

FTAA-2604-1207

Under	the Fast-track Approvals Act 2024
In the matter	of the substantive application for the Southern Link Inland Port
By	Southern Link Property Limited

9 October 2026

PO Box 874 Christchurch

1. EXECUTIVE SUMMARY

- 1.1** These reply submissions are filed on behalf of Southern Link Property Limited (**SLPL**) in accordance with Minutes 17¹ and 18 in relation to its application for approvals sought under the Fast-track Approvals Act 2024 (**FTAA**) to authorise the construction, use and operation of the Southern Link Inland Port, an inland port / logistics hub (**the Project** or **SLIP**).
- 1.2** This reply addresses key matters raised in the Transport, Noise, Freshwater and Conditions Hearings. It also addresses matters raised in the statements filed since the Conditions Hearing by Mr Reeve (Panel Acoustic Advisor), Mr Styles (for Dunedin City Council (**DCC**)) and Mr Shanks (for SLPL) – in response to Minute 17, and in response to the request from information response from White Robe Lodge (**WRL**) in respect of Minute 18.
- 1.3** These legal submissions should be read in conjunction with the legal submissions filed on 7 July 2026 in respect of the Panel’s decision-making task² (**Panel Briefing Submissions**) and 19 August 2026 (**s 55 submissions**).
- 1.4** While not repeated here, the Panel Briefing Submissions are important and emphasised, as are the submissions about the Panel’s ability to impose conditions of consent.³ Section 83 of the FTAA requires that conditions are no more onerous than necessary to address the reasons they were set. This ‘threshold’ for imposing conditions on the SLIP consent is particularly relevant to some of the outstanding matters remaining with DCC.
- 1.5** SLPL considers there has been comprehensive and detailed consideration of the SLIP application, its effects, and issues raised in written comments through the hearings process adopted by the Panel.

1 The corrected version of Minute 17 (which is not on the EPA website) where paragraph [12] made clear that SLPL could file a legal reply with its proposed conditions by midday on 9 October 2026.

2 Refer paragraphs 13 to 18.

3 Refer paragraphs 19 to 23.

- 1.6** Following the conditions hearing, SLPL has made some further updates to the proposed conditions, and a final set is filed alongside these reply submissions. Changes to these conditions from the previously circulated version on 21 September 2026 (presented as tracked changes) are focused on matters that were covered at the Conditions Hearing, and in response to WRL and the Stewarts in respect of their occupation of the Stud Managers Residence at 273 Dukes Road North.
- 1.7** While taking care to engage with and respond to the issues raised by commenters, the conditions advanced by SLPL also take into account the operational requirements necessary for the SLIP, in order to ensure a set of approvals that are can be relied upon to implement the Project. This aligns with the facilitation purpose of the FTAA.⁴ It is submitted that the final conditions package represents a comprehensive framework for managing the effects of the Project, and that there are no residual significant adverse impacts following the implementation of the proposed management measures. It is only residual adverse effects not dealt with by conditions that can be relevant to the Panel’s proportionality analysis under s 85.
- 1.8** In SLPL’s Panel Briefing Submissions, it was submitted⁵ that the only potentially relevant mandatory reason to decline the application, is if the Panel considers that granting the approvals would breach s 7 of the FTAA. That matter has been fully resolved through Te Rūnaka o Ōtakou⁶ confirming (amongst other things) by way of memorandum of counsel on 10 September 2026 that it no longer raises any issues with regard to s 7 of the FTAA, “as granting the approvals sought will be consistent with s 7”. Therefore, there is no mandatory reason to decline the application.
- 1.9** In relation to the significant regional benefits, those benefits are detailed comprehensively in the Project Application, and particularly the Savy Economic Report, as well as the Panel Briefing Submissions. To the extent

4 FTAA, section 3.

5 At paragraph 5.

6 Supported by Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Aukaka (1997) Limited.

there is any uncertainty that the benefit of the road to rail modal shift (one of many factors contributing to the extent of the regional significance of the Project under s 81(4) of the FTAA) may not be realised has been fully addressed through SLPL proposing DCC Condition 82. Condition 82 provides that the rail siding must be designed to enable its construction during Stage 1 of the SLIP, with the construction being required within 12 months of the commencement of Stage 1 operations on the Site, to the extent necessary to cater for the demand deriving from Stage 1.

