

DCC Response to Applicants Revised DCC Conditions (17 September 2026)

The response is made under Clause 6 of Minute 14 of FTAA-2604-1207 and it is limited to topic areas where there is still not full agreement with the applicant's revised conditions circulated to the DCC on 17 September 2026.

3-Waters Infrastructure

Where there are connections to be made to Council services or where there is vesting of services the Council typically requires that plans for new services be submitted for checking and certification. This is the reason for seeking that certification be applied to the conditions for provision of plans for 3 Waters infrastructure associated with the Inland Port. It is noted that in the case of stormwater management the discharge is to the Silverstream and not to DCC Infrastructure and it is also subject to assessment under ORC conditions. On that basis there is a case that certification may not be needed for stormwater design but for wastewater and water supply where connections are to be made to DCC infrastructure certification is considered appropriate.

Stormwater	
45	1. Detailed design plans and drawings for stormwater management necessary to service the Southern Link Inland Port must be ~~provided~~ submitted for certification to the Dunedin City Council via email to rcmonitoring@dcc.govt.nz at least 20 working days prior to any stormwater construction works commencing on the site. Certification is to follow the process specified in condition 3.
Wastewater	
49	1. Detailed design plans and drawings for wastewater management system necessary to service the Southern Link Inland Port must be ~~provided~~ submitted for certification to the Dunedin City Council via email to rcmonitoring@dcc.govt.nz at least 20 working days prior to any wastewater construction works commencing. Certification is to follow the process specified in condition 3.
Non-Potable and Potable Water	
52	1. Detailed design plans and drawings for non-potable and potable water system necessary to establish the Southern Link Inland Port must be ~~provided~~ submitted for certification to the Dunedin City Council via email to rcmonitoring@dcc.govt.nz at least 20 working days prior to any non- potable and potable water system construction works commencing. Certification is to follow the process specified in condition 3.

Operational Noise

The applicant's revised conditions for operational noise have been reviewed by the DCC acoustic expert Jon Styles in relation to the Joint Witness Statement that was prepared and the matters that were explored at the Noise hearing. He has recommended a number of changes to the applicants revised conditions which are shown below.

It is noted that a number of changes are minor wording changes related to JWS agreements. Some changes relate to ensuring clarity for monitoring and enforcement. Some more significant changes to remove a number of clauses from Condition 60 relate to these being better addressed through specific conditions. It is noted that a monitoring conditions is not included in the applicant's suite of conditions although it was identified as being appropriate in the JWS. It is recommended that a condition be included for monitoring.

58	Except for construction activities, all activities associated with the operation of Stages 1 and 2 of the Southern Link Inland Port must be conducted to ensure that the following noise limits are not exceeded. For the purposes of measuring compliance with these limits, noise generated from ~~rail movements~~ trains while in motion and noise measured on any property owned by the Consent Holder at the date consent is granted is excluded from these noise limits:			
	Time	Noise Rating level measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zones located more than 350m from the Industrial Zone (existing in September 2026)	Noise Rating level measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zones within 350m of the Industrial Zone (existing in September 2026)	Noise Rating level measured at the boundary of the receiving property in the Industrial Zone (existing in September 2026)
	7.00am to 7.00pm	55 dB LAeq (15min)	55 dB LAeq (15min)	65 dB LAeq (15min)
	7.00pm to 10.00pm	50 dB LAeq (15min)	50 dB LAeq (15min)	65 dB LAeq (15min)

