BEFORE THE SOUTHERN LINK INLAND PORT EXPERT PANEL

In the matter of	of the Fast-Track Approvals Act 2024 (the *FTAA*) and the deliberations and final decision of the Expert Panel appointed under section 50 and Schedule 3 of the FTAA for the Southern Link Inland Port application seeking approvals under the Resource Management Act 1991.
Expert Panel	Cindy Robinson (*Chair*) Ray O'Callaghan (*Member*) Steve Abley (*Member*)
Comments received under Section 53 of the FTAA:	12 August 2026
Details of any hearing under Section 57 of the FTAA:	Hearings were held on 14, 15, and 24 September 2026

Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024

Dated 12 November 2026

Decision: Approvals sought relating to the Resource Management Act 1991 are granted subject to conditions

Date of Decision:	12 November 2026
Date of Issue:	12 November 2026

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APPENDIX A: CONSENTS APPROVED

APPENDIX B: PANEL FINAL DECISION CONDITIONS

APPENDIX C: RECORD OF CONVENER AND HEARING PANEL MINUTES

Term / Acronym	Meaning
FTAA	Fast-track Approvals Act 2024
Addendum	ITA Addendum prepared by Stantec for the applicant, dated 31 July 2026
AEP	Annual Exceedance Probability
Appendix 1, 2, 3 (JWS)	Appendices to the Transport JWS: Appendix 1, information provided by SLPL; Appendix 2, Stantec Technical Response to Minute 9 (2 September 2026); Appendix 3, DCC supplementary memorandum (7 September 2026).
the Applicant	Southern Link Property Limited
Application	refers to the substantive application
asl	above sea level
B-train	A heavy combination vehicle comprising a truck-tractor towing two semi-trailers; used as the design vehicle for the site access right-turn bay.
bgl	below ground level
CAA	Civil Aviation Authority
CMP	Construction Management Plan
CNMP	Construction Noise Management Plan
CSMP	Contaminated Site Management Plan
dB	Decibel. Sound levels in this decision are A-weighted (dBA) unless stated otherwise
DCC	Dunedin City Council
District Plan	Dunedin 2nd Generation District Plan
DOC	Department of Conservation
DSI (contaminated land)	Detailed Site Investigation
DSI (crash severity)	Death and serious injury (crash severity category)
Dynes Transport	Dynes Transport Tapanui Limited
EC Otago	Environmental Consultants Otago Ltd
EPA	Environmental Protection Agency
ESCP	Erosion and Sediment Control Plan
FDS	Dunedin City Council Future Development Strategy 2024
FTAA	Fast-track Approvals Act 2024
FTE	full-time equivalent
FY25	Financial year 2025

Term / Acronym	Meaning
GDP	Gross Domestic Product
GFA	Gross floor area
HAIL	Hazardous Activities and Industries List
HCV	Heavy commercial vehicle (NZTA vehicle classification)
HPMV	High Productivity Motor Vehicle: a heavy vehicle operating above standard mass or length limits under permit on an approved route
ITA	Integrated Transport Assessment
JWS	Joint Witness Statement
Kāi Tahu Management Plan	Kāi Tahu Ki Otago Natural Resource Management Plan
LA90	The A-weighted sound level exceeded for 90% of the measurement period; a measure of background sound
LAeq	A-weighted equivalent continuous sound level over the stated period, for example LAeq(15min) or LAeq(24h)
LAFmax / LAmax	Maximum A-weighted sound level during the measurement period (F denotes fast time-weighting)
LCSIA	Level Crossing Safety Impact Assessment
LRV	Light Reflectance Value
LOS	Level of Service: a grading of intersection or road performance from A (free flow) to F (over capacity).
LMP	Lizard Management Plan
LUC	Land Use Capability
lux	unit used to measure the amount of light falling on a surface
LW	Sound power level of a noise source, in dB
MDA	Marshall Day Acoustics, the applicant's acoustic consultant
Minute	A procedural direction of the Expert Panel (for example Minute 9, 10, 12 and 14)
MP1, MP2, MP3	Noise monitoring positions used in the MDA noise assessment
MTCB	Mosgiel-Taieri Community Board
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-F	National Environmental Standards for Freshwater 2020
NMP	Noise Management Plan (see CNMP and ONMP)
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement of Highly Productive Land

Term / Acronym	Meaning
NPS-I	National Policy Statement for Infrastructure 2025
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-NH	National Policy Statement for Natural Hazards 2025
NPS-UD	National Policy Statement on Urban Development 2020
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NZS 6802:2008	New Zealand Standard Acoustics – Environmental noise
NZS 6803:1999	New Zealand Standard Acoustics – Construction noise
NZLRI	New Zealand Land Resource Inventory
NZTA	New Zealand Transport Agency Waka Kotahi
OLS	Obstacle Limitation Surfaces
ONMP	Operational Noise Management Plan
ORC	Otago Regional Council
Panel	The expert panel appointed to determine the Application
PCE	Parliamentary Commissioner for the Environment
PM peak	The weekday evening peak traffic hour
Port Otago	Port Otago Limited's property subsidiary or Chalmers Property Limited
PPV	Peak particle velocity, a measure of vibration (mm/s)
the Project	refers to the construction, use and operation of the Southern Link Inland Port
Q (with a number)	Question number in the relevant Joint Witness Statement, for example JWS Q2(c) or Q5.1
R03, R04, Rp 001, Rp 002	MDA report references: Rp 001 R03/R04 are revisions of the Noise Assessment; Rp 002 is the draft CNMP
RAP	Remedial Action Plan
referral project	a project that is accepted and recognised as having significant regional and / or national benefits under section 26 of the FTAA
Regional Air Plan	Regional Plan: Air for Otago
Regional Waste Plan	Regional Plan: Waste for Otago
Regional Water Plan	Regional Plan: Water for Otago
RLTP	Regional Land Transport Plan
RMA	Resource Management Act 1991
RPS	Operative Otago Regional Policy Statement
s53 comment, s55 response	Comments invited under section 53 of the Fast-track Approvals Act 2024 and the applicant's response under section 55

Term / Acronym	Meaning
SH1, SH87, SH88	State Highway 1 (Dunedin Southern Motorway), State Highway 87 (Gordon Road, Mosgiel) and State Highway 88 (Dunedin to Port Chalmers)
SIDRA	SIDRA Intersection, intersection capacity and queue modelling software.
the Site	refers to the ~40-hectare site located at 270 -292 Dukes Road North, North Taieri, for the purposes of the SLIP
SLIP	Southern Link Inland Port
SLPL	Southern Link Property Limited
SMP	Stormwater Monitoring Plan
SOP	Standard Operating Procedure
TIA	Treaty Impact Assessment
vpd	Vehicles per day
WHO	World Health Organization (guidelines for community and environmental noise)

DECISION MADE BY THE PANEL: SOUTHERN LINK INLAND PORT

PART A: EXECUTIVE SUMMARY

1 This is an application for resource consent (**Application**) by Southern Link Property Ltd (**the Applicant**) to establish and operate an inland port and logistics hub referred to as the Southern Link Inland Port (**SLIP**).

2 The Application comprises:

(a) a rail siding to enable a rail shuttle service to Port Chalmers and the wider rail network;

(b) up to 80,000m² of high stud chilled and ambient warehousing, a truck canopy and unloading area, and a 5-hectare container depot facility;

(c) up to 5 hectares of container terminal for storage of full containers including up to 1,500 refrigerated container charging ports;

(d) break bulk storage facilities;

(e) road widening and upgrades to the Dukes Road rail crossing;

(f) establishment works and ancillary activities to support the above, including earthworks, construction of the rail siding, site access, internal roadways and parking, hardstand areas, landscaping, buildings for storage, administration and maintenance facilities, and associated infrastructure and works including stormwater management and site stabilisation; and

(g) intended to be delivered in three construction stages, with initial infrastructure and facilities built within 12-18 months post-approval, expanded container storage and warehousing added within 2-5 years, and further development occurring over 5-10+ years as demand grows;

(h) at 270-292 Dukes Road North, North Taieri (**the Site**).[1]

3 The Application was not included as a listed project in Schedule 2 of the Fast-track Approvals Act 2024 (**FTAA**). The Application was referred to the fast-track process under s26 of the Act on 26 August 2025.

4 On 23 June 2026 an expert Panel was appointed to determine the Application (**Panel**), commencing on 30 June 2026.

5 The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.[2]

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[1] Part Section 9 Block V East Taieri Survey District, Part Section 10 Block V East Taieri Survey District, and Deposited Plan 5579 East Taieri Survey District

[2] Legislation Act 2019; and FTAA, s10 and schedule 5

6 The Panel received comments from commenters and a response to those comments from the Applicant. Comments were received by Craig and Joanne Inch, Fish and Game Otago, Jane and Bernie McLeod, Mosgiel Taieri Community Board, New Zealand Transport Agency Waka Kotahi (**NZTA**), Paul and Rochelle Urquhart, Parliamentary Commissioner of the Environment, Stockdale Farm Limited, Te Rūnanga o Ōtākou, Dunedin City Council (**DCC**), Minister for Infrastructure, Minister for Regional Development, Minister for the South Island and Associate Minister for Transport, Otago Regional Council (**ORC**), White Robe Lodge, Minister for Economic Development, and Karen and Wayne Stewart. A response to those comments was provided by the Applicant. The Panel has carefully reviewed all of that information in evaluating the Application.

7 FTAA Schedule 5, cl17 sets out the criteria and other matters for assessment of resource consent applications. As no other approvals have been sought, schedules relating to other kinds of approvals are not relevant.

8 The principal issues concerned transport, noise, rural landscape and amenity, effects on White Robe Lodge's foaling unit, water quality and ecological effects, stormwater and flooding risk management, highly productive land, and the likelihood of regional benefits. The Panel finds that:

(a) transport effects are acceptable, subject to monitoring and the rail siding becoming operational within twelve months of Stage 1 commencing;

(b) mitigation conditions will appropriately address all other adverse effects; and

(c) landscape, rural character, amenity and high-class soil loss effects would remain more than minor. However, the Application meets the NPS-HPL exemption provisions, and the landscape, rural character and soil loss effects would not outweigh the significant regional benefits.

9 The Panel finds that, having considered all relevant matters, the Project meets the purpose of the FTAA. Having regard to the relevant decision-making criteria, the approvals sought should be granted. The Panel therefore grants the approvals sought, as set out in **Appendix A**.

10 The Applicant will apply separately and subsequently for:

(a) an approval under the Wildlife Act 1953 for the proposed salvage, relocation and incidental killing of native tussock skink (Oligosoma chionochloescens) on the SLIP Site; and

(b) a resource consent for works within the KiwiRail corridor (Stedman Road Railway Corridor, Parcel ID: 317315) comprising the western extent of the

western stormwater swale and stormwater attenuation pond spillway.[3]

11 The activities listed above do not form part of the Application.

12 The Panel therefore grants approval for the Application subject to the conditions in **Appendix B**. These are grouped in the Appendix as follows:

(a) Dunedin City Council Land Use Consent Conditions;

(b) Otago Regional Council General Conditions which Apply to all ORC Consents (RMFT25.004.01);

(c) ORC Resource Consent A (RMFT25.004.02): To undertake soil disturbance and remediation activities on land that is or is potentially contaminated and to discharge contaminants (contaminated soil) to land;

(d) ORC Resource Consent B (RMFT25.004.03): To discharge construction phase stormwater to land and water, to discharge operational phase stormwater to land and water, the use of land for defences against water, the diversion of operational phase stormwater via the defences against water;

(e) ORC Resource Consent C (RMFT25.004.04): To disturb the bed of Whakaehu / Silver Stream to establish stormwater spillway structures and undertaking slope stabilisation works; and

(f) ORC Resource Consent D (RMFT25.004.05): To discharge industrial trade waste to land where it may enter water.

13 This decision is made in accordance with s87 of the FTAA. This decision covers all the approvals sought under the Application. This decision document includes the following:

(a) Part A: Executive summary;

(b) Part B: Overview of the application and procedure;

(c) Part C: The legal context for the approvals sought;

(d) Part D: Input from the iwi authority and the legal context for the Panel's consideration of that input;

(e) Part E: Principal issues in contention;

(f) Part F: An evaluation of effects of the application;

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[3] The Applicant advised in its s70 comments on 29 October 2026 and in the reply on 5 November 2026 that land use consent has subsequently been granted by DCC with ORC consents pending.

(g) Part G: The regional and national benefits of the project;

(h) Part H: The evaluation of the statutory documents;

(i) Part I: The regional and district planning framework;

(j) Part J: Other considerations;

(k) Part K: Conditions;

(l) Part L: The Resource Management Act 1991;

(m) Part M: Section 3 of the FTAA;

(n) Part N: Overall assessment; and

(o) Part O: The decision.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

1 Southern Link Property Ltd is the authorised person as set out in s42 of the FTAA and Applicant for the SLIP. Southern Link Property Ltd is a joint venture between Chalmers Property Limited, a subsidiary of Port Otago Limited, and Dynes Transport Tapanui Limited.[4] Port Otago Limited is wholly owned by ORC. For clarity:

(a) the decision-maker is the Panel, not ORC; and

(b) ORC took part as a consent authority commenting under s53 only on regional consents, and did not assess 'matters not related to its functions'[5]. ORC was represented in the process, and provided technical reviews and evidence from independent experts, rather than ORC staff.

Site and Surrounding Environment

2 The Site is located at 270-292 Dukes Road North, North Taieri. The Applicant provides a detailed description of the Site [6] and surrounding environment[7], which we summarise as follows:

(a) The Site is located within the territorial boundaries of the DCC and is owned by the Applicant, with some ancillary activities to be located within the Dukes Road North road corridor operated by DCC.

(b) The Site is rectangular and approximately 40ha in area, is rural in nature, and has been used for primary production activities. It has a flat topography except where it drops steeply toward Whakaehu / Silver Stream. It contains rural-residential dwellings, farming structures, shelterbelts and hedges.

(c) Frontage is to Dukes Road North, and the rear adjoins Whakaehu / Silver Stream. To the west, the KiwiRail corridor and Stedman Road separate the site from the rural lots across the road. The Site immediately adjoins rural lots to the east.

(d) Urban Mosgiel is located approximately 650m to the south-west. The Dukes Road industrial precinct and Taieri Aerodrome are located west of the Site across Stedman Road, and are industrial in nature. The broader environment to the north, east and south is predominantly rural in nature.

3 The Panel has summarised the following features and characteristics of the Site

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[4] Southern Link Inland Port – Substantive Application, 17 April 2026, 1.1 and 1.1.4
[5] ORC s53 comments, para 26
[6] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 3.2
[7] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 3.5

and surrounding area as described in the Application[8] as follows:

(a) Heritage and archaeology - The Site is an archaeological site (ArchSite ID: I44/1500) due to the presence of pre-1900 features associated with Holmhead Farm. It is not scheduled in the Dunedin 2nd Generation District Plan (**District Plan**) or the New Zealand Heritage List. The Applicant has an approved archaeological authority for the removal of buildings and archaeology to establish the SLIP.

(b) Cultural values - The Treaty Impact Assessment (**TIA**) prepared on behalf of Te Rūnanga o Ōtākou identifies the Taiari catchment as profoundly significant to Manawhenua. The site sits within the cultural landscape of the taniwha Matamata, whose movements created Whakaehu / Silver Stream and surrounding landforms. Whakaehu has the highest fish diversity in the catchment with six species recorded, and lower catchment including parts of Whakaehu, sustains mahika kai, nohoanga (camping), and contemporary cultural connections for whānau.[9]

(c) Landscape and natural character - An assessment of the landscape and natural character values has been undertaken by Landscape Architect Mike Moore. The Site is characterised by flat rural paddocks used for grazing and cropping, several dwellings and associated farm buildings and shelterbelt planting. The landscape has a rectilinear pattern with linear roads, fences and hedges. Visual access into the Site is currently modest due to hedges and tree lines along the boundaries. The landscape has a rural character, modified by the industrial development to the southwest, and with Whakaehu / Silver Stream being the most obvious natural feature at the southern boundary.

(d) Transport and access - The Integrated Transport Assessment (**ITA**) outlines that Dukes Road North is a 'strategic road', and Steadman Road is an 'industrial road', vehicle access serving the lot is via four formal and two informal vehicle crossings, and there is no pedestrian access.

(e) Rail - The Taieri Branch Rail Line runs along the western boundary, and connects to the Main South Line, including Dunedin and Port Chalmers. Rail movements average 10 per day. Fonterra's nearby cold storage and distribution centre has a rail siding, connected via two light-controlled crossings on Stedman Road.

(f) Freshwater values - The E3 Scientific Report assesses freshwater water quality, habitat, macroinvertebrate, and fish values in Whakaehu / Silver Stream. Overall ecological values are high given the streams representativeness, presence of five At-Risk Declining or Threatened fish

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[8] Southern Link Inland Port – Substantive Application, 17 April 2026, Sections 3.5-3.19, noting the summary of Cultural Values is from the Treaty Impact Assessment - Treaty Impact Assessment for the Proposed Southern Link Inland Port, Prepared for Southern Link Property Ltd, Prepared by Te Rūnanga o Ōtākou, June 2026

[9] The Panel notes that in the TIA, Te Rūnanga o Ōtākou use the traditional spelling is 'Taiari' except where statutory documents use 'Taieri'.

species, diversity values, and ecological context. Instream and riparian habitat are very limited, but there is good connectivity to the sea and diadromous fish passage, and an average-high diversity of fish species present.

(g) Terrestrial ecological values - The E3 Scientific Report outlines the terrestrial ecological values of the Site. Site flora values have 'low' or 'greater than low' ecological value, and the Site has negligible values for bats and terrestrial invertebrates. Eleven indigenous avifauna species were observed on the Site including the At Risk – Declining South Island pied oyster catcher. The Site provides habitat for the At-Risk tussock skink.

(h) Soil and water - The Geotechnical Desktop Study and Appraisal, and Groundwater Assessment, and Land Assessment all provide an overview of the existing site conditions in relation to the reports discipline. Potential historic ground contamination is identified in Environmental Consultants Otago Ltd's (**EC Otago**) Detailed Site Investigation (**DSI**).

(i) Lighting - Pedersen Read described the existing light sources in the area as generally low, and include rural and industrial sources.

(j) Noise - Marshall Day Acoustics consider the existing noise environment of the Site and surrounding area atypical for the rural area, with louder and more frequent occurrences of noise due to the proximity of the industrial area, operation of the Taieri Aerodrome and railway movements.

(k) Existing services - The Stantec Stormwater, Wastewater and Non-Potable and Potable Water Assessments outline the existing public reticulated infrastructure.

(l) Natural hazards - In flood conditions overland flow eventually overtops Dukes Road North and is then conveyed through the Site towards Whakaehu / Silver Stream during events greater than the 2% AEP event.

4 The Panel has summarised the zoning, overlays and applicable statutory planning framework of the District Plan and the Otago Regional Plans as described in the Application[10].

5 The Site is zoned Taieri Plains Rural in the District Plan, and the following overlays apply:

(a) Fonterra Noise Control – applying to noise sensitive activities;

(b) High Class Soils – imposing additional rules for land disturbance activities;

(c) Hazard 1 (Flood) Overlay Zone (High Risk Flood Hazard Area 14B) and Hazard 2 (Flood) Overlay Zone (Moderate Risk Flood Hazard Area 14D) –

[10] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 3.6

applying to natural hazard sensitive and potentially sensitive activities;

(d) Taieri Aerodrome Flight Fan – a height restriction on the Site ranging from approximately 18.5m to 48.5m above ground level to protect aviation operations of Taieri Aerodrome 350m to the west;

(e) Dunedin Airport Flight Fan - applying over 200m above ground level;

(f) Groundwater Protection Mapped Area Type B Lower Taieri Aquifer and Type A Lower Taieri Aquifer –additional land disturbance rules to control health and safety effects on groundwater; and

(g) Esplanade Reserves and Strips Mapped Area (Silver Stream) – applying to subdivision adjacent to Whakaehu / Silver Stream.

6 The Otago Regional Plans that are applicable to the application include the:

(a) Regional Plan: Air for Otago (**Regional Air Plan**);

(b) Regional Plan: Water for Otago (**Regional Water Plan**); and

(c) Regional Plan: Waste for Otago (**Regional Waste Plan**).

7 The following features apply:

(a) Within the Regional Water Plan, Lower Taieri Aquifer (Series C) and Groundwater Protection Zone B. The drain running alongside the rail line is identified as Scheduled Drain S3.

(b) Within the Regional Air Plan, Air Zone 3, applying lower air quality standards than Air Zone 1 and 2.

Overview of the Application

8 The application is to establish and operate an inland port and logistics hub as summarised below[11]:

(a) a rail siding to enable a rail freight shuttle service to Port Chalmers and the wider rail network;

(b) up to 80,000m² of high stud chilled and ambient warehousing, a truck canopy and unloading area, and a 5ha container depot facility;

(c) up to 5ha of container terminal for storage of full containers including up to 1,500 refrigerated container charging ports;

(d) break bulk storage facilities;

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[11] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 2

(e) road widening and upgrades to the Dukes Road rail crossing;

(f) establishment works and ancillary activities to support the above, including earthworks, construction of the rail siding, access, internal roadways and parking, hardstand areas, landscaping, buildings for storage, administration and maintenance facilities, and associated infrastructure and works including measures necessary to manage stormwater and stabilise the Site;

(g) intended to be developed in three construction stages, with initial infrastructure and facilities built within 12-18 months post-approval, expanded container storage and warehousing added within 2-5 years, and further development occurring over 5-10+ years as demand grow; and

(h) which will operate 24 hours a day, 7 days a week to accommodate continuous freight and container operations once fully operational. The fully operational facility will comprise two rail movements per day (one inbound and one outbound to Port Chalmers), and about 30,000 truck arrivals (and departures) per annum with a peak day rate of 231 trucks and peak hourly rate of 33 trucks. A 1000m^2 office building will serve as the central administrative and operational hub for the Site.

Resource Consents

9 The Panel has reviewed all the documentation and the further information provided by the Applicant and the participants and summarises the necessary consents sought at **Appendix A**. The Panel agrees with the Applicant that, in terms of the District Plan and its various proposed plan changes, overall the Application is a non-complying activity.[12]

10 DCC and ORC both confirmed they agree with this assessment, other than one area of disagreement in relation to the application of the exemption of rail line noise on the rail siding within the SLIP boundary provided in Rule 9.3.6(3)(q) of the District Plan. However, this was resolved and the Applicant accepted the exemption does not apply. Rail noise on site had been assessed by Marshall Day Acoustics, and the Applicant and Council are agreed on a pragmatic solution as noted in the Advice Notes to Conditions 58 and 58A.

Procedure

11 The matters of procedure outlined in this section are relevant for this decision. A summary of all Convener and Panel Minutes is provided at **Appendix C**.

Meetings and Site Visits

12 A Project Overview Conference took place on 8 July 2026. The Applicant provided an overview to the Panel and the other conference participants, which included representatives from ORC, DCC, and Te Rūnanga o Ōtākou.

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[12] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 4.1.3

13 The Panel conducted a site visit on 8 July 2026, accompanied by a representative of the Environmental Protection Authority (**EPA**) and representatives of the Applicant for parts of the site visit. The Panel viewed various locations within and adjacent to the Site, including the road network, and views to the Site from nearby areas[13]. This included Dukes Road North, Stedman Road, the Fonterra siding and local industrial area, Puddle Alley, Whakaehu / Silver Stream, nearby areas including rural and residential surrounds, Taieri Aerodrome, Helicopters Otago, and Mosgiel. The site visit also included visiting the Port Otago Port Chalmers container storage area and Ravensbourne container storage areas, and the Icon Logistics Parry Street and Strathallen Street warehouses in Dunedin City to understand the existing storage and logistics areas.

14 The Panel met most weeks via Teams to discuss aspects of the application and to undertake deliberations. The Panel met in person in Dunedin for the Application Overview Conference and site visit on 7 and 8 July 2026 and for the hearings held on 14 and 15 September 2026. In all other respects the Panel's correspondence, deliberations and decision-making occurred over email following review, drafting and commenting on drafts of further information requests, this decision report and the conditions.

Invitations to Comment

15 The Panel invited comments on the Application by Minute dated 15 July 2026.[14] Responses to this invitation were due on 12 August 2026. Comments were received on time from the following parties:

(a) Craig and Joanne Inch;

(b) Fish and Game Otago;

(c) Jane and Bernie McLeod;

(d) Mosgiel Taieri Community Board;

(e) NZTA;

(f) Paul and Rochelle Urquhart;

(g) Parliamentary Commissioner of the Environment;

(h) Stockdale Farm Limited;

(i) Te Rūnanga o Ōtākou[15];

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[13] Minute 2 of the Expert Panel, Recording of the Project overview Conference and site visit, 13 July 2026.

[14] Minute 3 of the Expert Panel, Invitation to comment, Southern Link Inland Port FTAA-2604-1207, 15 July 2026

[15] Te Rūnanga o Ōtākou also provided a Treaty Impact Assessment (TIA), which is referenced in their s53 Comments.

(j) Dunedin City Council;

(k) Minister for Infrastructure;

(l) Minister for Regional Development;

(m) Minister for the South Island and Associate Minister for Transport;

(n) Otago Regional Council; and

(o) White Robe Lodge.

16 Some comments were received late:

(a) On 24 August 2026, the Panel received a late comment from the Minister for Economic Development. The Panel accepted this comment for consideration[16].

(b) On 7 September 2026, the Panel received a late comment from Karen and Wayne Stewart in response to the Panel's request in Minute 12[17]. The Panel accepted the late comment for consideration.

17 The Panel would like to thank all parties who commented for their contributions. The Panel addresses the comments received in more detail when discussing the effects of the application. A high-level overview of the key themes expressed in the comments is provided below:

Theme	**Overview**	**Commenting parties**
Economic benefits	Support for investment, employment, rail freight, export capacity and supply chain resilience. Some question the scale of benefits or duplication of other inland ports.	Ministers, DCC, ORC, Community Board, McLeods, Urquharts and Stockdale Farm Ltd.
Traffic and infrastructure	Concerns about truck volumes, congestion, road safety and later-stage traffic assumptions. Requests include intersection upgrades, a truck movement cap, and funded infrastructure ahead of staging.	NZTA, DCC, Community Board, White Robe Lodge, McLeod, Inch and Stewarts raise concerns. Urquhart and Stockdale Farm are accepting of effects.

[16] Minute 9 of the Expert Panel, Instructions for Joint Expert Conferencing and Hearings Southern Link Inland Port FTAA-2604-1207, 26 August 2026

[17] Minute 12 of the Expert Panel, Panel Responses to Correspondence and Further Directions, Southern Link Inland Port FTAA-2604-1207, 3 September 2026

Flooding and drainage	Concern that sealed surfaces and altered flows could increase flooding risk. ORC considers effects manageable, subject to detailed design and strengthened conditions.	ORC, DCC; Community Board; neighbouring owners.
Freshwater and ecology	Protect Whakaehu / Silver Stream water quality, fish habitat and spawning. Seek stronger sediment controls, discharge limits, monitoring, response to pollution and seasonal restrictions on stream works.	Fish and Game; ORC; DCC; McLeods Te Rūnanga o Ōtākou
Residential and rural amenity	Concerns about noise, night lighting, dust, emissions, privacy and industrial effects on rural character. Seek screening and enforceable controls.	DCC; Community Board; Inch, McLeod and Stewarts raise concerns. Urquhart and Stockdale Farm are accepting of effects
Horse breeding and welfare	Risks from sudden noise, light and truck activity to mares, foals, staff safety and the established breeding operation.	White Robe Lodge; Community Board; neighbours
Productive land and site choice	Loss of high-class soils, conflict with rural zoning, and whether alternative sites are preferable.	PCE; DCC; McLeods; White Robe Lodge; Inch
Cultural values	Sought a commitment to no further Otago Harbour reclamation, water design and ongoing partnership also considerations.	Te Rūnanga o Ōtākou
Consent conditions	Seek clear performance standards, certification, monitoring and enforceable mitigation. DCC and ORC consider a number of effects manageable, subject to changes to conditions and resolution of outstanding matters.	DCC; ORC; NZTA; Fish and Game; Community Board and Te Rūnanga o Ōtākou

Applicant's Response to Invited Persons Comments

18 On 19 August 2026 the Applicant provided a response to the comments received on the application from those persons who were invited to comment under s53 of the FTAA. This included, amongst other matters, an updated set of draft consent conditions (subsequently amended). The Applicant's response was detailed in a covering legal submission[18], four attachments setting out responses to DCC and ORC, NZTA, Te Rūnanga o Ōtākou, and other s53 commenters. The Applicant

[18] Legal Submissions in Response to s53 Comments, 19 August 2026

provided 17 statements of evidence addressing matters raised in comments.

19 The Panel has considered the Applicant's responses, and, where appropriate, refers to those responses within Section F Evaluation of Effects below.

Appointment of Special Advisor

20 On 23 September 2026 the Panel appointed Planning Expert Lisa Thorne as a special adviser to provide the Panel with additional support for drafting documents, including the Panel's decision[19]. This appointment was made under cl10(2) of Schedule 3 of the FTAA.

Appointment of Technical Advisor

21 On 26 August 2026 the Panel appointed Acoustic Expert Mr Jeremy Trevathan, or his approved colleague Mr William Reeve as a technical advisor to participate in joint witness conferencing with acoustic experts[20]. This appointment was made under cl10(3) of Schedule 3 of the FTAA.

Further Information

22 At the Application Overview Conference on 8 July 2026 and within Minute 3[21], the Panel requested:

(a) Additional information from the Applicant seeking an updated noise assessment for the operation of rail sidings within the Site, an updated suite of conditions, and Whakaehu / Silver Stream monitoring data collected since April 2026; and

(b) The ORC provides details of its flood management plans and associated resource consents that apply to works in Whakaehu / Silver Stream and its margins for flood control purposes.

23 On 22 July 2026, the Applicant provided their response to Further Information Request 1 and Minute 3, providing an updated noise assessment, and additions to conditions that impose limits on night-time rail movements on the Site[22].

24 On 17 July 2026 Panel Minute 4 requested the following further information from the Applicant[23] under s67 of the FTAA:

(a) An explanation of full-development heavy-vehicle forecasts, methodology

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19 Minute 16 of the Expert Panel, Directions for Conditions Hearing and Panel appointment of technical decision drafting support, Southern Link Inland Port FTAA-2604-1207, 23 September 2026

20 Minute 10 of the Expert Panel, Instructions to Panel Appointed Acoustic Expert, Southern Link Inland Port FTAA-2604-1207, 26 August 2026

21 Minute 3 of the Expert Panel, Invitation to comment, Southern Link Inland Port FTAA-2604-1207, 15 July 2026

22 Memorandum of Counsel on Behalf of Southern Link Property Limited Following Panel Briefing Conference, 22 July 2026; and Marshall Day Acoustics, Southern Link Inland Port Noise Assessment Rp 001 20240460, 22 July 2026

23 Minute 4 of the Expert Panel, Request for further information, Southern Link Inland Port FTAA-2604-1207, 17 July 2026

and confidence, and allowance for future Mosgiel growth;

(b) An assessment of the relevant matters of discretion (District Plan Rule 6.11.2.2) including on network safety, efficiency and accessibility, including central Mosgiel, key intersections, and proposed mitigation;

(c) Reconsideration of economic costs/disbenefits in light of the above; and

(d) invited DCC and NZTA to respond through comments.

25 On 31 July 2026, the Applicant provided their response to Further Information Request 2 and Minute 4, providing an ITA addendum and economic memorandum[24].

26 On 25 September 2026 in Minute 17, the Panel requested further comment and information from the Panel appointed acoustic expert and DCC regarding the Applicants updated noise conditions, followed by a request for an Applicant response[25].

27 Responses from the Panel appointed acoustic expert and DCC's acoustic expert were provided on 1 October 2026, followed by the Applicants acoustic expert on 6 October 2026.

28 On 29 September 2026 the Panel also requested further information under s67 of the FTAA from White Robe Lodge (**WRL**) in Minute 18 regarding potential mitigation measures that could be included in conditions to address the potential for adverse effects on the foaling unit activities[26]. A response from WRL was provided to the Panel on 5 October 2026.

29 On 20 October 2026 the Panel requested clarification from the Applicant regarding the lapse date for the District Council Land Use Consent Application in Minute 19[27]. A response was received from the Applicant on 21 October 2026, confirming that a lapse date of 10 years should apply to the District Council approvals, for the same reasons as was sort for ORC approvals[28].

Conditions

30 The Application included a set of draft Project conditions. The Councils, in their capacity as a regulatory authority provided detailed feedback condition amendments prior to the s53 comment process and within its formal comments as an invited commentor. The Applicant continued to engage with the Councils and

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[24] Memorandum of Counsel on Behalf of Southern Link Property Limited Responding to Minute 4, 31 July 2026; Southern Link Inland Port, Integrated Transport Assessment – Addendum, Stantec, 31 July 2026; and Memorandum of Natalie Hampson, Savvy Consulting Limited, 31 July 2026

[25] Minute 17 of the Expert Panel, Instructions to Panel Appointed Acoustic Expert and directions to Applicant and DCC, Southern Link Inland Port FTAA-2604-1207, 25 September 2026

[26] Minute 18 of the Expert Panel, Request for Information from White Robe Lodge, Southern Link Inland Port FTAA-2604-1207, 29 September 2026

[27] Minute 19 of the Expert Panel, Request for Clarification from Applicant regarding District Council Land Use Consent Lapse Date, Southern Link Inland Port FTAA-2604-1207, 20 October 2026.

[28] Letter from John Kyle, Mitchell Daysh, 21 October 2026

commenters on conditions. We discuss the outcomes of those discussions in Part F Evaluation of Effects and Part K Conditions below.

31 Before making our decision, the Panel conducted a Conditions Hearing to assist with Panel deliberations on 24 September 2026. The Applicant filed a final set of updated conditions as part of a right of reply (Reply Version Conditions) on 9 October 2026. The Panel used the Reply Version Conditions to form the basis of its Draft Decision and Conditions (Panel Draft Decision Conditions).

32 In accordance with s70 FTAA the Panel provided the Panel Draft Decision and Conditions to the Applicant and persons invited to comment on 22 October 2026 requiring responses by 30 October 2026.

33 The Panel received nine responses on the Panel Draft Decision Conditions from:

(a) The Applicant;

(b) DCC;

(c) ORC;

(d) Fish and Game Otago;

(e) Minister for South Island;

(f) NZTA;

(g) Mr and Mrs Inch;

(h) Mr and Mrs McLeod; and

(i) MTCB.

34 The Applicant provided a response to matters raised in Comments on the Panel Draft Decision Conditions on 5 November 2026. The Panel has considered all comments received on the draft conditions as is required under s70 FTAA, and amended the conditions where appropriate. The Panel has addressed these Comments within Part K: Conditions below.

<u>Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development on Conditions and Draft Decision</u>

35 Under s72 FTAA the Panel invited comment on the draft decision from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on 22 October 2026, with comments due by 6 November 2026.[29] On 9 November 2026 the Minister's office advised that the Minister would not be providing comments.

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[29] Minute 20 of The Expert Panel, Draft Decision and Conditions, Southern Link Inland Port [Ftaa-2604-1207], 22 October 2026

Hearings

36 The Panel exercised its discretion to require a hearing on transport, noise, freshwater issues and conditions under s57 FTAA. On all other issues the Panel was able to adequately consider all issues based on the information available including the Application, comments received, responses to comments and the further information provided by the Applicant, the Councils and invited persons.

37 The transport, noise and freshwater issues hearings were conducted as 'joint expert witness empanelment' processes. In the case of the Transport and Noise Hearing the Panel issued directions to the relevant experts to conference and produce a Joint Witness Statement (**JWS**) before those hearings. [30] The transport and noise issues were heard on 14 September 2026, and the freshwater issues were heard on 15 September 2026. The Conditions Hearing took place on 24 September 2026.

38 The freshwater issues hearing was conducted as an expert empanelment process across a range of disciplines to address both the engineering design and freshwater implications for the proposed management of stormwater and flooding effects. The relevant experts prepared summary statements recording their updated positions and answered questions from the Panel.

39 The conditions hearing involved the planning experts for the Applicant and commenter's and was undertaken in a workshop session to allow the Panel an opportunity to ask questions regarding the details of the Applicant's proposed conditions from the Applicant, Councils and NZTA.

40 Directions regarding the hearings and notices of hearing were issued by Minute, the hearings were recorded and published on the website. In the case of the transport, noise and freshwater issues hearing written transcripts were also made available. Links to the hearing recordings and materials are available on the FTAA website.[31]

41 The Panel is mindful of the emphasis on time limited decision-making in the present process, the purpose of the FTAA in s3, to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in s10 FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.

42 The focus of the hearings was, therefore, largely technical in nature, and confined to the involvement of parties who lodged relevant expert evidence with their comments. The Panel did however extend invitations to attend the hearings to the

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30 Minute 9 of the Expert Panel, Instructions for Joint Expert Conferencing and Hearings, Southern Link Inland Port FTAA-2604-1207, 26 August 2026 provided directions on joint witness conferencing prior to the hearings, Minute 11 of the Expert Panel, Instructions for Joint Expert Conferencing and hearings – updated timeframes, Southern Link Inland Port FTAA-2604-1207, 28 August 2026, and Minute 16 of the Expert Panel Directions for Conditions Hearing and Panel appointment of technical decision drafting support, Southern Link Inland Port FTAA-2604-1207, 23 September 2026

31 https://www.fasttrack.govt.nz/projects/southern-link-inland-port/conferences,-workshops-and-hearings

closest and most affected neighbours who opposed the approvals, WRL, the Stewarts and Mr and Mrs Inch.

Timing of the Panel Decision

43 In accordance with panel convenor Minute 6 dated 19 June 2026 the time frame for the Panel to issue its decision documents under s79 and s88 is 12 November 2026.

44 No suspensions occurred under s60 FTAA.

PART C: LEGAL CONTEXT

Legal Context for a Referred Project under the FTAA

45 In accordance with s42 an authorised person[32] for a referred project may lodge a substantive application with the EPA. The substantive application is required to follow the process set out in s43 and s44. The Applicant lodged the substantive application on 17 April 2026.[33]

46 The EPA decided that the Application was complete and within scope[34] on 11 May 2026. The EPA under delegated authority made a decision that there are no applications or existing resource consents for the same activity on 19 May 2026.[35] The EPA provided the Application to the Panel Convenor on 19 May 2026.

Decisions on Approvals

47 Section 81 FTAA states[36]:

> **81 Decisions on approvals sought in substantive application**
>
> (1) A panel must, for each approval sought in a substantive application, decide whether to—
> (a) grant the approval and set any conditions to be imposed on the approval; or
> (b) decline the approval.
>
> (2) For the purpose of making the decision, the panel—
> (aaa) must, if the substantive application relates to an unlisted project, consider the Minister's reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1):
> (aab) must consider a relevant Government policy statement:
> (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
> (b) must apply the applicable clauses set out in subsection (3) (*see* those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
> (c) must comply with section 82, if applicable:
> (d) must comply with section 83 in setting conditions:
> (e) may impose conditions under section 84:

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32 FTAA, s4 and 27(2)

33 Originally the substantive application was lodged on 16 March 2026, however it was subsequently withdrawn on 7 April 2026. A revised application was then lodged on 17 April 2026, this decision relates solely to the later resubmitted application, refferred to on the Fast Track website as the second substantive application.

34 FTAA, s43

35 FTAA, s47

36 FTAA incorporating amendments as at 31 March 2026

(ea) may impose conditions under section 84A
(f) may decline the approval only in accordance with section 85.

(3) For the purposes of subsection (2)(b), the clauses are as follows:
(a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
…[37]

(4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.

(5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(b), the panel—
(a) must treat the stage of the project to which the application relates as constituting the project; but
(b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed.

(6) Despite subsection (2)(a), the panel—
(a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but
(b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.

(7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

Ability to Decline Consent

48 Section 85 FTAA sets out the limited circumstances when approvals must or may be declined. Section 85(1) and (2) sets out the matters that apply to a mandatory decline decision. Section 85(3) sets out the matters that must be considered by the Panel in forming a view that the approval sought should be declined:

Approval may be declined if adverse impacts out of proportion to regional or national benefits

(3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—
(a) there are 1 or more adverse impacts in relation to the approval sought; and
(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
(i) any conditions that the panel may set in relation to those adverse impacts; and
(ii) any conditions or modifications that the Applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

(5) In subsections (3) and (4), **adverse impact** means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

49 The Panel has formed the view that, after taking account of the conditions that the Panel has set, the adverse impacts are not sufficiently significant to be out of proportion to the project's regional or national benefits. The Panel has therefore

[37] Clauses (b)-(o) omitted as not relevant to this application.

concluded that the application should be granted an approval.

Approvals Relating to the Resource Management Act 1991

50 The relationship of the FTAA with the Resource Management Act 1991 (**RMA**) is outlined in Schedule 5 of the FTAA which provides the resource consent application process that applies rather than the standard RMA resource consent application process. Clause 17 states:

> **17 Criteria and other matters for assessment of consent application**
>
> (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),
> (a) the purpose of this Act; and
> (b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and
> (c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.
>
> (2) For the purpose of applying any provisions in subclause (1),—
> (a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and
> (b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and
> (c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.
>
> (3) Subclause (4) applies to any provision of the Resource Management Act 1991(including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
>
> (4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.
>
> (5) …
>
> (6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.
>
> (7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.

51 Within the legal framework the directive to 'take account' of the identified matters involves the Panel giving genuine consideration, not mere lip service to the matters.[38]

52 The Panel has considered cl17 and cl18 of Schedule 5 FTAA when identifying the principal issues in contention and when taking account of the actual and potential effects of the activity as set out in Parts E and F below and concluded that the purpose and principles of the RMA in ss5, 6, and 7 remain relevant to our decision-

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[38] Legal Submissions (Overview) on behalf of Southern Link Property Limited for Panel Briefing, 7 July 2026 at 15.

making.

53 At the Project Overview Conference, the Panel received legal submissions on behalf of the Applicant to assist the Panel by providing a summary of the FTAA legal tests taking into account decisions that have been released by other FTAA Panels (Overview Legal Submissions).[39] We also received legal submissions from the Applicant in response to s53 comments, and in the Applicant's Reply following the topic hearings.[40]

54 In the Overview Legal Submissions, Counsel for the Applicant, Ms Scott noted that the practice of FTAA Panels is to adopt a three-stage approach to decision making as follows:[41]

> *i. First, the Panel considers the RMA and other listed statutory matters on their own terms, including effects (section 104), the relevant instruments (NES/NPS,6 RPS, regional and district plans, and iwi planning documents), and Part 2 (sections 5–7 only). The Panel identifies the project's adverse effects and whether (and to what extent) they can be avoided, remedied or mitigated (or offset or compensated if offered by the Applicant);*
>
> *ii. Then, the Panel gives the greatest weight to the FTAA purpose by assessing the extent of the project's regional or national benefits; and*
>
> *iii. Finally, the Panel applies a proportionality test: it may decline an approval only if there are adverse impacts that are sufficiently significant to be out of proportion to those benefits after taking into account conditions set in relation to those adverse impacts and any Applicant agreed modifications to the proposal that could address the effects (including offsetting or compensation).*

55 Counsel noted that in the case of this application, the only potentially mandatory reason to decline the application would be if the granting of the approvals were in breach of FTAA, s7. We address the requirements of s7 below when discussing comments received from Te Rūnanga o Ōtākou, where we find there are no mandatory reasons to decline the approvals.

56 The Panel accepts the three-stage approach to decision making outlined in the Overview Legal Submissions when determining the grant of approvals and conditions.

57 The Panel has considered the actual and potential effects of the application, the relevant planning framework, and matters in Parts 2, 3, 6, 8 and 10 of the RMA in the usual way (excluding the s8 and 104D). We then consider the purpose of the FTAA and give the greatest weight to that purpose when undertaking our overall evaluation.

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39 Legal Submissions (Overview) on behalf of Southern Link Property Limited for Panel Briefing, 7 July 2026.

40 Legal Submissions in response to s53 comments, 19 August 2026 and Legal Submissions in Reply, 9 October 2026.

41 Examples were provided in Bledisloe North Wharf and Fergusson North Berth Extension, Panel Decision 21 August 2025, Maitahi Village Panel Decision, 18 September 2025; Southland Windfarm, Panel Decision 2 April 2026.

58 Ms Scott submitted that the structure of cl17(5) of Schedule 1 means that the RMA factors are to be taken into account individually, then fit into the FTAA framework for weighting/analysis. These matters must be considered on an individual basis, prior to an overall weighting of the various factors.[42]

59 The Panel notes that in addition to the requirement in Schedule 5, cl17(1)(b) to not apply the RMA s104D 'gateway test' the directions to the Panel in FTAA s85(4) and Schedule 5, cl17(4), direct that we must take into account a provision in the RMA that might under the RMA have led the Panel to decline an application, we must not decline an application under the FTAA for that reason. In the decision of the Expert Panel in Waihi North Project, the Panel said that:

> *Once effect is given to the cl 17(1) and (2) (and in particular, the disapplication of s 104D), there are no provisions in the RMA which, but for cl 17(4), would require the Panel to decline OGNZL's Application for resource consents. So, arguably at least, cl 17(4) is not directly relevant to the decisions we are required to make.*
>
> *That said, we are inclined to read cl 17(4) alongside s 85(4). On this basis, when dealing with directive avoidance policies in planning instruments which, when taken with s 104D, might usually require an application to be declined, we adopted the approach of:*
>
> > *(a) taking into account that they would usually engage the "bottom line" approach taken in King Salmon and thus require an application to be declined;[43] but*
> >
> > *(b) recognising and that they do not require the Panel to decline an application.*

60 In the Applicant's Project Overview legal submissions, Counsel emphasised that the FTAA involves a balancing of relevant matters but not an even one with the greatest weight to the FTAA purpose.

61 The Panel has therefore taken into account a number of objectives and policies in the relevant NPS, Regional Policy Statement, and District Plan that seek to avoid certain effects are not achieved. However, when considering our findings on the significant regional benefits, they are not to be given such weight that would lead to the decline of the approval for that reason alone.

62 The Panel has not found any adverse effects to be sufficiently significant, taking into account the proposed mitigation and conditions offered by the Applicant, so as to require a proportionality assessment.

63 For completeness the Panel records that pursuant to FTAA, Schedule 1, cl17 the Application was determined under the FTAA and RMA as was in force at the time the application was made.

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[42] Panel Decision Wellington International Airport Southern Seawall Renewal, [89].

[43] Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors – [2014] NZSC 38; [2014] 1 NZLR 593.

PART D: IWI AUTHORITIES

Section 18 Report for a Referred Project

(a) The Ministry for the Environment provided a report on Treaty Settlements and other obligations under s18 on 28 July 2025 in relation to the referral application.

64 Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty Settlement Entities. The Ministry for the Environment identified Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga, and their associated entities, as relevant to the project area. The Ministry identified as recognised in the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**):

(a) Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu, Post Settlement Governance Entity;

(b) Te Rūnanga o Moeraki, representing Moeraki, Papatipu Rūnanga of Ngāi Tahu Whānui;

(c) Kāti Huirapa Rūnaka ki Puketeraki, representing Puketeraki, Papatipu Rūnanga of Ngāi Tahu Whānui;

(d) Te Rūnanga o Ōtākou, representing Ōtākou, Papatipu Rūnanga of Ngāi Tahu Whānui;

(e) Hokonui Rūnanga, representing Hokonui, Papatipu Rūnanga of Ngāi Tahu Whānui;

(f) Waihōpai Rūnaka, representing Waihōpai, Papatipu Rūnanga of Ngāi Tahu Whānui;

(g) Te Rūnanga o Awarua, representing Awarua, Papatipu Rūnanga of Ngāi Tahu Whānui; and

(h) Te Rūnanga o Ōraka-Aparima, representing Ōraka-Aparima, Papatipu Rūnanga of Ngāi Tahu Whānui.

65 The Ministry identified Ngāi Tahu Environmental Entities,

(a) Aukaha, representing Otago-based papatipu rūnaka – Moeraki, Puketeraki, Ōtākou, and Hokonui; and

(b) Te Ao Mārama Incorporated, representing Murihiku papatipu rūnanga – Ōraka-Aparima, Waihōpai, Awarua and Hokonui as other Māori groups with relevant interests,

as they may represent the papatipu rūnanga on environmental and other matters in the project area.

66 The Ministry identified the NTCSA as relevant to the project area. The project is not within the coastal marine and coastal area, and there are no Mana Whakahono ā Rohe or joint management agreements relevant to the project area. While the NTCSA includes relevant relationship principles, there are no specific provisions in the Treaty Settlement that relate to the project area.

67 Te Rūnanga o Ngai Tahu confirmed that for the purposes of the SLIP, that they support Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki and Kāti Huirapa Rūnaka ki Puketeraki (Kā Rūnaka), with their position on the Project, and this is to also be regarded as the position of Te Rūnanga o Ngai Tahu.[44]

68 Te Rūnanga o Ōtākou provided comments on the referral application. They support the application and note that the Applicant has engaged proactively with Manawhenua and entered into a process agreement.

69 The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the application subject to the Applicant continuing to engage with relevant iwi, hapū and whānau and giving effect to the process agreement entered into with kā rūnaka.

70 The Ministry for the Environment did not consider there are any matters identified in s18 which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Substantive Application Information

71 As we discuss in Part F below under the heading of Cultural Effects, the Applicant engaged early with Te Rūnanga o Ōtākou and sought their advice regarding impacts of the Application on cultural values and the NTCSA. The Applicant commissioned a report from Te Rūnanga o Ōtākou which was provided in the form of a TIA.[45]

Comments

72 The Panel invited comments from Kā Rūnaka and the Environmental Entities identified by the Ministry for the Environment listed above, under s53(2)(b)–(g).

73 Comments were received from Te Rūnanga o Ōtākou[46] which advised that, the application did not clearly address whether the grant of resource consents would lead to a commitment by Port Otago Limited not to pursue further reclamation in Otago Harbour, which they say was an understanding reflected in the TIA following discussions with the Applicant.

74 Te Rūnanga o Ōtākou identified concerns about the cultural significance of the area; the NTCSA and impacts on taoka species as well as constraints on rakatirataka and kaitiakitaka; and the unknown scale of effects on water matters due to design decisions not being available in the Application documentation suite

[44] Correspondence from Te Rūnanga o Ngāi Tahu to EPA, 28 May 2025
[45] Treaty Impact Assessment, 17 June 2026
[46] With the support of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki, and Auhaka (1997) Limited

but rather being deferred to the detailed design stages.

75 Te Rūnanga o Ōtākou reserved their position on whether the application involves breaches of the NTCSA.

Statutory Requirements

Treaty Settlements and Recognised Customary Rights

76 Section 7 requires all persons performing functions and exercising powers under the FTAA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

> **7 Obligation relating to Treaty settlements and recognised customary rights**
>
> (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
> (a) the obligations arising under existing Treaty settlements; and
> (b) customary rights recognised under—
> (i) the Marine and Coastal Area (Takutai Moana) Act 2011:
> (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
>
> (3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

77 In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

78 In the s18 Report the Ministry for the Environment advised that the relevant principles and provisions of the NTCSA included the Crown acknowledgements and apologies.

> *29. As part of the Ngāi Tahu Treaty settlement, the Crown apologised to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries and, in fulfilment of its Treaty obligations, the Crown states that it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu whānui.*
>
> *30. Respect for Ngāi Tahu views on resource management matters and enabling effective involvement of Ngāi Tahu as a Treaty partner in resource management decision-making within the takiwā are important ways in which the Crown can give ongoing effect to these acknowledgements and uphold its relationship with Ngāi Tahu.*
>
> *31. As the Applicant is seeking RMA approvals only and the project site is approximately 30km away from the nearest statutory acknowledgement area we have not identify any particular provisions in the Ngāi Tahu Claims Settlement Act 1998 that are relevant to the project area. 32.*

32. We do note, however, that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

79 It is unclear whether or not s7(2) operates to exclude s7(1) from our consideration. On the one hand, we are clearly exercising a "judicial function" in making these decisions, which would indicate that s7(1) does not apply.

80 On the other hand, s82(3) and s84(1) below quite explicitly direct that the Panel is required to consider and apply s7 in the context of making a decision or imposing a condition. In light of that ambiguity, we have included consideration of s7(1) in the context of s82(3) and s84(1). Our conclusions would not have changed if s7(1) did not apply to our considerations.

Effect of Treaty Settlements and Other Obligations

81 Section 82 provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
>
> (3) The panel must also consider whether granting the approval would comply with section 7.
>
> (4) In this section, **document**—
> (a) means any document, arrangement, or other matter; and
> (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

Conditions relating to Treaty Settlements and Recognised Customary Rights

82 Section 84 provides:

> **84 Conditions relating to Treaty settlements and recognised customary rights**
>
> (1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

83 Te Rūnanga o Ōtākou continued to engage with the Applicant to address the concerns raised in the TIA and their s53 comments. The Panel sought clarity from Te Rūnanga o Ōtākou regarding their position on s7 of the FTAA.[47] Te Rūnanga o Ōtākou advised that it is satisfied that the risks identified in the TIA are addressed

[47] Minute 12 of the Expert Panel, Panel Responses to Correspondence and Further Directions, Southern Link Inland Port FTAA-2604-1207, 3 September 2026

through updated conditions, including the Kaitiaki Advisory Panel and the Strategic Cultural Programme, such that none of the TIA content means the approvals sought should not be granted. Accordingly, Ōtākou confirmed that it no longer seeks to raise any issues with the Panel with regard to FTAA, s7, as granting the approvals sought will be consistent with s7. Te Rūnanga o Ōtākou confirmed that no hearing on cultural matters is sought. Te Rūnanga o Ōtākou took a neutral position on the grant of the approvals.[48]

84 On that basis, in accordance with s7 of the FTAA the Panel finds that the grant of the approval incorporating the conditions as agreed between Te Rūnanga o Ōtākou and the Applicant is consistent with the NTCSA.

