
MINUTE 9 OF THE EXPERT PANEL
Instructions for Joint Expert Conferencing and Hearings

Southern Link Inland Port FTAA-2604-1207

26 August 2026

[1] The purpose of this Minute is to record directions following the procedural conference held on 24 August 2026. A recording of the conference will be made available on the FTAA website.¹

[2] The following timetabling directions are included in this Minute:

Topic	JWS	Hearing (if required)
Transport	3 September 2026	8 September 2026
Noise	10 September 2026	14 September 2026
Freshwater issues	n/a	15 September 2026
Conditions	n/a	22 September 2026

¹ As directed at the Conference some matters have been redacted for confidentiality reasons.

General Directions regarding Joint Expert Conferencing:

[3] Expert witness conferencing is to take place for Transport and Noise effects.

[4] Expert conferencing and the recording of Joint Witness Statements (JWS) is to be undertaken in accordance with the Environment Court Code of Conduct for Expert Witnesses.²

[5] Expert witnesses are required to clearly state their reasons for agreement or disagreement. Where alternative conditions are proposed by all or some of the experts, alternative drafting is to be included in the JWS.

[6] Where Panel questions are primarily directed to one party's expert in the first instance the experts of other parties are to consider the primary response and indicate their agreement or disagreement with reasons.

[7] If the issues or questions can be resolved by a potential condition or refinement to existing proposed conditions, then the experts shall set out their suggested wording or at least the key parameters for such a condition.

Transportation Issues

[8] The Panel has identified several issues arising from the Applicant's Integrated Transport Assessment (ITA³, ITA Addendum⁴ and the s 55 response to the comments invited under s 53⁵), and from the comments of the technical advisors to the Dunedin City Council (DCC) and the New Zealand Transport Agency

² <https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

³ Stantec NZ, Integrated Transport Assessment, Rev 2, 15 April 2026, Part B.12 of the substantive application ("ITA").

⁴ Stantec NZ, Integrated Transport Assessment – Addendum, Rev 1, 31 July 2026, filed with the memorandum of counsel of 31 July 2026 in response to Minute 4 ("ITA Addendum"). Both Stantec reports were authored by Mr C Rossiter and independently reviewed by Mr A Metherell.

⁵ Applicant's s 55(2) response of 19 August 2026, in particular the Statement of Evidence of M C Rossiter (Transport) (Attachment 10) and the "Transportation" rows of the response tables at Attachments 01, 02 and 04 ("s 55 Response").

(NZTA).

[9] There are six issues the Panel considers important at this stage of the process. The details are set out in **Annexure A**, each with the background to the issue and a question directed to the relevant expert or experts. The background and the questions are set out in detail, as foreshadowed at the procedural conference held on 24 August 2026.

[10] The issues are:

Foundational

- Issue 1 — Whether the rail mode shift will be achieved in practice
- Issue 2 — Securing the benefits and mitigating environmental effects at the level assessed
- Issue 3 — Reliability of the forecasts, the untenanted warehousing and the receiving environment

Effects, mitigation and the wider network

- Issue 4 — Road safety effects on SH87 (Gordon Road) through central Mosgiel
- Issue 5 — The SH87 / Dukes Road North intersection and the next intervention
- Issue 6 — DCC's conclusion of acceptability and the wider network improvements

[11] A number of the questions in Annexure A call for analysis that appears to have not yet been undertaken. Experts cannot usefully confer on analysis that does not yet exist. The experts will need to determine the appropriate sequence for addressing the issues and questions.

[12] If any expert considers that an item sought by this Minute cannot be

delivered within the timetable, the Panel asks that this be identified by **5pm 27 August 2026**.

[13] As part of the joint conferencing process, it is possible the transportation experts will need to liaise with the acoustic experts and share updated traffic forecasts. Those forecasts might be used by the acoustic experts as inputs when formulating their own assessments. The information provided will probably include traffic volumes stating for each road link, and each Stage, the total daily volume, the peak hour volume, and the heavy vehicle volumes; existing and with the Project. The Panel has set the timetable for acoustic witness expert conferencing with this in mind.

[14] The Panel directs transportation experts for the applicant, DCC and NZTA to undertake expert witness conferencing with the production of a JWS by **Thursday 3 September 2026**.

[15] If required a hearing by way of joint empanelment of the transportation witnesses will be held online on **Tuesday 8 September 2026**.

Noise Issues

[16] The applicant is agreeable to the Panel appointing its own acoustics expert who will participate in expert witness conferencing and any hearing (if required) on noise issues. The Panel will issue a separate Minute regarding the Panel appointed expert and instructions shortly.

[17] The Panel has identified 6 issues that it would be assisted by expert witness conferencing. These are set out in **Annexure B**, each with the background to the issue and a question directed to the relevant expert or experts. The background and the questions are set out in detail, as foreshadowed at the procedural conference held on 24 August 2026. Each issue is preceded by the background to it. The Panel records that the Otago Regional Council expressly declined to assess noise and vibration effects, so there is no regional council acoustics expert to be

included. The issues are:

- Issue 1 — The inputs to the noise model
- Issue 2 — The predicted levels, the compliance margin, and the assumptions on which compliance depends
- Issue 3 — Noise from rail activity on the Site
- Issue 4 — The mitigation design and effects on the White Robe Lodge foaling unit
- Issue 5 — Condition 58 and the noise limits
- Issue 6 — Management plans, monitoring and verification

[18] The Panel directs that the acoustic experts for the applicant and DCC, and Panel appointed acoustics expert are to undertake expert witness conferencing with the production of a JWS **by 10 September 2026**.

[19] Acoustics experts should also consider the JWS from the transportation experts as referred to in paragraph [6] above.

[20] If required by the Panel a hearing on noise issues will be held online on **14 September 2026**.

Silver Stream/ Whakaehu freshwater issues.

[21] The Panel was encouraged to hear that there is or is intended to be ongoing engagement between the Applicant and ORC, and Te Rūnanga o Ōtākou regarding issues raised in comments. The applicant, ORC, Otago Fish and Game and Te Rūnanga o Ōtākou are agreed that a multi-disciplinary hearing of experts across the fields of expertise related to the design, management, monitoring and effects of discharges of stormwater and contaminants to Silver Stream is appropriate.

[22] The applicant indicated that they hope the outstanding issues will be

narrowed through further engagement before the hearing (if required) takes place.

[23] Counsel for Te Rūnanga o Ōtākou advised that they hope to be in a position to narrow issues raised in their comments shortly.

[24] Counsel for Te Rūnanga o Ōtākou clarified that regardless of the issues they raised in their s53(2) comments regarding future reclamation at the Port the Panel can continue to rely on the content of the Treaty Impact Assessment (TIA) in making its decision.

