

**BEFORE INDEPENDENT COMMISSIONERS  
APPOINTED BY PALMERSTON NORTH CITY COUNCIL**

UNDER

*The Resource Management Act 1991  
("Act")*

AND

IN THE MATTER

*of a Notice of Requirement by KiwiRail  
Holdings Limited ("KiwiRail") under  
section 168 of the Act for the Palmerston  
North Regional Freight Hub*

**COMMISSIONERS' REPORT AND RECOMMENDATIONS  
TO KIWIRAIL HOLDINGS LIMITED**

**Hearing days:** 9-13 August, 16-17 August, 17 September, 29-30 September,  
15 October 2021

**Report date:** 28 February 2022

**Appearances:** See Appendix 4

## Table of Contents

<b>A. INTRODUCTION .....</b>	<b>5</b>
<b>B. OUTCOME AND RECOMMENDATIONS.....</b>	<b>5</b>
<b>C. EXECUTIVE SUMMARY .....</b>	<b>6</b>
<b>D. REASONING .....</b>	<b>10</b>
Terms .....	10
Content and framework of this report .....	11
Overview of the Notice of Requirement, the locality, site-selection and concept design ..	12
The participating parties .....	23
The Panel's statutory task .....	25
The natural environmental context – an overview.....	27
The strategic and economic context of KiwiRail's Notice of Requirement .....	29
A high-level Part 2 analysis.....	31
The nature of a designation.....	33
Some general observations about the hearing process and the principal matters remaining in contention.....	35
KiwiRail's requiring authority status and the objectives for the Freight Hub .....	38
Issues pertaining to regional consenting functions.....	48
Are all the components of the Freight Hub within KiwiRail's powers as a requiring authority?.....	58
Did KiwiRail provide sufficient information to assess and evaluate the environmental effects? .....	65
Was the site-selection process adequate? .....	73
Consideration of the existing environment and the relevance of future potential upgrades to the region's transport infrastructure .....	79
Mana whenua interests and cultural effects .....	83
Summary of evidence received.....	85
Analysis of material received.....	91
Related Proposed Conditions .....	95
Evaluation .....	97
Social effects and management .....	99
Summary of social impact evidence received.....	99
Analysis of material received.....	110
Related Proposed Conditions .....	110

<b>Noise and vibration effects .....</b>	<b>112</b>
Summary of evidence received.....	112
Analysis of material received.....	130
Noise from the new perimeter road.....	130
Construction noise and night-time construction .....	131
Special audible characteristics.....	132
Noise management and a noise boundary.....	133
Noise insulation and the impact on properties close to the Freight Hub .....	135
Related Proposed Conditions .....	139
Noise from the new perimeter road.....	139
Construction noise and night-time construction .....	139
Special audible characteristics.....	139
Noise management and a Noise Management Boundary.....	140
Noise insulation and the impact on properties close to the Freight Hub .....	140
Evaluation .....	140
 <b>Landscape, natural character and visual amenity effects and management .....</b>	 <b>140</b>
Summary of evidence received.....	141
Analysis of material received.....	146
Related Proposed Conditions .....	148
Evaluation .....	150
 <b>Transportation effects and management.....</b>	 <b>150</b>
Summary of evidence received.....	152
Analysis of material received.....	155
Related Proposed Conditions .....	156
Evaluation .....	159
 <b>Ecological effects and management.....</b>	 <b>160</b>
Summary of evidence received.....	161
Analysis of material received.....	164
Related Proposed Conditions .....	165
Evaluation .....	165
 <b>Freshwater effects and management.....</b>	 <b>165</b>
Summary of evidence received.....	166
Analysis of material received.....	167
Related Proposed Conditions .....	168
Evaluation .....	168
 <b>Contaminated land, air quality and erosion and sediment control .....</b>	 <b>168</b>
Summary of evidence received.....	169
Analysis of material received.....	172
Related Proposed Conditions .....	173
Evaluation .....	175
 <b>Infrastructure, stormwater and flooding effects and management .....</b>	 <b>176</b>
Summary of evidence received.....	177
Analysis of material received.....	181
Related Proposed Conditions .....	182
Evaluation .....	185
 <b>Lighting effects and management.....</b>	 <b>185</b>
Summary of evidence received.....	186
Analysis of material received.....	190
Related Proposed Conditions .....	190
Evaluation .....	190
 <b>Economic effects and management .....</b>	 <b>190</b>
Analysis of material received.....	200
Related Proposed Conditions .....	201

Evaluation .....	201
Relevant planning instruments.....	201
Relevant other matters.....	204
General matters concerning conditions.....	205
Lapse date .....	207
Overall Evaluation .....	209
Acknowledgements .....	210
Panel's Execution.....	211
<b>E. APPENDICES AND REFERENCE DOCUMENTS .....</b>	<b>212</b>
Appendix 1 – The Panel's Recommended Conditions .....	212
Appendix 2 – Notice of Requirement and Gazette notice of KiwiRail's status as a requiring authority.....	236
Appendix 3 – Information on Palmerston North City Council's website pertaining to the Notice of Requirement .....	273
Appendix 4 – Appearances .....	282
Appendix 5 – The Proposed Conditions.....	284
Appendix 6 – Maps Bundle .....	298



Notes: underlining indicates a hyper-link. Also, this PDF has an outline viewable on a PDF reader for ease of navigation.

## **A. Introduction**

- [1] The Panel considering KiwiRail's Notice of Requirement comprised Gina Sweetman, Miria Pomare, Judith Makinson and John Maassen (Chairperson).
- [2] The hearing occurred over an extended and unplanned period in 2021 because of Covid-19 interruptions. The hearing was formally closed by a Minute dated 29 November 2021 following a memorandum by KiwiRail dated 5 November 2021 that satisfied the Panel that the Panel could proceed to its decision-making phase.
- [3] The structure of this report is to set out the Panel's outcome and recommendations in Section B. In Section C is an Executive Summary. Section D contains the Panel's detailed reasoning. Finally, in Section E are the Appendices including the Panel's Recommended Conditions.

## **B. Outcome and Recommendations**

- [4] The Panel considers that the Notice of Requirement meets Part 2 of the Resource Management Act ("RMA") and is appropriate considering the matters in the RMA, s 171.
- [5] The Panel recommends to KiwiRail that:
  - (a) KiwiRail confirms the Notice of Requirement.
  - (b) KiwiRail confirms the conditions that KiwiRail proposed for the Notice of Requirement (in Appendices A and B of the Memorandum of Counsel for KiwiRail dated 5 November 2021) but with the underlined modifications contained in the Recommended Conditions in [Appendix 1](#) of this report.
  - (c) A lapse period of ten (10) years applies to the designation.

## C. Executive Summary

- [6] The Panel engaged in a lengthy process of considering assessments, reports, evidence, several site-visits, conducting a hearing interrupted by Covid-19 lockdowns and later deliberation and report writing concerning KiwiRail's Notice of Requirement for 177 hectares approximately in Bunnythorpe to be dedicated to a multi-modal Freight Hub.
- [7] That process culminates in the release of this report to KiwiRail. KiwiRail will then consider the report, make decisions on it and release their final decision.
- [8] The breadth of the Panel's process and the depth of this report reflects that KiwiRail's Notice of Requirement proposes one of the largest changes in the last quarter-century to Palmerston North's urban geography by facilitating a large-scale greenfields industrial development.
- [9] The Notice of Requirement's legal framing underwent considerable refinement through the hearing process. Notably, a Final Concept Design and a firm Noise Management Boundary in KiwiRail's Proposed Conditions were presented by KiwiRail at the end of the hearing to be incorporated within the designation as a method in the Palmerston North District Plan. These elements better parameterise the scale, character and intensity of rail freight activity that the Notice of Requirement will authorise. That change was heralded early on in the hearing by KiwiRail and addressed significant concerns that KiwiRail's initial Notice of Requirement contained so much flexibility that an adequate assessment of its potential effects on the host community was not possible.
- [10] Some submitters raised a concern that elements of KiwiRail's Concept Design for the Freight Hub accommodated activities that were not authorised by KiwiRail's designating powers and that the designation should be controlled or reduced in scale. Particular focus was placed on the large floorplate freight-forwarding components where entities independent of KiwiRail could operate distribution facilities fed by freight from KiwiRail's railway sidings. The Panel considers that contemporary

rail freight operations include the array of facilities proposed by the Concept Design. These are central to the safe, efficient and economically successful integration of rail with other transport modalities, including road and air. The Panel concluded that the proposed designation would support activities well within the operation of a railway 'line' (meaning a 'railway operation') so that KiwiRail may include these elements in a Notice of Requirement.

- [11] Another contention of some submitters was that the Bunnythorpe Site was pre-determined by KiwiRail. As a consequence, they contended that the site-selection process using a multi-criteria assessment was flawed. According to that argument, that ran against the adequacy of KiwiRail's analysis of alternatives under the RMA, s 171.
- [12] That claim, in part, was based on the idea that the scale of the proposed Freight Hub was so extraordinary that it was conceived to secure the Bunnythorpe site as the natural best option. The Panel considered that it was implausible that KiwiRail would undertake a significantly oversized development simply to secure the Bunnythorpe site rather than the more prosaic reason of future-proofing its freight operations for the long-term. The multi-criteria assessment was led by the experienced consultancy, Stantec, as part of an assessment of which sites best met a range of criteria. The fact that the Bunnythorpe site scored highly on the 'strategic fit' criterion was reinforced by the plain congruence of the Freight Hub Site with the spatial planning by Palmerston North City Council and the extensive plans and strategies developed under other enactments, including the Palmerston North Integrated Transport Initiative.
- [13] The development will require the enclosure by concrete box culverts of significant reaches of tributaries of the Mangaone Stream. The Panel considers that those ecological effects are best considered through a regional resource consent process and are not properly dealt with this through this designation process. The overall evidence on ecology demonstrated the Site had limited ecological values mainly as a result of long-standing pastoral land management practices.

- [14] The planning document that is the best guide to achieving sustainable management of the Manawātū region's natural and physical resources is the Regional Policy Statement Part (Part 1) of the One Plan. The Panel shared the view of Horizons Regional Council's strategic policy team, introduced by Mr Shirley, that assessed through the lens of Part 1 of the One Plan, the Site was appropriate for the scale and type of development proposed.
- [15] The cultural effects of the Freight Hub proposal were somewhat difficult to assess on the available evidence. The Panel is satisfied that there is sufficient evidence to conclude that the expression of manaakitanga through the Mana Whenua Partnership Framework required by the conditions will ensure an effective contribution by tangata whenua to an optimal environmental outcome within the Concept Design parameters and requirements of KiwiRail using mātauranga Māori. Cultural effects from land use were not of a scale that justified refusing or limiting the area to be designated or the Concept Design. The Panel notes that the Proposed Conditions by KiwiRail concerning tangata whenua represent a significant commitment to true partnership to ensure that the Freight Hub secures appropriate benefits for local iwi and addresses their reasonable interests.
- [16] A significant amount of community concern arose about the effects on landscape and amenity values and the long-term effects of noise from the Freight Hub. The Recommended Conditions will ensure that these effects are adequately avoided, remedied or mitigated. The KiwiRail evidence satisfied the Panel that these effects, while regrettable, will be appropriately managed.
- [17] The construction process will have an enormous impact on the local community. The earthworks alone will involve staggering numbers of truck movements. Integral to managing the effects of this process of construction is effective management and community liaison. Through estimable conditions provided in the Recommended Conditions, the Panel is satisfied that these effects will be adequately managed in the circumstances. Leadership and coordination by KiwiRail will be critical, and the Panel has suggested measures to achieve that.

- [18] The Freight Hub proposal emerged because Palmerston North is a logical place for a multi-modal distribution hub in the lower North Island. The necessary infrastructural capacity at Palmerston North has built up in that economic arena through decades of planning. One aspect of that was the Manawatū-Palmerston North Boundary Reorganisation Scheme approved by the Local Government Commission on 17 April 2012. That extended, amongst other things, the north-eastern boundary of Palmerston North to Nannestad Line to support industrial expansion in the north-east.
- [19] The Panel considers that the Freight Hub will, when constructed, leverage well off these existing distributional strengths of Palmerston North and have agglomeration benefits both for the logistics businesses in the City but also on many other types of businesses that depend significantly upon cost-effective distribution channels for both Palmerston North City and the Manawatū district.
- [20] Overall, the Panel's recommendation to KiwiRail is to confirm the Notice of the Requirement with adjustments to the conditions shown in Appendix 1 called the Recommended Conditions. The Panel is satisfied that this will provide a sustainable urban fabric for Palmerston North and contribute to the well-being of its citizens and those of the region.
- [21] The Panel acknowledges that the Freight Hub will fundamentally transform Bunnythorpe's relationship to Palmerston North and its identity. Bunnythorpe may, over time, become much more of a dormitory suburb of Palmerston North. That sort of change can provide other opportunities for urban improvement, including potentially an expansion of residential development leading to rejuvenation as well as sustaining new and existing local facilities. The Panel recognises that some neighbours of the Freight Hub with a lifestyle property will see this change as unwelcome.
- [22] The Panel acknowledges the constructive engagement in this process by all participants. The Panel is grateful for the impeccable regulatory role undertaken by the Palmerston North City Council. The Panel thanks KiwiRail for their constructive engagement in our process. *E tautoko ana to*

*mātou taumata ki tēnei tūmomo mahi kia haere tonu ngā nekenekēhanga o te wā. E mihi tonu ana ki a koutou katoa.*

## D. Reasoning

### *Terms*

<i>CTMP</i>	Construction Traffic Management Plan
<i>Freight Hub</i>	The multi-modal freight facility proposed by KiwiRail on about 177 hectares near Bunnythorpe centred on rail freight operations and as set out in KiwiRail's Notice of Requirement dated 23 October 2020 in <a href="#">Appendix 2</a>
<i>KiwiRail</i>	Kiwi Rail Holdings Limited
<i>NEIZ</i>	North East Industrial Zone
<i>NIMTL</i>	North Island Main Trunk Line
<i>NPSFM</i>	National Policy Statement for Freshwater Management 2020
<i>One Plan</i>	The combined Regional Policy Statement, Regional Plan and Coastal Plan for the Manawatū-Whanganui Region
<i>PNATM</i>	Palmerston North Area Traffic Model
<i>PNITI</i>	Palmerston North Integrated Transport Initiative
<i>Proposed Conditions</i>	The conditions proposed by KiwiRail as Appendix B to the Memorandum of Counsel dated 5 November 2021 in <a href="#">Appendix 5</a>
<i>Recommended Conditions</i>	The conditions recommended by the Panel in <a href="#">Appendix 1</a>

<i>RNIP</i>	Road Network Integration Plan
<i>Site</i>	The designation extent shown in KiwiRail's Notice of Requirement
<i>SWMMP</i>	Stormwater Management and Monitoring Plan
<u><i>The Final Concept Design</i></u>	The concept design attached to the KiwiRail memorandum dated 5 November 2021

### ***Content and framework of this report***

- [23] KiwiRail's Notice of Requirement for a Freight Hub produced an abundance of reports, information, evidence and other items listed in Appendix 3. The volume of material is too large for the Panel to summarise comprehensively, but it all informed the Panel's analysis.
- [24] The Panel saw its task in preparing this report as ensuring:
- (a) Reasonable and transparent consideration of matters in contention and of the environmental effects of the Notice of Requirement, recognising the Freight Hub is a regionally significant project of enormous scale.
  - (b) The provision of sufficient assessment of the relevant statutory considerations to support the Panel's conclusions recognising the significant consequences for landowners of a designation. A designation is the most powerful tool in the resource management armoury.
- [25] In light of the many statutory requirements and considerations and the volume of material on the Freight Hub, this report is, reasonably lengthy. However, by various means set out below, the Panel uses referencing with technology to avoid the need to retrace and record in this report all of the information we received and all our steps through the process. For that reason, the report is more economical than it might otherwise have been.

- [26] It has become commonplace for the hearing materials of an RMA process to be curated electronically by the managing authority. The consequence is that much of it is available by an internet browser. In [Appendix 3](#) to this report is the list of materials supplied to the Panel before and during the hearing.
- [27] The information listed in Appendix 3 is hyperlinked by URLs (through Item No.) to the website that the Palmerston North City Council hosts, which, presumably, will remain 'live' for some time after this report is released. In that way, a person reading this report who wants to go back and research the core materials may do so comparatively easily, and the Panel is released from summarising all the material the Panel received, much of which was non-contentious.
- [28] Words can be a limited tool to describe what experts have depicted by diagrams. Therefore, included in [Appendix 6](#), is a Maps Bundle. KiwiRail's team compiled all of the key electronic materials and even provided a version with a separate table of contents. The Panel has added some others to Appendix 6. That useful compendium of visual resources is referenced by Tab No. repeatedly in this report and hyperlinked where appropriate to enable a reader to follow the Panel's analysis and reasoning better. In all cases, as outlined above, hyperlinking is illustrated through the settings on user's PDF readers.
- [29] All statutory references are also linked to the NZ Legislation website if not set out in the text.
- [30] The Panel hopes that the referencing through electronic linking to sources will assist readers, particularly those who come to this report with fresh eyes who have not walked the Panel's long journey.

***Overview of the Notice of Requirement, the locality, site-selection and concept design***

- [31] KiwiRail's proposed designation for a Freight Hub is on about 177 hectares [[Tab No. 1\(a\)](#)] that is mostly on rural land and about thirty (30) per cent on industrial zoned land (for large-format distribution) in the north-eastern



sector of Palmerston North [Tab No. 1(b)].<sup>1</sup> KiwiRail has already purchased about forty (40) per cent of the Site.<sup>2</sup> The Site abuts Bunnythorpe and is on the western side of the NIMTL adjacent to Railway Road [Tab No. 2(a)]. The Site absorbs part of what is now Railway Road which is a main arterial road adjoining Palmerston North and Feilding in a north-south alignment.

- [32] The whenua is within the rohe of Rangitāne, Ngāti Kauwhata and Ngāti Raukawa who exercise manawhenua over the locality.
- [33] The locality has tributaries meandering through rolling country feeding the Mangaone Stream [Tab No. 7(a)]. The Site is on the edge of what was, before European pastoralism, the ecologically productive Taonui Swamp that is now the farmland of the Taonui Basin. It is therefore a place of traditional resource gathering by Māori and a place of cultural memory.
- [34] The locality is now highly modified and many of the water bodies are bare arteries of a once complex wetland ecosystem.
- [35] Bunnythorpe is a small dormitory town between Palmerston North and Feilding [Tab No. 7(a)]. Bunnythorpe is mostly encircled by rural land used for non-intensive pastoral farming. Bunnythorpe has a residential core centred at the junction of a number of major roads in the Manawatū. These roads are the Kairanga Bunnythorpe Road, Railway Road, Campbell Road and Ashhurst Road (“the Junction”) [Tab No. 2(a)]. Some of the early residential development at the core was used to support employment associated with the development and maintenance of the NIMTL. The NIMTL bisects Bunnythorpe and kinks in a dog leg at the Junction but otherwise is mostly on a north-south alignment parallel to Railway Road. There is also some housing/development connected with the development and operation of the Bunnythorpe substation that is one of the major electricity installations on the Manawatū plain.

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<sup>1</sup> Evidence of Karen Bell at [5.10].

<sup>2</sup> Evidence of Olivia Poulsen at [6.14].

- [36] The infrastructure described above points to the strategic location of Bunnythorpe as, in some respects, a place of 'intersection'. It is now more so, being an interface between Palmerston North and the more rural Manawatū district. Other strategic transport infrastructure planned in the locality will reinforce this 'intersectional' character.
- [37] Bunnythorpe was ear-marked for early European settlement and notionally subdivided as a reasonably large town on a grid-system, focused on railway as a key trunk transport mode. However, the settlers did not come in the numbers expected and the settlement and development of the region followed a different path.
- [38] Until 2012, Bunnythorpe was under the jurisdiction of the Manawatū District Council following the local government reorganisation in 1989. That changed by a decision of the Local Government Commission that heard appeals on a proposed Boundary Reorganisation Scheme agreed to between the Manawatū District Council and Palmerston North City Council. Under that Scheme, Bunnythorpe was to become part of Palmerston North.
- [39] The Commission's 2012 decision under the Local Government Act 2002, confirmed the proposed Boundary Reorganisation Scheme. The boundary adjustment included Bunnythorpe within the control of Palmerston North City Council up to Nannestads Line. An Order-in-Council confirming the Boundary Reorganisation Scheme was duly made and Bunnythorpe's natural and physical resources are now managed under the second generation Palmerston North District Plan following its sectional review.
- [40] When the Manawatū District Plan applied to Bunnythorpe, Bunnythorpe had a nodal area notation like an overlay. The nodal notation was a planning technique to encourage large lot residential development around the periphery in small Manawatū villages at an appropriate scale to support their ongoing viability. A result of that planning mechanism is a middle circle of lifestyle development around Bunnythorpe's residential core where the housing stock is newer and, in many cases, quite substantial.

- [41] A major driver of the Boundary Reorganisation Scheme prepared by Palmerston North City Council and the Manawātū District Council was economic development aligned with infrastructural support. Both councils recognised that a collaborative approach supported their combined economic progress. The interactions between the populations and businesses of Feilding and Palmerston North are highly integrated and economically synergistic.
- [42] There were two significant impediments to economic development in the late 1990s and early 2000s in the north-eastern sector of Palmerston North. The first was the substandard land transport infrastructure connecting Palmerston North and Feilding to the wider Manawātū, Whanganui, Wellington and Hawke’s Bay. The second constraint was available industrial land. That constraint was, for example, considered in an Industrial Land Use Planning and Review dated May 2017.<sup>3</sup>
- [43] Palmerston North had since the late 1990s rezoned land on its north-eastern periphery adjacent to Palmerston North Airport. That became known as the North Eastern Industrial Zone (“NEIZ”) use [Tab No. 1(b)]. The aim of that re-zoning was to support large floor-plate logistics activity. That followed numerous economic studies commissioned by the Palmerston North City Council and others that recognised the locational advantages of Palmerston North as a distribution hub.
- [44] The uptake of industrial land in NEIZ was initially sporadic but started to obtain momentum after 2000 and in the late part of the first decade of this century there developed pressure for further industrial development at Palmerston North’s boundary that ended at Richardsons Line which was then the Palmerston North/Manawātū District Boundary.
- [45] Considerable investment was required to improve land transport on the outskirts of Palmerston North. Also, the use of Palmerston North City three-waters infrastructure to support industrial development on the north-

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<sup>3</sup> Good Earth Matters, *Palmerston North City and Manawātū District and Land Use Planning Review (Stage 1 Reporting)* May 2017.

- eastern sector was the only viable option. The case for an extension of the NEIZ on land that would be part of Palmerston North was compelling.
- [46] Once the Boundary Realignment Reorganisation Scheme was approved and through the sectional review of the Palmerston North District Plan, extensions were made to the NEIZ beyond Richardsons Line adjacent to Railway Road. That area is progressively under development and Richardsons Line is about to be upgraded to support heavy vehicles.
- [47] Concurrently, the Manawatū-Wanganui Regional Council, the Palmerston North City Council and the Manawatū District Council, as part of a combined regional development strategy, worked on a strategic land transport concept now called the Palmerston North Integrated Transport Initiative (“PNITI”) [Tab No. 14]. That initiative provides the key land transport corridors for heavy traffic vehicle movement. The Kairanga-Bunnythorpe Road will play a major role in that system.
- [48] That strategy has the endorsement of the Waka Kotahi Board and is shown in the draft Transport Asset Management Plan dated April 2021.<sup>4</sup> The initiative provides the best information as to the likely future development of the land transport system to accommodate growth in vehicular traffic in the Manawatū.
- [49] All of this strategic planning cemented Palmerston North as a high-value distribution location by 2015.
- [50] In 2018-2019 the new crossing of the Ruahine Range across Saddle Road was approved and is under development and that will facilitate the efficient distribution of goods between the Hawke’s Bay and Manawatū plain. It removes the Manawatū Gorge bottleneck.
- [51] KiwiRail is a State-Owned Enterprise that is governed by the State-Owned Enterprises Act 1986 with the Crown as a shareholder. The New Zealand Rail Network is a strategic land transport physical resource. The maintenance and development of the rail network is seen by Central

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<sup>4</sup> Mr Georgeson SOE at [5.31].

- Government as critical to supporting sustainable transportation that contributes to greenhouse gas emission reductions while supporting efficiency and effectiveness of distribution of goods for internal or export use.
- [52] By way of illustration of Central Government's commitment to supporting maintenance and development around the network, the Central Government developed the first Rail Network Investment Programme that was approved by the Minister of Transport in June 2021. Waka Kotahi was consulted on that approval. The aim of the document is to guide and support strategic priorities and improve long term Crown funding of the rail network.
- [53] Further, the Land Transport (Rail) Legislation Act 2020 which came into force on 1 July 2020 amends the Land Transport Management Act 2003 and the Land Transport Act 1998 to implement a new long term planning and funding system for the heavy rail track network.
- [54] Following the election of the Coalition Labour Government in 2017, the Provincial Growth Fund was opened to support investment in New Zealand's provinces where that investment could make a significant contribution to regional and national economic development.
- [55] KiwiRail decided to apply for funding from the Provincial Growth Fund in 2018 to acquire land to support a new Freight Hub on the outskirts of Palmerston North.
- [56] The existing KiwiRail freight facility in Palmerston North is located off Tremaine Avenue and cannot support freight rail operations based on the growth projections that KiwiRail has. Also, it cannot secure efficient integration between the road and rail network. That existing facility was once on the outskirts of Palmerston North after the central location on Railway Road near the Square became too small.
- [57] KiwiRail finalised its business case for Provincial Growth Fund funding on 23 August 2018. It sought funding for two phases with phase 1 to cover

“*site identification designation, master planning and concept design*” and phase 1B to cover land acquisition.

[58] Cabinet approved funding for \$40 million for the inter-modal Freight Hub and KiwiRail entered into a Funding Agreement with Treasury for the following steps:

- (a) Preparation of the master plan concept design for a transport hub “*in or near Palmerston North*”.
- (b) Site options analysis and site-selection for the new hub site.
- (c) Securing a designation under RMA, s 168 prior to the potential purchase of land for a new site “*in or near Palmerston North*”.
- (d) Acquisition of sufficient land and identified location to develop a regional growth hub.

[59] Once KiwiRail was successful in obtaining funding from the Provincial Growth Fund, it commenced a planning process led by its consultant Stantec. The first step in implementing the project was to identify the key qualities required of an inter-modal Freight Hub. That led to the development of a master plan that would inform the site-selection process. That was to be a subset of an ongoing master planning process for the national rail network. The master plan was developed iteratively and depended on achieving three key operational functions:

- (a) Marshalling of trains.
- (b) Wagon storage, equipment maintenance, network service of yard operations.
- (c) Areas for container and commodity storage, rail serviced freight-forwarding facilities and specialist traffic such as log handling.

