

IN THE MATTER of an application made under the Fast-Track Approvals Act 2024 by Southern Link Inland Port

SUBMISSION ON BEHALF OF TE RŪNAKA O ŌTĀKOU, AND
SUPPORTED BY KĀTI HUIRAPA RŪNAKA KI PUKETERAKI, TE RŪNANGA
O MOERAKI, AND AUHAKA (1997) LIMITED

12 August 2026



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TĒNĀ, E TE ROOPU TOHUNGA

1. This submission addresses whether the Fast-track Application (**Application**) to construct an Inland Port at North Taieri is a result of constraints in the Otago Harbour which make future reclamation impractical or unfeasible. The Application does not clearly address whether the grant of consent to the proposed Inland Port will lead to a commitment by Port Otago Limited (**POL**) that there will be no further reclamation by the Port in the Otago Harbour. In discussions with POL, it was understood by Te Rūnanga o Ōtākou that such a commitment would be made, provided the Inland Port proposal were to be granted consent.
2. This understanding was reflected in the Treaty Impact Assessment prepared on behalf of Te Rūnanga o Ōtākou following discussions with the Applicant.
3. However in recent discussions, POL now appears to be unwilling to commit to no further reclamation in the Otago Harbour. This raises an important issue for the Fast-track Panel in terms of assessing the claimed benefits of the Inland Port proposal as well as the consideration of adverse environmental, cultural, and Treaty effects.

Background

4. As indicated in the memorandum of counsel in response to Minute 2 of the Panel Convener (2 June 2026), Te Rūnaka o Ōtākou holds concerns arising from the Application regarding effects on cultural values specifically in relation to:
 - (a) the cultural significance of the area;
 - (b) the Ngāi Tahu Claims Settlement Act 1998 and impacts on takoa species as well as constraints on rakatirataka and kaitiakitaka; and
 - (c) the unknown scale of effects on water matters due to design decisions not being available in the Application documentation suite but rather being deferred to the detailed design stages.

5. Further noted in that memorandum was the fact that Te Rūnaka o Ōtākou holds concerns that no further harbour reclamation take place, noting that “Commitments are required in this regard”.
6. Finally, it was noted that at that time Te Rūnaka o Ōtākou had not had the opportunity to form a view in respect of s7 of the Fast-track Approvals Act 2024 in relation to the Application.

FAST-TRACK APPLICATION

7. The Application states that it is intended to strengthen logistics resilience and expand the Port operations externally, due to further reclamation not being feasible:¹

The SLIP also presents an opportunity to expand the operations of Port Chalmers while avoiding further reclamation of the harbour which is not considered feasible as a result of the environmental effects that would arise from such reclamation.

8. The Application emphasises that further reclamation is not feasible and it is clear this is the basis of the Application.²
9. Should POL now wish to change the basis of the Application by leaving open a future ability to further reclaim Port Otago, the benefits claimed in the Application will need careful evaluation and review.

TREATY IMPACT ASSESSMENT

10. The Treaty Impact Assessment (**TIA**) was prepared on behalf of Te Rūnaka o Ōtākou. It notes that the Taieri catchment, where the Inland Port is proposed to be located, holds “profound cultural significance for manawhenua”.³

¹ Substantive Application Report (17 April 2026) (**Application**) at 1.1.1 Project Rationale.

² See for example [2.2.1] of the Application: “Physical land constraints also restrict any significant expansion of Port Chalmers, as physical land constraints also restrict any significant expansion, as further reclamation within the coastal marine area would need to be extensive and is not feasible.”

³ Treaty Impact Assessment for the Proposed Southern Link Inland Port (June 2026) pg 5.

11. The TIA was prepared on the understanding that there would be a commitment from POL of no more reclamation of the Otago Harbour:⁴

The TIA acknowledges several benefits of the proposal: honouring Port Otago's "no more reclamation" commitment for Otago Harbour; economic transformation and employment for the Mosgiel-Taiari area; removal of approximately 19,000 truck movements annually from Dunedin streets through a road-to-rail shift; regional supply chain resilience as freight volumes from Central and South Otago are forecast to grow 30–40% over the next decade; a \$200 million private sector investment; and potential catalyst effects for wider infrastructure improvements across the Dunedin Taiari area.

12. In line with this, the TIA assessed the cultural impacts arising from the Proposal on the basis that Port Otago would undertake no further reclamation:

Honouring the "no more reclamation" commitment – Te Runanga o Otakou acknowledges that the development of the inland port and the growth around the North Taieri site will enable Port Otago to continue to honour its commitment that there will be no more reclamation in Otago Harbour.

Of great concern culturally, the effects of reclamation on the harbour and related ecosystems have not been fully assessed, much of the area reclaimed being intertidal and kohanga, rocky reef in some cases.

Recognition of the harbour as a key taonga for Dunedin City The commitment to no more reclamation and the reconfiguration of port activities means that there is an opportunity for the harbour environment to once again become the key taonga for Dunedin City.

13. The TIA further recognises that one of the benefits of the Proposal is "honouring Port Otago's "no more reclamation" commitment for Otago Harbour".⁵
14. In this context, the TIA identifies 47 impacts on cultural interest areas, including eight of high adverse effect, nine of medium adverse

⁴ Treaty Impact Assessment pg 6.