[25] The applicant clarified that the TIA may not necessarily incorporate the most up to date information that the applicant provided on 17 June 2026. The applicant agreed that the Panel may request further information or evidence if necessary at any time before making a decision.

[26] The Panel will likely hold a hearing on the freshwater issues on **15 September 2026**.

[27] The Panel invites Te Rūnanga Ōtākou to advise whether they have a view on the venue and appropriate tikanga for a hearing on the freshwater related issues.

[28] In the meantime, the Panel encourages further discussion between the applicant and the commenting parties to advance an agreed solution for managing ecological effects from the discharge from the SLIP on Silver Stream.

[29] The Panel would like the parties to include in those discussions the potential option of having consented limits for appropriate contaminants in the discharge from the stormwater retention pond for the operational activity at the SLIP. We note para 2.12 of Ms Millar's statement dated 19 August 2026 in response to comments where she states "*ideally an effective precautionary approach would be to align discharge contaminant limits with ANZG (2018) 99th percentile ecological protection limits*". The existing water quality parameters in Silver Stream may well improve over time and therefore may not be sufficient reason to dismiss the "ideal" framework Ms

Millar refers to for managing water quality issues. It would assist if the Applicant, ORC, Te Rūnanga and Fish and Game could consider whether there is an alternative involving discharge limits, appropriate testing and monitoring procedures and adaptive management provisions that can achieve something similar to the “ideal” outcome. The Panel encourages consideration of this line of thinking so that it can be appropriately covered at the Freshwater issues hearing.

Te Rūnanga o Ōtākou FTAA, s7 matters

[30] Te Runanga o Ōtākou have yet to confirm their position on whether the proposal is inconsistent with FTAA s7. Counsel indicated that if this aspect of Te Rūnanga s53(2) comments is to be pursued then a face-to-face hearing on the legal arguments would be appropriate. The Panel considers that if this is a matter we need to hear then it can be included in the freshwater issues hearing for **15 September 2026**.

Engagement with White Robe Lodge Limited

[31] The applicant and White Robe Lodge Limited indicated that they will continue to engage directly and do not require formal directions.

Hearing on conditions

[32] Subject to the outcomes of the directions set out above, the Panel intends to hold an online hearing on conditions on **Tuesday 22 September 2026**.

Late comments from Minister of Economic Development

[33] The Panel has received late comments from the Minister of Economic Development under s53(2).

[34] The Panel addressed an administrative error in Minute 6 where the EPA initial email inviting comments ‘bounced’ and the invitation was resent.

[35] For those reasons the Panel will exercise its discretion to consider the comments out of time under s81(6)(b).

[36] If the Applicant wishes to reply to the comments received, they may do so by **Monday 31 August 2026**.

A handwritten signature in black ink, appearing to read 'C. Robinson', with a long, flowing horizontal stroke extending to the right.

Cindy Robinson

Expert Panel Chair

Annexures

A – Transportation Issues and Questions

B – Noise Issues and Questions

Annexure A – Transportation Issues and Questions for Expert Conferencing

[1] In Annexure A, “the Project” means the Southern Link Inland Port of SLIP; “the Applicant” means Southern Link Property Limited; “the rail mode shift” means the transfer of container freight from road to rail on which the Project’s claimed transport benefits depend; and “the assumed rail mode share” means the proportion of freight assumed to be carried by rail in the Applicant’s assessment. References to heavy vehicle movements correspond to NZTA’s heavy commercial vehicle (HCV) classification.

[2] Volumes in this Annexure are expressed as two-way movements unless otherwise stated. The Panel notes that the ITA Addendum corrected an error in Table 7-3 of the ITA, which “includes a mix of one-way and two-way volumes” (ITA Addendum, s2.7). The Panel asks that each expert state the convention adopted at the head of any table of volumes provided when responding in the JWS.

Issue 1 — Whether the rail mode shift will be achieved in practice

Background

[3] The Panel’s understanding of the applicant’s evidence, s53 comments and the applicant’s s55 response is that the Project’s claimed benefits are substantially transport related benefits, and they rest on the transfer of container freight from road to rail. That transfer is the source of the claimed reduction in heavy vehicle movements on SH88 and in central Dunedin, and it is also the principal answer to the increase in heavy vehicles on SH87 through Mosgiel. The ITA Addendum is frank that the transfer is not assured:

If it is not possible to achieve a complete transfer of all dry product import / export activity to the SLIP, the changes in truck movement volumes on both SH88 and SH87 would be lower than indicated above. — ITA Addendum, s2.5

[4] The Applicant's s55 response of 19 August 2026 does not address the rail mode shift in the transport evidence. The evidence of Mr Rossiter contains no mode share, no tonnage or TEU split, no road-versus-rail comparison, and no assessment of what would occur if the transfer were not achieved. The reduction on SH88 and in central Dunedin continues to be asserted (Rossiter, para 3.7) without supporting figures.

[5] Some material bearing on the rail case appears in the evidence of Mr Driver, a company witness addressing site selection. That evidence records that a 2019 Stantec feasibility study commissioned by KiwiRail found the rail business case at Milburn to be "commercially marginal", describing "little margin to cover the costs of the terminal that would be required" (Driver, para 3.1(a)); and that "the KiwiRail feasibility work found that rail solutions are only attractive where commercial benefits exceed transfer and handling costs, meaning direct trucking to Port Chalmers or Dunedin Bulk Port will remain cheaper for many forestry operations" (Driver, para 3.1(e)).

[6] Based on the information available to the Panel, the commercial matters between KiwiRail and the Applicant appear to remain open. The KiwiRail letter of 28 April 2025 recorded that work to reach agreement on the preferred design and costings for the new rail infrastructure was expected to be completed in mid-May 2025, and that this "will enable KiwiRail and Southern Link Property Limited to finalise lease and commercial freight agreements so that the project may be progressed". That letter further recorded that "KiwiRail's commitment to a capital contribution towards construction of the new rail siding infrastructure, lease between the parties and a freight carriage agreement is subject Executive and Board approval".

[7] The Panel acknowledges the further letter of support KiwiRail provided to the Applicant dated 12 March 2026, being Part F.05 of the substantive application. That letter records:

KiwiRail is currently working on rail siding design development, costing and commercial arrangements to support a request to fund a portion of the cost of building the rail siding. This funding request will require KiwiRail Executive and Board approval. No approval has been granted at this time. — KiwiRail, 12 March 2026

[8] The Panel makes three observations about that letter. **First**, the approval it identifies as outstanding is KiwiRail’s own Executive and Board approval of a funding request, which is a different matter from the loan of up to \$8.2 million through the Regional Infrastructure Fund recorded by the Minister for Regional Development. **Second**, of the three matters made subject to Executive and Board approval in the 2025 letter i.e. 1) the capital contribution, 2) the lease between the parties, and 3) a freight carriage agreement, the 2026 letter addresses only the first, and is silent on the lease and on the freight carriage agreement. **Third**, the letter records that the Project incorporates KiwiRail-owned land as part of the external stormwater swale, and that any use of that land “remains subject to completion to KiwiRail’s standard legal, property, valuation and approval processes, including formal easement documentation”.

