

11 August 2026

Cindy Robinson
Expert Panel Chair

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Tēnā koutou,

Attention: The Chair and Members of the Expert Panel for the Southern Link Inland Port Project

Southern Link Property Limited – Fast-track Consent Application – Otago Regional Council comment on the substantive application for the Southern Link Inland Port Project [FTAA-2604-1207] under section 53(2) of the Fast-track Approvals Act 2024.

Otago Regional Council has reviewed the substantive application for the Southern Link Inland Port Project Fast-track application and provides the following written comments, made in accordance with section 53(2) of the Fast-track Approval Act 2024 (FTAA).

These comments summarise ORC's overall feedback on the proposal. The comments are supported by Appendices 1 – 9.

Nāku iti noa, nā



Joanna Gilroy
General Manager Environmental Delivery

SECTION A: EXECUTIVE SUMMARY

1. In accordance with s53(2) of the Fast-track Approvals Act 2024 (**FTAA**) Otago Regional Council (**ORC**) has been invited to provide comment on the substantive application for the Southern Link Inland Port Project (**the application**) lodged by Southern Link Property Limited (**the Applicant**).
2. This memorandum represents ORC's 'comments' provided under s53(2) of the FTAA. The purpose of this memorandum is to summarise ORC's assessment and overall conclusions on the application to assist the Panel in making a decision on the application under section 81 of the FTAA.
3. As directed by Minute 3¹ of the Expert Panel (**the Panel**) this memorandum also provides details of ORC's flood management plans and associated resource consents that apply to works in the Silver Stream and its margins for flood control purposes.
4. The approvals sought are discretionary activities under the relevant regional plans. The Applicant has not sought approval for any activity that would be prohibited under any regional plan or national environmental standard.
5. Consultation between ORC and the Applicant has occurred since the pre-lodgement phase of the application. In ORC's view, the Applicant has demonstrated a commitment to meaningful and genuine engagement throughout the process. The Applicant has been receptive to feedback provided through an extensive peer review process, which has included written responses to technical matters and meetings between relevant technical experts both prior to and following lodgement of the substantive application. Updated and additional information has been provided throughout this process in response to feedback received, with the aim of addressing outstanding matters and narrowing the remaining issues.
6. The Applicant has also facilitated site visits for technical peer-reviewers engaged by ORC, as well as ongoing meetings between planning and technical experts.
7. ORC considers that the proposal has the potential to give rise to adverse effects on flood hazard, surface water quality, aquatic ecology, groundwater and contaminated land. Independent technical peer reviews undertaken on behalf of ORC conclude that these effects can be appropriately avoided, remedied or mitigated through the proposed design and management measures, subject to amendments to the proposed consent conditions to strengthen the monitoring, adaptive management and management frameworks. While some technical uncertainty remains, particularly in relation to the proposed stormwater monitoring and adaptive management regime, it is considered these matters are considered capable of being satisfactorily addressed through the consent framework.

¹Paragraph [23] of Minute 3, dated 15 July 2026.

8. ORC understands that the FTAA imports most Resource Management Act (**RMA**) provisions relevant to the assessment of resource consent applications, with necessary modifications. Accordingly, and to assist the Panel, ORC has also provided an assessment of the proposal against the relevant objectives and policies of statutory instruments, as well as an assessment against the sections of the RMA that direct decision making. ORC further notes a number of 'other matters' that it considers relevant and reasonably necessary to consider in order to determine this application.

SECTION B: INTRODUCTION

9. This memorandum has been prepared by Consultant Planner Hannah Goslin from Incite on behalf of ORC.
10. This memorandum has been prepared with consideration of:
 - a) The revised substantive application and associated information lodged with the Environmental Protection Agency (**EPA**) on 17 June 2026
 - b) Silver Stream Monitoring data collected since April 2026
11. This memorandum is structured in the following way:
 - a) Section C: Purpose of the FTAA
 - b) Section D: Assessment of Effects
 - c) Section E: Policy Assessment
 - d) Section F: Other Matters
 - e) Section G: Purpose and Principles of the RMA
 - f) Section H: Sections that Direct Decision Making
 - g) Section I: Consent Conditions
 - h) Section J: When An Approval Must or May be Declined
 - i) Section K: Conclusions
12. Informing the assessment of adverse effects contained within Section D of this memorandum are a number of technical peer review assessments. These reviews are attached to this memorandum as follows:
 - a) Appendix 1: Comments on Applicant's proposed conditions submitted to the EPA on 17 June 2026
 - b) Appendix 2: Technical advice relating to Natural Hazards (Stormwater) prepared by Ms Amanda Ling of Morphem Limited
 - c) Appendix 3: Technical advice relating to Earthworks (Erosion and Sediment Control), prepared by Mr Jason Smith of Morphem Limited
 - d) Appendix 4: Technical advice relating to Freshwater Ecology prepared by Ms Emily Lion-Cachet and Mr Raymond Chang of Beca Limited
 - e) Appendix 5: Technical advice relating to Hydrogeology prepared by Mr Mike Thorley of Beca Limited

- f) Appendix 6: Technical advice relating to Contaminated Land prepared by Dr Ben Waterhouse of Beca Limited

13. As directed by Minute 3 of the Panel this memorandum also provides details of ORC's flood management plans and associated resource consents that apply to works in the Silver Stream and its margins for flood control purposes. This information is contained in Section D.4 of this memorandum and is supported by the following appendices:
- a) Appendix 7: ORC Drainage and Flood Protection Scheme Figures
 - b) Appendix 8: Resource Consent RM21.073: Global consent to undertake River Engineering Works
 - c) Appendix 9: Resource consent RM24.615: To alter the bed of the Silver Stream for improving flood capacity

SECTION C: PURPOSE OF THE FTAA

14. The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.² When taking in account the purpose of the FTAA the Panel must consider the extent of the project's regional or national benefits.³
15. To assist the Panel, ORC has considered:
- a) The benefits of the application;
 - b) Whether the benefits are regionally or nationally significant; and
 - c) Whether the purpose of the FTAA is met

SECTION C.1 – BENEFITS

16. The Applicant in their substantive application⁴ considers the proposal will result in a number of benefits. These are summarised below:
- a) The proposal will consolidate container and logistics activities within the Otago region, improving freight efficiency, increasing container and warehousing capacity, and supporting future growth while enhancing the resilience of export supply chains. The proposal is also expected to increase rail freight, reduce heavy vehicle movements and associated emissions, and free up land at Port Chalmers and within Dunedin for alternative uses.
 - b) The proposal will improve the resilience of the region's freight network by reducing reliance on the existing SH88 corridor, which is vulnerable to closures from slips, flooding and other natural hazard events, through greater use of rail transport. It will also provide additional container storage capacity, improving the ability to manage shipping delays and strengthening the reliability of regional supply chains.

² FTAA section 3

³ FTAA section 81(4)

⁴ Section 6.3 of the Substantive Application dated 17 April 2026, revised 17 June 2026

- c) The shift to a rail enabled site is initially estimated to take 15,000 (one-way) heavy vehicle movements off the streets and state highways within the main Dunedin urban area each year, with capacity for this to increase over time.
 - d) Reduced greenhouse gas emissions associated with freight transport, through a reduction in CO₂ emissions as a result of the shift from road to rail transport.
 - e) The operation of the proposal is expected to support long-term economic growth by improving the efficiency and competitiveness of Port Otago, attracting new investment, and strengthening the region's export and import supply chains. It will also support greater use of rail freight, encourage value-added manufacturing and processing, and create opportunities for increased employment and economic activity across Otago and the wider southern region.
 - f) Once operational, the proposal will be considered a significant employer in the Otago Region. Employment opportunities will be spread across three development stages with a net increase of 104 permanent FTEs in the region.
 - g) The proposal is expected to deliver substantial economic benefits spread over three development stages and 10 years of construction, generating an estimated \$191.3 million in gross value added (GDP).
 - h) Construction is considered to support approximately 1,489 cumulative FTE jobs nationally, including 420 FTEs in Otago.
17. ORC has not undertaken a peer review of the economic assessment provided in the substantive application, however agrees that these benefits are likely to result from the proposal. The significance of these effects is considered in Section C.2.