	10.00pm to 7.00am	40 dB LAeq (15min); and 70 dB LAFmax	40 dB LAeq (15min); and 75 dB LAFmax	65 dB LAeq (15min)
	<i>Advice note – trains while in motion are excluded from the noise measurement requirements due to the practical challenge of measuring train noise when it is part-in and part-out of the site and the KiwiRail designation (where noise limits do not apply).</i>			
58A	Except for construction activities, all activities associated with the operation of Stage 3 of the Southern Link Inland Port must be conducted to ensure that the following noise limits are not exceeded. For the purposes of measuring compliance with these limits, noise generated from rail movements trains while in motion and noise on any property owned by the Consent Holder at the date consent is granted is excluded from these noise limits:			
	Time	Noise Rating level measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zones located more than 350m from the Industrial Zone (existing in September 2026)	Noise Rating level measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zones within 350m of the Industrial Zone (existing in September 2026)	Noise Rating level measured at the boundary of the receiving property in the Industrial Zone (existing in September 2026)
	7.00am to 7.00pm	55 dB LAeq (15min)	55 dB LAeq (15min)	65 dB LAeq (15min)
	7.00pm to 10.00pm	50 dB LAeq (15min)	50 dB LAeq (15min)	65 dB LAeq (15min)
	10.00pm to 7.00am	45 dB LAeq (15min); and 70 dB LAFmax	45 dB LAeq (15min); and 75 dB LAFmax	65 dB LAeq (15min)
	<i>Advice note – trains while in motion are excluded from the noise measurement requirements due to the practical challenge of measuring train noise when it is part-in and part-out of the site and the KiwiRail designation (where noise limits do not apply).</i>			
59	Operational noise levels must be measured and assessed in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS			

	6802:2008 'Acoustics – Environmental Noise' (and any updates or revisions to that standard).
59A	Rail movements on the Southern Link Inland Port site between 10:00pm and 7:00am must not exceed two movements arriving to the site and two movements departing the site per night. between the hours of 10pm and 7am the next day.
60	The Consent Holder must engage a Suitably Qualified and Experienced Person to prepare an Operational Noise Management Plan. The objective of the Operational Noise Management Plan is to establish Identify and require the adoption of the best practicable option for the management and mitigation measures necessary to achieve compliance with the noise limits in Condition 58. The Operational Noise Management Plan must be submitted to the Dunedin City Council for certification in accordance with Condition 4 of this consent. The Operational Noise Management Plan must include: a) Physical mitigation measures (e.g. acoustic walls) to be implemented in order to mitigate noise on sensitive receivers beyond the site including plans and diagrams sufficient to illustrate the location, scale and dimensions of the noise barriers; b) Methods and procedures to minimise stacking of containers near the boundary at night (10.00pm to 7.00am) in situations where acoustic screening to the closest neighbours is low or minimal. c) Methods and procedures for minimising loud, single event noise from container handling (especially at night). This should include requirements for regular plant maintenance, operator training and noise monitoring. ~~d) Measures to ensure that construction of the proposed warehouse buildings 2a, 2b and 2c will be sequenced so as to ensure that noise mitigation is in place to mitigate nighttime (10.00pm to 7.00am) noise generated on the northern part of the site on sensitive receivers beyond the site before these operations commence.~~ e) Methods and procedures for ensuring that machinery and plant operators are trained initially and regularly thereafter to minimise noise; f) Identification of sensitive areas of the site (e.g. site boundaries near dwellings) where noisy night-time (10.00pm to 7.00am) activities should be avoided (where practicable); ~~g) A requirement for motorised vehicle equipment and plant utilised at the Southern Link Inland Port to be fitted with broadband "squawker" reversing alarms (where practicable) and the preclusion of the use of tonal reversing alarms for trucks and machines using the site;~~

	h) Methods and procedures to ensure that ~~Details of active onsite noise monitoring~~ is installed and operated to capture high noise events (being any onsite activities that exceed a noise limit of 65dB 75-dB LAmax at at the notional boundaries where conditions 58 and 58A sets LAfmax noise limits ~~the notional boundary of any dwelling~~), with a procedure to implement further training for any repeat occurrences by an individual driver; i) Methods for enabling a rapid management response to instances of inappropriate container handling that generates higher than typical noise levels; and j) A mechanism to update the ONMP in the event of material changes to the operation of the site or the receiving environment; k) Procedures and triggers for monitoring noise levels to ensure compliance with the noise limits in condition 58; and l) Contact details of key personnel, including the name of the person with overall responsibility for ensuring noise limits are met. <i>Advice Note: Active onsite noise monitoring will utilise noise monitors in proxy positions for the monitoring of effects on nearby dwellings.</i>
60A	The Acoustic barriers specified on plan <<insert plan ref>> ~~constructed~~ must: 1. ~~Be constructed in a manner that ensures there are~~ Have no gaps along their length or at their base and be constructed from a material with a surface mass of 12 kg/m² or greater; and 2. Be finished in visually recessive dark colours with an LRV of 20% or less.
60B	The consent holder must ensure that there are no operations between 10pm and 7am the next day during Stage 1
60C	The consent holder shall ensure that there are no tonal reverse alarms audible at any receiver on another site where the noise limits in conditions 58 and 58A apply between the hours of 10pm and 7am the next day.
60D	The consent holder must ensure that the Stage 2 warehouse buildings (2A, 2B and 2C) are constructed prior to activities being undertaken between 10pm and 7am the next day.
60E	Also Insert a Monitoring Condition (Q6.3 of JS)