PART E: PRINCIPAL ISSUES IN CONTENTION

85 In this Part, we set out the Principal Issues of Contention identified following consideration of the s53 comments and the Applicant's s55 Response. We also considered the Panel-directed expert witness conferencing and hearings, correspondence from parties who reached agreement with the Applicant, and the Applicant's Reply. To assist the reader, we have also included our findings on those issues which were reached following the Panel's consideration of the matters in Parts F-O below.

Principal Issues

86 Transport: Whether the projected increase in heavy vehicles, under the no-transfer, low, anticipated and high rail mode shift scenarios, will have a significant adverse effect on the safety and efficiency of the roading network.

87 Noise: Whether operational and construction noise, by day and by night, can meet the District Plan standards both within and beyond 350m of the Industrial Zone. If so is it appropriate and reasonable for the for a 5 dB night-time uplift for night-time noise limits at Stage 3 beyond 350m of the Industrial Zone to provide operational flexibility, having regard to the effects on health and amenity; and whether further mitigation should be required at sensitive receivers, including the WRL foaling unit.

88 Landscape, Rural Character and Amenity: Whether the effects on rural landscape, character and amenity can be appropriately mitigated to a reasonable level.

89 Effects on WRL: Whether the Applicant's proposed mitigation measures are adequate to address the effects on animal welfare and the safety of staff at the WRL Thoroughbred Stud.

90 Adaptive Management approach to stormwater management and the risks to freshwater ecology and cultural values: Whether the proposed adaptive management approach is adequate to ensure the protection of the freshwater

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[48] Memorandum of Counsel Te Rūnanga o Ōtākou supported by Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki and Auhaka (1997) Limited in Response to Panel, 10 September 2026

quality, ecological and cultural values of Whakaehu / Silver Stream.

91 Flood risk: Whether the location of the SLIP and design of onsite and offsite management of stormwater and flood risk are managed in a way that is proportionate to natural hazard risk and ensures the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low.

92 Loss of Highly Productive Land: Whether the exemption provisions of the NPS-HPL cl3.10 are met, and whether the effects of the loss of high-class soils is acceptable in light of the significant regional benefits of the Application.

93 Regional Benefits: Whether the regional benefits are significant in the context of the purpose of the FTAA and whether they will be realised absent of the certainty of a commercial agreement with KiwiRail to construct and operate the proposed rail siding.

Panel Findings

94 Following the Panel's evaluation of relevant matters in Parts F to N below and the Final Decision Conditions the Panel finds that for issues relating to:

(a) Transport: We have found that, on the Applicant's anticipated 75% transfer of freight to rail, the increase in heavy vehicles will not have a significant adverse effect on the safety or efficiency of the network, and that the effects of the low-transfer case are also likely to be acceptable. We have therefore not imposed a cap on heavy vehicle movements but have required monitoring and reporting of heavy vehicle movements from the commencement of Stage 1 and have required the rail siding to be constructed and operational within twelve months of the commencement of Stage 1 operations.

(b) Noise: Although the operational and construction noise, by day and by night, can meet the District Plan standards for the Rural and Rural Residential zones both within and beyond 350m of the Industrial Zone, the Panel finds that it is appropriate and reasonable to allow for a 3 dB night-time uplift beyond 350m of the Industrial Zone to provide operational flexibility, having regard to the effects on health and amenity. We do not find that a 5dB uplift is appropriate given the actual and potential effects on rural amenity. We consider that mitigation should be required at sensitive receivers, including the White Robe Lodge foaling unit as provided for in the Panel Final Decision Conditions.

(c) Landscape, Rural Character and Amenity: We have found that the effects on rural landscape, character and amenity can be appropriately mitigated to a reasonable level but will have a more than minor adverse effect.

(d) Flood risk: We are satisfied that the location of the SLIP and design of onsite and offsite management of stormwater and flood risk are managed in a way that is proportionate to natural hazard risk and ensures the risk

from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low.

(e) Effects on WRL: We find the Applicant's proposed mitigation measures in Condition 71B of the Final Decision Conditions are adequate to address the effects on animal welfare and the safety of staff at the WRL Thoroughbred Stud.

(f) Adaptive Management approach to stormwater management and the risks to freshwater ecology and cultural values: We are satisfied that the Applicant's adaptive management approach is adequate to ensure the protection of the freshwater quality, ecological and cultural values of Whakaehu / Silver Stream.

(g) Loss of Highly Productive Land: We have found that the Application meets the exemption provisions of the NPS-HPL cl 3.10. However, the effects of the loss of high-class soils, which are more than minor, are not so significant that they outweigh the significant regional benefits of the Application.

(h) Regional Benefits: We have found that the regional benefits are significant in the context of the purpose of the FTAA and the risk that they are not realised absent of the certainty of a commercial agreement with KiwiRail to construct and operate the proposed rail siding are addressed in the Panel Final Decision Condition 82.

PART F: EVALUATION OF EFFECTS

95 FTAA Schedule 5 cl5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in cl6 and cl7. These matters include:

> (a) an assessment of the actual or potential effects on the environment:
>
> (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:
>
> (c) if the activity includes the discharge of any contaminant, a description of—
>
> (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
>
> (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
>
> (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:
>
> (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:
>
> (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:

(h) an assessment of any effects of the activity on the exercise of a protected customary right.

…

(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:

(f) the unreasonable emission of noise:

(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

96 The Application included a comprehensive assessment of environmental effects, a rule assessment, and draft Project Conditions, supported by a number of appendices containing technical assessments to support the Application assessment of effects.

97 An updated Application was provided to the EPA on 17 June 2026.[49]. Participants who commented also raised concerns regarding a range of actual and potential effects.

98 The Applicant consulted early on with ORC and DCC, who engaged constructively with the Applicant, including undertaking Peer Reviews of a number of technical reports and providing feedback to the Applicant. This enabled the updated Application to include a comprehensive suite of Project Conditions. Not all issues were resolved and dialogue continued up to and following formal s53 comments.

99 In Part F we have included a comprehensive evaluation of the effects and made findings on all of the actual and potential effects identified in the Application and in s53 comments. Some of the effects have been aggregated under one heading in Part F. We received a significant volume of technical evidence from the Applicant and commenters. Where agreements have been reached, through conferencing or privately we have taken into account the outcomes that were reported to us and generally accepted those matters as having been resolved.

100 The following main categories of actual and potential effects on the environment

[49] As directed by the Panel Convenor in Minute 4

are evaluated:

(a) Positive Effects

(b) Transportation Effects

(c) Noise Effects

(d) Effects on WRL Thoroughbred Horse Stud

(e) Loss of Highly Productive Land

(f) Natural Character, Landscape and Rural Amenity

(g) Cultural Values

(h) Terrestrial Ecology and Biodiversity Effects

(i) Freshwater Quality and Ecology Effects

(j) Works in the Bed of Whakaehu / Silver Stream

(k) Aviation Effects

(l) Lighting

(m) General Construction and Site Remediation Effects

(n) Signage

(o) Geotechnical Effects

(p) Groundwater

(q) Site Contamination

(r) Earthworks

(s) On-site Stormwater Management

(t) Off-Site Flooding

(u) Other Water Services

(v) Archaeological Effects

(w) Other Effects/Issues raised in s53 Comments

101 The Panel has addressed these effects thematically throughout our discussion below. The Panel has taken account of the relevant planning provisions in evaluating the effects of the Project. Under the headings 'Panel Findings' in

relation to each effect we have included the following subheadings:

(a) 'Planning Context' - this includes an outline of the key planning provisions to explain the planning outcomes that are sought in the Regional and District Plans. We have also considered the relevant national and regional policy frameworks in Part H and I.

(b) 'Effects' – this is where we record our findings on the actual and potential effects of the Application.

(c) 'Conditions' - where we record whether we accept the Applicant's Reply Version Conditions or make changes to address our findings on effects. We record our findings on the Panel Draft Decision conditions are confirmed by the Panel in Part K: Conditions, following an assessment against s3 of the FTAA in Part K Conditions.

102 Where our findings have resulted in Panel amendments to conditions, we refer to these in this part as the Panel Draft Decision Conditions. That is because at the time we issued our Draft Decision our findings on the effects of the SLIP were based on those.

103 Later in Part K Conditions, the Panel addresses the comments received on the Panel Draft Decision Conditions and our findings on those comments before providing our Final Decision Conditions along with our Final Decision.

The Receiving Environment

104 In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*.[50] The environment includes that which presently exists. It also

> *…embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*[51]

105 We adopt the Applicants description of the existing environment in s3 of the Application, and the additional matters raised in comments, WRL Thoroughbred Stud. We have also taken into account the limited potential for additional dwellings to be constructed adjacent to the Site when addressing noise effects. When discussing transportation effects on the roading network we have considered other approved developments in the Mosgiel area.

106 The Applicant owns the land at 291 Dukes Road North, Mosgiel and 245 Puddle Alley, Mosgiel. The Applicant's Written Approval to the effects of the application was provided with the updated Substantive Application on 17 June 2026. When undertaking the evaluation of the relevant matters under the s104 of the RMA, as

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[50] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].
[51] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

required of us under Schedule 5, cl17(1)(b) of the FTAA, we have disregarded effects of the Application on the Applicant (as a Person who has given written approval to the application).

Positive Effects

107 The level of positive effects identified by the Applicant as a result of the SLIP was identified as an issue for commentors and the Panel. Our evaluation and findings in this section is a summary, as we address the issue in detail in Part G: Regional or National Benefits of the Project in relation to the s3 Purpose of the FTAA.

The Application

108 The Application references the benefits of facilitating a mode shift from road to rail for freight to Port Otago. The SLIP would shift existing truck-based warehousing and logistics to rail, leveraging the existing KiwiRail Taieri Branch Rail Line to deliver containerised freight to Port Chalmers. The Application reports this would reduce heavy vehicle movements on urban Dunedin roads by approximately 29,860 per annum, increasing operational efficiency, and reducing carbon emissions and road maintenance costs.

109 The benefits above are supported by the modelling and analysis in the Economic Assessment undertaken by Savvy Consulting Limited. [52] The Economic Assessment also identifies the possible benefits of freeing up industrial floor space due to the relocation of the Strathallen Depot, and reduced leakage from Port Otago when container storage reaches capacity. Other regional benefits are said to include the avoidance of pressure to expand Port Chalmers through coastal reclamation and provides for sustainable long-term growth of Port Otago's container operations.

110 There are also positive employment related economic benefits for both the construction and operational stages of the development, as we have addressed in Part G.

Comments Received

111 There was no dispute as to the significance of the regional economic and other benefits arising, and a number of comments were in support of the economic benefits and transportation improvements[53]. Ministerial comments received were supportive of the project and its alignment with the Government's economic growth and infrastructure priorities.[54] Mr and Mrs McLeod and Mr and Mrs Inch raised concerns and the issue of alternative sites.

112 Te Rūnanga o Ōtākou also acknowledged the positive economic and employment benefits of the proposal to the community in the TIA.

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[52] Economic Assessment, Savvy Consulting Limited, section 9.1

[53] Paul and Rochelle Urquhart, Stockdale Farm Limited, MTCB, DCC and ORC

[54] Minister for Infrastructure, the Minister for Regional Development, the Minister for the South Island and Associate Minister for Transport, and the Minister for Economic Growth

Applicant Response to Comments

113 The Applicant provided a Statement of Evidence in response by Mr Driver addressing the issues raised regarding alternative sites. In Mr Driver's view, the Milburn alternative was economically marginal and not a genuine alternative, and the rationale and history of the site selection was explained.[55]

114 The Applicant's associated response by Counsel to the Minister for Economic Growth about not quantifying the ongoing Gross Domestic Product (**GDP**), annual revenue or wages and salaries associated with operational activity, stating there was a "*deliberately conservative approach*", as "*Consolidation equates to 'transfer' and on that basis, no change in each company's value-added contribution to the Dunedin and regional economy was assumed*". The response outlined the SLIP would facilitate growth in economic activity over the medium and long-term.[56]

Panel Findings

Planning Context

115 The Objective of the NPS-I seeks timely, efficient delivery of resilient, well-functioning infrastructure that provides national, regional and local benefits, supports community wellbeing and changing needs, and manages adverse effects and compatibility with other activities.

Effects

116 The Panel accepts that there are significant regional benefits, and more modest national benefits, from the construction and operation of the full development of the SLIP. These benefits will be less if the full development is not realised as outlined further in Part G: Regional or National Benefits of the Project.

Conditions

117 For the reasons given under Transportation Effects below, we have amended Condition 82 so that it requires the rail siding to be constructed and operational within twelve months of the commencement of Stage 1 operations on the Site. This will ensure that the significant regional benefits are realised.

Transportation Effects

118 The transportation effects of the SLIP were a significant issue for commenters and the Panel. Current levels of heavy vehicles (**HCV**) associated with the Applicant's container storage and maintenance activities are to be relocated to the Site. As the Site develops over time it will function as a transportation and logistics hub for both the Applicant, and other (unknown) operators. The consequence is the SLIP is expected to result in a substantial increase in heavy vehicle movements.

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[55] Statement of Evidence by Grant Driver, 19 August 2026

[56] Memorandum of Counsel on behalf of SLPL Responding to Comment of the Minister for Economic Growth 31 August 2026, paragraph 7

The Application

119 The Application provided an ITA[57]. The ITA concluded that the SLIP would enable consolidation of multiple freight handling facilities that are geographically dispersed within Dunedin onto one site which has direct access to rail. Access to the railway will enable more freight to be moved by rail, which will reduce HCV volumes over time, including on SH88, SH1 and within central Dunedin.

120 The ITA forecasts a gradual increase in HCV on State Highway 87 (Gordon Road, Mosgiel) (**SH87**) as the SLIP develops to accommodate the Strathallan container depot activities and other freight operators.[58] Its tables show the increase on SH87 beginning at Stage 1[59], and the Addendum forecasts about 50 additional heavy vehicle movements a weekday on SH87 at Stage 1, rising to about 120 at Stage 3[60]. Based on the anticipated changes in activity on the Site, HCV volumes on Gordon Road could increase by about 150 vehicles per day (**vpd**) with full development of the SLIP (depending on the extent of road to rail transfer, assumed to be 25% road and 75% rail). Since Gordon Road currently carries over 15,000 vpd and over 500 heavy vpd north of the State Highway 1 (Dunedin Southern Motorway) (**SH1**) interchange, Stantec considered that this increase will not contribute to a noticeable effect of the operation of the road network.

121 Although the SLIP will add to HCV on Gordon Road through central Mosgiel, since these are travelling through rather than turning at intersections, Stantec considered that they would not contribute to a noticeable change in the risk of a crash involving a heavy vehicle. Stantec opined that the greatest severity injuries within a town centre are typically associated with vulnerable road users. All reported crashes with pedestrians have been at side roads rather than across Gordon Road. As there are a range of crossing facilities on Gordon Road for pedestrians, they considered it unlikely that the change in HCV volumes will contribute to a higher crash risk with pedestrians.

122 Additional rail services to serve the SLIP are expected to require two train movements per day, one inbound and one outbound to Port Chalmers. This will have a small effect on road users on Factory Road and Gladstone Road as trains traverse the level crossings. Since the number of train movements is low and traffic volumes on these roads are low, this will result in some delay for a small number of road users but not contribute to a noticeable effect by individual drivers.

123 Road access to the SLIP is proposed via a new road intersection on Dukes Road North, about 400m east of Stedman Road. Proposed widening will enable a right turn bay at the new intersection, so turning vehicles will not obstruct the movement of through traffic.

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[57] Integrated Transport Assessment, Stantec NZ, 15 April 2026
[58] Integrated Transport Assessment, Stantec NZ, 15 April 2026; Executive Summary and Section 10 (Conclusions)
[59] Integrated Transport Assessment, Stantec NZ, 15 April 2026; Tables 7-2 and 7-5
[60] Integrated Transport Assessment, Stantec NZ, Addendum Table 2-5

124 Demand for walking or cycling to the Site will be low, however, a new section of footpath was proposed to be formed along Dukes Road North between Stedman Road and the entrance to ensure that any active travel demand can be met safely and avoids conflict with truck movements. As we discuss below, provision for a footpath along the full length of the Site frontage is to be enabled through the Reply Version of conditions.

125 The ITA concluded that the SLIP would contribute to area wide benefits by reducing the need for freight to be transported by road to or from Port Chalmers as it will link to rail. In turn that would reduce heavy vehicle volumes on State Highway 1 (Dunedin Southern Motorway) (**SH1**) within central Dunedin and State Highway 88 (Dunedin to Port Chalmers) (**SH88**). The disbenefit is the SLIP would contribute to an increase in truck movements on SH87 as the Site develops, representing about a 1% increase on top of the existing traffic volume on Gordon Road / SH87 i.e. through Mosgiel town centre. The ITA concluded that this would not contribute to noticeable operational or road safety effects on the road network.

126 The Application evaluated the potential effects considering the relevant national, regional and district planning framework and concluded that the effects could be managed and were less than minor or minor.[61]

127 The Panel issued a request for further information from the Applicant in Minute 4[62] requesting source data and the methodology to forecast HCV, the future receiving environment, an assessment against the District Plan, and mitigation details. The Applicant provided an addendum to the ITA in response.[63]

Comments Received

128 DCC's s53 comment on the review by DCC transportation planners and engineers Ms Chapman and Mr Martin, accepted the ITA's conclusions on the state highway network but sought conditions on several matters. These relate to the Dukes Road North frontage works, the footpath and its connection to Stedman Road, certification and testing of the roading works, and Applicant funding of the pavement, concluding that transport effects are acceptable subject to those conditions.[64]

129 NZTA's comment sought a condition capping heavy commercial vehicle movements at the assessed level and the extension of the SH87 right-turn bay, with NZTA approval of the marking plan.[65] NZTA raised concerns about the HCV trip distribution on the transport network and future tenants and requested more information on employee travel and the potential need for a cap on movement volumes if HCV movements are greater than forecast.

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61 Southern Link Inland Port – Substantive Application, section 10.2

62 Minute 4 of the Expert Panel, Request for further information, Southern Link Inland Port FTAA-2604-1207, 17 July 2026

63 ITA Addendum, 31 July 2026

64 DCC s53 comment [44]–[60], JWS Appendix 3 and DCC response in JWS Q6(b) stating concerns.

65 NZTA s53 comment [2.8] and right-turn bay request; JWS Q5(a)–(d), Q5(f).

130 The Mosgiel-Taieri Community Board (**MTCB**) supported the economic case but sought independent verification of the forecasts, funded Mosgiel roading upgrades before full scale (as neither DCC's nor NZTA's programmes included them), attention to pedestrian safety on Gordon Road, and conditions so that Mosgiel does not bear the cost of a benefit accruing largely to Dunedin and SH88.[66] MTCB and other commenters were concerned that Gordon Road would become the main freight corridor as an alternative to a possible future freight bypass. Nearby residents, Mr and Mrs Inch (54 Rutherford Road) describe the SH87 change as an increase of at least 30% in heavy traffic on Mosgiel's main street, where many pedestrians are elderly, and seek a heavy traffic bypass. Mr and Mrs McLeod (231 Dukes Road North) consider the roading infrastructure inadequate and point to the absence of any planned heavy vehicle bypass.[67]

131 WRL and the Stewarts were concerned about safety, and amenity impacts from heavy vehicles on their horse breeding operations and on residential amenity at the manager's residence.[68] Te Rūnanga o Ōtākou raised concerns about road safety effects on Gordon, Stedman and Wingatui Roads, and level crossing safety in their TIA.[69]

Applicant Response to Comments

132 Mr Rossiter provided a response to the concerns of commenters.[70]

133 In response to DCC, Mr Rossiter accepted the right-turn bay works on Dukes Road North and the Dukes Road North access, footpath and lighting conditions but he did not consider widening of Dukes Road North, east of Stedman Road, to be necessary. The Applicant's response to DCC's comments rejected a cap on HCV movements and DCC's certification (verification) and pavement funding requests, and Mr Rossiter rejected a cap on heavy vehicle movements in responding to NZTA. The ITA Addendum characterises road safety on Gordon Road as the Project's primary adverse effect.[71]

134 In response to the matters raised by NZTA, Mr Rossiter[72] met with NZTA and agreed to a condition to set out the scope of works needed to extend the SH87 Right Turn Bay. Mr Rossiter responded to the issue of employee travel, noting it was not expected to coincide with typical commuter peak periods and would be in the opposite direction to commuter flows.[73]

135 In response to the issue on a 'cap' on HCV movements, Mr Rossiter queried the nexus to the SLIP considering growth within the Industrial Zones and elsewhere,

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66 MTCB s53 comment and further comment; absence of programmed works confirmed by DCC (Appendix 3 [24]–[28]) and NZTA (JWS Q3.3).

67 McLeod and Inch s53 comments.

68 WRL s53 comments and Stewart late comments.

69 Treaty Impact Assessment, 17 June 2026

70 Statement of Evidence Chris Rossiter, 19 August 2026.

71 Ibid, 2.1–2.16 (DCC), 3.14–3.16 (cap); SLPL response to DCC comments, Attachment 02 (conditions 72–75A); ITA Addendum, Executive Summary.

72 Ibid 3.2, 3.15 and 5.10–5.11.

73 Ibid 3.13 and 5.6-5.9

and potential uncertainty regarding NZTA and DCC funding of road improvements.[74]

136 Several of the concerns addressed by other commenters regarding forecast increases in heavy vehicles are addressed in the ITA addendum and the Transportation JWS which we address in more detail below.

137 In response to the concerns raised in the ITA about road safety on Gordon Road, Mr Rossiter said:[75]

> *i. although the SLIP will add to heavy vehicle movements on SH87 Gordon Road through central Mosgiel, the additional movements are travelling straight through rather than turning at intersections;*
>
> *ii. Gordon Road forms part of the designated HPMV network;*
>
> *iii. 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; and*
>
> *iv. within an urban environment, crashes at intersections are more common than crashes along mid-block sections of road. Since the heavy vehicle movements generated by the SLIP will be travelling straight through at intersections rather than turning, I consider that it is unlikely that they would contribute to a noticeable change in intersection crash rates*

138 Mr Rossiter noted that in relation to the level crossing upgrades that it was likely that KiwiRail will require a Level Crossing Safety Impact Assessment.[76]

139 In relation to concerns regarding the need for a possible heavy vehicle bypass, Mr Rossiter considered the issue is driven by the region wide freight movement on SH87 and activity in the Dukes Road Industrial Zone, and not specific to SLIP. Investigation and development of any heavy vehicle bypass route is a matter for NZTA and DCC and not the Applicant.[77]

Transport Hearing and Joint Witness Statement

140 The Panel directed the Applicant, DCC and NZTA transport experts to conference and produce a JWS addressing issues identified by the Panel in Minute 9.[78] The transport experts then appeared at the Transport Hearing.

141 Minute 9 directed conferencing on six issues, from the rail mode shift to DCC's

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74 Ibid 3.15 and 3.16
75 Ibid at 5.5
76 Ibid, 5.10-5.11
77 Statement of Evidence Chris Rossiter, 19 August 2026, 4.9–4.11.
78 Transport JWS, signed by participants on 7 and 8 September 2026, participants included Chris Rossiter and Mark Georgeson for Applicant, Helen Chapman and Reese Martin for DCC and Kelly Blackie and Roy Johnston for NZTA.

conclusion of acceptability of the various proposed mitigations.[79] The JWS records agreement that:

(a) the trip generation, floor area and growth assumptions are accepted;

(b) that a 55,000-movement monitoring condition could replace NZTA's requested cap, with no intermediate-stage thresholds;

(c) that the right-turn bay extension resolves the intersection risk;

(d) that Safe System ratings and predicted crash growth are low; and

(e) that effects on SH87 are, in isolation, unlikely to be adverse.[80]

142 The consequences of the rail arrangements not being concluded were not addressed by the transportation experts, who considered they were not qualified to comment on commercial aspects of the SLIP; Mr Rossiter deferred to commentary prepared by the Applicant, included with the JWS as Appendix 1. Appendix 1 addressed the commercial arrangements with KiwiRail and the consequences of not including the rail siding.[81] We address that matter further when evaluating the regional benefits of the SLIP below in Part G.

143 In the following section we set out our understanding of the agreed data, as explained by the Applicant's expert witnesses and accepted by DCC and NZTA traffic experts.

Development Stages, Forecasts and the Rail Mode Shift Scenarios

144 The SLIP is staged over about ten years. Stage 1 is expected to consolidate the existing Dynes/Icon, Port Otago and KiwiRail Strathallan activities with the siding, container pad and initial warehousing. Stages 2 and 3 add warehousing to 79,802m² gross floor area, most of it to as-yet unknown tenants.[82]

145 An error was identified in the ITA and the corrected forecasts are 22,000, 23,500 and 25,000 truck arrivals a year at Stages 1–3, or 169, 181 and 192 two-way movements on an average weekday, 231 on a peak day and 33 in the peak hour, with light traffic rising from about 110 to 250–310 vpd. At the Transport Hearing, however, Mr Rossiter said the Addendum itself contained an error (missing container movements) and that ITA Table 7-3 (30,000 truck arrivals, or 60,000 two-way movements, a year at Stage 3) is the relevant table (see under the heading 'Need for a cap on heavy vehicles and commitment to construct and

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79 Minute 9 of the Expert Panel, Instructions for Joint Expert Conferencing and Hearings Southern Link Inland Port FTAA-2604-1207, 26 August 2026, Annexure.

80 JWS Q3.2(a)–(d); Q2(a)–(d), Q5(f); Q5(a); Q4.1(a), (c)–(d); Q6(a). All six witnesses signed.

81 JWS Appendix 2 s1.2; JWS Q1(b): DCC and NZTA "accept the information provided".

82 ITA s7.1; Addendum s2.3–2.4; Appendix 2 s3.4.

operate the rail siding) below.[83]

146 The net effect at Stage 3 is about +32,000 heavy movements a year on Dukes Road North and SH87, –32,000 on SH88 and central Dunedin, plus about 18,000 a year (about 70 a day) of Fonterra–depot shuttle movements on the eastern 0.7km of Dukes Road North.[84] On SH87 this is about +150 heavy vehicles a day, from about 500 to 650–675: about 1% of total traffic, 2.5% of the 2038 total with light vehicles, and a 24–30% increase in the heavy-vehicle class.[85]

147 The mode shift scenarios give annual heavy vehicle movements by road at Stage 3 of 84,647 with no transfer to rail, 33,859 at a low (60%) rail share, 21,162 at the anticipated (75%) share and 8,465 at a high (90%) share; at Stage 1, 34,736, 13,895, 8,684 and 3,474.[86] The only operational evidence for 75% is FY25 Port Chalmers data that Mr Rossiter describes as "almost evenly split between road and rail"; no stage-by-stage share was given.[87] KiwiRail's funding contribution to the siding remains subject to its Executive and Board approval, and its March 2026 letter is silent on the lease and freight carriage agreement. The Applicant records that underutilisation of the siding would undermine the value and basis for the project.[88]

148 The 10,607 movements a year per 10,000m² rate is exceeded by the Applicant's own tenancy cases (11,114 during a seasonal peak and 15,556 for a third-party logistics centre), although each example applies to only a small part of the floor area. The vpd figures used downstream (150; 250–300; DCC's 200–250) are not reconciled with Table 1-2.[89] The Panel therefore has a range: the anticipated case 75% rail and 25% road broadly matches the effects assessed, the low case (40% road, 60% rail) adds about 60% at the Site entrance, and the no-transfer case (100% road) is four times the assessed volume with no SH88 offset.[90]

Effects on the Safety and Efficiency of the Network

Efficiency

149 The experts did not identify a network capacity effect attributable to the SLIP.

150 The SH87/Dukes Road North intersection, modelled in SIDRA with 30 heavy vehicles an hour two-way (said to represent 250 to 300 HCV per working day,

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83 ITA Addendum Tables 2-3 and 2-4; light vehicles ITA s7.2.2.2 and Statement of Evidence, Chris Rossiter, 19 August 2026 at 3.9-3.11. Trip generation, floor area and growth assumptions accepted by DCC and NZTA (JWS Q3.2(a)-(d).

84 ITA Addendum s2.3.4, s2.6 and Table 2-7 (annual movements by location).

85 Transport JWS Appendix 2 Tables 3-2, 3-3 and s4.2; SH87 base of 15,000 vpd ITA s4.2. Percentages accepted by NZTA (JWS Q4.1(a)–(b)).

86 Transport JWS Appendix 2 Table 1-2. DCC and NZTA "accept the information provided" (JWS Q1(a)–(c)) without expressing a view on the likelihood of each case.

87 Transport JWS Appendix 2 s1.1 and Table 1-1.

88 KiwiRail letter, 12 March 2026 (application Part F.05); Transport JWS Appendix 1 (SLPL).

89 Transport JWS Appendix 2 s3.3–3.5 and Table 3-4; JWS Q5(c) (250–300); Appendix 3 [37] (200–250). The rates and tenancy scenarios were accepted by DCC and NZTA (JWS Q3.2(c)–(e)); the lack of reconciliation is the Panel's observation. Alternative tenancy rates: JWS Appendix 1 (SLPL) [31]–[32] and [38].

90 Panel's reading of Table 1-2; the arithmetic was not disputed at the hearing, and no party modelled the no-transfer case.

above the anticipated demand), remains at LOS B with 95th percentile right-turn queues under one vehicle with Stage 3 complete and 2038 growth. The changes in delay and queueing are under 2 seconds and 2 metres.[91]

151 At the SH1/SH87 interchange NZTA's microsimulation shows the Quarry Road off-ramp and Gladstone Road signals already at LOS E in the PM peak, falling to LOS F by 2033 in a base that includes the SLIP, Longfield and Summerset residential developments, but NZTA considers the decline "*cannot be directly attributed to this Project as it reflects that several developments are likely to occur*"; the SLIP HCV are under 1% of future SH87 volume. NZTA's optimisation project is unfunded beyond investigation.[92] The no-transfer case was not modelled.[93]

Road Safety

152 The ITA Addendum identifies road safety on SH87 Gordon Road as the primary adverse transport effect.[94] The With-Project Safe System exposure ratings do not change in any route section. DCC and NZTA experts accept the Applicant's technical assessment, and NZTA experts accept the Safe System Assessment risk rating will not change due to the low changes in traffic volumes generated by the SLIP.[95]

153 NZTA experts accepted the growth in predicted crashes will be low, while the DCC expert deferred to NZTA.[96]

154 NZTA experts stated that they did not model vulnerable-user risk for want of data, but calculated a low collective risk for pedestrians and expects it to remain low. DCC's expert also deferred to NZTA on this matter.

155 SH87/Dukes Road North intersection is a priority crossroads at the apex of an out-of-context curve with chevrons and a 65km/h advisory, carrying about 5,000 vpd on SH87 and over 4,000 on Dukes Road North, with about 10m of right-turn storage, LOS B, low collective risk and one serious loss-of-control crash in 2020–2024.[97]

156 The experts agree that lengthening the bay to at least 20m by 3.5m by line-marking (Condition 75A), funded by the Applicant before construction starts, resolves the storage risk. They consider that a roundabout would only be triggered by collective risk rising from low to at least medium, which is not predicted, and

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91 ITA Addendum s4.1.1.1; JWS Appendix 2 s3.2; JWS Q5(c), (e). Agreed: NZTA is "comfortable that the intersection's capacity is not constrained at the end of the Project staging"; SLPL accepts; DCC did not dissent.

92 Transport JWS Q3.3 (NZTA); SLPL "accepts NZTA's position"; DCC Appendix 3 [24]–[28]. Agreed by all witnesses.

93 Transport JWS Appendix 2 s1.3 and s3.6; JWS Q3.2(f): DCC and NZTA accept no further changes are required because the HCV threshold would trigger reassessment.

94 ITA Addendum, Executive Summary; Statement of Evidence, Chris Rossiter, 19 August 2026, 5.5; Minute 9 [25]–[30].

95 Transport JWS Appendix 2 s4.1 and Table 4-1; JWS Q4.1(a).

96 Transport JWS Appendix 2 s4.3–4.4 and tables; JWS Q4.1(c)–(d).

97 ITA s3.3, s4.3, s6.2; JWS Appendix 2 s4.6; Rossiter evidence 19 August 2026 3.1.

would be delivered by NZTA or a developer with multi-party funding.[98] The Panel asked NZTA whether a 20m bay is appropriate on an HPMV route that enables 23m vehicles. Mr Johnston considered that it would work because "while the box is only 20 metres long, there's the taper that leads into it, so you can accommodate some of the vehicle in that until it narrows down." The Panel accepts that advice.[99]

157 The Reply Version of DCC Conditions includes Appendix D showing the necessary upgrades.

Dukes Road North, the Level Crossing and the Site Access

158 Dukes Road North is a Strategic Road and HPMV route, with a regulated road speed of 80km/h. East of Stedman Road it has a rural character and a sealed carriageway width of 6.6m. DCC's 2026 deflection testing (90th percentile 1.2mm) exceeds recommended limits and no renewal is programmed.[100] The SLIP is expected to increase traffic east of Stedman Road by about 500 vpd (~300 light, ~200 heavy).[101]

159 The SLIP access is proposed as a full priority intersection about 400m east of the level crossing with a right-turn bay providing at least 56m of queuing space for two B-trains (Reply Version Condition 72(3)(c)); the ITA concept design showed 30m), a gated emergency egress, 111m sight distance, on-site queuing, 180 car parks meeting all staff demand, a 2m frontage footpath west of the access and new street lighting limited to 3 lux at rural and rural residential boundaries.[102]

160 The level crossing gains no train movements but materially more road exposure. A Level Crossing Safety Impact Assessment (**LCSIA**) has not been undertaken.[103] The proposed two train movements a day would add under a second of average delay at the Factory Road and Gladstone Road crossings.

161 Construction traffic is managed within the Construction Management Plan.[104]

<u>Amenity of the Rural Environment</u>

162 Dukes Road North, east of Stedman Road is a rural-zoned frontage carrying 1.9% heavy vehicles or ~27 HCV per day.[105] DCC notes rural zoning carries an expectation of infrequent heavy movements.[106] The Fonterra–depot shuttle concentrates about 70 movements a day on the section past 231 and 273 Dukes

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98 Statement of Evidence Chris Rossiter 19 August 2026 3.2; JWS Q5(a)–(b), (d), (e), (e)(i). Agreed between NZTA and SLPL; DCC took no position on the state highway.

99 Transport hearing transcript, 14 September 2026 (Mr Abley's question; Mr Johnston for NZTA); consistent with Transport JWS Q5(b)–(c), where NZTA and SLPL agree the bay is adequate for the expected demand.

100 Transport JWS Appendix 3 [38]–[40]; Mr Martin at the hearing confirmed non-compliant results but not end of life.

101 Statement of Evidence Chris Rossiter, 19 August 2026, 2.10; Appendix 3 [37]. Not disputed.

102 ITA s7.5; ITA Addendum s4.1.1.1–4.1.1.2; conditions 67A, 72–75. DCC accepts existing road widths are adequate apart from the widening for the bay (JWS Q6(b)(iii)).

103 Statement of Evidence Chris Rossiter 19 August 2026 5.10–5.11; Appendix 3 [41]; disputed — DCC seeks a binding commitment (JWS Q6(b)(iii)), SLPL offers to "work with DCC and KiwiRail".

104 ITA s7.4, s8.6; Condition 21(c).

105 Transport JWS Appendix 3, para 37 and repeated in the JWS at Q6(b)(iii)

106 Ibid.

Road North and WRL are concerned about the cumulative effect of heavy vehicles on their animal welfare and operations, which they say the Applicant had not assessed. We address the effects of the SLIP on WRL further under the heading Effects on White Robe Lodge Thoroughbred Horses.

163 DCC experts accept that Stage 3 will have a noticeable impact on amenity within the Mosgiel town centre i.e. SH87, through the presence and visibility of heavy vehicles, which it regards as consistent with Gordon Road's HPMV function.[107]

Matters not Agreed Following Conferencing

164 Following Joint Witness Conferencing, disagreement remained on Dukes Road North pavement funding, a level crossing commitment, footpath tenure and certification, with DCC recording remaining concern as to District Plan Policy 6.2.3.9(b) which seeks that "*any associated changes to the transportation network will be affordable to the public in the long term*". [108]

165 The Panel had remaining concerns about the surety of the road to rail mode shift considering the fact a commercial arrangement with KiwiRail had yet to be secured.

Need for a Cap on Heavy Vehicles and Commitment to Construct and Operate the Rail Siding

166 At the Transport Hearing Mr Rossiter described 75% rail as the target from Stage 1, and the 10,600 heavy vehicle movements per 10,000m^2 of floor area a year as "*probably a balanced rate taken for all of the floor area*".[109]

167 Ms Blackie confirmed the 50,000[110] trigger was simply 192 heavy vpd × 260 days and that NZTA wanted:

> *a mechanism that would allow us [NZTA] to reassess the effects … because there is uncertainty still about the rail.*

168 NZTA's later comments on the proposed conditions record that the 49,920 was then "*rounded up to 55,000*". Mr Rossiter said the correct figure is 60,000 two-way movements[111]. Ms Blackie considered that any further assessment would fall on the Applicant; Mr Rossiter accepted that, in relation to road safety effects:

> *monitoring safety is a much more tricky one to assess. Given crashes are unpredictable by nature, we don't know what might arise coming out of this …* [112]

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107 Appendix 3 [20]–[22]; JWS Q6(a). SLPL agrees there is no safety or efficiency impact; the amenity characterisation is DCC's alone.

108 Transport JWS Q6(b)(ii)–(iii): DCC seeks full Applicant funding and certification; SLPL seeks a cost share and rejects certification.

109 Transport hearing transcript, 14 September 2026, pp.6, 8 and 9.

110 Based on ITA Addendum, however, there is an error noted in the Applicant's Reply Legal Submissions at 3.3(a). Transport hearing transcript, p.9 (192 × 260) and p.11 (quotation).

111 NZTA comments on Proposed DCC Conditions, 21 September 2026 (Condition 75B); Transport hearing transcript, pp.9 and 12.

112 Transport hearing transcript, page 13

169 During Conferencing the experts discussed the need for a cap, monitoring and response for further assessment. In Appendix 2 to the JWS (section 2.1) Mr Rossiter and Mr Georgeson were not convinced of the need for a cap to manage effects on the wider network on the basis that the contribution of the SLIP would be small in the context of the anticipated future environment.

170 In the absence of a cap they considered monitoring could provide information on total HCV movements, which could in conjunction with container movements by rail establish the mode share being achieved. They suggested recording HCV arrivals, with a further assessment if annual movements exceeded "*e.g. 50,000 per annum*"; the JWS then recorded agreement with DCC and NZTA on an annual record of heavy vehicle movements at the entrance with a 55,000 two-way trigger. In Appendix 2, Table 1-2, that would only be triggered in the no-transfer case at Stages 2 and 3.[113] The Applicant's Conditions filed on 21 September 2026 did not include this requirement.

171 The Panel suggested that as an alternative to a monitoring, reporting and review threshold that the conditions could require a minimum rail share or a condition securing the siding itself on the basis that if it doesn't occur, then there is going to be 100% reliance on road transport, and not rail. Mr Kearney agreed that without rail it would severely impact the ability to get any scale on the Site. Following the Transport Hearing the Applicant proposed DCC Condition 82 to require the construction and operation of the rail siding during Stage 1.[114]

172 In a summary statement produced for the Conditions Hearing Mr Kyle and Ms Hankey noted that a cap-and-review condition is uncertain, open-ended and potentially onerous. In their view the revised Condition 82 requiring the siding to be operational for Stage 1 demand within twelve months of Stage 1 commencing and expanded for later stages is the more appropriate way to ensure mode shift is enabled.[115]

173 In responses to the Applicant's updated draft conditions DCC and NZTA both continued to seek the threshold condition be included in DCC Conditions 75B or NZTA suggested Condition 84, which would require that there be from Stage 2, electronic logging of every HCV entry and exit, annual certified reporting, and on triggering 55,000 movements an ITA prepared within four months covering the SH1 off-ramp to SH87/Dukes Road North (that would include intersection modelling, crash comparison, mitigation programme), with no further development or intensification until it is certified. NZTA also seeks the siding be operational before Stage 1 freight operations begin, not within twelve months.[116]

174 During the Conditions Hearing the Panel put to the Planning experts, Mr Kyle, Mr

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113 Transport JWS Q2(c), Q5(f), Q6(c): agreed by all six witnesses. The comparison with Table 1-2 is the Panel's.

114 Transport hearing transcript, 14 September 2026; SLPL updated proposed conditions, 21 September 2026 (82).

115 Summary Statement, John Kyle and Megan Hankey, 21 September 2026.

116 DCC response to Minute 14 – Conditions, 21 September 2026, responding to the Applicant's revised conditions of 17 September 2026 (75B); NZTA comments on proposed DCC conditions, 21 September 2026 (84). Disputed by the Applicant.

Sule and Ms Dempster that given the uncertainty as to whether the monitoring would in fact demonstrate a nexus between the SLIP and possible adverse traffic effects on the wider road network, or if they are attributable to development growth in the Industrial Zone or in Mosgiel more generally, that a potentially more proportionate response would be to require monitoring and recording of HCV entry and exit, and then in the event DCC identified an adverse effect, it could request the data from the Applicant to inform its own evaluation specific to that effect. Then, if there was an adverse effect attributable to the SLIP, DCC could initiate a review under proposed Condition 103, under the Council's general review powers.

175 The Planning experts agreed that this would be appropriate, particularly considering the addition of Condition 82.

176 In the Applicant's legal submissions in Reply Counsel recorded that the Applicant maintained their opposition to the DCC and NZTA monitoring, reporting and review condition but accepted the Panel's suggestion, now included in the Reply Version as DCC Condition 75B, that requires (summary) monitoring of HCV movements. This information is to inform whether an adverse effect has occurred as a result of the operation of the SLIP. The Applicant proposes monitoring commence during Stage 2 given the low number of HCV movements anticipated during Stage 1. The annual monitoring 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) to deal with any adverse effect on roads that may arise from exercise of the consent.[117]

Roading Plans, Pavement and Footpath Upgrades

177 DCC remained concerned about the need for certification of the roading plans, Applicant-funded pavement upgrades from Stedman Road to the entrance (DCC proposed Condition 72(3)(g)), the footpath built at Stage 1 or bonded, public access by easement or vesting (Condition 73A) and testing during construction (Condition 74).[118]

178 The Applicant has agreed to the provision of a footpath along the frontage of the Site, to be secured by easement (subject to excluding the access to the SLIP). They also agreed to approach KiwiRail and Dunedin Railways formally on a level crossing safety assessment and would "consider" a bond for the rail crossing.[119] In reply, the Applicant said that rather than a bond it would either fund the footpath works itself or, if DCC undertakes them, secure the funding through a developer's agreement.[120]

179 In the Reply Version the Applicant proposed further changes to the condition to respond to Panel feedback on the footpath construction and to provide further

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117 Applicant's Legal Submissions in Reply, 9 October 2026, at 3.5

118 DCC response to Minute 14, 21 September 2026; JWS Q6(b)(ii)–(iii). Disputed: SLPL seeks a cost share on the pavement.

119 Transport hearing transcript, 14 September 2026. The conditions material below followed on 21September under Minute 14; the Applicant objects to NZTA's safety engineer attending the planners' hearing.

120 Applicant's Legal Submissions in Reply, 9 October 2026, at 3.13

certainty, including a proposed route across the KiwiRail owned land and railway land (the relevant Proposed Footpath plan shown on the referenced plan). The Applicants 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 obtain KiwiRail approval, rather than the alignment sought by DCC which combined pedestrians with the rail/road traffic.

180 Reply Version DCC Condition 72(2)(j) requires detailed engineering and design plans to be in general accordance with Proposed Footpath Drawings.[121] The proposed footpath now includes a route across the railway. Reply Version Condition 73A also requires the Applicant 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.

181 The outstanding matter with DCC is understood to be a request that the footpath is constructed as part of Stage 1, whereas the Applicant'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.

182 The Applicant does not accept funding the pavement upgrade east of Stedman Road, for which it proposes a cost share with DCC. Although the Applicant conceded that a condition requiring road widening along the frontage of the SLIP would be related to the development as such, it was not currently required.[122] DCC did not pursue the widening request at the Conditions Hearing, although its 21 September 2026 response maintained the request for Applicant-funded pavement upgrades (DCC proposed Condition 72(3)(g)).

183 Mr Martin confirmed that the Dukes Road North pavement currently has a non-compliant deflection result, but it is not at the end of life. Mr Rossiter accepted the SLIP "*will bring forward the need for a [pavement] rebuild*" while resisting full funding. Both Mr Martin and Mr Rossiter were open to a staged, monitored approach.

184 The Applicant does not accept certification of the roading plans as suggested by DCC but accepted instead a condition requiring verification that the plans meet DCC's design standards because there is no planning objective for the plans to be certified against.

Panel Findings

Planning Context

185 The SLIP is a High Trip Generator under District Plan Rule 16.3.3.X. The relevant

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[121] Drawings 310206525-STN-00-210-SK-CI-SK9104, SK9105 and SK9106
[122] Applicants Legal Submissions in Reply, 9 October 2026, at 3.8

assessment matters in Rule 16.10.2 include (a) accessibility and (b) safety and efficiency of the transport network. The Application includes works on the local roading networks to ensure safe and practical access to the Site as well as reducing transportation effects on other road users.

186 Relevant provisions include District Plan:

(a) Objective 6.2.1 and Policies 6.2.1.1, 6.2.1.2, 6.2.1.3 and 6.2.1.X. Objective 6.2.1 seeks that transport infrastructure is designed to ensure the safety and efficiency of the transportation network while minimising effects on the amenity and character of the zone in which the infrastructure is located and while meeting objectives for overlay zones and mapped areas.

(b) Objective 6.2.2 and Policies 6.2.2.1, 6.2.2.2, and 6.2.2.Y. Objective 6.2.2 seeks to ensure land use activities are accessible by a range of travel modes.

(c) Objective 6.2.3 which requires activities to maintain the safety and efficiency of the network for all travel modes and its affordability to the public. Policy 6.2.3.8 allows high trip generators only where adverse safety and efficiency effects are avoided or if not practicable adequately mitigated. Policy 6.2.3.9 requires (a) the same and (b) that associated network changes be affordable to the public in the long term. Policy 6.2.2.4(b) seeks safe access for pedestrians into and through the Site where an activity is likely to generate trips by walking.

(d) Policy 6.2.4.5 requires new accesses to be a sufficient distance from intersections and level crossings.[123]

187 The Panel is satisfied that the effects of the proposal are consistent with the outcomes above and in particular in Policies 6.2.3.8, 6.2.3.9(a) and 6.2.4.5 at the access and intersection. There is some uncertainty regarding the achievement of Policy 6.2.3.9(b) on the Dukes Road North regarding pavement upgrades and unfunded SH87 corridor improvements.

188 The effects of the SLIP, provided the rail mode shift is achieved will maintain the safety and efficiency of the Gordon Road network, however there is some uncertainty regarding cumulative effects of future growth in the district, and therefore the 'affordability to the public' as stated in Objective 6.2.3.[124]

Effects

189 Based on the anticipated 75% rail, the increase of about 150 heavy vehicles a day on SH87 and 200–250 on Dukes Road North does not have a significant adverse effect on the efficiency of the network at any stage, and its predicted safety effect

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[123] District Plan section 6; ITA s9.2; Appendix 3 [32]–[44].

[124] Panel's assessment. DCC records "remaining concerns" under Policy 6.2.3.9(b) (JWS Q6(b)(iii)); SLPL and, on the state highway, NZTA consider the policies met.

is small (about 2% on the route injury crash rate over 2038 growth) though concentrated on the corridor with Mosgiel's poorest crash record and highest place function.[125] On the low-share case (i.e. 40% road/60% rail) the same conclusions hold with about 60% more site-entrance movements, on the experts' expectation of intersection headroom, though unmodelled; on the no-transfer case (i.e. 100% road/0% rail) the effects are four times those assessed, yet unassessed, with no SH88 offset.[126]

190 The Panel's conclusions on the potential adverse transportation effects rest on the Application achieving its anticipated road to rail mode shift. The inclusion of Condition 82 requiring the construction of the rail siding within 12 months of the commencement of Stage 1 operations assists with the management of transport related effects.

191 The right-turn bay extension is to be completed before construction, in the form NZTA accepts to further address potential safety issues. The Dukes Road North access, footpath and lighting works also appropriately mitigate potential effects on safety and accessibility.

192 NZTA and DCC positions changed over the course of the Transport and Conditions Hearing. NZTA's request for a cap fell away at conferencing. All six witnesses agreed instead on monitoring with a threshold of 55,000[127] movements a year, an exceedance of which would trigger a further safety and capacity assessment by the Applicant. DCC and NZTA maintained that threshold-and-assessment condition at the Transport Hearing and through the Conditions Hearing (DCC Condition 75B and NZTA proposed Condition 84, 21 September 2026).

193 The evidence of the witnesses on SH87 and the SH1/SH87 interchange was that the cumulative effects of background growth and several other developments, by their nature, cannot be linked back to a single source, degrade performance.[128] For the same reasons, the Panel is of the opinion a cap on heavy vehicle movements is not required i.e. there is no forecast causal nexus to an anticipated environmental effect.

194 The Panel is therefore of the opinion that ongoing monitoring and reporting, rather than a cap, is appropriate. This way, cumulative effects can be anticipated before significant effects arise.[129] Monitoring the SLIP (along with other regular network monitoring) will assist the roading authorities with inputs to other quantification

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125 Drawn from the agreed JWS positions at Q3.2(f), Q4.1, Q5 and Q6(a); the characterisation of Gordon Road is the Panel's, on ITA s6.1 and JWS Q4.2.

126 JWS Q5(c) (NZTA expects sensitivity cases to be adequate); JWS Appendix 2 Table 1-2. No witness assessed the no-transfer case.

127 Noting Mr Rossitor did not agree a threshold was required, but if a threshold was considered approprate he was accepting of the 55,000 trigger.

128 NZTA s53 comment [2.8] (cap); JWS Q2(c), Q5(f), Q6(c) (monitoring agreed by all six witnesses); NZTA Condition 84 and DCC condition 75B, 21 September 2026 (ITA and development hold). Cumulative attribution: JWS Q3.3 (NZTA: declining levels of service "cannot be directly attributed to this Project as it reflects that several developments are likely to occur"; SLPL accepts) and JWS Q4.1(c) (mid-block crash growth from "the Project, other developments and from background traffic"); Ms Blackie at the hearing sought a mechanism to reassess because of rail uncertainty, rather than any identified effect.

129 Conditions Hearing, 24 September 2026 (Ms Blackie for NZTA, in answer to the Panel).

processes and to better anticipate wider network effects, and future effects. [130]

195 The Panel records that no LCSIA has been undertaken. KiwiRail requires an LCSIA when a level crossing is affected by a proposed change in use.[131] This is a matter therefore within the control of KiwiRail. The Applicant has agreed to approach KiwiRail and Dunedin Railways on a Level Crossing Safety Impact Assessment.

Conditions

196 The Panel has reviewed the Reply Version Condition 75B and finds that it would benefit from further specificity of the data to be reported and to require the reporting to commence within one month of the end of the first year of operation, and annually thereafter. The Panel Draft Decision Condition 75B includes the following matters:

(a) heavy vehicle arrivals, and departures, by date and hour;

(b) a graph including daily totals by day;

(c) a graph of average hourly movements by weekday and weekend; and

(d) the total annual number of arrival and departure movements.

197 At the Conditions Hearing there was discussion of the practicalities of when monitoring would commence and the automated system that would enable it. The Applicant proposes that monitoring commence with Stage 2 operations because it anticipates a low number of heavy vehicle movements during Stage 1. The Panel does not accept that premise.

198 The Applicant's own forecasts put Stage 1 site-entrance volumes at 169 heavy vehicle movements a day against 192 at Stage 3 (ITA Addendum Table 2-4); on the warehouse-based Table 1-2 in JWS Appendix 2 the expected Stage 1 figure is 8,684 a year but 34,736 a year with no transfer to rail. Condition 82 also allows up to twelve months of Stage 1 operation before the siding must be operational, which is when the road to rail transfer is least secure. Mr Rossiter told us that every heavy vehicle movement in or out is logged automatically, as happens now at the port, so recording from the outset imposes very little additional burden.

199 We have included in the Panel Draft Decision Condition 75B the requirement that heavy vehicle monitoring is to commence when Stage 1 operations commence, with the first annual report due within one month of the end of the first year of operation, which will coincide with the rail siding being required to be operational

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[130] Applicant's Reply Version condition 75B (9 October 2026); it adopts the recording element of JWS Q2(c) and of NZTA Condition 84 without the assessment trigger, or development hold, but with annual reporting to DCC and NZTA.