SECTION C.2 – REGIONAL OR NATIONAL SIGNIFICANCE

18. The FTAA does not contain a definition of significant regional or national benefits. However, in relation to a referral application, Section 22(2) lists a number of criteria that the Minister may consider when determining whether a project is an infrastructure or development project that would have significant regional or national benefits. The Minister may consider whether the project:
- (i) *has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:*
 - (ii) *will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:*
 - (iii) *will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):*
 - (iv) *will deliver significant economic benefits:*
 - (v) *will support primary industries, including aquaculture:*
 - (vi) *will support development of natural resources, including minerals and petroleum:*
 - (vii) *will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:*

- (viii) *will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:*
- (ix) *will address significant environmental issues:*
- (x) *is consistent with local or regional planning documents, including spatial strategies.*

19. ORC has considered these matters in forming a view on whether the benefits of the proposal are of regional or national significance.
20. As summarised in the section above, it is considered by the Applicant that the proposal will contribute to increased GDP and employment benefits for the Otago Region. Alongside this, the proposal provides significant benefits with respect to the efficiency and resilience of the Applicant's ongoing and future operations. In particular it is noted by the Applicant that the efficient operation of nationally significant infrastructure (such as Port Chalmers) has wider economic benefits, including for New Zealand's reputation as a trade partner.⁵
21. ORC has not undertaken a peer review of the economic assessment provided with the substantive application. However, taking the information provided at face value, ORC agrees with the Applicant that the benefits identified are of regional significance and may be material in a national context.⁶

SECTION C.3 – IS THE PURPOSE OF THE FTAA MET?

22. The Applicant considers the proposal will result in a range of benefits as summarised in the section above. These are considered by the Applicant to be of regional significance and may be material in a national context.
23. Overall, ORC considers that the proposal, when assessed as a whole, is likely to provide significant regional and national benefits for the purposes of the FTAA. However, ORC notes that its involvement is limited to approvals outlined in Section D.3 within its functions.⁷ While these approvals are necessary to facilitate the proposal overall, the regional and national benefits identified above arise primarily from the ongoing use of the site as an inland port facility itself, rather than from the approvals required from ORC in isolation.

SECTION D: ASSESSMENT OF EFFECTS

D.1 STRUCTURE OF THIS SECTION

24. In this Section, ORC considers how the Applicant proposes to manage activities to avoid, remedy, or mitigate adverse effects.

⁵ Part B.09B – Economic Assessment of the Substantive Application, Page 2.

⁶ Part B.09B – Economic Assessment of the Substantive Application, Page 2.

⁷ As set out in Section 30(1) of the RMA

25. ORC has limited its assessment to the actual and potential adverse effects of activities that would otherwise require regional resource consents under the RMA. Where this assessment relies on the advice of technical experts as set out in the memoranda attached as Appendix 2 to 6, this is explicitly stated.

D.2 LIMITATIONS OF ASSESSMENT

D.2.1 Matters not Assessed by ORC

26. ORC has not assessed the following subject matters, on the basis that these matters are not directly related to an approval that would otherwise be sought from ORC, or because these matters are more appropriately assessed by others:
- a) Effects arising from the loss of Highly Productive Land;
 - b) Terrestrial Ecology Effects;
 - c) Landscape, Natural Character and Visual Amenity Effects;
 - d) Geotechnical Effects;
 - e) Non-Potable and Potable Water Effects;
 - f) Wastewater Effects;
 - g) Transportation and Roding Effects;
 - h) Noise and Vibration Effects;
 - i) Lighting Effects;
 - j) Effects on Risk to Aviation Safety; and
 - k) Effects on Archaeology; and
 - l) Effects on Cultural Values, Practices and Beliefs.

D.2.2 Effects on Cultural Values, Practices, and Beliefs

27. ORC has not undertaken an assessment of the potential adverse effects that the proposal may have on cultural values, practices, and beliefs. This is not to diminish the importance of these effects, but to recognise that it is for mana whenua to determine how a proposal impacts on cultural values.
28. The application states that ongoing engagement has occurred and Kā Rūnanga had drafted an iwi-led Treaty Impact Assessment (TIA).⁸ A TIA⁹ prepared on behalf of Te Rūnanga o Ōtākou was filed with the Panel Convenor on 19 June 2026.
29. ORC understands that the following groups have been invited to provide comments on this application:
- a) Relevant iwi authorities, namely Te Rūnanga o Ngāi Tahu (TRONT), in accordance with section 53(2)(b);

⁸ Section 1.6 of the substantive application.

⁹ Dated June 2026

- b) Relevant Treaty settlement entities, namely Kā Rūnaka, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, in accordance with section 53(2)(c).

30. ORC considers that these are the appropriate persons to speak to the actual or potential effects of the proposal on Kāi Tahu cultural values, practices, and beliefs, and that their views will be an important consideration for the Panel.

SECTION D.3 – APPROVALS SOUGHT

31. The Applicant seeks approvals under the FTAA for activities that would otherwise require resource consent from ORC under the RMA. Approvals are required under two operative regional plans in Otago:

- a) Regional Plan: Water for Otago (RPW); and
- b) Regional Plan: Waste for Otago (RPWaste).

32. The approvals sought by the Applicant are listed in Table 1.

Table 1: ORC Approvals sought

RMA section	Activity requiring consent	Relevant regional plan	Relevant rule	Activity status
Section 9 RMA – Landuse consent	To disturb contaminated land	RPWaste	Rule 5.6.1	Discretionary
Section 9 RMA – Landuse consent	To use land to erect defences against water (stormwater swales, check dams, spillways as part of the onsite stormwater system), other than on the bed of any lake or river	RPW	Rule 14.3.2.1	Discretionary
Section 13 RMA – Use of river and lake beds	Placement of any structure fixed in, on, under or over the bed of any lake or river	RPA	Rule 13.2.3.1	Discretionary
Section 13 RMA – Use of river and lake beds	Alteration of the bed of any lake or river	RPW	Rule 13.5.3.1	Discretionary
Section 14 RMA –	To dam and divert stormwater associated with the onsite stormwater system	RPW	Rule 12.3.4.1	Discretionary

Water permit				
Section 15 RMA – Discharge permit	To discharge contaminants from the disturbance of contaminated land	RPWaste	Rule 5.6.1	Discretionary
Section 15 RMA – Discharge permit	Discharge of stormwater from construction works to land where it may enter water	RPW	Rule 12.B.3.1	Restricted Discretionary
Section 15 RMA – Discharge permit	Discharge operational phase stormwater to land where it may enter water	RPW	Rule 12.B.3.1	Restricted Discretionary
Section 15 RMA – Discharge Permit	Discharge of water (excluding stormwater) or any contaminant from an industrial or trade premises to water or land	RPW	Rule 12.B.4.1	Discretionary

33. ORC agrees the Applicant has correctly applied for all necessary approvals for the proposal under the operative regional plans.
34. In addition to the approvals sought above, the Applicant has also provided an assessment of the relevant provisions in the Regional Plan: Air for Otago and the Resource Management (National Environmental Standards for Freshwater Management) Regulations 2020, concluding that no further approvals are required under these documents. On the basis of the information provided at this time, ORC agrees with the assessments undertaken by the Applicant and conclusion that no further approvals are required.
35. The most restrictive activity status under the RPW and RPWaste is discretionary. Adopting the ‘bundling’ principle the overall activity status concluded by the Applicant is non-complying. This is due to the activity status achieved under the Dunedin City Second Generation District Plan. ORC agrees with the overall bundling approach adopted by the Applicant.
36. The Applicant has lodged a resource consent application for activities within the KiwiRail corridor (the western extent of the site) under the RMA. It is intended that application proceeds through the statutory process concurrently with the substantive application lodged under the FTAA. At the time of drafting this memorandum, the RMA application is on hold and further information has been requested.¹⁰

¹⁰ In accordance with Section 92(1) of the RMA.

37. The Applicant has also lodged an application for an approval under ORC's Flood Protection Management Bylaw to install and use pipes to convey wastewater and potable water beneath Scheduled Drain S3 which runs parallel to the western site boundary. At the time of drafting this memorandum the bylaw approval is in process.

SECTION D.4 – KEY CHARACTERISTICS OF THE RECEIVING ENVIRONMENT RELEVANT TO THE APPROVALS SOUGHT

38. The Applicant provides a comprehensive overview of the existing environment in the substantive application. ORC generally agrees with the description of the receiving environment relevant to the approvals sought and considers it to be sufficient to understand the site context and potential effects.