Transport – Roading

The applicant's revised conditions for operations noise have been reviewed by the DCC experts Reese Martin and Helen Chapman in relation to the Joint Witness Statement that was prepared and the matters explored

at the Transport hearing. Reese and Helen have also discussed the revised conditions with NZTA officers. Ms Chapman and Mr Martin have recommended changes shown below:

72	1. Detailed engineering and design plans and drawings for the construction of improvements to Dukes Road North necessary for the construction and operation of the Southern Link Inland Port must be ~~provided~~ submitted to the Dunedin City Council Transport Group via email to rcmonitoring@dcc.govt.nz and certified by the Dunedin City Council Transport Group prior to the commencement of any transport related works on the site or on the surrounding transport network. 2. The detailed engineering and design plans must be in general accordance with that shown on the following Stantec plans: (a) Roding Plan Overall – 310206525-STN-00-210-DR-CI-070011; (b) Roding Plan Sheet 01 of 08 - 310206525-STN-00-210-DR-CI-070012; (c) Roding Plan Sheet 02 of 08 - 310206525-STN-00-210-DR-CI-070013; (d) Roding Plan Sheet 03 of 08 - 310206525-STN-00-210-DR-CI-070014; (e) Roding Plan Sheet 04 of 08 - 310206525-STN-00-210-DR-CI-070015; (f) Roding Plan Sheet 05 of 08 - 310206525-STN-00-210-DR-CI-070016; (g) Roding Plan Sheet 06 of 08 - 310206525-STN-00-210-DR-CI-070017; (h) Roding Plan Sheet 07 of 08 - 310206525-STN-00-210-DR-CI-070018; (i) Roding & Pavements Layout Plan Entranceways - 310206525-STN-00-210-DR-CI 070050. (k) Proposed Footpath - 310206525-STN-00-210-SK-CI-S. along with any changes made to the preliminary / concept level design plans as necessary as a result of detailed design. 3. The detailed design plans and drawings must include but not be limited to: (a) Layout and dimensions of the main access / Dukes Road North intersection and secondary (emergency) access to the Southern Link Inland Port site (including but not limited to vehicle crossing widths, distances to closest intersections, sight lines, separation distances, gradients, road widths);
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	(b) Identification of how the main and secondary accesses will alter the existing road reserve on Dukes Road North, including the widening of a section of Dukes Road North to accommodate the creation of a full right-turn bay in length into the main access to the Southern Link Inland Port site that provides for a minimum of 56m of queuing space for two B-Train vehicles; (c) Layout and dimensions of the swale system located within the Dukes Road North road reserve (including but not limited to pipe culverts, longitudinal slopes, vegetation selection); (d) Layout and dimensions of the internal road network within the Southern Link Inland Port site (including but not limited to gradients, road widths, pavement design, loading areas, carparking, turning bays); (e) Road signs and road markings within the Southern Link Inland Port site, and in the surrounding transport network; (f) Street lighting infrastructure design, including street lighting between Stedman Road and the main site entrance; and (g) Pavement upgrades to Dukes Road North from East of Stedman Road to the site entrance; and (h) Provision for the construction of a suitable footpath constructed at Stage 1 that provides pedestrian access between the Site to the frontage of Stedmen Road with room to extend this from the site entrance to the edge of the site road boundary frontage in general accordance with 2(k) above. ~~This footpath must be constructed by the Consent Holder at a future date to coincide with the Dunedin City Council constructing a footpath along Stedman Road to provide pedestrian access along Stedman Road from residential zoned land in Mosgiel.~~
73	The operational transport / roading aspects of the Southern Link Inland Port must be constructed in general accordance with the detailed design plans and drawings ~~unless a conflict or inconsistency between the conditions of this consent and the provisions of the detailed design plans and drawings is identified, in which instance the conditions of this consent must prevail~~ certified under Condition 72.