1.10 On this basis, SLPL considers there has been no challenge to the benefits of the Project, and SLPL's application and supporting legal submissions can be accepted as presented with the project clearly delivering significant regional benefits.

1.11 These submissions take a thematic approach to responding to key matters raised (and not resolved) through the four hearings. For completeness, it is understood that all matters are now agreed with Otago Regional Council, Ōtākou and Fish and Game.

2. FRESHWATER

Ōtākou and Otago Fish and Game Council

2.1 Through constructive discussions with Ōtākou and Fish and Game, SLPL reached full agreement with the two parties in respect of their interests in the SLIP prior to the hearings, including (for Ōtākou whose interests were wider) to do with Freshwater. It is acknowledged that in the reply condition set, some minor changes have been made to freshwater related conditions that those parties may have an interest in (but not the 'mana whenua conditions'). However, those changes all 'tighten' the relevant management of effects in response to ORC feedback, or are drafting refinements for clarity / ease of implementation.

Otago Regional Council (ORC)

2.2 For ORC, SLPL understands that the matters outlined by Ms Goslin in her opening statement for the Freshwater Hearing, and then spoken to by Ms Fenemor at the Conditions Hearing, are understood to be fully resolved through SLPL's reply condition set. As Ms Goslin confirmed, there has been a "significant narrowing of issues"⁷ since ORC filed its s 53 comments, first and foremost through SLPL's comprehensive s 55 response to comments and technical evidence. The narrowing of issues has continued through the updates made to the condition set at the Conditions Hearings, which are now reflected in the updated conditions set provided with this reply and explained in the Summary Planning Statement on Update to Conditions also filed with this reply (**Summary Planning Statement**).⁸

2.3 With respect to freshwater ecology, it is submitted that the revised Stormwater Monitoring Plan, together with the proposed approach to calculating trigger values and adaptive management framework (all now secured through the proposed conditions of consent), provide an appropriate basis for identifying and managing effects on Silver Stream/Whakaehu.

Dunedin City Council (DCC)

2.4 SLPL has reached agreement with ORC as to the appropriate wording of ORC Condition B.21 requiring that:

- (a) SLPL provide final detailed design plans and a report as to the hydraulic modelling, that confirms that the development will not increase off site flood effects beyond what is set out in (a) to (c) of the condition; and
- (b) that an assessment of the building finished floor levels with appropriate freeboard above the 1% Annual Exceedance

7 Ms Goslin, opening statement for Freshwater Hearing.
8 At paragraphs 5 and 6.

Probability (**AEP**) with climate change flood level be provided to ORC by a SQEP engaged by the Consent Holder at building consent stage.

2.5 The DCC comment filed for the Conditions Hearing confirms that the Building Code Clause E1 for Surface Water applies a 2% AEP requirement. Therefore, the condition (adopting 1% AEP) agreed with ORC and requiring an assessment is more conservative than the Building Code.

2.6 Mr Ben Throssel explained his concern at the Freshwater Hearing as “my reading of that condition [being the floor level condition] is that only an assessment of flood levels if it’s required. In my experience, you’d normally agree the methodology for setting the floor levels, and then you’d come and set them at building consent stage. That might be, we will set floor levels to the 1% 30mm freeboard, but we’re not going to go and set those floor levels right now, but that will be the methodology we will apply. The intent there was just to tidy up that condition”.⁹

2.7 In SLPL’s submission:

- (a) Condition B.21(2) already requires that the appropriate freeboard above the 1% AEP be considered, and if the assessment is that such freeboard is required (through Building Consent), then that will be the as-built finished floor levels. That will already occur through the Building Consent process, as Commissioner Callaghan identified in questions to Mr Throssell;
- (b) referring to Mr Craig’s evidence, it is not appropriate to use a single freeboard number above the 1% event in the conditions because “that risk profile of how the site’s design both inside buildings and their interface with their immediate surroundings of hardstand, operational requirements, forklifts, straddlers and side

loaders, and the ability still in the detailed design to modify those gradients very slightly to improve overland flow”¹⁰;

