and Gordon Roads, and the S1 drain at the intersection of Puddle Alley and Dukes Road, but potentially also including changes at the Dukes Road end of the Mill Creek Diversion and M12 drain).
- Approval under the Flood Protection Management Bylaw is expected to be required.

In addition, it would be useful to also understand the impacts of the proposal on traffic flows in Dukes Road, given potential effects on the ORC's Taieri Depot, which is owned by the Otago Regional Council, however this may not be appropriate at this time.

Response to query about Council's access for Silver Stream maintenance:

Our Operations and Maintenance team typically access the Silver Stream from Stedman Road or Puddle Alley, in particular along the northern side of the stream. As such we will likely be relatively conservative with our application of the Bylaw in this area.

Natural Hazards Team Comments

The Natural Hazards Team have provided the following comments:

- The information provided is only preliminary. The conceptual design indicates that there will be adequate stormwater management and no effects on ORC infrastructure part of the East Taieri Drainage Scheme and Lower Taieri Flood Protection Scheme (including on the Gordon Road spillway), however at this time there is insufficient detail to evaluate the system to determine if it will perform as stated. A detailed

review of the final design should be conducted by ORC once complete. The primary factors for consideration are adequate detention/retention of on-site stormwater, water quality, and no net increase in flood elevation or shifting of the flood hazard off-site.

Compliance Team Comments

Our Compliance Team have noted the following points that should be considered for the proposed activities:

During the construction stages:

- Management of dust/sediment
- Stormwater management
- Disturbance of potentially contaminated land

After construction:

- Proximity of structures to rivers
- Stormwater management
- Chemical/oil/fuel spill management
- Management of waste from repair, maintenance and washing of containers

Science Team Comments

Our Science Team have provided the below comments:

- The land is classed as LUC 1 and so is highly productive land (HPL). As such it will be assessed under the NPS-HPL, and the recent changes announced by Government.
- The pre application discusses that there is no other site for this logistics hub, that is unlikely.
 - The site has numerous advantages.
 1. Adjacent to Fonterra logistics hub and industrial site
 2. Flat land
 3. Next to rail siding for Fonterra hub
 4. The right side of Saddle Hill.
 5. Likely cost is lower for site, e.g. flat land, zoned rural.
 - There are however disadvantages.
 1. Next to Silverstream and the flooding network. Still 100 metres plus away from the stream, but drainage network on roadside.
 2. It is on high class soils (Land Use class 1w2)
 3. It is zoned Rural.
 4. In the Taieri groundwater aquifer
- The applicant states that the engineering solution for flooding will largely mitigate the adverse risks of flooding. It is up to Engineering to provide commentary.

- The applicant has also noted that discharges to water will minimise any sediment and contaminant loads to water. Further detail as to what this is would be sought by the ORC to ensure appropriate mitigations are provided for both surface and groundwater.
 - Included in this would be the risk mitigations that would be expected for such a logistics hub to ensure the phenyl and aromatics do not enter the drainage network and thus either to the surface water or groundwater.
- The biggest issue is that it is noting that it is a logical extension of the industrial zone across the road. Unfortunately, it is zoned rural and is on highly productive soils. It also subdivides a large cohesive block of pastoral land.
- The approach for subdividing HPL land is dealt with under clause 3.8 through to 3.10 of the NPS-HPL. It could be argued that the loss of this block would add to the cumulative loss of HPL in the Taieri, and there is a potential loss to the overall capacity of the Taieri land production.
- The risk is also that the ancillary services to the hub(s) will now span out onto further HPL. It is not specified Māori land nor specified infrastructure, nor does it fit any of the tests for appropriate use of HPL under 3.9(2).
- The onus on the applicant(s) and the application is to prove that there is no other place to site such a hub. There are likely such sites but would likely be of greater cost to the applicant one suspects. Industrial zoned land in Mosgiel with railway access are available elsewhere but access and/or availability is unknown to this reviewer.
- In short, it is on highly productive land in a block which would be reduced in its capacity if subdivided. The cost benefit associated with such a regionally significant hub would have to be weighed up against the loss of that land and the risk of further subdivision supporting the activity.

Transport Team Comments

The Transport Team have made the following comments:

- One small comment from the transport side worth noting is that this project aligns with the South Island Regional Transport Committee Chairs Group goal of investing in strategic freight hubs to increase road and rail freight across the South Island. No additional comments otherwise at this stage.

Environmental Implementation Team Comments

- Our Environmental Implementation Team would be looking to understand what Biosecurity measures would be in place to ensure there is no spread of any biosecurity issues from the site.

It is noted that this information has been provided based on a discussion and draft copy of your referral application and therefore there may be other requirements identified once your application is lodged.

The costs related to this service include but are not limited to; administration, research, meeting time, taking minutes, distribution of meeting notes, and question follow ups. 30 minutes of work carried out by the Consents Officer is free of charge. The remaining work is charged at the relevant officer's hourly rate in accordance with the fees and charges schedule which can be found [here](#).

Invoices are sent by our Finance team, with interim invoices being sent at the end of each month when the balance owing is greater than \$1000 (ex GST), and a final invoice being issued when your pre-application code (RM25.034) is closed. Your pre-application code will remain open until you have lodged your Fast-track referral application (at which point the EPA will take over the invoicing process).

Next Steps

If you believe any of this information is not relevant to your proposal, have any queries or require clarification on the information provided please contact me on 0800 474 082 or by emailing me at ^{s 9(2)(a)}

s 9(2)(a)

Dwayne Daly
Principal Consents Planner
11 April 2025