73A	The general public shall be provided with legal access to the footpath constructed along Dukes Road North and along the full length of the site road frontage in accordance with Condition 72 via either an easement in gross registered in favour of DCC or alternatively vested to Council.
74	1. <u>During Construction and</u> upon completion of the upgrade of Dukes Road North in accordance with Condition 72(3)(b), the upgrade must be tested to demonstrate that they meet the acceptance requirements of the DCC Code of Subdivision and development. 2. Within 30 days upon completion of the Dukes Road North upgrade/improvements as-built plans must be provided to the Dunedin City Council via email to rcmonitroing@dcc.govt.nz.
75	1. Any damage to any part of the road formation as a result of the construction works must be reinstated to the satisfaction of the Dunedin City Council, at the Consent Holder's expense. 2. The Consent Holder is liable for the maintenance of all publicly vested road infrastructure for a period of 12 months including the remediation of any defects at the end of this period in accordance with the DCC Code of Subdivision and Development.
75A	1. The Consent Holder must either undertake or cover the costs of extending the right turn bay pocket at the intersection of State Highway 87 and Dukes Road North by amending the road marking to accommodate a heavy commercial vehicle in accordance with the plan attached as Appendix D to these conditions. The amendments to the existing right turn bay pocket are limited to amending the road marking in accordance with the plan attached as Appendix D to provide for: a) A minimum 20m long right turn bay pocket; and b) A minimum 3.5m wide right turn bay pocket. 2. <u>The Consent Holder must submit the final design plans for the intersection to New Zealand Transport Agency for verification that it meets New Zealand Transport Agency's standards.</u> 3. The Consent Holder must either undertake or pay the cost for the amendments to the road marking to the intersection required by (1) to New Zealand

	Transport Agency prior to the commencement of construction of the Southern Link Inland Port.
75B	Over each consecutive 12-month period, commencing at the start of Stage 2 of the Southern Link Inland Port, the Consent Holder shall maintain a record of all Heavy Commercial Vehicle (HCV) movements entering and exiting the Dukes Road North entrance of the Southern Link Inland Port. The records will be collected from the Consent Holders automatic electronic HCV logging system and shall include the date and time and licence plate of each HCV movement. The HCV movement records collected for the preceding twelve-month period shall be provided to the Consent Authority, in a spreadsheet, within one calendar month of the completion of each twelve-month period, for review and certification. The spreadsheet must be accompanied by a brief written analysis, prepared by a suitably qualified professional, confirming whether or not the records show that HCV movements to and from the Southern Link Inland Port have equalled or exceeded 55,000 HCV movements per annum. For the purposes of interpreting this condition, one movement equals one entry or one exit to the Southern Link Inland Port by a HCV; both inbound and outbound movements are to be counted towards the 55,000 threshold. When the records show that there have been 55,000 or more HCV movements to and from the Southern Link Inland Port during the 12-month period, the Consent Holder must, within 4 months, submit an Integrated Transport Assessment (ITA) to the Consent Authority for review and approval. The ITA shall be prepared by a suitably qualified and experienced transport professional and must include the following: a. An assessment of the effects of the observed HCV movements, as well as the future anticipated HCV movements, associated with the operation of the inland port, on the safety, efficiency and operation of State Highways 1 and 87 and the local roading network, including impacts on vulnerable users. The future anticipated HCV movements should include a conservative estimation, or confirmed actual volumes (if known), of HCV movements expected to occur through to the end of the consent term. The ITA should, as a minimum, include SIDRA modelling of each of the State Highway 1 and 87 intersections including any