Flood management works and associated resource consents held by ORC

39. This section responds to the Panel's request¹¹ for detail on ORC's flood management plans and associated resource consents to undertake works in the Silver Stream and its margins.
40. ORC owns and manages three flood protection and drainage schemes in the Taieri catchment, being:
- a) The West Taieri Drainage Scheme, which facilitates the effective and reliable drainage of land in the West Taieri, being west (downstream) of the proposed inland port, on the other side (true right bank) of the Taieri River.
 - b) The East Taieri Drainage Scheme, which facilitates the effective and reliable drainage of the land in East Taieri. It is physically divided into two areas by the Silver Stream, which flows across the Taieri Plain in a south-westerly direction.
 - c) The Lower Taieri Flood Protection Scheme, which mitigates the risk of flooding to the Taieri Plains, including Mosgiel, and critical infrastructure such as state highway and railway networks, the Dunedin airport, and power and three waters utility infrastructure. Two ponding areas managed through the scheme are located west of the Applicant's site, but east of the Taieri River.
41. The Applicant's site is located within the extent of the East Taieri Drainage Scheme, and upstream of the Lower Taieri Flood Protection Scheme. A summary of the key infrastructure assets for these two schemes provided below:¹²

¹¹ Paragraph [23] of Minute 3, dated 15 July 2026.

¹² As per Table 3 of the Infrastructure Strategy in the Otago Regional Council Long Term Plan 2024-2034, available at <https://www.orc.govt.nz/media/rttlfnpng/ltp-24-34-12-may-2025-rdc-long-term-plan.pdf>

Table 2: ORC's key infrastructure assets

	Catchment area	Area protected	Flood banks	Open drains	Pump stations	Culverts	Bridges
East Taieri	17,000 ha	4,800 ha	-	128 km	3	84	1
Lower Taieri	565,000 ha	13,000 ha	107 km	-	-	-	-

42. The extent of the East Taieri Drainage Scheme is shown in Figure 1 of Appendix 7, with the proposed Inland Port site marked.
43. The expansive development occurring within the East Taieri Drainage Scheme area, if not managed appropriately, could increase the overall flood risk of the area, as flood prone land becomes more intensely populated and developed. The major overland flow paths and flood hazard areas on the Taieri Plains are shown on Figure 2 of Appendix 7.

Flood Protection Management Bylaw 2022

44. The Flood Protection Management Bylaw came into effect on 1 September 2022, replacing an earlier version. It protects the effective operation and integrity of flood protection works¹³ and schemes managed by the Council and regulates activities that may affect assets owned and managed by Council for flood protection and management purposes.

Operation of Silver Stream within the drainage and flood protection schemes

45. For Silver Stream specifically, there are no ORC managed flood banks in the vicinity of the proposed Inland Port site. Flood banks (managed as part of the Lower Taieri Flood Protection Scheme) start on the true left of the Stream near Solway Place (approximately 1000 metres downstream of the proposed Inland Port site), and on the true right from Reid Avenue (approximately 2100 metres downstream of the proposed Inland Port), and continue until the confluence of Silver Stream with the Taieri River. The flood banks are shown on Figure 2 of Appendix 7.
46. As per Figure 3 of Appendix 7, downstream of the proposed Inland Port site is the Gordon Road Spillway and Floodway. The spillway is an area where the true right bank of Silver Stream is lower than the true left bank, meaning that during period of high flows, Silver Stream overtops the true right bank with water flowing across the Gordon Road Floodway overland towards the cut-off bank and the East Taieri Upper Pond. There are culverts through the cut off bank to the Upper Pond to drain the flows, with flap gates in these culverts closing if there is sufficient water in the Upper Pond, such that water from the Gordon Road Spillway cannot drain to the west and result in further flooding near the cut-off bank.

¹³ Defined in the Bylaw as including “scheduled drains, overland flow paths, defences against water, floodways, groynes, cross-banks, training lines and flood protection vegetation.”

ORC management of Silver Stream

47. Silver Stream has a history of management for flood conveyance, with major works carried out from the 1870's to the 1990's, including realignment and subsequent armouring of the channel, and the creation of flood detention areas north and south of the river.
48. Routine maintenance carried out by ORC in Silver Stream includes:
- a) Repairs to banks and structures on an as needed basis, identified as a result of visual inspections; and
 - b) Rabbit control, pest plant control, mowing, vegetation maintenance, and asset maintenance (ie: structures and pump station), all of which are part of an annual programme.
49. Routine maintenance carried out by ORC can generally be undertaken as a permitted activity under the RPW. ORC also holds a Global Consent¹⁴ which authorises a number of works associated with the business-as-usual operations of ORC's Engineering team. These consents expire on 26 June 2030, and the conditions of these consents are attached as Appendix 8. Works not covered by the Global Consent are either typically permitted under the RPW or have been intentionally excluded, with specific consents required for these works. The works authorised under RM24.073 include:
- a) Mechanical removal and maintenance of watercourse vegetation;
 - b) Channel clearance (excluding in scheduled drains);
 - c) Channel reshaping;
 - d) Re-distributing alluvium;
 - e) Gravel extraction;
 - f) Bank reshaping (including reinstatement of damaged banks); and
 - g) Minor in bed diversions and temporary structures associated with carrying out the works above.
50. The primary management tool for works carried out under the Global Consent is an Environmental Management Plan (EMP), with a number of the key limits also captured in the conditions of consent. The EMP describes where and how works shall be managed, including:
- a) objectives of the works undertaken;
 - b) how works are scoped and planned;
 - c) ongoing engagement with stakeholders;
 - d) good practices to implemented for works;
 - e) restrictions and exclusions to be followed; and
 - f) how works are to be monitored.
51. During flood events in April 2006 and July 2007, water spilled from Silver Stream and flowed overland in a westerly direction on the north side of Silver Stream, at the Gordon Road spillway (where the true right flood bank is lower than the true left). The water backed up behind the

¹⁴ RM24.073 attached as Appendix 8

Lower Taieri Flood Protection Scheme cut-off bank, causing extensive flooding in in the Gordon Road Floodway.

52. Following these events, a number of mitigation options were developed,¹⁵ and then reconsidered.¹⁶ The recommended mitigation option was a combination of widening the Silver Stream channel berm and shifting the spillway downstream. Following ORC decisions, these options did not progress. However, in response to significant community interest in 2023/24, a decision was made to undertake significant maintenance activities to remove accumulated alluvium from the sides of the Stream as shown in Figure 4 of Appendix 7 and authorised by Resource Consent RM24.615 attached as Appendix 9. This is authorised to occur over a 6 kilometre reach of Silver Stream downstream of Riccarton Road West (west of the proposed Inland Port site), this alluvium removal is expected to result in increasing flow carrying capacity, with the activation of spillways delayed from their current 116 m³/s to approximately 140 m³/s. The alluvium works are currently underway and are expected to be completed in in Summer 2026/27.¹⁷

SECTION D.5 – EFFECTS ASSESSMENT

53. In accordance with Schedule 5 (Clauses 5(4), 6 and 7) of the FTAA, the application includes an assessment of the actual and potential effects on the environment associated with the approvals sought.
54. The Applicant has commissioned a comprehensive suite of technical assessments to evaluate the actual and potential effects of the project. Where relevant, ORC has obtained peer reviews of these technical assessments and proposed conditions to inform its comments under Section 53 of the FTAA.
55. Where ORC agrees with the Applicant's assessment of effects, this is acknowledged and is not repeated in these comments.
56. ORC considers the actual and potential environmental effects associated with the proposal relate to the following matters:
- a) Effects on stormwater management and existing flood hazards;
 - b) Effects on the surface water quality and aquatic ecology of the Silver Stream:
 - i. Arising from construction of the proposal;
 - ii. Arising from works to construct two stormwater spillways;
 - iii. Arising from operational phase stormwater and industrial and trade waste discharges;
 - c) Effects on groundwater quality and quantity; and

¹⁵ URS New Zealand (2008), Lower Taieri Floodplain Flooding Risk Assessment – Report prepared for Otago Regional Council

¹⁶ OPUS International Consultants Limited (2010), Investigation of Silver Stream Flood Mitigation Options

¹⁷ The alluvium removal has been authorised under consent RM24.615.01, which expires on 5 December 2029.

d) Effects arising from the disturbance of contaminated land.

57. The Applicant has determined the overall activity status to be non-complying. This means that there are no restrictions on the effects that can be considered by the decision maker.

D.5.1 – Effects on stormwater management and existing flood hazard

58. As described above, the site is subject to flood hazard. The proposed buildings and associated impervious surfaces will alter existing overland flow paths, displace floodwaters, and reduce the site's flood conveyance capacity. If not appropriately managed, these changes could result in adverse flooding effects on upstream and downstream properties.