[131] https://www.nzta.govt.nz/assets/resources/level-crossing-risk-management-guide/level-crossing-risk-management-guide.pdf page 7 and 11

under Condition 82.[132]

200 Should the effects of the Project prove to differ materially from those assessed, s128 of the RMA, as applied by the FTAA, allows the conditions of the consent to be reviewed through a review condition imposed as a condition of consent under FTAA s83 and Schedule 5, cl18. The Panel considers that general power, rather than a bespoke threshold and reassessment condition or a cap on annual movements, to be the more appropriate and proportionate mechanism, as required by FTAA s83 and NPS-I Policy 7. The Applicant itself points to the review condition (Condition 103) as the answer to any unanticipated traffic effect.[133]

201 The Panel accepts the Applicant's footpath proposal in the Reply Version. West of the Site access the footpath is to be constructed in general accordance with the Proposed Footpath Drawings (Condition 72(2)(j)), at the time DCC constructs its footpath along Stedman Road (Condition 72(3)(h)), with the route across the KiwiRail land subject to KiwiRail approval. East of the access, the frontage to the eastern site boundary is protected by a 2m easement in gross in favour of DCC (Condition 73A) for formation when the wider network requires it, as the Applicant agreed at the Conditions Hearing.[134] The funding of that formation is a matter for DCC and the development contributions regime.

202 On the Dukes Road North pavement, the Panel does not need to determine the cost sharing, or otherwise, of the pavement materials between Stedman Road and the Site. It is sufficient to say that the access and the associated works on Dukes Road North are to be constructed to the engineering standard appropriate to the demands placed upon them and to the road's function as part of the road hierarchy and HPMV network, and as required by DCC through its approvals (verification) process as the Road Controlling Authority. We accept that the funding of any wider pavement renewal is a matter between the Applicant and DCC, and potentially later the development contributions regime.

Condition 82: Rail Siding

203 The benefits of the Project discussed in Part G include reduced air emissions as container freight moves from heavy vehicles to rail, together with the other benefits that follow from the removal of about 32,000 heavy vehicle movements a year from SH88 and central Dunedin, notably the amenity of the central city.

204 Those benefits will eventuate only if the road to rail transfer is realised.[135] The Panel therefore places considerable significance on Condition 82 requiring the rail siding to be constructed and operational within twelve months of the commencement of Stage 1 operations. That condition provides confidence, albeit without surety of use, that given that level of investment the rail siding will be

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132 Conditions hearing, 24 September 2026.

133 SLPL (Mitchell Daysh) comments on DCC's response to Minute 14 – Conditions, Condition 75B.

134 Reply Version conditions (9 October 2026), conditions 72(2)(k), 72(3)(h) and 73A; Conditions hearing, 24 September 2026 (Ms Scott for the Applicant).

135 Referral decision briefing BRF-6639, section 22(2)(a)(vii) and (ix) of the FTAA; ITA Addendum s2.3.4 and Table 2-4; Transport JWS Appendix 1 (SLPL) [17]–[21]. The dependence of the benefits on the transfer was accepted by Mr Rossiter and Mr Kearney at the hearing.

used and that the road to rail transfer will eventuate.

205 The Panel prefers Panel Draft Decision Condition 82 in preference to NZTA's request that the siding be operational before Stage 1 freight operations begin. We have also amended the Reply Version to remove the qualifier that the siding need only be operational 'to the extent necessary to cater for the demand deriving from Stage 1', and the sentence providing for later expansion, which left the extent of the obligation in Stage 1 unclear. The Applicant's evidence is that the siding is sized to match the recently completed Port Chalmers siding (a 24 wagon rake capacity, within the 30 wagon capacity at Port Chalmers), and its detailed design, including KiwiRail's acceptance, is secured by Condition 81.

206 Because the Applicant's case is that the project would not proceed without the siding, we do not consider the condition more onerous than necessary in terms of s83 of the FTAA.[136] The Panel recognises the practical lead-in time for constructing the siding (including delivery of the necessary materials, as Mr Kyle explained at the Conditions Hearing), and that rail volumes will be modest at the outset and well below the volumes envisaged at Stage 3 (about 10,500 packed container movements a year at Stage 1 against about 25,700 at Stage 3).

207 At the Conditions Hearing Mr Kyle stated that Condition 82 is expected to give certainty to the Project, and the Panel accepts that, in doing so, the benefits the Project espouses may be realised.

208 Accordingly, we find Reply Version Condition 82 should be amended as follows in the Panel Draft Decision Version:

> ~~*The rail siding must be designed to enable its construction during Stage 1 of the Southern Link Inland Port*~~. *The rail siding must be constructed and operational* ~~*to the extent necessary to cater for the demand deriving from Stage 1 of the Southern Link Inland Port*~~ *within twelve months of the commencement of Stage 1 operations on the Site.*

209 Even if the rail transfer does occur to the extent described by the Applicant, the Panel has been cautious as to the projected reduction in emissions of the scale envisaged in the economic assessment i.e. a 70% saving in CO2e for each tonne of freight moved by rail rather than road. The Applicants Economic Assessment acknowledges that while it is not possible to quantify the GHG savings, as the vehicle tonne kilometres associated with these avoided truck movements is too complex to model for all supply chains. The 70% value, which is attributed by KiwiRail, appears to be appropriate to a whole-of-New-Zealand comparison rather than to a disaggregated project at this scale.[137]

210 Even so, as the Panel goes on to address in Part G: Regional and National Benefits, the Panel accepts that freight transferring from road to rail will create noteworthy net benefits, including improved amenity in central Dunedin and along

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[136] Reply Version Conditions, 9 October 2026, Conditions 81 and 82; Transport JWS, Appendix 1 (SLPL), paragraphs 6 and 9.

[137] Transport JWS, Appendix 1 [17]-[21], Economic Assessment Savy Consulting, page 96 and Appendix E. The Transport experts deferred to the Applicant's assessment.

SH88.

Noise Effects

211 The effects of noise generated by the SLIP were also a significant issue identified by the Panel as the scale of the activity introduces a range of activities that are different in character and intensity to those experienced within the existing rural environment to the north and east of the Site and those anticipated in the District Plan within the Rural Zone generally. However, the Site is also adjacent to the Industrial Zone, rail network, an aerodrome (with rescue helicopter flight activities) contributing to a range of noise impacts on rural and rural residential neighbours within 350m of the Industrial Zone, that had some similarities to the likely noise sources from the SLIP. Road traffic noise, although not regulated by the District Plan was a significant effect for the closest neighbour at 273 Dukes Road North.

The Application

212 The application includes a Noise Assessment prepared by Marshall Day Acoustics[138] (**MDA**). Updates to the Noise Assessment were provided in response to DCC acoustic Peer Review[139], and following the Panel Briefing Conference.

213 MDA's monitoring recorded daytime ambient levels of 50–53 dB LAeq(LA90 38–40 dB) and night-time 41–44 dB LAeq(LA90 28–31 dB). The environment includes intermittent high events over a quiet base from a number of sources: aircraft circuits and helicopters including night rescue flights, eight Fonterra rail movements a day, one of them timetabled between 6am and 7am, timber mill plant, existing container stacking beside the aerodrome, and Dukes Road North traffic including engine braking.[140] Mr Shanks' monitoring near the WRL foaling unit recorded regular events above 65 dB LAFmax, mainly from aircraft and from vehicles on Dukes Road North.[141]

The District Plan Standards and the Applicant's Approach

214 District Plan Rule 9.3.6 sets 55/50/40 dB LAeq(day/evening/night) and 70 dB LAmax at night at the notional boundary of noise sensitive activities in the Rural and Rural Residential zones, rising to 45 dB LAeq and 75 dB LAmax at night within 350m of the Industrial Zone (which already covers the Rutherford Road dwellings and 231 and 273 Dukes Road North), with 60 dB LAeq at rural site boundaries where no sensitive activity is within 20m.

215 Construction noise is assessed under NZS 6803:1999 (70 dB LAeq by day; 45 dB at night).[142]

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138 Noise Assessment, Marshall Day Acoustics, 15 April 2026,

139 Memorandum, Marshall Day Acoustics, Response to Peer Review, 8 June 2026.

140 MDA R04 s5.0 and Table 2 (monitoring positions MP1–MP3); Shanks evidence 3.11 (Fonterra timetable) and section 4, Figure 1 (high-noise events near the foaling unit).

141 Statement of Evidence Brendon Shanks, 19 August 2026

142 District Plan Rule 9.3.6; MDA R04 s6.1–6.4 and Tables 3–4.

216 Noise mitigation is built into the design of the SLIP including warehouses on the northern and eastern boundaries to act as screens, enclosed loading "tunnels", 5m (Type A) and 3m (Type B) barriers of at least 12 kg/m² with a 3m eastern bund replaced by a Type B barrier at Stage 3 and a certified Operational Noise Management Plan.[143]

217 The application as lodged in April 2026 stated that operational noise would comply with the District Plan limits. However, in June[144] and July[145] 2026 the Applicant amended the application to include three departures from the District Plan:

(a) a single 45 dB LAeq night limit at every dwelling (5 dB above the permitted standard at 183, 202, 243 and 261 Puddle Alley and 340 Dukes Road North);

(b) no site boundary limit; and

(c) exclusion of on-site rail noise capped instead at two arrivals and two departures between 10pm and 7am.

218 The Applicant's modelling predicts the operation can comply with the District Plan night-time limits without the 5 dB uplift MDA predicts the Site "*can just comply*" with 40 dB at the eastern receivers and states "*just because the Site can comply with the lower limits, does not mean that is the appropriate standard to hold the activity to*".[146] The Applicants request for the 5 dB uplift are to address operational requirements because:

(a) night noise at those receivers is governed by truck arrivals, the 15-minute LAeq cannot be averaged across the night, so an extra truck or two in one interval could breach 40 dB without material additional effect, and

(b) a lower limit might leave trucks idling on the public road, where no limit applies, rather than entering behind the barriers. Mr Shanks adds that 45 dB matches NZS 6802 and the WHO outdoor sleep threshold and suits "*essentially an industrial activity*".[147]

<u>Operational Noise: Sources, Predictions and Compliance</u>

219 Stage 3 noise predictions are 42–48 dB LAeq by day at all dwellings against 55/50[148] and night-time[149] 45 dB at 273 Dukes Road North and 54 Rutherford Road, 42–44 dB at the other dwellings within 350m of the Industrial Zone (against 45 dB), and 40 dB at 243 Puddle Alley and 340 Dukes Road North, 33–38 at the

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143 MDA R04 s4.4 and s9.2; Shanks evidence 3.3, 4.9–4.10; draft ONMP (17 June 2026)

144 Updated Application Report submitted on 17 June 2026, section 4.3.1 and Memorandum in response to Panel Convenor Minute 4, Mitchell Daysh, 17 June 2026.

145 MDA R04 s7.1–7.3; Statement of Evidence Brendon Shanks, 19 August 2026, 2.3, 2.11–2.16, 3.13

146 MDA R04 s7.1; MDA memorandum, 8 June 2026; Shanks evidence 2.7. The JWS records agreement that "Mr Shanks' modelling indicates that the activity can comply with the District Plan limits" (Q5.1).

147 MDA R04 s7.1; Statement of Evidence Brendon Shanks, 19 August 2026, 2.5–2.9

148 Daytime expressed as 7am-7pm/7pm-10pm

149 Night-time 10pm-7am the following day

other Puddle Alley dwellings (against 40 dB). The night predictions therefore sit exactly at the permitted standard at two dwellings inside 350m and two beyond it.[150]

220 On-site rail is predicted at 41 dB LAeq(15min) at 54 Rutherford Road and 40 dB at 273 Dukes Road North, day or night. Both dwellings are within 350m of the Industrial Zone, where the permitted night standard is 45 dB, so rail alone is 4–5 dB below that standard (and trains in motion are excluded from measurement).[151]

221 Road traffic noise on Dukes Road North is exempt from the District Plan rules but was assessed by the Applicant based on 310 light and 219 heavy vehicles a day. The effect on 273 Dukes Road North rises from 54 to 59 dB LAeq(24h).

Construction Noise and Vibration

222 Construction is staged over about ten years, with most earthworks in Stage 1. MDA predicts compliance with the 70 dB LAeq daytime limit at 40m or more from a dwelling without barriers, and therefore at all dwellings, with levels well below 70 dB most of the time once the perimeter barriers are built early in the programme; vibration is just perceptible (<1mm/s PPV) at 273 Dukes Road North only.[152]

223 Construction will not occur at night-time, except in the case of night concrete pours. The draft Construction Noise Management Plan (**CNMP**) records that night concrete pours within 100m of 273 Dukes Road North would reach 51 dB against a 45 dB night limit and relies on scheduling, equipment selection, broadband alarms, temporary barriers and engagement. A CNMP is required only for work outside standard hours.[153]

Comments Received

224 WRL describe their purpose-built, 24-hour foaling unit, which sits directly across Dukes Road North from the Site. They stress that mares close to foaling and newborn foals are especially vulnerable to sudden, unfamiliar noise, that mares arriving for the season will not have habituated, and that a 3m barrier cannot contain impact noise from stacking above it.[154] WRL and MTCB ask that noisy construction avoid the foaling season.[155]

225 Mr and Mrs Stewart occupy the dwelling at 273 Dukes Road North and manage the WRL foaling unit. They note theirs is now the sole remaining dwelling adjacent to the Site, after SLPL bought three neighbours, and that "*uninterrupted night-time noise from idling diesels, air brakes, and container handling will directly disrupt*

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150 MDA R04 Tables 9 and 10; Minute 9 Annexure B [51]

151 Noise JWS Q3.1(3), Mr Shanks' table, accepted by the other experts; MDA R04 Table 12

152 MDA R04 s8.1–8.5 and Tables 6–7, 17

153 Draft CNMP (MDA Rp 002, 17 June 2026) s4.2 and item 42; Condition 29 (Applicant's set, 21 September 2026)

154 White Robe Lodge s53 comment; supported by Mr Corban's bloodstock statement. Mr Shanks responds at evidence 4.1–4.15

155 Inch s53 comment; White Robe Lodge s53 comment; MTCB s53 comment

our sleep".[156]

226 Mr and Mrs Inch (54 Rutherford Road) raise stacking above the barrier, unassessed on-site train noise and conflicting information about night operations and seek no trains outside 6am–7pm. The Inch's note the first works are nearest their boundary, and they seek verification of the construction method and materials of acoustic barriers. They are concerned about weekend construction noise because their garden is open to the public during weekends. The dwelling at 54 Rutherford Road is around 38m from the existing railway line that serves the proposed Site and the existing Fonterra Mosgiel site.

227 Mr and Mrs McLeod (231 Dukes Road North) consider the SLIP will have negative effects on the amenity of their home, especially at night.

228 The MTCB seeks a no-engine-braking zone.[157]

229 DCC's acoustics peer reviewer, Mr Winter (Styles Group), accepted the construction predictions but took three positions on operation:

(a) the District Plan limits are "*appropriate and reasonable night-time noise limits for this activity. The activity is predicted to comply with the District Plan noise limits so there is no need to apply for higher noise limits*";

(b) the site boundary limit should be retained, since removing it and relying only on notional boundaries could allow a large increase in noise across rural land if a dwelling SLPL owns (245 Puddle Alley) is removed; and

(c) DCC recommend that the Panel may want to consider including an additional condition requiring verification noise testing to provide certainty that the activity will comply with the specified limits. The DCC comment suggests that this monitoring could be undertaken "*prior to the commencement of operations at each development stage*".

230 DCC concluded that acceptable construction and operational noise can be achieved if mitigation is in place, the unresolved questions being where the limits apply and at what level.[158]

231 Neighbouring owners Stockdale Farm Ltd (340 Dukes Road North - one of the dwellings beyond 350m) and Mr and Mrs Urquhart commented in support of the SLIP.

Applicant Response to Comments

232 In response to the s53 comments, the Applicant provided evidence from Mr Shanks, author of the Noise Assessment, and a counsel memorandum addressing

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156 Statement of Karen and Wayne Stewart under Minute 12; Shanks evidence 2.21 (SLPL purchases).

157 Inch s53 comment; Shanks evidence 3.1–3.22 in response; MTCB s53 comment; draft ONMP (engine braking prohibited on Dukes Road North).

158 DCC s53 comment [215]–[221], [328], [387]–[392].

Mr and Mrs Stewart's late comments.[159]

233 Responding to DCC's concern about the proposed 45 dB LAeq night limit, Mr Shanks said the District Plan limit for dwellings within 350m of an Industrial Zone simplifies matters and is proportionate to an "*essentially industrial*" activity and is consistent with NZS 6802:2008 and WHO guidelines.

234 Mr Shanks rejected the view that modelled compliance removes the need for a higher limit. He noted that the eastern receiver noise largely reflects on-site vehicle movements and night noise is assessed over 15 minutes, therefore even a few extra trucks could cause non-compliance without materially increasing effects.

235 Mr Shanks considered the 60 dB LAeq site-boundary limit in District Plan Rule 9.3.6.1(d) unnecessary where no sensitive receiver is within 20m. He preferred limits at dwelling notional boundaries, which protect noise-sensitive land without imposing an immediate boundary limit where no receiver exists.

236 He said DCC's noise-control boundary would unnecessarily apply residential limits to unoccupied rural land and initially considered no further dwellings were permitted nearby. After planning advice, he revisited this in the Noise JWS, acknowledging replacement dwellings, family flats or worker accommodation could be built as of right at 273 Dukes Road North and 54 and 55 Rutherford Road.[160]

237 Mr Shanks considered monitoring before operations commence to be inappropriate because the Site would be inactive, but he suggested monitoring within three months after operations begin at each stage.

238 Addressing Mr and Mrs Inch's concerns, Mr Shanks referred to the barrier specifications in Condition 60A. He confirmed that container stacking above the barriers would meet night limits. Although audible in quiet periods he considered it would be within existing high-noise events and be reasonable.

239 Mr Shanks confirmed that on-site rail noise was assessed and would comfortably meet daytime limits and could meet night limits. Mr Shanks noted that KiwiRail is able to operate the designated rail line as it sees fit. Although night-time SLIP movements are not currently proposed, future demand may require them; he recommended limiting them to four movements per night (10pm–7am): two arrivals and two departures.

240 Mr Shanks also noted that the District Plan recognises the importance of the rail corridor and reverse-sensitivity risk by requiring property owners to provide minimum building sound insulation.

241 Regarding truck noise at Exchange 2 impacting on Mr and Mrs Inch (54 Rutherford Road), Mr Shanks said the barriers would ensure compliance. He noted the Inch property is within 150m of an Industrial Zone containing several noise-generating

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[159] Statement of Evidence, Brendon Shanks, 19 August 2026 and Memorandum of Counsel, dated 9 September 2026

[160] Noise JWS, Q6.3, Table 1

activities, including a sawmill, container storage and the Fonterra Mosgiel site. The District Plan sets higher night limits near Industrial Zones. The Inch dwelling is about 38m from an active railway, and the nearby aerodrome generates regular light-aircraft, training-circuit and emergency-helicopter noise, including at night.

242 The monitoring undertaken by MDA at a location representative of the Inch dwelling showed Site noise would be more than 5 dB below daytime limits and below existing average daytime levels. Mr Shanks considered that, although sometimes audible, it would not materially change the noise character or warrant special treatment compared with other nearby receivers.

243 Although the District Plan does not regulate truck noise and vibration on Dukes Road North, management measures could discourage engine braking, while an upgrade of the railway level crossing surface could reduce trailer clatter and vibration, though these are outside the Applicant's control. Mr Shanks considered residual noise consistent with the existing environment.

244 Mr Shanks considered the acoustic-barrier design, site layout, staging and mitigation effective and the best practicable option for reducing surrounding noise to reasonable levels, including at the foaling area.

245 Responding to Mr and Mrs Stewart's late comments, the Applicant relied on the MDA report, the fact that construction would generally not occur at night, vibration would be insignificant, operational and container-stacking noise would meet District Plan limits for a dwelling within 350m of the Industrial Zone, and traffic noise would be "just perceptible". The Applicant considered on-site management adequate.

Joint Witness Conferencing, Noise Hearing and Panel Requests for Clarification

246 In Minute 9 the Panel directed the acoustic experts, Mr Brendon Shanks (MDA) for the Applicant[161] and Mr Jon Styles (Styles Group) for DCC, whose colleague Mr Daniel Winter wrote the peer review attached to DCC's s53 comment; and Dr Jeremy Trevathan (Acoustic Engineering Services), appointed by the Panel under Minute 10 as its own adviser[162] to attend conferencing, prepare a JWS and then attend the Noise Hearing.

247 Minute 9 Annexure B set out six issues for the experts to consider. The JWS records disagreement on the alarm adjustment and on whether the night-time noise 5 dB uplift should be applied to the properties east and north of the Site that are more than 350m of the Industrial Zone. There was general agreement on all other issues. The disagreement regarding the use of reversing alarms was subsequently resolved during the Noise Hearing with the Applicant accepting a condition to only use 'squawker' alarms at night. In the Reply Version the Applicant extends this to 24/7 where practicable.

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[161] Author of the noise assessment R03/R04, the memorandum of 8 June 2026, the draft management plans and the s55 evidence of 19 August 2026.

[162] Minute 10, 26 August 2026.

248 The three conferencing experts agree the MDA model is conservative. They agree that the SLIP could comply with the permitted night-time standards in the District Plan based on the proposed operational scenarios and diligent compliance with the ONMP and if tonal reverse alarms are eliminated at night, with a margin of at least 3–4 dB against the Applicant's proposed limits in most cases but less to the east, where an extra truck in a 15-minute period could push levels above prediction.[163]

249 During Panel questions of the experts and of the Applicant's representative Mr Kearney at the Noise Hearing it became clear that at night a number of the modelled activities would not in fact be occurring, for example container washdown, adding an additional level of conservatism in the modelling compared with actual operations.[164]

250 The experts accepted that a train part-in and part-out of the Site cannot practically be measured and support excluding trains in motion, with an advice note making clear the exclusion is technical, not effects-based; the worst rail effects at 54 Rutherford Road arise in the KiwiRail designation, where the District Plan exempts them.[165]

251 In terms of heavy vehicle road noise on Dukes Road North the experts agreed 55 dB is the upper desirable level for dwellings relying on open windows and that the predicted 59 dB "*may generate some adverse health effects*", describing the overall effect as moderate. The predictions are 24-hour averages and do not isolate night-time.[166]

252 The experts, who deferred to WRL and Mr Grierson on the effects of noise on the horses, opined that management of the impacts on WRL was a matter better addressed through the ONMP and in that regard (subject to operational impacts on the SLIP) that the following matters could be considered to reduce the risk of the unexpected or surprise noise sources (in addition to matters already proposed):

(a) prioritising low-noise plant at the northern end of the SLIP;

(b) no tonal alarms at Exchange 1;

(c) ONMP-requiring active engagement with WRL so temporary measures apply when foals are expected, and;

(d) a review condition for the foaling unit.

253 On whether the 5 dB uplift should be provided for at the notional boundary of dwellings that are more than 350m from the existing Industrial Zone, Mr Shanks maintained the 45 dB was appropriate. That was because, for receivers to the

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163 Noise JWS Q2.1, Matters of Agreement: agreed by Mr Shanks, Mr Styles and Dr Trevathan.

164 Noise Hearing Transcript page 13-14

165 Noise JWS Q3.1(1a)–(1b) and Q5.1(4): agreed by all three experts; MDA R04 s6.3, s9.7; Statement of Evidence, Brendon Shanks, 19 August 2026, 3.9–3.10.

166 Noise JWS Q1.1: agreed by all three experts, who note the inputs came from the Applicant's operations team rather than the transport JWS; MDA R04 s9.6 and Table 11 (earlier inputs); Statement of Evidence Brendon Shanks, 19 August 2026, 4.5 (road traffic exempt).

east, it would only take an additional truck movement to one of those areas over what was modelled to tip over 40 dB. Night-time noise limits are assessed on a 15-minute period, not an average throughout the night, unlike the daytime. If more trucks turned up in a 15-minute period and less in another period in the day, this can be averaged to some extent. This potentially constrains night-time truck movements coming on and off the site manoeuvring on the eastern side of the Site.

254 Dr Trevathan was of the opinion that 40 dB at 243 Puddle Alley and 340 Dukes Road North is reasonable, as that is what is required to accommodate the level of activity described in the MDA Report, and is preferable to 45 dB as "headroom for undefined future operations which have not been specifically considered". Dr Trevathan explained that six truck movements at night gives 40 dB and eight "*would round up to 41*", so he saw no "*genuine potential for a non-compliance with the 40 limit*", whereas 45 dB would accommodate "*20, 30, 40 … movements in a 15-minute period, which feels disproportionate to the problem you're trying to solve*". Dr Trevathan acknowledged that he had sounded "*reasonably non-committal*" on the choice between 40 and 45 dB; his point was that the modelling did not show 45 dB to be necessary.[167]

255 Mr Styles put 45 dB at "*the very top end of what is reasonable for a dwelling that relies on partially open windows for cooling and ventilation*", and explained lower limits as the District Plan's means of managing cumulative noise from several sites.[168]

256 Mr Shanks maintains the night limit exists to protect sleep and 45 dB does so.[169]

257 Mr Shanks accepted the 59 dB LAeq(24h) predicted at 273 Dukes Road North from road traffic is a desirable upper level that "*could cause some adverse health effects*". He considered that a line-of-sight barrier on the property and façade insulation as the available responses and confirmed 54 Rutherford Road is dominated by the rail corridor, which the Applicant cannot mitigate.[170]

258 Mr and Mrs Stewart confirmed that the type of mitigation set out in Condition 71B may be appropriate for their dwelling, but they were concerned that fences and screening may pose additional risks to their mares because they may be startled by noise from a source they cannot see.

259 Following the Conditions Hearing the Panel requested further clarification from WRL regarding the noise expert suggestions as to further mitigation that could be addressed in the Noise Management Plan. We address their response and the further response from Mr Shanks below.

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167 Noise Hearing Transcript, 14 September 2026, p.17.

168 Noise Hearing Transcript, 14 September 2026, p.16.

169 Noise JWS Q5.1, Matters of Disagreement: three separate positions; Mr Styles and Dr Trevathan also seek the "within 350 m" wording replaced by named sites, Mr Shanks does not agree

170 Noise hearing transcript (Mr Shanks in answer to Mr Abley and Mr O'Callaghan); consistent with JWS Q1.1 and Q3.1(1b).

260 Following the Noise Hearing the Applicant's updated conditions of 21 September 2026 recorded further changes to address the issue of the 5 dB uplift to limit its application to Stage 3 only.

261 DCC's response of 21 September 2026 (to the Applicant's revised conditions of 17 September), on Mr Styles' advice, tidies 58/58A (trains in motion excluded with an advice note), and requests that the conditions are tightened to include:

(a) 60 (barrier plans, a 65 dB LAmax trigger, compliance triggers, named personnel), and adds

(b) 60B (no Stage 1 operations 10 pm–7 am),

(c) 60C (no tonal reverse alarms audible at night),

(d) 60D (Stage 2 warehouses before night activity), and

(e) 60E, the verification monitoring.

262 The Applicant's comments on DCC's response accept most of the tidying, however, they did not accept:

(a) fixing the excluded Applicant owned land "*at the date consent is granted*" or time-stamping the dwellings, which it calls unnecessarily onerous given that purchasing neighbouring land is a common response to noise;

(b) nor 60B (no Stage 1 night operations) or 60D (Stage 2 warehouses before night activity), which the Applicant says are unnecessary given the 40 dB night limit; and

(c) the Applicant considers 60E unnecessary because compliance monitoring now sits in the ONMP at 60(l) (item (l) in the Reply Version).[171]

263 During the Conditions Hearing the Panel questioned whether, if some flexibility was required east of the Site to allow for onsite vehicle movements, would a 3 dB increase be sufficient. This was based on the Panel's understanding that 3 dB may not be perceptible by sensitive receivers.

264 The Panel sought further advice from its appointed acoustics advisor in Minute 17, including clarification of the extent of mitigation that may be appropriate to address traffic noise on the occupants at 273 Dukes Road North and the need for DCC proposed Conditions 60B and 60D.[172] We provided an opportunity for

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[171] SLPL (Mitchell Daysh) comments on DCC's response to Minute 14 – Conditions: conditions 58, 58A, 59A, 60, 60A–60E. The comment on 60B refers to 40 dB applying "during Stage 2 and 3", which is inconsistent with the Applicant's own conditions, under which 40 dB applies beyond 350m during Stages 1 and 2 only (conditions 58 and 58A).

[172] DCC proposed Condition 60B (no night-time operations) was not adopted. DCC proposed Condition 60D is now Final DCC Condition 60C. 60B concerns tonal reverse alarms.

comment from Mr Styles[173] and Mr Shanks.

265 Mr William Reeve[174] responded that both DCC proposed Conditions 60B and 60D were still necessary: 60B to keep the operation in accordance with the application, because the effects of night-time operations during Stage 1 (for example night-time heavy vehicles on Dukes Road North) had not been presented or assessed; and 60D because warehouses 2B and 2C are needed to achieve the 45 dB limit at 273 Dukes Road North for Stage 2 night-time operations.

266 Mr Shanks agreed that warehousing construction was required before night-time container stacking to ensure compliance with the District Plan at 273 Dukes Road North, however he did not consider that there needed to be no night-time activity at Stage 1, noting that any activity would be limited, and might include activities within warehouses, and infrequent truck arrivals, all of which would need to meet the night-time District Plan limits at Stage 1 and 2. He considered that level of activity is anticipated in the District Plan.[175]

267 On the issue of whether a 3 dB increase is unlikely to be perceived, all noise experts agree that the rule of thumb is that a noise level change of 1 – 2 dB typically cannot be perceived, 3 dB is just perceptible, and 5 dB is clearly noticeable. Mr Reeve noted that given the noise level is assessed as an average of 15mins, the fluctuations within each 15-minute period may make changes to the average level slightly less perceptible. Mr Styles and Mr Shanks also noted that there is variability in the extent that a 3 dB increase is noticed depending on the period over which it occurs, with a gradual increase being less or barely noticeable rather than sudden increases being more noticeable.

268 The experts did not consider that at 45 dB there would be any significant adverse health effects. Mr Reeve's concern was whether the increase was reasonable since the activity can meet the District Plan limits, and a 5 dB increase could mean a large increase in the number of truck movements on Site. Mr Styles noted that the degree of adverse health effect depends on absolute levels of noise, nature of source and duration and time of day rather than the change itself. Mr Styles does not consider a 5 dB to be a significant increase. 10 dB would be twice as loud and would be a significant change.

269 All experts[176] considered that a 43 dB noise limit at 340 Dukes Road North and 243 Puddle Alley could be readily achieved. In terms of 245 Puddle Alley, it is already owned by the Applicant. Mr Reeve went further and said:

> *[13] In fact, it is my view that while the modelling to the east is 'less conservative' than in other directions, it remains conservative enough that it is implausible that a noise limit of 40 dB LAeq would be exceeded during Stage 3 in these locations during representative periods. This is because the number of trucks assumed in a 15 minute period in the*

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173 Statement of Evidence, Jon Styles, 1 October 2026

174 Dr Trevathan was unavailable, and the Panel approved his colleague Mr Reeve an an alternate advisor in Minute 10. Statement of Evidence, William Reeve, 1 October 2026.

175 Statement of Evidence, Brendon Shanks, 6 October 2026, at 3.1

176 Mr Styles only considered 243 and 245 Puddle Alley.

modelling (recorded in Q1.2 of the Noise Joint Witness Statement) is already high compared to the scenarios set out in Table 8 of the MDA report, the assumed sound power of each truck is high, it is assumed that each truck generates noise for a long time on site, and it is assumed that 10 forklifts will operate constantly at the eastern end of the site – loading or unloading one truck.

[14] In addition, I understand that at 340 Dukes Road North where truck movements contribute the most, the predicted level of 40.2 dB LAeq is made up of 35.0 dB LAeq from trucks, and 38.5 dB LAeq from activities on the balance of the site. This means that if the predictions for 'activities on the balance of the site' are conservative (even by a minuscule amount) for the reasons listed in Q2.1 of the Noise Joint Witness Statement, one or two more truck movements (in addition to the six already modelled) would be able to occur, without resulting in a non-compliance with a 40 dB LAeq limit at 340 Dukes Road North. On the other hand, a 45 dB LAeq limit at Dukes Road North would enable 20 or more trucks in a 15 minute period, which is considerably beyond the level of activity described in the Application, and may have other effects which have not been considered (for example, when travelling on the road past 273 Dukes Road North).

270 Mr Styles noted that in relation to 245 Puddle Alley the Applicant's noise modelling shows predicted levels of 43 dB at Stage 3.[177]

271 In response to the Panel's questions about the Applicant's proposed noise mitigation at the dwelling at 273 Dukes Road North, Mr Reeve considered it to be appropriate to address traffic noise, and that Condition 71B should reference this noise source and provide for mitigation before commencement of heavy vehicles at Stage 1. He suggested greater specificity in the acceptable internal noise targets and provision of fresh air ventilation systems. Mr Styles provided more specificity with the trigger for offering acoustic treatment being linked to the increase in truck numbers, or by offering mitigation at Stage 1 or Stage 2.

272 Mr Shanks responded that he did not consider building envelope upgrades to the dwelling at 273 Dukes Road North were needed due to compliance with the District Plan at that location at all stages of the SLIP. In relation to traffic noise, he did not consider the predicted increase from 54 to 59 dB LAeq(24 hour) to be unreasonable in the context of dwellings near roads across New Zealand, and in the context of the existing environment at this location.

273 However, if mitigation were considered necessary, he agreed that an internal noise level of 40 dB LAeq(24hour) in habitable spaces is commonly used for road traffic sources, and it is an appropriate criterion in relation to the traffic noise increase because of SLIP operations. Based on the predicted noise level of 59 dB LAeq(24hour) a reduction of up to 19 decibels would be required at the most affected rooms facing towards Dukes Road North. To achieve that windows would be required to be closed in some spaces.

274 Mr Shanks disagreed with Mr Styles proposal regarding heating and cooling, preferring the District Plan performance requirement 9.3.1 for all habitable spaces

[177] The Applicant has provided written approval as the owner of 245 Puddle Alley.

where windows must be closed to achieve internal noise criterion.

9.3.1 Acoustic Insulation.

5. Rooms to which this acoustic insulation standard applies must be supplied with a positive supplementary source of ventilation that achieves a minimum of 7.5 Litres per second per person and does not compromise the acoustic insulation performance of the façade, to enable adequate ventilation when windows are closed.

Panel Findings

Planning Context

275 District Plan Objective 9.2.2 seeks that development and land use maintain or enhance people's health and safety. Policy 9.2.2.1 requires activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.

276 In the Rural Zones, District Plan Objective 16.2.2 seeks that conflict between activities is minimised to ensure, amongst other matters a reasonable level of amenity for residential activities in the rural zones.

277 The NPS-I seeks to ensure that infrastructure is, amongst other things, well-functioning, resilient and compatible, as far as practicable, with other activities.[178] Also, Policy 7, in relation to managing adverse effects requires that as decision makers we must:

> *(a) the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;*
>
> *(b) consider the technical and operational requirements and constraints of infrastructure activities;*
>
> *(c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;*
>
> *(d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and*
>
> *(e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.*

278 FTAA, s83 also directs that the Panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

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[178] NPS-I, Objective 1(d).

Effects

Compliance with District Plan Limits

279 On the evidence of all three experts, we find that operational noise can meet the District Plan night-time and daytime standards everywhere (with the exception at 245 Puddle Alley, which the Applicant owns and where Mr Styles reads the Stage 3 contours at about 43 dB), at every stage, provided the physical mitigation is built and staged as described.[179] The night-time margin is thin at the two eastern dwellings and at 273 Dukes Road North and 54 Rutherford Road, where on-site rail alone (40–41 dB) would be 4–5 dB below the 45 dB night standard that applies within 350m of the Industrial Zone.[180]

280 Daytime construction can meet the limits at all dwellings and only night concrete pours near 273 Dukes Road North would not. This can be addressed in the CNMP.[181]

The Requested 5 dB Uplift

281 The Applicant justifies a 5 dB night-time operational headroom, by equivalence to the community's acceptance of increased noise levels adjacent to the Industrial Zones and compliance with NZS 6802:2008 (WHO guidelines) regarding night-time noise exposure.

282 The District Plan draws the 350m line to confine the 45 dB night environment to land adjoining the Industrial Zone, but limits night-time noise to 40 dB beyond. The eastern receivers are outside of the 350m line.

283 Dr Trevathan (and Mr Reeve), and Mr Styles do not consider there is a need for the increase given the Applicant's model predicts compliance and the 5 dB increase will enable a significant increase in trucks arriving on site, which may have effects when travelling past 273 Dukes Road North.

284 The Panel accepts that the lack of 'need' for the increase is not relevant to our determination, as the Applicant is entitled to seek resource consent for the activity as they see fit. Our task is to consider the effect of the increase on the existing environment (which includes sensitive receivers) and determine whether it is appropriate and reasonable in light of the matters that are relevant to our decision in the FTAA as we have set out in Part C of this decision.

285 For Stage 3, the Panel accepts that the Applicant's concern about trucks arriving in groups at night is real. Some of it can be managed through the ONMP (for example arrival scheduling and the controls on night-time container handling and stacking in Condition 60(b), (c) and (e)). However, we accept that some allowance for operational variability at the eastern receivers is reasonable for a project of this

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[179] Noise JWS Q2.1, Q2.2, Q2.3 and Q5.1 (agreed); MDA R04 Tables 9–10; Ms Scott's broadband-only commitment at the hearing.

[180] Noise JWS Q3.1(3) (Mr Shanks' table, accepted by the other experts); MDA R04 Table 12.

[181] MDA R04 s8.2–8.4; draft CNMP item 42; DCC s53 comment [189] (Mr Winter agrees).

kind. The question is the size of that allowance.

286 We requested further input from the acoustics experts in relation to whether a 3 dB increase (which may only be just perceptible) provided a more proportionate response, consistent with the District Plan objectives to minimise effects, provide a reasonable level of amenity as well as providing some operational flexibility for the project.

287 All experts agreed that 43 dB was achievable at dwellings immediately east of the SLIP. However, in the Applicant's legal submissions in Counsel's Reply advised that the Applicant did not accept the limitation. The Applicant relies on the finding of the experts that there are no significant adverse health effects from an increase to 45 dBA LAeq at Stage 3, for dwellings that are more than 350m away from the Industrial Zone.

288 Counsel asks the Panel to consider the expert evidence in the context of the comments from Stockdale Farm and Mr and Mrs Urquhart, which support the proposal and the fact the Applicant only seeks the increase at Stage 3.

289 The Panel has considered the application to exceed the District Plan limits by 5 dB at Stage 3 for those properties that are more than 350m from the Industrial Zone considering the mitigation measures included in the design of the SLIP. We have considered not only the potential for adverse health effects, but also the effect on rural amenity in the Taieri Plains Rural Zone.

290 We accept the expert evidence that there is no significant adverse health effect, but there are effects on the rural amenity of the existing environment beyond 350m of the Industrial Zone. Mr Styles assessed the noise effects against District Plan Objective 16.2.3 and Policy 16.2.3.5 and considered that SLIP noise:

> *"will often be well above the current background noise levels and the dominant sound source, particularly at night and when the noise is approaching the proposed limits. This [is] likely to change the current rural character, and on some days considerably."*[182]

Conditions

291 We find that a night-time limit of 43 dB LAeq(15min) at the notional boundary of dwellings located more than 350m from an Industrial Zone at Stage 3 is the appropriate and reasonable response to actual and potential noise effects. All the experts agree that 43 dB is achievable. A 3 dB change is at the threshold of what is perceptible, whereas 5 dB is clearly noticeable. A 45 dB limit would also accommodate night-time activity well beyond what the Applicant assessed. Mr Reeve's evidence is that it would enable 20 or more trucks in a 15 minute period, with effects (for example on Dukes Road North past 273 Dukes Road North) that had not been assessed.

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[182] Joint Witness Statement – Noise, 10 September 2026 (conferencing 7–10 September 2026), Q5.1, Matters of Disagreement (views of Mr Styles).

292 A 43 dB limit avoids health effects and achieves a reasonable level of rural amenity of the occupants of existing or future dwellings in the Taieri Plains Rural Zone beyond 350m of the Industrial Zone while giving the eastern part of the Site, which is the part most likely to approach the limit, the operational flexibility the Applicant seeks. We therefore consider it the least onerous condition that addresses the effect, in terms of s83 of the FTAA.

293 We have therefore amended Condition 58A in the Panel Draft Decision Condition 'Noise Rating level measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zones located more than 350m from the Industrial Zone' for 10pm to 7am to be 43 dB LAeq(15min).

294 The Panel accepts that with the package of mitigation measures and limits imposed by the Panel Draft Decision Conditions, no boundary limit is required. The Panel agrees that it is appropriate to retain the LAFmax night-time limit as agreed by the Acoustics Experts and we have included that in the Panel Draft Decision Conditions.

Further Mitigation at Sensitive Receivers

295 The Panel considers that acoustic insulation to achieve 40 dB LAeq(24 hour) for habitable rooms within the dwelling for 273 Dukes Road North would assist to minimise the effects of road noise predicted by the Applicant from the HCV travelling to and from the SLIP, along with a reference to the relevant District Plan performance standard for acoustic insulation as an appropriate means for achieving this.

296 The Reply Version DCC Condition 71B has been updated to reflect this. We agree that this mitigation measure should be available to be implemented before Stage 2 commences or earlier at the request of WRL as owner of 273 Dukes Road North. Mr Reeve advised that ideally mitigation would be offered before Stage 1, *'as even a small step increase is likely to exceed the "upper desirable level for road traffic noise"'*, and Mr Styles considered the offer at the commencement of Stage 1 to be the most conservative trigger.

297 The Panel accepts that there may be a gradual and incremental impact, from Stage 1 and therefore, if WRL considers that earlier installation of mitigation measures is warranted to address effects that might be occurring, then we consider it is reasonable to provide for that without being onerous to the Applicant. We have added the words 'or earlier if requested by WRL' to Panel Draft Decision Condition 71B(4).

298 The Panel also notes that Condition 71B started out as addressing visual effects, including glare and an offer to include landscape planting and/or black out blinds for the dwellings at 54 Rutherford Road and 273 Dukes Road North. It now has an extended application to address effects of noise on WRL foaling unit and manager's residence. We consider the heading 'Amenity Mitigation' and the reference to an 'Amenity Mitigation Plan' is no longer accurate. We have amended the heading to be 'Neighbour Mitigation' and 'Neighbour Mitigation Plan'. The alternative is to split out the components to sit with the noise, lighting and landscape related

conditions, but we consider it is not necessary to do so.

299 We have also identified what appears to be a drafting error in Condition 71B. 71B(1)(a) refers to visual effects on 54 Rutherford Road, however 71B(2)(a) refers to the implementation of landscaping to address visual effects and/or the provision of blackout blinds or other suitable methods to address light spill from the Southern Link Inland Port. Accordingly, we have corrected 71B(1)(a) to include reference to light spill effects. We have addressed light spill effects under the heading Lighting Effects below.

300 We find that in the context of the District Plan objectives and policies that are seeking a reasonable level of rural amenity and avoidance or at least minimisation of adverse effects from noise, that this mitigation is proportionate to the effects anticipated, notwithstanding road traffic noise is not regulated under the District Plan, it is an effect of the SLIP operation in the Taieri Plains Rural Zone.

301 We also find that night-time container stacking should not occur until the warehouse buildings 2A, 2B and 2C have been constructed. In the explanatory statement from Mr Kyle and Ms Hankey accompanying the Reply Version they say this matter should be included in the ONMP but not as a condition, because:[183]

> *This is because this is the activity on site that, in the absence of the construction of the identified warehouse buildings, could result in an exceedance of the noise limits. Therefore, this provides certainty that the appropriate measures will be in place to manage nighttime noise generated on the site and ensure compliance with the noise limits.*

302 Our clear view is that it should be a condition of consent for those same reasons and on the evidence of Mr Shanks in response to Minute 17. Construction of warehouses 2A, 2B and 2C is required to have occurred prior to night-time container stacking, and we have included this as a stand-alone condition (Condition 60C in the Panel Draft Decision Conditions).[184]

303 We do however accept, based on Mr Shanks response to Minute 17, that a general restriction on night-time activities is not required at Stage 1, considering adherence to District Plan night-time noise limits. We accept that there are a range of activities that could occur on site at night which could reasonably occur as a permitted activity and therefore such a restriction would be onerous and out of proportion with likely effects.

304 We considered whether the offer of noise mitigation should extend to 54 Rutherford Road and to 231 Dukes Road North, however we consider that those properties are not exposed to the increase in traffic noise as is the case at 273 Dukes Road North, and they are in closer proximity to the Industrial Zone and rail network. We find the effects on those dwellings to be acceptable considering the existing environment and are appropriately mitigated through the Applicant's on-

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[183] Statement of Evidence, John Kyle and Megan Hankey, 9 October 2026, at 11.
[184] Previously DCC proposed Condition 60D.

site approach to noise mitigation.

305 We address the effects on WRL in more detail below, however here we record that the addition of the mitigation for the foaling unit as proposed in the Reply Version of Condition 71B is appropriate subject to the amendments in the Panel's Decision Draft Conditions discussed above.

306 In relation to the properties south and east of the Site, at 243 Puddle Alley, we did not receive comment from the owner or occupier. The owner at 340 Dukes Road North supported the proposal. We accept that the Applicant, as the owner of 245 Puddle Alley accepts the effects of the SLIP, so conditions of consent are not required to address effects at that location.

307 With those measures, and the District Plan night standards complied with at Stage 1 and 2, and a 3 dB increase at Stage 3 for the dwellings more than 350m from the Industrial Zone, the noise effects are adequately mitigated. Noise from the SLIP will nonetheless be audible at times and, as Mr Styles described, will change the character of the rural environment on some days. We find that effect is minimised as far as practicable and will likely ensure an appropriate and reasonable level of amenity through compliance with the design and management measures required by the Panel Draft Decision Conditions.

Effects on White Robe Lodge Thoroughbred Horses

308 The Panel invited comment from the owners and occupier of WRL, along with the occupiers of the dwelling located at 273 Dukes Road North, who manage the WRL foaling unit.[185] We address the effect on the occupiers of the managers dwelling under the heading of Noise Effects.

309 In this section we address the specific issues raised by WRL regarding the potential impacts of the SLIP activities on horses, and more specifically on foaling mares and their foals as part of their specialist foaling unit. The Application addressed noise and amenity effects, but not these effects on WRL activities. We record that throughout the process the Applicant endeavoured to constructively engage with WRL to address their concerns.

<u>Comments Received</u>

310 WRL's response to the invitation to comment outlined their concerns. They also provided a statement of evidence from Mr Marcus Corban, an industry expert in thoroughbred breeding.[186]

311 The WRL Thoroughbred Stud has operated for over 70 years, 50 years of which has been at its current location and has become one of New Zealand's longest established thoroughbred breeding farms, with around 250 horses on site during breeding season. The activity employs approximately 20 people and contributes

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[185] Initially the EPA did not separately serve the occupier, however the Panel issued directions in Minute 12, to allow the occupiers to comment out of time. The Applicant was afforded an opportunity to reply and did so.

[186] Statement of Evidence, Marcus Corban. Undated.

to the local economy and the New Zealand thoroughbred breeding industry.

312 The activity includes a manager's residence and purpose-built foaling boxes, yards and specialist breeding infrastructure adjacent to the SLIP. WRL was concerned that the Applicant's initial assessment had not adequately addressed the impact on the operations. Although the Applicant's representatives and specialist consultants have since visited the site, WRL considered this was after the fact, and therefore the proposal had not appropriately accounted for the effects on animal welfare, staff safety and day to day operation of the stud.

313 We also note that other commenters, MTCB, Mr and Mrs Inch, and Mr and Mrs McLeod also addressed the importance of the WRL activity to the community and expressed concerns about the effects of the SLIP on WRL's operation.

314 On the issue of animal welfare, the concern is that the breeding operation relies on providing horses with a calm, predictable and low-stress environment particularly during pregnancy, foaling and early development of young horses. WRL are concerned about the changed rural environment, impacts of increased noise, heavy vehicle movements, vibration, lighting and dust and the 'unpredictability' of the SLIP on horse behaviour and wellbeing. WRL refer to the Animal Welfare Code with a particular emphasis on isolation from loud noises, and heavy traffic on mares. They are also concerned about the impact on foals.

315 WRL raised concerns about the effect of artificial lighting and night-time activity immediately opposite the breeding facilities and on staff occupying the residence associated with the foaling unit.

316 In relation to heavy vehicles they are concerned about the increase which is fundamentally different from the current environment. Given the proximity of WRL to the road they are concerned about risks to horses and staff.

317 WRL queried the effectiveness of the noise barriers given the height of stacked containers and container lifting equipment. They are especially concerned about sudden unexpected noise sources such as dropped containers, machinery and truck handling, reversing alarms that may cause horses to spook or panic with consequential animal welfare and health and safety concerns, which is particularly an issue for heavily pregnant mares and newborn foals.

318 WRL note that there is a difference between predictable background noise and sudden unpredictable sounds associated with an active container port. Horses may become accustomed to predictable and consistent background noise, but it is the unpredictable noise which poses the most significant risk.

319 Air quality is also an important matter for animal welfare and their staff. They are concerned about the cumulative effects of glare, dust, heavy vehicles and noise and question whether WRL and the SLIP can co-exist at such close proximity.

320 Mr Corban fully supported the concerns expressed by WRL, emphasising the sensitivity of the foaling unit.

Applicant Response to Comments

321 The Applicant's s55 response addressed the potential impacts of lighting and noise on the welfare of the thoroughbred horses, including breeding mares and foals.

322 In relation to animal welfare the Applicant provided a statement of evidence from veterinarian Mr Andrew Grierson.[187] Mr Grierson is a registered veterinarian with over 45 years practice primarily in equine stud medicine. Mr Grierson agreed with WRL that mares close to foaling, and newborn foals are a vulnerable group and a calm and predictable environment 'matters' for a mare's welfare and how well she copes with the birth of her foal, as reflected in the Animal Welfare Code referred to by WRL.

323 However, in Mr Grierson's experience horses are generally very adaptable and cope well with changes to their environment including a reasonable level of ongoing noise or activity. Mr Grierson referred in his evidence to breeding facilities across the world that are close to urban and industrial development which continue to operate successfully. He referred to his former partner's operation at Meadowlands Stud located close to Ardmore Airport and the location of foaling paddocks near the main runway. He was unaware of any incidents involving horses caused by aircraft activity on that farm.

324 Mr Grierson also commented about the effects of lighting, noting that thoroughbred mares are bred from 1 September until around Christmas, and that foaling units typically require managed night-time lighting as standard practice as most pregnant mares foal at night. Staff need sufficient visibility to monitor mares and intervene if complications arise. He considered that well-lit paddocks and floodlights like those in rugby grounds is common practice and 'dry mares' (not pregnant) are often exposed to 16 hours of light and 8 hours of darkness to mimic summer months. He did not consider that the SLIP lighting would likely approach similar levels of lighting. Mr Grierson agreed newborn foals are vulnerable to dust.

325 On the issue of noise Mr Grierson had read the evidence of Mr Shanks setting out the proposed noise levels and mitigation at the SLIP. On the basis that the anticipated noise levels are within the range of the existing noise environment he considered that horses' responses to noise is that they cope well with changes to their environment.

326 In terms of effects on health and safety he agreed with the WRL description of horse behaviour and that this is a real risk, not unique to the SLIP activities, with horses kept near an unfamiliar or changing environment.

327 Overall, he accepted that WRL concerns were genuine but did not mean the activities could not operate alongside each other.

328 Mr Shanks addressed the issue of the noise environment and possible noise

[187] Statement of Evidence Andrew Grierson, 19 August 2026.

sources that are concerning to WRL in his Statement of Evidence.[188] We address Mr Shanks' wider response to the s53 comments under the heading Noise Effects above.

329 Mr Shanks said that even with mitigation measures in place, noise from container stacking would likely be audible at the foaling units. Noise from container stacking is variable depending on the skill and care of the driver. Based on noise data from Port Chalmers he predicted the LAmax at the horse breeding areas based on the distance and shielding from warehouse buildings and he considered that the loudest representative stacking event would comfortably comply with the night-time limit of 75 dB LAmax from the District Plan and are within the level of noise frequently generated by aircraft and existing vehicles on Dukes Road North. He did not consider additional mitigation was warranted.

Noise JWS

330 We asked the acoustic experts to address possible effects on WRL in their JWS.[189]

331 They concluded, whilst not experts in the effects on animals, they agreed with Mr Shanks assessment of likely levels and character of noise that would be experienced at the WRL foaling unit. There was agreement that:

(a) There are few events over 75 dB LAFmax and these are primarily during the day. The SLIP would create more LAFmax events throughout the day and at night from Stage 2 onwards.

(b) There will be changes in character of passing truck noise given they will be decelerating towards and away from the SLIP entrance.

(c) Container handling, truck movements and other plant and machinery will change the character and will often be perceived as an increase over the current background noise in-between louder LAFmax events.

(d) Container stacking in Stage 1 will not be screened from WRL by any barriers or buildings, however there will be a greater separation distance meaning that noise at Stage 1 will generally be between 60 dB and 65 dB and will only occur during the day.