⁵ Treaty Impact Assessment pg 6.

effect, and 17 low adverse effect.⁶ Notably the TIA also identifies 11 effects of “unknown (scale undetermined)” magnitude, noting these ratings may change once conditions and management plans are finalised.⁷

15. The TIA concludes:

The proposed Southern Link Inland Port will result in cultural impacts across multiple areas including wāhi tupuna, wai, mahika kai, taoka species, and the broader cultural values of whakapapa, rakatirataka, mana, kaitiakitaka, manaakitaka, and whānau ora. The mitigation measures proposed in the technical reports are extensive and provide a foundation for managing effects but, from a cultural perspective, require enhancement.

The acceptability of the proposal to Te Rūnanga o Ōtākou will ultimately depend on: the final decisions of the Southern Link partners, especially with respect to wastewater and stormwater system design; the commitment to implement a full suite of proposed and additional mitigation measures; the incorporation of appropriate conditions into any consent granted; the establishment of genuine partnership arrangements for ongoing management of cultural effects; and recognition that this TIA is a living document that may be updated as discussions progress.⁸

...

The fundamental concern articulated in this TIA — that ecological mitigation does not equate to cultural acceptability — is not adequately addressed by the current mitigation framework. While technical measures may reduce environmental harm, **they do not restore, enhance, or protect the mauri of Whakaehu, the mahika kai practices of whānau, or the intergenerational responsibilities that flow from whakapapa to this whenua.**⁹

⁶ Treaty Impact Assessment pg 6.

⁷ Treaty Impact Assessment pg 7.

⁸ Treaty Impact Assessment pg 8.

⁹ Treaty Impact Assessment at [5.9], pg 79.

LEGAL FRAMEWORK

Fast-track Approvals Act 2024 (FTAA)

16. The FTAA does not prioritise granting of consents regardless of other considerations. Previous Fast-track panels have declined applications on a range of grounds, including a draft decision finding that they were unable to grant consent due to the application preventing the practical implementation of Treaty settlement legislation and agreements.¹⁰
17. S7 of the FTAA requires all persons performing and exercising functions, powers, and duties under the FTAA must act in a manner that is consistent with the obligations arising under existing Treaty settlements.
18. A panel **must** decline consent where the panel considers that granting the approval would breach section 7.¹¹
19. A panel **may** decline an approval if the panel forms the view that the adverse impacts from the approvals are sufficiently significant to be out of proportion to the project's regional or national benefits,¹² even after taking into account any conditions set by the panel or the Applicant to avoid, remedy, mitigate, offset, or compensate for those adverse effects.¹³

NGĀI TAHU TREATY SETTLEMENT

20. Kā Rūnaka Treaty rights and interests are set out in the Ngāi Tahu Claims Settlement Act 1998 (**NTCSAct**). The Treaty settlement is built upon the Apology by the Crown to Ngāi Tahu.¹⁴ This stipulates:

¹⁰ Record of Draft Decision of the Expert Consenting Panel under section 87 of the Fast-track Approvals Act 2024 on the Trans-Tasman Resources VTM application to extract seabed material on (4 February 2026) at [xxi]: "The Panel finds that granting the approvals before it would be inconsistent with the practical operation of those settlement obligations and would breach s 7 FTAA. Approval of the project application must be declined, therefore, under s 85(1)(b) of the FTAA."

¹¹ Fast-track Approvals Act 2024 s85(1)(b).

¹² Fast-track Approvals Act 2024 s85(3)(a)(b).

¹³ Fast-track Approvals Act 2024 s85(3)(a)(b).

¹⁴ Evidence of Edward Ellison (10 April 2026) provided in respect of the Fast-track Application by Santana Minerals at [88].

E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, **ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.**

The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the **Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.**

[emphasis added]

21. In addition to this, the NTCsAct recognises taoka species, and records the Crown's acknowledgement of the cultural, spiritual, historic, and traditional association of Ngāi Tahu with the taoka species¹⁵, with the requirement that the Minister of Conservation must:¹⁶
 - (a) act to advise Ngāi Tahu in respect of any relevant conservation management strategy review or plans, policies, or documents relating to a taonga species; and
 - (b) consult with, and have particular regard to the view of Ngāi Tahu when the Minister of Conservation makes policy decisions concerning the protection, management, or conservation of a taonga species; and
 - (c) the same in relation to policy decisions concerning the protection, management, or conservation of all taonga species.

¹⁵ Ngāi Tahu Claims Settlement Act 1998 s288.

¹⁶ Ngāi Tahu Claims Settlement Act 1998 ss293, 294.

REQUIREMENTS

22. In discussions with POL and Te Rūnaka o Ōtākou, a binding commitment was sought from POL that there be no further reclamation work undertaken in the Otago Harbour as a basis for evaluating the overall effects of the Inland Port Application.
23. Absent such a commitment, it was made clear that the adverse impacts arising from the proposed Inland Port would need to be re-assessed on a very different basis, as would the claimed regional and national benefits. Te Rūnanga o Ōtākou would also seek the leave of the Panel to provide specific evidence on relevant environmental, cultural, and Treaty issues.
24. Such a reassessment may well conclude that the Proposal would be unacceptable from a cultural and environmental effects perspective. These effects combined with the potential for additional reclamation of Port of Otago, appear inconsistent with the Ngāi Tahu Claims Settlement Act 1988.

DATE: 12 August 2026



The image shows two handwritten signatures in blue ink. The signature on the left is 'Mike Holm' and the signature on the right is 'Nicole Buxeda'. Both signatures are written in a cursive, flowing style. Below the signatures is a horizontal line.

Counsel for Te Rūnaka o Ōtākou, and supported by Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Auhaka (1997) Limited