[60] Mr Michael Skelton is a senior transportation engineer with Stantec. Mr Skelton explained to the Panel the development of the master plan and later a more mature and detailed design called the concept design. He also

- explained the consequential features of the Notice of Requirement including roading changes, building and structure height parameters and other components relevant to the development of the final concept design.
- [61] Concerning these key operational requirements, Mr Skelton considered that the facility plainly needed to be adjacent to the NIMTL. In addition, the optimal long term solution was a marshalling yard able to accommodate 1500 metre long trains. Also, the Site had to be sufficient to accommodate a large number of adjacent tracks ranging in length that can enable trains to be built or broken up as part of a comprehensive marshalling facility.
- [62] Further, the design demanded a scale sufficient to accommodate a locomotive and wagon maintenance repair facility and other facilities necessary to accommodate workshops, heavy plant storage and a ballast storage truck for eight wagons.
- [63] Adjacent to the marshalling yard, KiwiRail required a container yard for transportation of hazardous materials as well as a place for the efficient storage of refrigerated containers called “reefer towers”.
- [64] The multi-modal component of the Freight Hub design required co-joined rail serviced facilities for major freight-forwarders to ensure the efficient transfer from the rail network to other land transport modalities.
- [65] These broad operational requirements initially led, after an outline master plan, to the development of a scaled notional site template (with some flexibility) that was used as a proxy for the likely scale and extent of the required inter-modal Freight Hub facility. That template was then used on a similarly scaled map to undertake a site-selection assessment. Site-selection was made by running the template along the NIMTL near Palmerston North to find and derive areas of sufficient size to be worthy of assessment. The site had to be reasonably near Palmerston North as the epicentre of employment and facilities in the region.
- [66] KiwiRail’s site investigation and assessment process is documented in the Summary Report incorporated within the Notice of Requirement and is

dated June 2020.<sup>5</sup> Initially, nine (9) potential sites were analysed for their strengths and weaknesses.

[67] That report describes the Freight Hub concept that informed the development of a template for site-selection in the following way:

*The Freight Hub concept is sized to accommodate a forecasted 50% increase in tonnage/ business from volumes passing through the existing Palmerston North KiviRail Freight Yard that would be delivered over a 30-year horizon (based on a 10-year development stage and 20 years of operation).*

*The Freight Hub was expected to be able to be a fully integrated, multi-modal facility that will run a 7 day per week/ 24 hour a day operation to receive and depart trains. The associated operational requirements needing to be incorporated in the Hub site location, included:*

- *Marshalling yard, including arrival/ departure and back shunt tracks, one at each end of the Freight Yard, to allow shunting to take place clear of the main line as a means of accommodating simultaneous yard assignments to improve capacity and efficiency in high peak periods. These tracks will be based on 1,500m trains.*
- *Container terminal.*

*As well as having the number/ size to accommodate the forecasted growth, the Freight Hub's yards, tracks, and container terminal needed to be sized and located to incorporate future efficiencies planned across KiviRail's network.*

*The Hub also needed to provide for other existing KiviRail facilities to be relocated from the existing KiviRail Freight Yard. These are KiviRail's maintenance facilities for wagons, diesel and electric locomotives and the network services depot. The Freight Hub was also expected to provide for new partnership opportunities with land to accommodate freight forwarders, commodity storage and log handling with direct access to rail.*

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<sup>5</sup> Stantec Summary Report – Palmerston North Regional Freight Hub Multi-Criteria Analysis and Decision Conferencing Process (KiviRail) June 2020.



- *The layout of the Hub needed to ensure that the environmental impacts could be managed. The location and layout of service roads needed to consider security and safety, provide for future automation and the delivery of a cohesive working environment.*

- [68] The site-selection process also included various workshops with agencies, the community and experts. The relative merits of identified sites went through a multi-criteria weighting process informed by expert analysis to short-list the best option. Then KiwiRail selected three ‘viable’ options for the ‘short-list’.
- [69] Following the third and final workshop, KiwiRail chose option 3 as the selected site and that is the Site subject to this Notice of Requirement.
- [70] Following the site-selection process, KiwiRail undertook a further design iteration in the design culminating in a concept design dated 20 October 2020 (which is Appendix 2 of the Notice of Requirement) [[Appendix 2](#)]. From that concept design KiwiRail was able to define the extent of the land sought to be designated at the property scale (1:2000) and that is shown as Appendix 1 of the Notice of Requirement [[Appendix 2](#)].
- [71] A refined and substantially similar concept design with the railway operational components was presented at the hearing as the Concept Plan dated 12 February 2021 that also has a close resemblance to the Final Concept Plan [[Tab No. 2\(a\)](#)].
- [72] The area KiwiRail required to be designated following site-selection grew as KiwiRail’s understanding improved concerning the nature of the work necessary to implement the project. For example, what could be termed ‘nodules’ were added to the south-west to accommodate two large stormwater detention areas to hold water collected from the hardstand areas [[Tab No. 3](#)]. Stormwater management is a significant engineering challenge in implementing the Freight Hub because effectively a large area of land will become re-surfaced and relatively non-porous.

[73] As summarised above the project involves the construction and operation of a Freight Hub with the following fifteen key elements and associated works (the fifteen key elements):

- (a) Marshalling yards.
- (b) Container terminal.
- (c) Wagon storage.
- (d) Maintenance and network facilities.
- (e) Freight-forwarding.
- (f) Log handling.
- (g) Bulk liquid storage.
- (h) Operation and administration office areas.
- (i) Staff facilities including parking.
- (j) Access roads.
- (k) Relocation of the NIMTL.
- (l) Installation of above ground rail infrastructure.
- (m) Stormwater management areas with associated planting.
- (n) Noise management areas with associated planting.
- (o) Building and other activities ancillary to the Freight Hub.

[74] Ms Bell, Stantec's lead planner, advised that the relocation of the NIMTL will need to be enabled by an alteration to the existing NIMTL designation at a future stage.<sup>6</sup>

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<sup>6</sup> SOE Ms Karen Bell at [7.15]

- [75] The Freight Hub site-selection process is documented in Volume 2 of the Notice of Requirement. Expert assessment of effects are included in Volume 3 of the Notice of Requirement [[Appendix 3](#)].
- [76] A designation is a notation in the Plan authorising an approved project or work. Nevertheless, it can be subject to designation conditions in the Plan that operate in a way more typical of conditions to a resource consent than conditions or standards of an activity class in a Plan.
- [77] Consideration of how the conditions that would apply to a designation could be improved, if the Notice of Requirement is approved, was analysed before and through the designation hearing process by KiwiRail and Palmerston North City Council.
- [78] KiwiRail's [Proposed Conditions](#) given at the end of the hearing are contained under cover of a memorandum dated 5 November 2021 and represent a refined and reformed suite of conditions that KiwiRail asks to apply the designation. They are the product of much work by the experts for KiwiRail and Palmerston North City Council. It is these volunteered Proposed Conditions that the Panel must assess for the purpose of its statutory task under RMA, s 171.
- [79] Also, it is the scale and extent of effects with these Proposed Conditions in place that assists the consideration of the Notice of Requirement under the RMA, s 171. The Panel in this report considers how those [Proposed Conditions](#) [[Appendix 5](#)] would operate to avoid, remedy or mitigate potential effects if the designation is approved.

### ***The participating parties***

- [80] All of the regional local authorities other than Palmerston North City Council (i.e. Horizons Regional Council, Horowhenua District Council and Manawatū District Council) made submissions in support of the Freight Hub. Of those, all appeared at the hearing to give reasons for their support except Horowhenua District Council. That collective, supportive view, by the region's local authorities reflects the Freight Hub's alignment with other

strategic planning and economic development planning undertaken over several decades at a regional scale that is outlined later in this report.

- [81] The Palmerston North City Council's principal statutory function was that of a regulator processing the Notice of Requirement and it focused on that function.
- [82] The Panel is indebted to the thorough analysis and assessment by the Council's team and especially by Ms Anita Copplestone and Mr Phil Percy, as the planning experts. For reasons given in this report Ms Copplestone and Mr Percy faced a complex task assessing the effects of the Notice of Requirement. Both diligently pursued the analysis. They also helpfully considered the efficacy and accuracy of conditions as a tool to manage effects.
- [83] Most other submitters did not have the resources to obtain expert analysis of what is a very large and complex proposal. Without the honest performance of the regulatory function by Palmerston North City Council the Notice of Requirement would not have been tested and refined as well as it has been for the benefit of the community and City.
- [84] We also acknowledge that KiwiRail engaged in the process very positively to address what it considered to be reasonable concerns.
- [85] Tangata whenua appeared. We heard a comprehensive submission from Ngāti Kauwhata led by Dr Mason Durie and Mr Denis Emery. Mr Procter for Rangitāne o Manawatū also spoke. There was a common concern (partially alleviated through the process) of a lack of engagement with tangata whenua.
- [86] Affected submitters lodged submissions and a plan included in the index bundle showed the submitter numbers and their location relative to the Site [Tab No. 1(c)]. There are a number of other agencies that lodged submissions including for example the Central Economic Development Agency ("CEDA") which is a combined economic development agency with Palmerston North City and Manawatū District Council.

- [87] The quality of the submissions and submitters' evidence was very high, and we have addressed the concerns of those opposed to the Freight Hub in the course of this report.
- [88] The Panel recognises, for reasons explained later, that with the benefit of expert opinion provided during the course of the hearing, the extent of the effects was better understood than could occur at the time the Notice of Requirement was lodged because of a tightening of the project's parameters.
- [89] There was a high level of expert agreement on the scale and acceptability of the environmental effects.

***The Panel's statutory task***

- [90] The Panel was delegated by Palmerston North City Council the task of performing the statutory function under RMA, Part 8 of making a report with recommendations on KiwiRail's Notice of Requirement. That recommendation is then presented to KiwiRail for consideration. KiwiRail will consider that recommendation and make a decision on it and that decision becomes the decision against which an appeal may be lodged. Therefore, the function of the territorial authority (and thus of us as the Panel) is one of considering the Notice of Requirement and any submissions received and then by an audit and independent assessment process either recommend that the Notice of Requirement be confirmed, modified or withdrawn. If the Notice of Requirement is confirmed then the Panel can propose conditions, which KiwiRail may or may not decide to accept in making their decision.
- [91] RMA, s 171 sets out the mandatory considerations when formulating the recommendations. RMA, s 171 states:

***“171 Recommendation by territorial authority***

- (1A) When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to [Part 2](#), consider the effects on the environment of allowing the requirement, having particular regard to—*
- (a) *any relevant provisions of—*
    - (i) *a national policy statement;*
    - (ii) *a New Zealand coastal policy statement;*
    - (iii) *a regional policy statement or proposed regional policy statement;*
    - (iv) *a plan or proposed plan; and*
  - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
    - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
    - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
  - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
  - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
- (1B) *The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.*

- (2) *The territorial authority may recommend to the requiring authority that it*
- (a) *confirm the requirement:*
  - (b) *modify the requirement:*
  - (c) *impose conditions:*
  - (d) *withdraw the requirement.*
- (2A) *However, if the requiring authority is the Minister of Education or the Minister of Defence, the territorial authority may not recommend imposing a condition requiring a financial contribution (as defined in [section 108\(9\)](#)).*
- (3) *The territorial authority must give reasons for its recommendation under subsection (2)".*

***The natural environmental context – an overview***

- [92] The Site is located within the Manawatū ecological district. Before European settlement the vegetation would have been a mosaic of semi-swamp forest, Totara forest, mixed podocarp, black beech forest and black swamp in response to variable rainfalls.<sup>7</sup>
- [93] As a result of vegetation clearance there is little remnant indigenous vegetation on the proposed site. Consequently, there are no features within the designation extent recognised by Schedule F of the One Plan that identifies rare, threatened and at-risk natural habitats in the region. Overall, the ecological assessments agree that terrestrial vegetation has negligible ecological value.<sup>8</sup>
- [94] The tributaries of the Mangaone Stream that pass through the proposed site run in a more or less east-west direction. Of course, other ephemeral and minor water bodies exist throughout the Site [Tab No. 6(b)].

<sup>7</sup> SOE Jeremy Garrett-Walker at [4.1].

<sup>8</sup> See for example section 5.4 of the Ecology Report in Volume 3 to the Application.

- [95] The two streams are divided in a Boffa Miskell Ecological Report into the northern tributary and the southern tributary. The northern tributary within the Site comprises a single channel of approximately 835 metre long that flows through the central portion of the designation of the proposed site. The southern tributary within the Site is a shallow ephemeral stream of approximately 590 metre linear length within the designation extent. The Boffa Miskell Report described the water course in this way:

*“This water course better resembled a roadside drainage system that a pasture grass is planted throughout. The absence of any aquatic habitat or features meant that no physical assessment was completed for the potentially effected reach”.*

- [96] Macroinvertebrate assessments carried out as part of the ecological survey using standard sampling protocols demonstrated the results were typical of degraded streams within an agricultural land use catchment. That is likely to reflect the nutrient enrichment and poor quality habitat. These macroinvertebrate index scores are below the ‘bottom line’ within the National Policy Statement for Freshwater Management 2020.

- [97] While there was dispute amongst the ecological experts about the accuracy of this assessment the Council’s expert, Ms Quinn, stated:

*“I agree that the ecological value of the stream systems within the designation are likely to be at the low end of the scale due to historic and current degradation”.*<sup>9</sup>

- [98] The streams are, therefore, assessed as having low or negligible ecological value.

- [99] The Freight Hub will require these reaches of the tributaries to be culverted using large concrete box structures.

- [100] There are no identified significant landscape or natural features within the proposed site or adjacent to it.

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<sup>9</sup> Section 42A report, Justine Quinn at [57].



- [101] The existing environment is, as Ms Whitby, the Council's landscape architect noted in her section 42A report:

*“Largely characterised by its rural environment. Open vistas in paddocks as well as rural and residential lots contribute to the character of the site and its immediate context. To the south industrial activities are present including the North East Industrial Zone and Palmerston North Airport. It is therefore no surprise that the natural character of the proposed site and its water bodies is low”.*

***The strategic and economic context of KiwiRail's Notice of Requirement***

- [102] The existing multi-modal distribution hub in Palmerston North is the land on the north-east boundary of Palmerston North which hosts the Palmerston North Airport and the NEIZ.
- [103] We heard evidence from Mr Murphy who is the Chief Planning Officer for the Palmerston North City Council. Mr Murphy provided a memorandum dated 15 June 2021 as Appendix A to Ms Copplestone's and Mr Percy's report providing a strategic overview. That was supplemented by further memoranda dated 23 September 2021. The aim of Mr Murphy's evidence was to provide a strategic planning overview about the alignment of the project with wider council strategic planning and that of other regional authorities. The evidence was not intended to detract from or replace assessment of the proposal by the Council's appointed regulatory team.
- [104] Mr Murphy is an experienced policy planner and recognises that territorial authority planning is wider than simply the district planning process under the RMA and involves consideration of multiple enactments and statutory processes. He outlined in his evidence the development of the NEIZ and its subsequent expansion and the linkages that made with regional land transport planning and financial management planning using development contributions to support trunk three-water network extensions. He contextualised the planning strategies above with the boundary reorganisation scheme between the Palmerston North City and Manawātū District Councils.

- [105] Mr Murphy also noted that more recently the Council has developed a Palmerston North City Spatial Plan which will also inform the decisions made under the Council's Long Term Plan [Tab No. 17]. The Spatial Plan specifically identified and referenced 'Regional Ring Road, Rail, Airport and Multi-Modal Infrastructure to enable Industrial Growth: Longburn & North Eastern Industrial Zone (NEIZ)'. That process led to an even more recent Spatial Plan that will be incorporated as part of the 2021 Long Term Plan and that identifies an expanded multi-modal Distribution Hub alongside the Airport and NEIZ.
- [106] There is also a Regional Spatial Plan at a lower resolution than the Palmerston North Spatial Plan which provides an excellent understanding of the locational advantages for rail freight distribution at the Site.
- [107] That type of spatial planning, of course, represents current best practice for territorial authorities and is intended to form multi-agency co-operation to achieve long term societal goals. It is also well aligned with the Regional Policy Statement part of the One Plan that recognises the importance of urban development that is supported by appropriate infrastructure.
- [108] As part of collaborative planning, Mr Murphy's team has also been involved with work with CEDA and other NEIZ stakeholders. That resulted in the Central New Zealand Hub Strategy (August 2021). That strategy reinforces the strategic distribution value of the subject locality and the potential opportunities that arise from its development.
- [109] The economic benefits of the Freight Hub are more fully addressed elsewhere in this report.
- [110] The strategic planning referred to above and the literature on it reveals that Palmerston North is well placed as a core location for rail freight management distribution and that will be a catalyst for further economic development within the Manawatū region.

### *A high-level Part 2 analysis*

[111] This section of the Panel’s report sets out a high-level Part 2 analysis. It is useful to address early the ‘coarse’ Part 2 analysis to identify the extent the RMA’s purpose and principles are engaged before considering with a finer gauge in light of Part 2, the potential effects of the Notice of Requirement and the overall evaluation. The reason it is useful is because:

- (a) Part 2 contains the overriding purpose and principles of the Act and often objectives and policies of relevant planning instruments provide little guidance on anticipated outcomes for a project that is not expressly contemplated by those plans and therefore not well targeted for the assessment of the Notice of Requirement.
- (b) The statutory function in RMA, s 171 is *subject to Part 2* and it is useful to set out how Part 2 has informed the Panel’s assessment of the effects and evaluation.
- (c) It is important to identify early any major issues or potential ‘show stoppers’ under Part 2 that affect matters in contention or are matters of focus.

[112] The overarching purpose of the Act is expressed in broad language and should be read as a whole. The concept of sustainable management importantly recognises the use and development of resources to enable social, economic and cultural wellbeing so that (or to the extent that) the limiting dimensions of RMA, s 5(2)(a)-(c) are met.

[113] An important dimension of sustainable management is inter-generational justice and that includes sustaining the potential of *natural and physical resources to meet reasonably foreseeable needs of future generations*. The industrial and distribution capacity supported by the physical resources (present and planned) include the rail network is therefore to be sustained recognising that distribution is a key part of enabling people and communities to provide for their *social economic and cultural wellbeing*. It is for this reason that Central Government has focused significant statutory and other strategic planning to support an integrated transport network. The potential for this

proposal to support future residents of the Manawātū region and the strategic alignment with overall transportation strategies is a significant factor for the Panel in assessing conformity of the proposal with the concept of sustainable management.

[114] The RMA, s 6 sets out matters of national importance and these matters typically have a protective character to support RMA, s 5(2)(b) concerning ‘high value’ natural resources. It also addresses important interests for tangata whenua. Because of the limited natural resources of the Site, little of RMA, s 6 operates as a material constraint on the use of the Site.

[115] Therefore, it was no surprise to the Panel that the Palmerston North City Council’s ecologist, Ms Quinn concluded at [70] of her report:

*“Overall I agree that the designation of the site is degraded and typical of agricultural land use, and I consider the site is fundamentally appropriate for large scale development such as this”.<sup>10</sup>*

[116] RMA, s 6(h) requires the recognition and provision for *the management of significant risks from natural hazards*. Large-scale land modification and development of the type contemplated by the designation will potentially create natural hazard risks associated with stormwater flooding. The Mangaone Stream is already at, or close to, its flood-design capacity and any potential significant adverse effects on the flooding capacity of that water body must be carefully managed. Provision has been made for this in the concept design as part of the feasibility assessment.

[117] The RMA, s 7 sets out matters of particular regard. All of these matters are considered as part of the Panel’s assessment and evaluation. The Panel places particular emphasis on RMA, s 7(b) concerning the efficient use and development of natural or physical resources. The degree to which that matter is met is largely answered by the extent to which the project has a strategic fit with the overall planning for Palmerston North City and its environs. The Panel must of course consider the degree of control required

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<sup>10</sup> Section 42A report, Justine Quinn at [70]. The original text used the word “inappropriate” but that this was acknowledged to be a typographical error.

for each of the effects to address matters in RMA, ss 7(c) and (f) and the appropriateness of any ‘residual’ effects.

[118] In the RMA, s 6(e) and (f), 7(a) and s 8, the Panel is required to consider matters of concern to tangata whenua. The Site is located in an area of historical resource gathering by tangata whenua. However, the practical extent of the direct relationship has been substantially interrupted by European settlement and changes in land use patterns. Historical testimony produced by Ngāti Kauwhata (some of which has been obtained as part of their Te Tiriti o Waitangi claim) demonstrates the significant impacts the disconnection has caused. That diminished direct relationship does not alter the inherent sense of responsibility tangata whenua hold for the proper care and management of the awa and whenua in that place and finds its expression in the concept of kaitiakitanga in RMA, s 7(a) and the principles of Te Tiriti o Waitangi in s 8.

[119] Environmental management inevitably involves trade-offs even where there are no significant environmental bottom lines that the project could cause to be breached when viewed at a regional scale. The Panel is satisfied that, under Part 2, the Site is an appropriate location for a Freight Hub if there is to be one, subject to the proper management of externalities affecting the surrounding community.

### *The nature of a designation*

[120] The effect of a designation is set out in RMA, s 176 that states as follows:

#### **“176 Effect of designation**

(1) *If a designation is included in a district plan, then—*

(a) *[section 9\(3\)](#) does not apply to a public work or project or work undertaken by a requiring authority under the designation; and*

(b) *no person may, without the prior written consent of that requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder*

*a public work or project or work to which the designation relates, including—*

- (i) undertaking any use of the land; and*
- (ii) subdividing the land; and*
- (iii) changing the character, intensity, or scale of the use of the land.*

*(2) The provisions of a district plan or proposed district plan shall apply in relation to any land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose.*

*(3) This section is subject to [section 177](#)”.*

[121] The effect of the designation is, therefore, to replace the provisions of any District Plan restricting the relevant project or work. It does not override any national environmental standard regulation or regional plan rule. Therefore, the functions of the territory authority under RMA, s 31 frame the nature and scope of the designation and the conditions that can control it bearing in mind that the principal consideration is the effects on the environment of allowing the Notice of Requirement under RMA, s 171(1).

[122] Despite RMA, s 176(1)(a) the requiring authority acting under a designation must provide an outline plan of the public work or project to be constructed on the designated land to enable the territorial authority *to request changes before construction is commenced*.<sup>11</sup>

[123] The outline plan process only enables a territorial authority to make requested changes to the project. The onus is then on the territorial authority to appeal if any of its requests are not granted by the requiring authority.

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<sup>11</sup> RMA, s 176(1)(a).

[124] The outline plan as a regulatory tool, therefore, has two characteristics that limits its usefulness:

- (a) It is not a public participatory process, and a recognised public law value of the RMA is that it anticipates reasonable public participation in the event of significant potential externalities.
- (b) The territorial authority is not operating in a regulatory role under the Outline Plan process and effectively makes requests rather than decisions which it can only pursue through the appellate process as the ratepayers' expense. Regulators find this reversal of onus by which they must proactively advocate and litigate for the public good somewhat problematic.

[125] The Panel considers that under the scheme of the RMA the existence of an outline plan option is not to be seen as an indication it is the best option to manage effects and achieve the purpose of the RMA. It is just one part of the regime and toolbox of methods the Panel must consider under RMA, s 171 when making recommendations. It is necessary but not always sufficient tool to meet RMA, Part 2 and RMA s 171 considerations.

***Some general observations about the hearing process and the principal matters remaining in contention***

[126] Later in this decision the Panel addresses the question as to whether KiwiRail provided adequate information in support of its Notice of Requirement. The Palmerston North City Council's section 42A reports identified considerable uncertainty about the scope of the designation and the parameters of the intended Freight Hub proposal to such a degree that it placed in doubt the ability of the experts' and potentially the Panel's ability to perform the core function of assessing the effects of the Notice of Requirement. That in part arose because the proposed designation enabled a Freight Hub, but the original conditions did not entrench the concept design filed with the Notice of Requirement showing the core fifteen components (previously listed) through the typical mechanism of using 'Condition 1'.

[127] Further, KiwiRail's Notice of Requirement as originally framed, placed undue reliance on the outline plan process which potentially shunted the fifteen critical design elements to a future and somewhat problematic design and effects assessment process controlled only by management plans without clear objectives and parameters. The design and arrangement of the main internal elements of the concept design may have material impacts on the potential effects of the proposal. As a simple example, if the transportation configurations of the designation including points of ingress and the construction of the alternative access road were 'at large' for some future date then the potential transportation consequences of the proposal could materially alter. Equally, if the tracks were located in a different place than shown in the concept design (for example more to the west) then this could also have a significant potential impact and materially alter assumptions on which the acoustic assessment was made.

[128] The uncertainty about the final location of essential elements of the project led Ms Copplestone and Mr Percy to say in section 10.3 of their section 42A report at 887-889 the following:

*"887. We consider the most potentially significant adverse effects are:*

- d. effects of noise and vibration on sensitive receivers during construction and operation;*
- e. social effects arising from disruption to communities, displacement of people and loss of amenity;*
- f. effects on the safe and efficient functioning of the road network;*
- g. loss of waterbodies (streams and wetlands) and their actual and potential values, including in relation to Te Mana o te Wai and natural character;*
- h. effects on the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga;*
- i. visual effects arising from the introduction of large-scale buildings.*



*Structures and roads.*

888. *The above list includes effects where there is limited information on the scale. Characteristics and intensity of the effects and/or the way in which those effects can be avoided, remedied or mitigated. Because KiwiRail's Notice of Requirement only provides information in respect of 'a concept design only' and the separation of regional consenting from the NOR, the level of information available has presented a challenging barrier to our ability to reliably predict the effects of allowing the requirement.*

889. *The effects are complex and interrelated and we are not confident that we have the 'full picture' of them individually and collectively at this stage of the process. Those gaps in understanding of how the effects will ultimately be quantified and managed has inhibited our ability to assess their potential to drive modifications to the extent and design of the Freight Hub".*

[129] These sentiments were echoed in the Palmerston North City Council's technical reports including the evidence of Mr Lloyd, the acoustic consultant and others.

[130] KiwiRail responded positively to those concerns by, for example, 'entrenching' early in the hearing the concept design by an amendment to Condition 1 so that the designation authorised the development of the Freight Hub generally in accordance with that concept design. That gave flexibility in final engineering design but gave the Freight Hub an identifiable skeleton.

[131] Through the 'alchemy' of the hearing process and intensive questioning by the Panel there was further refinement of the issues and the development of amended conditions. That was fruitful to the point that there were few significant matters of disagreement between the experts for the Palmerston North City Council and KiwiRail's experts on the scale of potential effects and how they should be managed.

- [132] The principal unresolved matter of contention between the experts related to the sufficiency of certain conditions to manage noise particularly in relation to those properties in Sangsters Road.
- [133] A number of submitters remain opposed to the Freight Hub and had other objections about the designation process. The main issues are addressed early in this report.

***KiwiRail's requiring authority status and the objectives for the Freight Hub***

- [134] KiwiRail is a requiring authority under Part 8 of the RMA. That enables KiwiRail to issue a Notice of Requirement for a project or work. KiwiRail is a requiring authority approved as a Network Utility Operator. Under the RMA, s 167(4) the Minister for the Environment may by *Gazette* approve a person as a requiring authority for the purpose of a *particular network utility operation* and on such terms and conditions as specified in the notice. In that way the Network Utility Operator obtains the ancient prerogative powers of the Crown to acquire land for the common good albeit controlled within a modern statutory framework.
- [135] KiwiRail's approval is called the Resource Management (Approval of KiwiRail Holdings Limited as Requiring Authority) Notice 2013 that was gazetted in the *New Zealand Gazette* on 14 March 2013 and as in Appendix 2. The text in clause 2 states:

*"KiwiRail Holdings Limited is hereby approved as a requiring authority under section 167 of the Resource Management Act 1991, for its network utility operation being the construction, operation, maintenance, replacement, upgrading, improvement and extension of its railway line".*

- [136] When a requiring authority applies for a designation for a project or work it must, following Form 18 of the Resource Management Forms, Fees, and Procedure Regulations 2003, specify its objectives for the purpose of demonstrating that the designation is reasonably necessary to achieve those objectives.

[137] KiwiRail specified in its Form 18 [Appendix 2] the following in relation to its objectives and why the designation was reasonably necessary.