59. To avoid adverse off-site flooding effects, the Applicant proposes a stormwater management system designed to manage stormwater runoff during significant rainfall events, including events up to the 1% AEP storm event.

60. The proposed stormwater management system incorporates several aspects to manage overland flows and mitigate flood risk. These include:

- a) Stormwater swales along the northern, eastern and western boundaries of the site to intercept external overland flows and divert them around the perimeter of the site;
- b) Check dams within the swales (where required) to provide additional flow attenuation;
- c) One stormwater attenuation pond, which provides approximately 25,000 cubic metres of storage and is designed to attenuate post-development flows from the site to pre-development levels for the 10% AEP event for both historical and future climate change scenarios;
- d) Two lined spillways with scour protection at the outlets of the eastern and western swales where they discharge to the Silver Stream; and
- e) Flood relief flaps beneath the northern noise wall to enable controlled shallow overtopping of the northern swale during extreme rainfall events (2% AEP and larger).

61. Stormwater swales, check dams, spillways and the attenuation pond are all considered 'defences against water'¹⁸ under the RPW.

62. A peer-review on behalf of ORC was undertaken by Ms Amanda Ling of Morphem Environmental. Ms Ling's advice is that:

- a) The assessment provided with the application has been supported by hydrological and hydraulic modelling appropriate for the scale of catchment and site of the development to reflect the post development;

¹⁸ Defined as: *Any dam, weir, bank, carriageway, groyne, or reservoir, and any structure or appliance of any kind which has or may have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence, in or out of a water body, of water including flood waters, which is specifically established for the purpose of flood hazard mitigation.*

- b) Detailed design will need to demonstrate the performance of the pond outlet and pond attenuation function will not be impacted by the maximum water surface elevation of Silver Stream;
 - c) Detailed design of the spillway alignment will need to consider the degree of discharge to the stream to minimise erosive turbulence; and
 - d) Further refinement of the flood model through detailed design is anticipated considering the final building and operational layouts. Updated 1% AEP climate change flood level afflux maps are proposed to be provided to demonstrate refinements to the flood model do not increase flood elevation levels in upstream and downstream properties.
63. In response to Ms Ling's final point above, the Applicant has advised in earlier correspondence that further inspection of the flood model indicated that the previously identified issues were due to deficiencies in the model mesh rather than the proposed design. We understand that interim improvements to the model have largely resolved the issue that was identified and expect that updated flood modelling may be available to confirm this is the case.
64. Overall Ms Ling's advice is that the proposed stormwater management system demonstrates that the effects of the proposal can be effectively managed as proposed in the substantive application or otherwise addressed through proposed conditions of consent. Based on this, ORC considers that the stormwater management proposal will not exacerbate flood hazards experienced offsite.
65. Ms Ling has recommended three further updates to the proposed conditions provided by the Applicant. These are summarised as:
- a) An explicit requirement that detailed design plans and drawings of the stormwater management system are to be prepared by a Suitably Qualified and Experienced Person;
 - b) Ensuring all aspects of the stormwater management system (including outfalls and associated erosion/scour protection devices) are subject to detailed design; and
 - c) Requiring building finished floor levels to be provided with appropriate freeboard above the 1% AEP flood level in accordance with Dunedin City Council's 2021 Update to Methodology for Determining Minimum Floor Levels.
66. In discussions with Ms Ling, it has been advised that a 'Suitably Qualified and Experienced Person' would be a person who is a Chartered Professional Engineer (CPEng). This, alongside other suggestions made to conditions by Ms Ling have been set out in Appendix 1 to the memorandum.
67. Subject to the inclusion of additional conditions as recommended by Ms Ling, ORC considers that the conditions proposed by the Applicant are appropriate.

D.5.2 - Effects on the surface water quality and aquatic ecology of the Silver Stream

68. The Silver Stream is a gravel bed waterbody with recognised natural and human-use values in the RPW. ORC undertakes monthly water quality monitoring at two sites along Silver Stream,

measuring nutrients, *Escherichia coli* (*E. coli*) and turbidity.¹⁹ Based on monitoring results for the five-year period from July 2020 to June 2025, water quality was graded as ‘excellent’ at Silver Stream at Three Mile Hill Road (upstream of the site) and ‘fair’ at Silver Stream at Taieri Depot²⁰ (downstream of the site).

69. The substantive application notes that the Silver Stream in the reach adjacent to the site has high ecological values overall, largely due to the presence of two threatened fish species (Lamprey and Taieri flathead galaxias) and three at risk fish species (Longfin eel, īnanga and Giant kokopu).
70. The construction and operation of the proposed development have the potential to adversely affect the surface water quality and aquatic ecology of the Silver Stream due to sediment discharges, changes to stormwater runoff, and contaminant inputs.
71. This section assesses the information provided by the Applicant in relation to the potential effects of construction and operational discharges on the surface water quality and aquatic ecology of Silver Stream.

Effects arising from construction of the proposal

72. During the construction phase, potential adverse effects on Silver Stream could arise from sediment-laden runoff generated by earthworks, construction activities undertaken in close proximity to the stream (including the establishment of spillways), and accidental spills of fuels, oils or other contaminants. Unmanaged sediment mobilisation is identified by the Applicant as the key risk during construction. This has the potential to reduce water clarity, increase deposition and infill gravels which could affect fish spawning and egg survival.

Erosion and sediment Control

73. The Applicant proposes to undertake all construction phase works at the site in accordance with a site-specific Erosion and Sediment Control Plan (ESCP). A draft ESCP was provided that outlines how earthworks at the site will be undertaken to minimise the potential for erosion to occur and to manage any sediment-laden flows that result. Prior to works commencing at the site the Applicant proposes to prepare and submit a final ESCP to ORC for certification.
74. In terms of works within the banks of Silver Stream to form spillways, the Applicant notes the following specific measures in the substantive application²¹:
 - a) Works will be avoided if possible, between 1 May and 30 November. Where works are required during that period, the Applicant proposes to engage a Suitably Qualified and

¹⁹ Silver Stream at Three Mile Hill Road and Silver Stream at Taieri Depot

²⁰ Due to exceedances of the RPW Schedule 15 limit/target for *E. coli* and Nitrite-nitrate nitrogen (NNN)

²¹ Section 8.14.2 of the Draft Construction Management Plan provided as Part D.01 of the substantive application

Experienced Practitioner to undertake fish salvage in accordance with National Work in Water Guidelines 2021 prior to any works commencing²²;

- b) No construction plan is permitted in the bed of the Silver Stream;
- c) No refuelling to be undertaken within 30 metres of the Silver Stream top bank;
- d) Daily prestart checks of the plan are to be completed and recorded with a focus on identifying leaks of oil, fuel or hydraulic fluids;
- e) All machinery must be cleaned before entering the site from other catchments or work sites to prevent the spread of pest organisms;
- f) Spill kits must be kept on site with all operatives trained in their use; and
- g) All rubbish, temporary structures and debris to be removed.

75. In addition to the matters listed above, mitigation is also to be undertaken in accordance with the Ecological Impact Assessment²³ provided with the substantive application.

76. A peer-review on behalf of ORC was undertaken by Mr Jason Smith of Morphem Environmental. Mr Smith's advice is that:

- a) From an earthworks perspective, the application material is considered largely complete. There is sufficient information to understand the site context, proposed works, potential effects (as they relate to earthworks) and the measures proposed to address the potential effects.
- b) The draft ESCP provides a sufficient level of detail to understand how the earthworks would be managed in accordance with relevant industry best practice guidance.²⁴
- c) Within the draft ESCP there are some minor inconsistencies and departures from recommendations made in GD05. These are considered resolvable by the ESCP certification process in the proposed conditions.
- d) Water quality parameters should include a parameter for deposited fine sediment which is recommended to be monitored in the Freshwater Impact Assessment submitted with the application.
- e) While chemical treatment is not anticipated to be used, it is considered industry best practice. In the absence of justification for why it would not be effective, it is recommended that conditions be included requiring the preparation and submission of a Chemical Treatment Plan.

77. Overall, Mr Smith considers the potential effects, as they relate to earthworks can be appropriately managed, largely as proposed in the application material or otherwise addressed through conditions of consent.

²² Substantive application documents refer to the period 1 May to 31 November. Reference to 31 November is considered an error.

²³ Prepared by e3 Scientific, dated April 2026.