- (c) Mr Throssel rightly recognised that the word “generally” in the 2GP rule “provides some wriggle room” as to whether offsite transference or creation or exacerbation of risk will be accepted;
- (d) the adoption of 1% AEP in the condition is already more conservative than the 2% AEP adopted in the Building Code E1 for non-habitable buildings;
- (e) SLPL’s approach allows it to make a risk assessment and design accordingly. The floor levels would be set taking into account the site design and how they are managing potential secondary flow as part of the stormwater design solution for the site and its immediate surrounds; and
- (f) ultimately, any buildings need to achieve Building Consent E1, and DCC has control on granting the building consent for the buildings.

2.8 One of the tests for validity of a resource consent condition is whether it is for a resource management purpose, not an ulterior one. The High Court (*Petone Planning Action Group v Hutt CC* HC Wellington CIV-2008-485-1112) indicated that matters fully controlled under the Building Act 2004 need not be a matter for conditions on a resource consent under the RMA unless there is a resource management purpose. Where there is a resource management purpose then the consent conditions can impose more stringent controls than the Building Code (*Building Industry Authority v Christchurch City Council* [1997] NZRMA 145).

2.9 Generally speaking, conditions of a resource consent should leave compliance with the Building Code to the Building Act 2004, they should not require compliance with the Code directly. The conditions can only cover the same subject matter as the Code (floor levels) and impose a stricter requirement where those are for a valid purpose under the RMA.

- 2.10** Based on the submission above, SLPL submit that there is no resource management rationale for the additional condition(s) sought by DCC. It is also noted that Mr Throssell nor Mr Sule have turned their minds to s 83 of the FTAA, in putting forward a DCC position on this issue. In our submission the approach suggested by Mr Throssell is onerous and not necessary, especially given ORC, who have the relevant technical expertise and functions, are in agreement with SLPL. Further, DCC's proposed approach would restrict innovative solutions that could be advanced within the conditions of consent, to develop the site.
- 2.11** SLPL submit that its evidence from Mr Craig should be preferred, which aligns with ORC.

3. TRANSPORT

Rail Siding condition 82

- 3.1** As confirmed at the Conditions Hearing, SLPL has made some changes to this condition to remove any inherent uncertainty. As Mr Kyle confirmed at the Conditions Hearing, the drafting of this condition is deliberate and for operational reasons (including lead-in time for delivery of the necessary materials). SLPL oppose the DCC and NZTA proposed position that the rail-siding be "designed to enable its construction prior to the freight movement operation commencing". Such a condition would have effectively meant that nothing could occur on the site until the rail siding was built, including storage of empty containers. Such a condition, would not take into account the commercial reality of developing land, and it is submitted that SLPL's condition aligns with s 83 of the FTAA.
- 3.2** Further, it is submitted that such a condition is not required nor necessary and this is demonstrated through both Mr Rossiter's ITA and s 55 evidence.

No resource management link exists between the adverse impacts and the condition as sought by DCC and NZTA, has been demonstrated.

Monitoring condition

3.3 SLPL continue to oppose the heavy transport “monitoring condition” as proposed by NZTA and DCC through the Conditions Hearing. The reasons for that opposition are:

- (a) NZTA's 55,000 threshold trigger derives from an Integrated Transport Assessment (ITA) addendum calculation that Mr Rossiter identified as containing an error (missing container movements).¹¹ On a two-way basis consistent with the original ITA, Mr Rossiter's evidence was that the correct figure is 60,000, consistent with Table 7-3 of the ITA, which records 30,000 one-way truck arrivals per annum at Stage 3 (i.e. 60,000 on a two-way basis);¹²
- (b) there was clear uncertainty from all traffic experts at the Transport Hearing as to what the outcome of the monitoring would be. NZTA's witness could not identify the consequence of an exceedance ("not an area of my expertise");¹³ SLPL's expert said the parties "have been struggling with this one";¹⁴ and no outcome was identified even when pressed directly by the Panel;
- (c) there is clear potential that the outcome (presumably being road upgrades) might not fairly or reasonably relate to effects (traffic movement) caused by SLIP operations; and
- (d) the condition is not necessary to manage effects and would be more onerous than necessary to address the reason it is set. The ITA's full-development forecast of 60,000 results from a 100% road scenario (255/day), but SLPL's committed operational position, including through the inclusion of proposed Condition 82