***“7. The Project and designation are reasonably necessary for achieving the objectives of the requiring authority because:***

*KiwiRail’s objectives in developing a rail Freight Hub in or near Palmerston North on the NIMT line are to:*

- *increase its operational capacity to efficiently accommodate projected regional and national freight growth;*
- *and support wider regional development;*
- *enable rail to be integrated with, and connected to, other transport modes and networks; and*
- *improve the resilience of the regional and national freight transport system over time.*

*The Freight Hub is reasonably necessary to achieve these objectives*

- *The Existing Freight Yard at Tremaine Avenue in Palmerston North is constrained and cannot be efficiently redeveloped to meet the anticipated freight growth and the modal shift.*
- *The ability to accommodate longer trains as part of the Freight Hub has the benefit of increasing operational capacity and aggregating shipments to make the movement of freight by rail to locations more efficient and more attractive.*
- *The Freight Hub will increase the resilience of the regional and national freight transport system as it will enable more freight to be moved by rail and decrease the burden of moving freight on roads across the central North Island and beyond.*

- *The Freight Hub will provide improved facilities for the transfer of freight between rail and road as well as opportunities for integration with the wider strategic transport network.*

*The designation is reasonably necessary to achieve these objectives*

- *The proposed infrastructure is not specifically provided for under the Palmerston North City Council's District Plan's zone-based controls or the specific provisions for infrastructure.*
- *The use of a designation will provide certainty for the Freight Hub to proceed and ensure that KiwiRail's activities are not affected by future changes to the Palmerston North City Council District Plan or limited by new development on adjacent sites.*
- *The use of a designation as a planning tool enables an appropriate degree of flexibility for a project of this scale but through its identification on the District Plan's planning maps, it will provide certainty to the public that a public work is intended on this site.*

*Further detail is contained in the AEE contained in Volume 2".*

- [138] KiwiRail's objectives are significant because in performing the Panel's statutory function under RMA, s 171, a mandatory consideration under s 171(1)(c) is *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*
- [139] There are some interesting features about the significance of self-styled objectives in the Notice of Requirement process.
- [140] The objectives will typically have positive benefits for the common good and because the consideration under the RMA, s171(1) is *subject to Part 2* then those benefits must be considered in light of Part 2 alongside any potential adverse effects.
- [141] The territorial authority cannot set its own objectives for the project or work and to that extent a territorial authority is not following a process of plan development in the typical way under RMA Part 5.

- [142] The objectives are for the requiring authority to make although they must be reasonable and related to the operation of the requiring authority for which the designatory power is given.
- [143] The RMA, s 171(1)(c) requires consideration of both the reasonable necessity of the work and the designation in light of the objectives of the requiring authority. If the objectives are framed in a way that mirror the requirements of the work, then this analysis is somewhat tautologous. That suggests the objectives need to be at a higher level than simply achieving the project and relate more broadly to the utility operator's operation. KiwiRail's objectives are of this broader character aimed at supporting railway function and resilience in light of anticipated freight growth and freight handling future needs.
- [144] Therefore, the Panel is entitled to consider whether or not the objectives in this case reasonably require the scale and extent of the work and the mechanism of a designation.
- [145] The enquiry that is mandated by the RMA, s 171 should not descend into a design process that second guesses how the Network Utility Operator should operate the facility or optimise its operation. The Panel mentions this because the Palmerston North City Council in its section 42A reports provided a report from Mr Than who has a Master of Engineering – Railway Infrastructure from Queensland University of Technology. In some respects, he was not convinced from the modelling that the marshalling configuration of the concept design was the most efficient. Further, he had some doubts as to whether or not the design had been subject to a full safety analysis using a methodology called a Safety and Design Process.
- [146] The Panel considers that it is a step too far to attempt to enquire into and make recommendations on these matters of internal design for business efficiency ends and to achieve compliance with other legislation. These matters even if addressed would not materially influence the externalities of the proposed work and the consequences of the designation which are matters of focus in the Panel's enquiry under Part 8.

[147] The Panel must exercise humility and recognise that it is for KiwiRail to run its business effectively, efficiently and lawfully and it is well-placed to optimise that goal, whereas the Panel is not.

[148] Concerning the RMA, s 171(1)(c), the Panel notes that Mr Than said in his section 42A report at [44] that:

*“The work from KiwiRail to identify and to recommend a proposed site for a future Regional Rail Hub seems to demonstrate a robust assessment given the complexity, various constraints and the vast number of criteria”.*

[149] That passage above properly recognises that with the complexity of the Freight Hub project and the many factors that would influence the site-selection and design. Also, there are inevitable trade-offs with a project of this size. There was never going to be one Site candidate that had no challenges or constraints.

[150] KiwiRail in support of the consideration under RMA, s 171(1)(c) called evidence from the railway design and construction expert, Mr Skelton as well as corporate evidence from Mr Todd Moyle, the Chief Operations Officer and the Deputy Chief Executive of KiwiRail. The Panel also heard from Ms Olivia Poulsen, the Executive General Manager of property at KiwiRail.

[151] By way of general context about the rail network’s significance, Mr Moyle pointed out the rail infrastructure carries approximately 25% of New Zealand’s exports, one million tourists and provides for 28 million commuter journeys in Auckland and Wellington. Mr Moyle said that over the coming decades freight growth is expected to increase substantially.

[152] Importantly at [5.4] Mr Moyle stated:

*“Not only is demand growing but the way freight is handled is also changing. There is an increased need for ‘inland ports’, which are used to manage and*

*stage freight containers in order to effectively deal with the demands of importers and exporters. Direct access to rail is utilised to ensure this efficiency”.*

[153] This statement rings true because typically waterfront land around existing ports is highly constrained and valuable. This points to the desirability of improved internal hubs as freight volumes increase.

[154] Mr Than for the Palmerston North City Council pointed out that the current New Zealand Rail Network does not have infrastructure to accommodate 1,500 metre trains. The concept design accommodates marshalling of trains up to 1,500 metre in length. Mr Moyle explained why the concept design meets the objectives recognising anticipated growth and changes in network operation at [5.6] of his Statement of Evidence. That paragraph states:

*“To efficiently accommodate longer term growth, KiwiRail has also identified a need to increase the length of trains (of up to 1500m in length) that can operate on its network. Longer trains will result in a number of operating efficiencies and cost savings. With the price of carbon only expected to rise in the future, these types of investments will continue to make freight movement by rail more attractive, both in terms of economic efficiency and environmental sustainability. While KiwiRail currently operates trains up to 900 m in length, parts of the network can already provide for longer trains (up to 1200 m) and the intent is to, over time, grow the rest of the network to meet that length and benefit from the efficiencies”.*

[155] Concerning limitations of the existing freight yard on Tremaine Avenue, Mr Moyle noted at [5.7]:

*“In the context of Palmerston North, there are many constraints on the ability of the Existing Freight Yard to efficiently accommodate forecast demand and to adapt to the changes in the way that freight is handled:*

*(a) The Existing Freight Yard is small, long and thin, which makes it challenging for the adjacent services and opportunities to reconfigure operations are limited.*

- (b) *The proximity of the residential development to the Existing Freight Yard constrains the redevelopment potential of the site. At the time it was constructed it was on the outskirts of the city. However, as Palmerston North has grown over time, greater urban intensification has occurred around the Existing Freight Yard which affects its redevelopment potentially, physically and operationally.*
- (c) *The layout of the Existing Freight Yard is fragmented, and some of the existing buildings are nearing the end of their useful life. Significant investment would be required to improve their efficiency, and to create modern fit for purpose facilities.*
- (d) *It is anticipated that road congestion along Tremain Avenue and the other key arterial roads will increasingly impact on the efficiency of freight movements to and from the Existing Freight Yard and the efficiency and function of Tremain Avenue”.*

[156] Ms Poulsen explained that KiwiRail was undertaking national master planning as part of the future-proofing of the rail network. That includes in key hub locations provision for 1,500 metres trains.

[157] The master planning process informed the concept design and designation extent. The Notice of Requirement included a report called “Inter-Modal Freight Hub Master Plan – Palmerston North Report (April 2020)”.<sup>12</sup>

[158] Mr Skelton explained the rationale for the requirements and anticipated construction timetable. A helpful table attached to his evidence provides some idea of the progressive build-out of the proposed Freight Hub. It is set out below.

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<sup>12</sup> Stantec/KiwiRail *Inter-Modal Freight Hub Master Plan – Palmerston North Report* (April 2020) (Appendix D to the KiwiRail designation Notice of Requirement).



Functional Areas	Stage 1 2030 Full demobilisation from Tremaine Ave	Stage 2 2040	Stage 3 2050 Full implementation	Area m <sup>2</sup>
Arrival/Departure Yard	2 tracks (1500m trains); no pull backs required	4 tracks (1500m trains); south (PN) pull back should be considered	8 tracks	83,100
Marshalling Yard	12 tracks	15 tracks	15 tracks	106,500
Wagon Storage Yard	1 track 900m long 50% - of capacity. Marshalling tracks can be used to cover storage shortfall if required	2 tracks (100%)	2 tracks	14,400
Container Terminal	Full development. Refrigerated containers included. 3 Pad tracks. Office, Truck and Car Parking.	Full development. Refrigerated containers included. 3 Pad tracks. Office, Truck and Car Parking.	Full development with 8000 TEUs pa/180 refrigerated	176,000
Wagons, Locomotives	Main maintenance Building + 50% supporting buildings(storage)	Full implementation	Full implementation	130,000
Network work Equipment	75% supporting buildings and shed areas	100% supporting buildings and shed areas	100%	43,000
Network Services Maintenance Depot and Terminal Operations	100% (see appendices for details)	100%	Depot and terminal building	2,700
Freight- Forwarding Sidings- Prime Facilities	2 Warehouses (50% of full capacity) plus 50% of track required to service area	3 Warehouses (75% of full capacity) plus 100% of trackwork required to service area	4 Warehouses	90,000
Freight- Forwarding Sidings: Secondary Facilities	2 Warehouses (33% of full capacity) plus Trackwork	4 Warehouses (66% of full capacity)	6 Warehouses	60,000

Log Loadings	1 track 450m long (50% of planned max capacity)	2 tracks each 450m (100%) includes northern connection to main	2 tracks	51,600
Tanks	0 Tanks	2 Tanks (accordingly to needs)	4 tanks Diameter 20m 5m tall	87,500

[159] The Panel accepts that the existing Tremaine Avenue facility is no longer fit for purpose as a location for managing freight rail in light of the anticipated growth in freight movements and the changing requirements for an effective interface between rail freight and land distribution. That is evident from the size and configuration and location of the existing Tremaine Avenue facility within the urban area of Palmerston North.

[160] The Panel accepts that the Site and the extent of designation is reasonably necessary to meet the objectives of KiwiRail by virtue of the strategic alignment with present and planned rail, land transport and industrial distribution infrastructure in and around Palmerston North. The Panel also considers that the objectives are appropriate and sensible objectives to pursue both for KiwiRail and for the wider community.

[161] The proposed alignment with strategic planning for the City is addressed in more detail later in this report. However, the Panel considers that the proposal is harmonious with the economic development and infrastructure planning of the three local authorities governing the natural and physical resources in the Manawatū.

[162] Mr Feng, an affected party, provided an analysis of why the projected freight demand was unrealistic and the proposed designated site was oversized. That analysis unquestionably underscores the inherent uncertainty associated with projections. While we did not regard Mr Feng as an expert in the topic, we have no difficulty with his general proposition that projections of this type can prove inaccurate in the short term (say up to 20 years). However, history points to the fact that in the longer term (longer than 20 years) freight demand intensifies with increasing pressure for growth in the rail network and, therefore, bespoke logistics facilities.

- [163] When rail in Palmerston North was first established it centred on the railway area adjacent to The Square. Rail outgrew that site, and the new Tremain Avenue facility was established on the outskirts of town with the aim that it would meet the anticipated long term needs for rail. The Tremain Avenue site, as the Panel has noted, is now no longer fit to perform that role. Unless a new site is of sufficient size to accommodate long term growth, then the same problem can be anticipated in the longer term. That does not meet the need for future generations and this project needs to be more than a single generation facility. It is reasonable to anticipate those long term needs. Therefore, the Freight Hub proposal is sound irrespective of the speed at which rail development meets the projections used by KiwiRail.
- [164] In the following section of this report, the Panel outlines the nature of the designation. The Panel has already noted that a designation is something of a hybrid between a zone (or plan method) and a resource consent.
- [165] One aspect of a designation is its ability to prevent future development on a Site that might hinder the public work before the land is acquired. That legal consequence is intended to suspend other new development on the affected land and to secure future opportunities while final decisions on implementation are considered by the requiring authority. That consequence which has an immediate effect upon the lodging of the notice and service on landowners avoids changes to the environment that may accentuate the effects of the future public work or otherwise foreclose opportunities for the project or work to occur. That is an understandable strategic value of adopting a designation rather than zoning or resource consent.
- [166] The Panel is satisfied in all respects that the designation is an appropriate planning tool for the Freight Hub project for the following reasons:
- (a) Zoning tends to enable a generic class of activity with controls and discretions recognising potential activities that may be located in the zone. If KiwiRail tried to use industrial zoning to achieve the Freight Hub, it would be greeted with the justifiable criticism that

the zoning is not fit for purpose and is a Trojan horse for an activity the dimensions of which should be assessed through a public process with greater clarity.

- (b) A resource consent is not a suitable tool for an activity that will develop over time and will not be implemented as one proposal. Further, the level of detail expected of a resource consent (that would include potentially a requirement for the inclusion of regional consents) is unduly onerous in this circumstance.
- (c) The designation process causes uncertainty for landowners. However, its hybrid nature enables a good mix of conditions and other tools that enable sufficient flexibility in the implementation while managing effects in a way that is more effective than zoning.
- (d) The areas required under the notice to suspend new development of other land uses that might undermine the Freight Hub are reasonable and justified in light of KiwiRail's objectives.
- (e) A designation provides an appropriate level of certainty for the Requiring Authority to support the necessary funding and planning of this large project and is a gateway to land acquisition.

### *Issues pertaining to regional consenting functions*

- [167] A significant issue between the Palmerston North City Council's reporting team and KiwiRail was the extent to which activities necessary to implement the Freight Hub and that require resource consents from the Horizons Regional Council could and should be assessed or considered as part of the Panel's task under RMA, s 171. Some of the Palmerston North City Council technical consultants were quite critical of the lack of information. Especially, a lack of detail on the design and effects of extensive culverts that are contemplated to house sections of the northern and southern tributaries.

[168] At the hearing the issue of regional consenting matters obtained significance in four major areas:

- (a) The management of dust and in particular from earthworks when earthworks are also managed under the One Plan and require a consent under RMA, s 9 under that plan.
- (b) ‘Freshwater consents’ as a description of a class of consents required under the RMA, ss 13-15 arising from the modification to the beds of rivers and the associated divergence of water as well as the entrainment of stormwater and later discharge into the Mangaone Stream.
- (c) Management of natural hazards associated with stormwater given the substantial alterations in land contour and the creation of a relatively non-porous industrial site thereby removing significant natural seepage.
- (d) The maintenance of indigenous biological diversity (both freshwater and terrestrial).

[169] The Panel has already outlined the nature of a designation and its legal effect. It is to suspend territorial authority functions under RMA, s 9 and replace with them a suite of controls if a designation is approved by means of conditions. The designation does not have the effect of replacing or suspending regional functions so all consents required under the One Plan or national environmental standards must still be obtained when implementing the Freight Hub project.

[170] Because a designation suspends the performance of functions of territorial authorities performed by the District Plan’s objectives, policies and rules controlling the use, development and protection of land, the Panel considers that it should not attempt to undertake an examination of effects of activities controlled by planning instruments that the designation does not modify or replace. Nor should the Panel attempt to perform functions that are regional functions under RMA, Part 3. Consents that are required under the One Plan or a national environmental standard are not affected

by the designation and therefore are not effects of allowing the designation for the purpose of the RMA, s 171.

[171] The functions of territorial authorities under the RMA, s 31 are:

**“31 Functions of territorial authorities under this Act**

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
  - (aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) *the avoidance or mitigation of natural hazards; and*
    - (ii) *[Repealed]*
    - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:*
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*

(f) *any other functions specified in this Act.*

(2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision”.*

[172] Mr Jessen, Palmerston North City Council’s lawyer, contended that greater information was appropriate on the effects relevant to the functions above including freshwater effects because:

- (a) It is good practice to include regional consents required alongside any designation.
- (b) It is an effect on the environment (even if not from allowing the Notice of Requirement under RMA), s 171(1) and RMA, s171(1)(a)(iv) recognises the relevance of a plan which could include a regional plan. On the first point Mr Jessen relies on the well-known observations of the Environment Court in a resource consent context in *Affco New Zealand Limited v. Far North District Council*<sup>13</sup> where the Court said:

*“From those provisions we infer that it is intended that the proposed activity the subject of the resource consent application is to be described with sufficient particularity to enable those various functions to be performed. The proposed activity has to be described in detail sufficient to enable the effects of carrying it on to be assessed in the way described by the Fourth Schedule. The description is intended to include whatever information is required for a consent authority to understand its nature and the effects that it would have on the environment. The description is expected to be full enough that a would-be submitter could give reasons for a submission about it and state the general nature of conditions sought. The application needs to have such particulars that the consent authority would need to be able to have regard to the effects of allowing the activity, and to decide what conditions to impose to avoid, remedy or mitigate adverse effects without abdicating from its*

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<sup>13</sup> *Affco New Zealand Limited v. Far North District Council* (No 2) [1994] NZRMA 224.

*duty by postponing consideration of details or delegating them to officials”.*

- (c) Also, Mr Jessen maintained that it was common practice citing Te Ahu a Turanga, the new replacement Manawatū Gorge crossing state highway, designation and consenting process.

[173] We consider that KiwiRail was entitled to apply for a designation without seeking regional consents and without undertaking a full analysis of the potential effects and feasibility of obtaining regional consents. The Panel notes that there is no equivalent power to that which applies under RMA, s 91 when processing a Notice of Requirement. Form 18 in the Resource Management (Forms, Fees and Procedure) Regulations 2003 expressly provides for an enumeration of resource consents that are needed for the proposed activity and that have not been sought. KiwiRail in its application set out all the activities that are likely to require regional consents, including under the National Environmental Standard for Freshwater and recorded that these were not being sought in its Form 18. KiwiRail also identified that it would likely need a resource consent pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

[174] The Panel does not, in its experience, regard it as usual practice to apply for regional consents. There is an enormous variation in the framing of notices of requirement.

[175] The Panel’s conclusion is that it is also not reasonable for Palmerston North Council’s section 42A reporting team to have expected KiwiRail to apply for regional consents required to implement the Freight Hub or to undertake a more detailed assessment of the potential effects of the activities that will require regional consents because:

- (a) That would be a lengthy process that would have undermined by delay the protective function a Notice of Requirement has to preserve the opportunity for implementation of the project.



- (b) The regional consenting processes will be complex and expensive and require detailed design of infrastructure necessary to support the project. It is reasonable for KiwiRail to secure a designation before incurring those costs. In economic terms, it adds too much transactional cost to the regulatory process of assessment for the Notice of Requirement with limited correlative benefit given that the consequence of the regulatory process does not foreclose assessment of the relevant issues determinable by Horizons Regional Council.

[176] The Panel was also, therefore, not attracted to the halfway house idea of Ms Copplestone, in her reply, that the Panel should satisfy itself as to the feasibility of KiwiRail obtaining regional consents even if these are not considered in detail. The Panel considers this inappropriate for the following reasons:

- (a) It would be inappropriate to reach conclusions that might have a shadow effect on a separate process.
- (b) The Panel could not reach reliable evidence-based conclusions in the absence of proper assessment of the effects.

[177] The Panel does, however, accept the broader proposition that the Freight Hub's potential impact on significant natural resources including freshwater resources should be considered as an aspect of considering higher-order policy as directed by RMA, s 171 and Part 2 and also the consideration of alternative.

[178] That was the approach taken by the Horizons Regional Council led by its General Manager, Mr Shirley. His strategic planning teams' assessment is that the proposal sat comfortably with the Regional Policy Statement components of the One Plan. Further, there were no natural resources affected by the proposal that were of a such value that a reliable preliminary conclusion would be that there are significant impediments to implementation of the Freight Hub project.

- [179] The Panel accepts that the National Policy Statement on Freshwater Management 2020 and other instruments relating to freshwater will result in a 'hard look' at the future applications for freshwater consents. However, national and regional policy also directs provision of suitable land for business use and for infrastructure that fits with regional strategic planning. See for example, the recent National Policy Statement on Urban Development Capacity 2020. We do not consider that the combination of relevant policy on all these topics creates insuperable impediments to the implementation of this project. As earlier stated, considering Part 2, the natural environment and the One Plan freshwater values in the locality, the Site is a good place for a Freight Hub.
- [180] On the topic of dust, the Panel heard evidence from KiwiRail's expert, Dr Heveldt, on the significant risk posed by the substantial bulk earthworks required to implement the Freight Hub. The Panel is not satisfied that those potential effects are adequately controlled by the One Plan which manages earthworks for different statutory functions such as controlling water quality and erosion. The management of dust and the implementation of physical works for public health and amenity falls within the functions of a territorial authority. The Panel decided that if the Notice of Requirement is confirmed then there should be conditions controlling dust.
- [181] Concerning natural hazards, the management of natural hazards is a matter of national importance and falls within the function of the territorial authority. There is an overlap of regional and territorial authority functions concerning management of natural hazards. The Regional Policy Statement requires territorial authorities to implement measures to manage natural hazards as part of the performance of territorial functions. The Panel considers that it was necessary for KiwiRail to demonstrate the feasibility of managing natural hazards as part of development while providing KiwiRail with the flexibility for final design through approval of management plans based on estimable outcomes. As outlined in a later section of this report KiwiRail did provide helpful evidence on this topic from Mr Allan Leahy and that was thoroughly assessed by the Council's

reporting officer and consultant; Ms Reiko Baugham and Mr David Arseneau respectively. The Palmerston North City Council experts agreed that with appropriate engineering Mr Leahy's concept could work. Obtaining regional consents for stormwater management are for another day.

- [182] Concerning indigenous biological diversity, the Horizons' One Plan provides a directive suite of policies on the allocation of biological diversity responsibilities. These policies allocate to Horizons Regional Council the primary function (including regulation) of maintaining indigenous biological diversity. The relevant policies are in section 6.4.1 of Part 1 of the One Plan and Policy 6-1 and 6-2. They read:

***Policy 6-1: Responsibilities for maintaining indigenous biological diversity***

*In accordance with s62(1)(i) RMA, local authority responsibilities for controlling land use activities for the purpose of managing indigenous biological diversity in the Region are apportioned as follows:*

***(a) The Regional Council must be responsible for:***

- (i) developing objectives, policies and methods for the purpose of establishing a Region-wide approach for maintaining indigenous biological diversity, including enhancement where appropriate*
- (ii) developing rules controlling the use of land to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity, including enhancement where appropriate.*

***(b) Territorial Authorities must be responsible for:***

- (i) retaining schedules of notable trees and amenity trees in their district plans or such other measures as they see fit for the purpose of recognising amenity, intrinsic and cultural values associated with indigenous biological diversity, but not for*

*the purpose of protecting significant indigenous vegetation and significant habitats of indigenous fauna as described in (a)(ii) above.*

***(c) Both the Regional Council and Territorial Authorities^ must be responsible for:***

- (i) recognising and providing for matters described in s6(c) RMA and having particular regard to matters identified in s7(d) RMA when exercising functions and powers under the RMA, outside the specific responsibilities allocated above, including when making decisions on resource consent^ applications.*

***Policy 6-2: Regulation of activities affecting indigenous biological diversity***

*For the purpose of managing indigenous biological diversity in the Region:*

- (a) Habitats determined to be rare habitats\* and threatened habitats\* under Schedule F must be recognised as areas of significant indigenous vegetation or significant habitats of indigenous fauna.*
- (b) At-risk habitats\* that are assessed to be significant under Policy 13-5 must be recognised as significant indigenous vegetation or significant habitats of indigenous fauna.*
- (c) The Regional Council must protect rare habitats\*, threatened habitats\* and at-risk habitats\* identified in (a) and (b), and maintain and enhance other at-risk habitats\* by regulating activities through its regional plan and through decisions on resource consents^.*
- (d) Potential adverse effects^ on any rare habitat\*, threatened habitat\* or at-risk habitat\* located within or adjacent to an area of forestry\* must be minimised.*

- (e) *When regulating the activities described in (c) and (d), the Regional Council must, and when exercising functions and powers described in Policy 6-1, Territorial Authorities^ must:*
- (i) *allow activities undertaken for the purpose of pest plant and pest animal control or habitat maintenance or enhancement,*
  - (ii) *consider indigenous biological diversity^ offsets in appropriate circumstances as defined in Policy 13-4,*
  - (iii) *allow the maintenance\*, operation\* and upgrade\* of existing structures^, including infrastructure^ and other physical resources of regional or national importance as identified in Policy 3-1, and*
  - (iv) *not unreasonably restrict the existing use of production land^ where the effects of such land^ use on rare habitat\*, threatened habitat\* or at-risk habitat\* remain the same or similar in character, intensity and scale.*

[183] Following the direction of the One Plan the Panel does not consider it appropriate to recommend requirements in relation to terrestrial or aquatic indigenous biodiversity in this designation.

[184] Finally, the Panel notes that a relevant territorial authority function under the RMA, s 31(1)(e) is the management of actual potential effects in *relation to the surface of water in rivers and lakes*. Theoretically, there may be some Freight Hub activities that fall into this class in implementing the project, but these are not able to be assessed and the Palmerston North City Council seldom controls those matters where land is to be re-formed and packaged for industrial development. Even if there were such activities, the Panel does not consider it necessary to control them by means of conditions. If the freshwater consents are obtained there will be no reason otherwise to control the effects on the surface of water in streams within the Site. The Panel also notes the degraded state and limited value of the affected water bodies.

***Are all the components of the Freight Hub within KiwiRail's powers as a requiring authority?***

[185] Drs Whittle and Fox contended that the Notice of Requirement issued by KiwiRail went beyond KiwiRail's authorised powers as a requiring authority. The scope of those authorised powers is governed by the *Gazette* notice issued on March 2013 [[Appendix 2](#)] already referred to in this report.

[186] Ms Tancock for Drs Whittle and Fox asked the Panel to address this issue as a preliminary issue before the hearing. The Panel declined that request on the basis that preliminary points are often not straight forward and require a consideration of relevant facts and can lead to anything but a shortcut. The Panel cited for example Lord Scarman in *Tilling v. Whiteman*<sup>14</sup> where Lord Scarman said:

*"The Court is also mindful of the dictum that '[p]reliminary points of law are often treacherous shortcuts. Their price can be ... delay, anxiety of expense'".*<sup>15</sup>

[187] PMB Land Co Limited, Brian Green Properties Limited and Commbuild Property Limited similarly argued this matter before the Panel. These companies have land and building interests in the NEIZ and are concerned with the potential for commercial activity to establish under the designation by companies that are not siblings or subsidiaries of KiwiRail. Therefore, KiwiRail does not have financial responsibility for them. For example, the freight-forwarding component according to Mr Skelton's evidence for KiwiRail at [4.12] stated that the Freight Hub concept design could have comprised four major freight-forwarders each with 22,000m<sup>2</sup> and six smaller covered areas of 11,600m<sup>2</sup> show a total of 150,000m<sup>2</sup> or 15 hectares of land.

<sup>14</sup> *Tilling v. Whiteman* [1979] UKHL 10; 1980 AC1.

<sup>15</sup> See also *Tauranga Environmental Protection Society v. Tauranga City Council* [2019] NZEnvC 001; *Attorney-General v. Ngāti Apa* [2003] 3 NZLR 641 at [5].

