

Southern Link Inland Port
John Kyle and Megan Hankey – for Southern Link Property Limited – Summary Statement on
Conditions

Introduction

1. Our section 55 evidence addressed statutory planning matters, including with respect to the proposed conditions for the Southern Link Inland Port (**SLIP**) Project. We prepared the updates to the proposed conditions that were submitted with Southern Link Property Limited's (**SLPL**) s55 response.
2. We provide a summary of the changes that have since been made to the conditions in this summary statement following the expert witness hearings that were held for the SLIP. All changes that have been made to the conditions are shown as tracked changes and we have included comments to explain the reasoning for each change.

Process

3. We have prepared further updates to the proposed Dunedin City Council (**DCC**) and Otago Regional Council (**ORC**) conditions in response to the recommendations set out in the Joint Witness Statements for noise and transport, as well as following the hearings that were held for transport, noise and freshwater / stormwater on the 14th and 15th of September, where agreed to by SLPL.
4. In addition, since lodging its s55 response, SLPL has continued to engage with Te Rūnaka o Ōtākou on the proposed conditions, including the mana whenua specific conditions. As a result of this consultation, the mana whenua specific conditions have been updated to reflect the comments received from Te Rūnaka o Ōtākou.
5. Once we had updated the conditions to reflect the discussions during the hearings we circulated the updated condition sets to ORC, DCC and Te Rūnaka o Ōtākou on Thursday 17 September with an invitation for comment / feedback. We also circulated the updated proposed DCC condition set to New Zealand Transport Agency on Friday 18 September.
6. SLPL received comments from Te Rūnaka o Ōtākou on the updated DCC and ORC conditions on Friday 18 September. We have incorporated the comments received into the updated set of conditions that is being submitted to the Panel. As such, there will be some minor differences between the set of conditions submitted by SLPL and the condition sets referred to by the ORC and DCC.

7. SLPL also liaised with Otago Fish and Game and provided them with a copy of the updated conditions on 21 September. Otago Fish and Game stated that they were satisfied with the updates to the conditions and confirmed that they no longer intend to appear at the conditions hearing.
8. At the time of submitting these conditions, we have not received any further comments from ORC or DCC to incorporate into the updated set of conditions.

Updates to the mana whenua specific conditions

9. We have updated the mana whenua specific conditions (refer to Conditions 10-16E of the updated DCC and ORC condition sets) following further consultation between SLPL and Te Rūnaka o Ōtākou. The updates to the conditions include:
 - (a) The establishment of a Kaitiaki Advisory Panel to facilitate ongoing engagement and communication between SLPL and mana whenua, including the provision of advice on draft management plans, discussing the effectiveness of management measures addressing impacts on mana whenua values, and providing a forum for mana whenua to share mātauranga Māori; and
 - (b) The preparation of a Strategic Cultural Programme to support the implementation of monitoring, restoration and enhancement measures, including mana whenua involvement in these activities and the commissioning of a Cultural Health Assessment that identifies cultural health indicators of key species of importance to Te Rūnaka o Ōtākou to be monitored.
10. The updated condition set reflects an agreed position between SLPL and Te Rūnaka o Ōtākou on the conditions.

Updates to the Dunedin City Council conditions

11. The updates to the DCC conditions reflect the outcomes from the noise and transport hearings in particular.
12. In response to comments regarding the appropriateness of the 45dB LAeq (15 min) nighttime noise limit at the boundary of noise sensitive receivers in the Rural and Rural Residential Zone, SLPL has given further consideration as to whether the SLIP could operate under different noise limits. As a result, Condition 58 has been revised to apply a nighttime limit of 40dB LAeq (15 min)

during the operation of Stages 1 and 2 of the SLIP, and new Condition 58A has been inserted to apply a nighttime limit of 45dB LAeq (15 min) during the operation of Stage 3 only. This will provide sufficient flexibility to ensure that the operation of the regionally significant SLIP is not hindered by applying a blanket 40dB LAeq (15 min) nighttime noise limit across all stages of operation, whilst ensuring that noise is appropriately managed across all stages of the development.