[9] If those commercial matters are concluded, the Panel expects that would provide a measure of surety for the rail mode shift. If they are not, then on the ITA Addendum’s own terms the Project would not achieve “a complete transfer”, and the forecast benefits would not materialise to the extent claimed.

[10] The Panel also notes that the ITA Addendum records a transfer of freight from road to rail already being achieved without the Project and this advancement has already reduced the Project’s benefits:

Following the submission of the substantive application, Icon have started to test options to reduce existing heavy vehicle movements through Mosgiel by using spare capacity on trains that currently access the Fonterra site on Dukes Road North. It is understood that using this spare capacity has reduced heavy vehicle movement volumes through Mosgiel by up to 20 vehicles per day because it has reduced the need to move containers by road between Carncross Street and

[11] The Panel records that Minute 4 asked the author of the ITA to describe the confidence in the transport predictions. The reliability of the rail mode shift is central to that question, because the assessed effects on SH87, and the claimed benefits on SH88 and in central Dunedin, depend on it.

Questions

Q1— To Chris Rossiter (for the Applicant). The Panel wishes to understand whether the rail mode shift is sufficiently certain to be relied upon. Please address:

- (a) the assumed rail mode share, expressed as a proportion of container volume and of total freight movements, at each of Stages 1, 2 and 3, and the operational evidence supporting that share;
- (b) your opinion as to the transport consequences if the commercial arrangements for the carriage of freight by rail are not concluded, or are not performed to the level assumed, including the effect on your forecasts and on your conclusions;
- (c) forecast heavy vehicle volumes on SH87 and SH88 under a no-transfer case, a low case and a high case, so that the Panel can see the range within which the assessed effects and the claimed benefits sit;
- (d) a single reconciled statement of the transport benefits relied upon, showing the derivation of each and the year and network to which it relates, reconciling in particular the approximately 19,000 truck movements at paragraph 4.1(f) of Mr Driver's evidence with the 15,000 one-way movements adopted by ORC, and identifying the source and basis of the forecast 70% CO₂e saving if it does not derive from your assessment; and
- (e) the extent to which the claimed benefit is additional to the transfer already being achieved, or capable of being achieved, using spare capacity on existing

services as described at s2.3.2 of the ITA Addendum, and what that implies for the Project's benefits.

Issue 2 — Securing the benefits and mitigating environmental effects at the level assessed

Background

[12] The proposed conditions secure construction of the rail siding but not the volume of freight carried by rail, and no condition limits or monitors the heavy vehicle movements the Project generates. NZTA sought a condition:

a consent condition [that] caps the maximum HCV movements associated with the proposed development based on the HCV volumes described in the ITA Addendum. — NZTA, para 2.8

[13] NZTA offered to assist in drafting the condition. The Applicant declined. Mr Rossiter's reasons are that "It is not clear which effect a cap on movements is intended to control because there is no reference to movements that could be generated by ongoing development in the 2GP Industrial Zone" (Rossiter, para 3.14), and that a cap:

could create a situation where landowners were reliant on NZTA to undertake improvements but have no control on when those improvements were completed.
— Rossiter, para 3.16

[14] The Panel notes that this is an argument about the fairness and practicability of a cap rather than a submission that the forecasts are reliable enough not to need one. No alternative safeguard is offered, and no monitoring is proposed.

[15] Reviewing the updated conditions as a set, the Panel can find no traffic monitoring condition, no reporting condition, no review condition, and no trigger at which further mitigation of effects would be reconsidered. The only movement

limit anywhere in the conditions is proposed condition 59A, which caps rail movements between 10.00pm and 7.00am for reasons relating to the effects of noise. On the Panel's present reading there is accordingly no mechanism by which an exceedance of the forecast heavy vehicle volumes would be detected, and nothing that would follow if one were. That matters most if the forecasts themselves prove not to have been well founded, which is the subject of Issue 3.

[16] The converse also holds. There is presently no mechanism by which a failure of the rail mode shift would be detected or addressed. If the Project were serviced predominantly by heavy vehicles, the Panel anticipates it would increase traffic on SH87 and through Mosgiel, potentially beyond the forecast volumes, and there would be no associated benefit to central Dunedin or to SH88.

[17] This issue matters because the staging is over approximately ten years, a substantial proportion of the forecast warehousing has no identified tenant, and the offsetting rail transfer is a commercial matter outside the consent. The Panel must decide whether it can rely on forecasts that are neither secured nor monitored.

Question

Q2 — To Chris Rossiter (for the Applicant). If a cap on heavy vehicle movements is not accepted, the Panel wishes to understand what would give it comparable certainty that effects will not exceed those you have assessed. Please address:

- (a) what distinguishes heavy vehicle movements from the rail movements capped by condition 59A, such that a comparable limit is said to be unworkable, addressing controllability, enforceability, and the treatment of traffic generated by parties other than the Applicant;
- (b) what mechanism you support in place of a cap on movements or on the rail mode share, and why it provides equivalent assurance;

(c) if the mechanism you support is monitoring, its components expressed in measurable terms, including the counts to be undertaken and their location (for example classified counts at the site entrance and on Dukes Road North), the survey interval, the period over which results are averaged, the reporting party and recipient, the trigger values, and the consequences that should follow an exceedance, including any requirement to reassess effects or implement further mitigation; and

(d) whether you support a mechanism linking the commencement of Stages 2 and 3 to demonstrated rail throughput, or to observed volumes remaining within the assessed envelope, so that the staging of effects follows the staging of the offsetting benefit; and if not, how else the Panel should manage the risk that later stages proceed while the transfer does not eventuate.

Issue 3 — Reliability of the forecasts, the untenanted warehousing and the receiving environment

Background

[18] Minute 4 asked the author of the ITA to describe the source data and methodology behind the forecast heavy vehicle movements at full development, and to describe the confidence in those predictions. The ITA Addendum sets out the source data but provides no sensitivity testing, no stated range and no benchmarking.