[188] Mr Thomas giving planning evidence for these land-owning interests said the following at [13]-[16]:

*“13. The Kivirail legal submissions at 4.9 states that ‘Kiwi Rail accepts financial responsibility for it’s network utility operation. It is the existence of this financial responsibility that is important.’*

*14. I agree, - you therefore need to be satisfied that private sidings and private companies operating freight forwarding facilities are part of the operation of Kiwi Rails (its) railway network.*

*15. I note in my evidence, of course, that part but only part of the area to be occupied by these private facilities is within the NEIZ which provides for such activities.*

*16. In the event that you are satisfied that Kivirail is financially responsible for these works, then it is important that these specific activities are also clearly defined in the designation. On the information available this might expressly be something akin to ‘freight forwarders whose operations are reliant on individual access to a rail siding’. Or something akin to this”.*

[189] Mr Thomas accepted KiwiRail’s position that the Site will be constructed as an integrated whole and the construction of these facilities will be undertaken by KiwiRail. It follows that KiwiRail is financially responsible for the works or project even if the premises are sublet to private entities.

[190] The last two sentences of [16] of Mr Thomas’ evidence aims to create a causal nexus through the verb phrase “reliant on” between freight-forwarding and the use of the rail siding. In other words, if the freight forwarder uses the rail siding so that it is ‘reliant on it’, then the activity is within the scope of the designation. How one would assess sufficient reliance for the purpose of enforcement of such a requirement is unclear and seems to the Panel as to be problematic. The bigger difficulty, however, is that it asks the Panel to propose conditions to KiwiRail not for the purpose of managing effects but for the purpose of confining KiwiRail to the scope of its designating powers. The source of that authorising power

is the power contained in the *Gazette* notice and it would be inappropriate to paraphrase or reframe the scope of those powers through conditions.

[191] Initially Drs Whittle and Fox contended that the *Gazette* notice limited KiwiRail's power constructing a railway line which meant to construct, operate and maintain railway tracks that make up the rail corridor. That has a resemblance to the definition of 'railway line' in the Railways Act 2005. However that position shifted in Ms Tancock's submissions at the hearing. In the section humorously called *Where to draw the line?* Ms Tancock made the following submissions:

"41. *It is submitted that the expert planning evidence of Paul Thomas best captures what an ordinary person would understand to be within the scope of a railway network utility operation. His evidence is that:*

*a. A railway 'operation' would include loading and unloading wagons, marshalling freight to and from the railway line, and loading and unloading road vehicles for inbound and outbound freight; but*

*b. Warehousing, distributing, and processing that freight would be outside the scope of a railway operation*

42. *Taking KiwiRail's list of the key elements and associated works for its freight hub, Mr. Thomas's view is that the following four aspects may to some extent be outside the scope of a railway operation.*

43. Container terminals (176,000m<sup>2</sup> required): *The designation can only cover container terminals or container terminal yards to the extent those are for the loading of and unloading of rail wagons and road vehicles. The loading and devanning of containers is a separate aspect that is outside the scope of a railway network utility operation.*

44. Freight forwarding facilities (215,000m<sup>2</sup> required): *These are only within the scope of the network utility operation if they are for the loading and unloading of freight by KiwiRail. A designation cannot authorise freight forwarding activities by KiwiRails freight forwarding*



partners, for example at private sidings. (I would add that it does not appear to make any difference if these are Level 1 or 2).

45. *The notice of requirement for a designation cannot lawfully be confirmed to the extent it seeks to cover KiwiRail granting leases or licenses to its freight forwarding partners or customers or authorises use of private sidings. It is hard to see how KiwiRail can maintain financial responsibility for these aspects. More generally, a designation can only authorise land uses and activities undertaken by the requiring authority; not by other persons.*
46. Log handling yards (87,500m<sup>2</sup> required): *These are only within the scope of the network utility operation to the extent they are for unloading and loading logs from rail wagons. It is submitted that it would be out of scope for the designation to cover log processing such as fumigants, debarking and splitting.*
47. Bulk liquid storage: *Mr. Thomas's view is that temporary storage of bulk liquids that have been or will be transported by rail is within the scope of the railway network operation. However, any longer-term storage or warehousing of liquids is out of scope.*
48. Buildings and other ancillary activities to the freight hub/office buildings and carparking and mitigation works such as stormwater ponds and noise bunds: *Mr Thomas did not comment on these, but the acceptability of these items will depend on the extent they that are required for activities that are in or out of scope.*
49. *In conclusion, the Panel needs to carefully regard the scope of KiwiRail's approval as a requiring authority for the operation of its railway network utility operation. If the Panel is to recommend confirmation of the NoR, then it should recommend precise wording as to what activities are within scope of the designation. The older approach to designations, for example by simply referring to 'railway purposes' with no elaboration is not appropriate when KiwiRail is seeking a new designation to cover a very wide range of activities. The*

*modern approach to designations is to provide precise wording as to the scope of the designation”.*

- [192] It will be noted that at [41] there is a slight mischaracterisation of Mr Thomas’ evidence.
- [193] There are some features in these paragraphs that are worthy of consideration.
- [194] The proposition at [45] (in the quote above) that a designation can only authorise land use activities *exclusively performed* by the requiring authority and not by other persons is not, in the Panel’s view, a sound one. For example, housing development by Central Government to accommodate people unable to acquire a private dwelling involves an end use of the houses by ordinary people not the Minister. The properties are subject to residential tenancy arrangement and rental is paid. In addition, airports often contain a range of commercial facilities typical of a contemporary airport. These are run by private operators operating under arm’s length commercial arrangements. In addition, construction and operation of public work may be done through a public and private partnership. It would not make sense to say that designating powers to achieve infrastructure in such cases. See in that regard the cases in [200] of this report. As we have noted, KiwiRail will build and manage the Freight Hub.
- [195] The statement quoted above at paragraph [46] that log processing such as fumigants, debarking and splitting is not authorised by KiwiRail’s powers is somewhat fanciful. The proposal is for a Freight Hub and so that type of processing is an improbable activity. To the extent that there is any processing it is likely to be limited to that which is necessary to functionally enable transmission of the timber product from one destination to another. Equally, the statement at paragraph [47] that longer term storage or warehousing is out of scope begs the question when is it long enough to take it out of scope.
- [196] Addressing these matters in the way Ms Tancock suggested would be an attempt to provide a solution to a problem that does not exist now under

the Final Concept Design, and it may never exist. As stated, it would also require, the Panel to impose conditions that are inadequate for the task and unlawfully seek to confine authorisations made by the Minister for the Environment under the *Gazette* notice.

[197] Ms Tancock argued that the Panel should interpret the *Gazette* notice following the approach used in a different context by the Environment Court in *Titirangi Protection Group Incorporated v. Watercare Services*<sup>16</sup>. That test is a familiar one: what would an ordinary person for the reasonable need for the public considering the District Plan have taken from the designation when assessing scope?

[198] With respect, it seems to the Panel that there is no useful purpose in describing the task as placing oneself in the shoes of a third person with particular qualities. All that is required is to interpret the meaning of the language authorising KiwiRail as a requiring authority. Reasonableness is, of course, a factor in interpretation.

[199] The Panel considers that the *Gazette* notice should be read like any statutory instrument. While it is doubtful that the *Gazette* notice constitutes *secondary legislation* for the purpose of the Legislation Act 2019 it is reasonable to adopt the method of ascertaining meaning contained in the *Legislation Act*, s 10(1) which is that *the meaning of legislation must be ascertained from its text and in light of its purpose and its context*. This provision resonates with a large body of case law on interpretation even of contracts.<sup>17</sup>

[200] The Panel also relies upon, as analogically helpful, the following:

- (a) The economic and operational realism adopted in the interpretative method applied by the High Court as what constitutes an aerodrome for the purpose of the Public Works Act in *McElroy v. Auckland Airport Limited*.<sup>18</sup>

<sup>16</sup> *Titirangi Protection Group Incorporated v. Watercare Services* [2018] NZHC 1026 at [39]-[41].

<sup>17</sup> See for example *Firm PI 1 Limited v Zurich Australia Insurance Limited T/A Zurich New Zealand* [2014] NZSC 147. See also *Williams v. Auckland Council* [2015] NZCA 479.

<sup>18</sup> *McElroy v. Auckland Airport Limited* [2008] at [3] NZLR 262.

- (b) Consideration of the wider factual and legal context for assessing whether land was retained for its acquired purpose as illustrated in *state housing purposes* in *Attorney-General v. Hull*.<sup>19</sup>

[201] The starting point is that KiwiRail's authorisation is a general one granted by virtue of its status as a Network Utility Operator under the RMA, s 167. The words in clause 2 of the *Gazette* notice which state *for its network utility operation* reinforces that it is the network utility operation that is being authorised. The subsequent words after the word *being* are expositive and reference to a railway line denotes a sphere of activity or operation not a physical piece of track.<sup>20</sup>

[202] The scope of a railway operation must include all things reasonably associated with freight management as a recognisable and core sphere of KiwiRail's business. Marshalling yards, maintenance facilities, storage facilities and log handling facilities are plainly aspects of the network utility operation. Concerning freight-forwarding, the Panel also considers this an aspect of a contemporary railway freight management facility operated as part of a network and note the following:

- (a) There are already freight-forwarding facilities on the existing Tremaine Avenue site showing that it is a core part of the rail freight business.
- (b) The efficient transmission of goods from rail to freight-forwarders for land-based distribution is a critical component of performing a rail operation according to Mr Skelton. Therefore, it is fundamental to the economic viability of rail freight operations. A point Mr Paling, a transport economist, for KiwiRail confirmed. Mr Than for the Palmerston North City Council agreed.
- (c) With increased regulatory control of places of work, it is important that KiwiRail manages the interface between rail and road transport

<sup>19</sup> *Attorney-General v. Hull* [2003] NZLR 63.

<sup>20</sup> See definition 5 of the word "line" in the Oxford Concise English Dictionary, Oxford University English Press 10<sup>th</sup> Edition.

distribution, for example, on health and safety grounds. All relevant experts made that point.

- [203] For those reasons the Panel considers that the components of the Final Concept Design collectively and individually form part of a contemporary rail freight facility. It therefore, in the Panel's judgement, falls within the requiring authority of KiwiRail.

***Did KiwiRail provide sufficient information to assess and evaluate the environmental effects?***

- [204] Consideration of the effects of the Notice of Requirement is a focal point of the Panel's enquiry under RMA, s 171.<sup>21</sup> There was some concern raised by Palmerston North City Council's reporting officers and submitters about the quality of the information supplied by KiwiRail and, the parameters of the project. In this report the Panel has already noted KiwiRail's original intention to maintain a high degree of flexibility about future development in the application with significant reliance on outline and management plans to ultimately manage and control the effects. In other cases, these effects were to be managed through management plans.
- [205] Mr Slyfield, counsel for Mr Gore and Ms O'Reilly, on this matter of contention, referred us to the following passage at [47] of the Environment Court decision in *Sustainable Matata v. Bay of Plenty Regional Council*<sup>22</sup>:

*"In recent years there has been a tendency of consultants to park significant issues utilising devices of management plans in generalised conditions to address effects. The Court has repeatedly noted its concern that it **must**, in terms of both designations and resource consents, be able to understand both the scale and significance of the various effects. Generalised conditions in an outline Management Plan do not achieve this outcome".*

(Emphasis added)

<sup>21</sup> *Queenstown Airport Limited v. Queenstown Lakes District Council* [2013] NZHC 2347 at [68].

<sup>22</sup> *Sustainable Matata v. Bay of Plenty Regional Council* [2015] NZEnvC 90.

[206] The *Sustainable Matata* case had some unique features that are well known which means that this broad statement should not be read outside its context. But it does contain the hortatory injunction to ensure that the enquiry is undertaken in a robust and evidence-based way according to the statutory requirements. Earlier paragraphs of that judgment are also relevant and recognise the valid need of a requiring authority for some flexibility.

[207] While not stepping back from the need for adequate information, Mr Jessen pointed out in his legal submissions for the Palmerston North City Council to the statutory scheme and differences between resource consents and designations. At [42] Mr Jessen in his submissions said, correctly in the Panel's view:

*“Designations have been fairly described in this hearing as a ‘unique beast’. Although they are a standard RMA tool to enable large infrastructure projects, they are designed to be more ‘flexible’ in more common RMA permissions and processes. Part 8 sets the process for a requiring authority to give notice of requirement, the evaluative processes and the effect of the designation.*

[208] At [44] of his submissions, Mr Jessen adumbrated some key procedural differences that set the designation process apart from a resource consent application. Paragraph [44] states:

*“Although the designation process bears some similarities to a resource consent application process, there are some key procedural differences which set it apart and elevate a requiring authority to something of a ‘privileged’ position under the RMA. For example:*

- (a) Although there is a requirement in form 18 to describe effects that the project will have on the environment, compliance with the requirements of Schedule 4 to the RMA is not mandated to for a NoR.*
- (b) There is no power analogous to s 88(3) of the RMA to allow a territorial authority to return a NoR that it considers incomplete.*

- (c) *There is no power not to proceed to hearing a NoR if the territorial authority determines that other resource consents are required.*
- (d) *Instead of a ‘decision’, a territorial authority gives recommendations, with the final decision reserved for the Requiring Authority, a privilege not afforded to a resource consent applicant.*
- (e) *There is no provision in s 171 corresponding to s 104(6) of the RMA to allow a territorial authority to refuse to confirm a NoR if it finds that it had inadequate information to determine it”.*

[209] In *Minister of Corrections v. Otorohanga District Council*<sup>23</sup> the Court identifies scope and fairness concerns as reasons for holding that flexibility provided for Notice of Requirements cannot permit activities with materially different effects. That is why at [10]-[11] the Court said:

“[10] *Because designations are flexible devices this necessitates careful attention is given to the conditions of the designation and, in particular, to those conditions the purpose of which is to constrain development within the limits/ boundaries of effects that are considered acceptable by the expert witnesses and ultimately the court. As noted, few design parameters were proposed in the notice of requirement. [...]*

[11] *The flexibility of the designation process does not extend to enabling adverse effects on the environment that are different in substance or materially greater than those effects assessed by the decision-maker and considered subject to Part 2. Whether the effects are different in substance or materially greater is a question of scale and degree. A decision to confirm the designation that is enabling in this way is unfair to persons who did not make a submission”.*

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<sup>23</sup> *Minister of Corrections v. Otorohanga District Council* [2018] NZEnvC 25.

[210] On management plans the Board of Inquiry decision on Transmission Gully<sup>24</sup> said:

*“... a system for managing the effects of (generally) large projects where the nature and extent of those effects is uncertain and the outcome of methods proposed to avoid, remedy or mitigate them is similarly uncertain adaptive management regimes are commonly established through conditions of consent incorporating management plans which seek to manage the effects of any given activity in a flexible and responsive manner”.*

[211] Mr Jessen usefully distilled his analysis of the case law into the following set of principles at [56] below:

*“In Counsel’s submission, the discussion above can be distilled into a set of principles for the Panel to apply when considering this NoR and formulating recommendations. Those are:*

- (a) The Panel must have enough information to be able to understand the scale and significance of the various adverse effects to effectively undertake its tasks under s 171 of the RMA.*
- (b) While designations are flexible devices, NoRs framed to maximise that flexibility call for careful attention to ensure that conditions set boundaries for the proposed activity in ways appropriate to manage its effects.*
- (c) Conditions cannot enable adverse effects that are different in substance, or materially greater than those assessed under s 171 and considered subject to Part 2. To do otherwise would result in unfairness”.*

[212] Ms Arthur-Young and Ms Rapley addressed this issue in their opening submissions and their position is not markedly different from the Council’s on the principles but there were differences in the application of those principles. These passages are below.

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<sup>24</sup> Board of Inquiry into the Transmission Gully Proposal *Final Decision and Report* (June 2012) at [170].



*“[4.22] In our submission, the scheme of Part 8 of RMA, most notably the two-stage designation process, is a critical distinction between an NoR and a resource consent application under the RMA. It recognises that for NoRs, a number of features may be subject to change at the detailed design phase and that the NoR phase is not the only opportunity for the effects of the designation to be considered by Council. The Outline Plan mechanism provides an appropriate vehicle to further address effects of a designation once detailed design has been undertaken.*

*[4.23] The Council Reporting Planners are concerned that the Freight Hub has only been developed to a concept design stage and consider that KiwiRail’s ‘strategy’ in this regard has made it difficult for the Council to reach conclusions on the effects of the NoR. We respectfully disagree. Developing a concept design for the Freight Hub to support the NoR is an appropriate and common approach in the context of a NoR.*

*[4.24] It is accepted that, at the NoR stage, effects need to be considered and an appropriate level of information needs to be provided on the effects that is commensurate to the scale and potential effects of the NoR. In our submission, the NoR and assessment of effects prepared by KiwiRail achieves this”.*

[213] Consistent with the principles set out by the Courts, the Panel recognises the need for some flexibility for projects of this scale some of which may not be planned to full detail because the designation is used, in part, as a placeholder pending that development design to achieve what Mr Jessen aptly described as the ‘protective function’ of a designation. However, that flexibility cannot be to a degree that disables a rational and appropriate assessment of effects. Nor can it permit changing the scale, character or intensity of development that results in materially different effects because there is no appropriately delineated envelope.

[214] The Panel essentially needs three things for a greenfields project of this type:

- (a) A sufficiently definite concept with all major components.

- (b) Adequate information of the likely effects generated by the design and components.
- (c) Reasonable expert evidence on the types of conditions appropriate to control those effects to manage those effects and create an acceptable envelope (recognising that the implementation of mitigation measures to address those effects will be designed at a later stage) so that the envelope is not porous to a degree that unanticipated material effects may arise.

[215] Whether all of these needs are met by the Notice of Requirement is a matter of judgment. In addition, throughout the process there is more information together with a consideration of conditions. That all informs a judgment on adequacy.

[216] The Panel's assessment of adequacy was, to some extent, governed by KiwiRail's changes to create what are now the Proposed Conditions and further technical assessments made during the hearing process and even at the end of it.

[217] The overall assessment of the Panel is that in light of the Proposed Conditions the Panel has had adequate information to perform its statutory task.

[218] KiwiRail early in the hearing recognised (and Ms Bell of Stantec agreed during questioning) that the Freight Hub was a 'project' more than a 'work' that had to have some fundamental components that were certain. That was achieved by refinement of the concept design and a requirement in Condition 1 that the Freight Hub be developed in accordance with that concept design. The Panel has already addressed that point in this report.

[219] Additionally, the conditions went through a continuous period of refinement and assessment through and after the hearing process.

[220] It is desirable to address one specific example of the alleged lack of information to demonstrate the reasons for the Panel's conclusion.

[221] Mr Gore and Ms O'Reilly are greatly affected by the Freight Hub project. Much of their farm is within the designation area and they also have a property outside of it, currently rented, at 242 Te Ngaio Road. That property will be affected visually by the proposal. On that matter, Mr Slyfield argued the following at [25] onwards of his submissions:

- “25. *The Landscape and Visual Effects Assessment filed in support of the NoR identified that Peter and Dale’s property is one of those most likely to experience adverse visual amenity effects.*
26. *This is confirmed in Ms Rimmer’s evidence: she identifies the potential for high adverse visual amenity effects on the property, being one of those with close, open views towards the Freight Hub. Where noise mitigation structures are proposed in close proximity.*
27. *Despite this, no site-specific viewpoints have been assessed and no site-specific visual modelling has been done. As Ms Rimmer explains, photo-simulations were not prepared because they require a detailed 3-dimensional model which is not intended to be prepared until the outline plan. She says the Freight Hub buildings will contribute to the potentially high adverse effects, but the buildings have not yet been designed, so showing them (by photo-simulation) ‘would over or under state the potential effects’.*
28. *The desire not to misrepresent effects is a commendable one, but the Panel must be clear sighted that this is achieved at the expense of simply not representing the effects at all.*
29. *Notably, Ms Rimmer defends the absence of photo-simulations on the basis that visual effects can be analysed from the use of cross-sections and viewpoints. There is no viewpoint specifically from Peter and Dale’s property, nor a cross-section – and even if there were a cross-section, the risk that it might under-represent effects seems no different than with a photo-montage given the uncertainty that remains over the final locations and dimensions of buildings within the Freight Hub.*
30. *Worse still, whatever the effects are, Ms Rimmer does not assume that*

*it will even be possible to mitigate those effects in detailed design: she says the investigation is to determine, among other things, whether the effects 'can' be reduced.*

31. *In summary, Kivirail's evidence concerning visual amenity is that the effects on Peter and Dale may be highly adverse, but that Kivirail cannot take that matter any further due to the lack of detailed design; and while further work will be done on this, mitigation may or may not be possible.*

32. *Yet Kivirail implicitly seeks a finding that the visual amenity effects on Peter and Dale are acceptable. With respect, there is simply no evidential basis on which you could make such a finding''.*

[222] The Panel considers Ms Rimmer for KiwiRail's landscape and visual assessment had a thorough and representative range of visibility scenarios and potential mitigation [Tab Nos. 3(a), 3(b), 3(c), 3(d) 3(e), 3(f) and 3(g) and 12]. It was not necessary to give a photo montage of every property based on potential buildings that could form the Freight Hub. The Panel is able to make an assessment that the visual change on Ms O'Reilly and Mr Gore will be significant and have considered that in the Panel's assessments and evaluation.

[223] The difficulty the Panel has with Mr Slyfield's reasoning is at [32] above. In the Panel's judgment there is an evidential basis for concluding that the effects will be significant on Mr Gore and Ms O'Reilly. The Panel can envisage based on realistic scenarios considering Ms Rimmer's evidence the character of those effects and their sources. While these effects can be characterised as great, they may also be insufficiently serious or incongruous to warrant recommending refusal of the Notice of Requirement.

[224] That more general assessment of effect which is perhaps less precise than in a resource consent is not an unusual situation in a resource management context. For example, in the context of industrial zoning certainty about the potential effects may be even less than the Freight Hub because the

buildings are only constrained by bulk and location standards and not by a design that achieves separation and buffer areas.

- [225] Processes under the RMA are different and the level of assessment and level of detail that is adequate must take that into account.

***Was the site-selection process adequate?***

- [226] Drs Whittle and Fox challenged the integrity of the site-selection process followed by KiwiRail. Other submitters did the same including Ms Danelle O’Keefe and Mr Duane Butts who own a property in a rural-residential subdivision on Orakei Road.

- [227] Drs Whittle and Fox supported their contentions with documents. Their legal submissions provided propositions that Drs Whittle and Fox say support their argument.

- [228] Ms Tancock the lawyer for Drs Whittle and Fox, contended that the assessment of the proposed site for the Notice of Requirement was not carried out in a *transparent and replicable fashion*. That phraseology relies on the Board of Inquiry decision in the Wellington, Basin Bridge proposal where the Board considered that NZTA’s analysis had not been transparent about weightings and various factors and failed to document how the evaluation criteria were weighted.<sup>25</sup>

- [229] A significant plank of Drs Whittle and Fox’s case rested on the notion that there had been pre-determination by KiwiRail that Bunnythorpe would be the preferred site and hence KiwiRail’s multi-criteria analysis was flawed. Ms O’Keefe however took a different angle and disassembled and critiqued the multi-criteria analysis and the weightings applied.

- [230] All of these criticisms were aimed at the extent to which adequate alternatives had been considered by KiwiRail which is a relevant matter under RMA, s 171(1)(b).

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<sup>25</sup> See for example Board of Inquiry Basin Bridge Final Report at [1171], [1126] and [1173].

[231] Ms Arthur-Young and Ms Rapley in their opening legal submissions provided a helpful and succinct summary of the law relating to this consideration that the Panel found useful. The relevant passages of those submissions state:

*“5.28 The test in section 171(1)(b) is whether ‘adequate’ consideration has been given to alternative sites, routes and methods of undertaking the work. The Environment Court has held that:<sup>26</sup>*

*[...] adequate is a perfectly simple word and we have no doubt has been deliberately used in this context. It does not mean meticulous; it does not mean exhaustive it means sufficient or satisfactory”.*

*5.29 The focus of the Panel’s inquiry as to whether adequate consideration has been given to alternatives is on the process undertaken by the requiring authority, not the outcome. In this regard, the Environment Court has held:<sup>27</sup>*

*When determining whether alternatives have been adequately considered, the question before the Court is narrow. In essence the question is whether the decision was reached arbitrarily. The Court is limited to the process the authority undertook, rather than whether or not all alternatives were considered and whether the outcome was the best option.*

*5.30 What constitutes ‘adequate consideration’ largely involves questions of fact rather than law. The High Court has considered that demonstrating adequate consideration of alternatives will depend on the circumstances of application, in particular the level of adverse effects<sup>28</sup> and the extent of private land affected by the designation.<sup>29</sup> The High Court has confirmed that section 171(1)(b) may require*

<sup>26</sup> *North Eastern Investments Ltd v. Auckland Transport* [2016] NZEnvC 73 at [62].

<sup>27</sup> *Sustainable Matata v. Bay of Plenty Regional Council* [2015] NZEnvC 90 at [167].

<sup>28</sup> *New Zealand Transport Agency v. Architectural Centre Inc* [2015] NZHC 1991 at [140]- [142].

<sup>29</sup> *Queenstown Airport Corp Ltd v. Queenstown Lakes District Council* [2013] NZHC 2347 at [121].

*a more careful consideration of alternatives where there are more significant adverse effects of allowing the requirement.<sup>30</sup>*

- [232] In support of the argument that the Bunnythorpe Site had already become front of mind and the intended site for the designation, Drs Whittle and Fox took the Panel through a lot of background documentation pre-dating the multi-criteria analysis commencing with the decision of KiwiRail to obtain funding from the Provincial Growth Fund in 2018. The Panel considers that history briefly below.
- [233] KiwiRail decided about July 2018 that it would seek provincial growth funding for a regional inter-modal hub in Palmerston North and began to prepare a business case. On 10 July 2018 the Mayor of Palmerston North wrote to the Chief Executive of KiwiRail noting the discussion on the topic. The Mayor provided his endorsement for the business case noting that Palmerston North City was well positioned for an inter-modal hub and had greenfield residential land zoned in *the location you have identified*.
- [234] KiwiRail prepared a business case endorsed by its Board on 23 August 2018 seeking provincial growth funding for phases 1A and 1B being planning and land acquisition respectively. Throughout this business case there are references to acquisition of land in the NEIZ in Bunnythorpe.
- [235] A meeting of regional economic development ministers on 5 November 2018 also refers to obtaining funding for the acquisition of land in the NEIZ in Bunnythorpe, Palmerston North.
- [236] The Cabinet approval for the funding agreement from Treasury describes the funded project as comprising:
- (a) Preparation of a master plan and concept design for a transport hub *in or near Palmerston North*.
  - (b) Site/options analysis and site-selection of a new hub site.

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<sup>30</sup> *New Zealand Transport Agency v. Architectural Centre Inc* [2015] NZHC 1991 at [142].

- (c) Securing a designation under RMA, s 168 prior to the potential acquisition of land on a new site *in or near Palmerston North*.
- (d) Acquisition of sufficient land in the identified locations to develop a Regional Growth Hub.

[237] KiwiRail then commenced to master planning exercise and later a multi-criteria assessment process. As noted earlier that process is described in the Stantec report accompanying the application.

[238] Ms Tancock's argument for Drs Whittle and Fox is that despite the fact that the Cabinet funding was approved for a site *near Palmerston North* in fact KiwiRail's multi-criteria analysis was a charade. Ms Tancock invited the Panel to make that inference based on the following foundations:

- (a) In the multi-criteria assessment process KiwiRail had not been transparent that its business case had been predicated on locating the Freight Hub in Bunnythorpe.
- (b) The site selected in the options analysis are all based on large sites sufficient to accommodate 1,500 metre back shunts and the case for the analysis should have been done on a more realistic site size so that more sites were considered.