11 Transport Hearing Transcript dated 14 September 2026 (**Transport Transcript**) page 9.

12 Transport Transcript page 9; Integrated Transport Assessment dated 15 April 2026, page 42.

13 Transport Hearing Transcript, page 13, Kelly Blackie.

14 Transport Transcript, page 13.

relating to the rail siding construction being required within 12 months of Stage 1 operation commencing, will ensure the road to rail mode shift is achieved.

3.4 Port Otago has already invested ~\$13m in upgrading its rail siding at Port Chalmers as enabling works for the proposed rail siding at SLIP. The Inland Port rail siding infrastructure will mirror what has already been invested at Port Chalmers. It would be a very large financial waste not to use the investment in rail at Port Chalmers and then the subsequent investment in the SLIP.

3.5 An alternative was explored during the Conditions Hearing, which SLPL has included in the updated condition set as DCC Condition 75B. This requires (in summary) monitoring of HCV movements to inform whether an adverse effect has occurred as a result of the operation of the SLIP as discussed at Conditions Hearing. Monitoring is proposed to commence during Stage 2 given the low number of HCV movements anticipated during Stage 1. The annual report that results, can then be used to feed into, if necessary, any DCC review of the conditions (including as provided for by Condition 103) and that can be undertaken under s 128 of the RMA, to deal with any adverse effect on roads that may arise from exercise of the consent.

Conditions requiring upgrades / works

3.6 Legal submissions were made on ‘transport related conditions’ in the s 55 submissions, including in respect of the:

- (a) SH87/Dukes Road North upgrade;
- (b) Dukes Road North formation upgrade; and
- (c) Pedestrian pathway along the length of the SLPL site (agreed to), but not across the Kiwirail land / designation.

3.7 The SH87/Dukes Road North upgrade condition was explored at the Transport Hearing, and SLPL has taken on board NZTA’s feedback and

agreed to some further refinement to the relevant condition. It is understood the condition is agreed, with Appendix D to the DCC condition set showing the necessary upgrades to the road marking required.

- 3.8** DCC did not pursue the Dukes Road North formation upgrade request through the conditions hearing, we understand accepting SLPL's s 55 response on this issue. SLPL's s 55 submissions at paragraphs 6 to 6.3 on this point are emphasised, in summary relying on Mr Rossiter's evidence, while a condition requiring the widening along the full juncture of the SLIP boundary would relate to the development authorised by the application (as required by RMA principles), it is submitted that it is not required and would therefore not be a reasonable condition to impose.
- 3.9** In respect of the pedestrian pathway issue, SLPL, in response to comments from DCC, agreed to construct a pedestrian pathway starting at the SLIP site entrance, to the SLPL site boundary (but not across the KiwiRail land / rail way, located between the SLIP site boundary and Stedman Road). SLPL have proposed further changes to the condition set to respond to Panel feedback on the footpath construction and to provide further certainty, including a proposed route across the KiwiRail owned land and railway land (the relevant Proposed Footpath plan shown on the referenced plan). The SLPL proposed location of the footpath across the KiwiRail land, separates pedestrians from rail/road traffic and is considered a safer and less complex option to get KiwiRail approval for, rather than the alignment sought by DCC which combined pedestrians with the rail/road traffic.
- 3.10** Condition 72(2)(k) requires detailed engineering and design plans to be in general accordance with Proposed Footpath - 310206525-STN-00-210-SK-CI-S. The proposed footpath on that plan now includes a route across the rail way.
- 3.11** New Condition 73A also requires SLPL to register a 2m wide easement in gross in favour of DCC over the footpath to permit public pedestrian access along the constructed footpath (given the land is owned by SLPL), and to

future proof legal access along the equivalent 2m from the site entrance to the boundary of the site towards the east.