²⁴ In this case the Auckland Council Guideline Document 2016/005: *Erosion and Sediment Control Guidelines for Land disturbing activities in the Auckland region (GD05)*.

78. The Applicant has proposed a construction phase monitoring regime to validate the appropriate management of effects on the site. The construction phase monitoring programme and operational phase monitoring programme are discussed in the below sub-section.

Effects arising from operational phase stormwater and industrial and trade waste discharges

79. The Applicant considers the primary concern in relation to operational phase stormwater discharges is the potential for altered water quality and hydrology due to contaminant and nutrient inputs, sediment effects and thermal/oxygen stress.

80. Stormwater runoff generated within the site is proposed to be captured by the onsite stormwater network and directed through treatment devices prior to being discharged to the stormwater attenuation basin and ultimately the Silver Stream. Specific details relating to the types of stormwater treatment devices are proposed to be confirmed during the detailed design stage but are expected to include gross pollutant traps or universal traps, oil separators and filter scrubbers as necessary. A fuel-oil separator is proposed to be installed near the refuelling area. All stormwater treatment devices are proposed to be subject to periodic maintenance to ensure their operation remains effective.

81. External overland flows captured by perimeter swales at the site during larger storm events are also proposed to be discharged to the Silver Stream.

82. An unroofed container washbay area is proposed at the site. The Applicant expects contaminants contained within runoff from the container washbay area to include oil and grease, suspended solids, heavy metals, microplastics, paint flakes and other gross pollutants. Under standard operation, runoff from the container wash bay area is proposed to be discharged as tradewaste via DCC's reticulated wastewater network. In larger storm events, defined as rainfall events greater than a 10% AEP storm event, overland flow from the container washbay area in excess of the first flush²⁵ will be directed to the onsite stormwater network and discharged to the stormwater attenuation basin and the Silver Stream. The Application states that flows that enter the stormwater network at the site will bypass pretreatment devices, therefore there is the possibility that additional contaminants may be captured in the stormwater attenuation basin. The Applicant considers it is unlikely that operators will continue to use the container washbay area in storm events where it is discharging to the onsite stormwater network.

83. To monitor the effects of discharges on the Silver Stream, the Applicant has proposed to adopt an adaptive management regime which is set out in their proposed consent conditions. ORC understand this regime includes the collection of baseline water quality data determine site-specific trigger values, which then prompts a response or other management action should that

²⁵ Comprising runoff from the first 20 to 30 minutes of rainfall from a 1% AEP storm event that is proposed to be captured, treated and attenuated in storage tanks prior to discharge to the reticulated wastewater network

site specific trigger and corresponding ecological guideline value be exceeded when undertaking ongoing monitoring. ORC understands that baseline water quality sampling commenced in April 2026 and that there has been one storm flow sampling event.

84. To determine site-specific response triggers, the Applicant proposes to adopt a baseline modification factor for water quality parameters of 10% and 20% for MCI. Where site-specific triggers and corresponding ecological guideline values are breached, a response procedure is set out in the Applicant's proposed consent conditions.
85. Based on the management actions and monitoring being undertaken, the Freshwater Ecological Impact Assessment concludes that the impacts associated with the discharge of stormwater on the freshwater ecology of Silver Stream to be low or less than minor.
86. A peer review of the Freshwater Ecological Impact Assessment and proposed Stormwater Monitoring Plan was undertaken on behalf of the ORC by Mr Chang and Ms Lion-Cachet. A technical memorandum containing their advice is provided in Appendix 4. Mr Chang and Ms Lion-Cachet's advice is that:
- a) The Freshwater Ecological Impact Assessment provides a generally appropriate description of the site and the Silver Stream receiving environment.
 - b) There is insufficient evidence to support the conclusions made in the Freshwater Ecological Impact Assessment that impacts of stormwater discharges on Silver Stream will be low. While the Freshwater Ecological Impact Assessment identifies the key impact pathways, there remains uncertainty linking the identified impacts to their potential ecological consequences.
 - c) The adaptive management framework proposed by the Applicant is not sufficiently developed to manage the resulting uncertainty as set out above. It is considered the Stormwater Monitoring Programme needs to be revised to address the following matters in particular:
 - i. There is not yet sufficient information to characterise baseline variability or evaluate whether the proposed site-specific trigger values and management responses are appropriate. This creates uncertainty regarding the effectiveness of the proposed adaptive management framework and its ability to detect and respond to adverse effects;
 - ii. The proposed sampling methodology is the use of grab samples. This approach to sampling is not considered suitable for quantifying the actual effects of an intermittent stormwater discharge. Instead, a methodology capable of providing a representative event concentration (EMC) should be adopted.
 - iii. The adoption of a baseline modification factor for determining site-specific triggers for water quality parameters is considered generally appropriate, however the basis for deriving the modification factor has not yet been established due to the limited dataset that is currently available. The appropriateness of the proposed 10% modification factor should be reviewed once a sufficient baseline dataset has been collected. The review should consider the variability of individual analytes and apply an appropriate statistical approach to make sure that trigger values represent a

detectable and meaningful change from baseline conditions, rather than normal environmental variation.

- iv. The framework currently defines an exceedance requiring a management response as the concurrent exceedance of both a site-specific trigger and the relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG) value (95th or 99th percentile, depending on the parameter). However, as baseline concentrations for several parameters in Silver Stream are well below the applicable ANZG guideline values, a substantial increase in concentrations attributable to the discharge could occur without triggering a management response if the ANZG value is not also exceeded. It is therefore considered that the site-specific trigger should operate independently as an early warning and investigation trigger, with the ANZG guideline retained as a separate absolute upper limit, rather than the two thresholds operating as a combined test.
- v. Deposited fine sediment is identified in the Freshwater Ecological Impact Assessment as a contaminant of particular concern. However, baseline sediment cover surveys have not been undertaken as part of the baseline aquatic ecology investigations, meaning that baseline sediment conditions have not yet been established. This information is considered by Mr Chang and Ms Lion-Cachet as being necessary to implement the sediment assessment and response framework outlined in the Stormwater Monitoring Programme.
- vi. Based on the MCI information provided in the Freshwater Ecological Impact Assessment, it is considered that the proposed 20% MCI trigger would enable a decline in ecological values from Attribute Band C to D which is below the national bottom line²⁶. It is recommended that a trigger value should detect ecological degradation before adverse effects which could result in decline below the national bottom line occurs. Such a trigger should be derived and set once adequate baseline data are available and agreed/certified as being the appropriate threshold by ORC.
- vii. Where there is an exceedance of a trigger or a threshold, a response should be provided to ORC that sets out a pathway to maintain or improve ecological values within 90 days of monitoring results. In the event that annual aquatic ecology monitoring identifies a persistent decline in ecological values that could be attributed to the Applicant's discharge, then consideration should be given to implementing further discharge related controls.
- viii. The framework should include a defined immediate notification pathway for exceedances, sitting outside of the routine tiered process, together with a stepped increase in monitoring frequency following any trigger activation.

87. To assist with further developing and strengthening the proposed adaptive management framework to address the identified gaps, Mr Chang and Ms Lion-Cachet have set out a number of recommended actions. These actions are also set out in commentary alongside the relevant conditions in Appendix 1.

²⁶ As defined by the National Policy Statement for Freshwater Management 2020, amended December 2025.

88. Overall, ORC considers that there is uncertainty associated with the potential effects on the surface water quality and aquatic ecology of the Silver Stream. ORC considers that the remaining concerns are technical in nature and are capable of being addressed by way of strengthening the proposed adaptive management framework and associated Stormwater Monitoring Programme in line with the recommendations made by Mr Chang and Ms Lion-Cachet. Subject to further amendments in accordance with the advice of ORC's technical reviewers, ORC considers the adverse effects of the proposal on surface water quality and aquatic ecosystems can be appropriately managed.

D.5.3 - Effects on groundwater quality and quantity

89. The proposal has the potential to impact the quality and quantity of groundwater resources at the site, both through construction and operational phases. Potential effects may arise from earthworks and excavation, changes to groundwater recharge resulting from increased impervious surfaces and the risk of groundwater contamination from stormwater runoff or accidental spills.

90. The Applicant provided a Groundwater Assessment with their substantive application concluding that the proposal will have a negligible impact on groundwater levels and flow patterns at the site and no impact on groundwater quality. Conditions proposed by the Applicant require the adoption of a groundwater level monitoring regime intended to facilitate a greater understanding of the seasonable variation of the groundwater table at the site.