[239] The Panel considers that none of the documents presented by Drs Whittle and Fox pertaining to the preparation of KiwiRail's business case and obtaining Provincial Growth Funding provide a credible basis for reaching a conclusion that the site-selection process was pre-determined. Further, the Panel considers that there is no reasonable basis for concluding that even in the site-selection process, KiwiRail viewed the Bunnythorpe site with rose-coloured glasses. KiwiRail's lens, to follow the metaphor, may have been 'tinted' in favour of Bunnythorpe but that was no more than a natural consequence of the recognised strategic merits of the locality and, the fact that a large part of the Site was already zoned industrial and therefore could accommodate the facility. Seldom do alternative assessments commence with a *tabula rasa*. There is also the fact that the available surrounding land had attributes necessary to support the



anticipated scale of the Freight Hub. The business case had to use a concept to have sufficient credibility considering the requirement of the Processed Growth Fund it was no more than that.

- [240] The Panel accepts the proposition that planning for a facility that is future-proofed sufficient to accommodate 1,500 metre trains did reduce the potential options along the NIMTL near Palmerston North. However, the scale of the project would have to be almost fantastical to provide a basis for a suspicion that this was all engineered to achieve a pre-determined outcome. The Panel does not consider that the planning undertaken by KiwiRail and the design is at all fantastical for the reasons given. Quite the opposite.
- [241] The Panel acknowledges that there is a significant component of future-proofing in the Freight Hub. People could argue about the degree to which that is prudent or necessary and in many respects such a judgment is not one amenable to precise calculation and therefore somewhat non-justiciable. The Panel considers that planning for these types of facilities should be done with the long term in mind and with the needs for future generations in mind and it is neither efficient or sensible to continue relocating these facilities in the way that has occurred in the last 140 years. Neither would it be efficient or sensible to recommend a smaller area be designated with the knowledge that more land surrounding the facility may well be needed in the future.
- [242] It is also beyond the Panel's comprehension that KiwiRail would select a site too large for its needs just to enable KiwiRail to select the Bunnythorpe site.
- [243] The Panel was impressed with the quality of the assessment undertaken as part of the lengthy multi-criteria analysis by Stantec for KiwiRail and consider it was carried out according to industry best practice. Experts helped choose the weightings for relevant criteria where appropriate. The Panel found Ms Bell who led Stantec's involvement in the project to be a sincere and thoughtful witness. It is completely implausible that Stantec and the independent experts conspired to carry out the analysis in a

perfunctory way for a pre-defined result without rationally weighting the potential environmental and planning risks associated with each potential site as well as the strategic objectives KiwiRail sought to achieve.

[244] The Panel asked Mr Murphy at Palmerston North City Council whether any of the weightings employed in the criteria covering ‘strategic’ fit of the project with the subject site seemed incongruous in any way. He could not point to any incongruous aspects of that element of the analysis.

[245] The Panel returns to the consideration in RMA, s 171(1)(b) and repeat this provision below.

“...

(b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*

(i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

(ii) *it is likely that the work will have a significant adverse effect on the environment; and*

...”

[246] It seems to the Panel that a purpose of this provision is to provide an audit or accountability check of the responsible use of the Notice of Requirement power by the requiring authority. The requiring authority must demonstrate a thoughtful and reasonable approach to the exercise of its privilege of issuing a Notice of Requirement with the consequences that follow from that.

[247] The provision is not to assess alternative sites in detail to the degree that the subject proposal is assessed under RMA, s 171. That would require KiwiRail to prepare applications for multiple sites with the task of the Panel to compare them and make a choice. That is not the statutory scheme.

- [248] The Panel considers that a lot of personal assessment was made by some submitters about the desirability of alternatives but none of those alternatives have been properly examined and on closer examination and expert analysis other sites would present a different mix of challenges, opportunities and constraints.
- [249] In summary, the Panel is more than satisfied with the assessment of alternatives process undertaken by KiwiRail.

***Consideration of the existing environment and the relevance of future potential upgrades to the region's transport infrastructure***

- [250] Expert consideration of transportation effects of the Freight Hub involved consideration of future roading improvements broadly categorised as follows:
- (a) The PNITI projects including the Regional Freight Ring Rim projects.
  - (b) Palmerston North City Council and Waka Kotahi roading requirements already approved and included in the Palmerston North City Council Long Term Plan, the Regional Land Transport Plan and the Waka Kotahi National Land Transport Programme which Mr Georgeson for KiwiRail described as the “do minimum” scenario [Tab No. 15].
- [251] These projected works obtain significance under RMA, s 171 in two respects:
- (a) They are relevant to the assessment of the strategic fit of the Freight Hub project with the wider strategic planning in the region of which PNITI is a crucial component.
  - (b) They are relevant to the assessment of the environment effects of the Freight Hub on the physical road infrastructure and the safe and efficient operation of the transport network.

- [252] Ms Tancock for Drs Whittle and Fox, considered that both these future project classes are not part of the existing environment in the sense in which the Court of Appeal has described the existing environment in the *Hanthorne v. Queenstown Lakes District Council*<sup>31</sup> decision and should be ignored in the assessment of effects.
- [253] Ms Tancock said at [56] of her submissions *the Panel must determine that the project alone meets the Act's sustainable purpose, as a stand alone proposal.*
- [254] In supporting that idea, Ms Tancock referred to the decision of the Board of Inquiry on Basin Bridge and in particular paragraphs [233] and [234] as follows:
- “[233] We are required to make a determination of the Project before us, having regard to the effects of the Project (both Positive and Negative) and that project alone [...]
- [234] As Mr. Milne stated we must now take the position as it is. That is, we must determine whether the project before us meets the Act's sustainable management purpose as a stand-alone project (i.e. in the absence of the Mt Victoria Duplication) and on the basis of information regarding the outcomes of the Public Transport”.
- [255] The Basin Bridge decision was appealed by Waka Kotahi (NZTA) and Ms Tancock contended that the High Court supported the approach of the Board of Inquiry on the extent to which the definition of a future environment constrained consideration of the enabling effects of the Freight Hub project.
- [256] The actual question that High Court was asked to answer is puzzlingly framed and was one of a long list that the High Court was asked to consider.<sup>32</sup> However, as Ms Tancock pointed out the High Court said at [273] and [274] the following:

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<sup>31</sup> *Queenstown Lakes District Council v. Hanthorne Estates Ltd* [2002] NZLR 323 (CA).

<sup>32</sup> *New Zealand Transport Agency v. Architectural Centre Inc* [2015] NZHC 1991.

*“[273] Mr Milne observed that NZTA did not take issue with the Board's conclusion that the tunnel duplication process did not form part of the existing environment while at the same time it suggested that the Board should have treated the facilitation of such a project as a positive effect on the environment. In his submission the fatal flaw in NZTA's argument was that s 171 is concerned with effects on the environment, and an effect that does not affect the environment is not a relevant effect.*

*[274] I agree with Mr Milne that the Board decided as a first step what the environment was by resolving the contest about the existing, permitted and reasonably foreseeable future environment and concluding that the Mt Victoria Tunnel duplication was not part of that environment. I do not consider it is fair to say, as NZTA contends, that the Board conflated the environment with effects”.*

[257] The Panel has considered the Board of Inquiry's decision and the High Court's decision closely on this point.

[258] The Board of Inquiry had before it an isolated component of a wider integrated transport solution to solve an existing transport problem. The component that the Board was addressing had limited transportation benefits on its own. However, in combination with the other future components would provide considerably greater benefits. The other components were, however, far from certain and not even budgeted in any work programmes.

[259] In NTZA's attempts to leverage off the benefits of the total integrated solution, NZTA describes two types of benefits or effects. The first is contingent benefits which are described in the Board of Inquiry decision at [343] as follows:

*“At the beginning of the hearing an issue arose as to whether the benefits flowing from related projects, which were intended but not consented, should be attributed as flowing from this project. These were referred to as contingent benefits”.*

[260] Concerning contingent benefits, the Board of Inquiry in Basin Bridge concluded:

*“At the end of the hearing it was agreed that the benefits from these projects should not be attributed to this Project because:*

*[a] the now Victoria Tunnel duplication is yet to be completed;*

*[b] the Buckle Street Underpass is part of the existing environment.”*

[261] Then at [546] and [547] the Board of Inquiry said about the contingent effects the following:

*“[546] Mr Parker rightly pointed out that the benefit cost ratios of the Wellington Northern Corridor RoNS, and the tunnel to tunnel sub-projects, took into account benefits from projects yet to be applied for (let alone consented) or projects that are already under construction under separate consents. He called them contingent benefits.*

*[547] It was properly accepted by the Transport Agency that such benefits should be excluded from the purposes of assessing the economic benefit of the Project. These BCR’s should be confined to the matter of strategic fit with the RoNS package and consistency with the RMA and non-RMA instruments and documents”.*

[262] ‘Enabling effects’ were those benefits deriving from enabling the future benefits of the yet unconsented projects. These are discussed at [506]-[519] of Board’s decision *not to place significant weight on the supposed (but not quantified) project benefit which is not real – with no certainty or assurance it would actually materialise.*

[263] The circumstances described above have no resemblance to issues about the relevance of the roading projects within the Manawatū.

[264] KiwiRail did not ask the Panel to quantify the wider benefits of PNITI as ‘contingent benefits’ of the Freight Hub. Nor did KiwiRail ask the Panel to consider the ‘enabling effects’ of KiwiRail on the PNITI project. Rather, KiwiRail asked the Panel to consider the strategic fit of the KiwiRail project

with this wider strategic road transport planning and the fact that the Freight Hub does not run against that strategic planning but rather is congruent with and can be incorporated into that planning. That seems to the Panel not a matter that goes to an ‘effects’ assessment. Rather it is a matter that is reasonably necessary to consider both under Part 2 and under RMA, s 171(1)(d).

- [265] KiwiRail did ask the Panel to assess the effects on the transportation network in light of the mitigation that would be provided by the “do minimum scenario” which was properly funded and could, as Mr Georgeson confirmed in his evidence, reasonably treat it as part of the probable future environment.
- [266] Concerning the “do minimum scenario” [Tab No. 15], the Panel considers that the adverse effects on the road network can be calculated accounting for the probability of upgrades necessary to mitigate effects. That is intrinsic in the definition of ‘effect’ in the RMA. It would also be quite unreal to ignore the fact that responsible agencies have planned for and programmed these works. They may not be part of the existing environment but for the purpose of assessing adverse effects the scale and magnitude of those effects should reflect the probability of the mitigation occurring.
- [267] The Panel also notes that the problem of sequencing development of infrastructure is a familiar one. That is why in the National Policy Statement on Urban Development Capacity 2020, proposals to enhance capacity should be considered with an eye to likely infrastructure.<sup>33</sup> The sequencing of large scale infrastructure in an urban growth ‘hot spot’ will never be ideal.

### ***Mana whenua interests and cultural effects***

- [268] The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter of national importance that needs to be recognised and provided for<sup>34</sup> when

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<sup>33</sup> National Policy Statement on Urban Development Capacity at clause 3.5.

<sup>34</sup> Section 6(e), RMA.

considering and deciding on the Freight Hub Notice of Requirement. The RMA also directs that all persons exercising functions and powers under it shall, among other things, have particular regard to kaitiakitanga<sup>35</sup>, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).<sup>36</sup> The Panel's understanding is that the obligations of these sections of the Act apply to both the hearing Panel (in relation to its functions and powers under RMA, s 171) and to the Requiring Authority (including in relation to its functions and powers as a requiring authority and its decision-making role under RMA, s 172).<sup>37</sup>

[269] The Panel heard in evidence from KiwiRail that consultation between KiwiRail and mana whenua was undertaken from the earliest stages of the project and that conversations and hui continued during the hearing process. The site-selection and multi- criteria assessment process was also directly informed by information provided by iwi (Ngāti Kauwhata, Rangitāne o Manawatū and Ngāti Raukawa ki te Tonga) to KiwiRail. Ngāti Turanga also identified an interest in the project as an adversely affected party<sup>38</sup>. However, they indicated their support for Ngāti Kauwhata's leadership and expressed a commitment to work alongside Ngāti Kauwhata in protecting the environment.<sup>39</sup> Ngāti Kauwhata is generally acknowledged as having the primary status and interest as mana whenua within the designation site.

[270] Despite the high level of iwi interest in the Freight Hub and the potential for significantly adverse cultural effects to arise from the project, the Notice of Requirement did not include a cultural impact assessment when it was lodged with the Palmerston North City Council. Consequently, neither KiwiRail, the Palmerston North City Council Reporting Officers nor the Panel have had the benefit of a comprehensive assessment of cultural effects to inform the collective understanding of the potential impacts of

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<sup>35</sup> Section 7(a), RMA.

<sup>36</sup> Section 8, RMA.

<sup>37</sup> S42A Technical Evidence: Planning; Anita Copplestone and Phillip Percy: p 128.

<sup>38</sup> Including Ngā Kaitiaki o Ngāti Kauwhata Incorporated, Ngāti Turanga, Te Ao Turoa Environmental Centre/Bestware Whakapai Hauora Charitable Trust Mandated Iwi Authority for Rangitāne o Manawatū, Te Runanga o Rawkawa.

<sup>39</sup> Submissions from Ngāti Turanga.



the Freight Hub on any cultural values and traditional relationships associated with the area. As a result, the Palmerston North City Council Reporting Officers, KiwiRail and the Panel had to place greater reliance on the evidence of iwi submitters to provide further information at the hearing in order to address the information gap on cultural values and effects.

- [271] Submissions from iwi identified a wide range of potential impacts and emphasised the need for a partnership approach in the development and decision-making throughout the project. They expressed concern about the potential adverse effects on the whenua and wai<sup>40</sup> from sediment discharges and erosion, stormwater discharges (on water quality and quantity), freshwater ecology, landscape, design, flooding and the relationship of mana whenua and their culture and traditions with land, water, sites, waahi tapu and other taonga. Iwi submissions also highlighted concerns in relation to the high level of modification proposed for the Freight Hub site, in particular the diversion and culverting of two tributaries of the Mangaone Stream, which iwi considered would create inconsistencies with the National Policy Statement for Freshwater Management and uncertainty as to how Te Mana o Te Wai would be given effect..

#### Summary of evidence received

- [272] The mana whenua engagement process conducted by KiwiRail was described in evidence provided by Ms Poulsen.<sup>41</sup> Ms Poulsen outlined that following the announcement of the Provincial Growth Fund funding for the Freight Hub in 2019, KiwiRail engaged with iwi early in the process and reached out to several iwi groups with interests in the wider Palmerston North area.<sup>42</sup> Since 2019, there has been contact between the parties at different stages of the development. In broad terms, this engagement with iwi has involved participation in the multi-criteria analysis workshops to identify and select the preferred site option for the project; site visits to enhance KiwiRail's awareness and understanding of the potential cultural

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<sup>40</sup> Land and water.

<sup>41</sup> SOE of Ms Olivia Poulsen [section 5]

<sup>42</sup> The three main groups identified for iwi engagement were: Ngāti Kauwhata, Rangitāne o Manawatū and Ngāti Raukawa ki Te Tonga.

effects of the project; and hui (including Zoom hui due to Covid-19 restrictions) to provide updates on the progress of the project and discuss ways to strengthen and formalise the parties' relationships moving forward. According to Ms Poulsen, this represented the beginning of a joint partnership forum to address the relationship, values and framework for moving on through the freight hub project stages.<sup>43</sup>

- [273] In response to questions from the Panel, Mr Emery and Mr Procter both confirmed their involvement in ongoing (separate) discussions with KiwiRail in relation to the proposed mana whenua engagement framework conditions. They advised the Panel that although the parties had not been able to reach agreement before appearing at the hearing, they continued to be involved in discussions with KiwiRail and were optimistic that they would be able to work through their differences and come to a mutually-satisfactory agreement.
- [274] Ngāti Raukawa's submission considered the project to be contrary to Te Tiriti o Waitangi and the Te Ao Māori provisions of the Regional Policy Statement *"as the process undertaken by KiwiRail to date has been cursory at best and has effectively excluded Kaunhata and ngā hapū o Ngāti Raukawa from decision making as it relates to the management and decision making regarding natural and physical resources and te taiao in its rohe"*.<sup>44</sup> Ngāti Turanga<sup>45</sup> contended that the Freight Hub would have significant adverse effects on Te Mana o Te Wai resulting from the discharge of contaminants and the take and use of water, and also because it effectively alienates and excludes them from accessing their ancestral wai and from decision making process regarding natural and physical resources within their 'rohe' (tribal area).
- [275] Rangitāne o Manawatū acknowledged the early consultation undertaken by KiwiRail in supporting their participation in the multi-criteria analysis process to consider and select the preferred site for the Freight Hub. However, following the multi-criteria analysis process Mr Procter submitted that there was a concerning lack of consultation and engagement

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<sup>43</sup> Ms Poulsen EIC paragraph 66(c).

<sup>44</sup> Submission from Jessica Kereama on behalf of Te Runanga o Raukawa.

<sup>45</sup> Submission from Ngāti Turanga submission 49.

which resulted in Rangitāne’s inability “to contribute to properly addressing the risk of severely impacting the environment forever more; including wetlands, water quality, flood-risk, habitat, taonga species, mahinga kai and archaeology”.<sup>46</sup> Mr Procter further stated that a designation cannot be granted without fully understanding the effects on Rangitāne o Manawatū taonga species, and asserted that KiwiRail must complete comprehensive ecological surveys across the entire project area. Ms Quinn, the Council’s ecology expert, shared similar concerns about the lack of comprehensive surveys of the ecological values within and around the designation. She considered these surveys should be undertaken and an ecological management plan prepared before any works commence on the Site.<sup>47</sup>

- [276] The absence of a cultural impact assessment from KiwiRail’s Notice of Requirement application was a key focus of concern for iwi who maintained that without a comprehensive assessment of cultural effects there was no evidential basis to make findings regarding KiwiRail’s Proposed Conditions that were required to mitigate those effects. Mr Emery, for Ngāti Kauwhata, highlighted that without a formal assessment of cultural effects that clearly identifies the cultural values likely to be impacted by the Freight Hub, iwi could not have a meaningful input into a conditions set for the Freight Hub. Mr Procter reinforced this view, stating that there was simply no evidence on cultural values before the Panel.
- [277] In response, KiwiRail openly acknowledged that the design and mitigations for the Freight Hub should be informed by a comprehensive understanding and consideration of the cultural values and relationships mana whenua have with the Site. However, it remained KiwiRail’s view that it was not appropriate for KiwiRail to “step into the shoes of mana whenua to assess the cultural values of the Site”<sup>48</sup> or to insist on cultural impact assessments when iwi are not ready to provide them, or have other more pressing demands on their time, such as Waitangi Tribunal hearings.<sup>49</sup> KiwiRail’s preferred approach

<sup>46</sup> Submission from Jonathan Procter on behalf of Rangitāne o Manawatū.

<sup>47</sup> S42A Report: Ecology, Section 10: Draft Requirement Conditions.

<sup>48</sup> Ms Poulsen EIC paragraph 6.7

<sup>49</sup> Reply Submissions on behalf of Kiwirail Holdings Ltd; 13 October 2021: paragraph 8.6.

was to work collaboratively with iwi to understand the cultural values of the site, while ensuring that iwi are adequately resourced to provide input into the development of the Freight Hub, including through the preparation of cultural impact assessments.<sup>50</sup> In closing submissions, KiwiRail emphasised that its partnership approach endeavoured to take a broader view of the role of mana whenua in projects like this, *“rather than relegating their involvement to the production of an “RMA-ready report” which an applicant can then hand up, job done, box ticked and move on.”* In this regard, it is evident to the Panel that KiwiRail’s approach, while not perfect or without challenge, has clearly been focussed on listening and allowing iwi to guide the conversation. On the basis of KiwiRail’s ongoing consultation and engagement with iwi, it has proposed a set of conditions which require the development of a mana whenua engagement framework that will then provide for the incorporation of iwi values from the design, through to implementation. Ms Poulsen’s evidence outlined that KiwiRail’s Proposed Conditions are intended to enable iwi to determine for themselves how they wish to work on the project and thereby ensure that their values are represented throughout.<sup>51</sup>

- [278] Ms Copplestone and Mr Percy provided planning evidence for the Palmerston North City Council which supported the iwi concerns regarding the absence of a cultural impact assessment, stating that *“in the absence of a cultural impact assessment and/or the comprehensive advice of mana whenua, it would be premature to jump ahead and presume what the cultural effects on mana whenua might be.”*<sup>52</sup> Additional evidence provided by iwi submitters and KiwiRail during the hearing failed to satisfactorily address Ms Copplestone’s concerns and she remained of the view at the conclusion of the hearing that cultural effects was an area of uncertainty in consideration of the impacts of the Notice of Requirement.<sup>53</sup> She considered that there is insufficient information before the Panel on cultural effects and, consequently, there is no certainty at this stage that KiwiRail’s Proposed Conditions are

<sup>50</sup> Ms Poulsen EIC paragraph 7.11.

<sup>51</sup> Ms Poulsen EIC paragraph 6.7.

<sup>52</sup> S42A Report: Planning, paragraph 487.

<sup>53</sup> Section 42A summary statement for hearing: Planning; paragraph 29.

adequate to address effects on values that are not clearly identified for the Site.<sup>54</sup>

[279] Tā Meihana Durie (Sir Mason Durie) provided evidence to the hearing on behalf of Aorangi Marae Papakainga and Aorangi Marae. Tā Meihana's whānau are mandated tangata whenua and maintain ahi kā for the Tahuriwakanui hapū. In his oral presentation, Tā Meihana articulated his knowledge and understanding of the the Treaty of Waitangi (Te Tiriti o Waitangi) principles of partnership, participation, active protection and rangatiratanga, reinforcing the need for a partnership approach and active participation by iwi in the Freight Hub project. He also voiced concern about the imposition of roading infrastructure, and traffic and noise impacts from road and rail disturbance, which threatens both the health and wellbeing of the whānau and the cultural integrity of Aorangi Marae as a longstanding epi-centre for the inter-generational transmission of Māori customs and traditions.

[280] In terms of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), the Panel heard in evidence from Ms Bell that KiwiRail recognises its responsibilities under RMA, s 8 and will, when exercising its powers as a Requiring Authority, adhere to the principle of partnership, involving and working with iwi in relation to the design and development of the Freight Hub and protecting cultural values where they are identified.<sup>55</sup> Ms Bell's evidence reinforced KiwiRail's preference and commitment to developing effective and productive iwi partnerships, stating that in addition to the mana whenua engagement framework provided for in the Proposed Conditions, KiwiRail and iwi were already working towards developing partnership agreements alongside the Notice of Requirement process. That initiative was in response to the request made by every iwi submitter inviting KiwiRail to engage in the development of a partnership approach akin to the Te Ahu a Turanga Roding Alliance. Iwi submissions reiterated the

<sup>54</sup> Section 42A summary statement for hearing: Planning; paragraph 31.

<sup>55</sup> Ms Bell EIC paragraph 7.37.

importance of a partnership in enabling a greater decision-making function for iwi in relation to all cultural matters relating to the project.

- [281] The Panel also heard from Dianne Tipene who requested that her land (located at 68 Clevely Line, within the designation extent) be developed as a wetland and habitat for tuna (eels). She explained that her land is a natural wetland and one of the three last remaining sources of tuna harvested by Ngāti Kauwhata and was considered waahi tapu by them.<sup>56</sup> Mr Emery confirmed that there are māhinga kai and wetlands within the designation extent and stated that these matters had not been identified or planned for by KiwiRail, demonstrating the need for closer iwi engagement. Mr Emery further stated that Ngāti Kauwhata are aware of the existence of waahi tapu within the project area; however, he did not advise that this is a site of such significance to Ngāti Kauwhata as to require the avoidance of the Site altogether. Mr Parker, who prepared the archaeological report<sup>57</sup> for KiwiRail, confirmed that there are no registered archaeological sites of Māori origin within the project area. However, he noted that there was potential for the discovery of Māori heritage sites during the construction works, particularly alongside or in close proximity to streams and waterways. Mr Parker clarified that he had not attempted to assess cultural values as part of his broader archaeological assessment of the Freight Hub site, as this was best left to iwi. He confirmed that KiwiRail's Proposed Conditions do provide mechanisms through which the discovery of unknown sites can be appropriately addressed. In particular, the conditions require that any land disturbing works to occur in any area not subject to an archaeological authority will be subject to an accidental discovery protocol, which must be prepared in collaboration with mana whenua (and in consultation with Heritage New Zealand Pouhere Taonga). Mr Parker also agreed with the conditions suggested by the Palmerston North City Council in relation to managing the effects on archaeology through observing an accidental discovery protocol, contractor training, procedures

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<sup>56</sup> Submission 81.

<sup>57</sup> Technical Report H – Preliminary Analysis of Archaeological Potential; Executive Summary, page v.

following the accidental discovery and procedures for the custody of taonga (excluding kōiwi tangata ), or material found at an archaeological site.<sup>58</sup>

[282] In summary, the Panel has observed and notes that although the submissions received from the iwi identified significant concerns in relation to the potential impacts of the project on cultural values and relationships with the Site; none of the iwi submitters expressly opposed the Freight Hub Project, indicating instead their preference for continuing dialogue with KiwiRail in the expectation of agreeing and formalising partnership arrangements that would enable them to sit ‘at the table’ with KiwiRail for the duration of the project.

*Analysis of material received*

[283] The key issue in contention between the Pamerston North City Council Planning Officers and KiwiRail is whether there is sufficient information on cultural matters before the Panel to enable a proper assessment of cultural effects (under RMA, s 171) and to provide certainty that the Proposed Conditions can adequately address those effects. The Palmerston North City Council contends that KiwiRail’s failure to provide a formal cultural impact assessment as part of the AEE for the Notice of Requirement has left an information vacuum in assessing the potential effects of the application on Māori cultural values.<sup>59</sup> Consequently, the Palmerston North City Council considers there is no certainty that KiwiRail’s Proposed Conditions can adequately address adverse effects on cultural values that are undefined at this stage. KiwiRail takes the opposite view, however, asserting that good evidence on cultural effects was in fact provided during the hearing from KiwiRail experts, iwi and submitters. On this basis, KiwiRail argues that there is no deficit of cultural information before the Panel<sup>60</sup>.

[284] In terms of the adequacy of cultural information, the Panel agrees that there is very limited information to inform the Panel’s understanding of the

<sup>58</sup> Evidence of Daniel Parker, dated 9 July 2021, at paragraph 8.5.

<sup>59</sup> S42A Report; Planning; paragraph 24.

<sup>60</sup> Reply Submissions on behalf of KiwiRail Holdings Ltd, 13 October 2021; paragraph 8.3.

potential impacts of the Notice of Requirement on cultural values. The lack of a formal cultural impact assessment or comprehensive feedback from any of the iwi groups has undoubtedly contributed to this information gap. Notwithstanding this, the Panel is cognisant that the level of information we require to inform our understanding of cultural effects must reasonably correspond to the nature of the approvals sought, in this case, a Notice of Requirement. In that regard, the Panel notes that the most significant concerns raised by iwi submitters in relation to the Notice of Requirement are matters that primarily fall within the jurisdiction of the Regional Council and will therefore have to be thoroughly considered at the regional consents stage. These include the potential effects of the Freight Hub on wai from sediment discharges and erosion, stormwater discharges, the culverting of existing watercourses as well as the associated effects and implications for Te Mana o Te Wai. On this matter, the Panel considers that the outcome of the Regional Council's future determination of how Te Mana o Te Wai applies to the Manawatū will better inform the regional consent applications, and generate further engagement with mana whenua as an integral part of the process under the National Policy Statement for Freshwater Management.