3.12 The outstanding matter with DCC is understood to be a request that the footpath is constructed as part of Stage 1, whereas SLPL's position is that construction is at a future date to coincide with DCC constructing a footpath along Stedman Road to provide pedestrian access along Stedman Road from residential zoned land in Mosgiel.

3.13 DCC's own evidence is that "we cannot give certainty for the timing of when a walking and cycling connection between Dukes Road North and Central Mosgiel will be delivered".¹⁵ Given the clear acknowledgement from DCC that there is no current funded works to connect the SLIP frontage with any wider DCC footpath infrastructure, nor is there any certainty in terms of when that might occur, it is submitted to be unnecessary (referring to s 83 of the FTAA) to impose that construction requirement on SLPL in Stage 1. On the other hand, SLPL's position still commits to construction of the footpath, but at a point in time when it will actually be able to connect to wider footpath infrastructure and therefore be used safely and for its intended purpose. Rather than a bond, SLPL considers it will either fund the works itself, or if the works are completed by DCC as part of its wider works, the funding can be secured through a Developers Agreement. Given the footpath construction is secured through the conditions, there is no risk to DCC that the works will not take place.

4. NOISE

White Robe Lodge (WRL) and the Stewarts¹⁶

4.1 The Panel in Minute 18 requested an update on whether an agreement has been reached between SLPL and WRL. No agreement has been reached and one is not expected to be before the Panel issues its draft (or final) decision.

15 DCC statement for Conditions Hearing.

16 The Stewarts as the occupiers of 273 Dukes Road North.

Therefore, these legal submissions address any potential noise effects on the Stud Manager's Residence located at 273 Dukes Road North as well as effects on breeding mares at the same property, and respond to WRL's RFI response / Minute 18.

- 4.2** Starting with the Stud Manager's Residence, the District Plan's permitted activity standard, on this noise receiver, is 45 dBA LAeq (15 mins) for nighttime operation given it is located within 350m of an Industrial Zone.¹⁷ The District Plan anticipates (with no need for resource consent) 45 dBA as the acceptable noise level for this site. Any activity can create that level of noise, without the need to obtain resource consent. SLPL is **not** seeking to breach that permitted activity standard (nor any other permitted activity noise standards such as the 75 dB LAFmax for night time) through any of the three stages of operation.
- 4.3** Mr Shank's evidence is that operational noise effects on the Stud Manager's Residence at 273 Dukes Road North would be at a reasonable level that does not require further mitigation.¹⁸
- 4.4** Mr Shanks has also emphasised that noise from trucks on public roads is excluded from any noise standards, consistent with Rule 9.3.6.3(h) of the 2GP, which applies to vehicles operating on public roads.
- 4.5** Despite compliance with the permitted activity noise standard and the public road noise exclusion in the 2GP (which is significant when consideration turns to necessary mitigation for this dwelling), to respond to the Stewarts' concern (who occupy the Stud Manager's Residence) with the increase in heavy vehicle movements on Dukes Road North that will be generated by the SLIP, SLPL has included road traffic noise in its amenity mitigation Condition 71B by requiring any Amenity Mitigation Plan to address noise effects associated with road traffic noise on the Stud Manager's Residence at 273 Dukes Road North. As explained in the

17 Rule 9.3.6.1(c)(iii) of the 2GP – limit between 10pm to 7am
18 Dated 6 October, at paragraph 7.2.

Summary Planning Statement,¹⁹ SLPL has followed Mr Shank's advice that the 2GP includes a performance standard in Rule 9.3.1 which relates to acoustic insulation, and this standard could therefore be applied to the mitigation at this dwelling from Stage 2. SLPL's proposed condition 71B(2)(b) deliberately aligns with the 2GP direction rather than the seemingly bespoke approach suggested by Mr Styles.