[19] The ITA Addendum responds to Minute 4's future-environment question by reference to historic growth:

The ITA did not explicitly consider future growth in traffic volumes because the historical records did not show evidence for any underlying growth... — ITA Addendum, s3

[20] The forecast for the warehousing to be occupied by unknown future tenants rests on one assumption:

Since the additional warehouse area would be expected to have a similar rate of heavy vehicle movement generation to Dynes / Icon, at full occupancy of the SLIP, the total warehouse activity on site could be expected to generate about 10,000 heavy vehicle movements per annum on average. — ITA Addendum, s2.4

[21] The s55 response of 19 August 2026 does not close the point asked by the Mosgiel-Taieri Community Board (MTCB) for independent review, Mr Rossiter’s answer is:

It is not clear what additional information is being sought here. All forecasts have been based on existing movements generated by Dynes / Icon activities, and I consider that this provides a robust basis for establishing future year forecasts. — Rossiter, para 4.2

[22] The network authorities and the community indicate that growth matters. DCC:

When existing network constraints and anticipated growth from broader residential and commercial developments is considered, targeted network upgrades may be required. — DCC Transport advice, 7 August 2026

[23] NZTA:

Cumulative effects from this and other developments may exacerbate congestion and safety risks for vulnerable road users. — NZTA, recorded in BRF-6639

[24] On the untenanted floor area, the evidence is that “relocation of another operator would be expected to provide comparable benefits in terms of reducing movements on SH88 and central Dunedin but is unlikely to alter heavy vehicle volumes south of Mosgiel” (Rossiter, para 3.7). The Panel reads that as assuming the space will be taken by freight operators (a) relocating from within Dunedin, (b) generating movements comparably to Dynes/Icon in the same time periods and seasons, and (c) distributing those movements across the network in a similar way to Dynes/Icon. None of those assumptions appears to have been tested against an alternative case, and the unlet floor area is not stated.

[25] The forecasts are foundational. Every conclusion on safety, on intersection adequacy, and on the sufficiency of the proposed conditions rests on them, and 2GP Policy 6.2.3.8 provides for high trip generators only where adverse effects are avoided or if avoidance is not practicable then adverse effects on the safety and efficiency of the transport network are adequately mitigated.

[26] The Panel is conscious that part of the question directed to Mr Rossiter depends on information held by DCC. Q3.1 is directed to DCC for that reason, and the Panel asks that it be answered so that Mr Rossiter can respond to Q3.2.

Question

Q3.1 — To Helen Chapman and Reese Martin (for DCC). Please identify the committed and reasonably foreseeable development in the Mosgiel catchment relevant to a cumulative assessment, including any development to which the MTCB may be referring, the traffic growth expected from it, and any modelling that would assist the cumulative assessment sought at Q3.2.

Q3.2 — To Chris Rossiter (for the Applicant). The Panel wishes to test the robustness of the forecasts. Please address:

(a) the source and level of growth accounted for in your assessment, identifying the existing consented development, the plan-enabled development including vacant land in the Dukes Road Industrial Zone, and the traffic growth expected from each;

(b) having regard to DCC's response to Q3.1, what a full build-out year assessment of SH87 and the SH1/SH87 interchange would show, incorporating that growth together with the Project at Stage 3, and including the peak season;

(c) the trip generation rate your forecasts imply, expressed in normalised terms per 100m² GFA per day, per container, or per another stated unit, and how that rate compares with observed rates at comparable large-format warehousing and intermodal facilities in New Zealand or elsewhere, identifying your comparators;

- (d) the unlet floor area at each stage, the trip generation you have assigned to it, and whether that assignment is an upper, central or lower estimate;
- (e) at least one alternative tenancy case that does not share the Dynes/Icon profile — for example an operator new to the region, or an operator whose catchment lies to the north or in Central Otago — and the resulting daily and peak-hour heavy vehicle volumes on SH87 and Dukes Road North;
- (f) whether any conclusion in your assessment changes under those alternative forecasts, identifying specifically whether the safety findings, the intersection findings, or the adequacy of the proposed conditions would alter; and
- (g) your confidence in the Stage 3 forecasts expressed as a range, and if you are unable to express a range, how the Panel should allow for that uncertainty under Policy 6.2.3.9(a).

Q3.3 — To Kelly Blackie and Roy Johnston (for NZTA). In your opinion, does the SH1/SH87 interchange have capacity for the Project's traffic under the forecast scenarios, together with anticipated background growth over the staging period?

Issue 4 — Road safety effects on SH87 (Gordon Road) through central Mosgiel

Background

[27] The ITA Addendum identifies road safety as the principal adverse transport effect of the Project:

The primary adverse effect of the SLIP is considered to be potential effects on road safety associated with the volume of heavy vehicle movements rather than effects on the operational performance of the network. — ITA Addendum, Executive Summary

[28] The scale of change is expressed against total traffic i.e. about 1% growth in SH87 volumes north of SH1, yet the ITA Addendum's own figures, an average

weekday heavy vehicle volume rising from 540 to about 670, represent an increase of about 24% in the very vehicle class identified as the source of that effect. DCC makes the same observation on a slightly different base, recording “a proportionally significant increase (21-27%) over and above the existing 550-700 heavy vehicles movements per day”; DCC’s earlier advice expressed the same effect as a 30% increase over 500 heavy vehicle movements per day. The heavy vehicle proportion is neither confirmed nor rebutted in the response of 19 August 2026.

[29] The Safe System assessment at Appendix B to the ITA Addendum addresses existing conditions only, and the further evidence does not extend the assessment. There is no crash prediction or crash estimation analysis anywhere in the material. Mr Rossiter’s safety analysis is that the additional movements travel straight through SH87 rather than turning, that Gordon Road is a designated HPMV route, and:

within Mosgiel, the existing high volume of vehicle movements on Gordon Road along with pedestrians and cyclists results in moderate safety risk rating for vulnerable road users. I consider that this is mitigated to some extent by the urban speed environment but acknowledge that the existing presence of heavy vehicles does increase the risk of serious injury in the event of a crash — Rossiter, para 5.5(c)

[30] The Panel observes that this identifies a residual risk category and then does not assess the Project’s contribution to it. The reasoning at paragraphs 5.5(a) and (d), that the movements pass straight through so intersection crash rates are unlikely to change noticeably, answers risk at intersections but not the mid-block risk that paragraph 5.5(c) concedes is already moderate. The with-Project rating is not stated. There is no reference anywhere in the evidence to schools, school bus routes or stops, or pedestrian crossing facilities in central Mosgiel, notwithstanding that the MTCB and neighbours emphasise “pedestrians, cyclists, school children, older residents”.

[31] Mr Rossiter supports a reduction in the speed limit on SH87 between Mosgiel and the Dukes Road North intersection, observing that “a speed reduction could be justified now even without the SLIP particularly because there are already speed advisories at the intersection which reflect the out-of-context curve geometry for the speed environment” (Rossiter, para 4.6), while recording that greater weight given to travel time effects “typically prevents a reduction in speed limits in practice” (Rossiter, para 4.7) and that any reduction must follow a process outside this one.

[32] Minute 4 asked for an assessment demonstrating the expected change in safety on SH87 through central Mosgiel. 2GP Objective 6.2.3 is directed to safety for all travel modes.