[285] Moreover, the Panel understands from KiwiRail's evidence and iwi submissions that there was a general preference for direct relationship agreements between the parties in order to provide for enhanced iwi engagement throughout the project. The Panel heard from KiwiRail that discussions between the parties were ongoing as a means of resolving any remaining concerns in relation to iwi partnership agreements and the mana whenua engagement conditions proposed by KiwiRail to address cultural effects. The Panel considers that until these issues are appropriately resolved and partnership agreements and mechanisms are established to the satisfaction of all iwi, gaining a complete understanding of cultural values and effects in relation to the Freight Hub will not be possible.

[286] Notwithstanding that, it is the Panel's view that KiwiRail's Proposed Conditions do provide a mechanism that both recognises the role of mana whenua as partners in the project, and provides further opportunity for iwi



to identify how their values should be represented throughout the project.<sup>61</sup> The Proposed Conditions are intended to ensure that a full understanding of the effects of the Notice of Requirement on mana whenua values is developed in advance of the detailed design so that it can be utilised to better inform the overall design of the project. The Panel is also cognisant of the fact that the consents required under the One Plan and the National Environmental Standard for Freshwater will likely require a greater depth of assessment of effects on cultural values; which the Proposed Conditions address. The Panel is also mindful that some of the issues of concern expressed by iwi, such as effects on freshwater values and indigenous biodiversity fall within the Regional Council's functions and are appropriately addressed through regional consents, rather than in this Notice of Requirement.

- [287] For these reasons, the Panel considers that the Proposed Conditions do provide an appropriate mechanism for iwi partnership and engagement throughout the project, including through the preparation of properly mandated cultural impact assessments that have been undertaken with full iwi involvement and input. Therefore, contrary to the view of the Palmerston North City Council, the Panel considers that the Proposed Conditions do provide sufficient certainty that any cultural effects arising from the Notice of Requirement can be adequately addressed.
- [288] The Panel acknowledges that the robustness of KiwiRail's Proposed Conditions in ensuring the effective management of cultural effects does require a level of support from mana whenua for the Proposed Conditions as well as a willingness to work in partnership with KiwiRail to prepare and implement the mana whenua engagement framework. In this regard, the Panel understands that KiwiRail was not able to reach a final agreement with all of the iwi by the close of the hearing. However, the Panel was advised by both parties that these discussions were continuing and that progress was being made towards resolving the remaining concerns. But even in the unlikely (and worst case) scenario that not all iwi end up agreeing to the conditions as proposed, Ms Arthur-Young, in response to questions

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<sup>61</sup> Ms Poulsen EIC paragraph 7.11.

from the Panel confirmed, that KiwiRail's intent would not change in terms of its priority focus on effects management first. As such, the Panel would expect that the Freight Hub would continue to be designed, developed and operated to a high standard that would enable cultural effects to be addressed, as outlined in the Proposed Conditions, even without the benefit of partnerships with all iwi as is currently envisaged. Therefore, if one or more of the iwi chose to exercise their rangatiratanga by opting out of the mana whenua engagement process, as they are fully entitled to do, the Panel considers that the Proposed Conditions would remain able to be effectively implemented, to the extent that any cultural effects arising from the Freight Hub can still be appropriately managed.

[289] Having said that, the Panel remains optimistic that KiwiRail has shown a commitment to its intent to ultimately reach agreement with all iwi in relation to the mana whenua framework conditions offered by KiwiRail to address the cultural effects of the Freight Hub. On the final day of the hearing, Ms Arthur-Young provided an update on the mana whenua engagement process and confirmed that as a result of ongoing discussions, which extended late into the evening of the previous day, KiwiRail had finally reached an agreement with Rangitāne o Manawatū on an amended version of the conditions (discussed below). Ms Arthur-Young also advised that discussions were continuing with Ngāti Kauwhata and that they were in general support of the revised conditions, subject to agreeing on the final wording. In respect of Te Rūnanga o Raukawa, who elected not to speak to their submission at the hearing, KiwiRail's understanding was that they are broadly in support of Ngāti Kauwhata's position.<sup>62</sup> Finally, on behalf of Ngāti Turanga, Greg Carlyon provided an email to update the hearing noting that while matters raised in their submission still stand, they are "working with KiwiRail to look for common ground and resolution to issues raised in submissions."<sup>63</sup>

[290] From the Panel's perspective, Rangitāne o Manawatū's eleventh hour agreement with KiwiRail over the revised conditions represents a

<sup>62</sup> Reply Submissions on behalf of Kiwirail Holdings Limited; 13 October 2021; paragraph 8.13.

<sup>63</sup> Reply Submissions on behalf of Kiwirail Holdings Limited; 13 October 2021; paragraph 8.14.

significant step forward for the project, in the context of KiwiRail's partnership approach with iwi. No doubt this will provide impetus for KiwiRail and the other iwi to continue working towards their own agreements, with a view to ultimately achieving full iwi participation as partners working alongside KiwiRail in the development and future operation of the Freight Hub. On this note, the Panel wishes to acknowledge the significant effort and progress made by the parties during the course of the hearing. , In the Panel's view, this reflects the positive spirit in which KiwiRail has engaged with mana whenua throughout this process, which has been reciprocated by iwi through a willingness to engage and an ongoing commitment to work towards agreement with Kiwirail beyond the completion of the hearing. .

*Related Proposed Conditions*

- [291] KiwiRail has proposed a set of mana whenua participation conditions to provide for and incorporate mana whenua values and manage any cultural effects of the Freight Hub [refer to Appendix 5: Conditions 11-13]. The conditions require KiwiRail to engage with mana whenua to prepare a participation framework as a mechanism to enable iwi to identify how their values are to be represented through the project and how effects should be managed. The framework is required to be developed within 12 months of the date the Notice of Requirement is confirmed, and in advance of the detailed design stage of the Freight Hub.
  
- [292] The Proposed Conditions were drafted on the basis of ongoing consultation and engagement with mana whenua. In closing legal submissions, KiwiRail proposed a number of important revisions to the conditions as a result of further iwi input and refinement. One of the key changes to the Proposed Conditions was renaming the framework to one of participation rather than engagement, reflecting KiwiRail's stated intent to work in partnership with the iwi.
  
- [293] These amendments were supported by Rangitāne o Manawatū. Discussions were ongoing with Ngāti Raukawa ki te Tonga and Ngāti Kauwhata to reach agreement on the final wording of the conditions.

KiwiRail confirmed their commitment to continue to work with these iwi to resolve their residual concerns.

[294] The amended conditions proposed by KiwiRail:

- (a) Require KiwiRail to prepare a mana whenua participation framework in partnership with mana whenua and in accordance with Te Tiriti o Waitangi.
- (b) Recognise kaupapa-based approaches such as Te Whare Tapa Whā.
- (c) Provide the mechanism not only for KiwiRail to understand the values in the area but also to honour, recognise and provide for them in the design and operation of the Freight Hub, including as a key input into the Design Framework.
- (d) Provides for key roles and responsibilities for mana whenua at governance and operational levels, which ensures that there is an express obligation and ongoing role for iwi in the project (and beyond).
- (e) Ensures that mana whenua are involved in the preparation and implementation of management plans as part of the designation as well as any regional consenting processes, in that mana whenua will be able to co-develop these management plans with KiwiRail.
- (f) Requires opportunities for employment, training, scholarships, procurement and investment to be provided as part of the development of the Freight Hub.<sup>64</sup>

[295] The Panel considers that the proposed amendments both strengthen and expand opportunities for an enduring partnership framework which will recognise and provide for mana whenua values and relationships with the Site. The amended conditions have particular regard to the importance of kaitiakitanga and the expression of tikanga in the development of the Freight Hub. Moreover, there is now a requirement for KiwiRail to prepare

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<sup>64</sup> Reply Submissions on behalf of Kiwirail Holdings Limited, 13 October 2021: paragraph 8.22.

the framework in partnership with mana whenua and in accordance with the principles of Te Tiriti o Waitangi.

[296] This represents a fundamental change in the purpose and intent of the framework; requiring a shift in focus from mana whenua engagement to working in partnership with iwi. This is a significant development which the Panel understands has come about as a result of KiwiRail's ongoing engagement with iwi during the hearing, as well as the Panel's questioning of the intent of the conditions.

[297] The Panel has, accordingly, renamed the condition set as the "Mana Whenua Partnership Framework". The Panel considers that this more appropriately reflects the shift in focus of the mana whenua conditions and the stated intent of KiwiRail's broader partnership approach to the Freight Hub. The Panel also notes that the revised conditions directly address RMA s8 requirements to take into account the Principles of Te Tiriti o Waitangi.

[298] *E mihi ana ki te taonga nei ko Te Tiriti o Waitangi. Nāna te putanga mai o te kōrero mo te haere takirua te iwi Māori me te iwi Pākehā. Miharo mātou ki te kamupene nei, ko Kivirail, i whakamaia te kaupapa hei "Partnership model" kia whakahaeretia a rātou mahi. He tohu pai tēnā ki a mātou.*

*The Panel recognises Te Tiriti o Waitangi as the founding document of the nation and the notion of partnership which underpins the merging of Māori and Pākehā perspectives. In this context, the Panel wishes to acknowledge Kivirail for the way in which it has responded to the call of iwi and embraced a partnership approach in progressing the objectives of the Freight Hub. This bodes well for the development of mutually-beneficial relationships and outcomes from the operation of the Freight Hub in the future.*

### Evaluation

[299] In the final analysis, there is no doubt that the Freight Hub will generate significant adverse impacts on cultural values and mana whenua relationships associated with the Site. Although there was very limited information provided through the hearing process to inform the Panel's understanding of the scale and significance of the potential cultural effects,

the Panel is nevertheless satisfied that the majority of concerns raised by iwi submitters are matters that fall within the jurisdiction of the Regional Council and will therefore be appropriately addressed at the regional consenting stage.

[300] In terms of the Panel's consideration of the effects of the Notice of Requirement on cultural values, the Panel is confident that the Proposed Conditions offered by KiwiRail through the mana whenua partnership framework, will provide appropriate mechanisms for ongoing mana whenua involvement in the project and the development of a genuine partnership approach with KiwiRail, while ensuring that the cultural effects of the Freight Hub are adequately mitigated throughout all stages of the development.

[301] Finally, the Panel considers that KiwiRail's Proposed Conditions go a considerable way towards addressing the key issue raised by all iwi submitters in their united call for a genuine partnership approach to the Freight Hub. In that regard, the Panel considers that the mechanisms and opportunities created through the mana whenua partnership framework, not only provide for the ongoing recognition and expression of cultural values within the Site, but they go further in opening up new frontiers of opportunity for unlocking real and tangible economic and partnership possibilities for the mutual benefit of mana whenua and KiwiRail, that potentially extend beyond the Freight Hub project, to the entire region and future generations to come.<sup>65</sup>

[302] *“Anō te pai, anō te āhua reka o te nobonga tabi o ngā tuākana me ngā teina ki runga i te whakaaro kōtahi.”*

*Ka nui te pai ki a mātou o ēnei kupu whakamārama kia anga whakamua tēnei kaupapa. Nō reira, e mihi kau ana ki ngā iwi e tātai iho nei ki tēnei pito o te whenua. He mana ki te whenua, he tātai ki te tangata, he hononga ki te kōrero.*

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<sup>65</sup> Reply Submissions on behalf of KiwiRail Holdings Limited; 13 October 2021; paragraph 8.2.

*“There is a greatness of purpose and sweetness of success when goals are achieved through unity of thought in the collaboration between the generations of young and old.”*

*These are words of enlightenment that, in the Panel’s view, help inform and move this process forward. We would therefore be remiss not to acknowledge and pay respect to the Tangata whenua that have an affiliation and association with the area of the Freight Hub and its environs within the Manawatū region. Their ‘mana’ on the land has created relationships with people through the land, establishing the foundation for a duty of care to the environment described and shared by all submitters to this process,*

### ***Social effects and management***

- [303] Assessment of the impacts of a large proposal like the Freight Hub on the host community is an essential part of environmental impact assessment.

#### ***Summary of social impact evidence received***

- [304] Despite some submissions suggesting otherwise, the Panel considers that KiwiRail took the social impact assessment of its project on the general community seriously.
- [305] In Volume 2 of the application are two early documents related to the social impact topic. The first is the *Community Engagement Summary Report* dated October 2020 which records the extent of community engagement as part of site-selection and scoping of responses to potential effects. The report describes the numerous communication avenues by which development of the Freight Hub concept was heralded. It also provided channels by which community responses could be provided. That gave an early insight into likely areas of concern and the effects of noise and vibration, road access and landscape were dominant features.
- [306] A further report was commissioned and is Appendix F11 to Volume 2 called *Specialist Assessment – Community Cohesion Criterion June 2020*. That report records the assessment of options against the community cohesion criterion. The three major factors impacting on the scoring of options as set out below:

Theme	Scoring Implications (1 best/5 worst)
Impact on social and recreational activities and other land uses	Areas that contained important social and employment facilities for the community that could be detrimentally affected scored worst.
Impact on the land being designated until development occurs (possibly 10 years) and its delivery in stages	Areas zoned for development that could be affected by the land being undeveloped for a period of time, were scored worst.
Severance of community facilities	Sites where the catchment of community facilities would be severed resulting in potential increased travel times and possible reduction in use of the facility, were scored worst.

[307] Finally, KiwiRail included in Volume 3 of its Notice of Requirement application a social impact assessment by Ms Kirsty Austin.

[308] Ms Austin performed an assessment following the principles in the International Association of Impact Assessment. That informed the relevant social impact categories selected and included the following items:

- people's way of life – that is, how they live, work, play and interact with one another on a day-to-day basis
- their culture – that is, their shared beliefs, customs, values and language or dialect
- their community – its cohesion, stability, character, services and facilities



- their political systems – the extent to which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose
- their environment – the quality of the air and water people use; the availability and quality of the food they eat; the level of hazard or risk, dust and noise they are exposed to; the adequacy of sanitation, their physical safety, and their access to and control over resources
- their health and wellbeing – health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity
- their personal and property rights – particularly whether people are economically affected, or experience personal disadvantage which may include a violation of their civil liberties
- their fears and aspirations – their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children

[309] Considering those matters, Ms Austin thought it was appropriate to define two impact communities by area. These were the ‘local impact area’ [[Tab No. 8\(b\)](#)] and the ‘wider impact area’. These are summarised at section 1.1.3 of Ms Austin’s assessment as follows:

- *the “local impact area” covers the designation footprint (Designation Extent) and extends approximately 1 kilometre from the Designation Extent. The size of the local impact area is based on incorporating the area where the community will be directly affected by land-take, and the area surrounding the Designation Extent where the community will be directly affected by changes in amenity and connectivity (for example, as a result of changes to noise and traffic levels and landscape during construction and/or operational phases of the project) The location of the local impact area is illustrated in Figure 1.*

- *the “wider impact area” covers the territorial local authority jurisdictions of Palmerston North and Manawātū District. This is the area most likely to experience employment related, housing supply and connectivity effects, without the amenity effects the local impact area will experience*

- [310] Ms Austin then summarised the key aspects of the proposed operation and design of the Freight Hub as well as the land acquisition process and the finalisation of design details.
- [311] Ms Austin provided a social profile of the communities within each impact area.
- [312] For the local impact area, Ms Austin noted that Bunnythorpe township has a population of 687 residents and has several retail facilities. Bunnythorpe School has been in the community since the 1880s and caters from Years 1 to 8 with a total roll of 21.
- [313] On identity and aspiration, Ms Austin noted that residents valued a quiet village and rural lifestyle with easy access of facilities of Palmerston North and Feilding. There is also a strong sense of community.
- [314] Ms Austin outlined and illustrated the key historic and recreational resources of the locality [Tab No. 8(a)].
- [315] The local impact area that includes Bunnythorpe township and environs has 2,655 residents and 906 households. Rates of home ownership are reasonably high and people move less frequently than the national average. The household income is significantly greater than the national average. The national average is \$75,700 and the local impact area had a median annual household income of \$97,433.
- [316] The employment profile was equally healthy and the local population was more likely to be involved in distribution compared with the New Zealand workforce as a whole. This is unsurprising because of the employment profile of Palmerston North.
- [317] The wider impact area incorporated the Palmerston North City and the Manawātū District Council territories. The wider impact area has a

population of 140,804 residents and Palmerston North provides a significant proportion of the employment base. While Palmerston North City has 34% of the regional population it provides 48% of the jobs in the region.

[318] In assessing effects, Ms Austin used the usual seven point scale against which to assess effects.

[319] Social impact assessment to some extent borrows from technical assessments and other disciplines. For example, the impact of noise, the impact of dust, the change in visual character and other externalities. It also considers more holistically how people interact with natural and physical resources within the community. These dynamics are part of what a large project can impact. These matters were further assessed as part of the effects assessment and a summary of that assessment is set out below. The assessment was divided into two parts – the construction phase and the operational phase.

*Construction phase social effects*

Effect description	Scale of effect
A reduction in the quality and amenity of the environment as a result of increased noise levels and changes to the landscape/visual character over a lengthy construction phase. Uncertainty remains about the extent and duration of effects anticipated for individual properties until detailed design and mitigation is finalised.	<b>Moderate negative</b> for the local impact area.
Effects on resident's wellbeing from the uncertainty about the land acquisition process, relocating to a	<b>Moderate negative</b> for the local impact area.

new home, and uncertainty about the extent of effects for neighbouring landowners.	
Disruption and frustration to people's way of life if increased noise and reduced connectivity occurs. This will be exacerbated if residents cannot anticipate when/where to expect noisier periods or reading changes and traffic delays.	<b>Low-moderate negative</b> for the local impact area; <b>low negative</b> for the wider impact area.
Potential for housing supply issues in the short-term, if some of the construction workforce chooses to move close to the Site.	<b>Low negative</b> for the local and wider impact areas.
Employment opportunities for residents who may gain access to construction jobs.	<b>Low positive</b> for the local and wider impact areas.

*Social effects of operational phase*

Effect description	Scale of effect
Reduction in the amenity of the environment due to increase noise level and changes to the landscape/visual character that will be felt across most of the local impact area. Residents that experience the most significant change will experience both noise and visual effects (and will have	<b>High negative</b> for the local impact area

experienced these throughout the construction phase). While noise and landscape mitigation can be implemented, the changes will still impact on values of importance to the local community and there is still uncertainty on the final design and associated mitigation.	
The character of the community will change due to a community that largely consists of rural-residential homeowners being replaced by an industrial workforce, and the loss of the quiet, rural 'feel' that characterises the area. It is uncertain whether residents whose land will be acquired will remain living locally or whether residents close to the freight hub will choose to move away once it is operational.	<b>Moderate negative</b> for the local impact area.
A noisier environment may affect residents' daily patterns at home, and possibly at work and school. This would be most severe if night-time activities occur at the Freight Hub.	<b>Moderate-high negative</b> for the local impact area.
Improved safety for people using roads and footpaths as a result of improvements to the roading network.	<b>Low positive</b> for the local and wider impact areas.

Employment opportunities for residents who gain access to jobs at the freight hub.	<b>Low positive</b> for the local and wider impact areas.
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[320] Ms Austin showed the distribution of local impact diagrammatically [Tab No. 8(c)].

[321] Ms Austin then proposed some recommendations. These were focused on providing sufficient information to the community to enable the community to have agency in key decisions anticipated by the outline plan and management plan processes and to ensure adequate information about changes to the local environment. Ms Austin recommended the mitigation measures listed below:

- *Identify a primary point of contact for the community to engage with. The purpose of identifying this person is to provide the community with ease of access to someone within KiwiRail (or its delivery partner) who has accountability for responding to questions and concerns.*
- *Prepare and implement an engagement plan prior to construction beginning. The purpose is to establish the procedures for a two-way flow of information between the project team and community until the Freight Hub is operational.*
- *Establish a forum for community liaison. The purpose is to provide a mechanism for regular and interactive discussions between the project team (KiwiRail and its delivery partner) and representatives of the community (including key service providers) to ensure the community is kept informed of and can respond to construction-related matters, final project details and monitoring.*
- *Establish a project/construction 'hotline' and complaints management register.*
- *Provide clarity for the community about the night-time activities that will be undertaken at the Freight Hub and ensure night-time noise effects are appropriately managed.*

- *Maintain ongoing site management when properties are acquired and throughout the construction phase to minimise the potential for vandalism and the appearance of a 'vacant site'.*
- *Where appropriate, commence mitigation screening and planting prior to construction so the construction site is screened prior to works beginning, and noise and visual mitigation is effective in time for the site becoming operational".*

[322] Ms Linzey provided social impact assessment on behalf of the Palmerston North City Council. Ms Linzey has considerable experience in social impact assessment with large scale projects. Her concern was that KiwiRail's social impact assessment did not consider all potential adverse social impacts with the following key limitations:

- The level of design and information on which the SLA is based do not provide sufficient detail to assess potential adverse impacts over time particularly given uncertainty on timing and stages of development. The most significant of these is the absence of a Cultural Values Assessment which would inform the SLA; and*
- The generalisation of potential social effects to the defined 'local area' obscures some impacts that may be higher for those in the community in close proximity to the proposed Freight Hub or for the Bunnythorpe community area.*

[323] Despite this lack of more detailed assessment, Ms Linzey considered that a comprehensive suite of conditions including particularly setting design outcomes for development concerning urban design process, noise mitigation and the provision of walkways and cycleways would go a considerable distance to mitigating the uncertain social impacts.

[324] The Panel agrees with Ms Linzey's report at [37] of her evidence which states:

*"In the s92 response (QI 11) it is noted that 'there is no indication the Freight Hub will alter the sense of community'. However, (and again while acknowledging that I have not undertaken a separate social impact assessment), based on my experience in land use planning I would expect this pattern of*

*development to change the residential feel of the area and potentially alter community character for Bunnythorpe”.*

- [325] The Panel also agrees with the conclusion at [43] of Ms Linzey’s report as follows:

*The noise generated by construction disrupts patterns at work and home (such as working from home, sleeping etc). This impact will be exacerbated by the long construction period (anticipated to be 6 years) in which residents will be subject to construction noise. The level of uncertainty currently surrounding construction staging could also exacerbate this impact (as noted in the s92 response), as residents may be unable to anticipate when to expect things like road closures, travel delays and increased noise levels”.*

- [326] Ms Linzey stressed the importance of a Design Framework and at section 6.1 at [63] and [64] identified the idea behind the Design Framework in this way:

[63] *I consider that the creation of a design framework for the project would provide the opportunity for an integrated, iterative approach to addressing potential impacts identified by the various specialists (such as noise, landscape/visual and transport), as well as potential social impacts. Ideally, I consider that such a framework would be available in advance of confirming a designation, so that the community, stakeholders and Council can confirm the outcomes that they expect from the mitigation and development design. If such a framework cannot be developed in that timeframe, I consider that there remains scope for this to be delivered by requirements for conditions of the designation.*

[64] *A key benefit of the framework is that it could provide an explicit opportunity for the uncertainty of the project and delivery of the mitigation to be addressed. This approach allows for specific mitigation works and design elements to be scoped and developed overtime, as Kiwirail advances design or project stages. This also provides a mechanism through which Kiwirail can respond to the potential*



*impacts of activities, while the community can have some certainty over the outcomes that will be delivered through such response. For this reason, I propose an approach that will establish guiding design principles and outcomes expected from the mitigation and require specific measures to be developed in response to construction phases, staged development of the site and/or emerging issues and opportunities that are development of the site and/or emerging issues and opportunities that are identified. Given the nature of the recommendation, I have worked with Ms Whitby in the preparation of the 'design framework approach'".*

[327] Concerning the absence of a Cultural Values Assessment, Ms Linzey made the following observations at [71]-[72],

[71] *I consider that a Cultural Values Assessment ("CVA") should be required and (again) ideally this would have informed the overall assessment including the social impact evaluation. If a CVA is not prepared prior to a recommendation being made on the NOR, a condition could be added requiring a CVA to be prepared. Such a condition would need to be supported by iwi submitters because any CVA would need to be either undertaken or endorsed by mana whenua (KiviRail cannot independently evaluate the effects on cultural values when they do not hold the knowledge of what those values are).*

[72] *If a CVA is prepared, as a minimum it should be required as a condition that the recommendations of the CVA are reflected in the management plans developed during detailed design of the Hub and that iwi (including those in the community) are given opportunity to comment on how the Design Framework responds to matters of the CVA. Where comment is made, I consider it appropriate that the Requiring Authority document how they have responded to that feedback (or in instances where they have not made changes to respond to those matters, explanation on why they have not)".*

[328] Along with Ms Copplestone and Ms Whitby's evidence, the Panel has relied on Ms Linzey's evidence to propose a Design Framework condition. Ms

Linzey's evidence also informed the Panel's view about the importance of the proposed condition establishing the Mana Whenua Participation Framework.

Analysis of material received

[329] Ms Austin's assessment of the scale of effects on the local impact area aligned well with the Panel's assessment of the scale of effects that can be expected with appropriate conditions.

[330] Ms Austin did not attempt to paint the Freight Hub as unimpactful however, her expert evidence provided some balance to the self-selection bias of the submission process. It was therefore a useful piece of evidence for the task the Panel was required to perform.

[331] As stated, the Panel found Ms Linzey's suggestions on conditions were worthwhile.

Related Proposed Conditions

[332] Following the recommendations of Ms Austin, KiwiRail proposed the establishment of a community liaison forum which is found in Condition 15 *et seq* of the Proposed Conditions. In addition, to ensure that that process works well KiwiRail proposed the appointment of a Community Liaison Person [Proposed Conditions No. 21 et seq].

[333] As the principal reference document for effective community communication and engagement, the Proposed Conditions provide for the approval of a Construction Engagement Plan. An objective of that Plan is set out in Condition 26 of the Proposed Conditions and its mandatory elements are set out in Condition 27. The Panel has amended those conditions recognising their particular importance during the construction phase. In Condition 19 of the Recommended Conditions the Panel has added an additional subparagraph (c) that requires the requiring authority to *develop in consultation with the Community Liaison forum communication strategies and tools for effective and accessible information dissemination to affected members of the community in a timely way*. This may include such things as websites and with

options for feedback so that affected and interested people are kept informed. There may also be a news feed or notification regime that enables affected people to understand what is going on. This would be an opt-in basis.

- [334] The Panel considers that the Community Liaison Person is going to be critically important in the success of the Community Engagement Plan. That person needs both the necessary hard and soft skills to understand what is required to effectively implement the intention of these conditions. For that reason, the Panel has modified Condition 1 to require the appointment to be annually approved by the Council. This is a small accountability check so that the certification can be denied for a person who is not adequately performing in the role.
- [335] The Panel has in the Recommended Conditions added a Condition 14A for a Design Framework.
- [336] There will be significant local social impacts from the Freight Hub and a change in identity for Bunnythorpe residents associated with the environmental changes brought by the Freight Hub.
- [337] The Panel is confident in the resilience of the community and its capacity to leverage off the large economic spin-offs of this project and the other infrastructure improvements it will inevitably engender. The project will more likely than not kick start a positive new era for the residential area of Bunnythorpe township. However, it will also reduce amenities of some of the rural-residential properties in the local impact area.
- [338] The Recommended Conditions will ensure that the community is provided the opportunity to be involved through the subsequent design and implementation stages, right through to the final and complete operation of the Freight Hub. Also, KiwiRail will be required to ensure information channels maintained, provide for complaints, etc etc.

### *Noise and vibration effects*

[339] Noise and vibration effects were major potential externalities of the Freight Hub.

#### Summary of evidence received

[340] The two acousticians that assessed the Freight Hub were Dr Chiles for KiwiRail and Mr Lloyd for Palmerston North City Council.

[341] Dr Chiles led the assessment of acoustic criteria through KiwiRail's multi-criteria assessment for the initial nine potential sites for a freight hub.