332 The experts considered that notwithstanding compliance with conditions imposed for noise, there may be additional measures that could be adopted to further minimise noise effects on WRL when their operations were particularly sensitive. We address these matters, including the further ONMP measures the experts listed, under the heading Noise Effects above.

333 The Panel requested further information from WRL[190] regarding their operations

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188 Statement of Evidence, Brendon Shanks, 19 August 2026, section 4

189 Joint Witness Statement Noise, 10 September 2026, Q4.1 and 4.2

190 Minute 18 of the Expert Panel, Request for Information from White Robe Lodge, Southern Link Inland Port FTAA-2604-1207, 29 September 2026

and whether the measures suggested by the noise experts may alleviate concerns about unexpected noise sources. We also asked the Applicant to advise whether such measures were practical from an operational perspective. In Minute 17 we also asked the Panel's acoustic adviser (with an opportunity for the Applicant and DCC to respond) whether the DCC proposed Condition 60B, preventing night-time operations in Stage 1, was still necessary in light of the Applicant's proposed 40 dB LAeq(15min) night-time limit at Stages 1 and 2.

334 WRL responded to the Panel's RFI confirming that thoroughbred mares are bred at WRL from September to mid to late December, and foaling commences anywhere from the end of July to early December.

335 The Panel asked WRL about the management practices WRL have in place to deal with sudden noise during fireworks or during the use of machinery by neighbours or roadworks. WRL noted that during scheduled events such as Guy Fawkes they are able to move stock as far as practicable towards the western end of the farm where there is less residential activity and the environment is quieter. They also rely on good relationships with neighbours and advanced notice of particularly noisy events. WRL reiterate their concerns about their expectation that noise from the SLIP will be different, more frequent and less predictable. They commented that the regular aircraft and occasional rescue helicopter flights over their property do not startle the horses.

336 The Panel asked about the Noise JWS recommendations regarding SLIP management matters that might mitigate the loud or unpredictable noise events. Whilst this did not remove their concerns, WRL accepted that such measures would provide some comfort if implemented and actively monitored.

337 Mr Shanks provided a response regarding the comparisons between noise events in the existing environment, and those which WRL are primarily concerned about at the SLIP.[191] Mr Shanks said the WRL activity is on land that is exposed to a high noise environment, including the existing Industrial Zone. He is of the opinion that the SLIP site design represents the best practicable option and minimises noise emissions. He did not consider further mitigation was warranted.

338 In the Reply legal submission, Counsel for the Applicant directed the Panel to the ONMP and DCC Condition 60 which includes, amongst other things; methods and procedures for minimising loud, single event noise from container handling, (especially at night), including requirements for regular maintenance, operator training and noise monitoring, and methods for enabling a rapid management response to inappropriate container handling that generates higher than typical noise levels.

339 In response to the matters the Panel raised in Minute 18 regarding other methods that may be included in the ONMP, the Applicant advised that the suggestion that there be straddle carriers rather than reach stackers during sensitive periods is not

[191] Statement of Evidence in response to Minute 17 and 18, Brendon Shanks, 6 October 2026

practicable from an operational perspective and is not agreed to.

340 Notwithstanding the views of Mr Shanks that the Applicant has adopted the best practicable option, the Applicant has in good faith offered further noise mitigation in Condition 71B specifically for the foaling unit.[192] The Applicant also proposes new Reply Version Condition 60(k) (now Final DCC Condition 60(j)) to require the ONMP to include a requirement that the Applicant consult with WRL during the foaling season.

Lighting

341 In the s55 Comments Ms Kate MacDonald responded to the concerns raised by WRL about lighting.[193] Although not an animal welfare or behaviour expert she considered that the proposed lighting on Site at the SLIP and Dukes Road North are consistent with best-practice lighting design principles set out in the Australian Government's National Light Pollution Guidelines for Wildlife.

342 In the WRL response to Minute 18 WRL acknowledged that some stud farms are well lit but generally that is not the case at WRL. They tend to only use floodlights during foaling.

Dust

343 The Applicant responded in the Reply submissions to WRL concerns about dust noting that construction management plans and DCC Condition 22 specifically addresses the issue, requiring that the effects of dust are minimised and will not cause objectionable effects beyond the boundary of the SLIP.

Panel Findings

Planning Context

344 District Plan Rural Objective 16.2.1 provides that rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. The WRL activity is a rural activity, permitted in the Taieri Plains Rural Zone. Policy 16.2.1.8 directs that supported living facilities, commercial activities, industrial activities, and major facility activities are avoided, unless they are otherwise provided for, in the rural zones.

345 Objective 16.2.3 seeks to maintain and enhance rural character. Objective 16.2.4 seeks that the productivity of rural activities in the rural zones is maintained or enhanced. The related policies are focused on productive use of high-class soils.

[192] DCC Conditions Appendix E
[193] Statement of Evidence, Kate MacDonald, 19 August 2026, paragraph 4.3

Effects

346 As discussed under the heading of Noise Effects, the Panel has carefully considered the mitigation measures, including site layout and design and finds the effects on rural character and amenity to have been minimised to the greatest extent practicable.

347 We find that in doing so the noise environment with the SLIP will be maintained at an acceptable level for all rural land uses, including WRL. We note specifically that the SLIP will operate within the District Plan limits at the dwelling which is within 350m of an Industrial Zone. The District Plan night-time limits apply at the notional boundary of noise sensitive activities (a line 20m from the dwelling, or the site boundary if closer), not at the foaling unit itself. The foaling unit adjoins the Stud Manager's Residence, and the WRL land closest to the SLIP is slightly outside the 350m[194] buffer around the Industrial Zone, where the District Plan night-time limit is 45 dB LAeq(15min) and 75 dB LAFmax. The 43 dB LAeq(15min) night-time limit we have set at Stage 3 for dwellings more than 350m from the Industrial Zone therefore does not apply at the dwelling 273 Dukes Road North.

348 WRL has existed in its current location for 50 years, and the existing environment includes a range of typical land uses in a rural environment. It is also in proximity to an Industrial Zone, rail line and aerodrome. WRL comments and response to Minute 18 demonstrate that the operation needs to adapt to the effects of land uses around them, putting the welfare of animals and the safety of their staff at the forefront of their decision making. The foaling unit is part of a wider land holding and WRL, do on occasion relocate horses away from noise sources. We accept the evidence of Mr Grierson, corroborating WRL's comments, that horses are adaptable and can cope with a changing noise environment, however foaling mares and young foals are vulnerable. WRL concerns about animal welfare and staff safety are entirely valid.

Conditions

349 The main concern, and real risks arise from unpredictable noise sources. We find that the risk relates to noise events such as heavy vehicle engine braking, reverse beeping, and poor management of container stacking. All these matters can be adequately mitigated through good practice and protocols in the Applicant's ONMP and the proposed conditions. Condition 60 as proposed by the Applicant does not, however, address engine braking on Dukes Road North. We have therefore added a requirement for the ONMP to include measures to discourage engine braking by heavy vehicles approaching and leaving the Site, such as driver instructions and signage, as Mr Shanks suggested (Panel Draft Decision Condition 60(k)).

350 A key mitigation measure is a positive ongoing relationship between the SLIP operators and WRL, just like the relationship between rural neighbours referred to by WRL in their response to Minute 18. We note the Applicant has addressed this

[194] The Panel has calculated this to be ~354m.

in the Reply Version of DCC Condition 60(k) requiring consultation with WRL during the foaling season (1 August to 1 December) to be included in the ONMP. We agree that is appropriate and have included this condition as Panel Draft Decision Condition 60(j). Additionally, given WRL's response to Minute 18 records that foaling can start at the end of July and generally finishes in early December, we have extended the consultation period in Condition 60(j) to 15 July to 15 December. We also record that the Applicant's reply submissions state that no agreement has been reached with WRL and that one is not expected before the Panel's decision.

351 We have also reviewed the Applicant's amendments to Condition 71B as they relate to the foaling unit and foaling yard. The Reply Version offers WRL acoustic treatment of the foaling unit and acoustic fencing around the foaling yard, to be implemented, if agreed, before Stage 2 is operational. We accept the measures, but we have amended cl(4) so that they are implemented before Stage 2 is operational, or earlier if requested by WRL as owner of 273 Dukes Road North.[195] Container stacking during Stage 1 will not be screened from WRL by any buildings or barriers, and while it will generally produce 60 to 65 dB LAFmax and occur only by day, it is the kind of sudden noise that WRL is concerned about. Foaling can begin at the end of July, and WRL is best placed to judge when its operations need the treatment. The amendment is consistent with the Applicant's explanation that the change to Condition 71B is intended to allow direct engagement with WRL on what is practical, and with Mr Reeve's advice that mitigation at 273 Dukes Road North would ideally be offered before the additional heavy vehicle movements associated with Stage 1 beginning.

352 On the issue of lighting, we consider that the conditions of consent are adequate to address the impacts of lighting on all adjacent properties, and we note that the new street lighting is to be designed so that it is not directed at private property. Given WRL use floodlighting during the foaling season we consider any impact from the SLIP will be less than minor.

353 We are satisfied that dust during construction is appropriately managed under the Construction Management Plan (**CMP**), and operational dust should not be a concern beyond the site boundary in light of DCC Condition 22.

354 Having taken into account the concerns of WRL and the responses from the Applicant, we are satisfied that the cumulative effects of the SLIP on the WRL breeding operation and foaling unit will be no more than minor. The effects on the occupants of the manager's residence at 273 Dukes Road North, which we have found to be more than minor in respect of visual amenity, are addressed under the headings Noise Effects and Natural Character, Landscape and Visual Amenity Effects.

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[195] Reply Version conditions (9 October 2026), Condition 71B; Noise JWS, Q4 item 4; WRL response to Minute 18; Legal Submissions in Reply, 9 October 2026, 4.9; Statement of Mr W Reeve, 1 October 2026, [18].

Loss of Highly Productive Land

The Application

355 The 40 hectare Site is located in the District Plan Taieri Plains Rural Zone, on Land Use Capability (**LUC**) 1 land, and is therefore categorised as Highly Productive Land (**HPL**) under the NPS-HPL.[196] The application included a Land Assessment prepared by AbacusBio Limited[197] to evaluate whether the SLIP Site meets the NPS-HPL exemption pathway for use and development of HPL subject to permanent or long-term constraints as set out in cl3.10.

356 AbacusBio Limited assessed the suitability and economic viability of the Site against the use of the highly productive land for land-based primary production and concluded that the SLIP meets the exemption criteria because:

(a) The evaluation demonstrates that permanent and long-term constraints relating to location, soil drainage and flooding risk mean that land-based primary production cannot be viably sustained (economically) on the Site for at least 30 years. The reasonably practicable options evaluated are sheep and blueberry farming (cl3.10(1)(a));

(b) The development of the SLIP avoids significant loss of productive capacity, avoids fragmentation of large and geographically cohesive HPL, and cannot avoid and therefore mitigates reverse sensitivity effects on surrounding land-based primary production (cl3.10(1)(b));

(c) The existing environmental, social, and economic values of the Site as HPL are limited, and when weighed against the wider benefits of the SLIP, the overall balance favours the proposal (cl3.10(1)(c));

(d) A full evaluation of reasonably practicable alternative land-based primary production, land management improvements, boundary adjustments, and alternative production strategies confirmed the permanent and long-term constraints on economic viability (cl3.10(2)); and

(e) Consideration of future productive potential and landholding impacts (cl3.10(3)) and land holding size (cl3.10(4)) further support this conclusion.

357 On that basis the effects from the loss of primary-production land were not assessed.

Comments Received

358 The DCC research and monitoring officer, Mr Garreth Kyle, advised that 94.28% of

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196 The site is defined as highly productive land (HPL) under cl1.3 of the NPS-HPL as it meets the requirements under clause 3.5(7) of the NPS-HPL. This is because the site: Includes land that is mapped as LUC 1 land in Our Environment Maps2; Is zoned as Taieri Plains Rural in the District Plan maps; and Is not identified for future urban development or subject to a plan change to rezone to urban or rural lifestyle.

197 Land Assessment AbacusBio Limited, 10 April 2026

the Site is LUC 1 land; and that across the Dunedin City area, there are 3082.36ha of LUC 1 land, all located on the Taieri Plain. 40.06ha are within the subject site, meaning 1.29% of LUC 1 land in Dunedin will be impacted by the Inland Port.

359 DCC noted that the soil within the Site is accepted as being highly productive LUC1 as defined in the NPS-HPL because it is identified in national soil mapping, it is zoned rural, and the development location specified in the Future Development Strategy (**FDS**) for the inland port (future urban development) is only indicative.

360 DCC referred to NPS-HPL Policy 8 that directs councils to protect highly productive land from inappropriate use and development. Having considered the AbacusBio Report DCC accepts that there are long term constraints in relation to the productive use of the soils on the Site and the value of the Site for primary production is low. DCC accepts the Land Assessment identifies the site as Pallic soils and therefore they are more likely to be used for pastoral grazing than intensive cropping due to their drainage characteristics. This is a consideration in determining the significance of the adverse effect. DCC also accepts that the benefits of developing the SLIP are likely to outweigh the long-term costs associated with the loss of the Site for primary production purposes. DCC nevertheless considers that, assessed against the District Plan criteria, the adverse effects of removing high class soil from the Site are more than minor. The earthworks will strip about 126,100m³ of topsoil across the three stages, contrary to District Plan Rule 8A.5.8, and DCC suggested the Applicant look for options to reuse the soils.[198]

361 The Panel received comments from the Parliamentary Commissioner for the Environment (**PCE**).[199] The PCE commented that the LUC system lacks sufficient robustness for regulatory decision-making, owing largely to its use of outdated information that lacks detail.[200] In particular, the national New Zealand Land Resource Inventory (**NZLRI**) LUC dataset, which is the default dataset in the NPS-HPL for identifying highly productive land, is inappropriate for use at a property scale. The PCE's 2025 Review of the LUC system, noted that despite its use in New Zealand since the 1950s to support 'long-term sustained production on the land...it was not designed to address environmental management challenges.'

362 The PCE accepts that the Applicant's land assessment 'appear to be reasonable constraints', however, because the Applicant has determined that the project meets the exemption criteria, they have not assessed the effects of the loss of highly productive land. In the PCE view, this is the key issue the Panel will need to determine.

363 The PCE considered that the Applicant ought to be requested to undertake further site specific 'high resolution mapping' which might in fact reveal that the site or part of the site is not HPL, or if it may allow for the footprint of the SLIP to be

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198 DCC s53 Comments, [86], [99], [323]–[324]; District Plan Rule 8A.5.8.

199 Letter from PCE to Panel Chair, 12 August 2026.

200 PCE, 2025. Reviewing the use of the LUC system in a regulatory context. https://pce.parliament.nz/media/hmbjgw3u/reviewing-the-use-of-the-luc-system-in-a-regulatory-context-9122025.pdf

adjusted to avoid or at least minimise the loss of HPL. The PCE suggested the Panel may wish to request this information.

364 The PCE acknowledged a 2024 Environment Court decision that complicates matters somewhat. The decision clarified that in the transition period, Applicants in consenting processes could not challenge the LUC classes of their land as mapped in the NZLRI database, even if more detailed individual site investigations conclude that land is not considered LUC 1, 2 or 3.[201]

Applicant Response to Comments

365 The Applicant responded to the PCE comments in their cover Memorandum of Counsel, 19 August 2026 and in the accompanying Statement of Evidence from Planners Mr Kyle and Ms Hankey.[202]

366 In response to the PCE suggestion of additional mapping Counsel for the Applicant emphasises the Applicant's approach was to 'faithfully follow the NPS-HPL transitional approach,' the findings in *Bluegrass* and therefore the LUC classification of the land as shown in the NZLRI database to identify whether it is 'highly productive', for the purposes of the NPS-HPL.

367 The Applicant does not agree that further detailed mapping can be used to avoid the land being identified as HPL, referring to NPS-HPL cl3.5(7) and the *Bluegrass* and subsequent Environment Court decisions.[203]

368 Counsel submitted that whilst possible for the Panel to request further mapping such a request would not assist the Panel in its task and would also not align with the procedural principles in s10 of the FTAA, especially the need to take consistent and cost-effective processes. The Applicant does not consider that there is merit in that approach given the conclusions of its technical experts, and in particular the Land Assessment prepared by AbacusBio. The Applicant noted that the conclusions in that Assessment in respect of the cl3.10 exemption do not appear to be challenged by the PCE, rather referring to the AbacusBio Report, the PCE acknowledges that the constraints appear to be reasonable constraints.

369 The Applicant considered that the AbacusBio Report is relevant to the issue of whether the loss of HPL can be avoided because:

(a) the assessment concludes that due to long term constraints, land based primary production uses are economically unviable for 30+ years;

(b) the establishment of the SLIP will avoid significant loss of productive capacity HPL, fragmentation of large cohesive areas of HPL, and mitigate potential reverse sensitivity effects, including noise and dust, on surrounding land-based primary production; and

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[201] *Blue Grass Limited v Dunedin City Counci*l [2024] NZEnvC 83
[202] Statement of Evidence, John Kyle and Megan Hankey, 19 August 2026.
[203] For example, as followed by Save the Maitai Inc v Nelson City Council [2024] NZEnvC 155, at [42]- [44].

(c) the existing value of the Site for use as HPL and any alternative land-based primary production use is assessed as being low.

370 Counsel also submitted that even if the loss of HPL is an adverse effect that the Panel considers is not avoided, then the loss of HPL is one potential impact to 'take into account' under s81 of the FTAA.

371 Further, the effect of the loss of HPL associated with the SLIP is considered insignificant by the Applicant's planning experts Mr Kyle and Ms Hankey who state that:[204]

> *In particular we note that the site is too small for a viable stand alone productive use, including pastoral farming, and is currently leased to an adjacent farmer as a run off block. Further, any LUC 1 soil on site will either be re-used on site to assist as a growing medium for landscape planting or reutilised at another location with the relevant approvals in place. This will ensure the productive re-use of soil. As such, we consider the loss of highly productive land associate with the Project is insignificant.*

372 Counsel submitted that importantly, and although the NPS-HPL must be taken into account, when the Panel considers the Proposal, greatest weight must be given to the purpose of the FTAA. The Panel must apply s85 of the FTAA and may only decline an approval where the impacts are 'sufficiently significant to be out of proportion to the project's regional or national benefits.'

373 Counsel further emphasised that the AbacusBio Report reaches a conclusion that the environmental, social, cultural and economic benefits of developing the SLIP are likely to outweigh the long-term environmental, social, cultural and economic costs associated with the loss of the Site for primary production purposes (being the reason the NPS-HPL has an objective of protecting HPL). Counsel submitted that when considered alongside the findings in the Economic Assessment by Savvy Consulting as to the project's benefits, any residual effects (that are not significant) on the loss of HPL are not out of proportion with the project's regional or national benefits. The DCC comment agrees with this.

Panel Findings

Planning Context

374 The NPS-HPL, and the RPS require the protection of highly productive land for land based primary production now and for future generations. The District Plan seeks that the productivity of rural activities is maintained or enhanced. It requires earthworks in a high class soils mapped area to retain soils on the Site, and only allows activities other than farming on highly productive land where any loss of current or potential future rural productivity would be insignificant in a high class soils mapped area and no more than minor in other areas of highly productive land.[205]

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[204] Statement of Evidence, John Kyle and Megan Hankey, 19 August 2026: "In light of this assessment, in our view, the effect of the loss of highly productive land associated with the Project is minor."

[205] District Plan Objective 16.2.4 and Policies 16.2.4.1 and 16.2.4.2.

Effects

375 The Site is mapped as high class soils in the District Plan. The Panel agrees with Counsel for the Applicant that under the transitional requirements of the NPS-HPL, and the *Bluegrass* decision there is no additional benefit to an evaluation of the activity or the assessment under the NPS-HPL in requesting further detailed mapping of the Site. Further the Panel has considered the master plans for each stage of the SLIP and finds that any likely benefit of identifying the heterogenic nature of soils is unlikely to result in a different site layout given that over 94% of the Site is mapped as LUC 1 land.

376 There are other factors that restrict activity location within the Site, including the Aviation Effects, the railway, and positioning of acoustic barriers and warehousing to mitigate the effects of noise on neighbours. In terms of the assertion by Mr Kyle and Ms Hankey in the Reply that '*... any LUC 1 soil on site will either be re-used on site to assist as a growing medium for landscape planting or reutilised at another location with the relevant approvals in place. This will ensure the productive re-use of soil. As such we consider the loss of highly productive land associate with the Project is insignificant*' the Panel does not accept that is the case.

377 That evidence does not take into account the engineering design features of the Site, use of soil for significant acoustic bunds, stockpiles, as recorded in the Reply version of the Applicant's own conditions. In particular the Reply Version Condition 43B requires further approvals (the outcome of which is uncertain) to relocate soils off site. Further there is no assessment of the likely productive capability of soils that have been stockpiled or bunded for a significant period of time between staging of the development. Only a small volume of total soils excavated will be required to support landscaping features. We address Earthworks volumes further below.

378 Accordingly, we place no weight on the benefits of reuse on the Site or elsewhere as mitigation for the loss of high class soils suggested by the Applicant's planning experts on this matter. We have focused on the loss of those soils from the Site in the context of the District as a whole, which we agree with DCC are more than minor.

379 Even, if it were only a minor loss as suggested by the Applicant, it is not, however, the insignificant loss that Policy 16.2.4.2(a)(i) seeks in a high-class soils mapped area, and removing the soils from the Site is contrary to Policy 16.2.4.1. The SLIP is therefore not consistent with the District Plan Objective and Policy.

380 The Panel has carefully considered the assessment undertaken by AbacusBio and agrees that SLIP meets the exemption criteria relating to permanent or long-term constraints under cl3.10 of the NPS-HPL.

381 The Panel has further reflected on Abacus's conclusions on 'reverse sensitivity' effects. AbacusBio addresses potential effects *of the SLIP on surrounding land-based primary production*, potentially to the east of the Site. Respectfully, these are not the reverse sensitivity effects 'on land based primary production' that the

NPS-HPL seeks to avoid; they are potential adverse effects generated by the SLIP, such as noise, dust and lighting, on potentially more sensitive land-based production and dwellings. We address those effects elsewhere in our decision.

382 Reverse sensitivity effects exist where an established use produces adverse effects and a new use is proposed for nearby land. It is the legal vulnerability of the established activity to objection from the new use.[206] That is not the case here. There is no suggestion in the evidence that the SLIP, as the newcomer, might complain about effects generated by existing land based productive uses, which is the issue being addressed in cl3.10(1)(b) and in NPS-HPL Policy 9. The NPS-HPL addresses reverse sensitivity from the perspective of the established primary productive land uses which is a different issue to that which is addressed in the NPS-I Policy 10 where in the context of decisions on planning instruments the issue is then about whether the neighbouring sensitive land uses might complain about the effects arising from infrastructure, which might constrain the operation of the infrastructure, and the importance of putting in place appropriate buffers and methods to protect existing and planned infrastructure.

383 We have weighed the environmental effects generated by the SLIP on the existing and future anticipated land uses and concluded the SLIP does not give rise to reverse sensitivity effects on surrounding land-based primary production anticipated in cl3.10(1)(b) and in NPS-HPL Policy 9, and that the SLIP effects on neighbouring land are addressed under the Noise, Lighting and Landscape headings.

Natural Character, Landscape and Rural Amenity Effects

The Application

384 The Applicant accepts that the SLIP will have moderate impacts on rural amenity and landscape values. The natural character and landscape values of the location are addressed above when discussing the existing environment and include the cultural context.

Landscape Effects[207]

385 The Application Report acknowledges that the SLIP will result in a change in character on the Site from rural to industrial. Existing rural development and shelter belts and paddocks are to be replaced by paved surfaces, large industrial format buildings and stacked containers. The scale of built elements will be larger than the existing Fonterra buildings to the west on Stedman Road but consistent with the general bulk, form and appearance of industrial warehousing.

386 The Applicant provided a landscape assessment from Mike Moore Landscape

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[206] *Auckland International Airport Ltd v Auckland City Council* [2024] NZHC 2058 at [27] citing *Taranaki Energy Watch Inc v South Taranaki District Council* [2018] NZEnvC 227 at [19]

[207] Southern Link Inland Port – Substantive Application, 17 April 2026, section 8.1 and Part B.07; The Landscape and Natural Character Effects Assessment Report, prepared by Mike Moore, dated 16 April 2026; and the Landscape and Natural Character Effects Assessment Report, prepared by Michael Moore, dated 17 June 2026 (Landscape Reports)

Architect (Landscape Reports).[208] The assessment was undertaken in accordance with Te Tangi a te Manu Guidelines[209] that confirm that change itself is not an effect because landscapes change constantly. It is the implications of change for a landscape's values that is the effect.

387 Mr Moore considers that there will be a change in character for the Site itself, but this will likely be perceived as an extension of the existing industrial character in the area rather than a completely new element, with its impacts being perceived as less significant within the wider landscape context. The Applicant proposed a number of measures to address landscape effects and settle the development within the existing environment. These include:

(a) The layout of the development has been designed so that the more utilitarian rail siding and container activities are to the west of the Site, utilising the proposed warehouse buildings as visual and acoustic screening for the rural environment to the north and east.

(b) Proposed planting along the northern and eastern boundaries and within the bank of Whakaehu / Silver Stream located within the Site will contribute to visual screening of the built form of the SLIP and soften the visual effects in accordance with the Landscape Concept Plan. Planting is also proposed within the KiwiRail corridor comprising a Pittosporum eugenioides and/or tenuifolium screening tree belt.

(c) Views of the Site from the west will be predominantly from lower sensitivity industrial and aerodrome locations, and this planting will assist to soften the visual effects of the SLIP. The planting in the KiwiRail corridor would be implemented at the same time as the SLIP Stage 1 works.

(d) The acoustic walls and warehouse walls will be finished in colours with a mid-dark tone with a Light Reflectance Value (**LRV**) of 30% or lower, to lower the visual prominence of the structures. The roofs of the warehouses will be limited to a lighter tone of no more than 50% LRV, to prevent overheating internally. These finishes to the buildings and structures are proposed as a condition of consent.

388 Lighting from the facility will slightly exceed District Plan lighting rules and standards relating to light spill at the Site boundaries, being a maximum of 3 lux at the Site boundaries during night-time rather than the 1 lux maximum District Plan standard for operational and security purposes. This will result in a small change to the existing rural lighting character of the Site. However, given the large separation distances of all nearby dwellings to the Site, the small light exceedance will not be readily noticeable or adverse.

389 Overall, Mr Moore considered the physical and landscape character effects of the

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[208] Ibid Landscape Reports

[209] Te Tangi a te Manu, Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

proposed development will be adverse in nature, and moderate in degree overall.

Natural Character

390 The Application Report identifies that although the natural form of Whakaehu / Silver Stream is already modified by channelisation, the establishment of two outlet structures and associated spillways within the stream margin will have adverse natural character effects on Whakaehu / Silver Stream. This is a result of the additional human-made elements and changes to water quality resulting from the outflow from the Site via the western spillway. The visibility of other structures associated with the SLIP (including acoustic walls and warehousing) from the stream will also have indirect experiential effects on its' natural character.

391 We address the effects of stormwater outfalls and mitigation measures to reduce scouring and water quality effects in the Stormwater Management and Freshwater Quality and Ecology Effects sections of the decision.

392 Effects on natural character are proposed to be mitigated and enhanced through the implementation of the Landscape Concept Plan which will involve targeted removal and control of weedy vegetation and the establishment of locally appropriate indigenous vegetation.

393 The Landscape Reports conclude that these measures will result in a positive long-term outcome for Whakaehu / Silver Stream's natural character relative to the existing baseline condition. Mr Moore assessed that the confined area of disturbance, minimal change in landforms, low level of ecological effect, and implementation of the above mitigation measures will lead to an enhancement in its' natural character values.

Visual Amenity

394 The Application Report[210] identifies that views of the Site are available from several representative private (residences) and public viewpoints (public roads, walking tracks). These include from directly adjacent to the Site along Dukes Road North and Stedman Road, with viewshafts evident from as far away as Milners Road, approximately 940m from the Site.

395 The visual effects of the SLIP from locations surrounding the Site varies depending on the viewing distance and extent of existing screening. Mr Moore provided visual simulations in support of his assessment.[211] From public roads and the Whakaehu / Silver Stream walking track, the Site will present as industrial in character and night-time lighting will be visible. The visual effect is considered mitigated at close range as it is likely to be perceived as an extension of the adjacent Industrial Zone. Landscape planting once established will provide significant screening and soften the visual impact, reducing its visual prominence. Additional planting in the KiwiRail corridor (not part of the approvals under the

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[210] Application Report, section 6.8.2

[211] The Photo Simulations prepared by Virtual View, dated June 2026

FTAA) may further mitigate the effects.[212] Further afield the visual effect from public viewpoints is considered by Mr Moore to be moderate, once established.

396 In terms of visibility from private property, Mr Moore assessed the visibility effect from dwellings at 54 Rutherford Road, approximately 190m away from the Site to be low. He considered views were already buffered from the rail, Whakaehu / Silver Stream and intervening trees, and further enhancement is proposed in the Landscape Plan.

397 Mr Moore considered the adverse visual effects of the SLIP to be moderate on the dwelling at 231 Dukes Road North. The dwelling is approximately 280m from the Site, orientated northwards away from the SLIP, and located adjacent to an industrial property. The SLIP will introduce port / industrial elements, which are of significant scale and intensity relative to the distance of the property from the Site, however the SLIP will be visually buffered by the intervening vegetation.

398 The dwelling at 273 Dukes Road is approximately 55m away from the Site and will experience a major change in surrounding character as the SLIP is developed. Mr Moore considers the adverse visual effects would be high. The SLIP will be partially screened and softened by the proposed acoustic walls and boundary planting along the Dukes Road North frontage. However, the warehouse buildings, industrial nature of the Site, and general operations, will be apparent. Some visual buffering by hedging and sheds between the dwelling and the Site will provide some mitigation, and it is assumed the main outlook from the dwelling is north facing away from the SLIP.

399 The dwelling at 340 Dukes Road North is approximately 340m from the Site boundary and 560m from the closest part of Stage 1, to the east, and Mr Moore considers the adverse visual effects to be low-moderate. Visual effects will be mitigated by the distance to the Site, and the proposed planting / screening of the eastern boundary with a Eucalyptus shelter belt.

400 The existing dwelling at 347 Dukes Road is approximately 420m away, well buffered visually by existing planting, with no visibility of the Site. Mr Moore considers the adverse visual effects on this dwelling will be very low.

Comments Received

401 Comments on the natural character, landscape and visual amenity effects were received from Mr and Mrs Inch (54 Rutherford Road), Mr and Mrs Stewart (273 Dukes Road North), Mr and Mrs McLeod (231 Dukes Road North), Te Rūnanga o Ōtākou, as part of the TIA discussed below, and from DCC. WRL raised issues regarding lighting effects which we address under the Lighting heading of effects on WRL.

402 Mr and Mrs Inch are particularly concerned about light pollution, and expressed

[212] The Applicant subsequently advised in their s70 response to the Draft Decision on 30 October 2026 that DCC had granted resource consent LUC-2026-159 to allow planting in the KiwiRail corridor.

concerns about the effects on their and their neighbours amenity, especially at night, and also the adverse effects on landscape values in the area. Mr and Mrs Stewart are also concerned about visual dominance of the container storage, and impacts on their privacy.

403 In the TIA prepared on behalf of Te Rūnanga o Ōtākou, concerns were raised about the lack of attention to cultural landscapes in the initial application and Landscape Report. These issues were later addressed in Mr Moore's updated report in June 2026 and resolved with the Applicant as we discuss below under the heading of Cultural Values.

404 DCC provided a review by Mr Luke McKinlay of Mr Moore's Landscape Reports.[213] Mr McKinlay generally agrees that the existing context of nearby industrial development will mean that the proposed facility will not form a singular node of industrial development in an otherwise rural landscape. He notes, however, that it is a large addition to the neighbouring industrial area and in strong contrast to the identified values of the Rural Zones. Consequently, he considers that greater consideration could have been given to the cumulative effects of this development, when considered alongside the neighbouring industrial area.

405 Mr McKinlay considers that vegetative screening plays an important mitigation role as not all industrial elements will be screened by the warehouse structures and the larger warehouse structures will have adverse effects on rural character. He notes that the TIA prefers the use of indigenous tree species for all mitigation purposes and therefore he accepts that retaining native shelter planting, as proposed in the final Landscape Report, is the more appropriate approach in this case.

406 Mr McKinlay also recommends that existing large trees to the northeast of the truck parking area, beside the main entrance to the Site, are retained to provide some visual mitigation of the warehouse buildings from nearby locations on Dukes Road North.

407 Mr McKinlay considered further thought was needed as to complementary visually recessive colours for warehousing, to help reduce their sense of bulk and scale, prior to mitigation planting establishing, and to ensure they read as separate components and not one larger structure.

408 Mr McKinlay agrees that the effects on rural character values are likely to be at least moderate (more than minor), but notes that it is unclear whether the overall effects ratings in the final Landscape Report reflect the findings of the TIA. He acknowledges that it may be difficult to reach an "overall" landscape effects rating that encompasses diverse and sometimes contradictory concepts such as "rural character" and cultural landscape components such as wāhi tupuna.

409 In relation to the assessment of visual effects of private sites, he advises that for the most part the effects assessment appears to be undertaken in a balanced and

[213] DCC s53 Comments, Appendix 8

reasoned way. He agrees with the assessment by Mr Moore that identifies moderate and high effects on the residences at 231 and 273 Dukes Road but also considers that visual effects from the site at 340 Dukes Road North are at least moderate (identified as low-moderate by Mr Moore).

410 DCC notes that mitigation will take time and agrees with the assessment by the Applicant's expert Mr Moore that adverse effects on rural character and visual amenity from public places will be more than minor. DCC agrees that more than minor visual effects will be experienced at two, and possibly three existing residences being the residences at 231 and 273 Dukes Road and potentially 340 Dukes Road.

411 DCC also said that the panel may wish to consider whether the provision of a final more detailed planting plan for certification as recommended by Mr McKinlay is appropriate. If it is included, it will allow input into the plan from Manawhenua as recommended by Mr Moore in his report.

412 DCC noted that the application seeks resource consent boundary plantings within 10m of the railway corridor along Dukes Road North, because it considers these screening plantings are a shelterbelt[214]. DCC has considered the species proposed for these boundary plantings, as detailed in Appendix B and Figures 12 and 13a of Mr Moore's assessment (i.e. a combination of indigenous trees, shrubs and sedges), and noted that the planting specification indicates the plantings will be undertaken in "naturalistic fashion". These screening plantings are therefore not considered to comprise a "shelterbelt" or to require consent.

Applicant Response to Comments

413 In response to the comments from DCC the Applicant provided a statement of evidence from Mr Moore responding to Mr McKinlay's comments about his Landscape Reports. [215] The Applicant also provided landscape evidence from Ms Bridget Gilbert.[216] Ms Gilbert's evidence responded to the TIA report and to Mr McKinlay's advice to DCC regarding mitigation measures for adjacent properties.

414 Ms Gilbert recommended two new landscape-related consent conditions. These require a Landscape Management Plan to be certified by DCC, an Offsite Visual Mitigation Plan relating to the property at 273 Dukes Road North and 54 Rutherford Road, and minor refinements to the stormwater and acoustic barrier conditions with respect to the appearance of structures.

415 In relation to 54 Rutherford Road, Ms Gilbert recommended it address visual effects, and for 273 Dukes Road North, visual and light spill effects, limited to the implementation of landscaping to address visual effects and/or the provision of blackout blinds or other suitable methods to address light spill from the SLIP. Mr

[214] Southern Link Inland Port – Substantive Application, 17 April 2026, Appendix G.01, Rule 16.6.10.2
[215] Statement of Evidence, Michael Moore, 19 August 2026
[216] Statement of Evidence, Bridget Gilbert, 19 August 2026

Moore agreed with Ms Gilbert's recommendations.

416 Mr Moore agreed that the small cluster of large trees on the northeastern corner of the Site are to be retained where possible. He acknowledged Mr McKinlay's comments regarding colour treatment of buildings and pointed to the proposed building design condition that enabled some flexibility.

417 On the issue of cumulative effects of the development in light of the adjacent industrial areas Mr Moore was of the opinion that the character of the context landscape is already defined by being at the interface of urban / industrial and rural environments. He considered that the proposed mitigation measures will assist to minimise additional industrial effects through boundary planting, building colour and lighting controls. He said that that while the industrial / rural interface will shift and that existing industrial character will be reinforced, no tipping point will be reached such that the existing landscape character becomes fundamentally changed within the wider context. He did not consider this to be an adverse cumulative effect for that reason.

418 In relation to 340 Dukes Road North he noted that the house is approximately 340m distant from the closest warehouse building[217], and that views of the warehouses will be mitigated by the proposed recessive building colours and screen plantings. He noted that the owner of 340 Dukes Road North has made comment in support of the proposed SLIP development and has not expressed concern in relation to visual effects.

419 In relation to 273 Dukes Road North Mr Moore considered the DCC suggestion that consideration should be given to compensatory mitigation given the high visual impact. Mr Moore assessed the visual effects from this dwelling as adverse / high and considered that planting on the property between the house and Dukes Road North could be effective in mitigating adverse effects to an appropriate level.

Panel Findings

Planning Context

420 The objectives and policies of the RPS generally seek to protect natural character of rivers and their margins from inappropriate subdivision use and development. The District Plan Chapter 16 Rural objectives and policies seek to maintain and enhance rural character and amenity of the Rural Zones (Objective 16.2.3), whilst anticipating a level of built form associated with rural land uses and some larger scale support industries.

421 The policies' emphasis is on avoiding or minimising as far as practicable adverse effects on rural character and amenity in the Rural Zones (for large-scale activities, Policy 16.2.3.5). District Plan Chapter 8A, Objective 8A.2.1 seeks that earthworks avoid or adequately mitigate adverse effects on visual amenity and

[217] There is a discrepancy between Mr Moore's s55 evidence (2.13) and his Landscape Report that gives 340m as the house-to-site-boundary distance and 560m to the closest part of Stage 1. His conclusion is unaffected.

character.

Effects

422 In this case, given the large site, and significant scale of the activities, including container stacking, warehousing, hard stand areas, the required acoustic barriers and lighting, the character of the rural environment will change significantly from the current pastoral land use. Change itself is not an adverse effect.

423 The application endeavours to mitigate and minimise effects to the greatest extent practical. Given the scale of the SLIP adverse visual and landscape effects cannot be avoided. We find that even with the mitigation in the form of landscape planting, building colour palettes and off-site amenity mitigation, there will still be an adverse effect on rural character and amenity that will be more than minor. The activity is of considerably greater scale than what is contemplated in the Taieri Plains Rural Zone.

424 The Panel finds that the effects on the natural character of the margins of Whakaehu / Silver Stream, are appropriately mitigated through the design of the stormwater outfall, and that the removal of weeds and proposed indigenous planting will generally enhance the natural character of Whakaehu / Silver Stream. The proposed treatment of stormwater will provide appropriate levels of protection for the ecological values of the stream and are considered appropriate by Manawhenua. Overall, the Panel finds the effects on the natural character of Whakaehu / Silver Stream to be appropriately managed through consent conditions.

425 In terms of the effects on the landscape values of the rural environment the Panel accepts that there will be a significant change to the Site, however in the context of the existing environment, the Site will read as an extension of the adjacent Industrial Zone. We find that the Applicant's proposed treatment of buildings and landscaping additions will soften the impact over time but will not hide the industrial nature of the activities. We find the landscape effects have been mitigated to the extent practicable but are still more than minor. On the issue of visual impact, we have carefully considered the Landscape Reports, visual simulations, considered the comments from the residents of 231 and 273 Dukes Road North and 54 Rutherford Road, and our own observations during our site visit.

426 Mr Moore and Mr McKinlay both assessed the visual effects at the dwelling at 231 Dukes Road North as moderate. We have considered the influence of the existing Industrial Zone, activities adjacent to the property, distance to the Site, and existing amenity planting. We also note the dwelling is oriented to the north. Once perimeter planting around the SLIP is mature, the SLIP will have a less than minor impact on the property.

427 The visual amenity impacts on 54 Rutherford Road are somewhat mitigated by the intervening planting and stream boundary. However, we accept that further onsite landscape enhancement is appropriate if desired by the landowner given the proximity of the dwelling to the SLIP. We find the visual effect on this dwelling will

be less than minor.

428 The most significant visual impact is on the dwelling at 273 Dukes Road North, and in that case some form of planting near to the dwelling would assist in mitigating effects on that property.

429 We agree that an offer of black out blinds would also be an appropriate mitigation measure should night-time lighting affect the closest dwellings at 273 Dukes Road North and 54 Rutherford Road.

430 On the basis of the visual amenity mitigation proposals, we find that the impact on visual amenity can be minimised to the greatest extent practicable given the characteristics of the SLIP.

Conditions

431 The Panel finds that the Applicants Reply Version of Conditions to be generally appropriate to address the actual and potential landscape and visual impact of the SLIP.

432 We note that there is an inconsistency in the way the mitigation is expressed for 54 Rutherford Road. We have found that mitigation from light spill should also be included for 54 Rutherford Road and have included this in the Panel Draft Decision Condition 71B.

Cultural Values

The Application

433 The Applicant deferred to Te Rūnanga o Ōtākou on the impact of the SLIP on cultural values.[218]

> *SLPL recognises that Te Rūnanga o Ōtākou hold mana whenua within the Taiari Plains and acknowledges the relationship mana whenua have with the Taiari Plains area. The Applicant acknowledges that it is for mana whenua to describe any cultural or historical associations with the Site. The Applicant commissioned an assessment for Te Rūnanga.*

434 This assessment came in the form of a TIA lodged on 17 June 2026.[219]

Treaty Impact Assessment

435 The TIA records:[220]

> *that Taiari catchment holds profound cultural significance for Manawhenua. The Crown has recognised this significance through the Ngāi Tahu Claims Settlement Act 1998*

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218 Southern Link Inland Port – Substantive Application, 17 April 2026, section 3.15 and 6.2

219 Treaty Impact Assessment for the Southern Link Inland Port, Final Recommended for Endorsement, June 2026

220 Ibid Executive Summary

(NTCSA), including the Statutory Acknowledgement of the Waipōuri Waihola Wetland (Schedule 70) and the tōpuni for Mauka Atua/Saddle Hill (Schedule 84).

The proposed site lies within a cultural landscape captured in the narrative of the taniwha Matamata, whose movements created Whakaehu and shaped surrounding landforms. Named places including Wai-pōtaka, Te Konika o Matamata, Te Korikori o Matamata, Pukemakamaka and Turimakamaka carry deep cultural significance. Whakaehu functions as a critical connection within the broader Lower Taiari system, contributing to the mauri of the wider aquatic environment including the Waipōuri-Waihola wetlands. The catchment supports 40 taoka species recognised under Schedule 97 of the NTCSA, including longfin tuna (at-risk, declining) and kanakana/lamprey (nationally vulnerable). Whakaehu has the highest fish diversity in the catchment with six species recorded. The Lower Taiari catchment includiing [sic] parts of Whakaehu, sustains mahika kai, nohoanga (camping), and contemporary cultural connections for whānau.

436 The TIA assessed impacts using two criteria: the sensitivity of a taoka or value to change, and the scale of impact as perceived by whānau. These were combined using a matrix to assign an overall significance rating from negligible through to major.

437 The TIA evaluated and ranked the significance of impacts, which initially included eight of major significance in relation to traffic impacts on whānau and the Mosgiel community; cumulative effects on the Lower Taieri river system; constraints on rakatirataka and kaitiakitaka; and ongoing effects on mahika kai and taoka species. In total the TIA identified 47 individual impacts and assessed 36 with eleven unassessed because the scale of effect is unknown, largely because critical design decisions (stormwater, wastewater management) are deferred to detailed design stages, which it is essential that Te Rūnanga o Ōtākou are engaged in.

438 Te Rūnanga o Ōtākou acknowledged that these ratings may change (i.e. their significance may be lessened) once conditions and management plans are finalised. The TIA also acknowledged the benefits of the development.

439 Te Rūnanga o Ōtākou were concerned about cumulative effects where the Applicant's technical reports conclude residual ecological effects would be "low" (less than minor), ecological criteria do not fully account for the cultural significance of avoiding further degradation, the precautionary approach required for taoka species, downstream effects on the Taiari-Waipōuri system, and the intergenerational timeframe over which cultural effects accumulate.

440 The TIA raised concerns about climate adaptation, and the adequacy of the Applicant’s proposed mitigation. There was concern about the lack of a cultural monitoring framework or Manawhenua participation in monitoring.

441 Overall, the TIA concluded that the SLIP will result in cultural impacts across multiple areas. These included wāhi tupuna, wai, mahika kai, taoka species, and the broader cultural values of whakapapa, rakatirataka, mana, kaitiakitaka, manaakitaka, and whānau ora. The TIA acknowledged that mitigation measures proposed in the technical reports are extensive and provide a foundation for managing effects but, from a cultural perspective, enhancement should be required.

442 The acceptability of the proposal to Te Rūnanga o Ōtākou was said to ultimately depend on the final decisions of the Southern Link partners, especially with respect to wastewater and stormwater system design; the commitment to implement a full suite of proposed and additional mitigation measures; the incorporation of appropriate conditions into any consent granted; the establishment of genuine partnership arrangements for ongoing management of cultural effects; and recognition that this TIA is a living document that may be updated as discussions progress.

443 The Applicant engaged with Te Rūnanga o Ōtākou early on and continued a dialogue through the early stages of the Panel's consideration of the application.

Comments Received

444 Notwithstanding the good progress that had been made initially, Te Rūnanga o Ōtākou[221] lodged comments on the SLIP, noting concerns about a possible breach of Treaty Settlement obligations under FTAA s7, and a lack of commitment by the Applicant to 'no reclamation' at Port Chalmers.

Applicant Response to Comments

445 The Applicant provided a detailed response to the relevance of the 'no reclamation' issue and their interpretation of the obligations under s7.[222]

Agreement on Conditions

446 Further constructive engagement occurred between the Applicant and Kā Rūnaka with the fine tuning of conditions to provide for the establishment of a Kaitiaki Advisory Panel and a Strategic Cultural Programme to facilitate ongoing participation by Manawhenua in relation to impacts on Whakaehu / Silver Stream and taoka species. Further agreements were reached with the result that TeRūnanga did not pursue their initial concern under FTAA, s7 and took a neutral position on the approval of the SLIP.[223]

Panel Findings

Planning Context

447 District Plan Objective 14.2.1 Policies 14.2.1.1, 14.2.1.2 and Policy 14.2.1.4 seek to maintain or enhance the relationship between Manawhenua and the natural environment.

448 The relevant RPS and Regional Water Plan provisions concerning Manawhenua values, and the Kāi Tahu ki Otago Natural Resource Management Plan 2005, are

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221 S53 Comments of Te Rūnanga o Ōtākou, lodged with the support of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki and Auhaka (1997) Limited

222 Legal Submissions on behalf of the Applicant in response to s53 comments, 19 August 2026.

223 Memorandum of Counsel for Te Rūnanga o Ōtākou (supported by Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki and Auhaka (1997) Limited), 10 September 2026; Minute 13, 9 September 2026 at [9]; and Legal Submissions on behalf of Applicant for Freshwater Hearing, 14 September 2026 at section 2.

addressed in Parts H and I.

Effects

449 The Panel has taken into account the TIA and the agreements reached between the Applicant and Te Rūnanga o Ōtākou as to conditions.

Conditions

450 The Panel acknowledges the constructive engagement of the Applicant with Kā Rūnaka and accepts the agreed conditions as recorded in the Reply Version are appropriate for inclusion in the approvals given the significance of the Taiari catchment to Manawhenua, as expressed by them in the TIA. We find that, with those conditions in place, the effects of the SLIP on cultural values are appropriately managed, consistent with our finding under s7 of the FTAA in Part D.

Terrestrial Ecology and Biodiversity Effects

The Application

Loss of Vegetation

451 The Application Report included an ecology assessment from e3Scientific.[224] e3Scientific note that the Site is dominated by exotic vegetation, with 32 of the 36 flora species recorded being exotic species, and the majority of vegetation consisting of grazed exotic pasture. Four indigenous flora species have been identified on the Site, however these species are not classified as Threatened or At-Risk.[225]

452 Whilst the habitats comprise grazed pasture dominated by exotic species, the grazed pasture is identified as a 'significant' habitat for tussock skink, and the South Island pied oystercatcher, and provides potential habitat for the black billed gull and eastern falcon.

453 The development requires approximately 38ha of vegetation clearance. The majority is grazed pasture and exotic flora species with low ecological value. Clearance of a small extent of native non-threatened flora species is proposed.

454 The Site is modified from its natural state with all onsite vegetation having been planted. e3Scientific concluded the level of effect of vegetation clearance following the implementation of mitigation measures as very low to low.

Loss of Habitat

455 E3Scientific noted that the proposed clearance of vegetation on the Site will result in loss of foraging and nesting habitat for Threatened / At-Risk avifauna species

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[224] Southern Link Inland Port – Substantive Application, 17 April 2026, section 6.6 and Southern Link Inland Port Terrestrial Ecological EcIA, e3Scientific, April 2026.

[225] The species are: Kohukohu (Pittosporum tenuifolium); Lemonwood (Pittosporum eugenioides); Koromiko (Veronica salicifolia); and Muehlenbeckia australis.

(South Island pied oystercatcher, eastern falcon, little shag, black shag, black-billed gull, red-billed gull, morepork and silvereye) and the loss of approximately 5.64ha of habitat for tussock skink.

456 The loss of habitat and associated construction works/earthworks have the potential to disturb, displace, or incidentally injure or kill these avifauna, including nesting and unfledged birds, and the tussock skink, resulting in potential adverse effects on these species. Recommended conditions to address the effects of the habitat loss include:

(a) Avifauna surveys prior to removal of vegetation greater than one metre in height during the avifauna breeding season (August to March). If nesting birds are found, felling is not to commence until fledglings have left the nest;

(b) Avifauna surveys within five days prior to of any earthworks undertaken during the South Island Oystercatcher breeding season (August to February). If nesting birds are found, earthworks are not to commence until fledglings have left the nest, or earthworks are to occur outside a buffer around the nest approved by a suitably qualified and experienced professional; and

(c) Vegetation along the bank of Whakaehu / Silver Stream is to be retained (with the exception of pest or weedy species which will be removed).

457 The Applicant will need to obtain a Wildlife Act Authority for the salvage and relocation of tussock skink from the Site (as well as incidentally harming / killing these species – not intentional), and lizard salvage and relocation will be required prior to construction works commencing on the Site. E3Scientific note that the preparation and implementation of a Lizard Management Plan (**LMP**) for the Site will be required as part of obtaining the Wildlife Act Authority.

458 Overall, given the highly modified nature of the Site, minimal disturbance to the vegetation around Whakaehu / Silver Stream, prevalence of similar habitats in the surrounding area, and proposed implementation of the LMP, e3Scientific concluded the level of effect of habitat loss on Threatened or At-Risk avifauna as very low to low and on tussock skink as low.

459 The application also addresses the exacerbation of existing bird strike risk, given the proximity of the Site to the Taieri Aerodrome to the west. There is the potential to increase this risk due to the onsite plantings, the stormwater attenuation pond (which is intended to be dry except during wet weather conditions) and new buildings on site that might be attractive for nesting birds. e3Scientific recommended the preparation and implementation of a Bird Monitoring and Mitigation Programme for the Site to provide ongoing management of bird activities to minimise risk of bird strike. The Applicant has accepted that advice and included a condition to prepare and implement a Wildlife Hazard Management Plan, which will include bird monitoring and management. The Applicant intends to engage with the Taieri Aerodrome on the plan.

460 The Applicant has also addressed risks to fauna arising from noise and vibration disturbance. Effects on fauna are considered to be low and appropriately addressed through the CMP, noise mitigation on site and the LMP.

461 The effects of artificial lighting have also been addressed with conditions included to manage effects.

462 The Applicant has also proposed site management processes to address the risk of introduced and predator species.

463 Overall, the Applicant has assessed the effects of the SLIP on terrestrial ecology and biodiversity as being very low to low.

Comments Received

464 DCC provided comments on the effects on biodiversity and terrestrial ecology. DCC's biodiversity adviser, Ms Zoe Lunniss, noted the assessment of effects on the tussock skink are outside her technical expertise, but she has considered the appropriateness of the proposed conditions and made recommendations to tighten them.

465 Ms Lunniss advised that replanting of riparian margins with indigenous species would likely enhance biodiversity values and the natural character of riparian margins consistent with District Plan Policy 10.2.2.6(b).

466 Ms Lunniss considers the originally proposed condition for lizard salvage is inconsistent with Policy 10.2.1.Y which seeks that adverse effects are minimised as far as practicable. To achieve this she promotes the use of a LMP as part of the resource consent process, secured by conditions, in addition to its proposed use under the Wildlife Act approvals process. She recommends the condition include contingency action if the salvage and release of lizards is not successful.

467 Ms Lunniss agrees that the potential effects on avifauna are likely to be no more than minor, provided riparian vegetation is maintained in a condition to support avifauna foraging and movement. To secure effective management of the effects she seeks that improved conditions are adopted.