Question

Q4.1 — To Chris Rossiter (for the Applicant). The Panel seeks an assessment of the effect the Applicant identifies as the primary adverse effect of the Project. Please address:

- (a) a Safe System assessment for the with-Project case at Stage 3, including the peak season, extending Appendix B to the ITA Addendum, and identifying whether any corridor section changes score, risk band or indicated treatment; and please state what period you have adopted as the peak season and the volumes associated with it;
- (b) the with-Project risk rating for vulnerable road users on Gordon Road through central Mosgiel, paragraph 5.5(c) of your evidence having given the existing rating as moderate; and the percentage increase in heavy vehicles on Gordon Road at each Stage, on your own figures and stating the movement convention adopted;
- (c) the change in mid-block crash risk, as distinct from risk at intersections;
- (d) a quantified crash prediction assessment for Gordon Road and the SH87/Dukes Road North intersection, existing versus each Stage, using the

NZTA Crash Estimation Compendium or an equivalent method; or, if such an assessment cannot be undertaken, the reasons why;

(e) the interaction between the forecast heavy vehicle movements and concentrations of vulnerable users between SH1 and the site entrance, identifying school bus routes and stops, pedestrian crossing facilities on Gordon Road, and rail crossings, and the effect of the Project at each; and

(f) given your support for a reduced speed limit, your acknowledgement of out-of-context curve geometry, and your acceptance that a speed reduction sits outside this process and may not be achieved, what mitigation of the identified safety effects is available within the consent itself.

Q4.2 — To Kelly Blackie and Roy Johnston (for NZTA). Does NZTA have a view on the safety effects of the forecast heavy vehicle increase along Gordon Road through the town centre itself, particularly for vulnerable users, as distinct from the intersection matters addressed in its comment?

Issue 5 — The SH87 / Dukes Road North intersection and the next intervention

Background

[33] The ITA Addendum identified a limitation at this intersection, namely that the right turn bay storage length is not sufficient to accommodate an articulated vehicle, and recorded that on the relevant volumes Figure 8-2 of the NZTA Planning and Policy Manual indicates a roundabout as the preferred treatment to minimise injury crash rates. It nonetheless concluded that changes were not warranted by the Project.

[34] NZTA sought an upgrade to accommodate its heavy commercial vehicle design vehicle, “that is, a quad semi or articulated vehicle”, by condition before Stage 1 became operational. The Applicant’s position has now changed:

In my opinion, the short 10 m storage length available at the right turn bay represents an existing safety risk for vehicles following a turning vehicle, particularly longer Heavy Commercial Vehicles (HCV), that stop on the highway before turning, and improvements are desirable regardless of whether or not the SLIP is approved. — Rossiter, para 3.1

Following a meeting with NZTA on 18 August to discuss the scope of the works being sought by NZTA, SLPL has agreed to fund the alterations to line markings that would be necessary to create a 20 m long right turn bay. — Rossiter, para 3.2

[35] The covering legal submissions add that it has been agreed with NZTA that the existing taper is acceptable and that line marking is all that is required, and that the Applicant does not agree to fund or facilitate any more extensive upgrade. Proposed condition 75A requires works “limited to amending the road marking” to provide a bay a minimum of 20m long and 3.5m wide, prior to the commencement of construction.

[36] The Panel is being asked to accept line marking as sufficient mitigation of an effect the Applicant describes as its primary adverse effect i.e. road safety. As NZTA is the road controlling authority and the party that will hold the residual risk, the Panel wishes to hear directly from it.

[37] As to what comes next, Mr Rossiter accepts that “Beyond the improvements currently identified by NZTA to extend the right turn bay, a logical next step would involve construction of a roundabout”, which “would require land outside the existing road reserve”, and for which “no project has been identified in forward plans, and as such there is no funding for any improvements” (Rossiter, para 3.16). No threshold analysis is provided for when that step would be reached. NZTA has also advised that its SH1/SH87 Optimisation Improvements project does not include this intersection, and that there is no Mosgiel Freight Improvements project of the kind the ITA Addendum described. 2GP Policy 6.2.3.9(b) requires that associated changes to the transport network be affordable to the public in the long term.

[38] The question of apportionment at Q5(e)(ii) below is also put to DCC at Q6(b)(ii). The Panel asks each authority to address it rather than treating it as a matter for the other.

Question

Q5 — To Kelly Blackie and Roy Johnston (for NZTA). The Panel wishes to understand NZTA’s position on the adequacy of the agreed works and on what follows them. Please address:

- (a) whether you confirm the agreement recorded at paragraph 3.2 of Mr Rossiter’s evidence and in the covering legal submissions, including that the existing taper is acceptable to achieve a safe outcome, and whether in your view the agreed works resolve the risk you identified or defer it;
- (b) the design vehicle the agreed 20m by 3.5m bay is intended to accommodate, the Panel’s understanding being that it provides storage for a single maximum-length heavy vehicle rather than the turning ability for the “quad semi or articulated vehicle” sought in your comment;
- (c) whether a bay of that length is adequate on the forecast heavy and light vehicle demand, including any sensitivity cases produced in response to this Minute;
- (d) what approval, design acceptance, road safety audit, completion and as-built steps the conditions should require, noting that condition 75A presently contains none;
- (e) at what point, expressed as turning volume, queue length, crash risk or another measurable threshold, a more substantial treatment such as an upgraded channelised priority intersection or a roundabout becomes warranted, and whether you consider that threshold is reached at any stage of the Project, including for anticipated background growth;

- i. if that threshold is reached, who would fund and deliver the improvement, given that no project is in your forward programme and that the works may require land outside the road reserve; and
 - ii. to what extent the need for the upgrade is attributable to the Project as opposed to existing conditions or cumulative growth, and how apportionment should be approached, having regard to the acceptance at paragraph 3.1 of Mr Rossiter’s evidence that improvements are desirable regardless of whether the Project proceeds; and
- (f) whether NZTA maintains the request at paragraph 2.8 of its comment for a condition capping heavy commercial vehicle movements, and if a cap is not imposed, what alternative mechanism NZTA would support.

Issue 6 — DCC’s conclusion of acceptability and the wider network improvements

Background

[39] DCC’s transport advice records two conclusions about the same effect. The first is that the additional movements:

will have a noticeable impact on the wider transport network. — DCC Transport advice, 7 August 2026

[40] The second is that the Project is:

unlikely to result in adverse impacts on the Dunedin transportation network... subject to the... recommended conditions. — DCC Transport advice, 7 August 2026

[41] The Panel would like these reconciled, because the recommended conditions appear directed to Dukes Road North and the site access rather than to SH87 through central Mosgiel, which is where the increase in heavy vehicles is also concentrated.

[42] The conclusion of acceptability also appears to rest on works outside the consent. DCC considers the wider effects manageable through “localised roading improvements to Dukes Road North carried out by the applicant and targeted improvements to the wider transport network by DCC in collaboration with NZTA”, and expects that any upgrades to the SH87/Dukes Road North intersection “will be identified as part of” the joint Mosgiel Transport Study and SH87 Optimisation business case.