[342] Volume 2 of the Notice of Requirement contains Dr Chiles' specialist assessment of the noise and vibration criteria for the nine potential sites. For the purpose of the comparative options assessment Dr Chile used a five-point score as follows:

<i>Score</i>	1	2	3	4	5
<i>Impact</i>	Low	Medium low	Medium	Medium high	High

[343] Option 3, the selected option, rated with a score of 4. Three of the nine options rated 5, two rated 4 and three rated 3. Option 5 in the vicinity of potentially thousands of new residential properties in the western vector of Palmerston North City was eliminated for noise reasons.

[344] Concerning the constraints for option 3 the report states:

Option 3	<ul style="list-style-type: none"> <li>There is an existing rural lifestyle area east of the railway opposite the workshop and the end of the main marshalling yard, which is unlikely to be practicable to effectively screened unless at least one row of warehouses can be switched with the marshalling yard and workshop. There are also other rural properties opposite the balance of the marshalling yard. An extensive</li> </ul>
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	buffer area to the east of the railway would need to be designated and a large number of houses removed to avoid constraints on the operation of the Site.
	<ul style="list-style-type: none"> <li>The log and liquids yard are relatively close to Bunnythorpe and operations may be constrained, unless these can be shifted to behind the workshop area.</li> </ul>
	<ul style="list-style-type: none"> <li>Mitigation including treating buildings and upgrading the road may be required on Kairanga-Bunnythorpe Road between the new intersections.</li> </ul>
	<ul style="list-style-type: none"> <li>Mitigation including treating buildings might be required by the north pull back track in Bunnythorpe”.</li> </ul>

[345] In the comparative assessment option 4 was the preferred option for the noise and vibration criterion. The report identifies a number of constraints with option 3 for example in section 5 the assessment report says about option 3 in comparative terms:

3	0-500m unscreened - 164 buildings 500m-1km unscreened plus 0-500m screened - 176 buildings 0-100m pull back track - 0 buildings Screening likely to have limited effectiveness	0-100m by new roads or 50%+ heavy vehicle increase - 90 buildings	Adjacent to industrial area and airport Rural to east Existing rural lifestyle area immediately opposite workshop	5

	Limited potential to reverse layout east/west			
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[346] Concerning mitigation the report states about option 3:

Option 3	<ul style="list-style-type: none"> <li>• Designation and purchase of houses to east of site.</li> <li>• Investigation and treatment if required for houses affected by roads and pull backs tracks.</li> <li>• Move log and liquids yards behind workshop.</li> <li>• Rebuild pavement of Kairanga-Bunnythorpe Road</li> </ul>
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[347] Plainly, Dr Chiles at the multi-criteria assessment stage had in mind a more expansive designation than the one in the Notice of Requirement. That included houses east of the Site including those on Sangsters Road to create an appropriate buffer area.

[348] Following selection of option 3, Dr Chiles performed a more detailed technical noise and vibration assessment and at this point the noise management strategy for the Site appears to have changed to one that involved sound barriers on boundaries to reduce impacts. The technical assessment of the noise effects with that mitigation is set out in the report of Dr Chiles which is Appendix D in Volume 3 of the application.

[349] In this report the Panel focuses on what is called by Dr Chiles “on-site” activities as noise generation sources because these are the ones that have the greatest impact from the proposal. That excludes the operation of the perimeter area and ancillary areas such as stormwater retention, noise barriers and landscaping that surround the operational part of the Freight Hub.

- [350] Dr Chiles in his assessment did not include any effects from the NIMTL. On this point he said in his report at page 7:

*“Noise and vibration effects associated with operation of trains on the existing NIMTL have not been considered. In particular, effects associated with future increases in railway traffic on the NIMTL have not been assessed, as these could occur regardless of whether the Freight Hub is located in the proposed location, or somewhere else in the region. This is on the basis that Kiwi Rail has an existing designation for the NIMTL under which it is authorised to operate the rail corridor and generate the corresponding effects. Likewise, any potential effects associated with reinstatement of a triangular railway junction between the Palmerston North-Gisborne Line (PNGL) and the NIMTL have not been assessed”.*

- [351] The Panel agrees with Dr Chiles’ general approach concerning the NIMTL, and observes that in the General Rules in section 6 of the Palmerston North District Plan R6.2.6.2 (in section 6.26 governing noise) section 6.2 states:

***“R6.2.6.2 Exclusions from Noise Control Rules***

1. *Noise from the following activities shall not be controlled using rules in this Plan, but shall be controlled separately by reference to the application of relevant New Zealand Noise Standards, where these are applicable, and to Sections 16 and 17 of the Resource Management Act 1991:*

...

- e. *Trains on rail lines (public or private), including railway yards, railway sidings or stations. This exclusion does not apply to the testing (when stationary), maintenance, loading or unloading of trains.*

...

***Explanation***

*There are some types of activities, particularly that of land transport and of construction, maintenance and demolition, that are appropriate and which could not otherwise meet general noise rules in many*

*circumstances. Crowd noise at a park or at the Arena, for example, is another type of noise which is a reasonable by-product of an activity and which is impossible to control using noise performance standards or rules”.*

[352] Dr Chiles used a computer model to predict noise sources around the Freight Hub using source data obtained from measurements of several existing facilities. That model predicted disturbance to residential activities with the extent depending on the relationship of each individual house to the Freight Hub and noise sources [Tab Nos. 4(a)-4(c)]. That model generated maps showing noise contours.

[353] Dr Chiles’ assessment stated the following:

*“The indicative layout of the Freight Hub has been developed to provide space for substantial noise barriers. With indicative barriers, predicted noise contours reduce, although guideline criteria would still be exceeded for unconstrained operation. This is recommended to be addressed through a Noise Management Plan for the Hub. The implementation of the Noise Management Plan should be supplemented by a Community Liaison Forum for the Site. Operational vibration should not need further control, but this should be verified under the Noise Management Plan.*

...

*The Freight Hub will alter the existing noise environment in some areas, and construction and operational activity will be audible over a wide area. However, with the mitigation and controls recommended, the residual noise and vibration should be at reasonable levels and effects should be acceptable in this environment”.*



- [354] In shaping the project to reduce noise the following measures were, according to Dr Chiles, implemented by KiwiRail:

*“The marshalling yard and container terminal are as far south on the site as possible such that they are furthest from residential areas of Bunnythorpe and towards the NEIZ.*

*The warehouse buildings are a continuous built form providing noise screening to the west, rather than being discrete buildings with gaps between.*

*The NIMTL is moved west allowing space for a high noise barrier and associated planting for visual treatment along the east boundary of the Freight Hub (and NIMTL).*

*Land behind houses on Maple Street has been included in the Designation Extent so that noise mitigation can be located close to the houses where it will be most effective.*

*The new perimeter road reconnects to the existing Railway Road at Maple Street which avoids redistribution of traffic on minor roads around the west of Bunnythorpe.*

*The log yard has been positioned to the west Freight Hub boundary away from houses on Maple Street”.*

- [355] Dr Chiles ascertained the existing noise environment using noise logger results and those are set out in table 1 of his report below.

Location	Day time (0700-2200h)		Night time (2200-0700h)	
	LA <sub>eq</sub> (15h)	LA <sub>90</sub> (1h)	LA <sub>eq</sub> (9h)	LA <sub>90</sub> (1h)
73 Sangsters Road	53 (49-55)	43 (39-46)	50 (46-53)	30 (28-40)
19 Parrs Road	47 (46-52)	37 (33-41)	40 (36-49)	28 (27-39)
787 Roberts Line	48 (45-51)	38 (35-42)	43 (42-51)	33 (29-41)
11 Maple Street	47 (45-50)	38 (35-43)	42 (36-48)	27 (24-35)

- [356] Dr Chiles then carried out an assessment following a methodology that considered first of all as reference criteria appropriate noise levels based on the standards in the District Plan for the NEIZ (part of the Site), the Rural zone (the balance of the Site) and NZS 6802. These reference noise criteria are set out in table 3 as below.

	<b>NEIZ</b> <i>Rule R12A.10.1.a</i>	<b>Rural Zone</b> <i>Rule R9.11.1</i>	<b>NZS 6802</b> <i>Clause 8.6.2</i>
Daytime 0700-1900h	55 dB $L_{Aeq}(15 \text{ min})$	50 dB $L_{Aeq}(15 \text{ min})$	55 dB $L_{Aeq}(15 \text{ min})$
Evening 1900h- 2200h	50 dB $L_{Aeq}(15 \text{ min})$	45 dB $L_{Aeq}(15 \text{ min})$	50 dB $L_{Aeq}(15 \text{ min})$
Night 2200h- 0700h	45 dB $L_{Aeq}(15 \text{ min})$  75 dB $L_{AFmax}$	40 dB $L_{Aeq}(15 \text{ min})$  70 dB $L_{AFmax}$	45 dB $L_{Aeq}(15 \text{ min})$  75 dB $L_{AFmax}$

- [357] Dr Chiles pointed out for major infrastructure, the usual limits cannot apply, and it is customary to make some allowances for that type of facility. Thus at [17] Dr Chiles said:

*‘It is common for major infrastructure, such as ports, airports and roads, which cannot practicably internalise all noise to achieve limits such as those in Table 3, to be subject to graduated criteria, with tiers of noise criteria set at different levels rather than a single limit. In those cases, noise limits in the order of 10 dB higher than the NEIZ noise limits are often applied in conjunction with other controls to manage noise effects.*

*The New Zealand airport and port noise standards recommend criteria in terms of the ‘day/night level’ or  $L_{dn}$ , which is an average level over 24 hours including a 10 dB penalty for noise at night. Comparisons with the District Plan noise limits are not exact as the airport and port criteria in the standards apply to noise averaged over 3 months or 5 days respectively, whereas the District Plan noise limits only allow for limited averaging during one day and none at night*

*(‘duration adjustment’ under NZS 6802). An outline description of potential noise effects based on the port and airport criteria is set out in Table 4”.*

- [358] To address the restricted night-time standards in cases where effects cannot be internalised, the literature suggests that mechanical ventilation upgraded sound installation should be required. From that analysis Dr Chiles set out a set of proposed Freight Hub criteria with subcategories explained in the following paragraph at [18] of his report:

*“From consideration of the above references the operational noise criteria in Table 5 were developed to assess the noise effects of the Freight Hub. The criteria have been set out in categories to provide for a graduated response. The category notation is similar to that used for roads under NZS 6806, but the thresholds used have been tailored to the Freight Hub. The Category A criteria should be achieved as far as practicable through the design and operation of the Freight Hub. Where this is not practicable and levels at houses are within the Category B criteria, those houses should be investigated and acoustically treated if necessary to achieve reasonable internal levels. The Category C criteria should not be exceeded”.*

- [359] These criteria were presented in the following table 5:

	Noise criteria	Comments
Category A	Day: <55 dB $L_{Aeq(1h)}$ Evening: <50 dB $L_{Aeq(1h)}$ Night: <45 dB $L_{Aeq(1h)}$ Night: <75 dB $L_{AFmax}$	Similar to existing noise allowed from the NEIZ. A change from existing Rural Zoned activity (R9.11.1), but noise would remain compatible with residential activity in both rural and residential zones.
Category B	Day: 55-65 dB $L_{Aeq(1h)}$ Evening: 50-60 dB $L_{Aeq(1h)}$ Night: 45-55 dB $L_{Aeq(1h)}$ Night: 75-85 dB $L_{AFmax}$	Houses may need to be acoustically treated and mechanically ventilated as necessary to meet a level of 35 dB $L_{Aeq(1h)}$ in bedrooms

		and 40 dB $L_{Aeq(1h)}$ in other habitable spaces.
Category C	Day: >65 dB $L_{Aeq(1h)}$ Evening: >60 dB $L_{Aeq(1h)}$ Night: >55 dB $L_{Aeq(1h)}$ Night: >85 dB $L_{AFmax}$	Freight Hub noise is likely to be incompatible with residential activity.

[360] Dr Chiles' methodology for his assessment was as follows:

- (a) Make an acoustics computer model to predict noise emissions from the fully developed future Freight Hub for a busy daytime scenario.
- (b) Identify areas where noise criteria (Category A) might be exceeded and work with the project team to adapt and refine the indicative site layout to reduce noise emissions at houses where practicable.
- (c) Evaluate the noise received at surrounding houses and assess the potential noise effects of the Freight Hub.
- (d) Consider noise mitigation and management that could be used to reduce adverse noise effects.
- (e) Propose controls that should be implemented to maintain reasonable noise from the Freight Hub.

[361] Dr Chiles then undertook further modelling predictions and the noise modelling parameters were set out in table 9 of his report as follows:

Parameter	Value
Operator	Michael Smith (Altissimo Consulting)
Software	Predictor 2021.1
Algorithm	ISO 9613-2
Temperature/Humidity	15°C/20%
Ground absorption	0 (hard)
Terrain	Site modelled at 50m 1m resolution Digital Elevation

	Model (2018 Manawatu Wanganui Palmerston North)
Building heights	Warehouses and workshops - 10m
Receiver/grid height	1.5m above ground
Output	$L_{Aeq(1h)}$

- [362] Dr Chiles set out the major contributors to noise based on onsite operations and the core data from these components were outlined in table 11 of his evidence.
- [363] Figure 9 of the report without mitigation shows the noise contour based on  $L_{Aeq(1h)}$  [Tab No. 4(a)].
- [364] Dr Chiles concluded that the effects without mitigation were unacceptable and at [35] of his report stated:

*“Figure 9 shows indicative noise contours for daytime activity in the fully developed Freight Hub without noise mitigation. These contours show that without mitigation, the Freight Hub has a relatively large noise footprint with predicted levels exceeding the recommended Category A, B and potentially C criteria in Table 5. This daytime activity would be clearly audible and potentially disturbing at houses to the east, north and west of the Freight Hub. Noise from the Freight Hub might interfere with people trying to concentrate on a task or relax at their homes. If similar levels of activity occurred at the Freight Hub at night then it is likely that many residents in the area would suffer from sleep disturbance due to noise above the Category A night criteria. At locations more than a few hundred metres away from the existing Railway Road and the NIMTL, components of the Freight Hub such as the marshalling yard, container terminal and potentially maintenance facilities and log yard would cause a significant change to the existing noise environment. As such, it is considered that the Freight Hub is likely to have unacceptable noise effects without mitigation as Category A and B criteria would be exceeded at many houses including houses away from existing noise sources. The extent of the noise effects would vary significantly at different houses depending on the exposure from the Freight Hub and existing environment. Appropriate mitigation will be addressed in the next section of this report”.*

[365] As a result of these conclusions noise barriers by boundary were required and that is explained at [37] of Dr Chiles' report as follows:

*"It has been found that to reduce operational noise to the extent reasonably practicable, substantial barriers are required on the east and north boundaries of the Freight Hub. The barriers were not considered in the above assessment of operational noise effects as they are solely noise mitigation elements that have been added to address effects of the activity. The locations and heights of the noise barriers in the indicative design have been determined through investigation in the computer noise model of where barriers would be effective, and with consideration of the practicability of barriers through discussions with the Project team. This process has been designed primarily to ensure sufficient space is available for effective barriers to reduce Freight Hub operational noise levels to within the Category A criteria as far as practicable. There will need to be further optimisation of barrier locations and heights during the detailed design. The following barriers are included in the indicative design:*

- *East boundary - a continuous barrier over 3 km long formed by a combination of an earth bund/embankment and a concrete wall. The heights of the bund and wall would vary along the east boundary depending on the fluctuations of the existing terrain, but they are designed to always maintain the top of the wall at 5 metres above the level of the Freight Hub.*
- *North boundary - a 3 metre high barrier, mainly formed by an earth bund other than where space is not available when it would be a concrete wall. Due to the terrain, the top of the barrier relative to the Hub would range from 5 to 8 metres above the Freight Hub. This barrier would also provide screening of the new perimeter road".*

[366] Dr Chiles noted that even with the substantial noise barriers there would still be houses outside Category A and in respect of which noise insulation would be required in habitable spaces.

[367] The mitigation measures, therefore, in addition to noise barriers was a suite of measures based on the following management process:

- Future noise modelling of activity at the Freight Hub, prior to each stage of development (at the Outline Plan stage) and prior to any significant changes in activity such as the introduction of a new noisy activity or substantial expansion of an existing activity. This should also include confirmation of predicted compliance with the railway vibration criterion.
- In association with the future noise modelling, refinement/optimisation of noise barrier heights, potentially with some localised increases to the height of the east barrier where houses are elevated.
- Operation of the Site by KiwiRail, and all third parties, in accordance with a Noise Management Plan (NMP). This would set out matters such as the noise and vibration criteria, noise modelling and barrier design, good practice site noise management measures, and community liaison and complaints processes.
- Investigation of all houses where an exceedance of the Category A criteria is predicted and treatment as necessary to achieve acceptable internal noise levels of 35 dB  $L_{Aeq(1h)}$  in bedrooms and 40 dB  $L_{Aeq(1h)}$  in other habitable spaces. This should only apply to houses existing at the date the Notice of Requirement was lodged.
- Permanent noise monitoring at two reference locations, with one to the east and one to the north of the Freight Hub. The monitoring would inform the management of the Site under the NMP and would provide a proactive means of identifying any unanticipated noisy activities on the Site. The monitoring would also provide a record to allow review and investigation into any issues arising.
- Avoidance of tonal alarms, where practicable.
- Refrigerated containers being connected to mains power.

- Doors on the workshop kept closed, and the workshop building being acoustically insulated.
- Use of swing nose crossings if practicable.
- Locomotives not left idling unnecessarily.
- Minimise use of train (and truck) horns.
- Horn types on shunt locomotives to be selected to minimise noise outside the Site.
- Maintenance of brakes on shunt locomotives to prevent squealing.
- Couplings maintained to be kept tight; no loose (uncoupled) shunting.
- All wagon handbrakes to be released before a train moves.
- All container handling and vehicle circulation areas to be level and free from drainage and avoidable discontinuities in high traffic wheel paths.
- Equipment operators to be trained to reduce impact noises from container handling.

[368] The noise contours of the Freight Hub after mitigation are substantially less impactful on surrounding residences compared with “no mitigation” [Tab No. 4(b)].

[369] Mr Lloyd gave a report for Palmerston North City Council and pointed out that there are no national environmental standards for environmental noise for rail yards. New Zealand NZS 6802:2008(1.2.2) provides for sound from rail yards *not attributable to vehicles on rails* ... to be within the scope of the standard. There is no standalone standard for the management of rail yard noise as there is for wind farms and airports.



[370] Mr Lloyd said about the monitoring of the existing noise environment at [49]:

*“Observation of the long-term monitoring shows a relatively normal diurnal sound variation with, often, quiet night-time levels between midnight and 6am and with daytime sounds being influenced by peak hour traffic. The graphs in Appendix A of the Acoustic Assessment tend to show some correlation between occasional night-time events at the different (widely spaced) sites which are likely to be passing trains. This is a single event on the night it occurs and does not occur on every night”.*

[371] Mr Lloyd made the observation concerning Dr Chiles’ operational noise forecasting, in section 5.2 of his report that it did not capture train assembly sound levels. That was (following further requests for more information) considered in the evidence of KiwiRail.

[372] In his section 42A report, Mr Lloyd pointed out that the Freight Hub would inevitably exceed reasonable criteria for the nearest dwellings resulting in the need for critical control and management.

[373] Mr Lloyd also did not agree with KiwiRail’s approach that all matters of noise and vibrations should be controlled by a management plan to limit noise. His experience was that there needed to be some conditions in the Notice of Requirement to achieve limits of noise that can be generated; that is an “envelope” for any noise effects.

[374] The effect of lack of detail and design and an ambulatory assessment of noise proposed by Dr Chiles was addressed at [102] of Mr Lloyd’s report in this way:

*“The premise of the Acoustic Assessment is that the future operation of the Freight Hub will require further measurement and modelling to determine actual noise emissions at different points in time. The current Acoustic Assessment is virtually a placeholder for future assessments to take place during the development of the Freight Hub. This is unsatisfactory because the adverse noise impacts of the project need to be understood as part of the NoR process and appropriately mitigated. I would also suggest that additional land*

*management provisions will be needed to prevent unsuitable development from taking place between now and Freight Hub development commencing”.*

- [375] The lack of definition in the framework proposed by KiwiRail had more significant implications as Mr Lloyd outlined at [108] of his report:

*“The Acoustic Assessment identifies that the noise from the Freight Hub will exceed criteria that would normally be deemed acceptable or reasonable levels by noise insulating dwellings or by any other means. The current modelling indicates that these levels will not be reached, but there is a high level of uncertainty about what noise generating activities will actually take place on this site once the detailed design work commences, whenever that may be. Currently, there is nothing to limit the noise exceeding the Category C criteria”.*

- [376] One uncertainty in relation to the proposed bunding as a mitigation measure is the effectiveness where houses are more than one-storey tall. Mr Lloyd identified two locations where that would be problematic, namely, Sangsters Road and Maple Street. For example concerning Sangsters Road, Figure 6 of Mr Lloyd’s report shows by cross section how a dwelling in Sangsters Road would have line of sight from some windows even with an acoustic barrier that is 5 metres tall.

- [377] A good example of the most significant edge effects from noise on residential properties is the property at 9 Sangsters Road owned by Rochelle and Rex McGill.

- [378] Addressing that site Mr Lloyd said at [147]-[148] the following:

*“[147] Figure 8 of the Chiles response to the RFI shows the comparisons for different heights of barrier at this dwelling and Figure 11 shows the (5 metre) east wall cross section for 27 Sangsters Road, which is nearby. The sections show that the land to the east of Sangsters Road is raised above the proposed ground level of the freight hub and that the effectiveness of the barrier will depend on the local topography. It could be that dwellings will get line of sight over a 5 metre barrier which means that the barrier will be less effective than predicted or that it may need to be taller.*

[148] *With a predicted noise level of 55 dB  $L_{Aeq(1h)}$  the night-time noise will significantly exceed the equivalent District Plan night-time noise limit (40 dB  $L_{Aeq(15min)}$ ) and the Category A noise limit of 45 dB  $L_{Aeq(1h)}$ ). As identified by the submitter, the night-time noise will be at the upper limit of the Category B criterion used in the Acoustic Assessment and bordering on the Category C criterion which states that the freight Hub is likely to be incompatible with residential activity”.*

[379] It is these properties along Sangsters Road (about ten in total) that are most likely to be affected by Category B noise that could fall into Category C and hence as ‘unacceptable’ on Dr Chiles’ clarification. It is for that reason that Mr Lloyd said in his report at [149]-[150] the following:

“[149] *I recommend that where dwellings are predicted to exceed the Category C criteria or actually receive noise that exceeds those criteria in a rolling 12 month period then KiviRail should consider offering to purchase those dwellings.*

[150] *Indeed, I consider that it would have been appropriate for the designation to extend over properties within potential Category C areas to enable the option of either KiviRail purchasing those properties or for residents to formally ask for their properties to be purchased using the mechanisms of the RMA”.*

[380] Mid Central Health Board made a submission and expressed concern about the lack of provision for special audible characteristics. On this point Mr Lloyd said at [190]-[191] the following:

“[190] *I agree with MCHB’s submission and hold similar concerns regarding the lack of information available to all parties and the disconnect with NZS 6802:2008 regarding the non-application of special audible characteristics in the noise assessment.*

[191] *By not including penalties for special audible characteristics, the Acoustic Assessment anticipates that these will be present on the site on a regular basis. The danger here is that the noise criteria are taken on face value rather than being treated as having a greater impact than*

*an assessment using NZS 6802:2008 (or the District Plan which is based on NZS 6802:2008) would provide. If the assessment included the NZS 6802:2008 adjustments for special audible characteristics, then this would add 5 decibels to each of the predicted noise contours. This would cause them to be much larger than shown in the Acoustic Assessment. I recommend that 5 decibels is added to the modelled noise levels before determining the level of noise insulation required for dwellings and noise sensitive activities”.*

[381] Because the Palmerston North City Council considered a more definite noise envelope was required it requested under RMA, s 92 that KiwiRail provide noise management boundaries.

[382] The response from Dr Chiles dated 12 February 2021 was to propose a single noise management boundary of 55 dB  $L_{Aeq(1h)}$  [Tab No. 4(l)]. The response identified that this would still require some residences to have interior treatment to achieve appropriate night-time sound. Concerning the Noise Management Boundary, the critical point is outlined at [205] of Mr Lloyd’s report as follows:

*“The critical point about the land between the 55 dB  $L_{Aeq(1h)}$  noise management boundary and the designation boundary is that all houses on that land will be exposed to allowable noise levels that exceed the Category C night-time criterion and will be exposed to noise levels that are likely to be incompatible with residential activity. These houses can be noise insulated and mechanically ventilated to help protect against sleep disturbance, but they will be significantly impacted upon by noise”.*

[383] Mr McGill provided useful evidence about the size of his property, the use of the property and the various ancillary structures on it. It was plain that during the summer months in particular the entire property was enjoyed during the evenings. While, KiwiRail proposed a condition for retrofitting to secure interior bedroom noise levels for sleep, the fact remains there would be a reduction in aural amenity of some significance for at least a number of these properties on Sangsters Road.

[384] After Dr Chiles gave evidence and before Mr Lloyd gave his section 42A report, the respective acousticians helpfully consulted with each other and produced a further Joint Witness Statement on Acoustic Matters on Proposed Conditions dated 19 August 2021. That substantially narrowed the issues between Mr Lloyd and Dr Chiles.

[385] Mr Lloyd also produced a further Summary Noise Statement when he spoke to his section 42A report. At [65] of that Summary, Mr Lloyd summarised the outstanding matters in this way:

- “(a) Night-time construction works should have a specific condition (72A) that regulates the activity, provides for mitigation, informs sensitive receivers and notifies Council of the works.*
- (b) Noise impacts should be controlled by reference to “hard” noise conditions where possible (rather than by reference to future noise and vibration management plans) and operational noise and vibration limits should not be exempted on the basis of impracticability.*
- (c) While recognising there are separate legal arguments, for acoustical reasons, NIMTL noise should be included in the Freight Hub Designation controls.*
- (d) The assessment of special audible characteristics from the Freight Hub should be in accordance with the New Zealand Standard.*
- (e) The baseline for Future Noise Contours should be the maximum levels provided for by conditions and should approximate to Figure 12 of the Acoustic Assessment (included as Figure 1 of this Right of Reply)”.*

[386] The Panel, in its analysis and evaluation, focuses on these outstanding matters and their relationship to disputes between KiwiRail and the Palmerston North City Council about the wording of noise conditions. However, the Panel’s analysis adopts a slightly different topic-based

categorisation to address those acoustic issues while also addressing some other matters.

*Analysis of material received*

Noise from the new perimeter road

- [387] A number of submitters pointed out that the dwellings on the western side of the proposed Freight Hub (Te Ngaio Road and Clevely Line) will experience new road traffic where no road traffic previously existed.
- [388] A high percentage of the traffic on the new road will be heavy traffic. Noise mitigation measures proposed by KiwiRail include a stone mastic asphalt road surface and acoustic barriers. The Proposed Conditions address the road surface standard. Mr and Mrs Kinaston who have a property in this locality asked for a barrier to be placed on the western side of the new perimeter road to screen dwellings from heavy vehicles.
- [389] Dr Chiles however, explained in his evidence at [6] that that would mean the barrier was too low to screen noise sources from the Site.
- [390] Mr Lloyd accepted the noise barrier should be at the edge of the designation boundary in the at-grade area if locating it on the opposite side of the road would render it ineffective. Mr Lloyd considered there was still a possibility of locating the barrier west of the new perimeter road but accepted that this would be determined as part of detailed design.
- [391] The Panel considers that there should be only one barrier and its location should be that which is optimal to reduce on-site noise. The ability to achieve optimal on-site noise attenuation may be able to be achieved on the western side of the perimeter road after full assessment. On the other hand it may not. These are matters of design requiring far more detail than is necessary at this stage of the process. If a barrier is not located on the western side of the perimeter, then the Panel accepts that there will be a change in the acoustic environment associated with the construction of a new perimeter road and this would have an adverse effect on the amenity of adjacent properties. However, the scale, character and intensity of that

effect would not be such to warrant an additional barrier of a type that one would see normally in more dense urban environments where new road construction is immediately adjacent to residential dwellings.