468 Ms Lunniss also recommended changes to the proposed Biosecurity and Predator Control Plans.

469 The Panel has taken into account the assessment of the impact of the SLIP on Ngāi Tahu Taoka species, as identified in the TIA.[226] In addition to freshwater species (considered below) the TIA identifies taoka plants of the Lower Taiari and records that traditional birdlife included wetland and riverine species.[227]

470 Te Rūnanga identified concerns regarding disruption to habitat and wildlife

[226] TIA, section 3.6
[227] Ibid, 3.6.3

corridors for remaining populations.

Applicant Response to Comments

471 The Applicant has responded to the review by Ms Lunniss by tightening the draft conditions and providing a draft LMP. In response to the matters raised in the TIA the Applicant referred to the assessment from e3Scientific, and the updated DCC conditions that include specific matters to address wildlife monitoring and management. Further engagement with Te Rūnanga o Ōtākou resulted in an updated package of conditions to address concerns regarding cultural values, including an ongoing role for Manawhenua in the development of monitoring strategies.

Panel Findings

Planning Context

472 The Panel has set out the relevant provisions of the NPS-IB in Part H.

473 District Plan Objective 10.2.1 seeks that biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna. The Site does not contain significant indigenous vegetation. However, due to the presence of the at risk / threatened indigenous species, the Site meets the criteria of being a 'significant habitat of indigenous fauna'. In that respect, Policy 10.2.1.1 and 10.2.1.X and Y are directive, requiring that land use and development only be allowed where biodiversity are maintained or enhanced. Here however, because the activity meets the definition of a Port (notwithstanding it is not in the Coastal Marine Area), the activities are only allowed if it has a functional need or operational need to locate in the area;

(a) Adverse effects on the values that contribute to the significance of the area are: Avoided or, if avoidance is not practicable, remedied or mitigated as necessary to maintain the significance of the area; and

(b) Where adverse effects on these values cannot practicably be avoided, remedied or mitigated, biodiversity offsetting is proposed in accordance with Policy 2.2.3.6; and

(c) For residual adverse effects that cannot practicably be avoided, remedied, mitigated or offset, environmental compensation is proposed in accordance with Policy 2.2.3.7; and

(d) Adverse effects on other biodiversity values of significant habitats of indigenous fauna are avoided or minimised as far as practicable, including through biodiversity offsetting that is proposed in accordance with Policy 2.2.3.6, or environmental compensation that is proposed in accordance with Policy 2.2.3.7.

Effects

474 There is agreement by the experts for DCC and the Applicant that adverse effects on biodiversity will be low if there is appropriate management of effects during site development and future operations and this is secured through effective conditions. This includes a LMP.

475 The Panel has reviewed the Applicants Reply Version of Conditions and draft LMP which include those recommended by DCC and Te Rūnanga o Ōtākou and agrees that they achieve the desired outcome.

Conditions

476 We adopt the Reply Version of DCC Conditions regarding terrestrial ecology with minor corrections to cross referencing and have included them in the Panel Draft Decision Conditions.

Freshwater Quality and Ecology Effects

477 The Panel has addressed the engineering methods to manage the risks of stormwater and sediment discharges generated from the SLIP under the headings Earthworks, On-Site Stormwater Management, Contamination and Off-Site Flooding below. In this section we address the outcomes for water quality and risks to freshwater ecology including taoka species and brown trout habitats. We also draw on our findings under Cultural Values.

<u>The Application</u>

478 e3Scientific[228] undertook an assessment of the effects of the SLIP on freshwater ecology and quality. The potential effects of the SLIP on freshwater values include:

(a) Potential discharge of sediment to Whakaehu / Silver Stream associated with construction activities, and once the Site is operational;

(b) Potential effects associated with the construction of two new discharge outlets with associated spillways into Whakaehu / Silver Stream;

(c) Potential for changes to the flow regime of Whakaehu / Silver Stream.

479 Whakaehu / Silver Stream is specifically identified in the Regional Water Plan as having specific natural and human use values that must be maintained (or enhanced, where degraded).

480 e3Scientific's desktop review of water quality upstream and downstream of the SLIP shows that overall, the waterway generally has clear water with low faecal and phosphorus levels but elevated nitrogen levels.[229]

[228] Southern Link Inland Port Freshwater Ecological Impact Assessment, April 2026
[229] Southern Link Inland Port Freshwater Ecological Impact Assessment, April 2026, 4.1.1

481 Water sampling undertaken by e3Scientific showed that most of the results are below or within the guideline[230] ranges, except for nitrate and conductivity.

482 e3Scientific conclude that the analytical results provide a useful baseline understanding of the water quality immediately upstream and downstream of the proposed stormwater discharge. These one-off samples suggest only nitrogen concentration is currently a water quality parameter of concern for this section of Whakaehu / Silver Stream with exceedances of the ORC nitrogen guidelines noted. Overall, the water quality at this location is good with good water clarity and low faecal bacteria contamination.

483 e3Scientific described the habitat of Whakaehu / Silver Stream, which is mostly willows and alder, with evidence of a modified stream bank with 'railway iron' rammed to aid bank erosion control. Bed substrate was generally a consistent loose assortment with a high proportion of sand present.[231]

484 Long-term ORC monitoring at the Taieri Depot site, downstream of the Site, shows that the stream is in a poor state, below the National Bottom Line of freshwater quality. The macroinvertebrate community is indicative of severe organic pollution or nutrient enrichment.

485 e3Scientific's own sampling of macroinvertebrates immediately upstream and downstream of the Site showed that the two sample sites have very similar macroinvertebrate communities. Both communities are indicative of mild organic pollution largely composed of taxa sensitive to pollution and a moderate loss of ecological integrity. All metrics were above the National Bottom Line (NPS-FM, 2025).

486 Recent surveys undertaken by e3Scientific have sampled macroinvertebrates immediately adjacent to the proposed Site at Stedman Road and downstream at the ORC sampling site - Taieri Depot Site (Gordon Road) in May 2024 and these also show that the macroinvertebrate community upstream at Stedman Road is indicative of healthier stream communities than downstream at the Taieri Depot. The higher ecological health indicated by macroinvertebrates in this survey when compared to the ORC data and previous survey data is likely to be due to the time of year (ORC monitors in the summer months, when algal growth and water temperatures are at their maximum) and the upstream location of the samples.

Fish Species

487 The e3Scientific assessment concludes that there are Brown trout, longfin eel, lamprey and redfin bully confirmed as present adjacent to the Site, at least periodically, with a further eight species likely to be transient at times to reach adult or spawning habitat. While Whakaehu / Silver Stream habitat downstream of Mosgiel is heavily developed and straightened with significant flood defences in place, the reach adjacent to the SLIP has slightly more room to meander and

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[230] Ibid Table 3: ANZG (2018), NPS-FM (2025), ANZECC, 2000 and Regional Water Plan Schedule 15 receiving water limits and targets for receiving water group 2 -Taieri

[231] Ibid 4.2

higher tree lined banks that provide greater shading and leaf litter input at times also. The stream section adjacent to the Site is considered to have average fish diversity, utilising the method of Richardson and Jowett (1996).

488 Of the 12 fish species potentially present only two of the At Risk - Declining, Threatened or sportsfish are considered to potentially spawn near the Site, namely giant kōkopu, and brown trout. Longfin and shortfin eel spawn at sea and īnanga spawn downstream in tidally influenced sections of Taieri River.

489 In terms of the ecological values for the Site e3Scientific apply the EIANZ guidelines (Roper-Lindsay, et al., 2018) assigning ecological value on the following assessment matters:

- *Representativeness*
- *Rarity and Distinctiveness*
- *Diversity and Pattern*
- *Ecological Context*

490 The overall ecological value of Whakaehu / Silver Stream in the reach adjacent or near to the Site is considered "High", largely because of the presence of two threatened and one At Risk fish species and a regionally significant sportfish.[232]

491 The EIANZ guidelines provide criteria for assigning the extent of the effects on the ecological values within the area that may be disturbed by the activity. The ecological values identified are vulnerable to the effects from discharges of stormwater, erosion and sedimentation from earthworks and disturbance of the bed.

492 e3Scientific conclude that the potential effects from the proposed activities are Low, or less than minor from stormwater management, earthworks, and works in the bed, provided the implementation of monitoring programmes[233] are undertaken.

Comments Received

493 Comments on freshwater ecology (and water quality effects) were received from ORC, Fish and Game Otago[234] and Te Rūnanga o Ōtākou. Mr and Mrs McLeod are concerned about the ecology of Whakaehu / Silver Stream. Mr and Mrs Inch and Mr and Mrs McLeod also raised concerns about flood risk on Whakaehu / Silver Stream which we address in more detail under the heading Off-Site Flooding.

494 Fish and Game Otago noted that the Taieri River fishery is identified in the Otago Sports Fish and Game Management Plan 2015 as regionally significant, the second most popular river fishery in Otago behind the Clutha River.

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[232] Ibid, Table 10

[233] e3Scientific provided further details of monitoring of stormwater discharges in a Memorandum dated 5 June 2026.

[234] S53 Comments Fish and Game Otago.

495 Whakaehu / Silver Stream is the main recruitment source for the Taieri fishery below Outram. This recruitment is critical as other spawning reaches that could support the lower Taieri fishery are limited, either in extent or by physical characteristics and/or degradation of those waters. In contrast, Whakaehu / Silver Stream provides highly accessible habitat and records some of the highest spawning numbers and redd densities in the Taieri Catchment.

496 Fish and Game Otago were concerned to ensure that Whakaehu / Silver Stream continues providing the critical function of providing substantial recruitment for the lower Taieri Fishery, and to do so the water body will need to retain largely sediment-free spawning gravels and suitable water quality. They also noted that the Regional Water Plan recognises several trout spawning related values for Whakaehu / Silver Stream as significant natural values via Schedule 1A.

497 Fish and Game Otago included a number of guidelines or requirements to address the potential risk to the fishery from the SLIP.

498 Te Rūnanga o Ōtākou provided an assessment of taoka freshwater species, identifying the significant habitats of tuna (eels) and kanakana (Lamprey). The TIA also identified mahika kai values for the catchment and other Mahika kai resources historically gathered in the assessment area include kōura (freshwater crayfish), and waterfowl such as pūtakitaki (paradise duck), pārera (grey duck).

499 ORC also provided detailed recommendations regarding freshwater conditions and monitoring through technical reports from Mr Raymond Chang and Emily Lion-Cachet.[235] Their advice was that, at the time of making comments the application did not provide sufficient evidence to support the conclusion that operational stormwater discharges will result in a low level of effect on the high-value freshwater environment of Whakaehu / Silver Stream. They were concerned about information gaps and the lack of substantiating data to support the Applicant's assessment of effects. They acknowledged the adaptive management approach may be appropriate but recommended that substantial refinement of the approach and conditions were required.

Applicant Response to Comments

500 The Applicant provided further comments in the form of statements of evidence from Bryony Miller[236] and Dr Richard Allibone[237] in relation to ecological and fishery effects, and Simon Bloomberg[238] and Dr Claire Conwell[239] in respect to freshwater and stormwater quality.

501 Ms Miller maintained that it was important to consider the effects in the context of the '*transient and intermittent*' duration of likely discharges and the proposed management of sediment and stormwater on Site. She supported an adaptive

[235] ORC s53 Comments Appendix 4 Technical Advice relating to freshwater
[236] Statement of Evidence Bryony Miller, 19 August 2026
[237] Statement of Evidence Dr Richard Allibone, 19 August 2026
[238] Statement of Evidence, Simon Bloomberg, 19 August 2026
[239] Statement of Evidence, Dr Claire Conwell, 19 August 2026

management approach and accepted the improvements to conditions suggested by Fish and Game Otago.

502 Dr Allibone responded to the matters raised in comments from ORC and Fish and Game Otago. He concluded that:

> *i. the loss or effects on spawning habitat is limited to effects on brown trout. These effects are addressed with proposed exclusions areas and exclusions periods to avoid effects on brown trout spawning;*
>
> *ii. I do not expect any effects on upstream or downstream fish migrations;*
>
> *iii. a monitoring plan for lamprey is proposed that will assess the presence of resident juvenile lampreys, the ammoncoetes. This will include habitat availability assessments and the occupancy over time of lamprey. Any management actions will be developed in conjunction with rünanga that participate in the lamprey monitoring;*
>
> *iv. the intermittent stormwater discharges from the SLIP site will not create detrimental conditions for trout growth and survival due to their short-duration; and Brown trout redds will be protected from instream works from the 15 May to 30 September.*

503 Mr Bloomberg did not provide an initial report for the Applicant, however, he addressed water quality matters related to stormwater including contributing to the drafting of the draft Stormwater Monitoring Plan (**SMP**) and draft Standard Operating Procedure (**SOP**). Mr Bloomberg concluded that the transient stormwater discharge must be assessed in the correct context, that of a short duration intermittent discharge of highly treated stormwater to a waterway most likely to be in flood conditions. His opinion was that the potential for adverse effects is so low as to be acceptable, especially with the use of an adaptive management framework which will allow for continuous and responsive management of the discharge.[240]

504 Mr Bloomberg responded to the ORC expert concerns about the adaptive management approach and noted that adaptive management allows flexibility to ensure the most up-to-date and fit for purpose treatment systems are utilised and that the effects of the discharge can be isolated from other inputs nearby. He referred to Dr Conwell's 'robust' assessment of the potential stormwater contaminants of concern and potential contaminant load.

505 Dr Conwell is satisfied that the proposed system is sufficiently robust to treat the site stormwater to the level required to maintain water quality and from that she concluded that aquatic ecology of the Whakaehu / Silver Stream where it is affected by the proposed discharge will be suitably protected.

506 Dr Conwell considered the SMP provides the appropriate mechanism for confirming actual stormwater discharge quality and the receiving environment response during operation. The residual uncertainties are appropriately managed through

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[240] Statement of Evidence Simon Bloomberg, 19 August 2026, at 5.1

detailed design, stormwater treatment, on-site operational controls, and adaptive management implemented through the SMP outlined in the proposed conditions of consent.

507 Further updates to conditions were included with the Applicant's s55 response.

Freshwater Hearing

508 The Panel conducted a Freshwater Hearing to address questions to the freshwater experts on freshwater quality, ecology, and the fishery as part of a broader inquiry into the engineering solutions proposed to address stormwater and flood management.

509 Prior to the hearing the Panel received correspondence from Te Rūnanga o Ōtākou and Fish and Game Otago confirming that they had reached agreement with the Applicant regarding conditions of the approval and no longer wished to be heard at the Freshwater Hearing.

510 In her summary statement for the Applicant Ms Miller noted that:[241]

> *Potential effects on instream habitat, spawning habitat, fish migration and broader ecological processes have each been addressed through specific, targeted measures. Instream habitat quality is protected through erosion and sediment control procedures following the Auckland Council GD05 guidelines for the construction phase of the project, together with the designed stormwater attenuation and treatment systems. Potential effects on spawning habitat and fish migration are addressed through outlet design, under which preliminary designs place the primary footprint outside the wetted bed and, where any works in the wetted bed are required, avoidance of trout spawning timing is proposed.*
>
> *Broader ecological attributes, including nutrient, contaminant and sediment inputs, water temperature and flow regime, are addressed through the stormwater treatment system, and are assessed as very unlikely to give rise to ecological impacts from these sources, with precautionary, trigger-based monitoring in place to confirm this assessment.*
>
> …
>
> *Overall, it is my opinion that the proposed approach to stormwater attenuation and treatment, construction management, monitoring and the setting of discharge limits will ensure the discharge maintains the ecological attributes of the Silver Stream / Whakaehu identified during the baseline assessments*

511 Significant progress had also been made in addressing the concerns raised by ORC with regard to the adaptive management regime. Prior to the Freshwater Hearing the Panel asked[242] the freshwater experts to consider 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 noted that

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241 Summary Statement, Freshwater Ecology, 10 September 2026

242 Minute 9 of the Expert Panel, Instructions for Joint Expert Conferencing and Hearings Southern Link Inland Port FTAA-2604-1207, 26 August 2026, at [29]

in para 2.12 of Ms Miller's statement dated 19 August 2026 where she states:

> ideally an effective precautionary approach would be to align discharge contaminant limits with ANZG (2018) 99th percentile ecological protection limits.

512 We observed that the existing water quality parameters in Whakaehu / Silver Stream may well improve over time and therefore may not be sufficient reason to dismiss the "ideal" framework. We asked the parties experts to 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.

513 Mr Bloomberg[243] did not consider it to be appropriate to adopt compliance limits at the end of pipe because it is not possible to assess potential effects in Whakaehu / Silver Stream based on an end of pipe concentration due to flow variation in the Whakaehu / Silver Stream diluting the discharge to an unknown amount. Dr Conwell[244] also noted it was extremely challenging generally in freshwater environments and more specifically impractical to establish a robust dilution factor for the Whakaehu / Silver Stream freshwater environment. She said that if adopted, an end-of-pipe threshold could be used to inform treatment-train performance, investigation and adaptive management, not as a stand-alone compliance mechanism.

514 Mr Chang and Ms Lion-Cachet[245] advised the Panel that most of the issues of concern from their original review had been resolved and the Applicants updated SMP, wider monitoring framework, trigger values and adaptive management provisions provide a 'generally appropriate' basis for monitoring and managing freshwater and ecological values.

515 Their outstanding matters were:

(a) Baseline monitoring should be completed prior to commencement of bulk earthworks.

(b) ORC should be notified following the first trigger exceedance of a water quality parameter, and not after a second confirmatory sample is taken.

(c) Ongoing emphasis should remain on source control, treatment train performance and adaptive management.

(d) Ongoing monitoring of the site's discharge should be committed to in principle, for the lifetime of the discharge, to provide certainty of ongoing treatment device performance and that changes in the Port's operating / catchment characteristics are able to be captured as they change over time.

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[243] Summary Statement, Simon Bloomberg, 10 September 2026
[244] Summary Statement, Dr Claire Conwell, 10 September 2026
[245] Summary Statement of Raymond Chang and Emily Lion-Cachet on behalf of ORC, 11 September 2026

516 The Applicant circulated a further updated set of conditions ahead of the Conditions Hearing, which largely addressed the concerns of ORC. A number of minor changes were recommended to the conditions to improve accuracy and clarity, certainty around management plan certification and certainty of outcomes around operational stormwater discharges, discharge routes and the stormwater monitoring program.[246]

517 In the Applicant's Reply legal submissions Counsel advised that the Applicant understood that the matters raised by ORC at the Freshwater and Conditions Hearing have been fully resolved in the Reply Version of Conditions.[247]

518 Mr Kyle and Ms Hankey explained in their accompanying explanatory statement that they have updated the proposed ORC consent conditions to reflect matters discussed at the hearing. The Applicant has now agreed to accept those additional proposed changes. For the most part, there is now a very high level of alignment between them and Ms Fenemor.

519 In summary, the primary updates included in the Reply Version of conditions include:

(a) Bringing the relevant detail on management plan certification in Condition 4 into the consent condition, as opposed to the advice note;

(b) Including additional requirements to address comments relating to infiltration to land in the detailed design plans for the on-site stormwater treatment features;

(c) Minor updates to the stormwater monitoring conditions for clarification and increased certainty; and

(d) Consequential amendments and minor corrections.

Panel Findings

Planning Context

520 Schedule 1A of the Regional Water Plan outlines the natural values present in Whakaehu / Silver Stream as a gravel bed waterway, weed free[248], having eel and trout in the mid-reaches, with significant trout spawning and juvenile habitat present. Riparian vegetation significant to aquatic habitats in the upper catchment with an associated rare invertebrates and rare fish upstream. In Schedule 1D a number of cultural and human use values are identified. Objectives 5.3.1 and 5.3.2 seek that identified values are maintained or enhanced.

521 In terms of water quality, the Regional Water Plan Objective 7.A.1 and associated policies seek: The maintenance of water quality in Otago lakes, rivers, wetlands,

[246] ORC Response to Minute 14, Angela Fenemor, 21 September 2026
[247] Legal Submissions in Reply, 9 October 2026, at 2.2
[248] As at 2005 when the Plan became operative. e3Scientific accepts it likely now includes weeds.

and groundwater, but the enhancement of water quality where it is degraded; The enablement of the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values; Individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

522 We have addressed the outcomes of the NPS-FM in Part H.

Effects

523 The Panel finds that the treatment train, the attenuation of flows and the monitoring and response regime, means discharges (after reasonable mixing) are unlikely to give rise to all or any of the following effects:

(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

(b) any conspicuous change in the colour or visual clarity;

(c) any emission of objectionable odour;

(d) the rendering of fresh water unsuitable for consumption by farm animals;

(e) any significant adverse effects on aquatic life.

Conditions

524 The Panel has adopted the Applicant's Reply Version of ORC General Conditions and Resource Consent B as the base for the Panel Draft Decision Conditions, subject to the corrections and amendments described in Part K.

525 The amendments that bear on this section are: Condition B.14 (the list of prohibited effects now provides that 'all or any' of the listed effects is a breach)[249]; and Condition B.35(1) (the annual Whakaehu (Silver Stream) Monitoring Report is required during construction as well as operation). This was subsequently amended in response to the Applicant's s70 Comments to require the report from the commencement of operation and during construction of Stages 2 and 3 (see Part K).

526 With those changes, the Panel is satisfied that the effects of the SLIP on freshwater quality, ecology and cultural values can be appropriately managed.

Works in the bed of Whakaehu / Silver Stream

The Application

527 Section 2.21 of the Application addresses works in the bed of Whakaehu / Silver Stream to construct the western and eastern stormwater spillways. This will

[249] Consistent with RMA, s107

require works within the northern bank of Whakaehu / Silver Stream. The Applicant states that construction of the eastern swale may also require works within the bed of Whakaehu / Silver Stream (as shown on the Master Plans accompanying the application and to be confirmed during detailed design). The size of both spillways has been designed to minimise soil and vegetation disturbance within the extent of Whakaehu / Silver Stream as far as practicable while ensuring the safe conveyance and discharge of stormwater from the eastern and western swales.

528 Sediment and erosion controls will be utilised at all times for the works to minimise mobilisation of sediment, risk of erosion, and any potential effects on fish or aquatic ecology. Both spillways will be lined with scour protection to reduce flow velocities and manage the ongoing risk of erosion and scour effects on Whakaehu / Silver Stream. Any works within the bed of Whakaehu / Silver Stream will be undertaken in accordance with detailed design plans submitted to ORC in accordance with Resource Consent C. Resource Consent C also authorises alteration of the bed for any slope stabilisation works needed on the northern bank of Whakaehu / Silver Stream with the Site. Any diversion of water to create a dry area for works will ensure water is kept within the existing extent of Whakaehu / Silver Stream, fish passage is maintained, and no water take or damming is required.

Comments Received

529 Concerns were raised by Fish and Game and in the TIA regarding the impacts of earthworks on fish spawning.

530 The Panel also requested further information from ORC regarding its resource consents for flood mitigation works in the catchment. This was provided to the Panel as part of the ORC s53 Comments.

Panel Findings

Planning Context

531 The Regional Water Plan Objectives 8.3.1, 8.3.2, 8.3.3 and 8.5, and their associated Policies address the stability of existing structures in, on or under the bed of a river, the stability of the banks and flood and sediment carrying capacity, the integrity of existing defences against water. They also address water clarity and fish passage.

Effects

532 The Panel has considered the freshwater and ecology effects on Whakaehu / Silver Stream under the Heading Freshwater Quality and Ecology Effects. Agreement was reached with Fish and Game and Te Rūnanga o Ōtākou on the timing of works to avoid adverse effects on fish spawning. The Panel finds that any effects can be appropriately managed, including in the bed and any slope stabilisation works via the agreed conditions (Reply Version) in a manner that minimises adverse effects on the environment.

Conditions

533 The Panel has included the Reply Version Conditions related to works in the bed of Whakaehu / Silver Stream (Resource Consent C) in the Panel Draft Decision Conditions, with Condition C.14 amended so that fish passage must also be maintained during slope stabilisation works.

Aviation Effects

The Application

534 To the west of the SLIP is the Taieri Aerodrome which operates various private and commercial flights and helicopter operations. The Application Report describes the activities and regulatory requirements that apply to the Aerodrome.[250]

535 The Aerodrome is a non-certificated aviation facility, operated by the Otago Aero Club with small fixed-wing aircraft and helicopter flights occurring. The aerodrome has numerous hangars and a resident maintenance and repair organisation. The aerodrome is available for general use for private operations (with the prior approval of the Operator) and commercial operations. There is no form of air traffic control and fixed wing operations are conducted under visual flight rules only (i.e. the pilot must position the aircraft for landing by visual reference to the aerodrome and its surroundings). There are no night fixed wing aircraft operations as the runways do not have lighting.

536 Helicopters Otago operates commercial and medical helicopters from its base on the aerodrome's south boundary. The medical helicopters can operate at night and under instrument conditions due to usage of global positioning satellites. They approach from the southwest, aligned with Runway 05.

537 Height limitations apply to development of the Site to protect approach and take-off procedures for the Aerodrome, set out by the 1:20 OLS under the District Plan. These OLS, originating at the eastern end of Runway 05-23, align with the Taieri Aerodrome Approach and Take-off Fan Contours and increase in height across the Site (ranging from approximately 18.5m minimum at the western boundary of the Site up to 48.8m at the eastern boundary). The Taieri Aerodrome has two designated grass runways; runway 05-23 is the primary runway and is aligned directly towards the Site with the predominant take-off direction being towards the south-west. Aircraft take off and approach above the Site when runway 05-23 is in use.

538 Given the proximity of the SLIP to the Aerodrome an Aviation Impact Report was commissioned.[251] The Otago Aero Club were consulted in the preparation of the Aviation Report in its role as Aerodrome Operator and the primary fixed wing aircraft user. Helicopters Otago, the primary helicopter operator, was also

[250] Southern Link Inland Port – Substantive Application, 17 April 2026, 3.5.1.3
[251] Aviation Impact Report, Astral Limited, 10 April 2026

consulted.[252]

539 The report identifies the following potential operational and safety risks:

(a) Risk of injuries to pilots and passengers as well as persons on the ground beneath takeoff flight paths over the Site in the event of an engine failure on take-off on runway 05;

(b) Bird strike risk from the stormwater attenuation pond and birds roosting on roofs;

(c) Potential intrusion into the District Plan's 1:20 OLS located over the Site including by permanent structures and temporary construction cranes;

(d) Glare from Site lighting; and

(e) Impact on helicopter Instrument Flight Rule operations.

540 The Applicant acknowledged the potential but unlikely risk of aircraft experiencing engine failure coming down on the Site. Therefore, although not required by the District or Regional Plan the site layout includes an Open Space Area along the southern site boundary, in which emergency landings could occur should they ever be required. This Open Space Area ranges from approximately 43.75m to 75m wide, and could comprise internal road, parking and loading areas for the SLIP. The area would be kept free of buildings.

541 The Applicant also addressed the possible risk of bird-strike from new planted areas and stormwater attenuation ponds and new buildings potentially providing nesting areas. The stormwater attenuation ponds are intended to be kept dry, and drain within 48 hours of a storm event.

542 The Applicant proposes a condition of consent to prepare and implement a Wildlife Hazard Management Plan as part of the CMP to include a bird monitoring and management program. The Wildlife Hazard Management Plan is also to be provided to the Aerodrome for their review before submitting it to the DCC.

543 The Applicant has also addressed the height of buildings and structures and its construction methodology (including temporary cranes) to comply with the 1:20 OLS over the Site in the District Plan.

544 Civil Aviation Rules also apply to the Site under the Civil Aviation Act 2023. They include a shallower 1:40 OLS, which acts as a separate Civil Aviation Authority (**CAA**) notification trigger under Civil Aviation Rule 77, from the east end of Runway 05-23. The Applicant states that it will, as required by Rule 77, notify the CAA of the development at least 90 days prior to the commencement of construction. The Applicant will include construction methodologies to address aerodrome safety as part of the CMP and will engage with the operator of the

[252] Ibid, Page 4 and section 5

Taieri Aerodrome on those matters.

545 The Applicant has addressed risk from glare from onsite lighting on flight operations, including night-time helicopters and has included specific measures in the conditions of consent:

(a) Construction works will generally be undertaken during standard daytime working hours and night-time construction is not proposed, avoiding the need for regular construction lighting;

(b) In limited circumstances, such as early morning starts required for specific activities (e.g. large concrete pours), temporary construction lighting may be used to maintain safe working conditions. The CMP will include management measures for use of temporary construction lighting;

(c) Prior to submission of the CMP and detailed lighting drawings to DCC, they will be provided to the operator of Taieri Aerodrome, for their review and feedback;

(d) Notification of affected neighbours regarding construction activities, if there is a specific need to undertake works at night;

(e) All exterior lighting to be flat glass with zero upward component and installed without tilt;

(f) No feature uplighting; and

(g) Utilise shielding to ensure spill light is controlled.

546 The conditions include an ongoing obligation to engage with the operator of the Taieri Aerodrome regarding the preparation of management and monitoring plans.

Comments Received

547 No comments were received on the topic of aviation effects.

Panel Findings

Planning Context

548 Height limitations apply to development of the Site to protect approach and take-off procedures for the Aerodrome, set out by the 1:20 OLS under the District Plan. These OLS, originating at the eastern end of Runway 05-23, align with the Taieri Aerodrome Approach and Take-off Fan Contours and increase in height across the Site (ranging from approximately 18.5m minimum at the western boundary of the Site up to 48.8m at the eastern boundary). The Taieri Aerodrome has two designated grass runways; runway 05-23 is the primary runway and is aligned directly towards the Site with the predominant take-off direction being towards the south-west. Aircraft take off and approach above the Site when runway 05-23 is in use.

Effects

549 The Panel has reviewed the conditions proposed in response to the Aviation Report. We note the engagement with the operators and users of the Taieri Aerodrome and the absence of comments under s53. We are satisfied that the effects are to be appropriately managed by the Reply Version of DCC Conditions, ongoing engagement with the Aerodrome operator and CAA, and the inclusion of the Open Space Area on the southern boundary.

Conditions

550 We have included the agreed conditions in the Panel Draft Decision.

Lighting Effects

The Application

551 The Application included a Lighting Assessment[253] that considered the existing lighting environment of the Site and the proposed lighting conditions for the SLIP.

552 District Plan Rule 16.5.5.1 limits rural night-time light spill, measured 1.5m above ground level at the boundary of a site, to 1 lux between 10pm and 7am. To maintain the operational security and safety of the SLIP, a minimum light level of 3 lux will be maintained along the northern, eastern and western site boundaries, and along the nominal southern boundary of the southern acoustic wall. This illuminance will exceed the District Plan night-time standard of 1 lux during the hours of 10pm–7am.

553 Pedersen Read explain what 3 lux means in lay terms as follows:[254]

> *Lux is a measure of how much light falls onto a surface (illuminance),*
>
> *For context, some typical lighting levels are:*
>
> *• Bright sunshine: ~100,000 lux.*
>
> *• Typical office lighting: 300–750 lux.*
>
> *• Inside a house at night: 50–100 lux.*
>
> *• Under a suburban streetlight: 5–30 lux.*
>
> *• Full moonlight: approximately 0.5–1 lux.*
>
> *A spill light of 3 lux at the site boundary is:*
>
> *• About three times brighter than full moonlight.*
>
> *• Comparable to the lower end of illumination under a suburban streetlight.*
>
> *• Similar to the light level you would experience standing at the edge of a lit carpark or industrial yard, rather than directly beneath a light pole.*

[253] Pedersen Read Assessment of Environmental Effects – Lighting, 15 April 2026
[254] Ibid, 5.1.3.2.1

3 lux is not a brightly lit environment. It allows for safe orientation and movement, but does not enable detailed tasks.

554 The assessment considered that the surrounding area to be atypical for the rural area due to the proximity of the adjacent Industrial Zone which contains brighter and continuous night-time lighting associated with industrial activities. The existing environment includes low level light sources of rural and industrial lighting from street lighting and the intersection of Dukes Road North and Stedman Road, lighting associated with the Fonterra rail siding and signal lighting at rail crossings. There is minimal lighting associated with residential and farm buildings on the Site and on adjacent rural land to the north and east of the Site. There is floodlighting associated with the Fonterra distribution centre west of the Site and minimal lighting associated with the Aerodrome (which does not operate at night except for Otago helicopters).

555 The Applicant proposes that there will be minimal lighting during the construction period which will not generally occur at night, with the exception of long concrete pours and early morning hours or poor visibility to ensure safe working conditions. There will be some lighting during construction associated with vehicles, site offices and security.

556 Permanent lighting will be subject to a detailed lighting plan and will include yard and security flood lighting to meet WorkSafe Guidelines[255] and industry standards for container yards.[256]

557 All lighting installed within the designated flight fan area will comply with relevant CAA requirements and will need to meet the requirements of KiwiRail. Lighting will be designed to achieve the requirements of the District Plan and the principles of AS/NZS 4282:2023 - Control of the Obtrusive Effects of Outdoor Lighting.

558 Other light sources include the parking and loading areas, and are expected to comply with the requirements of the District Plan.

559 There are a significant number of illuminated signs required for health and safety which will not meet the Taieri Plains Rural Zone rules, however specific mitigation is proposed to minimise effects to the extent practicable.

560 The Pedersen Read Report also addresses the effects of lighting on terrestrial and freshwater ecology. Lighting is intended to be designed in accordance with Australian National Light Pollution Guidelines for Wildlife.[257]

561 Overall, Pedersen Read concluded that the lighting infrastructure can be designed to avoid or appropriately manage potential effects on aviation safety, rail corridor users, and neighbouring residential properties.

562 The operational lighting design is currently at concept stage, and detailed design

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[255] NZ Standard AS/NZS 1158.1.2,
[256] Port Equipment Manufacturing Association
[257] Ibid, 5.1.5.2

and photometric modelling will be undertaken to confirm illuminance levels, boundary spill light levels and any refinements to luminaire selection, aiming, shielding and controls.

563 Based on the assessments and the comprehensive suite of mitigation measures outlined by Pedersen Read in their report, the residual lighting effects associated with the Project are assessed as no more than minor.

564 The mitigation measures include:

(a) defaulting to a warm-colour-temperature (≤3000K) LED luminaires for exterior lighting, with ≤4000K lighting where required for operational and safety requirements;

(b) full cut-off, flat-lens optics with zero upward light;

(c) luminaire shielding as required and precise aiming;

(d) restrictions on pole heights to avoid infringing Taieri Aerodrome Flight Fan height controls;

(e) providing light only to the minimum levels required for safe operation;

(f) motion detection and glazing controls for interior lighting;

(g) restrictions on illuminated signage; and

(h) To ensure adverse effects from lighting are managed, a condition of consent is proposed requiring provision of detailed lighting design plans and drawings for the SLIP to DCC for certification prior to the commencement of any operational activities at the Site. The documentation will include details of the design of the lighting and management measures to manage the effects of the lighting.

565 Pedersen Read is of the opinion that that artificial lighting when designed and implemented in accordance with the mitigation measures is able to both meet the operational and safety requirements of the project, while avoiding unacceptable adverse effects on the surrounding environment. Any remaining effects can be appropriately managed through standard resource consent conditions.

Comments Received

566 Mr and Mrs Inch and Mr and Mrs Stewart raised specific concerns about the impacts of lighting on their rural, and rural residential amenity. They are especially concerned about uncertainty as to whether the site surface will be concrete or asphalt and the effect this may have on reflected light, that night-time operations may require more lighting than the street lighting they understood was proposed, and that the SLIP lighting will add to existing light pollution from the Fonterra site.

567 WRL is also concerned about the impact of lighting on the foaling unit. Mr and Mrs McLeod are concerned more generally about night-time amenity.

568 The MTCB also raised concerns about light spill and overnight effects on nearby homes and on WRL livestock and breeding operations. It identifies downward-facing lighting as a potential mitigation measure.

569 DCC provided comments as against an assessment of the requirements of the District Plan Rules 4.9.2.1, 9.7.4.6 and 16.11.3.4 (Discretionary) as they relate to light spill associated with both the construction period, and operation of the proposed SLIP. DCC note that in the District Plan lighting standards include street lighting, and the application has no assessment of new streetlighting proposed on Dukes Road North.[258]

570 DCC provided an assessment from Mr Kieren Lash, an electrical engineer who considered that overall, the Pedersen Read lighting report provides a comprehensive and well-structured assessment of site and signage lighting associated with the proposed SLIP. He also considers that with proposed mitigation in place and with design refinement during lighting design stages, the report's conclusion of no more than minor adverse effects from light spill from the Site is reasonable. Mr Lash did recommend that light spill on the southern boundary adjacent to Whakaehu / Silver Stream should be kept at 1 lux, and also for Dukes Road North given it is not currently illuminated.[259]

571 DCC considers that the proposed increase in the lighting levels to 3 Lux from the site on Dukes Road North is still likely to result in an acceptable level of light spill from the site at the nearest residential dwelling at 273 Dukes Road North. However, DCC noted the Applicant had not assessed street lighting therefore additional mitigation measures may be required if 3 lux is likely exceeded.

572 DCC had also noted that the proposed conditions (at the time of comments) did not include a requirement for the final lighting design to be certified by the DCC, only that the design be provided. DCC considered that there are, however, measurable performance standards for lighting that must be met and this will ensure acceptable light spill emissions. This is considered acceptable, but to provide certainty that the activity will comply with the specified limits DCC say the Panel may want to consider including a condition requiring a lighting commissioning test to be undertaken prior to the commencement of operations at each development stage. This will enable the Applicant to confirm compliance with the light spill limits in the conditions or take immediate action to address any likely non-compliance.

Applicant Response to Comments

573 In response to comments the Applicant provided a statement of evidence from

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[258] As recommended by DCC traffic engineers: new street lighting on Dukes Road North is subject to the 1 lux night-time limit at the boundary of any site.

[259] S53 Comments DCC, Appendix 6

Kate MacDonald, the author of the Lighting Assessment of Effects Report. [260]

574 In terms of DCC's issue regarding street lighting on Dukes Road North, Ms MacDonald noted DCC transportation advisors recommended the addition of street lighting for safety reasons. Ms MacDonald noted that the Applicant's proposal for 3 lux for operational lighting applies at the SLIP boundary, however District Plan Rule 16.5.5.3 specifies light spill at the boundary of a site used for residential activity between 7am and 10pm, therefore when considering the street lighting on Dukes Road North the relevant boundary is not the SLIP boundary but the neighbouring site boundary.

575 Ms MacDonald noted the specific design features of street lighting is to direct lighting to the road reserve and modern LED road lighting can be closely controlled in this way and backlight shields can be used to further restrict light being emitted to adjacent residential properties. She cautioned that illuminance directly below street lighting should not be equated with light spill at a residential boundary. These matters can be addressed at the detailed design stage.

576 Ms MacDonald looked at the DCC recommended condition requiring the Dukes Road North street lighting to achieve a spill-light level not exceeding 3 lux at the boundary of any rural-zoned site used for residential activity. She considered that requirement to be achievable through detailed design and also recommended that the condition require luminaires with a correlated colour temperature not exceeding 3000K and require unnecessary light spill and upward light to be minimised through appropriate luminaire selection, orientation and shielding, while achieving applicable road-safety lighting requirements.[261]

577 In response to Mr and Mrs Inch's concern about the influence of the final surface materials at the SLIP, Ms MacDonald is comfortable that once finalised the reflectivity of the materials can be modelled for the lighting design to achieve the requirements of the consent. Similarly, any required night-time lighting at the SLIP will be designed to limit the amount of light spill on neighbours. In response to the concerns about cumulative effects with the Fonterra light spill, Ms MacDonald considered that the proposed on-site lighting at the SLIP would be designed to minimise the additional light sources.[262]

578 The Applicant also included Condition 71B which provides for an offer of black out blinds to the occupants of 54 Rutherford Road and 273 Dukes Road North.

579 In response to concerns from MTCB, Ms MacDonald confirmed the design intention is to minimise light spill on residents. In terms of the impact on the WRL foaling unit Ms MacDonald is not an animal welfare or behavioural expert but considered that lighting design adopts best practice and is consistent with the Australian Government's National Light Pollution Guidelines for Wildlife. If there are specific requirements for the WRL operation, then these could be addressed as part of the

[260] Statement of Evidence Kate MacDonald, 19 August 2026.
[261] Ibid, section 2.
[262] Ibid, section 3.

detailed lighting design.[263]

580 Counsel for the Applicant responded to the late comments from Mr and Mrs Stewart and reiterated the evidence of Ms MacDonald and the Applicant's approach to mitigation of light spill.[264]

581 The Panel has considered the effects of lighting on WRL in more detail above under the heading of Effects on White Robe Lodge Thoroughbred Horses.

Panel Findings

Planning Context

582 District Plan Objective 9.2.2 seeks that development and land use maintain or enhance people's health and safety. District Plan Policy 9.2.2.4 requires activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant. Rural Policy 16.2.3.9 requires activities to be designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, will be no more than minor.

Effects

583 There is no evidence to suggest that the lighting proposed by the Applicant will have an adverse effect on the health of people, although immediate neighbours are concerned about sleep disturbance. The primary concern of neighbours and MTCB is the effect on rural character, and amenity. The Panel has considered carefully the outcomes sought in the District Plan Rural Zone with regard to ensuring adverse effects on amenity and the night sky will be no more than minor. We have considered the concerns of commenters and the expert opinions of Mr Lash for DCC and Ms MacDonald for the Applicant. The evidence of the Applicant, and Mr and Mrs Inch is that the existing night-time environment is influenced by the existing Industrial Zone, and that may lead to cumulative effects. To the north and east of the site the existing environment contains limited night-time lighting consistent with the rural environment. We accept that evidence.

584 The effects of lighting on rural character and amenity are likely more than minor and will be a noticeable change to the existing rural character. The Panel accepts that the lighting design appropriately addresses on site safety requirements and is intended to limit the amount of light spill as far as is practicable. Approval to exceed the on-site light spill limit, at up to 3 lux is considered reasonable by DCC and the Applicant. Because we find the effects on rural character and amenity likely to be more than minor, the outcome sought by Policy 16.2.3.9 (that adverse effects from light spill on rural character and amenity, and the ability of people to

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263 Ibid, section 4.

264 Memorandum of Counsel for the Applicant responding to the comments from W and K Stewart, 9 September 2026.

view the night sky, are no more than minor) will not be fully achieved.

585 The Panel notes that the Applicant also has offered to provide black out blinds to the dwellings at 54 Rutherford Road and 273 Dukes Road North. We consider that to be an important further mitigation measure if the occupants wish to take up that opportunity. This will ensure effects on night-time amenity within dwellings are no more than minor and minimise sleep disturbance. The views of the night sky are likely to be influenced by the proposed lighting design and are unavoidable given the operational needs of the SLIP; however, as we later consider that those effects are not so significant that they outweigh the regional benefits of the SLIP and achieve the purpose of the FTAA.

586 We have considered the DCC suggestion of holding the limit at 1 lux on the southern boundary, however there are no specific concerns for freshwater ecology, and the effects on 54 Rutherford Road are appropriately mitigated through landscape screening and black out blinds (included in Panel Draft Decision Condition 71B).

Conditions

587 The Reply Version of DCC conditions for lighting will ensure appropriate lighting design to minimise adverse effects to the extent practicable (having regard to the operational and traffic safety of the Site). The Panel has amended the Applicant's 'Amenity Mitigation' Condition 71B (now referred to by the Panel as Neighbour Mitigation, and clarified that black out blinds are available to address light spill effects at both 273 Dukes Road North and 54 Rutherford Road Accordingly we are satisfied that consent can be granted for light spill of up to 3 lux, at all site boundaries between 10:00pm and 7:00am, in place of the 1 lux limit in Rule 16.5.5.1.

General Construction and Site Remediation Effects

<u>The Application</u>

588 The construction period for the SLIP is approximately 36 months for Stage 1, 24 months for Stage 2, and 60 months for Stage 3. A sequential staging approach has been adopted to provide the necessary certainty from an investment and demand management perspective.

589 Construction works will typically occur during standard daytime working hours, from 7.30am to 6.00pm Monday to Saturday, with no works to occur on Sundays or public holidays. General construction effects associated with the establishment of the SLIP include construction traffic, noise and vibration, lighting, earthworks, discharge of dust and sediment / sediment laden stormwater, management and remediation of contaminated soils, and temporary construction fencing.

590 Proposed conditions of consent require the preparation and implementation of a CMP to manage the potential construction effects associated with the SLIP. The conditions of consent require that the CMP is certified by DCC to ensure it is fit-for-purpose. The CMP will establish appropriate protocols for the management of all

construction activities associated with the SLIP. This includes construction traffic management, erosion and sediment controls, earthworks management, contaminated soils management, construction noise, stormwater during construction, construction lighting, water supply, dust control, spill prevention, complaints, and recording and monitoring procedures.

591 It is anticipated that construction activities will comply with the requirements of the District Plan for noise and vibration.

592 The CMP will include measures to ensure any limited occurrences of unanticipated night-time construction activities are undertaken in accordance with best practice, including ensuring compliance with the night-time construction noise and vibration limits of the District Plan.

593 Construction lighting is addressed under the heading of Lighting Effects.

594 Earthworks are addressed under the heading Earthworks Effects.

595 Site remediation of contamination is addressed under the heading of Site Contamination.

596 The works in the bed of Whakaehu / Silver Stream are addressed under the heading Works in the Bed of Whakaehu / Silver Stream above.

597 Dust is identified as a potential adverse effect during construction. There is potential for dust to be generated during bulk earthworks activities due to the nature and scale of the activities proposed. Standard dust suppression and management practices will be implemented including the staging of earthworks, hydroseeding of any bunds or stockpiles, and water application / spraying (as necessary).

598 Management measures for the proposed earthworks will be provided in the CMP, to be prepared and implemented as a condition of consent, which will include detailed content and performance indicators of methods to control dust during earthworks. With the implementation of these practices via the CMP, it is considered any dust effects generated by the bulk earthworks will be appropriately avoided or mitigated.

599 Temporary construction fencing will be erected around the construction works as construction progresses and will comprise standard New Zealand metal framed construction fencing. The fencing will provide a barrier to prevent people from entering the construction site, maintaining health and safety, and will include fencing scrim providing a visual barrier to the construction works taking place (reducing any risk of distractions to drivers of vehicles passing the Site). This construction fencing will be in place until such time that the permanent fencing of the SLIP is erected. Given the temporary nature, standard size and protective functions of the fencing, it is considered any adverse effects associated with the erection of the fencing will be less than minor.

600 Overall, the Applicant considers that the construction of the SLIP will limit any

adverse effects to those anticipated by the District Plan and Regional Plans, and effects will be less than minor. In addition, management and mitigation measures will be implemented via the CMP.

Comments Received

601 The Stewarts and WRL raised particular concerns regarding dust effects. Mr and Mrs Inch are concerned about weekend construction noise and the effects of dust, particularly because they open their garden to the public at the weekend.

602 DCC and ORC provided comments in relation to earthworks and contaminated land. These matters are addressed under the headings Earthworks and Site Contamination below.

Applicant Response to Comments

603 In response to the concerns of WRL regarding dust it was accepted by Mr Grierson that foals are sensitive to dust. The Applicant considers it is adopting best practice regarding managing construction effects.

604 In terms of the concerns of the Inch's about weekend construction activity the Applicant did not respond directly to the weekend hours, however in response to noise matters generally the Applicant has indicated that will comply with construction noise limits and where construction activity occurs outside of hours, the CMP addresses responsibilities to advise neighbours in advance. Mr Shanks also responded to the Inch's concerns noting the existing noise environment in the adjacent Industrial Zone.

Panel Findings

Planning Context

605 In addition to the approvals sought, the Applicant has also provided an assessment of the relevant provisions in the Regional Air Plan concluding that no approvals are required under it..

606 Construction activities are enabled under District Plan Objective 4.2.1, while minimising, as far as practicable, any adverse effects on the amenity and character of the zone and ensuring any adverse effects on people's health and safety are minimised as far as practicable. Generally, Construction is permitted in the District Plan, Chapter 4 subject to meeting performance standards for noise, limits on plant tools and materials stored off site (not applicable here) and stands regarding height, boundary limits, hazard exclusion areas, vegetation clearance and earthworks standards.

607 We address the relevant Freshwater Quality policy context under that section above.

Effects

608 We are satisfied that the actual and potential effects arising from construction of

the SLIP have been accounted for and are appropriately managed through engineering design, proposed DCC and ORC conditions along with the implementation of the CMP.

609 We are also satisfied that the dust management measures outlined in the CMP, together with DCC Condition 22, will avoid adverse dust effects beyond the SLIP boundary.

610 The temporary effects, including noise (albeit, given the scale of the development over more than 12 months are unavoidable) from construction are anticipated in the District Plan.

Conditions

611 We have amended the Reply Version DCC Condition 29 in the Panel Draft Decision Conditions to include reference to advice to the foaling unit manager at WRL of works outside standard hours.

Signage

The Application

612 The Application Report states that the SLIP will need signs to give directions, support safety and identify key locations within the Site. Their number and locations have not yet been decided. They will vary in size, shape and colour, and most are likely to be illuminated. No advertising or promotional illuminated signs are proposed. The Applicant intends to design and build the illuminated signs to reduce their visibility from nearby sites as far as practicable, while keeping the minimum illumination needed for safety and navigation.[265]

613 In the Taieri Plains Rural Zone, a site is allowed one sign attached to a building and one freestanding sign. Signs visible from a public place must meet the size, height and design standards. They must not be illuminated or digital, and they must comply with Rule 6.7.3 where visible from a road. Regulatory, directional and warning signs of no more than 0.25m² are exempt from those standards.[266] The Applicant accepts that the SLIP's signs will exceed these limits, so consent is sought as a restricted discretionary activity under Rule 16.6.7.1(f).[267] The Pedersen Read lighting assessment considered the illuminated signs. The public places from which they may be seen are Dukes Road North, Stedman Road and the Whakaehu / Silver Stream reserve. Illuminated signs would be limited to entrance signage and signs for operational, safety and wayfinding purposes, including status indicators and directional signs.[268] Pedersen Read recommended the following measures:[269]

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265 Southern Link Inland Port – Substantive Application, 17 April 2026, section 2.24 (pp.66–67).
266 District Plan Rule 16.6.7.1(a)–(e), 16.6.7.2 and 16.6.7.3.
267 Southern Link Inland Port – Substantive Application, 17 April 2026, section 4.3.1 and footnote 57; Part G.01 Updated Rules Assessment, pp.31–33.
268 Pedersen Read Assessment of Environmental Effects – Lighting, 15 April 2026, section 5.1.3.3.
269 Ibid, Table 4, items 24–27; Application Report, section 6.16.2 (pp.207–208).

(a) signs lit from above using flat glass fittings with no upward light and no tilt;

(b) no internally illuminated or digital signs;

(c) compliance with Rule 6.7.3.3 for signs visible from roads;

(d) no transitioning or coloured signage lighting, other than safety, warning and traffic signals;

(e) warm colour temperatures of 3000K or less, with lighting kept to the minimum needed for operational purposes; and

(f) signage lighting not oriented toward the aerodrome approach paths or the adjacent rail corridor.

614 With those measures, the Applicant assesses the residual effects of the illuminated signs as less than minor.[270]

615 The ITA notes that the new intersection will need regulatory signs, which will require DCC approval through its engineering approval process. Any directional signs to the SLIP from SH87 will need NZTA approval and are outside the scope of this application.[271]

616 The Reply Version contains three signage conditions:[272]

(a) Condition 84: illuminated signs lit from above, with no upward light and no tilt;

(b) Condition 85: colour temperature below 3000K; and

(c) Condition 86: no flashing or rapid transitions for operational and wayfinding signs, with any change in luminance to be slow.

617 Road signs and road markings, within the Site and on the surrounding network, are part of the detailed design plans required by Condition 72(3)(f). Signage details for the rail siding are part of the design plans in Condition 81, which require KiwiRail's acceptance.

Comments Received

618 DCC's transport advisors agreed that the effects of the signage can be managed by the conditions the Applicant proposes.[273] Mr Lash, for DCC, considered the Pedersen Read report a comprehensive and well-structured assessment of the site and signage lighting.[274] DCC's planning assessment identifies Policy 16.2.3.7 as

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[270] Southern Link Inland Port – Substantive Application, 17 April 2026, section 6.16.2 (p.208).
[271] Stantec Integrated Transport Assessment, April 2026, section 9.3.
[272] SLPL Final Proposed Conditions – DCC, 9 October 2026, conditions 72(3)(f), 81 and 84–86.
[273] S53 Comments DCC, [57] and Appendix 2
[274] Ibid, [230] and [233]

one of the provisions relevant to rural character and amenity.[275] No other commenter raised signage.

Panel Findings

Planning Context

619 Under District Plan Rule 16.6.7.1(f), the relevant matters of discretion are:

(a) the effects on rural character and visual amenity (Objective 16.2.3 and Policy 16.2.3.7);[276] and

(b) the effects on the safety and efficiency of the transport network (Policy 6.2.3.1).[277]

620 Policy 16.2.3.7 requires ancillary signs to be located and designed to maintain rural character and visual amenity. It says signs should be of an appropriate size and number to convey information about the name, location and nature of the activity on site, and not oversized or too numerous for that purpose. Policy 6.2.3.1 requires ancillary signs to be located and designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network. Policy 2.4.1.6 seeks to avoid visual clutter from signage across the city.[278]

Effects

621 We accept that a facility of this scale and kind needs signs to operate safely. We accept the Applicant's evidence that the signs will be limited to identifying the Site and to operational, safety and wayfinding purposes, and that no advertising or promotional signs are proposed. On that basis we do not consider the signs, in themselves, to be oversized or too numerous for their purpose in terms of Policy 16.2.3.7. Most of them will be within the Site and seen against the warehouses and container stacks.