4.6 Because 45 dBA LAeq is already a permitted activity standard and road traffic noise is excluded from consideration by the 2GP, what SLPL is offering for noise mitigation for the Stud Manager's Residence at 273 Dukes Road North in Condition 71B goes above and beyond what it needs to, in order to manage effects on the dwelling. It is doing this in good faith, and to be a good neighbour. It is also submitted that offering up this amenity condition ensures that SLPL is adopting the best practicable option in respect of ensuring that a reasonable level of noise is experienced at the dwelling.

4.7 Turning to effects on breeding mares, SLPL called evidence from Mr Andrew Grierson, a registered veterinarian with over 45 years' practice, primarily in equine stud medicine. Mr Grierson is also the co-owner to Woodlands Stud, for 32 years. Mr Grierson gives some context to the WRL's comment raising concern about the vulnerability of mares close to foaling, newborn foals and young horses to stress and sudden disturbances. Relying on Mr Grierson's evidence alongside Mr Shank's specialist acoustic advice, SLPL's position on the effects of the SLIP on the WRL breeding operation is:

- (a) In respect of **noise**, WRL's concern is sudden impact noises. Mr Shanks addressed this in his s 55 evidence. Also relevant is that operations at the SLIP will be subject to compliance with the Operational Noise Management Plan (**ONMP**). DCC Condition 60 requires the ONMP to include, amongst other things
 - (i) methods and procedures for minimising loud, single event noise from container handling (especially at

19 Dated 9 October 2026, at paragraphs 13 – 16.

- night). This should include requirements for regular plant maintenance, operator training and noise monitoring; and
- (ii) methods for enabling a rapid management response to instances of inappropriate container handling that generates higher than typical noise levels;
- (b) There are various reasons why SLPL's operations will take all practicable steps to avoid banging and crashing relating to movement of shipping containers – with noise and any impact on the WRL operations being just being one of the relevant reasons. SLPL advises those matters to include avoiding damage to container handling vehicles, health and safety risk of injury to drivers and staff on the ground, shipping line container damage claims and logistics customers product loss claims. Mr Grierson also set out his experience of horses' responses to noise: "that they cope well with changes to their environment, including a reasonable level of ongoing noise – they are adaptable animals";²⁰
- (c) While WRL have advised it is not their practice to use **lighting** for their foaling operations, they do state that "a floodlight is positioned over the foaling yards and remains on through the night so the area can be monitored when required". Mr Grierson's evidence is that foaling units typically require managed light-time lighting as standard practice, and that it is standard practice for mares close to parturition (delivery) to be observed in well-lit paddocks with floodlights similar to those on rugby training grounds. In light of his evidence (paragraphs 4.1 to 4.3) on this point, it is submitted that lighting effects on horses will not be significant, and indeed lighting around horses is relatively standard practice; and
- (d) In respect of any suggestion of **dust effects**, the management plans and condition set will ensure that dust is appropriately managed and will not be an issue for horses at WRL. Dust is also specifically addressed in DCC Condition 22.

20 Statement of evidence of Andrew Grierson dated 19 August 2026 in response to comments.

4.8 Despite Mr Grierson's concluding statement that the SLIP and WRL can operate alongside each other, and taking into account the current receiving environment (eg other activities in the immediate vicinity creating noise effects such as existing road noise and aerodrome activities including nighttime operations for the Emergency Helicopter), and SLPL's position that the SLIP will not create any unreasonable noise on the foaling operation, SLPL in good faith, propose further mitigation measures. These consist of:

- (a) a new Condition 60A(k) requiring SLPL to consult with WRL during the foaling season; and
- (b) amending Condition 71B to also address noise effects on the foaling unit and foaling yard attached to the Stud Managers Residence at 273 Dukes Road North (and as shown in new Appendix E to the DCC conditions), within the proposed process for the Amenity Mitigation Plan.

4.9 The change to Condition 71B will allow for direct engagement with WRL (guided by a noise expert to ensure measures will achieve the desired outcomes) as to what is practical and what is not. This takes into account Mr Shanks evidence on Questions 10 and 11 in Minute 18. In particular, SLPL confirms that the suggestion that there be a requirement for straddles rather than reach stackers during sensitive periods is not practicable from an operational perspective and it is not agreed to. The ONMP requirements set out above in paragraph 4.7(a) ensure that all necessary methods and procedures will be implemented to mitigate any sudden impact noises.