- 13.** In addition, Condition 60 (which sets out the information requirements for the Operational Noise Management Plan) has been revised to include greater detail and largely reflects the recommendations of the noise Joint Witness Statement.
- 14.** Following the transport hearing, including the discussion about the uncertainty of a review condition, SLPL has considered the comments from the Panel regarding assurance that the rail siding will be constructed to ensure that the benefits associated with the transition from road to rail are realised as part of the Project, and to address comments raised from the transport experts regarding implementing a cap on truck movements. SLPL has agreed to include a condition that requires the construction of the rail siding to commence as part of Stage 1 of the SLIP (refer to Condition 82). We note that the condition requires the rail siding to be constructed and operational within 12 months of the commencement of Stage 1, as opposed to being constructed prior to the commencement of the operation of the SLIP, due to operational requirements to enable the transition from road to rail and the low volume of truck movements anticipated over this initial establishment period. The proposed condition will provide assurance that SLPL will construct the rail siding, and as such, the benefits of the road to rail modal shift can be relied upon by the Panel.
- 15.** The proposed condition is intended to alleviate the need for the placement of a cap on truck movements, and any subsequent review that would be triggered once the cap has been reached. In our view, a condition of this nature is uncertain and not appropriate for this Project, particularly given there was a lack of clarity from the transportation experts as to what the outcome of a review would result in. Further, there was uncertainty from the SLPL, NZTA and DCC traffic experts on how an appropriate cap would be determined and how any review upon reaching that cap would take into account changes to the existing environment in the intervening period to ensure that any potential effect identified from a review requiring mitigation could directly be attributed to the SLIP. Conditions must be clear and outcomes based. The review condition that has been suggested provides limited certainty as to the outcome it imposes on

the consent holder. In particular, we have considerable difficulty with a condition that commits the consent holder to what might eventually be considerable upgrade related costs without the condition enunciating what these costs may be at the outset. In our view, an open-ended condition requiring a cap that triggers a review which could in turn lead to an unknown level of mitigation is too uncertain and could be unnecessarily onerous on the consent holder. We consider that the proposed condition requiring the construction of the rail siding appropriately addresses any concerns relating to securing the shift from road to rail.

16. In addition, the upgrade to the footpath between the site entrance and Stedman Road was discussed at the transport hearing. In response to comments, SLPL has agreed to a condition (refer to Condition 72(g)) that requires SLPL to construct a footpath that coincides with the DCC constructing a footpath on Stedman Road to provide pedestrian access along Stedman Road from residential zoned land in Mosgiel. The footpath will be constructed in general accordance with the plans submitted with SLPL's updated conditions. This will ensure that the footpath is constructed at an appropriate time that aligns with demand for the use of the footpath. This condition is intended to remove the need for a bond, as suggested by the Panel during the transport hearing.

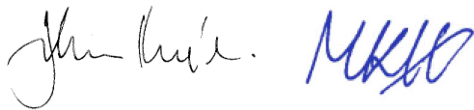
Updates to the Otago Regional Council Conditions

17. The updates to the ORC conditions primarily reflect the discussions at the freshwater / stormwater hearing. This includes the condition requiring a Chemical Treatment Management Plan, if bench testing determines that it is appropriate, as indicated in the legal submissions submitted to the Panel on 15 September. We have also clarified which specific general conditions apply to each of the activity-specific consents.
18. In accordance with discussions with ORC, we have proposed a new condition requiring engineering verification that the stormwater management system for the SLIP comprises the best practicable contaminant source control option to manage effects of the stormwater discharge during both the construction and operational phase. This provides assurance that the stormwater management system will be appropriately designed to manage effects of the stormwater discharge at the site.
19. We have also made amendments to the stormwater monitoring conditions to align with discussions with ORC and Otago Fish and Game.

20. Further, following discussions between Mr Craig (on behalf of SLPL) and Mr Throssall (on behalf of DCC) at the hearing, further refinements have been made to Condition B.21.
21. We note that no changes are proposed to the groundwater monitoring conditions, given the very limited potential for discharges to occur to groundwater, and for the reasons outlined in the evidence submitted by Mr Scaife on behalf of SLPL.

Summary

22. We have carefully considered the comments received on the conditions through the Joint Witness Statements and expert witness hearings and are of the view that the updated DCC and ORC condition sets appropriately address the comments raised. In our opinion, the updated proposed conditions are sufficiently robust and will ensure that the effects of the Project are appropriately managed, whilst ensuring that the conditions are not more onerous than necessary to address the effects, in accordance with s83 of the Fast-track Approvals Act 2024.



John Kyle and Megan Hankey
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