[43] NZTA’s advice does not appear to support that expectation. It records that it has no Mosgiel Freight Improvements project, that its SH1/SH87 Optimisation Improvements project is focused on named intersections between the SH1 offramp and Haggart-Alexander Drive and at Riccarton Road, and that “NZTA’s project scope for the optimisation improvements does not include the SH87/Dukes Road intersection”. On the Panel’s reading of the procured scope⁶, the study area terminates at about the southern entrance to Mosgiel, south of both that intersection and the length of Gordon Road carrying the forecast increase.

[44] DCC also notes that development contributions “will assist with growth related improvements”, while acknowledging that “It is not entirely clear where the line is drawn in relation to the direct costs of improvement works to be paid for by the applicant and growth related works”. The Panel’s understanding is that development contributions derive from the adopted Long Term Plan capital works programme and fund only the growth-related share of programmed works, and the Panel is not aware that works mitigating the Project’s effects on the SH87 corridor or at the Dukes Road North intersection are presently in an adopted programme. Mr Rossiter records that beyond the right turn bay works to the site access, no project has been identified in forward plans and there is accordingly no funding.

[45] If the improvements on which the conclusion of acceptability depends are

⁶ NZTA GETS listing 33378387:
<https://www.gets.govt.nz/NZTAHNO/ExternalTenderDetails.htm?id=33378387>

not funded, programmed or scoped to the affected locations, the Panel needs to understand what remains of that conclusion, and how Policy 6.2.3.9(b) is satisfied.

Question

Q6 — To Helen Chapman and Reese Martin (for DCC). The Panel wishes to understand the basis and the durability of DCC’s conclusion that the transport effects are acceptable. Please address:

- (a) how you reconcile your advice that the additional movements will have a noticeable impact on the wider transport network with the conclusion that adverse impacts are unlikely, that is, whether the impact is noticeable but not adverse, or adverse but adequately managed by the recommended conditions;
- (b) which recommended condition addresses the effect on SH87 through central Mosgiel, as distinct from Dukes Road North and the site access, and if none does, on what basis that effect is concluded to be acceptable, addressing in particular:
 - i. whether the capital works programme from which development contributions derive presently includes works directed at mitigating the Project’s effects on the road network, and if not, by what process and timeframe they would be added, when contributions from the Project would become available, and whether that timing is expected to align with the staging of effects;
 - ii. where the line should be drawn between applicant-funded works and growth-related works for the Project, and whether it would assist DCC for that boundary to be addressed expressly in conditions; and
 - iii. whether your conclusion that the transport effects are acceptable would hold if the wider network improvements you rely on were not funded, programmed or delivered within the Project’s staging timeframe, and how Policy 6.2.3.9(b) would be satisfied in that event; and

(c) whether DCC seeks a traffic monitoring, reporting or review condition of the kind discussed under Issue 2, and if so in what terms.

Annexure B - Noise Issues for Expert Witness Conferencing

Issue 1 — The inputs to the noise model

Background

[1] The Panel's first concern is with the inputs to the noise model rather than with its outputs. Three matters arise.

[2] The first is the road traffic data. Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04, s9.6 predicts the change in road traffic noise on Dukes Road North from the data at Table 11. That table applies the same traffic volume increment to both sections of the road. East of Stedman Road, the volume rises from 1,358 to 1,798 AADT and the heavy vehicle proportion from 1.9% to 8.7%. West of Stedman Road, the volume rises from 2,935 to 3,375 AADT and the heavy vehicle proportion from 6.6% to 9.6%. On those figures the increase is 440 vehicles per day on each section, of which about 130 per day are heavy vehicles. The predicted increase in road traffic noise is 4 dB at 273 Dukes Road North and 2 dB at 231 Dukes Road North.

[3] The transport evidence does not describe the traffic in that way. Table 2-7 of the Integrated Transport Assessment Addendum forecasts about 50,000 additional heavy vehicle movements per annum on Dukes Road North of Stedman Road, against about 32,000 north of SH87. The difference of about 18,000 movements is the container shuttle to and from the Fonterra Mosgiel site, which uses only the eastern section of the road. On the transport evidence the two sections therefore do not carry the same additional volume, and the eastern section carries materially more.

[4] This is an issue because the eastern section is the section passing 273 Dukes Road North, which Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04, Table 1 records as approximately 55m from the Site, and which contains the White Robe Lodge foaling unit and managers dwelling. It is the most

affected receiver in the assessment, and the 4 dB prediction at that receiver depends directly on the traffic input adopted.

[5] The Panel also notes that the traffic inputs changed between Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R03 (15 April 2026) and Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04 (22 July 2026) without any change to the predicted outcome. In R03 the existing volumes were 1,432 AADT east of Stedman Road and 2,224 AADT west, with an increment of 604 vehicles per day on each section. In Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04 those figures are 1,358 and 2,935, with an increment of 440 vehicles per day. The predicted increases remain 4dB and 2 dB and no derivation is shown. The source of the traffic data in both versions is recorded independently of the Integrated Transport Assessment its Addendum, or the traffic counts relied on by the transport experts. Rather the acoustic traffic counts are sourced from MobileRoad.org, June 2025.

[6] The second matter is the source sound power data. Mr Winter's review recorded that the noise assessment had not been supplemented with the input data for the noise model for all noise sources. Appendix G to Marshall Day Acoustics, Southern Link Inland Port Noise Assessment, lists sound power levels for the proposed equipment. The Marshall Day memorandum of 8 June 2026 discloses further sources, including refrigeration units, locomotive idling and reverberant noise within canopies. The Panel wishes to understand whether the source data is now complete, and whether every disclosed source appears in a modelled activity scenario at Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04, Table 8.

[7] The third matter is the measurement data relied on for container stacking. Mr Shanks has relied on measurements of container stacking activity at Port Chalmers (Shanks evidence, 4.13 and 4.14)⁷. Marshall Day Acoustics, Southern

⁷ Statement of Evidence Brendan Shanks, 19 August 2026

Link Inland Port Noise Assessment R04, s5.0 identifies existing container stacking activity adjacent to the aerodrome, and rail movements to and from the Fonterra Mosgiel site, as characterising the existing noise environment in the immediate area.

Question

Q1.1 Please reconcile the road traffic inputs at Table 11 of the Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04 with the transport evidence. If required, update that information with the forecasts provided by the transportation experts via their own conferencing:

Q1.2. Please confirm agreement or otherwise as to the adequacy of noise modelling undertaken by Marshall Day to inform the assessment of noise effects on sensitive receivers and White Robe Lodge Limited foaling unit, addressing the modelling methodology and activity scenarios at Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04 s9.1 and s9.2 and Table 8, and the source sound power data at Appendix G, and confirming whether every noise source disclosed for the Site appears in a modelled activity scenario.