91. A peer-review on behalf of ORC was undertaken by Mr Mike Thorley of Beca. Mr Thorley's advice is that:

- a) The Groundwater Assessment provides a reasonable conceptual basis for site hydrology.
- b) Remaining concerns relate to verification rather than fundamental disagreement with the information provided. In particular it is considered that given the scale of the proposal, conditions should provide a clearer link between groundwater level monitoring proposed, detailed design, infiltration performance, contaminated land remediation outcomes, trade waste discharge to land and early operational review.

92. Mr Thorley has recommended additional wording for consent conditions that is reflective of his advice. This wording and commentary are set out in Appendix 1 to this memorandum.

93. Subject to the inclusion of proportionate groundwater verification and review conditions, ORC considers residual hydrogeological matters can be appropriately managed through the consent framework.

D.5.4 – Effects arising from the disturbance of contaminated land

94. The site has been subject to previous activities with the potential to have contaminated on-site soils. These activities are primarily associated with the site's former agricultural use and include a sheep dip, a burn pit, a woolshed/workshop, and buildings containing, or potentially

containing, asbestos-containing materials. If disturbed, contaminants within soils could become mobilised and entrained in stormwater runoff from the site.

95. Soil investigations were undertaken within areas identified as having the potential to be contaminated. The investigations identified a range of contaminants at concentrations exceeding applicable human health and/or environmental guideline values. A Detailed Site Investigation (DSI), Remedial Action Plan (RAP) and Contaminated Site Management Plan (CSMP) are provided with the substantive application. All works are proposed to be undertaken in accordance with the CSMP and RAP to manage risk to human health, prevent contaminant migration to offsite ecological receptors during development and avoid cross-contamination of clean soils. On that basis, the Applicant considers the effects arising from the disturbance of contaminated soils will be avoided.
96. A peer review on behalf of ORC was undertaken by Dr Ben Waterhouse of Beca Limited. Dr Waterhouse had previously assisted with providing preapplication advice on the proposal and has since made the following comments following review of the most recent version of the Applicant's proposed consent conditions:
- a) Conditions relevant to contaminated land management have generally moved in the right direction and now provide a stronger framework for managing contaminated land than previous drafts.
 - b) The principal recommendation of the contaminated land review was that a more comprehensive Sampling and Analysis Plan (SAP) be prepared to demonstrate how identified data gaps would be addressed and to provide a framework for subsequent remediation and management planning. While the proposed conditions now require preparation and certification of a Contaminated Site Management Plan (CSMP) and Remedial Action Plan (RAP), there remains no specific requirement for a SAP and the conditions continue to focus primarily on delineation sampling rather than broader investigation gap filling. Due to the scale and complexity of the site, a more robust process for additional land management and remediation planning is warranted to ensure that works are undertaken in a structured and reviewable manner.
 - c) In terms of asbestos contamination, additional soil investigation should be completed to ensure that asbestos in soil is sufficiently investigated.
97. Dr Waterhouse considers that contaminated land risks associated with the site can be appropriately managed through consent conditions. He has also provided some commentary alongside specific consent conditions proposed by the Applicant. This commentary is set out in Appendix 1 to this memorandum.
98. Subject to the inclusion of consent conditions as recommended in the review of Dr Waterhouse, ORC considers residual contaminated land matters can be appropriately managed through the consent framework.

SECTION E: POLICY ASSESSMENT

99. In accordance with FTAA Schedule 5 Clause 17(b), the Panel must take into account any relevant provisions of the statutory instruments listed in RMA s104(b).
100. ORC considers that the following statutory instruments are of relevance to this Application (and to regional council functions):
- a) National Policy Statement for Freshwater Management 2020 (**NPS-FM**)
 - b) National Policy Statement for Natural Hazards 2025 (**NPS-NH**)
 - c) National Policy Statement for Infrastructure 2025 (**NPS-I**)
 - d) The Otago Regional Policy Statement 2021 (**ORPS 2021**)
 - e) The Regional Plan: Water for Otago (**RPW**)
 - f) Regional Plan: Waste for Otago (**RPWaste**)
 - g) Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (**NRMP**)
101. The Applicant has provided an assessment of the proposal against the relevant RMA planning documents in the substantive application.
102. ORC agrees that the Applicant has identified all of the statutory documents relevant to this application that were relevant at the time the application was lodged. The ORPS 2021 become operative on 9 July 2026. On that date the ORPS 2019 ceased to be operative and is therefore not assessed in these comments.

SECTION E.1 – NPS-FM

103. The NPS-FM provides a framework for considering an application for an activity which may adversely affect freshwater. The NPS-FM applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments.
104. The NPS-FM sets out a single objective for freshwater management that reflects the hierarchy of obligations in Te Mana o te Wai. While the hierarchy is no longer relevant to RMA decision-making²⁷, the NPS-FM contains 15 policies to support this objective, with Policies 1, 2, 3, 5, 7, 9, 10, 12, 13, and 15 having particular relevance to the proposal.
105. ORC generally agrees that the Applicant has considered the relevant policies of the NPS-FM in their application. In addition to the policies assessed by the Applicant, ORC also considers that Policy 10 is relevant for assessment given the documented presence of trout in the Silver Stream. As concluded in the Effects Assessment Section of this memorandum, technical uncertainty remains at this time in relation to the impacts of stormwater discharges on the surface water quality and ecology of Silver Stream. A number of recommendations have been made in the technical advice of Mr Chang and Ms Lion-Cachet to clarify and strengthen the

²⁷ Section 104(2F) of the RMA

proposed adaptive management framework and associated stormwater monitoring programme. Subject to the adoption of these recommendations in addition to those of Dr Waterhouse and Mr Thorely, ORC agrees with the Applicant's assessment of the NPS-FM.

SECTION E.4 – NPS-NH

106. The NPS-NH came into force on 15 January 2026 and applies to the following natural hazards: flooding; landslips; coastal erosion; coastal inundation; active faults; liquefaction; and tsunami.
107. The singular objective is that:
Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.
108. Six policies give effect to this objective.
109. ORC agrees with the applicant that the NPS-NH is relevant because there are flood hazard overlays in the District Plan that are applicable to the site. During consultation with ORC the Applicant was advised that any development on the Site must achieve hydraulic neutrality and not increase the flood risk beyond the site. Based on the advice of Ms Ling, ORC considers the stormwater management system demonstrates that the effects of the proposal can be effectively managed as proposed in the substantive application or otherwise addressed through consent conditions. On this basis, ORC agrees with the Applicant that the proposal can be undertaken in a way that is consistent with the NPS-NH.

SECTION E.5 – NPS-I

110. The NPS-I came into force on 15 January 2026 and applies to all infrastructure activities and infrastructure supporting activities except renewable electricity generation and transmission activities.
111. ORC agrees with the Applicant that the NPS-I is relevant as the proposal (an inland port) meets the definition of infrastructure in the RMA.
112. The objective of the NPS-I is to:
- a) *ensure the national, regional and local benefits of infrastructure are provided for;*
 - b) *enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;*
 - c) *enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;*
 - d) *ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and*
 - e) *ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.*

113. ORC generally agrees with the applicant's assessment that the proposal is consistent with the provisions of the NPS-I. In particular, as directed by Policy 1, the proposal will provide regional benefits, and these may be material in a national context as set out in the economic assessment provided in the substantive application (noting that ORC has not sought an independent review of the information provided). As concluded in the effects assessment above, the proposal may result in some localised adverse effects, but these are considered capable of being adequately avoided, remedied or mitigated through the proposed design and consent conditions updated to reflect the recommendations made by technical peer-reviewers on behalf of ORC.