Time stamp

4.10 Mr Styles for DCC (and supported by Mr Trevathan)²¹ wishes for the notional boundaries to be time stamped. It is of relevance that Mr Sule (planner for DCC) had no strong planning justification for this approach. In

21 Noise JWS under Q5.3.

our submission, there is no resource management reason why the time stamp is required (noting that when seeking a resource consent, compliance with the 2GP is not required which seemed to be the DCC rationale for the approach – “the 2GP takes that approach”). An issue that was raised by Mr Styles in his s 53 evidence was that no time stamp would mean that SLPL could buy up properties in the vicinity of the SLIP site and essentially expand its operations (and effects) by stealth.

- 4.11** In our submission, that proposition does not withstand any detailed scrutiny. SLPL cannot operate the SLIP outside of the consents obtained, otherwise it could be subject to compliance action – the very first condition in both the DCC and ORC condition sets requires that the activities authorised by the consents are to be undertaken in general accordance with the descriptions in the Application and supporting technical information. All other consent conditions, including those directing management plan content, must be complied with. Those conditions can only be changed through a formal variation of the consent (or, a council-initiated review). Through either of those processes, the impact / effect of the change of conditions will be assessed. Putting this another way, noise effects are just one effect that needs to be managed. There are various other conditions of consent that control the SLIP operations. SLPL cannot expand its operations by stealth, simply by purchasing land in the vicinity of the SLIP.

Response to Minute 17 relating to questions for noise receivers other than WRL

Question a: Is DCC condition 60B that there be no nighttime operations in Stage 1 no longer necessary in light of the applicant’s proposed 40dB LAeq noise limit at Stage 1 and 2.

- 4.12** SLPL oppose this condition. First, the application for the SLIP did not restrict all nighttime activity on the site during Stage 1 – refer to Section 2.27 of the substantive application document which describes the operational hours of

the SLIP. Second, Mr Shank's evidence²² is relied on – it is not necessary nor appropriate to restrict activities that could occur that would comply with permitted activity noise limits for the site (e.g. activity contained in the warehouses) and would result in insignificant noise effects. That would impose restrictions on what the district plan anticipates as a permitted activity. This is further explained in the Planning Summary Statement.²³

- 4.13** In addition, DCC's proposed condition 60B directly conflicts with DCC's support for the condition that there are no tonal reverse alarms audible at any receiver between the hours of 10pm and 7am the next day (which SLPL is comfortable with, but has gone further in this applying 24/7 rather than just between 10pm and 7am). DCC's no tonal reverse alarms condition contemplates night time operations, just that there be no tonal reverse alarms audible during that time.

Questions c: Is the Panel correct in our understanding that an increase in noise level's up to ~3dB is unlikely to be perceived by sensitive receivers, but a 5dB increase would be clearly noticeable and may cause significant adverse health effects?

Question d: Based on your understanding of the applicant's operational noise modelling is ~43dB LAeq(15min) achievable at the notional boundaries East of the site at 345 Puddle Alley (owned by the applicant) or at 243 Puddle Alley?

- 4.14** Questions c and d in Minute 17 focus on noise effects on properties more than 350m from the Industrial Zone boundary. Effectively, this question / issue applies only to six dwellings to the east of the site. One is owned by SLPL and subject to an affected person approval, so noise effects on that property cannot be considered by the Panel. Two were subject to s 53 comments in support of the project as lodged, which included a nighttime standard of 45 dB across all three stages, as follows:

²² Dated 6 October 2026, at paragraphs 2.1 to 2.7.

²³ Dated 9 October 2026, at paragraphs 10 - 12.