	local road approaches/intersections, used to access the inland port, using the most recent Dunedin City Council and NZTA traffic data. The ITA should, as a minimum, include a Crash Analysis System (CAS) analysis comparing the crash data following the operation of the Southern Link Inland Port to the CAS data from the 5 year period preceding the operation of the Southern Link Inland Port in order to identify the extent to which HCV associated with the Southern Link Inland Port are represented in crash data. b. Identification of any measures required to avoid, remedy or mitigate adverse effects arising from the observed and future anticipated HCV movements associated with the operation of the Southern Link Inland Port on State Highways 1 and 87 and the local roading network, and a programme detailing when any actions to mitigate adverse effects will be implemented; and c. As an appendix to the ITA, written comments from NZTA on the ITA findings and recommendations. The Consent Holder must allow NZTA 20 working days to review the ITA and provide written comments on it. No further development or intensification of the Southern Link Inland Port shall occur until the Integrated Transport Assessment has been certified in writing by the Consent Authority.
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82	The rail siding must be designed to enable its construction during Stage 1 of the Southern Link Inland Port. The rail siding must be constructed and operational to the extent necessary to cater for the demand deriving from Stage 1 of the Southern Link Inland Port within twelve months of the commencement of Stage 1 operations on the Site. The rail siding shall be expanded as necessary to cater for the demand from subsequent stages of the Southern Link Inland Port as those stages are developed.
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In relation to the proposed changes identified above the DCC Transport advisors:

- Do not consider the certification requirement in Condition 72(1) to be onerous and it is considered necessary to certify infrastructure that will become DCC owned and managed public assets and are changes recommended on that basis.
- Note that in relation to Condition 72(k) that the footpath plan includes two crossing location options across the railway line. They would support a crossing being at the roadside where it crosses the railway line, subject to Kiwirail approval.
- In relation to Condition 72 (g) they advise that wording additions have been recommended to reflect DCC Transport's position that the applicant should be responsible for pavement upgrades to Dukes Road North between Stedman Road and the site entrance.
- In relation to Condition 72 (h) they do not agree with the proposed condition wording as we consider it appropriate for the footpath to be constructed at Stage 1 as part of the wider infrastructure required to service the SLIP. We cannot give certainty for the timing of when a walking and cycling connection between Dukes Road North and Central Mosgiel will be delivered. What we can say is that Stedman Road has been identified as having safety concerns and cycling safety improvements and future cycling and pedestrian routes for Mosgiel have been identified as projects that can be delivered through DCC's Future Development Strategy (FDS) implementation plan but is yet to be assigned an implementation year and confirmation of what the full scope of these improvements will be. This uncertainty is partly due to the potential cost of other projects already being delivered through the FDS in the short term (in the 2026/27 and 2027/28 financial years). There will hopefully be greater certainty around timing when the Mosgiel Transport Study findings are presented to Council. This footpath construction should be guaranteed either via a condition or via a bond.
- In relation to Condition 73 they consider that the removal of this clause provides greater flexibility during the review of the engineering plans for the construction of the new DCC vested assets for minor amendments to these plans prior to final approval if required. Particularly as the plans submitted as part of the application will need to be further refined from our perspective and are still considered to be high level.
- In relation to proposed condition 73A they consider that the ability for the footpath/shared path to be accessible to the public should be guaranteed in some form and it is recommended that this should be incorporated as a consent condition. We are flexible as to the best way that this is achieved via a easement in gross or vesting as road reserve.
- In relation to condition 74 they have recommended changes to reflect the testing requirements during each stage of construction prior to completion.
- In relation to new Condition 75B they recommend the inclusion of a threshold condition that requires additional assessment and review in the event that the maximum annual HCV movements expected to be generated by the proposal at Stage 3 are exceeded to assess any additional or unanticipated impacts to the roading network. This is generally consistent with NZTA's position as the Road Controlling Authority (RCA) for the State Highway through Mosgiel. The condition wording has been drafted by NZTA, minor edits made, and adopted by DCC Transport.
- In relation to Condition 82 they do not agree that this resolves the need to not include a threshold/limit to trigger a review of road safety matters if the expected number of HCV's at Stager 3 is exceeded. Regardless of whether or not the rail siding is constructed, there will be a number of potential factors that will influence trip generation rates to and from the SLIP and does not consider

the impacts if there is a low transfer of freight from road to rail. Refer to proposed Condition 75B above to require a threshold trigger for further assessment.

Natural Hazards

The applicant's revised conditions to address the flooding hazard have been reviewed by the DCC expert Reese Ben Throssell in relation to the Joint Witness Statement that was prepared and the matters explored at the Freshwater hearing. Mr Throssell has recommended changes that are discussed below.