SECTION G.7 – ORPS 2021

114. The ORPS 2021 became operative on 9 July 2026 and it can now be afforded full weight when assessing the proposal. ORC notes that the applicant assessed the appeals version of the pORPS 2021, which was the correct version at the time that the application was lodged. While the policy numbering has changed between the appeals and operative versions of the ORPS 2021, the relevant objectives and policies have remained largely unchanged. ORC considers that the Applicant has identified and assessed the relevant provisions of the ORPS 2021 applicable to the proposal.
115. ORC generally agrees with the Applicant's assessment against the relevant provisions of the ORPS 2021. In relation to the provisions concerning freshwater resources and the management of stormwater and other discharges, including LF-FW-P16 and LF-FW-P17, these policies seek to minimise adverse effects of direct and indirect discharges to freshwater by requiring appropriate treatment, management and monitoring measures, promoting source control, and ensuring discharges do not prevent water bodies from achieving applicable freshwater objectives and water quality standards.
116. The Applicant has proposed a range of measures to manage stormwater generated from the site, including treatment and discharge controls. However, uncertainty remains regarding the potential effects of stormwater discharges on the surface water quality and ecological values of the Silver Stream. In particular, further clarification is required regarding the effectiveness of the proposed stormwater management approach, the adequacy of the adaptive management framework, and the monitoring measures proposed to demonstrate that the health and well-being of water bodies and freshwater ecosystems is maintained as directed by LF-FW-P8.
117. Technical advice provided by Mr Chang and Ms Lion-Cachet recommends a number of amendments to strengthen the proposed adaptive management framework and stormwater monitoring programme. Subject to the adoption of these recommendations, including measures to ensure that stormwater discharges are appropriately managed, monitored, and do not compromise the ability of the Silver Stream to meet the outcomes specified by LF-FW-

P8, ORC generally agrees with the Applicant's assessment of the proposal against the relevant ORPS 2021 provisions.

SECTION E.8 – RPW

118. The RPW is a first-generation plan that predates and does not fully give effect to the relevant higher order planning documents.
119. As such, ORC suggests limited weight should be afforded to this regional plan in comparison to the higher order planning documents. ORC considers the Applicant has identified and assessed the relevant provisions of the RPW applicable to the proposal and generally agrees with the assessments provided.
120. ORC agrees with the Applicant that the Silver Stream is described in RPW Schedule 1A and 1D as having a number of natural, cultural and human use values. Objective 5.3.1 and 5.3.2 seeks that identified values are maintained or enhanced. As mentioned with respect to the ORPS 2021, uncertainty remains regarding the potential effects of stormwater discharges on the surface water quality and ecological values of the Silver Stream. In particular, further clarification is required regarding the effectiveness of the proposed stormwater management approach, the adequacy of the adaptive management framework, and the monitoring measures proposed to demonstrate that the identified values of the Silver Stream will be maintained or enhanced as required by the direction in the RPW. Subject to the adoption of recommendation made by Mr Chang and Ms Lion-Cachet, ORC agrees with the Applicant's assessment of the proposal against the relevant provisions of the RPW.

SECTION E.9 – RPWaste

121. The RPWaste was made operative in April 1997 and seeks to ensure a regionally coordinated approach to waste minimisation and to reduce the quantity of waste produced in Otago. It contains provisions relating to contaminated sites and hazardous substances and wastes.
122. Subject to the further recommendations of Dr Waterhouse being adopted, ORC generally agrees with the applicant's assessment that the proposal is consistent with the provisions of the RPWaste.

SECTION E.10 – NRMP

123. ORC advises the Panel of a relevant iwi management plan, being the Kāi Tahu Ki Otago Natural Resource Management Plan 2005.
124. As noted elsewhere in these comments, ORC has not undertaken an assessment of the potential adverse effects that the proposal may have on cultural values, practices or beliefs.

SECTION F: OTHER MATTERS

125. FTAA Schedule 5 Clause 17 part (b) directs a Panel to take into account any provisions of parts 2, 3, 6, 8, 9, and 10 of the RMA that direct decision making on a resource consent application. This includes consideration of any other matter the consent authority considers relevant and reasonably necessary to determine the application as provided for in RMA section 104(1)(c).
126. To assist the Panel, Council provides an assessment of the following other matters that it considers relevant to the determination of this application:
- a) Otago Regional Council Strategic Directions;
 - b) Future Development Strategy for Dunedin; and
 - c) Otago Southland Regional Land Transport Plan 2021 – 2031 (Mid-term Review 2024).

SECTION F.1 – Otago Regional Council Strategic Directions 2024-2034

127. The ORC Strategic Directions 2024-2034 include the following focus areas:
- a) Partnership: Otago Regional Council has effective and meaningful partnerships with mana whenua, creating better outcomes for our region.
 - b) Communities: Otago has cohesive and engaged communities that are connected to the environment and each other.
 - c) Environment: Otago has a healthy environment ki uta ki tai (from mountains to the sea), including thriving ecosystems and communities, as well as flourishing biodiversity.
 - d) Resilience: Otago builds resilience in a way that contributes to community and environmental wellbeing through planned and well-managed responses to shocks and stresses, including natural hazards.
 - e) Climate: Otago is a climate-resilient region that plans for and invests in initiatives that reduce emissions and help us adapt to our changing climate.
 - f) Transport: Otago has an integrated transport system that contributes to the accessibility and connectivity of our community, reduces congestion and supports community wellbeing aspirations.
128. The ORC's Strategic Directions 2024–2034 is a non-statutory document that outlines the organisation's strategic priorities and desired outcomes over the next decade. While it is not a statutory planning document and does not contain objectives or policies to be applied under the RMA, it provides useful context for the broader outcomes ORC seeks to achieve.
129. Of particular relevance to the proposal are the Strategic Directions relating to the protection and enhancement of freshwater and biodiversity, the sustainable management of natural resources, resilience to climate change and natural hazards, and the development of an efficient and sustainable transport system. These priorities reinforce the importance of appropriately managing the proposal's potential effects on groundwater, surface water, stormwater, sediment, ecology and flood risk, while also recognising the regional benefits associated with improving freight efficiency and increasing the use of rail. The Strategic

Directions also emphasise the importance of working collaboratively with mana whenua, local authorities and communities to achieve integrated and sustainable environmental outcomes.

Section F.2 – Dunedin Future Development Strategy 2024 - 2054

130. The Dunedin Future Development Strategy 2024–2054 is a non-statutory strategic planning document prepared jointly by the Dunedin City Council and Otago Regional Council under the National Policy Statement on Urban Development. The Strategy establishes a long-term framework for accommodating future urban growth, providing sufficient development capacity for housing and business land, and integrating land use with infrastructure and transport planning. While it does not contain statutory objectives or policies to be applied in the assessment of this application, it provides important strategic context for future growth and infrastructure within the Dunedin district.
131. Of particular relevance to the proposed inland port are directions in the Strategy to support a diverse and sustainable economy, provide sufficient industrial land and strategic infrastructure, improve freight and transport connectivity, and develop resilient infrastructure that responds to natural hazard and climate change risks. The Future Development Strategy also identifies the investigation and establishment of a freight hub/inland port as an important strategic initiative to improve freight efficiency, support regional economic growth and facilitate greater use of rail freight.
132. The Strategy also recognises the importance of protecting freshwater, biodiversity and significant natural environments, reinforcing the need to appropriately manage the proposal's potential environmental effects.

Section F.3 – Otago Southland Regional Land Transport Plan 2021 – 2031 (Mid-term Review 2024) (RLTP)

133. The RLTP sets out the objectives, targets and investment priorities for transport in the Otago and Southland regions. It has been prepared by the joint Otago and Southland Regional Transport Committee comprising representatives from the Otago and Southland Regional Councils, territorial authorities and the New Zealand Transport Agency Waka Kotahi (NZTA).
134. The RLTP places strong emphasis on increasing the use of rail or freight, reducing freight related emissions, and improving the resilience and efficiency of regional supply chains. In this context, the RLTP specifically identifies a preference for an inland port located between Dunedin and Balclutha. It further notes that:

The successful development of an inland port requires comprehensive planning, robust infrastructure and transport connections. Careful consideration of the potential impacts to surrounding communities and the environment from freight movements to and from the port are

*also critical. To be most effective, this type of investment would also need to address resilience issues on the Taieri Plains that arise from flooding.*²⁸

135. ORC also notes that Dunedin City Council is undertaking early-stage investigative work to better understand the impact of growth and development in the Mosgiel area, including in relation to the proposed inland port. NZTA is also undertaking work to investigate the interaction of State Highway 1 and State Highway 87. DCC's studies were originally intended to be progressed through business cases, but co-funding was not secured. ORC acknowledges the importance of this work to improve understanding and enable future transport solutions.