Q1.3. Please confirm whether the additional measurements obtained by Mr Shanks from Port Chalmers container stacking activities (as described in Statement of Evidence, Brendan Shanks, 19 August 2026, at 4.13 and 4.14) is representative of the likely effects that could be experienced by adjacent landowners and occupiers or whether measurements taken from a location such as the Fonterra container operation adjacent to the site is more applicable.

Issue 2 — The predicted levels, the compliance margin, and the assumptions on which compliance depends

Background

[8] Marshall Day Acoustics, Southern Link Inland Port Noise Assessment

predicts that the Project will comply with the noise limits. At Stage 3 the predicted night-time level equals the applicable limit at four dwellings: 54 Rutherford Road (45 dB LAeq against a limit of 45), 243 Puddle Alley (40 against 40), 340 Dukes Road North (40 against 40), and 273 Dukes Road North (45 against 45). At 273 Dukes Road North the predicted level rose from 44 dB LAeq in Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R03 to 45 dB LAeq in Marshall Day Acoustics, Southern Link Inland Port Noise Assessment R04. There is no acoustic margin at those four receivers, they are at their maximum.

[9] Compliance is also expressed as conditional in three places, in each case on an operational step that does not appear in the proposed conditions:

We have predicted the daytime and night-time noise levels at the notional boundary of the nearby receivers and at the nearby industrial sites. This includes some management of loading/unloading noise sources during a 15-minute period that includes a rail movement at night. — Marshall Day Acoustics, Southern Link Inland Port Noise Assessment, s9.3

Provided container loading/unloading in the rail siding is reduced during the 15-minute period of rail activity, we predict that the combined noise from the Site can comply with the night-time noise limit at all nearby dwellings. — Marshall Day Acoustics, Southern Link Inland Port Noise Assessment, s7.3.3

Based on measurements of similar activity on other sites, we anticipate that container stacking activity can comply with a night-time noise criterion of 75 dB LAmax at the nearby receivers, provided skilled operators are used. — Marshall Day Acoustics, Southern Link Inland Port Noise Assessment, s9.5

[10] Condition 60 requires an Operational Noise Management Plan which must include driver training and the identification of sensitive areas of the Site where noisy night-time activities should be avoided, the latter qualified by the words “where practicable”. It does not require the reduction of loading and unloading in the rail siding during a 15-minute period containing a rail movement.

[11] Stage 2 has not been modelled. Marshall Day Acoustics, Southern Link

Inland Port Noise Assessment R04 s9.2 records that Stage 1 and Stage 3 were modelled, and that the intermediate Stage 2 “will progressively include more shielding from the additional warehouse buildings ... and is expected to generate noise levels between the range predicted for Stage 1 and Stage 3”. The Panel notes from Table 8 that Stage 1 includes no night-time activity at all, whereas Stage 3 includes full night-time activity together with the completed warehouse buildings that shield receivers to the east. Stage 2 appears to introduce night-time operations before the Stage 3 built form is in place.

Question

Q2.1 Given that the predicted Stage 3 night-time level equals the applicable limit at four dwellings, please state what margin, if any, exists between the predictions and the limits; how uncertainty in the modelling has been allowed for; and whether the experts agree that compliance can be achieved in practice at those receivers.

Q2.2 Please identify each operational step on which the predictions depend, including the management of loading and unloading during a 15-minute period containing a night-time rail movement, the minimisation of high stacking near the Site boundary at night, the use of skilled operators, and the use of broadband reversing alarms; and state, for each, whether it is secured by a proposed condition and, if it is not, should it be.

Q2.3 Please confirm agreement or otherwise that noise levels during Stage 2 will fall between those predicted for Stage 1 and Stage 3, having regard to the fact that Stage 1 includes no night-time activity and that the eastern shielding relied upon at Stage 3 is not in place at Stage 2; and if that assumption is not agreed, whether Stage 2 should be modelled.

Issue 3 — Noise from rail activity on the Site

Background

[12] By memorandum of counsel dated 6 July 2026, in response to Minute 1, the Applicant accepted that “the 9.3.6.3(q) exemption only applies to the use of the railway undertaken within land designated for railway purposes”, and recorded that further information assessing rail activity outside the designation was being prepared. Minute 3 directed an updated noise assessment on the basis that Rule 9.3.6.3(q) does not apply to rail activities within the Site.

[13] During the Application Overview conference this issue was flagged and the applicant noted that if the rule is not applied then there are some practical issues regarding compliance. The Panel encouraged the applicant to take a pragmatic approach to address the issue.

[14] Marshall Day Acoustics, Southern Link Inland Port Noise Assessment responds to that direction, by not by applying the noise limits to rail activity on the Site. Section 7.3 instead recommends:

In order to appropriately manage noise from rail activity, we have recommended that noise from rail movements is excluded from the operational noise limits set out in the proposed consent conditions and a consent condition is included that limits the number of rail movements to/from the site during the night-time period.
— Marshall Day Acoustics, Southern Link Inland Port Noise Assessment, s7.3

[15] Proposed condition 58 gives effect to that recommendation, and goes further. It excludes from the noise limits both “noise generated from rail movements” and “noise on any property owned by the Consent Holder”. Proposed condition 59A limits rail movements on the Site between 10.00pm and 7.00am to two arrivals and two departures.

[16] Marshall Day Acoustics, Southern Link Inland Port Noise Assessment s10.6 appears to continue to advance the proposition that rail is protected in the

2GP, relying on Rule 9.3.1, which requires dwellings within 70m of a rail corridor to provide a standard of sound insulation, and concluding that “existing houses are already protected from rail noise, irrespective of the number of trains passing in the corridor”.

[17] Finally, proposed conditions 59A and 83 appear to be in conflict. Condition 59A permits up to four rail movements between 10.00pm and 7.00am. Condition 83 provides that “All train movements to and from the Southern Link Inland Port must operate between the hours of 7am and 10pm, unless otherwise approved in writing by Dunedin City Council”.

Question

Q3.1 Having regard to the Applicant’s acceptance that Rule 9.3.6.3(q) does not apply to rail activity within the Site, is it appropriate and reasonable from a noise effects perspective for noise from rail movements on the Site to be excluded from the noise limits in condition 58 and controlled instead by a limit on the number of movements? Please also address whether it is appropriate for condition 58 to exclude noise on any property owned by the consent holder, and state the predicted noise levels from rail activity on the Site at each receiver, by day and at night.

Q3.2 How should proposed conditions 59A and 83 read together?

Issue 4 — The mitigation design and effects on the White Robe Lodge foaling unit

Background

[18] The White Robe Lodge foaling unit includes three pens adjacent to the dwelling at 273 Dukes Road North, which Marshall Day Acoustics, Southern Link Inland Port Noise Assessment Table 1 records as approximately 55m from the Site. The concern raised by Mr Anderton and Ms Stewart is with sudden impulsive

noise events capable of causing a flight response, rather than with average noise levels.