622 By day, the signs visible from Dukes Road North, Stedman Road and the Whakaehu / Silver Stream reserve will add little to the change in rural character and visual amenity that the buildings, container stacks and lighting towers will bring. We address that change under Natural Character, Landscape and Visual Amenity Effects. At night, the illuminated signs add to the lighting effects we address under Lighting. We are satisfied that Conditions 84 to 86 will keep those additional effects low.

623 On transport safety, we agree with DCC's transport advisors. The matters that bear on driver distraction (letter height, not resembling traffic signs, shielding the light source, no flashing or animated images, and maximum luminance) are

[275] Ibid, [435] and [437]
[276] District Plan Rule 16.9.4.7(a)
[277] District Plan Rule 16.9.4.7(b) and Rule 6.10.3.8
[278] District Plan Policies 16.2.3.7, 6.2.3.1 and 2.4.1.6

controlled by Rule 6.7.3. Road signs on the network are secured through Condition 72(3)(f) and DCC's engineering approval, and signs at the rail siding through Condition 81 and KiwiRail's acceptance.

Conditions

624 We have found three gaps between what the Applicant proposes and what the conditions secure. Because the number, size and location of the signs are not yet known, the conditions ought to define the extent of the signage consented. The Panel finds that additions are needed to provide certainty as to the matters the Applicant's assessment relies on; these are:

(a) the commitment that there will be no advertising or promotional signs;

(b) the Applicant's lighting expert recommendation that illuminated signs visible from Dukes Road North or Steadman Roads comply with Rule 6.7.3, and that internally illuminated or digital signs not be used (other than illuminated safety, warning and traffic signals), and that the location and illuminated sign visible from outside the Site be shown in the lighting design (Condition 61(3)(h)); and

(c) In Condition 86(2) 'should' be slow, and 'should' to read 'must'.

625 We have amended the Reply Version accordingly to include in the Panel Draft Decision Conditions. With those conditions, we find that the effects of the signage on rural character and visual amenity, and on the safety and efficiency of the transport network, will be acceptable. The signage is consistent with Policies 2.4.1.6, 6.2.3.1 and 16.2.3.7.

Geotechnical Effects

The Application

626 The potential effects associated with geotechnical issues relating to the SLIP site were considered in the Application under the heading Geology and Geotechnical Conditions[279]. The Application states that the detailed assessment of geotechnical matters was addressed in a report authored by Stantec Ltd, entitled 'Geotechnical Desk Top Study and Appraisal'[280], which was contained in Part B, Appendix 10 of the Application. The Stantec assessment included a preliminary desk top assessment of the expected ground conditions and geotechnical information to identify preliminary ground related risks and considerations relevant to the development.

627 The Applicant proposes to carry out a detailed investigation of geotechnical issues on the site, involving geological survey, bore holes, CPT's, and laboratory testing to support the detailed assessment of subsurface conditions, liquefaction risk and

[279] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 3.7
[280] Geotechnical Desktop Study and Appraisal, prepared by Stantec, dated 15 April 2026

engineering implications at time of detailed design.

628 Stantec concluded[281] 'Overall the available information is sufficient to support the resource consent application'.

Comments Received

629 Mr Fitzmaurice, the expert advisor to DCC on geotechnical matters provided comment on several matters in paragraphs 127 – 132 in Councils s53 comments[282]. The core matters raised related to potential instability issues along the Whakaehu / Silver Stream boundary and potential impacts on adjacent land, infrastructure, buildings and structures.

630 DCC advised in their s53 comments that if the works are undertaken in accordance with the revised conditions, potential adverse effects on the stability of the land, buildings and structures will be adequately mitigated and the risks to land and buildings will be low.

Applicant Response to Comments

631 Further discussions took place between the Applicant and Council on the matters raised by Mr Fitzmaurice, and these led to refinement of proposed conditions of consent.

Panel Findings

632 The Panel finds that geotechnical matters can be appropriately managed via the agreed consent conditions in the Reply Version in a manner that avoids adverse geotechnical effects.

Groundwater

The Application

633 The potential effects associated with groundwater at the SLIP site were considered in Section 3.8 of the Application under the heading Hydrogeology[283]. The Application states that the detailed assessment of groundwater matters was addressed in a report authored by Stantec Ltd, entitled 'Groundwater Assessment'[284].

634 The Stantec assessment included a preliminary desk top assessment to identify existing onsite bores that were suitable for groundwater level monitoring at the Site and identify offsite monitoring bores that would be useful in developing an understanding of groundwater issues at the Site.

635 Stantec installed groundwater level data loggers in three existing bores within the

[281] Executive Summary, Geotechnical Desktop Study and Appraisal, prepared by Stantec, dated 15 April 2026
[282] Dunedin City Council Section 53 Comments
[283] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 3.8 Hydrogeology
[284] Groundwater Assessment, prepared by Stantec, dated 16 April 2026

Site and assessed groundwater level monitoring data from the North Taieri closed landfill, which is approximately 600m northeast of the Site as it has a long record of groundwater behaviour in the area.

636 The monitored bores on site showed a groundwater depth of between 7.5m and 9m during the monitoring period. Stantec assessed likely response to prolonged rainfall events and concluded[285] that annual high recharge events are unlikely to raise groundwater levels to within 5m of the ground surface.

637 Stantec also concluded from their groundwater monitoring that the groundwater system at the Site has a negative vertical hydraulic gradient, meaning the groundwater is flowing downwards through the aquifer. Thus, Whakaehu / Silver Stream recharges the groundwater system and Stantec consider that it is less likely for artesian (or spring) conditions to occur on the Site. This further reduces the risk of groundwater levels being close to the surface or upwelling during construction and operation.

638 Stantec considered[286] the proposed depth of the stormwater attenuation pond against expected groundwater levels and concluded that the groundwater is expected to be at least 2m below the level of the base of the pond and therefore groundwater behaviour was not expected to impact on pond performance.

639 Stantec considered[287] the potential impact on current and future groundwater users from the proposed construction and operation of the SLIP and concluded that impacts on down gradient users is not expected.

640 Stantec concluded[288] that the outcome of their desktop review and field investigation findings shows that the expected impacts on the hydrogeological system as a result of the SLIP are negligible.

Comments Received

641 Mr and Mrs Inch raised a concern in their s53 comments, that their house water supply was from a bore and were concerned about potential contamination of their water supply in the event that contaminents were discharged to ground from the SLIP site.

642 The Panel notes that in Section 4 of the Stantec Groundwater Assessment Stantec concluded that the groundwater system travels in a westward direction in the vicinity of the Site. The Inch's property is approximately 170m south of the Site and thus not downstream of the Site in terms of groundwater flow.

643 Mr Thorley, the groundwater expert advising ORC prepared a Hydrogeology Review, dated 31st July[289] as part of ORC's s53 comments. Mr Thorley considered

[285] Section 4.1 - Groundwater Assessment, prepared by Stantec, dated 16 April 2026
[286] Section 5.3 - Groundwater Assessment, prepared by Stantec, dated 16 April 2026
[287] Section 5.5 - Groundwater Assessment, prepared by Stantec, dated 16 April 2026
[288] Section 7 – Groundwater Assessment, prepared by Stantec, dated 16 April 2026
[289] ORC Section 53 Comments - Appendix 5, Hydrogeology Review prepared by Beca

that the Stantec Groundwater Assessment provided a reasonable conceptual basis for understanding the hydrogeology of the Site and the general groundwater pathways relevant to the proposal.

644 Mr Thorley raised concerns that if infiltration solutions were adopted during detailed design, consideration of potential pathways for contaminants to be transported to the groundwater system would need to be assessed during the detailed design process and operational testing would be required to confirm design assumptions.

645 Mr Thorley also noted that attention would be required when dealing with the removal of contaminated soil on the site to ensure that a pathway for surface water flow, through remediated soil contamination areas, would be avoided. This issue is discussed in the Contaminated Soils section.

646 Mr Thorley noted that the proposal, as presented, may use infiltration solutions for the disposal of stormwater, depending on the final detailed design, but that the proposal could function from a stormwater perspective without them.

647 Mr Thorley supported the inclusion of groundwater monitoring to improve understanding of groundwater behaviour at the Site but considered that if the proposed groundwater monitoring is required specifically to inform detailed design, then the consent framework should also require the detailed design documentation to demonstrate how the monitoring results and recommendations have been considered.

648 Mr Thorley also recommended that the conditions retain a targeted groundwater monitoring and review framework that included continuous groundwater level monitoring through to early operation, groundwater quality sampling, inclusion of parameters relevant to groundwater pathways associated with stormwater infiltration and a hydrogeologist-led review after an initial operational period.

649 Mr Thorley concluded that subject to the inclusion of proportionate groundwater verification and review conditions, he considered the residual hydrogeological matters could be appropriately managed through the consent framework.

Applicant Response to Comments

650 The Applicant and ORC have advanced wording of conditions to require groundwater level monitoring before construction, reporting of the results with the CMP, demonstration in the detailed design of how those results have been considered (ORC General Conditions 28-31).

651 By the Freshwater Issues Hearing, ORC advised that the remaining groundwater matter was ensuring that areas where stormwater may discharge to land are identified and considered alongside the contaminated land investigation and validation work. This is addressed in the Reply Version of the ORC Conditions.

Panel Findings

Planning Context

652 The Panel's findings with regard to the NPS-FM and RPS are set out in Parts H and I below.

653 Regional Water Plan Objectives 7.A 1-3 seek the maintenance of water quality in Otago lakes, rivers, wetlands, and groundwater, but the enhancement of water quality where it is degraded. They seek to enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values; and individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

Effects

654 The Panel finds that the effects on groundwater can be appropriately managed via the Reply Version Conditions in a manner that avoids adverse effects on the groundwater system and on neighbours.

655 The Panel has not imposed the continued groundwater level monitoring, groundwater quality sampling and operational review that Mr Thorley recommended. His recommendations were directed mainly at infiltration devices, residual contamination and the trade waste discharge to land. With those pathways largely removed, and the experts agreeing that significant groundwater effects are unlikely, further groundwater monitoring would be more onerous than necessary.

Conditions

656 The Panel has included the Reply Version Conditions related to groundwater effects in the Panel Draft Decision Conditions.

Site Contamination

The Application

657 The potential effects associated with site contamination at the SLIP site were considered in Section 3.9 of the Application under the heading Contaminated Land[290]. The Application states that the DSI matters was addressed in a report authored by EC Otago, entitled 'Detailed Site Investigation'[291].

658 EC Otago state that the Site is not listed on the ORC Otago Selected Land Use Sites and that a Preliminary Site Investigation carried out by e3Scientific Ltd found three potential Hazardous Activities and Industries List (**HAIL**) activities occurring at three locations on the Site. EC Otago also noted that buildings had existed on the Site since 1901 and potential contamination associated with the building

[290] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 3.9 Contaminated Land
[291] Detailed site Investigation, prepared by EC Otago, dated April 2026

materials may have been released to the soil.

659 In addition, EC Otago noted that the long history of farming activity on the Site may have created the potential for contamination relating to general farming activities to be present on part of the Site.

660 EC Otago carried out their DSI, involving sampling and analysis, and concluded that the contaminant concentrations across the majority of the Site were consistent with predicted background concentrations based on the underlying geology, and have not been impacted by human activity.

661 They found localised areas of contamination associated with the sheep dip, the central woolshed/workshop, a burn pile, and the dwellings at 274 and 292 Dukes Road North had contaminant concentrations that these areas may present a risk to environmental health and that they therefore must be considered a HAIL site. Provisions of the NES-CS apply to these parts of the Site, in accordance with Regulation 5(7).

662 EC Otago also considered test site D8 and the northern sheds should be considered a possible (unverified) HAIL site and concluded that the remainder of the Site need not be considered a HAIL site.

663 EC Otago state that where heavy metal contamination has been detected across the Site, these soils cannot be treated as "clean fill" and must be disposed to an appropriately consented location if removed from the Site. If they were to be retained on the Site, they would need to be encapsulated.

664 EC Otago recommended the implementation of a Contamination Site Management Plan should be put in place prior to earthworks in the HAIL locations to ensure that the works do not pose a risk to environmental health. They prepared a draft Contaminated Site Management Plan (**CSMP**) and a draft Remedial Action Plan (**RAP**) and these formed part of the application.

665 EC Otago stated that the proposed options for managing contaminated soils on the Site involved a combination of removal of contaminated soils in areas of proposed excavation, encapsulation of contaminated soils in areas of filling with refinement of these options, through the final RAP, at time of detailed design.

Comments Received

666 ORC and DCC engaged the services of Dr Ben Waterhouse of Beca to assist with the assessment of contamination issues associated with the SLIP. Dr Waterhouse issued a letter[292], dated 3rd August to ORC that set out his review of the application material relating to site contamination issues.

667 Dr Waterhouse considered that there were information gaps in the DSI carried out by EC Otago and recommended a more comprehensive Sampling and Analysis Plan

[292] Land Contamination, prepared by Beca, dated 3rd August 2026

be prepared to demonstrate how identified data gaps would be addressed and to provide a framework for subsequent remediation and management planning.

668 Dr Waterhouse acknowledged in his report that as the majority of the Site was proposed to be sealed, contaminants remaining on the Site would be capped and pathways from soils to human and environmental receptors during the operational phase of the Site would be limited and hence the risk would be reduced. Dr Waterhouse concluded that appropriate remediation and management solutions could be developed and implemented and managed through conditions of consent.

669 DCC agreed with Dr Waterhouse and concluded that any effects on human health arising from the disturbance and its change in use will be minimised to an acceptable low level of risk.

670 ORC addressed comments on soil contamination matters at paragraphs 94 – 98 in their s53 comments. Based on advice from Dr Ben Waterhouse to ORC, ORC concluded at their paragraph 98 "*Subject to the inclusion of consent conditions as recommended in the review of Dr Waterhouse, ORC considers residual contaminated land matters can be appropriately managed through the consent framework*".

Applicant Response to Comments

671 The Applicant and DCC have advanced wording of conditions to require additional sampling to delineate contamination on the Site and an associated addendum to the DSI report and have refined some wording relating to the conditions associated with the contamination management plans.

672 As discussed at paragraph 27 in the Groundwater section, Mr Thorley, the expert advisor to ORC on groundwater, recommended that the potential risk of operational stormwater disposal to ground (if any) be avoided in areas where contaminated soil had been found to avoid a pathway for contamination to be transported to the groundwater system. This has been addressed by Reply Version ORC Condition B.2.(3) (j) and (k)

Panel Findings

Planning Context

673 Approval is required under the NES-CS Regulation 10. The Regional Waste Plan includes Objectives 5.3.1 and 5.3.2 that are of relevance to contaminated land. These objectives seek the avoidance, remediation or mitigation of any adverse effects of contaminated sites; and the avoidance of further site contamination.

Effects

674 The Panel finds that contamination matters can be appropriately managed via the agreed Reply Version Conditions in a manner that avoids adverse effects on human presence on the Site and on the groundwater system.

Conditions

675 The Panel has included the Reply Version Conditions related to contaminated land effects in the Panel Draft Decision Conditions.

Earthworks

The Application

676 The proposed earthworks required for the construction of the SLIP were described in Section 2.7 of the Application under the heading Site Clearance and Earthworks[293]. The Application states that the earthworks will be carried out in three stages, involving a total cut of 120,000m^3, filling of 78,200m^3 and topsoil stripping of 126,100m^3.

677 Section 6.4.4 of the Application describes the assessment of potential adverse effects relating to earthworks. These are described as adverse earthworks, sediment and erosion and effects that could lead to instability, impacts to groundwater and freshwater quality, and impacts on aquatic ecosystems.

678 A detailed assessment of civil works and earthworks was addressed in a report authored by Stantec entitled 'Civil Works and Earthworks'[294], which was contained in Part B, Appendix B-16, Part 1 of the Application. That document describes the three stages of proposed earthworks, including staged stockpiling on the site. The final earthworks volumes are to be refined at detailed design, but the preliminary design surface indicates a total of 168,100m^3 excess cut and topsoil material will be removed from the site. Table 6 in the report indicates that approximately 40,000m^3 of this volume will be excess cut material and the remainder will be excess topsoil strip material. The deeper earthworks cuts are not expected to intercept groundwater.

679 A Draft CMP[295] was included as part of the application and this addressed construction related matters, including discharge of dust and erosion and sediment release. The CMP included a draft Erosion and Sediment Control Plan (**ESCP**) (at Appendix C), that indicated the devices proposed for each of the three stages of construction to manage erosion and sediment control matters. The report states that the draft ESCP has been prepared in accordance with ORC requirements.

680 The Application concluded at section 6.4.4 that, overall, earthworks will be undertaken in accordance with best practice measures and in accordance with detailed ESCP's ensuring adverse earthworks, erosion and sedimentation effects are appropriately avoided or mitigated.

Comments Received

681 Mr Jason Smith, an advisor to ORC on earthworks matters prepared an advisor

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[293] Application - Section 2.7 – Site Clearance and Earthworks
[294] Civil Works and Earthworks, prepared by Stantec, dated 16 April 2026
[295] Draft Construction Management Plan, prepared by Port Otago, dated April 2026

note to ORC dated 27 July 2026 in which he considered the application material relating to earthworks to be largely complete, providing sufficient information to understand the site context, the proposed works, the potential effects and the measures proposed to address the potential effects associated with earthworks.

682 Mr Smith considered the draft ESCP was consistent with industry best practice guidance, noting that final details, including maximum catchment areas to devices and matters associated with chemical treatment on sediment retention ponds could be addressed through the proposed conditions, including a Chemical Treatment Management Plan condition that he recommended.

683 Mr Smith concluded that the potential effects, as they relate to regional earthworks, can be appropriately managed, largely as proposed in the application material, or otherwise addressed through conditions of consent including those recommended by the Applicant.

684 DCC's s53 comments on earthwork matters related to geotechnical implications for potential instability adjacent to Whakaehu / Silver Stream and potential effects on adjacent structures. These issues are discussed in paragraphs 11 – 13 under the heading Geotechnical Effects.

685 The s53 comments lodged by Fish and Game Otago raised concerns relating to sediment discharge from earthworks activities at paragraphs 47 – 51.

686 Fish and Game Otago recommended a consent condition be added to the ORC suite of conditions to require a regular inspection of the discharge during large rain events.

Applicant Response to Comments

687 Mr Keenan of Stantec provided a brief response to the points raised by Mr Smith and confirmed that the final ESCP would appropriately deal with the matters raised.

688 The Applicant, DCC and ORC have advanced wording of conditions relating to earthworks, and associated management plans to deal with the matters raised by the s53 comments received.

Panel Findings

Planning Context

689 The effects of earthworks and associated erosion and sediment control are addressed in the Regional and District planning framework. The Regional context relates to freshwater water with the District's focus being on amenity, biodiversity and loss of HPL.

690 We refer to the relevant freshwater matters under Freshwater Quality and Ecology.

691 In terms of the District Plan Objective 8A.2.1 seeks to enable earthworks

necessary for permitted or approved land use and development, while avoiding, or adequately mitigating any adverse effects on visual amenity and character; the stability of land, buildings, and structures; and surrounding properties.

692 District Plan Policy 8A.2.1.1 requires earthworks to be designed to manage effects on the stability of land, buildings and structures by being set back from property boundaries and buildings / structures and using an appropriate batter gradient. Policy 8A.2.1.2 addresses sediment run off and dust nuisance, setting out that these effects of earthworks are to be minimised as far as practicable. In respect of large-scale earthworks, Policy 8A.2.1.3 requires that earthworks that exceed the scale thresholds are only allowed where the effects on visual amenity and character, amenity of surrounding properties, stability and drainage patterns will be avoided or, if avoidance is not practicable, adequately mitigated.

Effects

693 The Panel finds that earthworks, and associated erosion and sediment control matters can be appropriately managed via the Reply Version Conditions in a manner that avoids adverse effects on the receiving environment.

694 In reaching this finding we have considered Fish and Game's request for regular inspection of the discharge during large rain events, with prompt steps taken if the water is turbid. ORC General Condition 25(f) (pre-event inspections when heavy rain is forecast), Condition B.21D (monthly monitoring and immediate maintenance during Stage 1) and Condition B.34 (visual inspection of the discharge during 10% AEP events in operation) address these concerns.

Conditions

695 The Panel has included the Reply Version Conditions related to contaminated land effects in the Panel Draft Decision Conditions.

On-Site Stormwater Management

The Application

696 The assessment of potential adverse effects relating to stormwater associated with the operation of the SLIP were described in Section 6.11 of the Application under the heading Stormwater Effects[296]. The Application states that the establishment of buildings and impervious surfaces and roads will impact natural and existing drainage patterns on the Site. The Application noted that actual and potential adverse effects, if left unmanaged, could include onsite flooding or ponding, cross-boundary effects, downstream effects on Whakaehu / Silver Stream and contamination of, or discharges of sediment, hydrocarbons and heavy metals to Whakaehu / Silver Stream.

697 The Application notes that the Site is at risk of flooding from secondary flow from Mill Stream overtopping from a 10% AEP event or greater. During flood events

[296] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 6.11, Stormwater Effects

flood water flows across the Site towards Whakaehu / Silver Stream. Development of the Site has the potential to displace flooding, reduce the flood capacity of the Site and cause adverse flooding effects on upstream and downstream properties.

698 A detailed assessment of stormwater matters was addressed in a report authored by Stantec entitled 'Stormwater Assessment'[297], which was contained in Part B, Appendix B-13, Part 1 of the Application. That document describes design strategy to manage stormwater on-site to collect, pre-treat, convey, attenuate and manage runoff from within the site from both existing and future climate rainfall scenarios, in accordance with DCC requirements.

699 The management strategy outlined in the Stantec report includes the use of a 25,000m^3 attenuation pond to throttle post-development peak flows generated on the Site in a 10% and 1% AEP event to achieve a peak discharge flow rate that was no greater than the pre-development maximum flow rate for the 10% AEP event, with allowance for climate change to achieve hydraulic neutrality. Further detailed stormwater modelling of the outlet control system is proposed at detailed design to refine outlet pipe sizing and hydraulic details.

700 The Stantec report states that water quality for the discharge from the Site will be addressed through a combination of catch-pits, gross pollutant traps, and vegetated attenuation pond floor, targeting sediment, hydrocarbons, and heavy metals. These are intended to work in combination with the attenuation pond, as a treatment train approach to appropriately manage stormwater discharge quality.

701 The Stantec solution aims to keep off-site flood water separate from internal stormwater runoff for events up to the 2% AEP event to enable effective treatment and attenuation of internal flows before controlled release to Whakaehu / Silver Stream. During larger flood events some external flood water will be directed on to the Site in a controlled manner to reduce the risk of offsite increases in flood water levels.

702 The Application concluded at section 6.11.2 that the implementation of the proposed stormwater design measures, stormwater quality monitoring and Spill Response Plan will effectively manage water quality on the Site, ensuring compliance with environmental standards.

703 The Applicant engaged with ORC on the draft Project Conditions prior to the Application being forwarded to the Panel for consideration. The Applicant provided an updated set of Conditions on 17 June 2026 incorporating feedback from ORC relating to the structure of conditions, including for the purpose on site stormwater management the decoupling of the description of the discharge of operational stormwater and the diversion of operational stormwater to the stormwater attenuation pond. This approach was further refined following s53 comments, the Applicant's s55 Response and following the Freshwater and Consents Hearings.

[297] Stormwater Assessment, prepared by Stantec, dated 15 April 2026

Comments Received

704 Section 53 comments from ORC relating to on-site stormwater management mainly focussed on potential adverse effects from contaminants in the stormwater discharged from the attenuation pond on ecological values in Whakaehu / Silver Stream. Fish and Game Otago also raised similar concerns. The comments essentially related to how water quality monitoring should best be carried out and where to ensure stormwater discharged from the Site, to Whakaehu / Silver Stream did not result in unacceptable adverse effects.

705 ORC sought baseline monitoring to be completed prior to the commencement of earthworks and considered an emphasis should remain on source control, treatment train performance and adaptive management. ORC also sought agreement on continual monitoring over the operational lifetime of the SLIP to provide certainty of ongoing treatment train performance.

706 Ms Ling prepared comments on stormwater matters for ORC. Ms Ling noted that the attenuation pond outlet is expected to be above maximum storm flow levels in Whakaehu / Silver Stream and this needed to be confirmed at detailed design. Ms Ling also commented that the detailed design would need to confirm the hydraulic arrangement of the attenuation pond discharge pipes achieves the required flow control and manages potential erosion issues at the outlet.

707 Ms Ling stated in her report that the finished floor levels of the onsite proposed buildings would be confirmed at detailed design stage considering appropriate freeboard requirements above the 1% AEP event and in accordance with the DCC 2021 Update to Methodology for Determining Minimum Floor Levels.

708 Ms Ling concluded that the proposed on-site stormwater management system demonstrates the effects from the development can be effectively managed, as proposed in the application material, or otherwise addressed through the proposed conditions of consent.

709 Dr Waterhouse and Mr Thorley for ORC raised concerns regarding potential transport of contaminants to groundwater if the stormwater management solutions for the Site included soakage devices in areas that could potentially contain residual soil contaminants. They recommended that matter would need to be managed through appropriate consent conditions.

710 Mr Throssell (Beca) prepared a report on stormwater matters for DCC. Mr Throssell considered the stormwater assessment provided by Stantec required further refinement to address sensitivity assessment, critical event duration assessment and potential impact of on-site container stacks on surface flow behaviour across the site in extreme events.

711 Mr Throssell recommended that, because the proposed new buildings were to be in a flood hazard zone, all buildings and critical operational infrastructure must have finished floor levels at or above the modelled 0.5% AEP (with allowance for climate change) and with a minimum 300mm freeboard.

712 Mr Throssell concluded that the on-site flood hazard can be mitigated and reduced to a suitably low threshold via consent conditions (minimum floor levels) and the mitigation works as proposed by the Applicant.

713 In his summary evidence for the Freshwater Issues Hearing, Mr Throssell agreed that floor levels could be assessed at building consent stage, but considered that the method should be fixed now, recommending that finished floor levels be at or above the 1% AEP plus climate change flood level with 300mm freeboard. In its response to the Panel's Minute 14, DCC sought this as a DCC condition. DCC noted that buildings over 60m² in the Hazard 1 and 2 flood hazard overlays require consent under Rule 16.3.6.3 of the District Plan, that Building Code Clause E1 sets a 2% AEP floor level only for habitable and communal buildings, and that the higher level of protection for the SLIP could therefore be secured only by a consent condition.

714 Te Rūnanaga o Ōtākou raised concerns in the TIA (referenced in their s53 Comments) about the uncertainty regarding design parameters that would protect Whakaehu/ Silver Stream, cultural values and ecological values. We address those in more detail under the headings of Cultural Values and Freshwater Quality and Ecology Effects.

Applicant Response to Comments

715 The Applicant and ORC have narrowed the issues relating to stormwater discharge and associated downstream water quality monitoring through the refinement of a SMP and advanced wording of conditions relating to the SMP, testing of the attenuation pond discharge to monitor performance of the stormwater treatment train and inclusion of the condition for the stormwater design to achieve the best contaminant source control option.

716 Refinement of conditions controlling how any proposed stormwater soakage discharge to ground device must be managed to deal with residual soil contaminants was also advanced between the Applicant and ORC.

717 The Applicant engaged further with Fish and Game Otago and Te Rūnaka as we have detailed under the headings Cultural Values and Freshwater Quality Ecology Effects. Agreements were reached with those commenters to improve the certainty of outcomes in the Applicant's proposed conditions.

718 Mr Craig, for the Applicant prepared a statement dealing with stormwater matters. Mr Craig considered that minimum floor levels and assessment of appropriate allowance for freeboard was best addressed at detailed design, when further stormwater modelling and building design and resilient measures were considered as part of building consent application was progressed.

719 The legal submission for the Applicant[298] noted in paragraph 2.5 proposed ORC condition B.21(2) adopts the 1% AEP event as the design criteria for consideration

[298] Reply Legal Submission, dated 9 October 2026

of minimum floor levels and assessment of this design event is more conservative than the Building Code (2% AEP event).

720 The legal submission also noted at paragraph 2.7 that ORC condition B.21(2) requires that the appropriate freeboard above the 1% AEP be considered (and provided to ORC at time of building consent process) but need not (and should not) be set by a condition of resource consent because it was a building consent issue.

721 The Applicant did not accept the DCC floor level condition. Mr Craig advised that a 300mm minimum freeboard may impede the ability to optimise the design and could limit development of the site to an unnecessary extent. The Applicant's planners advised that, if the Panel was minded to include a condition addressing flooding in the DCC conditions, they were comfortable with ORC Condition B.21 being copied into the DCC conditions.

Freshwater Issues Hearing

722 The Panel explored the linkage between the stormwater discharge quality and downstream water quality monitoring in the Whakaehu / Silver Stream at the Freshwater Issues Hearing held on 15th September 2026. The Panel explored with the experts how might the monitoring program best achieve confirmation that the onsite stormwater treatment train devices operate effectively such that the desired downstream water quality in Whakaehu / Silver Stream was achieved. We address this issue under the heading Freshwater Quality and Ecology Effects above and in our findings below.

Panel Findings

Planning Context

723 Management of stormwater discharges is addressed in the Freshwater Quality and Ecology section above.

724 In terms of the risk of flood hazard on site the District Plan Objective 11.2.1 and associated Policies seeks that land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term. The Site is subject to Hazard 1 and 2 overlays.

Effects

725 The Panel has not imposed DCC's recommended 300mm freeboard condition. The Panel finds that minimum building floor levels at the site can be appropriately managed through the building consent process. The panel notes that whilst the Site is in a flood hazard overlay, the proposed flood mitigation controls associated with the detailed design will reduce the flood hazard risk within the Site and this reduced risk, in association with specific Site operational constraints relating to such things as straddle crane operation, results in the need for consent holder flexibility when setting minimum floor levels, whilst still meeting the requirements

set by the Building Code. The assessment of floor levels and freeboard required by ORC Condition B.21(2) is to be provided at building consent stage to DCC, which processes the building consents, as well as to ORC.

726 The Panel finds that the onsite stormwater management solutions proposed for the SLIP can be appropriately managed via the Reply Version Conditions in a manner that avoids adverse effects on the receiving environment.

Conditions

727 The Panel has included the Reply Version Conditions related to earthworks and erosion and sediment control in the Panel Draft Decision Conditions.

Off-Site Flooding

The Application

728 The assessment of potential adverse effects relating to stormwater flooding associated with the development of the SLIP were described in Section 6.11 of the Application under the heading Stormwater Effects[299]. The Application states that the establishment of buildings and impervious surfaces and roads will impact natural and existing drainage patterns on the Site and off-site areas could be adversely affected, if left unmanaged.

729 A detailed assessment of stormwater matters was addressed in a report authored by Stantec entitled 'Stormwater Assessment'[300]. That document includes a detailed flood model assessment of area wide flooding in the 2% and 1% AEP events. Section 4.1 of the Stantec Report concludes that during major rainfall events secondary flow from Mill Stream may overtop Dukes Road North and traverse the Site towards Whakaehu / Silver Stream. Stantec also state that this is generally consistent with the Hazard 1 (flood) overlay in the DCC District Plan.

730 The Stantec report states that the design solution for managing flooding in extreme events incorporates large swales around the western, northern and eastern boundaries of the Site to convey flood water around the Site to Whakaehu / Silver Stream. The design solution incorporates intakes to allow some floodwater onto the northern side of the Site, in extreme events, to reduce potential off-site impacts and avoid increasing peak flood levels upstream and downstream of the Site. The western and eastern swales discharge to Whakaehu / Silver Stream.

731 The Stantec flood modelling exercise concluded that the proposed design solution (subject to detailed design refinements) will be able to achieve less than minor effects on flood levels offsite in both historic and climate-adjusted rainfall scenarios.

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[299] Southern Link Inland Port – Substantive Application, 17 April 2026, Section 6.11 Stormwater Effects
[300] Stormwater Assessment, prepared by Stantec, dated 15 April 2026

Comments Received

732 Section 53 comments from ORC relating to flood management drew on expert advice from Ms Ling of Morphum Environmental. Ms Ling noted that further refinements of the flood model would be carried out to demonstrate any estimated increase in flood elevation levels in upstream and downstream properties were within acceptable tolerances.

733 Based on Ms Ling's advice to ORC, ORC confirmed that the stormwater management proposal is not expected to exacerbate flood hazards experienced offsite.

734 Mr Throssell provided expert advice to DCC to assist DCC with their s53 comments relating to flood management issues. Mr Throssell considered that the effects on flooding will be suitably mitigated if hydraulic neutrality is achieved.

735 Mr Throssell considered that further flood modelling should be carried out as part of detailed design to test additional sensitivity analysis and increase the accuracy of the model analysis. Mr Throssell also considered that as the Site is identified in multiple flood hazard overlays, and given the sensitivity and the identified modelling limitations, an independent peer review by a suitably qualified and experienced practitioner is recommended to support certification of the final hydraulic modelling.

736 Mr Throssell recommended that the final flood mitigation design should be required to ensure that within 500m of the Site the increase in flood water levels should be less than 10mm at habitable buildings, less than 20mm at commercial buildings, less than 50mm in rural areas and less than 20mm elsewhere.

737 In his summary evidence, Mr Throssell agreed with Mr Craig on the tolerances at existing buildings but maintained that a workable condition was also needed. In its response to Minute 14, DCC sought that the report required by ORC Condition B.21 be independently peer reviewed.

Applicant Response to Comments

738 Mr Craig, for the Applicant, considered that the 10mm and 20mm outside of buildings requirements were not appropriate due to changes between 10–100mm in localised depressions on rural land, even with a relatively stable hydraulic model.

739 Refinement of conditions controlling the threshold for estimated increases flood water levels determined by final modelling, at the detailed design stage, was advanced between the Applicant and ORC. This included agreement on the extent of the zone beyond the Site that the modelling had to consider, which was agreed as being 1,000m. The matter relating to water level changes outside buildings was agreed by refined changes of wording in the proposed condition (Reply Version ORC Condition B21(1)).

740 The Reply Version of ORC Condition B.21 adopts water surface elevation as the

measure, with tolerances of less than 10mm at habitable buildings, less than 20mm in industrial and major facility zones or buildings, and less than 50mm elsewhere, for an assessment area extending 1,000m downstream of the Site. The Applicant did not accept independent peer review, considering it unnecessarily onerous because the report must be prepared by a suitably qualified and experienced person.

Panel Findings

Planning Context

741 In terms of the risk of flood hazard on Site, District Plan Objective 11.2.1 and associated Policies seeks that land use and development is located and designed in a way that ensures that the risk from natural hazards, and from the potential effects of climate change on natural hazards, is no more than low, in the short to long term. The Site is subject to Hazard 1 and 2 overlays.

742 The NPS-NH seeks that natural hazard risk to people and property associated with development and use is managed using an approach that is proportionate to the level of natural hazard risk. Policy 1 NPS-NH, and the policy framework guidance of the District Plan in Table 11.1.2A apply a risk matrix to the management of natural hazard risk.

Effects

743 The Panel finds that whilst the proposed development of the Site will result in a change in flood water flows through the Site, the Stantec stormwater modelling assessment assesses risk in accordance with the policy framework, and sufficiently demonstrates that the proposed swales to redirect the flood flows around the Site to Whakaehu / Silver Stream and the associated onsite attenuation pond and secondary flow inlets onto the Site will appropriately manage offsite floodwater levels sufficient to ensure an acceptable increase in flooding risk to offsite properties is achieved. We find that the response is proportionate to the level of natural hazard risk.

744 The Panel considered DCC's requests for independent peer review and tighter tolerances outside buildings. We are satisfied that Condition B.21 is sufficient. The modelling must be prepared by a suitably qualified and experienced person and provided to ORC, and the tolerances use the agreed water surface elevation measures.

745 The Panel finds that the stormwater management solutions proposed for the SLIP can be appropriately managed via the Reply Version Conditions in a manner that avoids an unacceptable increase in flooding risk to the Site and to properties beyond the Site.

Conditions

746 The Panel has included the Reply Version Conditions related to offsite flooding effects in the Panel Draft Decision Conditions.

Other Water Services

The Application

747 Section 2.22 of the Application states that the wastewater from the occupied facilities on the site will be pumped from the Site to the Council wastewater network. A separate wastewater connection system is proposed for the container wash bay facility. The design includes a bypass where surface water from the container wash bay facility is directed to the stormwater attenuation pond in storms larger than the 10% AEP event. This avoids excess surface water entering the wastewater system in wet weather. The on-site wastewater facilities will include a centralised pre-treatment system with gross pollutant trap to capture pollutants.

748 Runoff from the container wash bay is expected to be a conditional trade waste discharge, for which approval is being sought separately under the DCC Trade Waste Bylaw 2020, outside the FTAA process. In storms larger than the 10% AEP event, flow from the wash bay would be discharged to the stormwater attenuation pond. That discharge of trade waste to land where it may enter water requires a discharge permit from ORC (Resource Consent D).

749 The Application confirms that DCC are satisfied that the wastewater network has sufficient capacity to receive the wastewater flows from the Site, subject to certain requirements, including an upgrade of the network on Odlins Place and limits on trade waste flows in heavy rainfall.

750 Section 2.23 of the Application states that the water supply to the Site will consist of a potable water supply system and a non-potable water supply system. The potable water supply system will connect to the Council water reticulation system.

751 The Application states that the non-potable water supply system will capture rainwater from building roof areas to improve sustainability and reduce the peak flow demand required from the Council water reticulation system. The non-potable water supply system will also provide fire-fighting capability and include two water storage reservoirs sized for 400m^3, with a third for redundancy. The fire-fighting system will include an on-site diesel pump, fire hydrants and associated infrastructure.

752 The Application records that DCC has confirmed there is sufficient capacity in the water network for normal operation, but that DCC has concerns about the capacity of the network to service temporary additional non-potable demand during construction, periods of dry weather and fire recovery. Further investigation is to be undertaken at detailed design to confirm a suitable water supply for the construction phase.

Comments Received

753 DCC's s53 comments record that DCC 3 Waters reviewed the proposal and the proposed conditions, considered them appropriate, and requested only minor amendments so that it can certify the design plans.

Panel Findings

754 The Panel finds that the wastewater and water supply solutions proposed for the SLIP can be appropriately managed via the Reply Version Conditions in a manner that avoids adverse effects on the environment.

755 In reaching this finding the Panel notes that DCC Conditions 54 to 56 require the Consent Holder to confirm that a water supply is available before construction starts, and that potable and firefighting water supplies are available before operation, which addresses DCC's concern about temporary demand. We also find that the discharge of trade waste to land, which is limited to discharge from the container wash bay in storms larger than the 10% AEP event and must pass to the stormwater attenuation pond, can be appropriately managed by ORC Conditions D.1 to D.7 (Reply Version).

Archaeological Effects

The Application

756 The entirety of the Site is identified as an archaeological site by HNZPT due to the presence of pre-1900's features. The Applicant records that it has already sought, and acquired, Archaeological Authority 2026-362 from HNZPT, under the HNZPT Act 2014 for the removal of all above ground visible buildings and archaeology on the Site up to the depth of the proposed excavations to form the SLIP. This approval was granted on 30 January 2026 and expires on 30 January 2036.

757 The earthworks around the archaeological site will be undertaken in accordance with the Conditions of Authority including all notification, briefing and recording requirements.

758 The Applicant also proposed that the project conditions of consent will implement an accidental discovery protocol across the Site.

Comments Received

759 There were no specific comments received in relation to this matter.

Panel Findings

760 The Panel agrees with the Applicant that archaeological effects are appropriately addressed through the Project Conditions, and the Panel includes such conditions in the Panel Draft Decision Conditions.

Other Effects/Issues raised in s53 Comments

Vehicle Emissions and Air Quality

The Application

761 The Application assesses discharges to air from construction, namely dust, but not exhaust emissions from SLIP traffic. It notes that the Site is outside the airsheds

in Air Zones 1 and 2 of the Regional Air Plan and is therefore in Air Zone 3.[301] In its assessment against the Regional Air Plan, including Policy 14.1.1 on motor vehicle emissions, the Applicant relies on the reduction in emissions from moving freight from road to rail.[302] DCC and ORC did not comment on vehicle exhaust emissions.

Comments Received

762 Mr and Mrs Stewart, who occupy the dwelling at 273 Dukes Road North, are concerned that constant truck movements will generate diesel exhaust and dust right outside their home.[303] Mr and Mrs McLeod raise air quality in Mosgiel, given the town's susceptibility to inversion layers that trap particulate matter.[304] The MTCB is concerned that reducing truck movements on SH88 and through Dunedin would shift traffic and emissions to Mosgiel.[305] WRL notes that air quality is important for the health of its foals, mares and staff. We address dust under General Construction and Site Remediation Effects.

Applicant Response to Comments

763 In response to Mr and Mrs McLeod, the Applicant provided evidence from Mr Matt Horan, the Chief Executive of Dynes Transport Limited. He says Dynes operates under Toitū Carbon Reduce certification, uses EROAD telematics to monitor fuel use and driver behaviour, procures all new heavy vehicles to the highest emissions standard available for their application (currently Euro 6), and supports dual fuel hydrogen trucks through its partnership with HW Richardson Group.[306] The Applicant's responses to comments also refer to the predicted 70% CO2e saving from the mode shift to rail and to the dust controls in the CMP.[307]

Panel Findings

764 There is no technical air quality evidence before us, and the application does not assess exhaust emissions from SLIP traffic on Dukes Road North or through Mosgiel. Our findings therefore rest on the traffic evidence, which we address under Transportation Effects.

765 The MTCB is right that, at least in part, the SLIP moves heavy vehicle movements rather than removing them. At Stage 3 the heavy vehicle movements removed from SH88 and central Dunedin, about 32,000 a year, are of the same order as those added to Dukes Road North and SH87.[308] On SH87 through Mosgiel that is about 150 more heavy vehicles a day. That is about 1% of total traffic on a road carrying more than 15,000 vehicles a day, but an increase of 24 to 30% in heavy vehicles, which emit more exhaust per vehicle than light vehicles. We accept that

[301] Southern Link Inland Port – Substantive Application, 17 April 2026, section 3.6.2 (p.92).
[302] Southern Link Inland Port – Substantive Application, 17 April 2026, section 9.3.13 (pp.311–312).
[303] Karen and Wayne Stewart, Response to Minute 12, 7 September 2026.
[304] S53 Comments J and B McLeod, 'Transport pressure'.
[305] S53 Comments MTCB, 12 August 2026, key points.
[306] Statement of Evidence Matt Horan, 19 August 2026, section 2.
[307] SLPL response to all other invited parties' comments (Attachment 04), pp.41–42 and 44.
[308] See Transportation Effects, Development stages, forecasts and the rail mode shift scenarios.

this adds to emissions in Mosgiel. On the evidence of traffic volumes, however, we consider the SLIP's contribution to air quality in Mosgiel to be small, and we have no evidence that it would cause any air quality standard to be exceeded.

766 At 273 Dukes Road North, Mr and Mrs Stewart will see a noticeable increase in heavy vehicles passing their dwelling and turning into the Site. The Site is in Air Zone 3, where background air quality is good. In that setting we consider the effect is more likely to be experienced as a loss of amenity (the smell and sight of exhaust when trucks pass or wait) than as a risk to health, although no evidence quantifies it. The source most within the consent holder's control is trucks waiting or idling on Dukes Road North outside the Site, which Mr Shanks also identified as a risk if trucks arrive in groups at night. The Panel notes, however, that we have allowed a 3 dB increase in night-time noise limits at Stage 3, for those sensitive receivers more than 350m from the Industrial Zone, to accommodate greater operational flexibility to minimise the need, if any, for trucks arriving in groups at night to idle on the road.

767 We give Mr Horan's evidence limited weight. It describes Dynes' fleet policy, which applies to new vehicle purchases, rather than commitments secured by a condition, and the SLIP will also be used by other freight operators. As we say under Transportation Effects, we also do not consider that the reduction in emissions from the mode shift will be of the scale claimed in the economic assessment.

768 We find that the effects of exhaust emissions from SLIP traffic on air quality, at 273 Dukes Road North and through Mosgiel, are unlikely to be more than minor, and are acceptable with the conditions we have imposed.

<u>The 2004 Environment Court decision for industrial land use at 270 Dukes Road North</u>

Comments Received

769 Mr and Mrs McLeod referred to an earlier decision of the Environment Court declining an application by City Forests for a wood processing plant at 270 Dukes Road North. They say the Court described the site as part of the clear demarcation between the rural area and the more mixed zones to the west of the Taieri Branch Line and to the south of Whakaehu / Silver Stream, found that the proposal would have real and ongoing amenity effects on neighbours that would be more than minor, and found that any job creation could occur at an alternative site. They consider that 'this is all still true'.[309]

The Environment Court Decision

770 The decision is *Guardians of North Taieri Inc v Dunedin City Council*.[310] City Forests Ltd sought consent for a timber processing facility at 270 Dukes Road,

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[309] S53 Comments J and B McLeod, 'Alternative sites exist'.

[310] *Guardians of North Taieri Inc and Plain Sense Environmental Society Inc v Dunedin City Council,* Environment Court, Christchurch, C4/2004, 27 January 2004.

comprising a sawmill, planer mill, log yard, drying kilns, chipper, debarker, anti-sapstain plant, storage and head office, on about 4ha of a 21ha site and operating up to 24 hours a day. The site was zoned Rural and the activity was non-complying under both the Transitional and Proposed District Plans.[311] The Court allowed the appeals and cancelled the consent.[312]

771 The Court found that the proposal would cause a significant change in the noise environment,[313] that it would have a real and ongoing effect on amenity, changing the character of the area toward that of Stedman Road on the other side of the railway line,[314] and that if consent were granted it could see no proper basis for distinguishing other applications, so that the zoning basis of the plan would be undermined.[315] It was not satisfied that there was nowhere else in Dunedin the activity could go, and considered that the job benefits would arise wherever in the city the plant was located.[316]

Applicant Response to Comments

772 Counsel for the Applicant responded that the decision concerned a substantively different activity, assessed as non-complying under a plan that did not provide for industrial-type activity in the Rural Zone, and one that did not use the railway, so its traffic effects were quite different. It says the current application is assessed 22 years later, under a different Act and test, and that the Site has since been identified in the FDS as suitable for this type of use. In its view the Court's findings were specific to the sawmill and 'can have no weight in this process'.[317]

Panel Findings

773 The earlier Environment Court decision does not bind us. It was made under the RMA as it then stood, against earlier District Plans that have since been replaced by the current District Plan, on a different proposal and with different evidence. We must decide the SLIP application under the FTAA, which requires us to give the greatest weight to the purpose of the FTAA.

774 We observe that some of the Environment Court findings about the local environment remain generally true today. The site still marks the edge between the industrial area on Stedman Road and the rural plain to the east. The Environment Court's concerns about noise and amenity from the earlier proposal for neighbours are concerns we share for the SLIP, we have also found that the effects on rural character and visual amenity, and of lighting, will be more than minor, and that noise at the nearest dwellings requires the limits and further mitigation. The SLIP is also a non-complying activity in the District Plan Rural

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[311] Ibid, at [1]–[2] and [5]
[312] Ibid, at [113].
[313] Ibid, at [32]–[34].
[314] Ibid, at [111].
[315] Ibid, at [112].
[316] Ibid, at [52], [97] and [110].
[317] SLPL response to all other invited parties' comments (Attachment 04), p.42.

Zone.[318]

775 However, three things distinguish the SLIP from the earlier activity:

776 Firstly, the FDS, prepared jointly by DCC and ORC in 2024, identifies an indicative location for an inland freight hub in this area, although it records that the location is not zoned for that activity and that its feasibility would need specialist investigation.[319]

(a) Secondly, the SLIP's location is tied to the rail line and the rail siding, and its regional benefits depend on the transfer of freight to rail. Unlike the employment benefits considered in the earlier application, the SLIP benefits would not likely arise wherever in the city the activity was placed. We address alternative locations, including Milburn, in Part G.

(b) Thirdly, the amenity effects of the SLIP have been assessed in detail and are managed by conditions, including the night-time noise limits, the acoustic barriers, the ONMP, the further mitigation offered to neighbours under Condition 71B, and the lighting and landscape conditions. The RMA, s104D assessment gateway for non-complying activities is excluded from our consideration in FTAA, Schedule 5, cl 17(1)(b).

PART G: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

777 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.

778 As noted above in Part C, s81(4) FTAA specifically requires the panel to consider the extent of the project's regional or national benefits.[320] The Panel is also required to consider the reasons that the Minister accepted the project for referral under s81(2)(aaa).

779 The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.[321]

780 There is no specific definition of significant regional or national benefits in the context of listed or referred projects. However, s22 of the FTAA, which relates to the criteria for assessing a referral application, provides the following:

> (2) For the purposes of subsection (1)(a), the Minister may consider—

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318 S53 Comments DCC, Rural Character and Visual Amenity (preamble to [274]); Application Report, footnote 53 (Rule 16.3.3.61).

319 S53 Comments DCC, [346]–[351].

320 If the application was a referral application – the panel must treat the stage of the project to which the application relates as constituting the project; but may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed (section 81(5) FTAA).

321 Section 85(3) FTAA

(a) whether the project—
(i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:
(ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:
(iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):
(iv) will deliver significant economic benefits:
(v) will support primary industries, including aquaculture:
(vi) will support development of natural resources, including minerals and petroleum:
(vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:
(viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:
(ix) will address significant environmental issues:
(x) is consistent with local or regional planning documents, including spatial strategies:

781 The application was referred to the Panel by the Minister for Infrastructure because the Minister was satisfied that it is an infrastructure or development project that would have significant regional or national benefits and is otherwise appropriate for the fast-track approvals process.[322]

782 In making the decision to refer the project to the fast-track approvals process the Minister was required to be satisfied that the criteria in FTAA s22 are met. The Minister decided to accept the referral application for the whole project as he was satisfied it meets the criteria in s22. Specifically, because the project:

- *has been identified as a priority project in a local government strategy, specifically the Future Development Strategy for Dunedin 2024-2054 jointly prepared by DCC and ORC [section 22(2)(a)(i)]*
- *will deliver new regionally significant infrastructure by addressing critical capacity constraints at Port Otago, and it has secured $8.2 million in funding from the Regional Infrastructure Fund [section 22(2)(a)(ii)]*
- *will deliver significant economic benefits in the Otago region, including regional investment of up to $100 million (86 per cent within Otago), the creation of over 550 FTE construction jobs and 55 ongoing roles, improved freight efficiency and logistics, reduced road maintenance costs, strengthened supply chain resilience, and enhanced productivity for KiwiRail and Port Otago [section 22(2)(a)(iv)]*
- *will support the Otago region's primary industries by improving logistics for agriculture and forestry goods [section 22(2)(a)(v)]*
- *will support the reduction of greenhouse gas emissions by enabling a significant shift of freight from road to rail [section 22(2)(a)(vii)]*

[322] FTAA-2505-1059Southern Link Inland Port– Notice of Decision Letter, 26 August 2025

- *will provide infrastructure that could support recovery from natural hazards and climate related events [section 22(2)(a)(viii)]*
- *will address significant environmental issues, specifically climate change, through its contributions to emissions reduction and climate resilience [section 22(2)(a)(ix)]*
- *is consistent with local or regional planning documents, including spatial strategies, specifically Dunedin City Council's Future Development Strategy 2024-2054 [section 22(2)(a)(x)].*

783 There is no real dispute as to the significance of the regional (and some national) benefits of the proposal, although as we address below some commenters raised concerns about whether there were better alternatives in terms of location or an aggregation of activity at Milburn.

