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Attention: Hannah Goslin, Consents Processing, Otago Regional Council

Kia ora Hannah,

ORC Southern Link Inland Port Fast Track Approvals Act s53 - Land Contamination

1 **Application Summary**

Project Name	Southern Link Inland Port
Applicant	Port Otago Ltd
Specialist Area	Contaminated Land
Description of Proposal	Establish and operate an inland port/logistics hub facility. The earthworks proposed are anticipated as 120,000 m ³ cut, a further 126,100 m3 for topsoil removal and 78,200 m3 fill over an area of 42.3 ha. The site is understood to be predominantly sealed hardstand, buildings, and infrastructure following development.

2 **Specialist Assessment**

I have reviewed the applicant's response to the contaminated land review comments and the updated proposed conditions (Resource Consent A where they relate directly to contaminated land). There was limited agreement on a number of the individual issues raised during the review process. Agreement was provided that further investigation and sampling would be required, this was the overall recommendation from the first review. Accordingly, the contaminated land conditions have generally moved in the right direction and now provide a stronger framework for contaminated land management than earlier drafts.

Notwithstanding the above, several matters remain unresolved.

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.



The scale and complexity of the site warrants a more robust process whereby additional investigation, contaminated land management planning and remediation planning are undertaken in a structured and reviewable manner. The recommendation remains that appropriate review and approval processes be retained so that councils can confirm that identified contamination risks and information gaps have been adequately addressed.

A further area of continuing disagreement relates to uncertainty associated with potential asbestos contamination. EC Otago's assessment notes that asbestos-containing materials were used in the construction of buildings on the site (while acknowledging that not all potential source areas have been assessed), and it is clear that soils around these building have not been fully assessed. The proposed conditions now require asbestos surveys prior to demolition and asbestos procedures if asbestos is identified. However, the contaminated land concern relates more broadly to management of the uncertainty associated with incomplete investigation, and that asbestos *in soil* is not quantified by way of building asbestos survey. In my view, this uncertainty should continue to be recognised within the contaminated land management framework until sufficient soil investigation has been completed.

Additionally, reporting of the gap-filling sampling and testing would benefit from being a document separate from the RAP, so that the RAP can describe and focus on the fully investigated areas, and report validation sampling only (if required). This could be a DSI addendum document.

Overall, I consider that contaminated land risks can be appropriately managed through consent conditions. However, several amendments are recommended to provide greater certainty that identified information gaps will be addressed and that contaminated land risks will be appropriately managed throughout the project lifecycle.

For these reasons, I continue to support conditions requiring additional investigation, contaminated land management documentation and council review of those documents.

3 Comment on Proposed Conditions

Table 1 summarises consent conditions commentary. Recommended changes have been added to the draft consent conditions document accompanying this letter.

Table 1: Consent conditions commentary

Condition	Comment
A.4	(k) "...in the event that the asbestos surveys required by Condition A.13 confirm presence of asbestos onsite" See earlier comment, asbestos building survey alone is insufficient to confirm the presence/absence of asbestos risk in soils, based on the known information reported by EC Otago. Recommend adding "and/or the additional investigations required in Condition A.6 show asbestos contamination in soil requiring management"
A.5-A.6	Consider requirement for a broader SAP to address gaps in the investigation rather than reliance on 'delineation' sampling. Alternatively remove reference to 'delineation sampling' and use words relating more broadly to 'site investigation'. 'Delineation' is not considered appropriate wording given not all recommended sampling is for delineation purposes. If a SAP is not required, the subsequent sample reporting should undergo review and approval process with ORC.

	'or any other areas identified as requiring remediation...' should 'and any other areas....' Recommend standalone DSI addendum site investigation document rather than incorporating the gap-filling sampling in the RAP document.
A.7	Retain reference to 'site' rather than 'contaminated area'. Firstly, the site has not been fully assessed; secondly, referring to 'contaminated area' is unnecessary as <u>any</u> contaminated soils leaving the site must meet A.7 (a) and (b).
A.8	Standalone Ongoing Management Plan is recommended, which sits outside the Site Validation Report. Recommend capturing this in a separate condition. Add ORC review and approval to condition(s).
A.13	Asbestos uncertainty remains where source areas remain incompletely investigated. Add reference to assessing soils for asbestos.

3.1 Recommendations

- Sampling and Analysis Plan to be prepared and provided to ORC for review and approval prior to additional investigations.
- SAP (if completed), RAP, CSMP, SVR and associated documentation to be subject to ORC review and approval.

4 Supporting Documents

ORC Contaminated Land Review
Applicant response to contaminated land review comments
Updated proposed consent conditions
Tracked changes condition review provided to ORC

Yours sincerely



Ben Waterhouse
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Senior Associate - Environmental Science

on behalf of
Beca Limited
[Redacted]
[Redacted]