[19] Mr Shanks accepts that the barriers cannot address all sources:⁸

They correctly point out that the barriers are not high enough to be effective for all noise sources on the Site. The noise barriers are designed to mitigate noise from lower elevation noise sources ... Given the proposed height of container stacks (up to 17.4m), it is not practical to use barriers at the site boundary to block line of sight to all activity. — Shanks evidence, 4.8 and 4.9

[20] His assessment of the relevant events is at Table 1 of his evidence, which predicts 60 to 65 dB LA_{max} at the three foaling pens adjacent to the dwelling at 273 Dukes Road North, at Stage 1 and at Stages 2 and 3, against a night-time limit of 75 dB LA_{Fmax}.

[21] Mr Shanks also records at 4.10 that during Stage 1 the container stacking areas are set back approximately 420m from the foaling unit, and that during Stages 2 and 3 stacking activity moves closer to the northern end of the Site but the Stage 2 warehouse buildings provide shielding and block line of sight to that activity. The Panel assumes that reasoning depends on the sequence in which the warehouses and the stacking areas are brought into use.

Question

Q4.1. Please confirm agreement or otherwise as to whether the proposed mitigation design is the best practicable option. If not agreed please specify alternatives.

Q4.2. What further mitigation measures are available to the applicant if sensitive receivers or activities such as the White Robe Lodge foaling unit experience noise

⁸ Statement of Evidence Brendan Shanks, 19 August 2026

greater than that predicted by the experts?

Q4.3 Does the shielding relied upon at 4.10 of Mr Shanks’ evidence depend on the Stage 2 warehouse buildings being constructed before container stacking moves to the northern part of the Site, and if so, should that sequence be secured by condition?

Issue 5 — Condition 58 and the noise limits

Background

[22] Three matters remain in contention between Mr Shanks and Mr Winter, as summarised in Mr Winter’s email of 15 June 2026 and at 2.2 to 2.20 of Mr Shanks’ evidence.

[23] The first is the night-time limit. Marshall Day Acoustics, Southern Link Inland Port Noise Assessment s7.1 recommends a limit of 45 dB LAeq at or within the notional boundary of any existing dwelling, which would raise the limit from 40 dB LAeq at five dwellings to the east of the Site. Mr Shanks records in his 19 August evidence at 2.7 that “based on the modelling of activity scenarios, I predict that noise levels can just comply with the lower night-time noise limit of 40 dB LAeq at the closest receivers to the east of the Site”, but does not agree at 2.8 “that setting noise limits at a predicted noise level is an appropriate method for determining suitable controls”, on the basis that a 40 dB limit would constrain the number of vehicle movements in any 15-minute period. Mr Winter considers the 40 dB limit appropriate and reasonable for dwellings more than 350m from the Industrial Zone.

[24] The second is the removal of the site boundary limit. Rule 9.3.6 1.d imposes a limit of 60 dB LAeq at the boundary of rural land where there is no noise sensitive receiver within 20m. Proposed condition 58 contains no site boundary limit. Mr Winter considers that without it the adjacent land is used as a buffer for the Project’s noise emissions. Mr Shanks considers at 2.11 to 2.16 that the limit is not

effects based.

[25] The third is the alternative of a noise control boundary suggested by Mr Winter and supported by DCC. Mr Shanks does not agree, on the basis at 2.18 that it “would unnecessarily enforce noise limits designed for protection of residential activity on areas of unoccupied rural land”, and at 2.19 that no future dwellings are permitted near the Site.

[26] It is noted that Mr Shanks has placed some reliance on 2GP rule 16.5.2 (g) which restricts residential dwellings on rural properties near the Site. Prior to conferencing we ask DCC and the Applicant’s Planner to advise the acoustics experts whether or not it is possible for a replacement dwelling (rather than an additional dwelling) to be located closer to the site boundary than any existing dwelling under the 2GP. The acoustics experts are to consider that advice when answering Q5.2 and Q5.3.

Question

Q5.1. Is the proposed nighttime noise limit of 45dBA LAeq (15min) and 70dB LAFmax measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zone located more than 350m from an Industrial Zone appropriate and reasonable from a noise effects perspective (leaving aside the implications on operational constraints), or is it appropriate and reasonable for the SLIP to operate in accordance with the standards required by the 2GP?

Q5.2. Is it appropriate and reasonable from a noise effects perspective to not include a site boundary limit as required by the 2GP?

Q5.3 Is the alternative of a noise control boundary, as suggested by Mr Winter, an appropriate and reasonable response to addressing noise effects on sensitive receivers, now and in the future?

Issue 6 — Management plans, monitoring and verification

Background

[27] Proposed condition 60 requires an Operational Noise Management Plan, to be certified by DCC, whose objective is to establish the best practicable option management and mitigation measures necessary to achieve compliance with the limits in condition 58. Two of its required elements are qualified by the words “where practicable”, being the identification of sensitive areas of the Site where noisy night-time activities should be avoided, and the fitting of broadband reversing alarms. The requirement for broadband alarms applies to “motorised vehicle equipment and plant utilised at the Southern Link Inland Port”, and does not appear to extend to visiting road trucks, which Marshall Day Acoustics, Southern Link Inland Port Noise Assessment s9.4 identifies as the source to which a 5 decibel special audible characteristic adjustment has been applied.

[28] Condition 60(e) requires active on-site noise monitoring to capture high noise events, defined as “any onsite activities that exceed 75 dB LAmax at the notional boundary of any dwelling”. Condition 58 sets a night-time limit of 70 dB LAFmax at dwellings more than 350m from the Industrial Zone. The monitoring trigger therefore appears to sit 5 decibels above the limit at those dwellings.

[29] DCC recommended a condition requiring verification noise testing prior to the commencement of operations at each development stage. Mr Shanks does not agree at 2.23 and 2.24 that pre-commencement testing is practical, and recommends instead that monitoring be conducted within three months of operations commencing at each stage. The Panel notes that the Applicant has accepted a pre-commencement verification test for lighting at proposed condition 67B.

Question

Q6.1. Is the Applicants draft Noise Management Plan fit for purpose? Please

address whether the qualification “where practicable” should be retained, and whether the requirement for broadband reversing alarms should extend to road trucks entering the Site.

Q6.2 Should the monitoring trigger at condition 60(e) be aligned with the limits in condition 58, given that condition 58 sets 70 dB LAF_{max} at dwellings more than 350m from the Industrial Zone?

Q6.3 Should a verification noise testing condition be imposed; if so, should testing occur before the commencement of operations at each Stage or within a period after commencement; and what should follow a test that does not demonstrate compliance?