784 The main issue that concerned the Panel was the potential risk that many of the regional benefits arising from the enablement of the proposed mode shift from road to rail may not be realised if either no agreement was reached with KiwiRail with regard to the construction of the rail siding and access to the rail network, or there was a significant delay. The application explained the intention was the siding would be completed in Stage 1.[323]

785 The substantive application[324] and accompanying Economic Assessment[325], ITA,[326] and Noise Assessment[327] are replete with references to the benefits of facilitating a mode shift from road to rail for freight to Port Otago by shifting existing truck-based warehousing and logistics to rail, leveraging the existing KiwiRail Taieri Branch Rail Line to deliver containerised freight to Port Chalmers. The Application Report states that this:[328]

> *will reduce heavy vehicle movements on urban Dunedin roads by approximately 29,860 per annum, increasing operational efficiency, and reducing carbon emissions and road maintenance costs.*

786 The SLIP project includes a new rail siding (on the Site) off the Taieri Branch Rail Line to enable loading, unloading and operation of a rail freight shuttle service to Port Chalmers and the wider rail network.[329]

787 Further the project rationale[330] states that:

> *The SLIP presents an opportunity to:*

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323 Southern Link Inland Port Application Report, page 6, para 2.2.5, 2.4 and Master Plan for Stage 1.
324 Southern Link Inland Port Substantive Application Report, 17 April 2026
325 Southern Link Inland Port, Economic Assessment, April 2026 Savvy Consulting Limited, Pages 1, 3, 4, Section 1 .1 Research Purpose, Section 5.1 The Future without the Inland Port, page 60, Section 7.4 Total Initial Modal Shift Expected, pages 95-97
326 Southern Link Inland Port, Integrated Transport Assessment (ITA), Stantec NZ, 15 April 2026, ITA Addendum, and Transport JWS, Appendix 1.
327 Southern Link Inland Port, Marshall Day Acoustics, 15 April 2026
328 Southern Link Inland Port – Substantive Application, 17 April 2026, page 5
329 Ibid
330 Ibid, page 6, 1.1.1

- *Consolidate container operations associated with Port Chalmers;*
- *Improve the efficiency of the Dunedin and wider Otago Region logistics network through said consolidation and use of the KiwiRail network;*
- *Increase the resilience of port operations by enabling rail operations in addition to truck movements; and*
- *Reduce the number of heavy vehicles operating in Dunedin reducing the strain on the transport network and reducing carbon emissions associated with freight transport activities in the region.*

788 The Application Report included correspondence from KiwiRail dated 12 March 2026, reconfirming support for the project, specifically for it to be 'rail served'. KiwiRail noted that:[331]

> *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.*

789 The Application Report explains that:[332]

> *the SLIP will deliver significant demonstrable short-term and long-term benefits throughout both the construction and operational phases of the Project, providing benefit to Dunedin, the Otago Region, and New Zealand more broadly. These benefits include:*
>
> - *Generation of approximately $191.3 million in value added impacts (including indirect and induced impacts) over the 10 years of construction;*
> - *The construction of the SLIP over 10 years is expected to sustain 1,489 full-time equivalent ("FTE") jobs nationally;*
> - *The operational phase of the SLIP will create 21 transferred positions and add 104 net high-value permanent jobs;*
> - *Enabling growth in export volumes and market share beyond current facility capacity while supporting primary sector exports in Otago, Southland and South Canterbury;*
> - *Increased utilisation of KiwiRail's existing rolling stock and track assets between Mosgiel and Port Chalmers. An initial uplift of 15,000 (30,000 Total Equivalent Units ("TEU")) and projected growth up to 40,000 wagons per annum is expected;*
> - *An initial reduction in heavy vehicle movements on the Dunedin road network of approximately 30,000 per annum associated with operation of Stage 1 which will lead to significant road maintenance cost savings and improved transport efficiency;*
> - *A reduction in road congestion, travel time, and road maintenance costs;*

[331] Correspondence Kiwi Rail to Applicant, 12 March 2026
[332] Ibid, page 8-9

- *An initial reduction in carbon, in the order of 1,050-1,100 tonnes per annum of CO2e, greenhouse gas emissions, and air quality enhancement as a result of the Stage 1 modal shift, and associated improvements to air quality; and*

- *Improved supply chain resilience through multi-modal accessibility and reduced reliance on vulnerable transport routes delivering an enhanced competitiveness of Port Otago.*

790 The stated benefits are supported by the modelling and analysis in the Economic Assessment undertaken by Savvy Consulting Limited.[333]

791 Other regional benefits are said to include the avoidance of pressure to expand Port Chalmers through coastal reclamation and provides for sustainable long-term growth of Port Otago's container operations. This was a matter of interest for Te Rūnanga o Ōtākou, which we address above under the heading of Cultural Values.

792 The Economic Assessment also addressed possible benefits arising from the freeing up of existing industrial land and floorspace in Dunedin City due to the relocation of the Strathallan Depot, and reduced leakage from Port Otago when container storage reaches capacity. Benefits also include facilitating an increase in market share for Port Otago imports and exports, attracting new import and export manufacturing business to the Region and wider Southern Region and consequential growth in GDP in the Southern Region.[334]

793 We have addressed the potential economic costs arising from the loss of primary productive land and transport effects on the local roading network above and have found these to be acceptable such that they do not outweigh the potential economic and other regional benefits of the project.

Comments Received

794 There was no dispute as to the significance of the regional economic and other benefits arising from comments received under s53(2) or (3).

795 A number of comments were received in support of the economic benefits and the improvements to the transportation network through the reduction in trucks on SH88 and the associated environmental benefits of the project including from local residents[335], the MTCB, Te Rūnanga o Ōtakou, DCC and ORC.

796 Comments received from the Minister for Infrastructure, the Minister for Regional Development, the Minister for the South Island and Associate Minister for Transport, and the Minister for Economic Growth are supportive of the project and its alignment with the Government's economic growth and infrastructure priorities. The Minister for Regional Development made specific note of the inclusion of the new rail siding and the Government's approved loan of up to $8.2 million through the Regional Infrastructure Fund to support the development of the rail siding. The

[333] Economic Assessment, Savvy Consulting Limited, section 9.1
[334] Ibid
[335] Paul and Rochelle Urquhart, Stockdale Farm Limited

Minister concluded:

> *… the assessment considers the project's significance is not limited to the direct construction spend or jobs created. It may improve the efficiency, capacity and resilience of regional supply chains, support a shift of freight from road to rail, reduce heavy vehicle movements through urban Dunedin, and strengthen access to Port Chalmers for primary sector exporters and other trade-exposed businesses.*

797 The Minister for Economic Growth made specific note of the economic benefits arising from the construction and operation but noted that the Economic Assessment did not quantify ongoing GDP, annual revenue or wages and salaries associated with operational activity.

798 Mr and Mrs McLeod were concerned about the rationale for the project and considered that a competing project in Milburn was a better alternative, or utilisation of land within the Industrial Zone adjacent to the Site. Mr and Mrs Inch also raised the issue of alternative sites.

Applicant Response to Comments

799 The Applicant's response acknowledged the support from the Ministers and other commenters. In relation to the concerns expressed by Mr and Mrs McLeod and Mr and Mrs Inch regarding alternatives the Applicant provided a statement of evidence from Mr Driver.[336]

800 Mr Driver explained that the identification of the Site originated 10 years ago and following investigations other sites were ruled out and the Site was selected because of its relative proximity to the Port, flat topography (supporting reduced construction costs), being directly adjacent to the rail line, support received from KiwiRail, proximity to the Fonterra operation and industrial land and enablement of freight aggregation and efficiency. Importantly the Site is already identified in the FDS as the preferred location of a future logistics park/freight hub.

801 Mr Driver explained that the Milburn proposal is not in his view a genuine alternative based on advice that it was commercially marginal, more than double the distance from the Port, with associated logistics challenges and costs resulting in a longer and more expensive supply chain.

802 In response to the Minister for Economic Growth's comments regarding quantification of ongoing GDP, annual revenue associated with the operational activity the Applicant provided a response from Ms Hampton as follows:[337]

> *The Minister for Economic Growth is correct that while net additional direct employment impacts have been quantified for the Project for the short medium term, ongoing operational revenue, value-added GDP, and indirect and induced employment of the SLIP has not been quantified. This was stated in the Economic Assessment on page 3 and again on page 76. As alluded to there, Stage 1 of the Project represents a consolidation of*

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[336] Statement of Evidence by Grant Driver, 19 August 2026.

[337] Memorandum of Counsel on behalf of SLPL Responding to Comment of the Minister for Economic Growth 31 August 2026, paragraph 7.

existing Port Otago and Icon Logistics activity. While that consolidation simultaneously resolves a range of serious economic constraints for both businesses (set out in Sections 3.3, 4.4 and 5.1 of the Economic Report) and drives the efficiency, productivity and resilience benefits for their import and export customers, it does not necessarily result in a material change of gross output for both firms during stage 1 operations. Consolidation equates to 'transfer' and on that basis, no change in each company's value-added contribution to the Dunedin and regional economy was assumed.

This was a deliberately conservative approach that avoided overstating the valued-added GDP and employment impacts of early Inland Port operations. However, net additional employment at the Inland Port is projected, and with that comes growth in revenue and wage and salary payments which help drive direct GDP growth and flow-on economic spending. It is our position that the Inland Port will facilitate growth in economic activity over the medium and long-term, and that this will not be limited to the businesses operating on the site.

Transportation JWS and Hearing

803 Whilst exploring the sensitivity testing for the assessment of heavy vehicles on the local roading network the Panel was concerned that given the commercial arrangements with KiwiRail had yet to be finalised, there was a risk that the rail siding was either not built or it was delayed. We raised this in Minute 9 when directing expert conferencing. In Appendix 1 of the Transportation JWS the Applicant explained that:[338]

6. The SLIP site is rail orientated by design and the project would not be attractive to the Applicant without it. The sizing of rail infrastructure at the site is deliberately matched to the recently completed Port Chalmers rail siding development. The 24 wagon rake capacity at the SLIP site fits within the 30 wagon rake capacity at the Port Chalmers – this ensures there is no inefficient breaking and shunting of rakes at the SLIP site. This permits the two ends of the SLIP shunt circuit to operate in tandem. Rail utilisation is critical to enable the consolidation and colocation of warehousing and container depot activity which is currently distributed across Dunedin, Kaikorai Valley and Mosgiel, and the efficient connection to the coastal port. Without a rail siding the co-location of this activity is not beneficial and would mean that the project would not proceed resulting in the existing distributed warehousing and container activities largely remaining in place.

7. The Economic Report has provided a comprehensive assessment of current container trade supply chains including the locations of existing warehousing, container servicing and storage, commercial relationships within the sector and existing transport movements. Savvy Consulting has identified significant and systemic constraints with current container trade logistics that mean that the business as usual future is not sustainable for Port Chalmers, Icon Logistics and the importers/exporters in the southern South Island. These constraints are set out in sections 3.3 and 4.4 respectively of the Economic Report.

8. The economic disbenefits of a business as usual future for container trade via Port Chalmers are set out in section 5.1 of the Economic Report and are significant and potentially widespread in terms of consequent effects and opportunity costs. This includes the reducing efficiency, reputation and competitiveness of Port Chalmers – one of New

[338] Transportation JWS, Appendix 1, paragraph 6-9

Zealand major seaport infrastructure assets. Other disbenefits include (but are not limited to) "Little or no opportunities for existing exporters using Port Chalmers (and Dunedin's 3PL service providers) to increase their output (without further leakage of those supply chains out of Otago Region)" and "Higher freight costs for exporters and importers reliant on truck movements that pass through Dunedin's main urban area (slower speeds and higher congestion increase time and costs). Efficiency and productivity will continue to decline as Dunedin's urban population grows". Savvy Consulting consider that without transformative change of current container trade supply chain logistics in Dunedin, export and import industry growth opportunities for Otago Region are highly unlikely to be realised.

9. The investment in rail infrastructure is significant - $13.5 m at Port Chalmers and expected $15m investment for the SLIP rail siding. The absence or underutilisation of the rail siding would undermine the opportunity to consolidate Dunedin's container activity and address existing supply chain constraints and risks. It would undermine the value and basis for the project.

804 We are satisfied (as discussed above under the heading Transportation effects) that the effect on the local road and SH network are acceptable, subject to the Panel Draft Decision Conditions (as confirmed in the Final Decision Conditions), however we remained concerned that a number of the assessed regional benefits of the proposal would not eventuate if the rail capability was not enabled.

805 During the Transport Hearing the Panel queried whether there should be a condition to provide greater surety of the rail enablement.

806 The Applicant acknowledged that the rail siding was a 'critical part' of why the Site was chosen but also reminded the Panel of the construction and employment related benefits. However, the Applicant noted that without rail the development would not achieve the scale required and as stated in the Transportation JWS, Appendix 1, would not proceed.

807 In Minute 14 we asked the Applicant to consider whether there was a condition or other method that would address the concern.

808 The Applicant responded by proposing the addition of a new Condition 82 that provided:[339]

Condition 82

The rail siding must be designed to enable its construction during Stage 1 of the Southern Link Inland Port. The rail siding must be constructed and operational to the extent necessary to cater for the demand deriving from Stage 1 of the Southern Link Inland Port within twelve months of the commencement of Stage 1 operations on the Site. The rail siding shall be expanded as necessary to cater for the demand from subsequent stages of the Southern Link Inland Port as those stages are developed.

Conditions Hearing

809 Ahead of the Conditions Hearing the Applicant provided updated conditions, and

[339] SLIP Updated conditions 21 September 2026

the Panel invited commenters who had engaged Planning experts to engage on alternative suggestions on some issues. This was not the Panel initiated formal comment on draft conditions process under s70, which we address below but was a useful exercise before deciding whether to grant or decline the application.

810 In support of the proposed new Condition 82 in response to the Panel's concern about the assurances for a rail mode shift, the Applicants planning experts Mr Kyle and Ms Hankey provided the following explanation:[340]

> *14. Following the transport hearing, including the discussion about the uncertainty of a review condition, SLPL has considered the comments from the Panel regarding assurance that the rail siding will be constructed to ensure that the benefits associated with the transition from road to rail are realised as part of the Project, and to address comments raised from the transport experts regarding implementing a cap on truck movements. SLPL has agreed to include a condition that requires the construction of the rail siding to commence as part of Stage 1 of the SLIP (refer to Condition 82). We note that the condition requires the rail siding to be constructed and operational within 12 months of the commencement of Stage 1, as opposed to being constructed prior to the commencement of the operation of the SLIP, due to operational requirements to enable the transition from road to rail and the low volume of truck movements anticipated over this initial establishment period. The proposed condition will provide assurance that SLPL will construct the rail siding, and as such, the benefits of the road to rail modal shift can be relied upon by the Panel.*
>
> *…*

811 We address the transportation effects aspects of this evidence above under Transportation Effects, but here we focus on whether the Applicant's proposed Condition 82 addresses the Panel's concerns regarding the realisation of the regional benefits.

812 In response to the Applicant's proposed condition NZTA's planning expert Ms Helen Dempster made a number of observations about the condition with a focus on the issue of whether monitoring and review of transport effects is still required, however the observations are relevant to whether the Applicants proposed wording achieves the certainty that the Panel envisaged.

813 Ms Dempster commented:[341]

> *NZTA support the imposition of a condition that requires the rail siding infrastructure to be constructed within a specified timeframe. However, we suggest that construction of the siding prior to the operation of the inland port, rather than within 12 months of the port operation commencing, is likely to better support and facilitate rail uptake from the outset, before the normal operating procedures by users of the inland port get established and become embedded.*
>
> *Furthermore, this condition only obliges the Applicant to complete the first step of the rail infrastructure, with further expansion of the siding contingent on future demand. The*

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340 Summary Statement John Kyle and Megan Hankey, 21 September 2026

341 NZTA comment recorded on Applicants proposed updated conditions, Ms Dempster's email of 21 September 2026 to EPA (comment 20 September at 3:52pm).

Applicant has not committed to any minimum portion of transfer of container freight movement by rail, nor how it will ensure the expected level of transfer to rail is actually realised. NZTA consider it would be desirable for a condition to be imposed that seeks to achieve the expected rail mode uptake.

In the absence of a requirement (Condition) to achieve even a minimum percentage transfer to rail, nor any conditions being proposed by the Applicant to monitor and respond to effects of the project on the state highway network, NZTA considers that the current suite of conditions proposed by the Applicant do not provide sufficient certainty that any adverse effects arising from the heavy vehicle movements generated by the project on State highways 1 and 87 will be managed. As such, NZTA considers that a further condition, included as Condition 84 in this document, is necessary to identify and respond to effects from the inland port on State highways 1 and 87.

814 During the Conditions Hearing the Panel asked Mr Kyle whether he had concerns about the certainty of the condition. He considered that the condition was clear and conveyed the intent that the rail siding is constructed and operational as part of Stage 1. The addition of the 12-month requirement was to reflect the specialist nature of rail siding construction and address any issues with the availability of the required machinery for construction.

815 The Panel remained concerned about the last sentence of the condition which on our reading added some uncertainty as to whether the rail siding was to be installed in stages out to Stage 3. Mr Kyle explained that was not the case, however the Applicant was endeavouring to capture the possibility that by stage 3 there may be a need to expand the rail siding to accommodate demand. Following further discussion, the Applicant's representative Ms Dowd conceded that the last sentence was not required and could be deleted.

Panel Findings

816 The Panel adopts the approach of the Waihi North Project Panel that:[342]

[842] "Significant" is a word of indeterminate meaning. It can, for instance, be used in in the sense of "game-changing". But it can also have meanings along the lines of "worthy of note"

[843] In the context of "deliver significant economic benefits" and "development of natural resources including mining", it is not particularly likely that any one mining project will produce game-changing effects, certainly across the country as a whole. The same can be said of any one project to "increase the supply of housing". Indeed, in a large city, even a substantial housing project is unlikely to make a material change to the supply of housing. All of this supports the view that "significance" is not to be determined by reference to whether implementation of the project will appreciably change national or regional gross domestic product or the annual tax revenue of the Government. Rather it is an indication of scale.

817 The Panel accepts that there are significant regional benefits from the construction and operation of the full development, as stated in the application and Economic Assessment. If the full development is not realised, those benefits will be less. As

[342] Waihi North Project Decision FTAA-2504-1046, 18 December 2025.

stated by the Applicant during the Transport Hearing, without the construction of the rail siding, the development will not achieve the scale projected.

818 The Panel is in no doubt that the regional benefits of the project are intrinsically linked to the establishment of a rail siding and its use to enable a significant modal shift from road to rail with the consequential benefits for the efficiency and resilience of the supply chain and reduction in current congestion impacts on SH88 through Dunedin and the potential to contribute to CO2e reduction.

819 The Panel was initially concerned that without rail the project may generate significant adverse safety and efficiency effects on the local road network. As we explain under Transportation Effects, we have examined through the joint witness conferencing and hearings the heavy vehicle volume forecasts with no transfer to rail, low and anticipated rail transfer, and higher than projected mode shift. We are satisfied that the effects on the road network of all scenarios are likely to be acceptable in light of the Panels Draft Decision Conditions (as confirmed in the Final Conditions) and any residual risk to the safety and efficiency of the State Highway and District road network can be addressed through recording of HCV movements to and from the Site and the review condition. That recording does not measure the rail share directly, but a shortfall in the transfer to rail will show as higher heavy vehicle numbers in the annual reports.

820 We have also considered the economic benefits without or with delayed mode shift to rail. As the Applicant explained in the Transportation JWS, Appendix 1, the project is unlikely to proceed without rail.

821 Nevertheless, because the project is intended to provide for rail, the Panel was concerned to ensure that, if the approvals were granted, the conditions tied them to enabling the rail siding and providing for road to rail mode shift.

822 We have considered the suggestion by Ms Dempster that there needed to be an identified minimum portion of transfer to rail and do not find that is required. We are satisfied that the transfer to rail is a key component of the activity, however the exact proportion or timing of the rail transfer is not a matter that can be reasonably prescribed in conditions because it is dependent on KiwiRail's operations. We do however consider that the conditions of consent should prescribe when the siding is constructed and operational, because the Application Report, assessment of transportation effects and economic impact is contingent on enablement of the transfer to rail at Stage 1.

823 We do not consider it appropriate to require that the siding be constructed prior to the operations of the SLIP. We are comfortable that the 12 month time frame is practical and proportionate to the complexity involved in the construction of the rail siding and does not unreasonably hold up the initial transfer of Dynes transport activities to the Site which, at about 50 additional heavy vehicle movements a weekday on SH87 at Stage 1 compared with about 120 at Stage 3, on the Applicant's anticipated 75% rail transfer, will have a comparatively low impact on the road network.

824 We have considered the views expressed by commenters as to alternative locations or aggregation of activities at Milburn, and accept the evidence of Mr Driver that the Applicant's choice is appropriate and has the potential to deliver significant regional benefits (and some national benefits) at the Site. The distance from Port Otago and the co-location with the rail network are significant features. We accept that the size and topography of the Site lends itself to an efficient operation whilst ensuring that adverse effects can be appropriately managed.

825 We have taken into account the reasons for the Minister of Infrastructure decision to refer the project to the Fast Track process.

826 The Panel finds that the SLIP will likely deliver regional benefits through the enablement of significant regional infrastructure (and more modest national benefits) that achieve the purpose of the FTAA. However, we find that a condition requiring the construction and operation of the rail siding is necessary to enable the anticipated regional benefits to be realised. For the reasons given under Transportation Effects in Part F, we have amended Condition 82 so that it requires the rail siding to be constructed and operational within twelve months of the commencement of Stage 1 operations on the Site.

PART H: STATUTORY DOCUMENTS

827 The Application listed what the Applicant considered to be the relevant statutory instruments and provided an assessment of each of those instruments. Rather than repeat that here, this section addresses the documents of particular relevance to the Application (particularly relevant provisions) and the comments received. The Panel also relies on our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions (including Part I: Regional and District Planning Framework as relevant to the topic area).

National Policy Statements

828 The relevant National Policy Statements were addressed in section 19 of the Application and include:

(a) National Policy Statement for Freshwater Management 2020 (**NPS-FM**);

(b) National Policy Statement on Urban Development 2020 (**NPS-UD**);

(c) National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**);

(d) National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**)

(e) National Policy Statement for Infrastructure 2025 (**NPS-I**); and

(f) National Policy Statement for Natural Hazards 2025 (**NPS-NH**).

National Policy Statement for Freshwater Management

829 The NPS-FM sets out a framework under which local authorities are to manage

freshwater (including groundwater).[343]

830 The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises the:[344]

(a) health and well-being of water bodies and freshwater ecosystems;

(b) health needs of people (such as drinking water); and

(c) ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

831 This objective reflects the hierarchy of obligations in Te Mana o te Wai.[345]

832 The Resource Management (Freshwater and Other Matters) Amendment Act 2024 made targeted changes which included excluding the hierarchy of obligations in cl1.3(5) or 2.1. The Application noted however that the concept of Te Mana of Te Wai is still a relevant consideration for the purposes of this resource consent application being made under the Act, as the Project needs to be assessed against the regional plans that have been prepared in a way that gives effect to the hierarchy of obligations in Te Mana of Te Wai.

833 The Application states that the integrated management of freshwater is at the centre of their management approach. The Application outlines that discharges are unlikely to impact the achievement of the applicable freshwater objectives and compulsory national values, the impacts on Whakaehu / Silver Stream are low, and the project is being undertaken in a manner that is consistent with the policy directives of the NPS-FM.

834 Comments from Fish and Game Otago, Te Rūnanga o Ōtakou, and ORC addressed the requirements of the NPS-FM. Following engagement with the Applicant on appropriate conditions to address the effects on freshwater quality, ecology and cultural values, those commenters reached agreement with the Applicant on appropriate conditions to address their concerns regarding effects on freshwater quality, ecology and cultural values. The Applicant included those conditions in the Reply Version, which we have adopted and included in the Panel Draft Decision Conditions, as confirmed in the Final Decision Conditions.

Panel Findings

835 The Panel is satisfied with the Applicant's assessment against the NPS-FM and finds that the Application subject to the Panel Draft Decision Conditions as confirmed in the Final Decision Conditions is not inconsistent with the NPS-FM.

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343 NPS-FM cl1.5.
344 NPS-FM cl2.1.
345 NPS-FM cl1.3.

National Policy Statement on Urban Development

836 The NPS-UD directs local authorities to enable well-functioning urban environments and directs that planning frameworks provide sufficient development capacity to meet housing and business demand, both now and in the future.[346] We note the DCC and ORC FDS prepared in accordance with the NPS-UD identifies the Site within an 'indicative area for an inland freight hub'.

837 Policy 1 of the NPS-UD requires that planning decisions, which includes resource consents, contribute to well-functioning urban environments.

838 The Application states that the SLIP is demonstrably consistent with the FDS, and the NPS-UD.

839 The Panel did not receive any substantive comments raising concerns relating to the consistency of the Application with the NPS-UD.

Panel Findings

840 The Panel is satisfied with the Applicant's assessment against the NPS-UD and find that the Application subject to the Panel Draft Decision Conditions as confirmed in the Final Decision Conditions is not inconsistent with the NPS-UD.

National Policy Statement for Highly Productive Land

841 The objective of the NPS-HPL is to protect HPL for use in land-based primary production, both now and for future generations. Until a regional policy statement containing maps of HPL is operative, territorial authorities must treat as HPL any land that is rural zoned at the commencement date, and LUC 1, 2, or 3, unless the land is clearly identified for future urban development. The Application states that the 'future urban development' exclusion does not apply. However, cl3.10 of the NPS-HPL provides an exemption pathway for use and development of HPL subject to permanent or long-term constraints.

842 The Land Assessment[347] provided with the application assessed the suitability and economic viability of the Site and concluded that the SLIP meets the cl3.10 exemption criteria.

843 We have addressed the PCE's and DCC comments on the Land Assessment previously in our decision under the Heading Effects on Highly Productive Land and find that there is no additional benefit to requesting further detailed mapping of the Site. However, we have concluded that the effect of the loss of HPL is likely to be more than minor.

Panel Findings

844 The Panel is satisfied with the Applicant's assessment against the NPS-HPL and

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[346] NPS-UD Objective 1
[347] Land Assessment AbacusBio Limited, 10 April 2026

finds that the Application is not inconsistent with it, as the exemption criteria in cl3.10 for developing the Site for the SLIP is satisfied.

National Policy Statement for Indigenous Biodiversity

845 The NPS-IB provides a nationally consistent framework for the protection, maintenance, and restoration of indigenous biodiversity across New Zealand to achieve at least no overall net loss[348]. The Terrestrial Ecological Impact Assessment[349] provided with the application applies a precautionary and integrated approach and concludes the adverse effects will be very low to low. The Application concludes that the SLIP is consistent with the provisions of the NPS-IB.

846 We have addressed the comments received under the heading Terrestrial Ecology and Biodiversity and agree with the experts for DCC and the Applicant that adverse effects on biodiversity will be low subject to the final set of conditions and draft LMP.

Panel Findings

847 The Panel is satisfied with the Applicant's assessment against the NPS-IB and find that the Application subject to the Panel Draft Decision Conditions as confirmed in the Final Decision Conditions is not inconsistent with the NPS-IB.

National Policy Statement for Infrastructure

848 The NPS-I applies to infrastructure and supporting activities, including infrastructure defined by the RMA, and additional infrastructure defined in the NPS-I. This includes the SLIP, as a facility "f*or the loading or unloading of cargo… transported on land… including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988*." The Objective of the NPS-I seeks timely, efficient delivery of resilient, well-functioning infrastructure that provides national, regional and local benefits, supports community wellbeing and changing needs, and manages adverse effects and compatibility with other activities.

849 The Application concludes that the Proposal is consistent with the NPS-I, and was referred to the Panel by the Minister for Infrastructure because the Minister was satisfied that it is an infrastructure project that would have significant regional or national benefits. We have considered the concerns of commentors in Part F Evaluation of Effects, and the Panel accepts that there are significant regional benefits from the construction and operation of the full development, subject to Condition 82 to ensure the rail siding is constructed and operational within 12 months of the commencement of Stage 1 operations.

850 We have recognised the regional benefits of the SLIP in accordance with Policy 1 in Part G: Regional or National Benefits of the Project, and the Draft Decision Conditions achieve Policy 7 with regard to managing the effects of the proposed

[348] NPS-IB Objective 1
[349] Southern Link Inland Port Terrestrial Ecological EcIA, E3 Scientific, April 2026

infrastructure activity.

Panel Findings

851 The Panel is satisfied with the Applicant's assessment against the NPS-I and find that the Application is not inconsistent with it, subject to the Panel Draft Decision Conditions as confirmed in the Final Decision Conditions.

National Policy Statement for Natural Hazards

852 The NPS-NH provides national direction on managing natural hazard risk, including flood hazard, which is a relevant consideration for the Application. The Objective seeks that natural hazard risk is managed using a risk-based proportionate approach. The application assessment concludes that the project is consistent with the provisions of the NPS-NH.

853 We have addressed the comments received under the heading Off-Site Flooding in Part F: Evaluation of Effects.

854 The Panel finds that whilst the proposed development of the Site will result in a change in flood water flows through the Site, the Stantec stormwater modelling assessment sufficiently demonstrates that the proposed swales to redirect the flood flows around the Site to Whakaehu / Silver Stream and the associated onsite attenuation pond and secondary flow inlets onto the Site will appropriately manage offsite floodwater levels sufficient to ensure an acceptable increase in flooding risk to offsite properties is achieved.

855 The Panel considered DCC's requests for independent peer review and tighter tolerances outside buildings. We are satisfied that Condition B.21 is sufficient. The modelling must be prepared by a suitably qualified and experienced person and provided to ORC, and the tolerances use the agreed water surface elevation measures.

856 The Panel finds that the stormwater management solutions proposed for the SLIP can be appropriately managed via the agreed consent conditions (Reply Version) in a manner that avoids an unacceptable increase in flooding risk to the Site and to properties beyond the Site.

Panel Findings

857 The Panel is satisfied with the Applicant's assessment of the NPS-NH and find that the Application is not inconsistent with it subject to the Panel Draft Decisions Conditions. The flood management conditions apply a risk-based and proportionate approach to managing natural hazard risk to people and property.

National Environmental Standards

858 The NES-CS applies nationally consistent standards for assessing and managing contaminants in soil to protect human health. Resource consent is required under Regulation 10(2) for soil disturbance and change of use.

859 The Panel has considered the Application where the Applicant has stated that the actual and potential adverse effects on the environment and human health can be appropriately managed via the Applicant's draft conditions such that any adverse effects from disturbance and remediation of the contaminated soils on the Site are adequately avoided.[350]

860 We have addressed the comments received under the heading Site Contamination in Part F: Evaluation of Effects.

Panel Findings

861 The Panel concludes that the proposed development will not generate adverse contaminated land effects or be at odds with the intent and purpose of the NES-CS. Contamination risk can be appropriately managed via the Reply Version Conditions (and included in the Final Decision Conditions) in a manner that avoids adverse effects on human health.

PART I: REGIONAL AND DISTRICT PLANNING FRAMEWORK

862 An assessment of the relevant statutory plans has been included within the Application as is required by Schedule 5, cl5(1)(h).

863 The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by the ORC and DCC. We have also considered the comments from Fish and Game Otago and in the TIA prepared for the Applicant by Te Rūnanga o Ōtākou, and the other participants. In Part F we have made findings on the effects of the SLIP as against the relevant planning provisions, where appropriate to do so. Under each heading we included a section on 'Planning Context' where we identify the outcomes sought in the relevant planning documents. In this section we outline our findings on the alignment or otherwise of the application as against the relevant planning provisions.

Otago Regional Policy Statement

864 The Application was lodged when the Proposed RPS was not yet fully operative. The RPS was made operative on 9 July 2026. The RPS therefore now has full legal effect, and the former 'Operative Otago Regional Policy Statement' that existed at lodgement is no longer a relevant consideration.

865 The Application provided a comprehensive assessment of the Manawhenua, Integrated Management, Air, Land and Freshwater, Ecosystems and Indigenous Biodiversity, Energy, Infrastructure and Transport, Hazards and Risks, and Historical and Cultural Values provisions of the Proposed RPS.[351]

866 ORC considered the application against the operative RPS in their s53 Comments.

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[350] Southern Link Inland Port – Substantive Application, 17 April 2026, section 6.4.6
[351] Southern Link Inland Port – Substantive Application, 17 April 2026, section 9.3.9

In section G.7 Ms Goslin recorded:[352]

> *While the policy numbering has changed between the appeals and operative versions of the ORPS 2021, the relevant objectives and policies have remained largely unchanged. ORC considers that the Applicant has identified and assessed the relevant provisions of the ORPS 2021 applicable to the proposal.*

867 The Panel agrees with that conclusion.

868 In relation to the provisions concerning freshwater resources and the management of stormwater and other discharges, including LF-FW-P16 and LF-FW-P17, these policies seek to minimise adverse effects of direct and indirect discharges to freshwater by requiring appropriate treatment, management and monitoring measures, promoting source control, and ensuring discharges do not prevent water bodies from achieving applicable freshwater objectives and water quality standards.

869 We have addressed these matters, and comments received that relate to them in Part F, under the headings Freshwater Quality and Ecology, Stormwater Effects, Groundwater and Contaminated Land.

870 In relation to HPL, Objective LF-LS-O11 – Land and Soil seeks the availability and productive capacity of highly productive land for primary production is protected from inappropriate use and development. The Application does not protect HPL and the District Plan provisions seek to avoid industrial activities of the scale envisaged by the SLIP. On the face of it the activity does not achieve this policy. The Applicant points to the Land Assessment undertaken in relation to the NPS-HPL and notes the constraints on productive use of the Site. We also note that the DCC and ORC FDS for the region anticipates a possible plan change to enable a future freight hub in this location.

Panel Findings

871 The Panel is satisfied with the Applicant's assessment against the RPS and find that the Application, subject to the Panel Draft Decision Conditions (as confirmed in the Final Decision Conditions) is not inconsistent with it overall, however the outcomes for Objective LF-LS-O11 are not achieved.

Regional Plan: Water for Otago

872 The Regional Water Plan controls the use, development and protection of the freshwater resources, including the beds and margins of waterbodies, of the Otago Region. The Application provided a comprehensive assessment of the Natural and Human Use Values of Lakes and Rivers, Water Quality, Beds and Margins of Lakes and Rivers, and Groundwater provisions of the Regional Water Plan.

873 In the ORC s53 Comments Ms Goslin commented that the Regional Water Plan is a first-generation plan that predates and does not fully give effect to the relevant

[352] ORC s53 Comments, Memorandum prepared by Hannah Goslin Incite on behalf of ORC 11 August 2026.

higher order planning documents. As such, ORC suggests limited weight should be afforded to this regional plan in comparison to the higher order planning documents. ORC considers the Applicant has identified and assessed the relevant provisions of the Regional Water Plan applicable to the proposal and generally agrees with the assessments provided.[353]

874 The Panel has reviewed and considered the assessment provided by the Applicant and is satisfied with the Applicant's assessment of the Application against the Regional Water Plan. We have addressed effects on freshwater quality, the bed of Whakaehu / Silver Stream and groundwater under the headings Freshwater Quality and Ecology, Stormwater and Groundwater in Part F.

Panel Findings

875 The Panel is satisfied with the Applicant's assessment of the Application against the Regional Water Plan and find that the Application is not inconsistent with it.

Regional Plan: Waste for Otago

876 The Regional Waste Plan controls the use and development of landfills, contaminated sites, and waste. The Application provided a comprehensive assessment of the Waste Minimisation, Contaminated Sites, and Hazardous Substances and Hazardous Wastes provisions of the Regional Waste Plan.

877 The Panel has reviewed and considered the assessment provided by the Applicant and is satisfied with the Applicant's assessment of the Application against the Regional Waste Plan.

878 We have addressed effects of contamination and the management of waste under the headings Contaminated Land and Wastewater in Part F.

Panel Findings

879 The Panel is satisfied with the Applicant's assessment against the Regional Waste Plan and find that the Application is not inconsistent with it.

Regional Plan: Air for Otago

880 The Regional Air Plan controls discharges to air to promote the sustainable management of Otago's air resource. the use and development of landfills, contaminated sites, and waste. The Application provided an assessment of the Air Quality Management objectives and policies.

881 The Panel has reviewed and considered the Application and is satisfied with the Applicant's assessment against the Regional Air Plan, noting that no resource consent under the Regional Air Plan is required. We detail our findings further below in response to the comments received in Part F under the heading

[353] Ibid, section E.8

Construction and Remediation Effects and Effects on WRL.

Panel Findings

882 The Panel is satisfied with the Applicant's assessment against the Regional Air Plan and find that the Application is not inconsistent with it.

Second Generation Dunedin City District Plan

883 The District Plan regulates the use and development on land. The District Plan is partially operative and all provisions of the District Plan of relevance to the Project are operative.

884 The Panel has reviewed and considered the Application. The Applicant acknowledged that the Application is contrary to the outcomes for the Taieri Plains Rural Zone. That is understandable given the scale of the SLIP, and the industrial nature of the activities. It is reflected in the overall non-complying status of the land use activities. We detailed our findings further above in Section F along with the comments received from neighbours and the DCC that are relevant to the provisions of the District Plan. The Panel has also reviewed and considered the evaluation of the District Plan objectives and policies provided by the DCC in their comments. We accept DCCs evaluation and conclusions, and summarise our findings below:

(a) We agree with the Applicant's assessment of the relevant Strategic Directions objectives and policies, while considering that the more detailed provisions in the citywide and zone chapters provide the principal guidance for assessing the Application;

(b) The SLIP is assessed as being consistent with the Section 4 Temporary Activities, Section 5 Network Utilities, and Section 9 3-Water Infrastructure, Shelterbelts, Groundwater Protection, Taieri Aerodrome Flight Fan and NES-CS, and Section 10 Public Access objectives and policies subject to conditions to manage effects;

(c) DCC accepts the Application assessment regarding the relevant Section 6 Transportation Infrastructural Safety and Efficiency, Accessibility, Operational Safety, Efficiency and Affordability objective and policies, subject to conditions. Our findings in Part F generally support that assessment, recognising the dependence on the anticipated transfer of freight from road to rail;

(d) The SLIP is assessed as being consistent with the Section 8 Earthworks objectives and policies as effects including noise, dust, visual amenity, drainage, sediment runoff, and stability, will be appropriately controlled through management plans and conditions controlling noise, dust, visual amenity, drainage, sediment runoff and stability effects;

(e) Regarding the Section 9 Public Health and Safety Noise and Light Spill provisions, DCC considered the SLIP potentially consistent with Objective

9.2.2 and Policies 9.2.2.1 and 9.2.2.4, subject to resolving outstanding effects and condition matters. We have addressed those matters in Part F through the Panel Draft Decision Conditions, including a Stage 3 night-time noise limit of 43 dB LAeq(15min) at noise-sensitive receivers more than 350m from the Industrial Zone, detailed lighting design requirements and additional mitigation for affected neighbours. These findings are distinct from our conclusion that lighting effects on rural character, amenity and views of the night sky are likely to remain more than minor, such that Policy 16.2.3.9 will not be fully achieved;

(f) The SLIP is assessed as consistent with the Section 10 Natural Environment Biodiversity and Natural Character of Riparian Margins objectives and policies. Our findings in Part F support that assessment, subject to conditions securing ecological management, riparian planting and appropriate controls on works and discharges affecting Whakaehu / Silver Stream;

(g) The SLIP is assessed as consistent with the Section 11 Natural Hazards objectives and policies, subject to appropriate flood mitigation design and conditions. Our findings in Part F confirm that the proposed stormwater and flood management measures can appropriately manage risk to the Site and surrounding properties, noting we have not adopted all of DCC's requested conditions;

(h) Regarding Section 14 Manawhenua, the Site forms part of a cultural landscape identified in the TIA. Conditions provide for ongoing Manawhenua participation, including the Kaitiaki Advisory Panel and Strategic Cultural Programme; and

(i) The SLIP is inconsistent with the key Section 16 Rural Zone objectives and policies, and our evaluation is as follows:

i. The industrial nature and scale of the SLIP is contrary to Objective 16.2.1 and Policy 16.2.1.8, which seek to reserve rural zones for appropriate activities and avoid industrial and major facility activities unless otherwise provided for. The loss of productive land and removal of high-class soils are also contrary to Objective 16.2.4 and Policies 16.2.4.1 and 16.2.4.2.

ii. Objective 16.2.2 recognises the potential for conflict between activities in Rural Zones and seeks to minimise those effects (including achieving a reasonable level of amenity for residential activities in the Rural Zones). Although the scale of the SLIP is not an activity contemplated in the Rural Zones, Policy 16.2.2.5 requires that other larger scale activities are only allowed where adverse effects on the amenity of residential activities on surrounding properties will be avoided, or if avoidance is not practicable, adequately mitigated. Therefore, the effects on neighbouring amenity require specific mitigation. The Panel has made amendments to the Applicant's Reply Version of conditions to address those issues,

including to the Applicant's proposed mitigation measures for the dwellings at 273 Dukes Road North and at 54 Rutherford Road in Condition 71B.

iii. The Panel has also not accepted the Applicant's request to increase night-time noise limits by 5 dB at Stage 3 for sensitive receivers that are more than 350m from the Industrial Zone. We have included a 3 dB increase to mitigate effects on rural amenity, whilst enabling operational flexibility for the operation of the SLIP. We consider this to be appropriate to minimise the potential conflict between the SLIP and residential activities.

iv. Objective 16.2.3 and the associated policies seek to maintain or enhance rural character. Notwithstanding the mitigation measures proposed there remain residual effects on rural character and amenity that we have assessed as being more than minor, and the outcomes sought by Objective 16.2.3 and its associated policies will not be fully achieved.

885 In summary we have concluded that the application is not inconsistent with the outcomes sought in the District Plan provisions relating to Strategic Directions, and the city-wide activities and provisions sections subject to the Panel Draft Decision Conditions, as confirmed in the Final Decision Conditions.

886 We have found that the SLIP does not achieve the outcomes sought in relation to the Rural Zones.

887 As we have set out in Part C the Application is not subject to the tests in s104D of the RMA (FTAA, Schedule 5, cl17(1)(b)), and in accordance with FTAA, s85(4) and Schedule 5, cl17(4), the fact that the application does not achieve an objective or policy is not of itself a reason to decline the application.

Panel Findings

888 The Panel finds that the application is not consistent with the District Plan Rural Zone Objectives and Policies.

Conclusion regarding consistency with the regional and district planning framework

889 The Panel finds that the Application is not inconsistent with most of the objectives and policies of the RPS, Regional Water Plan, Regional Air Plan and Regional Waste Plan, subject to the Panel Draft Decision Conditions, as confirmed in the Final Decision Conditions. The Panel has found that the Application does not fully achieve the outcomes related to HPL in the RPS.

890 The Application is not inconsistent with most of the objectives and policies of the District Plan subject to the Panel Draft Decision Conditions, as confirmed in the Final Decision Conditions, however the Panel finds that the application is contrary to the District Plan Rural Zone Objectives and Policies. In particular:

(a) Objective 16.2.1 which seeks that Rural Zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment; and

(b) the strong avoidance directive in Policy 16.2.1.8 which sets out that commercial activities, industrial activities and major facility activities must be avoided in the Rural Zones, unless otherwise provided for.

Planning documents recognised by a relevant iwi authority and lodged with the Council

891 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.[354]

892 It is the Panel's understanding that the following planning documents recognised by relevant iwi authorities have been lodged with the Council:

(a) Kāi Tahu Ki Otago Natural Resource Management Plan 2005.

893 The Applicant provided a comprehensive assessment of the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 in section 9.3.15 of the Application. The Applicant acknowledged that it was for tangata whenua to speak to the cultural issues and values that are associated with the Application. Te Rūnanga o Ōtākou prepared a TIA for the Project, at the request of the Applicant. We have addressed the matters raised in the TIA under the heading Cultural Values and recorded the outcomes that were agreed between the Applicant and Te Rūnanga o Ōtākou for inclusion in conditions for the approvals.

894 We note that the TIA addresses the matters relevant to the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 and is a reference source to the preparation of the TIA. We accept that the issues are resolved through consent conditions and not an impediment to the grant of approvals.

Treaty Settlements

895 As noted in Part D s7 FTAA states:

> **7 Obligation relating to Treaty settlements and recognised customary rights**
>
> (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
> (a) the obligations arising under existing Treaty settlements; and
> (b) customary rights recognised under—
> (i) the Marine and Coastal Area (Takutai Moana) Act 2011:
> (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.

[354] Schedule 5, cl5(1)(h) and cl5(2)(g).

(3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

896 The Panel understands[355] that the following Settlement Acts (and associated Treaty settlement deeds) are of relevance to the Application area:

(a) Ngāi Tahu Claims Settlement Act 1998

897 The Panel has addressed the relevant matters raised by Manawhenua in Part D and in Part Cultural Values. In light of the agreement reached between the Applicant and Te Runanga o Ōtākou as to appropriate conditions for the approvals, which we have included in the Panel Draft Consent Conditions, the Panel has concluded that granting approval for the SLIP is not inconsistent with obligations under existing Treaty settlements.

898 As noted in Part B the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under s72 FTAA. No comments were received.

PART J: OTHER CONSIDERATIONS

Dunedin Future Development Strategy

899 DCC and the Applicant have explained that the FDS is a joint DCC and ORC document generated by DCC and ORC obligations under the National Policy Statement for Urban Development to jointly prepare a plan. It was released in April 2024.

900 The development of an inland port relates to the consideration of business land needs. Research undertaken by the DCC in 2023, which identified that:

> *There is demand for industrial land of all sizes and more demand is likely in the future due to large infrastructure projects (planned and underway).*

901 The FDS identifies that a freight hub or 'inland port', located south of the city or in the Clutha district, enables more goods to be transported by rail to Port Otago, reducing heavy vehicle use and associated carbon emissions, air pollution, safety risk and impacts on people's amenity.

902 To facilitate a transfer of freight to rail to meet sustainability objectives the FDS promotes the DCC, ORC, KiwiRail, NZTA, Port Otago, other relevant government agencies and freight logistics operators working collaboratively to confirm an appropriate location for an inland freight hub and ideally agree how to fund and deliver any infrastructure upgrades necessary to support its operation.

903 The FDS sought that an initial options assessment for an inland port, to load

[355] Based on the Application and the lack of any contrary views or evidence provided to the Panel.

freight destined for Port Otago onto rail be undertaken within 1-3 years.

904 The FDS identifies an indicative site in that includes the Site for the proposed SLIP, noting that the indicative location is not zoned for the activity as follows:

> *The freight hub will not comprise general 'industrial zoned' land or any other land use including retail, commercial or residential activities. If it proceeds to the approvals stage it will require site specific zoning provisions that focus solely on warehousing and goods storage and movements.*

905 The FDS notes that the site has constraints and would require specialist investigations to confirm feasibility.

906 In the ORC s53 comments Ms Goslin drew the Panel's attention to the ORC's Strategic Directions 2024–2034 which is a non-statutory document that outlines the organisation's strategic priorities and desired outcomes over the next decade. While it is not a statutory planning document and does not contain objectives or policies to be applied under the RMA, it provides useful context for the broader outcomes ORC seeks to achieve. We have considered the provisions of the document as summarised in the ORC comments.[356]

907 Ms Goslin also drew the Panel's attention to the Otago Southland Regional Transport Plan 2021-2031 (Midterm Review 2024).

908 She advised that the Regional Land Transport Plan (**RLTP**) sets out the objectives, targets and investment priorities for transport in the Otago and Southland regions. It has been prepared by the joint Otago and Southland Regional Transport Committee comprising representatives from the Otago and Southland Regional Councils, territorial authorities and NZTA.

909 Of note is that the RLTP places strong emphasis on increasing the use of rail or freight, reducing freight related emissions, and improving the resilience and efficiency of regional supply chains. In this context, the RLTP specifically identifies a preference for an inland port located between Dunedin and Balclutha. It further notes that:

> *The successful development of an inland port requires comprehensive planning, robust infrastructure and transport connections. Careful consideration of the potential impacts to surrounding communities and the environment from freight movements to and from the port are also critical. To be most effective, this type of investment would also need to address resilience issues on the Taieri Plains that arise from flooding.*[357]

910 ORC also notes that DCC is undertaking early-stage investigative work to better understand the impact of growth and development in the Mosgiel area, including in relation to the proposed inland port. NZTA is also undertaking work to investigate the interaction of SH1 and SH87. DCC's studies were originally intended to be progressed through business cases, but co-funding was not secured. ORC

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356 ORC s53 Comments, Section F.2

357 Otago Regional Council and Southland Regional Council (2024), Otago Southland Regional Land Transport Plan 2021–2031: Mid-term Review 2024, p. 29.

acknowledges the importance of this work to improve understanding and enable future transport solutions.

PART K: CONDITIONS

FTAA General Requirements for Conditions

911 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.

912 Section 83 must be complied with and provides:

> **83 Conditions must be no more onerous than necessary**
>
> When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

913 Section 84A provides:

> **84A Conditions relating to infrastructure**
>
> (1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support—
>
> (a) the project; or
>
> (b) the stage of the project to which the application relates.
>
> (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.
>
> (3) To avoid doubt, a condition set under this section may impose an obligation on the Applicant only.

914 How the Panel has complied with this section is discussed below in relation to the conditions that have been set.

915 As discussed above in Part D we have considered s82 and whether the grant of consent, with conditions would comply with s7 and have found that it does.

FTAA Requirements for Conditions

<u>Resource Consent</u>

916 For a resource consent the following clauses of Schedule 5 apply:

> **18 Conditions on resource consent**
>
> When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:
> (a) a reference to a consent authority must be read as a reference to a panel; and
> (b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

917 In reaching our decision to impose conditions we have ensured that generally

speaking, a resource consent condition must:[358]

(a) be for a resource management purpose, not an ulterior one;

(b) fairly and reasonably relate to the development authorised by the resource consent or designation; and

(c) not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

918 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.[359] Conditions must also be certain and enforceable.[360]

919 A condition must also not delegate the making of any consenting or other arbitrary decision to any person but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.[361] Such authorisation is subject to the following:

(a) The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.

(b) This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s84 of the RMA).

(c) This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s127 of the RMA).

Project Conditions

920 The Applicant engaged with the District and Regional Council on a suite of project conditions referred to as DCC Conditions and ORC Conditions that apply to the resource consents within their functions throughout the application process.

921 The Applicant's initial set of project conditions was provided as part of updates to the substantive application on 17 June 2026. A number of issues on the scope and detail of conditions remained unresolved with the Councils and with Kā Rūnaka at that stage.

922 As part of their s53 comments both Councils provided further recommended changes to the Applicant's project conditions. The Applicant further engaged with

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358 *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.
359 *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].
360 *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.
361 *Turner v Allison* (1970) 4 NZTPA 104.

the Councils before submitting their s55 Response to Conditions. The Applicant also endeavoured to address a number of other matters raised by commenters and produced an updated set of DCC and ORC Conditions as part of their s55 Response to comments, incorporating matters where agreement was reached.[362]

923 As we have described in Part B the Panel held topic hearings on key issues related to Noise, Transport and Freshwater effects. The topic hearings were followed by a Conditions Hearing, conducted as an informal workshop with the Planning experts engaged by the Councils and NZTA. Commenters Mr and Mrs Inch and WRL and Mr and Mrs Stewart were also invited to attend. The purpose of the Conditions Hearing was to assist the Panel with its deliberations. The Applicant provided an updated suite of conditions before the Conditions Hearing.[363] Council and NZTA parties also provided a response to the Panel with any alternative conditions or drafting where agreement had not been reached ahead of the Conditions Hearing.[364] The Applicant then provided a response to the commenters alternatives ahead of the Conditions Hearing, resulting in a further narrowing of differences.[365]

924 The Panel then provided the Applicant with a right of reply in relation to the topic and Conditions Hearings including a final opportunity to provide the Applicant's final set of project conditions (Reply Version) incorporating all agreements reached with s53 parties as at 9 October 2026.[366]

925 The Panel used the Reply Version as a base to develop the Panel Draft Decision Conditions circulated on 22 October 2026 for comment by the Applicant, Councils and other s53 commenters in accordance with FTAA s70 and to the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development as required by s72.

926 The Panel made amendments to the Reply Version Conditions in the Panel Draft Decision Conditions as follows, for the reasons set out in the discussion of effects in Part F and G above.

Panel Draft Decision Conditions

927 The Panel carefully considered the Applicant's Reply Version, the unresolved s53 comments and satisfied ourselves that the Panel Draft Decision Conditions:

(a) identify the link between the adverse impacts and the conditions which we have imposed and are for a relevant resource management purpose; and

(b) are permitted by ss108 and 108AA RMA; and

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362 Applicants s55 Response, 19 August 2026, Attachments 22 and 23

363 Updated Conditions, 21 September 2026, along with Summary Statement from John Kyle and Megan Hankey, 21 September 2026.

364 Comments received from DCC, ORC, NZTA, Fish and Game Otago. The Applicants conditions incorporated Kā Rūnaka agreed conditons.

365 Comments on alternative conditions from NZTA, DCC and ORC, 23 September 2026.

366 As explained in the Applicants Legal Submissions in Reply, 9 October 2026 and in the Statement of Evidence from John Kyle and Megan Hankey, 9 October 2026.

(c) under s83 of the FTAA that the condition is no more onerous than necessary to address the reason it is set. We have also considered s84A, in so far as Condition 82 requires the rail siding to be constructed and operational within 12 months of the commencement of Stage 1.

928 In reaching findings on the appropriate Panel Draft Decision Conditions, we have given more weight to the purpose of the FTAA than the RMA matters listed in Schedule 5, cl17(1)(b).

DCC Conditions

929 The Panel has made a number of minor corrections to the Reply Version to correct cross referencing or improve clarity within the condition set that we showed as tracked changes. In addition, we made more substantive changes to the following conditions:

(a) New Condition 2A specifying a lapse period of 10 years for the land use consent (see Part L).

(b) Condition 29 – to refer to WRL as being included in information advising occupiers of 'neighbouring buildings' of construction works outside of standard hours.

(c) Condition 58A – Night-time Noise Rating level measured at the notional boundary of noise sensitive receivers in the Rural and Rural Residential Zones located more than 350m from the Industrial Zone 43 dB LAeq(15min).

(d) Condition 60 (d) ONMP content regarding night-time container stacking moved to stand alone Condition 60C and Condition 60A(2) (dark colour finish of the acoustic barriers) deleted as a visual rather than noise matter already addressed by Condition 57.

(e) Condition 60(k) now (j) to extend consultation with WRL 15 July to 15 December and new Condition 60(k) requiring the ONMP to include measures to discourage engine braking by heavy vehicles approaching and leaving the Site.

(f) Addition of 61(3)(h) Lighting design requirement.