- (a) Stockdale Farm Ltd made a s 53 comment²⁴ in support of the proposal as lodged. The Stockdale Farm comment specifically states “I don’t believe any other neighbours are going to be more affected by this than me. As an adjoining owner I will be affected by **noise**, lighting, dust, traffic and visual impacts which I realise is just part of the process. The applicant has been very helpful regarding the proposal including discussion of boundary treatment and mitigation measures. I support the Inland Port Proposal, the development will provide economic and employment opportunities for Mosgiel and the wider Otago region”; and
- (b) Paul and Rochelle Urquhart made a s 53 comment²⁵ in support of the proposal as lodged. The Urquhart comment includes “It appears that substantial work and planning have been undertaken, with good communication to us, on what is a pretty ideal site overall, and we are satisfied that the overall effects to us will be minimal, and as such we welcome the commitment and investment in our area”.

4.15 Therefore, Stockdale Farm has specifically acknowledged noise effects and clearly stated that they are not of concern. The Urquharts have also commented that they are satisfied that the overall effects on them, will be minimal. Both comments are relevant to the Panel’s decision making on this issue. No comments were received from the other dwellings.

4.16 It is also submitted to be relevant that all three experts were united in their oral evidence at the Noise Hearing that it is above 45 dBA when significant adverse effects might result. For example:

- (a) Brendan Shanks: 45 dB LAeq is "appropriate and consistent with guidance," not unreasonable for rural character (JWS) and “The health guidance indicates that above 45 is where you start to get

24 [Stockdale-Farm-Ltd-comment_Redacted.pdf](#)

25 [Paul-and-Rochelle-Urquhart-comment_Redacted.pdf](#)

the onset of potential health effects. The [international standards] and the New Zealand standard reference is that as an upper level, it's acceptable for a rural environment. It's a pretty common noise limit to have for a rural environment" (Hearing Transcript);

- (b) Jon Styles: 45 dB compliance "should avoid any significant adverse health effects" on a community-average basis (Noise JWS) and "45 is at the very top end of what is reasonable for a dwelling that relies on partially open windows for cooling and ventilation. It certainly wouldn't want to be any higher. I think we'd likely be in the territory of saying it might be unreasonable if it went over 45, so we're not quite there, but it is definitely at that upper end." (Hearing Transcript); and
- (c) Jeremy Trevathan: Dr Trevathan observes that night time limits of either 40 or 45 dB LAeq are not uncommon with regard to the control of industrial noise received at the notional boundary of rural dwellings (JWS) and was explicitly "non-committal" on 40 vs 45 (Hearing Transcript).

4.17 This evidence needs to be considered in the context of the Stockdale Farm comment, and that SLPL's proposal is to now only seeking the additional 5 dB in Stage 3, rather than for all three stages.

4.18 Mr Shanks and Mr Reeve are also in agreement that the increase in noise limit from 40 to 45 dB LAeq in Stage 3 and at dwellings that are more than 350m from the Industrial Zone would not be expected to cause significant adverse health effects.

4.19 There was also a concern raised by DCC at the Noise Hearing that 40 dB should be time stamped, as any future changes to the Industrial Zone on the 2GP plan maps could also allow for the SLIP operations to also expand. That argument is not accepted – for the reason being that no change to the Industrial Zone on the 2GP plan maps cannot change without a formal plan change process. Through any plan change process, the effects of any rules that would be applied to any land that is rezoned would need to be assessed

(under the statutory tests for changing a district plan), which would include the appropriateness of the 45dB standard applying within 350m of the new Industrial Zone boundary.

5. CONDITIONS HEARING

- 5.1** Matters relating to conditions, have been addressed in the topic specific sections, above. General drafting issues, such as the management plan conditions, have been resolved as per ORC feedback.

6. CONCLUSION

- 6.1** Following the s 55 response to written comments, SLPL has continued to listen to parties' concerns, and has made a number of changes to the proposed conditions of consent.
- 6.2** SLPL wishes to acknowledge the constructive approach that other parties have taken to engaging in the process.
- 6.3** Overall, it is submitted that there are no adverse impacts significant enough to come close to outweighing the Project's benefits. The application and technical evidence filed by SLPL through both s 55 and the on-going hearings processes demonstrates that the adverse impacts of the Project can be appropriately managed and that the economic benefits of the Project clearly outweigh any potential adverse impacts.

Dated: 9 October 2026



S J Scott / K Parker
Counsel for Southern Link Property Limited