SECTION G: PURPOSE AND PRINCIPLES OF THE RMA

136. The statutory direction for a Panel to take into account key provisions of the RMA includes consideration of Part 2 of the RMA.
137. The Applicant has included a comprehensive Part 2 assessment in section 9.2 of the substantive application.
138. Subject to the recommended conditions of consent, ORC agrees with the Applicant that the proposal will meet the sustainable management purpose of the RMA.
139. ORC limits its conclusions in this regard to matters that it has directly assessed and peer reviewed. ORC considers that mana whenua are best placed to determine whether the following have occurred:
- a) Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.²⁹
 - b) Have particular regard to kaitiakitanga.³⁰

SECTION H: SECTIONS OF THE RMA, AND OTHER LEGISLATION UNDER THE RMA, THAT DIRECT DECISION MAKING

140. Schedule 5 clause 17 states that:
- For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the Panel must take into account, giving the greatest weight to paragraph (a),—*
- (a) the purpose of this Act; and*
 - (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and*

²⁸ Otago Regional Council and Southland Regional Council (2024), *Otago Southland Regional Land Transport Plan 2021–2031: Mid-term Review 2024*, p. 29.

²⁹ RMA Section 6(e) matter of national importance

³⁰ RMA Section 7(a) other matter

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

141. To assist the Panel, ORC provides an assessment against the relevant provisions of the RMA that direct decision making.

H.1 – RMA Section 87A(6) – PROHIBITED ACTIVITIES

142. The application does not seek approval for any activity that would be prohibited.

H.2 – RMA Section 105 – MATTERS RELEVANT TO CERTAIN APPLICATIONS

143. Section 105(1) is relevant to this application insofar as it applies to the discharge of contaminants. The matters that must be considered under section 105(1) are adequately discussed throughout the application and supporting documents.

H.3 – RMA Section 106A – CONSENT AUTHORITY MAY REFUSE LAND USE CONSENT IN CERTAIN CIRCUMSTANCES

144. ORC does not consider that there is a significant risk from natural hazards that would warrant this application being declined. Consent conditions are proposed to manage activities to avoid or minimise effects that may arise as a consequence of natural hazards.

H.4 – RMA Section 107 – RESTRICTION ON GRANT OF CERTAIN DISCHARGE PERMITS

145. The application includes discharges of stormwater and industrial and trade waste into water and onto land in circumstances which may result in contaminants entering water. Provided the recommendations made by Mr Chang and Ms Lion-Cachet are adopted, ORC does not consider that any of the effects described in RMA s107(1) (c)-(g) are likely.

H.5 – RMA Section 123 – DURATION OF CONSENT

146. Section 123 of the RMA applies to a decision of the Panel on the consent.³¹
147. The Applicant seeks a 35-year term for water permits and discharge permits, with a lapse date of 10 years.
148. Should the Panel be minded to grant the approvals, ORC considers that this duration is appropriate and reflects the scale of the activity and the investment required.

³¹ FTAA Schedule 5, Clause 17, part (7).

SECTION F: CONSENT CONDITIONS

149. Section 83 requires that conditions be no more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.
150. ORC has focused on the conditions that relate to the approvals that would otherwise be granted by ORC.
151. In general, ORC considers that the Applicant's volunteered consent conditions provide an appropriate foundation for further development of the consent framework. ORC has therefore used the Applicant's proposed conditions as the basis for its ongoing review and refinement of the conditions applicable to the approvals.
152. ORC considers that the proposed conditions remain a work in progress. Commentary on the proposed conditions is provided throughout this memorandum and alongside the Applicant's proposed conditions in Appendix 1. ORC's comments are intended to assist in ensuring that, should consents be granted, the final conditions provide an appropriate framework to manage the effects of the proposal, are clear and enforceable, and provide sufficient certainty for both the Consent Holder and ORC.

Section F.1 – General conditions which apply to all Otago Regional Council consents

153. The Applicant has proposed a suite of general conditions intended to apply across all ORC consents. ORC does not object to this approach and considers that a consolidated set of general conditions can provide an efficient and effective drafting mechanism for matters that would otherwise be repeated across multiple consents.
154. However, ORC considers care is required to ensure that only conditions that are genuinely common to all consents are included within the general condition set. Matters that are specific to a particular activity, approval, or monitoring requirement should remain attached to the relevant consent to ensure clarity, avoid ambiguity, and assist with future compliance and enforcement.

Section F.2 - Separation of consent conditions

155. ORC considers that the Applicant has sought the appropriate approvals for the activities proposed. However, given the different nature of the permits required, ORC considers that the individual resource consents should be clearly separated. This will ensure that it is readily apparent to compliance officers which conditions relate to each activity, the scope of each approval, and the respective responsibilities for monitoring and compliance.
156. This suggestion is also noted in the peer-review undertaken by Mr Smith.

Section F.3 - Management plans

157. Management plans are an appropriate and effective tool for projects of significant scale, complexity, or duration, particularly where effects may vary over different stages of construction or operation. ORC considers management plans are appropriate where a standard consent condition alone may not provide sufficient flexibility to respond to changing circumstances onsite, or where the level of detail required to appropriately manage effects would be inappropriate to include within the consent conditions themselves.
158. It is standard practice for ORC to impose conditions requiring the submission and certification (or re-certification) of management plans. This process enables ORC to draw on internal expertise and, where appropriate, specialist technical advice to ensure that management plans appropriately address the relevant effects and are sufficient to achieve the intended purpose.
159. Where a management plan is required by a condition of consent, ORC considers that the purpose and intended outcomes of the plan must be clearly identified. The condition should specify the matters the management plan is required to address, including any applicable performance standards, limits, monitoring requirements, or response actions. Where certification by ORC is required, the condition should clearly identify the matters against which the plan will be assessed and establish a clear process for certification and any subsequent amendments or re-certification. This approach provides greater certainty for both the Consent Holder and ORC.
160. The substantive application includes a suite of management plans intended to manage a range of potential effects associated with the proposal. ORC's technical experts have reviewed the proposed management plans, and their technical feedback is addressed throughout the preceding sections of this memorandum.
161. ORC considers further work is required to ensure that the key outcomes, performance standards, monitoring requirements, and adaptive management responses identified within the management plans are appropriately incorporated into the consent conditions. This is necessary to ensure that key matters are not deferred to future decision-making processes and that the conditions provide sufficient certainty, accountability, and enforceability.
162. ORC considers it is well placed to contribute constructively to the refinement of an appropriate suite of consent conditions for this proposal. ORC and its technical experts are available to participate in any workshopping, conferencing, or similar process that may be directed by the Panel to assist in developing conditions that appropriately manage the effects of the proposal.

SECTION J: WHEN AN APPROVAL MUST OR MAY BE DECLINED

163. FTAA Section 85 sets out when a Panel must or may decline an approval.
164. ORC has not identified any reasons that the Panel must decline any approval sought (that would otherwise require a regional council resource consent under the RMA).
165. Based on the information provided by the Applicant, ORC is satisfied that the proposal can be undertaken in a way that appropriately manages adverse effects. Technical reviews undertaken on ORC's behalf have identified outstanding issues, but these are technical in nature and resolvable through amendments to conditions of consent and management plans. Uncertainty remains with respect to the effects on Silver Stream as a result of stormwater discharges, however it is considered that these matters are capable of being satisfactorily addressed. Overall, ORC does not consider that the proposal will result in adverse effects that are sufficiently significant to be out of proportion to the project's regional benefits, noting that Council has not independently verified the economic predictions of the reports.

SECTION K: CONCLUSIONS

166. ORC considers that the application:
- a) Meets the purpose of the FTAA, in that it is a development project with significant regional benefits and may be material in a national context; and
 - b) Will not result in any adverse effects that are sufficiently significant to be out of proportion with the regional benefits, having regard to the proposal as a whole, together with appropriate conditions of consent which are considered to be still under development.

APPENDICES

1. Appendix 1: Comments on Applicant's proposed conditions submitted to the EPA on 17 June 2026
2. Appendix 2: Technical advice relating to Natural Hazards (Stormwater) prepared by Ms Amanda Ling of Morphum Limited
3. Appendix 3: Technical advice relating to Earthworks (Erosion and Sediment Control), prepared by Mr Jason Smith of Morphum Limited
4. Appendix 4: Technical advice relating to Freshwater Ecology prepared by Ms Emily Lion-Cachet and Mr Raymond Chang of Beca Limited
5. Appendix 5: Technical advice relating to Hydrogeology prepared by Mr Mike Thorley of Beca Limited
6. Appendix 6: Technical advice relating to Contaminated Land prepared by Dr Ben Waterhouse of Beca Limited
7. Appendix 7: ORC Drainage and flood protection scheme figures
8. Appendix 8: Resource Consent RM21.073: Global consent to undertake River Engineering Works
9. Appendix 9: Resource consent RM24.615: To alter the bed of the Silver Stream for improving flood capacity