(g) Condition 71B new heading Neighbour Mitigation and reference to Neighbour Mitigation Plan and inclusion of mitigation for light spill effects at 54 Rutherford Road. Addition to 71B(4) to enable WRL to request mitigation earlier than proposed by Applicant.

(h) Condition 75B Transport monitoring – amendments to require monitoring from Stage 1 and improve clarity and specificity of reporting requirements.

(i) Condition 82 amendments to the condition requiring the construction and operation of rail siding to improve clarity and certainty.

(j) Amendment to Condition 86 and addition of new Condition 86A relating to signage.

ORC Conditions

930 The Panel accepts the Applicant's Reply Version set of ORC conditions as the base for the Panel Draft Decision ORC Conditions. As with the DCC conditions, we made a number of minor corrections to cross-referencing or to improve clarity, typographical errors and drawing numbers, shown as tracked changes.

931 In addition, we made the following changes:

(a) Condition B.14 – the list of prohibited effects ends with 'all or any' rather than 'and', so that any one of the listed effects is a breach (s107 RMA);

(b) Condition B.35(1) – the annual Whakaehu (Silver Stream) Monitoring Report is required during construction as well as operation, consistent with B.35(2);[367]

(c) Condition B.18 is marked 'Not used' so that the gap in numbering is not mistaken for an omission; and

(d) Condition C.1(2) – the spillway locations are tied to the Stantec drawings listed in Condition B.2(2) (020001, 020008 and 020009, Revision D) in place of a plan that was not attached.

S70 comments on Panel Draft Decision Conditions

932 In this section the Panel addresses our consideration of comments received on the Draft Decision Conditions.

Comments Received

933 The Applicant provided comments by way of a memorandum prepared by Mitchell Daysh on 30 October 2026. The Applicant identified minor corrections to DCC Condition 75B, to refer to the Dunedin City Council in the advice note. We accept that change.

934 In relation to the ORC Conditions the Applicant requested the addition of a point of clarification to General Condition 5 and a typographical correction to Condition B30, which we accept.

935 The Applicant also requested corrections to ORC Condition B.35. The Panel had included in the Panel Draft Decision Conditions the requirement for the Annual Whakaehu / Silver Stream Monitoring Report to be prepared throughout construction and operation of the SLIP consistent with B.35(2) which required the first report to be provided to the Otago Regional Council and Kaitiaki Advisory Panel one year after construction began. The Applicant requested that the annual

[367] This was subsequently amended following the Applicant's s70 Comments in at [935-936]

reporting begin once the SLIP was operating.

936 The Applicant's reasons were that water quality monitoring during Stage 1 construction is addressed separately under Conditions B.21A-B.21E, and that the matters the annual report must address under B.35(1)(a) to (i) relates to the monitoring in Conditions B.22 which apply under Condition B.21F during operation and during construction of Stages 2 and 3. We accept that reasoning. B35(1) now requires the report during operation and during construction of Stages 2 and 3, and B.35(2) requires the first report one year after operation begins.

937 The Panel also received comments on the Draft Conditions from:

(a) DCC;[368]

(b) ORC;[369]

(c) Mr and Mrs Inch;[370]

(d) Mr and Mrs McLeod;[371]

(e) MTCB;[372]

(f) Fish and Game Otago;[373]

(g) NZTA;[374] and

(h) The Minister for the South Island.[375]

938 DCC made one minor suggestion to the Panel Draft Condition 86A.3 seeking a time stamp to the condition because it references a rule in the District Plan.

939 ORC advised that they considered the Draft Conditions acceptable, however recommended minor technical changes to improve accuracy and consistency or minor typographical errors, including cross referencing between the General Conditions and the other regional consents. They seek the inclusion of the ORC resource consent file references. A more substantive comment related to Condition C.14 which did not appear to reflect the Panel reasoning at paragraph 534 of the Draft Decision which require fish passage to be maintained during slope stabilisation works.

368 Email DCC to EPA, 30 October 2026
369 ORC Comments undated
370 Email J Inch to EPA, 28 October 2026
371 Email J McLeod to EPA, 29 October 2026
372 Memorandum MTCB, 30 October 2026
373 Letter Fish and Game Otago, 30 October 2026
374 Email NZTA to EPA, 29 October 2026
375 Email Office of Hon James Meager to EPA, 31 October 2026

940 Fish and Game Otago and NZTA expressed support for the Draft Conditions. NZTA noted their support for the Panel Draft Condition 75A and 82. The Minister for South Island had no comment to make.

941 Of the remaining comments, Mr and Mrs Inch, Mr and Mrs McLeod and MTCB all requested that the project not proceed until an agreement is reached with KiwiRail. MTCB are concerned that Panel Draft Condition 82 still risks the Project being entirely dependent on road transport and requests that the condition include wording to specify '*suitable infrastructure to handle the projected freight volumes within the required timeframes and requiring its actual use*.'

942 Mr and Mrs McLeod and MTCB also requested the Panel consider a 5-year lapse date rather than 10 years as proposed in Panel Draft Condition 2A. Mr and Mrs McLeod considered that if Stage 1 was not commenced within 5 years the land should 'revert to rural'. Mr and Mrs Inch requested the zoning revert to Rural if the land is not used within 2-years.

943 MTCB raised a number of concerns about increases in heavy vehicle movements and requested that the Panel include in Draft Condition 75B the heavy vehicle cap and requirement for the applicant to undertake an ITA if the cap was reached, as had been requested by NZTA initially. They also maintained there was a need for a Peer Review of the applicant's traffic assessment, noting an initial error.

944 MTCB asked a number of questions about the evidence, however, these matters do not amount to comments on the Draft Conditions.

945 Mr and Mrs Inch also requested that there be a restriction on all train movements during nighttime.

The Applicant's Response to Comments

946 The Applicant replied to the comments from invited parties by memorandum from Mitchell Daysh on 5 November 2026.

947 In their response they confirmed support for the minor corrections and clarifications requested by ORC and DCC.

948 The Applicant offered no comment on the responses to Fish and Game, NZTA and the Minister for the South Island due to the comments being in support of the Draft Decision Conditions.

949 The Applicant responded to the remaining issues raised in comments as follows:

(a) Lapse date for the land use consent – DCC Condition 2A. In response to comments seeking either a 5 year lapse date or 2-year (reversion to Rural zoning) the Applicant noted that both Council's supported the 10-year lapse date, and further that for a large infrastructure project such as the SLIP which will be developed in three stages, a 10 year period enabled flexibility in the event of unforeseen delays and to enable the SLIP to be constructed in stages. The Applicant noted that there is no rezoning proposed and the

land remains rural.

(b) DCC Conditions 58, 58A and 59A Night-time train noise. In response to the request from Mr and Mrs Inch to restrict night-time trains the Applicant noted that there is an operational requirement for rail movements to occur during the night-time. They explained that the conditions restrict the total number of movements that can occur during the night-time to two movements arriving to and from the site between 10pm and 7am each day (refer to Condition 59A), in accordance with the recommendation from Brendon Shanks, and agreed by the noise experts in the noise Joint Witness Statement.[376] The statement of evidence prepared by Brendon Shanks as part of the Applicant's s53 response addresses the noise effects associated with rail movements to and from the site. [377] This notes that the noise from rail activity on the site will comply with both the daytime and night-time noise limits in the District Plan. Moreover, the rail corridor is designated and there are no noise limits in the District Plan that apply to this designation. The JWS prepared by the noise experts stated that the worst noise effects at 54 Rutherford Road are caused by trains going past the dwelling at this site when it is inside the KiwiRail designation (not when the train is in the SLIP). The Applicant noted it has no control over the noise generated within the KiwiRail designation.

(c) DCC Condition 75A. In response to MTCB concerns about the adequacy of roading improvements, at the intersection of SH 87 and Dukes Road North, the Applicant noted that the roading improvements had been agreed to by NZTA.

(d) DCC Condition 75B – a request for a HCV cap. The Applicant opposed the request for a HCV cap for triggering further ITA and review of the application. The Applicant noted that the Panel had addressed this issue extensively through the Transport JWS, Hearing and in the Draft Decision (Part F Transport Effects), and referred to the Applicants Reply Legal Submissions at paragraph 3.3.

(e) DCC Condition 82 – timing of construction and operation of the Rail Siding. In response to concerns expressed that the condition should either require that an agreement regarding the Rail Siding should be required before operations commence or, the siding be constructed and operation before Stage 1 commences, the Applicant reiterated reasoning for the 12 month period in Mr Kyle and Ms Hankey's summary statement ahead of the Conditions Hearing and the development of the condition during and following the Transport Hearing as discussed in Part F Transportation Effects above.

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[376] Noise JWS, 7-10 September 2026, response to Q 3.1.

[377] Statement of Evidence, Brendon Shanks, 19 August 2026, paragraph 3.7-3.15

Panel Findings on Conditions

950 We have considered the comments from the invited parties and the Applicant's Reply to comments.

951 We agree with the Applicant that changes to Condition 2A to reduce the lapse period are not appropriate given the scale of the infrastructure project and the directions in the FTAA, s3 and NPS-I to facilitate the development of infrastructure with significant regional benefits and to provide a proportionate response to conditions. We also note the support of the consent authorities.

952 In response to the comments from Mr and Mrs Inch seeking restrictions on night time train movements to the SLIP, we agree with the Applicant's reply, that this is not required to address adverse effects, which are within night-time noise limits for rural and rural residential properties within 350m of an Industrial Zone. As we discuss in Part F Noise Effects, the Inch dwelling is in close proximity to the rail line, and the existing Industrial Zone. Noise from trains within the designation is not controlled by the District Plan, and not a matter within control of the applicant.

953 In response to the concerns of MTCB regarding the assessment of effects from increases in HCV on the local roading network and SH87, the Panel does not find there is a need to revisit the substance of Draft Decision Conditions 75A or 75B. These matters were the subject of extensive review by technical experts engaged by the Applicant, DCC and NZTA, interrogated by the Panel, through requests for further information, expert conferencing and the Transport Hearing. We have addressed the issues comprehensively in Part F Transportation Effects above.

954 In response to concerns expressed about DCC Condition 82, which requires the rail siding to be constructed and operational within 12 months of Stage 1 commencing, the Panel raised the issue of the need for a condition requiring the construction and operation of the rail siding in the Transport Hearing. The Panel weighed the views of the transport experts, the views of the planning experts engaged by the Applicant, DCC and NZTA at the Conditions Hearing, and discussed the issue comprehensively in Part F Transportation Effects and Part G Regional Benefits. We find the condition is in accordance with the Purpose of the FTAA, appropriately responds to the effects on the transportation network, and is proportionate to the scale of the application. We are satisfied that Condition 82 meets the legal requirements of the FTAA and RMA. The Panel agrees that it is not lawful to impose a condition requiring the agreement of a third party.

955 We accept the minor technical corrections and clarifications suggested by the Councils (and agreed to by the Applicant), and the additional matters raised by the Applicant in its s70 initial comments. We have made a minor consistency correction to Condition 71B(2)(b) to also include a date stamp where it refers to a District Plan Standard. We have incorporated those changes into the Final Decision Conditions in **Appendix B**.

956 The Panel confirms that the Final Consent Conditions in **Appendix B** are appropriate to address the actual and potential effects of the SLIP.

PART L: RMA 1991

957 As we address in Part C, in considering whether to grant resource consents the Panel must apply clauses 17-22 of Schedule 5 of the FTAA. Clause 17(1)(b) sets out the relevant matters in the RMA that are to be taken into account by the Panel, which include Part 2 (purpose and principles), Part 3 (duties and restrictions) Part 6 (resource consents) as well as Parts, 8 and 10. In this section the Panel sets out how the Panel has addressed each of these matters as they are relevant to the Application.

958 The relevant provisions of the RMA we have taken into account in reaching our Decision are as follows:

Part 2, Sections 5, 6 and 7

Section 5 of the RMA

959 The purpose of the RMA is to promote the sustainable management of natural and physical resources.

960 Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

961 The Panel accepts that the Application will enable social and economic wellbeing by providing opportunities to import and export to the southern region, reducing reliance on heavy vehicle movements on the roads and reducing carbon emissions, providing employment opportunities during construction, use and operation of the SLIP, as well as removing pressure to expand the Port Chalmers port in a coastal environment. We have addressed these matters in Part G.

962 The Panel accepts that with the inclusion of the Conditions agreed between the Applicant and Te Rūnanga o Ōtākou, that the Application addresses cultural wellbeing.

963 The Panel has in Part F and in Part K Conditions, accounted for potential impacts on the health and safety of people and communities through the inclusion of clear and enforceable conditions related to transport, noise, lighting and dust effects arising from the construction and operation of the SLIP.

964 The Panel has considered the Applicants Reply Version of conditions, including the agreements reached with ORC, DCC, Te Rūnanga o Ōtākou, and Fish and Game Otago and is satisfied that the SLIP will be constructed and operated in a manner that safeguards the life-supporting capacity of air, soil, water, and ecosystems.

965 Section 5(2)(c) does not require the avoidance of all adverse effects. We have carefully considered the significance of effects and addressed these through specific conditions to avoid significant adverse effects (such as risk to life from flood hazards, or aviation or serious traffic, rail or pedestrian accidents.) We have addressed effects from traffic, noise, dust, lighting and glare, freshwater quality, aquatic and terrestrial ecology through appropriate conditions to mitigate and/remedy actual and potential effects. The purpose of the RMA does not require that there be no residual effects on the environment.

Section 6 and 7 Matters

966 Section 6(e), s7(a) and (aa) address the relationship of Māori with cultural, traditions with their ancestral lands, water, sites, waahi tapu and other taoka. We are required to consider kaitiakitanga and the ethic of stewardship. The Applicant has constructively engaged with Te Rūnanga o Ōtākou, and the Panel has taken into account the TIA prepared by Te Rūnanga o Ōtākou advisors to understand any actual and potential effects on the Site and surrounding property. We have addressed the outcomes of agreements reached with Te Rūnanga o Ōtākou in Part D and Part F under the heading Cultural Values. We have taken into account the conditions that include the establishment of a Kaitiaki Advisory Panel and Strategic Cultural Program for both the Regional and District Council Consents.

967 The Applicant considered, and we agree that the SLIP is not "inappropriate" in the context of s6(a) or (b) of the RMA. That is because the SLIP will enhance the natural character values of Whakaehu / Silver Stream through the removal of weeds and indigenous planting. The Site is not within or near an outstanding natural feature or landscape.

968 Further, it is not inappropriate in the context of s6(c) because the Applicant has proposed careful management of effects associated with the SLIP to protect areas of significant habitats of indigenous fauna with adverse effects being avoided where possible, or mitigated to low, or less than minor.

969 We accept the SLIP will not create any additional constraints on public access to Whakaehu / Silver Stream or its tributaries or any other surface water body in the vicinity of the Project (in accordance withs6(d)).

970 The Applicant has already obtained an Archaeological Authority (Archaeological Authority 2026-362) from HNZPT for works on the Site, including in relation to the removal of all buildings and visible archaeology relating to the onsite archaeological site 'Holmhead Farm'. We are satisfied this addresses the matters in s6(f).

971 As we address in Part F, Stormwater Management and Flooding Effects we are satisfied that appropriate consideration has been given to the management of

significant risks from natural hazards in the technical assessments commissioned by the Applicant and Peer reviewed by Council experts, and these have been appropriately addressed in the design of the various elements of the SLIP, therefore addressing s6(h).

972 In terms of s7(c), the Applicant has assessed that the broader areas adjacent to the SLIP, will be maintained by the imposition of mitigation planting, screening, building design controls and natural character alignment of Whakaehu / Silver Stream. The Panel has however found that the effects on the immediately adjoining Taieri Plains Rural Zone will be more than minor, particularly in light of the scale of the activities.

973 We have considered the efficient use and development of natural and physical resources in s7(b) and find that because the SLIP seeks to utilise connections to the DCC water and wastewater reticulation network which will avoid further allocation pressure on Whakaehu / Silver Stream. The location of the SLIP adjacent to the rail network also enables efficient use of rail infrastructure. We have found this to be a key factor in securing the regional benefits of the proposal and to address impacts on the roading network and neighbouring amenity. We have included Condition 82 to ensure that the rail siding is constructed and is operational within 12 months of the commencement of Stage 1.

974 In response to the matters in s7(d) and (f) the Panel finds subject to the Conditions we have imposed that the SLIP will provide appropriate protection of the intrinsic values of ecosystems and to the maintenance of the quality of the environment generally, however in order to maintain the quality of the environment enjoyed by adjacent landowners, specific mitigation has been included on site and for the nearest dwellings and activities at 273 Dukes Road North and at 54 Rutherford Road.

975 The potential effects on ecosystems, including freshwater and terrestrial ecology, are described and appropriately addressed through the extensive set of Conditions and management plans addressing that matter in accordance with s7(g).

976 The Panel has considered the finite characteristics of HPL and has found that the loss of productive soils will be more than minor, and we have carried this forward into our overall evaluation under the FTAA in Part N.

977 The applicant has engaged with Fish and Game Otago to ensure that the habitats of trout are appropriately addressed through conditions to account for the matters in s7(h).

978 The effects of climate change under s7(i) have been considered in the various technical reports, attached to the Application and in comments received from ORC, DCC and NZTA. The Panel accepts that the proposal is likely to reduce greenhouse gas emissions. The Panel has cautiously taken account of that assertion, in light of the more general data relied upon by Savvy Consulting, as we address in Part G. We accept that with a mode shift to rail there will be a significant reduction in heavy vehicle movements and lowering of associated transport emissions.

979 We accept that the flooding / stormwater design has been adjusted for climate projections (Section 7(j)).

Part 3, Duties and Restrictions on Activities

980 Part 3 addresses the duties and restrictions on activities. The relevant resource consent applications under ss9, 13 and 15 are set out in Appendix A. The Application addresses the duties in s16 and 17 to avoid unreasonable noise and to avoid, remedy and mitigate adverse effects. We have addressed these matters in detail in Part F.

Part 6, Assessment Matters

S104(1)(a)

981 In Part F we consider the actual and potential effects, including positive effects of allowing the activity. We have taken into account that:

(a) Subject to the Panel's Draft Decision Conditions, that the transport, noise, dust, freshwater, terrestrial and aquatic ecological effects, aviation effects, will be acceptable;

(b) Even with the Panel Draft Decision Conditions the effects on rural landscape, character and amenity values will be more than minor;

(c) That the effects of the loss of high-class soils will be more than minor; and

(d) The Application will have significant positive economic effects as detailed in Part G.

S104(1)(b)

982 In Part F, H and I we have considered the relevant national NPS, RPS, Regional and District Plans and find that allowing the activity is generally not inconsistent with the outcomes sought, except in the case of the District Plan Rural Zone objectives and policies where we have assessed them to be inconsistent with the outcomes for the Rural Zones. Approval is also required under Regulation 10(2) of the NES-CS and has been assessed by the Panel as part of the activities requiring approval listed in **Appendix A**.

983 The Panel records that, although our findings are that the Application is contrary to the Rural Zone Objectives and Policies and that might have, under a standard RMA process meant the Panel would have declined the Application that is not the case under the FTAA. We are required to take into account our conclusions on those objectives and policies, but as we have explained in Part: C Legal Context, they are not in themselves a reason to decline the Application.

S104(1)(c)

984 We have taken into account the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 and DCC FDS and Otago RLTP in Part J: Other Considerations. We have

found that the Application, subject to the Panel Draft Decision Conditions (as confirmed in the Final Decision Conditions), aligns with the outcomes sought in those documents.

S104(2)

985 The Application was prepared on the basis that it is a non-complying activity under the District Plan and discretionary activity under the relevant Regional Plans. We have not therefore found it appropriate to carve out a permitted baseline in our assessment of effects, although we have had regard to the fact that the SLIP is able to comply with the noise limits of the Taieri Plains Rural Zone, except in relation to Stage 3 (where a departure was sought).

S104(3)

986 The Panel has not had regard to trade competition or the effects of trade competition.

987 We have disregarded effects on the owner of 245 Puddle Alley and 291 Dukes Road North, as written approvals were provided.

988 We have found that the activity complies with s107(1)(c)-(g).

S105(1)

989 As the Application relates to discharges of stormwater to Whakaehu / Silver Stream and to discharges of dust to air we have had regard to the nature of the discharge and the sensitivity of the receiving environment to adverse effects in Section F regarding Freshwater Quality and Ecology Effects and Construction Effects and Other Effects.

990 We have considered the Applicants reasons for the discharges. The Applicant has explained the iterative approach to the development of the project and the design and management approaches to address discharges associated with the construction and operation of the SLIP. We are satisfied that there are no alternative methods for the discharges in response to the requirements of the Application.

S106A

991 The Panel does not consider that there is a significant risk from natural hazards that would warrant this application being declined. Consent conditions are proposed to manage activities to avoid or minimise effects that may arise as a consequence of natural hazards.

S107

992 We have addressed these matters as part of s104(3).

S108 and 108AA

993 The Panel has addressed the legal requirements for conditions in Part C and K and taken into consideration those matters (along with the requirements for conditions in the FTAA) as part of our evaluation in Part F Effects Evaluation and in Part K Conditions.

S123 Duration and 125 Lapse Dates

994 ORC's consents are subject to s123 of the RMA (FTAA, Schedule 5, cl17(7)). The Applicant seeks a term of 35 years for the ORC consents, with a lapse period of 10 years, and ORC considers that duration appropriate, reflecting the scale of the activity and the investment required.

995 The Panel accepts the 35-year term and the 10-year lapse period. The term is within the limits in s123 and reflects the scale of the infrastructure and the investment involved. The lapse period allows for detailed design, certification of management plans and a construction programme staged over about 10 years (approximately 36 months for Stage 1, 24 months for Stage 2 and 60 months for Stage 3). Over that term the conditions require ongoing monitoring and reporting, and ORC may review the conditions annually from one year after operation starts (ORC General Condition 35).

996 The Application and Reply Version of the DCC conditions was silent on the issue of a lapse date for the District Council Consent. The Panel requested clarification in Minute 19. A response was received from the Applicant on 21 October 2026, confirming that a lapse date of 10 years should also apply to the District Council approvals, for the same reasons as was sought for ORC approvals. The Panel agrees, and notes this is also consistent with the NPS-I and s3 of the FTAA, for a project of this scale.

997 There are no matters in Parts 8 and 10 relevant to the Panel's Decision.

PART M: FTAA, SECTION 3

998 The Panel's decision is subject to the purpose of the FTAA, contained in s3, namely to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. Our decision is subject to that purpose, and we must give it the greatest weight.

999 In Part G: Regional and National Benefits we considered the regional benefits (and some national benefits) of the Application and found that they are significant. We are satisfied that the evidence establishes they are noteworthy.

1000 The Panel has found that Panel Draft Decision Condition 82 is critical to facilitating and securing the regional benefits upon which the Applicant and its expert advisors have relied on in preparing the Application and which the Panel has relied on in approving the Application.

1001 The Panel has found that while there will be adverse effects on the rural landscape, character and amenity, and that there be a loss of high class soils that

will be more than minor, we record that we do not consider that the significant regional benefits are outweighed by these effects.

1002 The Panel is satisfied that the Application achieves the purpose of the FTAA and has given it the greatest weight in our overall assessment.

PART N: OVERALL ASSESSMENT

1003 As noted in Part C the Panel may decline an approval if, in complying with s81(2), the panel forms the view that:—

> (a) there are 1 or more adverse impacts in relation to the approval sought; and
> (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
> (i) any conditions that the panel may set in relation to those adverse impacts; and
> (ii) any conditions or modifications that the Applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.[378]

1004 To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in ss(3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying withs81(2).

1005 This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors (**King Salmon**)*[379]. The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

1006 In contrast the FTAA clearly envisages an overall judgment or balancing approach to decision making. The Panel must balance the adverse impacts against the regional or national benefits of the project.

1007 In accordance with s81(2) the Panel has:

(a) Considered the Minister's reasons for accepting the referral application (Part G).

(b) Considered the substantive application, comments received under s53 and the applicant's response under s55, responses to the Panel's requests for further information in Part F (and comments under s70 and 72), expert joint witness statements and statements of evidence and answers to Panel questions during and after the topic hearings in Part F.

(c) Applied the matters in Schedule 5, clause 17 and 18 in Part: L and in Part

[378] Section 82 FTAA
[379] [2014] NZSC 38

K, including having given the most weight to s3 of the FTAA. In doing so the Panel has considered the extent of the projects regional (and some national benefits) in Part G as we are required to do in s81(4).

(d) In setting the Panels Draft Decision Conditions the Panel has considered whether the grant of approval would comply with s7 of the FTAA, as required by s82 in Part D.

1008 We have set conditions in the Panel Final Decision Conditions that are no more onerous than necessary to address the reasons for which it is set (in accordance Schedule 5, clause 18) as required by s83 of the FTAA.

1009 We have imposed a specific condition (DCC Condition 82) that requires the construction and operation of a rail siding on the Site to ensure that the infrastructure that the project will rely on can be made adequate to support the project within 12 months of Stage 1 commencing in accordance with s84A, but also in reliance of our general power to set conditions under FTAA Schedule 5, cl18 and s108 and 108AA of the RMA.

1010 We have not found any adverse impact arising from the proposal to be of such significance to outweigh the significant regional benefits.

1011 As we have found in Part F there will be adverse effects that are more than minor on rural character and amenity and on the loss of HPL. Granting the approvals is not consistent with the RPS and District Plan objectives and policies in relation to those matters.

1012 However, the Panel does not find that those effects are so significant as to outweigh the significant regional benefits as set out in Part G and the approvals will facilitate the delivery of infrastructure with significant regional (and some national) benefits. For those reasons the Panel has not found it necessary to undertake a proportionality evaluation.

PART O: FINAL DECISION

1013 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application. We thank all those who commented for their contributions.

1014 Overall, the Panel is satisfied that the matters set out in s81 of the FTAA have been addressed appropriately and that purposes of the FTAA is achieved by this Decision. In reaching that view, the Panel has taken into account the actual and potential effects on the environment of allowing the activity as set out above. The Panel has also had regard to the relevant planning documents.

1015 The Panel determines to grant the approvals sought subject to the Conditions attached as **Appendix B** to this Decision.

1016 As required by s99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under s88(3).



Cindy Robinson
(Chair)



Ray O'Callaghan (Member)



Steve Abley
(Member)

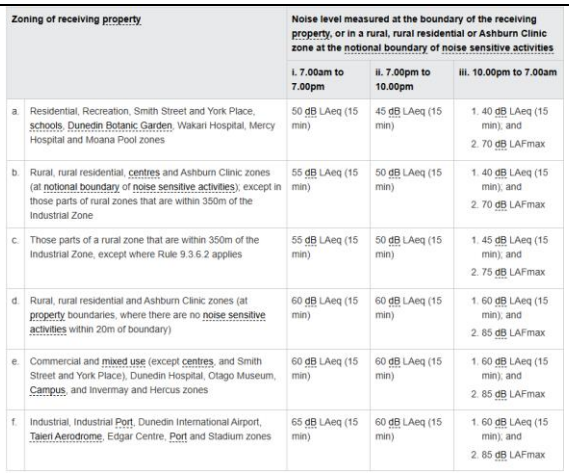
APPENDIX A: CONSENTS APPROVED

Dunedin City Second Generation District Plan

Activity	Relevant Rule / Performance Standard	Activity Status	Non-compliance
Chapter 4 – Temporary Activities			
Construction and site investigation	**4.3.2.2 Construction and site investigation** Permitted subject to compliance with relevant performance standards which are: • 4.5.1 Development standards • …	**Restricted discretionary**	Rule 4.5.1 not achieved.
Rule 4.5 Performance Standards			
Construction and site investigation	**4.5.1 Development standards** 1. Any temporary building or structure, or earthworks or site development activity associated with temporary activities must meet the maximum height, height in relation to boundaries, setbacks, hazard exclusion areas, vegetation clearance standards, and earthworks performance standards of the zone in which they are located, except: a. temporary signs (see Rule 4.5.7); b. setbacks from coast and water bodies, provided the building or structure is set back from the coast or water bodies a minimum of 5m; c. any temporary building or structure associated with construction and site investigation are exempt from meeting performance standards for maximum height, height in relation to boundary, and boundary setbacks provided they are erected for no more than 90 days; and d. …	**Restricted discretionary**	Construction cranes will be erected longer than 90 days and will infringe the maximum height, contravening Rule 4.5.1.1 and requiring consent under Rule 4.5.1.3.
Chapter 6 - Transportation			
Rule 6.3 Activity Status			
Alterations to Dukes Road North	**6.3.2.3 New roads or additions or alterations to existing roads**	**Discretionary**	Alterations are proposed to Dukes Road North.
Rule 6.6 Parking, Loading and Access Standards			
Vehicle Access	**6.6.3.3 Maximum width for a vehicle access** a. The maximum width for a vehicle access for non-residential activities is 9m: b. Activities that contravene this performance standard are restricted discretionary activities.	**Restricted Discretionary**	The main vehicle access will exceed 9m.
Chapter 8A - Earthworks			
Rule 8A.3 Activity Status			
Earthworks	**8A.3.2.3 Earthworks – large scale**	**Restricted discretionary**	Large scale earthworks. Compliance with Rules

	Restricted discretionary subject to compliance with relevant performance standards which are: • … • 8A.5.3 Batter gradient • 8A.5.4 Setback from property boundary, buildings, structures and cliffs • 8A.5.6 Setback from network utilities • 8A.5.8 Removal of high class soils • 8A.5.10 Setback from coast and water bodies • …		8A.5.3, 8A.5.4, 8A.5.6, 8A.5.8 and 8A.5.10 not achieved.
Rule 8A.5 Earthworks Performance Standards			
Earthworks	**8A.5.3 Batter Gradient** 1. Earthworks must: a. have a maximum cut batter gradient of 1h:1v (i.e. rising 1m over a 1m distance); and b. have a maximum fill batter gradient of 2h:1v (i.e. rising 1m over a 2m distance). 2. Earthworks ancillary to forestry... 3. Activities that contravene this performance standard are restricted discretionary activities.	**Restricted Discretionary**	Earthworks may not comply.
Earthworks	**8A.5.4 Setback from Property Boundary, Buildings, Structures and Cliffs** 1. Earthworks over 600mm in height or depth must be set back from: property boundaries, foundations of buildings, structures greater than 10m² footprint, and the top or toe of any cliff, the following minimum distances: a. Earthworks not supported by retaining walls: i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 8A.5.4A); ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 8A.5.4A); and iii. 300mm, as measured from the crest of any cut (see Figure 8A.5.4A). …	**Restricted Discretionary**	Construction of the swales will potentially be over 600mm in depth within the specified setbacks from adjacent property boundaries.
Earthworks	**8A.5.6 Setback from Network Utilities** Earthworks must comply with Rule 5.6.2. **5.6.2 Setback from Network Utilities** 1. Earthworks must be set back at least 1.5m from network utility structures, except where the network utility structure is a privately owned asset that is located on a privately owned property and the earthworks are being undertaken by an owner of the asset.	**Restricted discretionary**	Earthworks greater than 350mm in depth and within 1.5m of a watermain and telecom line to construct the northern swale.

	X. Rule 5.6.2.1 does not apply to any of the following types of earthworks… Y. Earthworks are exempt from Rule 5.6.2.1 in relation to underground network utility structures where all of the following criteria are met: a. the maximum depth of excavation is no more than 350mm… Z. The setbacks required in Rule 5.6.2.1 are to be measured as horizontal distances from the outside edge of the network utility structure. 2. Activities that contravene this performance standard are restricted discretionary activities.		
Earthworks	**8A.5.8 Removal of High-Class Soils** 1. Earthworks must not remove topsoil or subsoil that is located within the high-class soils mapped area from the site, except this rule does not apply within: X. the Ayr Street structure plan mapped area. Y. the North Road structure plan mapped area. Z. the Henderson Street structure plan mapped area. AA. the South East Mosgiel structure plan mapped area. 2. Activities that contravene this performance standard are restricted discretionary activities.	**Restricted Discretionary**	Earthworks to remove soil from the site.
Earthworks	**8A.5.10 Setback from Coast and Water Bodies** Earthworks - large scale must comply with Rule 10.3.3 **10.3.3 Setback from Coast and Water Bodies** In all zones, other than …, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of: 1. 20m from mean high water springs (MHWS); and 2. 20m from any wetland identified in Appendix A1.2, Schedule of Areas of Significant Biodiversity Value (ASBV); 3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;…	**Restricted Discretionary**	Earthworks within 20m of the bed of Whakaehu / Silver Stream.
Chapter 9 – Public Health and Safety			
Rule 9.3 Performance Standards			
Noise	**9.3.6 Noise** 1. Land use activities, public amenity activities, network utility activities, temporary activities and the operation, repair and maintenance of the rail network must not exceed the following noise emission limits:	**Non-complying**	The Applicant sought a night-time noise limit (between 10pm to 7am) for all activities (excluding construction) measured at the notional

	 2. Noise generated at 222 Dukes Road North… 3. Except, the following activities are exempt from rules 9.3.6.1 and 9.3.6.2:… 4. For the purpose of this standard, noise levels will be measured at the boundary of the receiving property, or the notional boundary of a noise sensitive activity in a rural, rural residential or Ashburn Clinic zone. If it is not possible to measure noise levels at the boundary, noise levels will be measured at the closest practical point within the boundary. Unless stated otherwise noise must be measured in accordance with NZS 6801:2008 - Acoustics - Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental noise. 5. Activities that contravene this performance standard by less than 5 dB LAeq (15 min) are discretionary activities. 6. Activities that contravene this performance standard by 5 dB LAeq (15 min) or more are non-complying activities.		boundary of noise sensitive receivers in the Rural and Rural Residential Zones located more than 350m from the Industrial Zone of 45 dB LAeq(15 min). The Panel have approved a contravention of no more than 3 dB LAeq(15 min) and only for Stage 3, as per Panel draft Condition 58A. The Applicant sought the noise limit for all activities (excluding construction activities) measured at the boundary of the receiving property in the Industrial Zone is proposed to be 65 dB LAeq(15 min) between 7pm and 10pm, which exceeds the permitted noise standard by 5 dB LAeq(15 min) and is therefore a non-complying activity. The Applicant then proposed to have no boundary limit. The Panel have approved no boundary limit subject to the Panel Draft Decision Conditions. In addition, the Applicant initially proposed no LAFmax between 10pm and 7am, which exceeds the permitted noise standard by 5 dB LAeq(15 min) and is therefore a non-complying activity; but later reintroduced the limit. The Panel Draft Conditions include the

<table>
<tr><td></td><td></td><td></td><td>LAF max limit to comply with the District Plan.

No noise limits are proposed for all activities (excluding construction activities) as measured at the property boundaries in the Rural and Rural Residential Zone, where there are no noise sensitive activities within 20m of the boundary. As such, these permitted noise standards will be exceeded by more than 5 dB LAeq(15 min) and is therefore a non-complying activity.</td></tr>
<tr><td colspan="4">Chapter 10 – Natural Environment</td></tr>
<tr><td colspan="4">Rule 10.3 Performance Standards</td></tr>
<tr><td>Vegetation clearance</td><td>10.3.2.1 Indigenous vegetation clearance - small scale thresholds

a. The following types of indigenous vegetation clearance are always considered indigenous vegetation clearance - small scale…

b. All indigenous vegetation clearance that occurs in an ASBV, ONF, ONCC, HNCC, or NCC…

c. All other indigenous vegetation clearance within the Taieri Plain Rural Zone must not exceed 100m^2 over 5 years to be considered indigenous vegetation clearance - small scale:

…</td><td>Restricted discretionary</td><td>Vegetation clearance of 40 ha, of which a small percentage is native vegetation, and conservatively, exceeding 100m^2.</td></tr>
<tr><td>Vegetation clearance</td><td>10.3.2.2 Protected areas (vegetation clearance)

a. Vegetation clearance must not occur within:

i. 20m of any wetland…; or

ii. the following minimum setbacks from the coast and water bodies:

<table><tr><th>Activity</th><th>Minimum setback from mean high water springs</th><th>Minimum setback from any water body (except where Rule 10.3.2.2.a.i applies)</th></tr><tr><td>1. Indigenous vegetation clearance in the rural, rural residential and recreation zones</td><td>20m</td><td>20m from any water body with a clearly defined bed of at least 3m in width; 5m from any other water body</td></tr><tr><td>2. All vegetation clearance in the rural, rural residential, recreation and Ashburn Clinic zones</td><td>5m</td><td>5m</td></tr></table>
…</td><td>Restricted discretionary</td><td>Removal of vegetation within 5m of Whakaehu / Silver Stream and removal of indigenous vegetation within 20m of Whakaehu / Silver Stream.</td></tr>
<tr><td>Construction of new</td><td>10.3.2 Setback from Coast and Water Bodies</td><td>Restricted discretionary</td><td>Earthworks – large scale and erection of</td></tr>
</table>

buildings and structures, earthworks, storage and use of hazardous substances	In all zones, other than the Harbourside Edge Zone, St Clair Neighbourhood Destination Centre, Dunedin Hospital Zone, Dunedin International Airport Zone, Moana Pool Zone, Otago Museum Zone, Port Zone and Wakari Hospital Zone, new buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utility activities must be set back a minimum of: 1. 20m from mean high water springs (MHWS); and 2. 20m from any wetland… 3. 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones;..		new structures will occur within 20m of Whakaehu / Silver Stream.
Chapter 16 – Rural Zone			
Rule 16.3.3 Land Use Activity Status			
All land use activities	**16.3.3.1 Performance standards that apply to all land use activities** • 16.5.1 Acoustic insulation (noise sensitive activities only) • 16.5.5 Light spill • 16.5.9 Noise • 16.5.11 Setback from National Grid (National Grid sensitive activities only)	**-**	Compliance with Rule 16.5.5 not achieved.
Trip generation	**16.3.3.X. High trip generators:** New or expansions of land use activities that result in the thresholds in Appendix 6C being exceeded.	**Restricted discretionary**	The SLIP will be a high generator activity.
Major facility (port related)	**16.3.3.61 All other activities in the major facility activities category**	**Non-complying**	The SLIP is a major facility activity.
Rule 16.3.4 Development Activity Status			
All buildings and structures activities	**16.3.4.2 Performance standards that apply to all buildings and structures activities…** • 16.6.10.1 Boundary setbacks • 16.6.5 Maximum height • 16.6.7 Number, location and design of ancillary signs • 16.6.10.5 Setback from coast and water bodies…	**-**	Compliance with Rules 16.6.10.1, 16.6.5, 16.6.7 and 16.6.10.5 is not achieved.
New parking	**16.3.4.19 New or additions to parking areas that result in 50 or more new parking spaces.** Restricted discretionary subject to compliance with relevant performance standards which are: • 16.6.8 Parking, Loading and Access Standards	**Restricted discretionary**	There will be more than 50 new parking spaces on the Site.
New parking, loading and access	**16.3.4.20 Parking, loading and access.** Permitted subject to compliance with relevant performance standards which are: • 16.6.8 Parking, Loading and Access Standards	**Restricted discretionary**	Compliance not achieved with Rule 16.6.8.

Indigenous vegetation clearance	**16.3.4.22 Indigenous vegetation clearance - large scale** Restricted discretionary subject to compliance with relevant performance standards which are: … • 16.6.11.2 Indigenous vegetation clearance - small scale thresholds • 16.6.11.3 Protected areas (vegetation clearance) …	**Restricted discretionary**	Compliance not achieved with Rules 16.6.11.2 and 16.6.11.3.
Vegetation clearance	**16.3.4.23 All other vegetation clearance** Permitted subject to compliance with relevant performance standards which are: … • 16.6.11.3 Protected areas (vegetation clearance)	**Restricted discretionary**	Compliance not achieved with Rule 16.6.11.3.
Rule 16.3.6 Activity Status in Hazard 1 (Flood), Hazard 1A (Flood) and Hazard 2 (Flood) Overlay Zones			
New port	**16.3.6.2 New natural hazards potentially sensitive activities**	**Non-complying**	The Site is subject to the Hazard 1 (Flood) and Hazard 2 (Flood) Overlay Zones, and port activities are classified as potentially sensitive activities.
New buildings	**16.3.6.3 New buildings and additions and alterations to buildings that create within any two calendar-year period: … or more than 60m² of new ground floor area outside the Henley mapped area.**	**Restricted discretionary**	Over 60m^2 of new ground floor.
Rule 16.5 Land Use Performance Standards			
Lighting	**16.5.5 Light Spill** 1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am. 2. Lights must be:…	**Discretionary**	Lighting at the site boundaries will be maintained at up to 3 lux.
Noise in the rural zone	**16.5.9 Noise** Land use activities must comply with Rule 9.3.6.	**Non-complying in accordance with Rule 9.3.6(6)**	Operational noise will not comply with all of the permitted noise standards set out in Rule 9.3.6.
Rule 16.6 Development Performance Standards			
Height of buildings and structures	**16.6.5 Maximum Height** 1. New buildings, new structures, and additions and alterations must not exceed a maximum height above ground level of 10m. …	**Restricted discretionary**	The warehouses, lighting towers and container stacks on the Site will exceed the maximum building height of 10 m. Temporary construction cranes will exceed the maximum building height of 10m and the Taieri Aerodrome flight fan

			mapped area height restrictions.
Signage	**16.6.7 Number, Location and Design of Ancillary Signs** **16.6.7.1 General** **…**	**Restricted discretionary**	The site will exceed the maximum number of signage, some of which will be illuminated.
Signage	**16.6.7 Number, Location and Design of Ancillary Signs** **16.6.7.2 Signs attached to buildings** …	**Restricted discretionary**	It is likely that signage will not comply with one or more of the signage rules.
Signage	**16.6.7.3 Freestanding signs** …	**Restricted discretionary**	It is likely that signage will not comply with one, or more of the signage rules.
Parking, loading and access	**16.6.8 Parking, Loading and Access Standards** Parking, loading and access must comply with Rule 6.6.	**Restricted discretionary**	Vehicle access will exceed the maximum vehicle crossing width of 9m.
New buildings and structures	**16.6.10.1 Boundary setbacks** a. New buildings, new structures, and additions and alterations, must be set back from boundaries as follows: X. Structures over 10m² and 2m in height: 20m from road boundary and 40m from any residential building on any adjoining site. iii. Non-residential buildings that do not house animals (see Figure 16.6.10.1C) over 7m in height: 20m from road boundary and twice the maximum height of the building from sites held in separate ownership…	**Restricted discretionary**	14m high buildings will be setback less than 28m from the boundary with 245 Puddle Alley Wingatui.
Boundary planting	**16.6.10.2 Forestry and shelterbelts and small woodlots setbacks** a. Trees associated with forestry… b. Trees associated with shelterbelts and small woodlots: … iii. must not be planted within 10m of the boundary of the designated rail corridor.	**Restricted discretionary**	Boundary planting will be planted within 10m of the designated rail corridor.
Constructing a building or structure	**16.6.10.5 Setback from coast and water bodies** New buildings, new structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.	**Restricted discretionary**	Structures will be erected within 20m of Whakaehu / Silver Stream.
Indigenous vegetation clearance	**16.6.11.2 Indigenous vegetation clearance - small scale thresholds** Indigenous vegetation clearance - small scale must comply with Rule 10.3.2.1.	**Restricted discretionary**	Clearance of indigineous vegetation is 'indigenous

			vegetation clearance – large scale'.
Vegetation clearance	**16.6.11.3 Protected areas (vegetation clearance)** Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.2.	**Restricted discretionary**	Indigenous vegetation clearance will occur within 20m of Whakaehu / Silver Stream and other vegetation clearance will occur within 5m.

Otago Regional Plan: Water for Otago

Activity	Rule	Activity Status	Non-compliance
Damming and diversion or water 12.3			
Damming and diversion of stormwater	**12.3.4.1(i)** Except as provided for by Rules 12.3.1.1 to 12.3.3.1 and except in the Waitaki catchment, the damming or diversion of water is a discretionary activity.	**Discretionary**	The onsite stormwater system will involve the damming and diversion of stormwater.
Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams 12.B			
Discharge of stormwater to water, or onto or into land in circumstances where it may enter water	**12.B.3.1** Except as provided for by Rules 12.B.1.8 and 12.B.1.9, the discharge of stormwater to water, or onto or into land in circumstances where it may enter water, is a restricted discretionary activity. …	**Restricted Discretionary**	Discharge of stormwater to land will occur during construction.
Discharge of water (excluding stormwater) or any contaminant from an industrial or trade premises to water or land	**12.B.4.1**The discharge of water (excluding stormwater) or any contaminant from an industrial or trade premises or a consented dam to water or to land is a discretionary activity, unless it is permitted by Rule 12.B.1.6, 12.B.1.7, 12.B.1.10 or 12.B.1.11.	**Discretionary**	In larger flood events, industrial waste water from the container wash bay may enter Whakaehu / Silver Stream via overland flows.
The erection or placement of a structure 13.2			
Erection of any structure fixed, in under, over the bed of a river	**13.2.3.1** Except as provided for by Rules 13.2.1.1 to 13.2.2.1, the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a discretionary activity.	**Discretionary**	Two spillways on the bed of Whakaehu / Silver Stream will likely exceed $2m^2$ within the extent of Whakaehu / Silver Stream.
Alteration of the bed of a lake or river, or of a Regionally Significant Wetland 13.5			
The alteration of the bed of any lake or river	**13.5.3.1** Except as provided for by Rules 13.5.1.1 to 13.5.2.1 the alteration of the bed of any lake or river is a discretionary activity.	**Discretionary**	Alteration/disturbance of the bed of Silver Stream will be required for construction of the spillways and potentially during slope stabilization works, and will exceed 10 hours in duration.

The erection, placement, extension, alteration, replacement, reconstruction, demolition or removal of a defence against water other than on the bed of any lake or river 14.3			
The erection, placement, extension, alteration, replacement, reconstruction, demolition or removal of a defence against water other than on the bed of any lake or river	**14.3.2.1** Except as provided for in Rule 14.3.1.1, the erection, placement, extension, alteration, replacement, reconstruction, demolition or removal, of any defence against water, other than on the bed of any lake or river, is a discretionary activity.	**Discretionary**	The construction of drainage swales and spillways on land to direct stormwater meet the definition of a defence against water.

Otago Regional Plan: Waste for Otago

Activity	**Relevant Rule**	**Activity Status**	**Non-compliance**
Hazardous wastes at contaminated sites	**5.6.1 Hazardous wastes at contaminated sites (discretionary activity)** 1. The disturbance of land; or 2. The discharge of hazardous waste into water; or 3. The discharge of hazardous waste onto or into land in circumstances that may result in that hazardous waste (or any other hazardous waste emanating as a result of natural processes from that hazardous waste) entering water; or 4. The deposit of any hazardous waste, in, on or under land; or 5. The discharge of hazardous waste into air at or from a contaminated site; Is a discretionary activity.	Discretionary	Remediation of the three identified HAIL sites will involve the disturbance of land.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

Regulation	**Standard**	**Non-Compliance**
10(2) Restricted Discretionary activities	Disturbing soil on a piece of land is a restricted discretionary activity while the following requirements are met: a) a detailed site investigation of the piece of land must exist: b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7: c) the consent authority must have the report:	A DSI exists and the levels of contamination exceed the applicable standard in regulation 7 in three locations. It is likely land disturbance in excess of 2 months and exceeding $25m^3$ per $500m^2$, and removal of soils from the site exceeding $5m^3$ per $500m^2$, will occur within the HAIL sites.

	d) conditions arising from the application of subclause (3), if there are any, must be complied with.	
10(2) Restricted Discretionary activities	Changing use of a piece of land is a restricted discretionary activity while the following requirements are met: a) a detailed site investigation of the piece of land must exist: b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7: c) the consent authority must have the report: d) conditions arising from the application of subclause (3), if there are any, must be complied with.	A DSI exists, and it is provided for in **Part B** of this substantive application. The findings in the DSI find that the levels of contamination exceed the applicable standard in regulation 7 in three locations ('HAIL sites') on the Site. The change in use will introduce additional persons to the Site but the majority of the site will be covered in hardstand and the industrial activities are considered relatively unlikely to result in exposure of people on the Site to contaminated soils. For completeness, the change of use of land on the Site is considered a Restricted Discretionary Activity.

APPENDIX B: PANEL FINAL DECISION CONDITIONS

APPENDIX C: RECORD OF CONVENER AND HEARING PANEL MINUTES

Convener Minute 1 – Advance notice of Convener's conference
Convener Minute 2 – Directions regarding Convener's conference
Convener Minute 3 – Regarding Applicants report disclaimers • Requires the Applicant and Stantec to clarify whether the Panel can legally rely on the reports containing a restriction on third-party reliance.
Convener Minute 4 – Following conferencing outcomes: • Defers Panel establishment pending updated reports/conditions, confirmation that reports can be relied upon, and identification of adjoining owners'/occupiers' concerns; • Identifies uncertainty over whether KiwiRail designation noise standards apply to rail activities on the undesignated SLIP site; • Requires identification of other legal/interpretation issues and records forthcoming Treaty Impact Assessment; and • timeframes following Applicants' provision of additional information.
Convener Minute 5 – Regarding group emailing list
Convener Minute 6 – Regarding conferencing outcomes and Treaty Impact Assessment: • Confirming Applicants' information has been filed; • A Treaty Impact Assessment has been filed; • Records issues identified by DCC, ORC, and Te Rūnanga o Ōtākou; • Sets process and decision timeframes; and • Panel appointment.
Panel Minute 1 – Arrangements for the briefing and site visit. Requests reconsideration of whether the District Plan rail-noise exemption applies outside the KiwiRail designation, having regard to the definition of rail-network operation, repair and maintenance.
Panel Minute 2 – Records the briefing, attendees and locations from site visit.
Panel Minute 3 – Invitations for comment, identifies mandatory and discretionary invitees and reasons for inclusion, including the interpretation of "adjacent" properties and additional parties with noise, transport, aviation, community and freshwater interests.
Panel Minute 4 – Requests further Applicant information regarding, • explanation of full-development heavy-vehicle forecasts, methodology and confidence, and allowance for future Mosgiel growth; • assessment of network safety, efficiency and accessibility, including central Mosgiel, key intersections and proposed mitigation; • requires reconsideration of economic costs/disbenefits in light of that information; and • invites DCC and NZTA to respond through comments.
Panel Minute 5 – Correction to NZTA Invitation
Panel Minute 6 – Correction to Ministerial Invitation
Panel Minute 7 - Disclosure of Interest by Expert Panel Member Steve Abley
Panel Minute 8 - Invitation to Procedural Conference regarding: • Legal issues arising from Te Rūnanga o Ōtākou and the Applicant's legal submissions in response; • Transportation issues for joint expert conferencing; • Noise issues for joint expert conferencing ahead; • Effects on Whakaehu / Silver Stream and the proposed adaptive management approach; and

• Process regarding the above.
Panel Minute 9 - Instructions for Joint Expert Conferencing and Hearings: • JWS and Hearing for Transport matters, and for noise matters; • Hearing for Freshwater issues, and for conditions; • An outline of the issues related to each topic for the experts to address; • Seeks clarification of the position of Te Runanga o Ōtākou regarding FTAA s7; • Lates comments from the Minister of Economic Development; and • Timeframes and arrangements for the above.
Panel Minute 10 - Instructions to the Panel-Appointed Acoustic Expert • Directs independent acoustic participation in conferencing on noise issues, informed by technical assessments, neighbours' comments, relevant noise provisions and transport information; and • Any limitations on the adviser's ability to address the questions must be disclosed in the JWS.
Panel Minute 11 – Updated timeframes for JWS and hearings
Panel Minute 12 - Panel Responses to Correspondence and Further Directions, • Seeking comment from Mr and Mrs Stewart; • Confirming Transport conferencing will not include planners; and • Request for update from Te Rūnanga o Ōtākou.
Panel Minute 13 - Memoranda from Applicant and Te Rūnanga o Ōtākou, and freshwater hearing matters
Panel Minute 14 – Updated timeframes for conditions hearing, and Applicant reply to Transportation, Noise and Freshwater hearings
Panel Minute 15 – Record of Hearings: • Notes the availability of recordings, transcriptions and the record of attendance; • Noting the Applicants comment on the Transportation Effects Panel Nomograph; and • Recording that should the Applicant consider an alternative graphic would materially assist the Panel, it may provide one with its reply to the Transport Hearing.
Panel Minute 16 – Directions for Conditions Hearing and Panel appointment of technical decision drafting support: • Confirming the details for the conditions hearing; • Noting parties not intending to appear; • The conditions that the hearing will focus on; and • The appointment of technical decision writing assistance.
Panel Minute 17 – Instructions to Panel Appointed Acoustic Expert and to Applicant and DCC: • Seeking advice from Mr Shanks on a range of noise matters; and • Providing DCC an opportunity to provide a statement of evidence to address the same matters.
Panel Minute 18 – Request for Information from White Robe Lodge: • Request further information from White Robe Lodge regarding potential mitigation measures to address the potential for adverse effects on foaling unit activities.
Panel Minute 19 – Request clarification regarding DCC land use consent lapse date: • Request to clarify the Applicants intention regarding the intended lapse date of the district land use consent
Panel Minute 20 – Draft decision and conditions:

• informing relevant parties under s70 of the opportunity to provide comment on the conditions, the date for comments, and the Applicants reply, and the dates for Ministers comments under s72 of the FTAA.
Panel Minute 21 – Informing persons who have provided unsolicited comments to the Panel that the Panel is unable to accept the correspondence.