Buildings

It is acknowledged that the Panel could leave the question of building floor level to be determined through assessments under the Building Code at the time when a building consent is lodged. However, if a floor level limit is to be imposed on buildings, then it is considered appropriate for this to be contained in the DCC conditions suite as the DCC will be responsible for reviewing plans for building consents to check compliance with the building code and this will include a check by planners for compliance with any DCC resource consent conditions. It is noted that Otago Regional Council B Consent does not require consent for buildings whereas the DCC consents required under the 2GP include a consent requirement for buildings exceeding 60m² in area in a Hazard 1 and 2 Flood Hazard Area (Rule 16.3.6.3).

In relation to minimum floor levels required under the Building Code to address flooding MIBE guidance¹ is that under Clause E1 of the Building Code a 2% AEP event (1 in 50 year) applies as follows:

Building Code Clause E1 Surface water

Buildings and site work must be constructed in a way that protects people and other property from the adverse effects of surface water. For housing, communal residential, and communal non-residential buildings, a proposed floor level providing protection from an event having a 2% annual exceedance probability (AEP) is required to comply with the building code and is also considered to be adequate provision to protect the building work.

I also note that the guidance identifies that there are limitations to the Clause E1 as follows:

This clause applies only to housing, communal residential and communal non-residential buildings. This means that other buildings do not have a minimum floor level requirement. However, even if no minimum floor levels apply, it is important to consider the durability of building elements that might be damaged or be affected by flood water entering the building. An allowance, called a freeboard, is added to account for any uncertainties associated with historical data and hydraulic assessments, and other environmental factors such as the effect of wave action generated by vehicles.

¹ Natural Hazards Provisions – Guidance on Complying with Sections 71-74 of the Building Act 2004 (October 2023).

The expert advice provided in relation to the application indicates that the floor level design for the proposed buildings at the Inland Port should protect against 1% AEP (1 in one hundred year) event. If this higher level of protection is to be secured, then it may be appropriate to impose a DCC consent condition rather than relying on the Building Code because the degree of protection proposed is higher than the level specified in Clause E1 of the Building Code.

Expert advice from Mr Throssell is that the existing condition in ORC consent condition B21 (2) is inadequate as it only requires an assessment. He recommends the following condition:

“Finished floor levels shall be constructed at or above the 1% AEP plus climate change flood level, with 300 mm freeboard. This shall be determined by a suitably qualified and experienced person(s).”

I note that this recommended condition could be imposed on the DCC conditions suite without impacting the existing ORC condition (B21(2)). The benefit of including the condition in the DCC condition suite is that it will clarify the appropriate standard to apply to review assessments for those consent officers checking building consent compliance when future buildings are lodged. The following additional condition is proposed.

X	<u><i>“The Finished floor levels for any building must be constructed at or above the 1% AEP plus climate change flood level, with 300 mm freeboard. The floor level must be determined by a suitably qualified and experienced person(s) and the assessment report included with building consent documents.”</i></u>
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The other proposed condition where advice has been received from Mr Throssell is in relation to flood water displacement which is a consideration in the 2GP rule assessment guidance. The (B21(1) condition is currently located within the ORC conditions suite. As it is discharge and flood water related the DCC is happy for it to remain within the ORC suite of conditions, but a change is sought to the condition as Mr Throssell considers that the design should be subject to an independent peer review. The following change is proposed:

B21	1. Prior to the commencement of construction of the Southern Link Inland Port, the Consent Holder must provide final detailed design plans and <u>an independently peer reviewed</u> report describing the associated hydraulic modelling to the Otago Regional Council, prepared by a Suitably Qualified and Experienced Person(s), that confirm that the development of the Southern Link Inland Port will not increase off site flood effects beyond the following tolerances for the 18 hour duration 2% AEP current climate and 1% AEP with climate change for an assessment area extending 1000m downstream of the site boundary:
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	a. <10mm increase in Water Surface Elevation (WSE) at habitable buildings (residential or rural zones) where the depth anywhere within a 2m buffer from the LINZ building outline exceeds 50mm; b. <20mm increase in WSE within industrial and major facility zones or buildings; and c. <50mm elsewhere.
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Response compiled by John Sule for the DCC



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