Construction noise and night-time construction

- [392] The respective acousticians agree that construction noise should be measured, assessed and controlled under NZS 6803:1999.
- [393] The construction activity is anticipated to involve bulk earthworks occurring over a three year period together with three years of construction of Stage 1. The project also anticipates further construction activity for Stage 2 (2040) and Stage 3 (2050).
- [394] On construction noise, Mr Lloyd was not overstating matters when he anticipated that *this will present major change to the aural environment that is currently enjoyed by the people in this area.*
- [395] Mr Lloyd's concern was to ensure that noise exposure did not become so persistent or occur with levels of intensity such that it became oppressive for adjoining property owners. He noted, for example, that to achieve the levels in the New Zealand Standard, enhanced mitigation might be required but these matters were not fully considered as to their practicability. That was left to the design stage. There is also the problem with effectively managing heavy vehicles on public roads at night-time.
- [396] Dr Chiles' acoustic assessment considered that it might only be practicable to carry out construction during day-time in some areas.<sup>66</sup> That led Mr Lloyd to recommend a prescriptive condition controlling hours to minimise the risk that noise limits are exceeded. That is because Mr Lloyd considered that any exceedance of noise and vibration limits would have a high risk of affecting health. Mr Lloyd's proposed draft condition heavily restricted night-time activity and required an assessment for potential effects before it was undertaken alongside consultation with affected parties.

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<sup>66</sup> AU-Acoustic Assessment – pps 34 & 35 Assessment of Affects.

- [397] Dr Chiles' regime was less prescriptive and left some of these elements for consideration in the Noise Management Plan rather than as hard controls in conditions.
- [398] The Panel prefers Dr Chiles' proposal for greater flexibility but proposes supplementary requirements in the Noise Management Plan to address the concerns that Mr Lloyd has.
- [399] The Panel expects the other conditions about informing the community on the project will implement the necessary transmission of information to affected parties. The Panel does not consider it necessary to micro-manage that in the conditions.

Special audible characteristics

- [400] Noise limits are set based on the levels of annoyance experienced by humans at particular levels using accepted metrics. Human responses can vary however depending on the characteristics of the noise. Research shows that noise can have special levels of annoyance because of distinctive tones (i.e. particular frequencies) or from annoying impulsive noise that affects sound waves in a distortionary way.
- [401] NZS 6802:2008 does make provision for penalties associated with the creation of special audible characteristics. There is an objective test for assessing the presence of tonality but there is no objective test for impulsive noise in NZS 6802:2008.
- [402] The Panel has had experience with special audible characteristics and know that they present difficulties. They are difficult because:
- (a) In some cases they are difficult to quantify.
  - (b) They are expensive to monitor and capture even where objective measures can be employed.
  - (c) The objective measures are not always determinative and may understate the percentage of the population that may be affected by particular noise characteristics.



- [403] Dr Chiles' initial approach was to eliminate any assessment of special audible characteristics but later agreed that a penalty should be applied when assessing compliance with any standards. The Panel agrees with that assessment. Importantly, any special audible characteristics will be more intrusive and more likely to cause sleep disturbance.
- [404] Both Dr Chiles and Mr Lloyd agree that the Freight Hub need not produce special audible characteristics if operated following best practice. A potential source of special audible characteristics is individual operator carelessness such as when loading containers.
- [405] The Panel considers that the framework in NZS 6802:2008 required the assessment and penalisation of noise generating sources with special audible characteristics for good reason. Accordingly, the Panel agrees that the conditions should not water down the noise management framework in NZS 6802:2008.

Noise management and a noise boundary

- [406] The Freight Hub project will develop over time. Dr Chiles' assessments are a 'worst case scenario' that may not emerge until 2040 or 2050 and then only if rail traffic volumes are of a scale predicted by KiwiRail. Therefore, the increase in noise will be gradual while many of the noise mitigation measures such as barriers will be constructed at any early part of the project's development. This 'worst case scenario' assessment methodology does not account for this time factor and the graduating change in noise environment.
- [407] Initially, KiwiRail proposed no hard limits by which the overall noise environment was managed. Since then both acousticians have agreed on the basis that future noise contours should be established based on a maximum allowed noise level at residential sites beyond the designation boundary of 65 dB  $L_{Aeq(1h)}$  and a Noise Management Boundary of 55 dB  $L_{Aeq(1h)}$ . That, as Mr Lloyd explains, will inform the 45 dB  $L_{Aeq(1h)}$  contour. These measures will provide confidence that the noise levels from the Freight Hub's operation will have an acoustic shadow more or less as

predicted in Figure 12 of the acoustic assessment. See Proposed Conditions, Figure 1.

[408] Mr Lloyd in his Summary Noise Statement described the importance of these controlling future noise contours at [59]-[60] in the following way:

*“[59] I consider that it is important to establish these Future Noise Contours now because:*

- (a) They become established (hard) noise design criteria that can be seen now and into the future*
- (b) They will not be exceeded by Freight Hub activities (because they relate to noise limits that are applied strategically in the conditions.*
- (c) They will provide for noise mitigation measures (noise insulation of dwellings) to be applied only once (i.e. without the need for further insulation in the future);*
- (d) They will be apparent to people buying into the area or developing new dwellings;*
- (e) They will allow Council to develop land use management controls of surrounding land to require noise insulation and control new development (as part of a separate District Plan process) should it be considered necessary.*

*[60] This condition would work in a similar manner to the sound insulation programme at Auckland International Airport (ALAL). At ALAL the Annual Aircraft Noise Contours (AANC) are projected every year to ensure that compliance with the noise contours is achieved and to determine who should be offered noise mitigation. The noise mitigation is then offered to protect against the maximum noise allowed by the Future Airport Noise Contours (in 1 dB increments), rather than the interim noise levels that are being predicted at that time.”*

- [409] The Panel agrees with that analysis and agree that the Noise Management Boundary will provide a regime that enables reliable strategic planning for development in the area adjacent to the Freight Hub facility.
- [410] The Proposed Conditions by KiwiRail (other than in relation to the noise insulation issue below) largely reflects Mr Lloyd's preferences. However, the Noise Management Boundary under KiwiRail Proposed Condition 107 [Appendix 5] only applies to operation activities *as far as practicable* so that it is not as 'hard' a boundary as Mr Lloyd would like.

Noise insulation and the impact on properties close to the Freight Hub

- [411] Both KiwiRail and Palmerston North City Council saw it as essential to ensure that night-time levels were achieved within dwellings to achieve recommended levels for sleep. The key point of difference is whether or not those treatments should reflect anticipated levels based on the 'worst case scenario' or more moderate projection in a progressive way.
- [412] The Panel considers that the noise from the NIMTL should be excluded from noise measurements at site boundaries and for the Noise Control Boundary. However, concerning sleep protection it is desirable to ensure that any treatments are done no more than once and in a way that recognise the accumulative effect of the operations with the operation of the NIMTL. The Panel, therefore, considers that the noise insulation condition should require a reasonable assessment of the expected long term impact of the operation of the Freight Hub on the acoustic environment and account for a reasonable estimate of the NIMTL's contribution to the noise environment. That is largely how KiwiRail's Proposed Conditions are now structured.
- [413] Conditions, therefore, can secure appropriate sleep conditions for adjoining properties.
- [414] There will remain a significant impact on amenity particularly for those properties on Sangsters Road. Mr Lloyd summarised the situation well at [43]-[44] of his evidence as follows:

*“[43] Many submitters expressed sincerely held concerns about the noise impacts that would result from the Freight Hub construction and operation and about the restrictions on daily lives that would result from the Freight Hub noise and the required noise mitigation measures. It was explained that aspects of living in a semi-rural area would be curtailed and that the enjoyment of living with open windows and the cross ventilation of dwellings would be lost.*

*[44] These will be the inevitable consequences on the closest neighbours to the Freight Hub given the significant levels of noise that will result”.*

[415] It is that reality that led Mr Lloyd to recommend originally that the designation extent be extended to incorporate properties that are at risk of falling into Category C on aural amenity grounds.

[416] That engendered a discussion at the hearing about whether or not such a recommendation could be imposed and whether or not it fell within an acoustician’s field to recommend an increase in designation extent as opposed to reporting on effects given that extending the designation has significant consequences for landowners in terms of their ability to alter and use their property.

[417] Following on from that discussion during the course of the hearing Mr Lloyd said in his Summary Statement at [22]-[23] the following:

*“[22] I heard to the Panel’s discussion with Dr Chiles about this topic, and whether this type of commentary or opinion is appropriate. I would simply say that had I been advising KiwiRail on noise issues in preparation of its NoR, I would have advised it that these NoR boundaries should have been widened on account of the predicted significance of the noise effects. I understand there are difficulties with expanding the boundaries now, and I no longer make that recommendation.*

*[23] The point is that these significant noise effects will remain with little option for landowners but to accept reduced aural amenity compared to what they currently enjoy. Hearing neighbours’ submissions about*

*their concerns about noise, uncertainty, and lack of meaningful options have reinforced my opinion about this. Several submitters have eloquently expressed concerns about noise and the lack of options they face if they decide that they are not prepared to accept the reduced aural amenity”.*

- [418] Mr Lloyd made the point orally that he was no longer suggesting the extension of the designation as a solution. The Panel understands the underlying concerns that Mr Lloyd expressed and the good reasons for it. The Panel does not demur from the reality that over the long term the predictions are that the Freight Hub facility will cause levels of noise that reduce aural amenity to a point that in some cases may be incompatible with residential activity by an increase of up to 5 dB  $L_{Aeq(1h)}$  above Category B (i.e. above 60 dB  $L_{Aeq(1h)}$  but not more than 65 dB  $L_{Aeq(1h)}$  as per Condition 109].
- [419] The precise extent of that impact is not known but Mr Lloyd’s estimate is reasonable that this is likely to affect 10 properties on or near Sangsters Road.
- [420] There are, however, other factors relevant in the Panel’s assessment on this point:
- (a) Mr Lloyd’s assessment uses only the worst-case scenario that may not materialise for a very long time and therefore not impact the individual landowner who are presently in those properties. The average period of home ownership is about seven years in New Zealand and is slightly longer than the national average in Bunnythorpe according to Ms Austin. If the worst-case predictions do not materialise until 2035 or 2040 the population residing in Sangsters Road will probably be materially different than it is in the present. Many of the people living in Bunnythorpe at that time have chosen to live there with the knowledge of the proposed Freight Hub.
  - (b) There is no evidence there will be a significant reduction in property values from the operation of a Freight Hub facility and there is no

evidence that there will be no market for properties close to the Freight Hub. For example, there has been a successful new residential development adjacent to the Tremaine Avenue facility. Whether the noise levels at Tremaine Avenue are comparable to those projected of the Freight Hub is unknown but the residential property owners must have purchased in that locality anticipating increased noise as rail freight increases.

- (c) Following from (b) above, people appear to have different levels of tolerance to noise and response to it and there is evidence that chosen noise environments are less impactful for some cohorts than those that are imposed.
- (d) A larger buffer area creates management problems. It may also not preclude residential dwelling at a later date. In such cases any impact on residential amenity will be voluntarily accepted and/or may be addressed through future District Plan rules controlling noise insulation. The size of the population affected, conceivably may not change.
- (e) A designation across residential properties will have a significant legal impact on those landowners. They may be forced to sell to KiwiRail. In addition, they cannot alter or change their property without KiwiRail's approval. None of the potentially affected submitters asked for that. What they asked for is the option to sell to KiwiRail. An 'option' however is not one the Panel can require or orchestrate.

[421] Overall the Panel does not consider that an additional 5 dBA or thereabouts above the 60 dB  $L_{Aeq(1h)}$  level for Category B affecting about 10 properties on Sangsters Road in roughly 15 years' time or later is a reasonable basis for recommending the Notice of Requirement be refused. Nor is it a reasonable basis for requiring an extension of the designation area or restricting further the operation of the Freight Hub beyond that imposed by the maximum limit of 65 dB  $L_{Aeq(1h)}$  (Condition 109) at site boundary condition and the Noise Management Boundary condition.

Related Proposed Conditions

[422] The Panel has assessed the Proposed Conditions based on the topic categories addressed above.

Noise from the new perimeter road

[423] That is not managed by conditions and the experts agreed that any treatment of perimeter noise would be a matter of final design, but the Panel has concluded that nothing further is required by way of condition to control that noise.

Construction noise and night-time construction

[424] KiwiRail's Proposed Conditions largely address these to the Panel's satisfaction but the Panel has suggested some improvement in the Noise Management Plan requirements in the Recommended Conditions to address the substance of Mr Lloyd's concerns on this matter.

Special audible characteristics

[425] The Proposed Conditions allow for an assessment of special audible characteristics. KiwiRail proposes an Advice Note that reads:

*"Advice Note: For the purpose of condition 108, sound generating rail activities which are undertaken in accordance with good site management practices, including the sound from container's being picked up and put down, is not classified as having special audible characteristics".*

[426] An Advice Note has an uncertain status in a resource consent. In this case it appears the Advice Note is intended to have regulatory force. The Panel would prefer not to have that Advice Note in its current form but accepts a modified form together with a refinement of the Noise Management Plan to ensure that operational noise potentially causing special audible characteristics is addressed by good management practices.

#### Noise management and a Noise Management Boundary

- [427] The conditions proposed by KiwiRail are considered appropriate by the Panel with changes. These should be hard boundaries as Mr Lloyd requested. Therefore, the *as far as practicable* qualifier in Proposed Condition 109 concerning the Noise Management Boundary should be removed.

#### Noise insulation and the impact on properties close to the Freight Hub

- [428] The Panel considers the conditions proposed by KiwiRail are generally appropriate but the Panel has proposed some minor modifications.

#### Evaluation

- [429] The Recommended Conditions now manage the effects of noise and vibration adequately recognising that this is a substantial project with long term impacts in the vicinity of the Freight Hub.
- [430] Long term operational noise may have been inappropriate if at a scale and degree that made it incompatible with residential amenity for a large numbers of properties. That is not so and there is some inevitability that a project of this size will affect some properties disproportionately. The Panel has considered those matters carefully but consider in the end that the noise and vibration effects are appropriate and will be adequately managed by Proposed Conditions subject to the Panel's modifications.

#### ***Landscape, natural character and visual amenity effects and management***

- [431] There was agreement that the Freight Hub proposal will change an existing generally open pastoral landscape to one more representative of an industrial activity. The land would be recontoured to enable the freight yards and supporting building infrastructure to be constructed. The construction of the Freight Hub would also result in the loss of two tributaries to the Mangaone Stream and potential wetlands within the Site.
- [432] The facilities proposed on the Site are described earlier in this report.
- [433] KiwiRail proposes a series of noise barriers comprising walls, bunds or a mixture of both, to mitigate the impact on visual amenity from surrounding



properties. Mitigation planting is also proposed around the perimeter of the Site and within the Site itself. A naturalised channel is proposed to the north-west of the Site, as are two large stormwater ponds to the west, which would all be planted with river plain and wetland species.

- [434] KiwiRail also proposes a perimeter road footpath and off-road trails to access the stormwater ponds. There are options to integrate with Te Araroa Trail which runs alongside the eastern boundary of the NIMTL.
- [435] Understandably, many submitters were concerned about the adverse effects of the Freight Hub on their visual amenity and the impacts on the rural landscape character of the Site. The Panel heard from many that the rural amenity that they enjoyed, including the vistas across the Site, would be replaced by an industrial outlook.
- [436] The timing of mitigation in the form of the planted noise bunds and mitigation planting areas was also of contention, with submitters being concerned that mitigation planting would not be available until after the NIMTL was relocated to within the Site.

Summary of evidence received

- [437] There was little in the way of dispute between KiwiRail's and Palmerston North City Council's landscape architects that adverse effects on landscape character and visual amenity would be high to moderate-high.
- [438] The Panel did not receive expert evidence from submitters; however, the Panel did receive useful photos and images that have assisted the Panel to understand the submitters' concerns. Simply put, what the Panel received from the submitters affirmed that the outlook, ranging from close to more distant, that many properties have across the Site will change, that some will be significantly affected, and that change would occur over a long period of time as the Freight Hub is developed in stages.
- [439] The expert evidence the Panel received from KiwiRail and the Palmerston North City Council was primarily in respect to the mitigation offered, its timing, location and extent.

[440] The areas of particular contention were:

- (a) Effects on natural character, including the reliance on mitigation planting as a positive effect of the proposal.
- (b) The potential for natural wetlands to exist on the Site given the information gaps in the ecology data.
- (c) The tension between the extent and height of noise barriers required to mitigate aural amenity and the resultant visual amenity effects that may result.
- (d) The need for further visual simulations to inform the detailed design process, including for consultation purposes.
- (e) Whether a Design Framework, as sought by the Palmerston North City Council, was appropriate and necessary, or whether the offered landscape and Design Plan condition was sufficient.

[441] A particular point in contention about natural character was Ms Rimmer's view that the effects would be moderately positive as a result of the mitigation planting around the stormwater ponds, the creation of the naturalised channel and the planting proposed within the designation. This was compared to the existing environment.

[442] Ms Whitby disagreed on the basis that natural character needs to be considered in its RMA context, which is in relation to the existing waterways and wetlands (if any) within the designation extent. In short, her position was that the only resultant waterbodies on the Site would be the naturalised channel and the stormwater ponds, and any planting would not assist in mitigating effects on natural character. She expressed concern whether it would be possible to mitigate for the loss of natural character on the Site, while recognising it would be addressed at regional consenting stage.

[443] Concerning the visual amenity effects, the AEE had been accompanied by a series of context photographs. While these were helpful for exactly that purpose, providing context, they did not demonstrate the level of change

proposed. A series of draft and indicative cross-sections proved more useful. Following the Panel's site visit and desire to understand the proposed resultant visual changes along Sangsters Road, Ms Rimmer, at the Panel's request, produced a visual simulation taken from 11 Sangsters Road [Tab No. 12]. This helpfully showed the existing situation and then simulations of the noise mitigation wall and planted embankment at 2 – 3 years, then after five years.

- [444] For the most part, Ms Rimmer considered that there would be no more than low-moderate adverse visual effects, due to the location of larger structures to the south and the significant areas of planting proposed. However, she identified that there are a number of residential properties with potential residual high adverse visual amenity effects, being properties with close open views towards the Freight Hub, and where noise mitigation structures are proposed in close proximity. She described how further investigations would be required at the next stages to determine whether these effects can or need to be reduced further. Ms Bell was of the view that it was not appropriate to set out roads or properties where further work was required to be undertaken, but that this rather occur through the detailed design phase.
- [445] Ms Whitby agreed that the visual simulation along Sangsters Road had been helpful, and that further work was necessary, including more visual simulations. She agreed with submitters that their expansive rural views would be changed, with the noise mitigation structures contributing to the reduction in the experience of expansiveness.
- [446] In terms of impacts on the urban landscape, Ms Rimmer identified these as being low-moderate adverse, noting the different scale and character to the surrounding environment. She described how the location of larger structures within the NEIZ zoned southern portion of the Site mitigated some of these effects. Positive effects were anticipated from the proposed footpath and off-road tracks, along with the opportunity for a look out from Te Araroa Trail. Mitigation planting would also improve the gateway experience into Bunnythorpe.

[447] The Panel was reminded by Ms Arthur-Young in closing legal submissions of the Environment Court's key principles for visual effects assessment; in particular:

- (a) That there is no right to a view, although the Panel must have particular regard to the maintenance and enhancement of amenity values.
- (b) A landowner can use their land as they see fit, provided it is lawful. Lawful activities can change views.
- (c) The significance of a landscape may require input from locals, as well as from experts.

[448] Ms Bell was of the view that the comprehensive and integrated landscape planting package being implemented over a large area would provide for a more integrated landscape than would occur through smaller scale, piecemeal development, a benefit of the proposal.

[449] The Panel addresses the evidence in respect of wetlands under the ecological effects assessment.

[450] Apart from the impact on natural character, the main area where the Panel heard the most evidence was in respect to whether the Council's recommended Design Framework was necessary. The Palmerston North City Council's concept is articulated in Ms Copplestone's evidence as an overarching framework that would address the range of external effects generated by the Freight Hub, so that the final design is cognisant of the complex interplay between the different mitigations required for noise, lighting, dust, traffic, cultural and visual effects. That would be informed by the community and mana whenua, who have expressed a desire to have their say in the mitigation package. She was of the view that while some of the mitigation would clearly fall within the KiwiRail proposed landscape and design plan, not all would. Ms Copplestone sought that such a document sat above other management plans in a project implementation hierarchy so that it would be developed first, then inform all other management plans.

- [451] Ms Copplesstone further described it as a compendium, and intermediate document, which would not be certified. Instead, it would be required to be provided to the Palmerston North City Council in advance of detailed design commencing. Ms Whitby and Ms Linzey supported the concept and considered the overarching design principles and outcome would shape the project in its entirety. Ms Whitby did not share Ms Rimmer's view that the North East Industrial Design Guide provides a sufficient Design Framework for the Freight Hub.
- [452] Ms Rimmer was of the view that a bespoke Design Framework was not necessary and considered that the North East Industrial Design Guide was sufficient. However, she did agree that design principles and outcomes to inform the Freight Hub design should be prepared, using these as a base. The Landscape and Design Plan would incorporate these, and input would be provided by way of the Community Liaison Forum and the Mana Whenua Engagement Framework.
- [453] Ms Bell agreed on the development of principles and outcomes for the design of the Freight Hub, which should be based on the North East Industrial Design Guide. She did not think the outcomes should be agreed now and should be informed through the Landscape and Design Plan process.
- [454] The planning, landscape and social impact experts usefully conferenced on this matter, producing a joint witness statement. From the Panel's perspective, the main areas of difference were:
- (a) Whether a separate framework was necessary.
  - (b) The Palmerston North City Council experts preferred a hierarchical relationship; while the KiwiRail experts considered a horizontal approach was preferable.
  - (c) The KiwiRail experts consider that a number of the matters are already covered by the Landscape and Design Plan and that an additional document has greater potential to miss the consideration of important constraints and opportunities.

[455] Otherwise, there was general agreement on other matters, including:

- (a) The need for the design principles and outcomes being established early in the process.
- (b) The community being able to input into the development of principles and the intent of the design process, but not on operational requirements.
- (c) The document should be able to be updated and the process should be certified, but not the content.

*Analysis of material received*

[456] In terms of natural character, from the evidence before the Panel and the Panel's observations during the Site visit and noting the lack of a full ecological assessment of the Site, there are likely to be only small pockets within the site that could be described as having natural character. This is largely due to the now pastoral nature of the Site, with little native vegetation and generally unvegetated modified watercourses.

[457] The Panel prefers Ms Whitby's position that the mitigation provided by the naturalised channel, stormwater pond planting and landscape planting elsewhere on the Site cannot be considered as resulting in positive effects on natural character. Rather, the Panel treats them as Ms Whitby has, as overall mitigation for the development of the Site. However, Commissioner Maassen considered that Ms Rimmer's fundamental point was valid. He considered that on reasonable ecosystem abundance and diversity metrics, the overall outcome could be biologically positive. In the case of planting in and around the stormwater ponds, this would need to be carefully planned to ensure that it did not compromise the fundamental purpose of the ponds. The Panel is also cognisant that regional consenting processes will more thoroughly evaluate the necessary culverting of streams and potential loss of wetlands, including whether any offsetting or compensation is necessary. The Panel is also aware that there is the potential for changes to be required as a result. The RMA provides for changes to occur.

- [458] The Panel accepts both landscape experts' evidence on the extent of landscape character and visual amenity effects arising from the development of the Site. The Freight Hub would result in a permanent change to the existing character of the Site, both within the Site and as it is viewed externally. The proposed mitigation planting and design treatments will act to reduce the extent of effect, compared to if no mitigation was proposed. The question before the Panel in this regard is then is the extent of adverse landscape character and visual amenity effects such that it is unacceptable, after the mitigation offered is considered.
- [459] There is no doubt that the construction and development of the Freight Hub will have adverse effects on visual amenity for surrounding properties, with some properties being more significantly affected than others. That is why in the Panel's view it is important that the conditions ensure that noise mitigation structures are both designed and located to reduce the aural amenity effects of the Freight Hub, while not resulting in adverse visual amenity effects in their own right. Similarly, there will be a balance required between the construction and operational lighting requirements of the Freight Hub and their visual impact beyond the Site. The Panel is satisfied that the conditions will ensure that this occurs through the Outline Plan and Management Plan process and that there are appropriate opportunities for input from the community and mana whenua. At the end, however, there are some properties that are likely to experience residual adverse visual amenity effects.
- [460] The Panel also accepts the Palmerston North City Council and KiwiRail experts' position on the benefits of developing design principles and design outcomes at an early stage, with community and mana whenua input. The Panel's position is that this is an important element to ensuring an integrated approach is taken to the overall construction, design and development of the Freight Hub.
- [461] The Panel carefully considered the arguments presented by the Palmerston North City Council of the benefits of the requirement for a Design Framework as a hierarchical document informing the outline and management plans, and by KiwiRail for the principles and outcomes to be

part of the Landscape and Design Plan. The Panel preferred the Palmerston North City Council's position that this should be developed following the Mana Whenua Partnership Framework, which the Panel addresses elsewhere in this report, and before the subsequent outline and management plans. The Panel also preferred the Palmerston North City Council's position that the Management Plans would only need to set out how they adhered to or gave effect to the Design Framework to the extent relevant. The Panel were also more persuaded by Ms Copplestone of the advantages that an equivalent document had in the implementation and construction of Te Ahu a Turanga, in terms of ensuring integration between management plans and avoiding inconsistencies arising. In the Panel's view, a project of this complexity with externalities that require careful design mitigation deserves maximum certainty of an integrated approach. Ultimately, KiwiRail agreed to the need for the design principles and design outcomes, and the Design Framework would still provide for this.

#### Related Proposed Conditions

- [462] KiwiRail's Proposed Conditions relating to the development and provision of a Landscape and Design Plan (LDP) [Proposed Conditions 55 *et seq*]. There would be opportunities for mana whenua and Community Liaison Forum input into its development. It would be required to incorporate design principles and outcomes and provide for both KiwiRail's operational requirements and other plans required under the designation. It would be prepared by a suitably qualified and experienced person, in consultation with other relevant qualified persons, without stipulating who those were. The LDP must include a range of matters relating to planting, the design and appearance of buildings, the integration of roads and walkways into the character of the surrounding area, minimising lighting effects and the noise mitigation structures.



[463] The Palmerston North City Council also recommended a similar condition, with some differences. In both cases, the LDP would be submitted with the first outline plan. The areas where there were differences are:

- (a) KiwiRail proposed that the LDP incorporate the design principles and outcomes that the Palmerston North City Council sought be included in a separate Design Framework.
- (b) Palmerston North City Council sought that it include a description of design measures and set out how it implements the Design Framework's principles and outcomes.
- (c) KiwiRail proposed to only provide details for the final form, finish and planting of noise mitigation structures along Sangsters Road and Maple Street.
- (d) Palmerston North City Council sought that landscaping, visual amenity planting and fencing be maintained to a high standard at all times.

[464] Both the Palmerston North City Council and KiwiRail agreed on a condition setting out the requirements for the planting, such as canopy cover and height.

[465] As set out earlier, the Palmerston North City Council also proposed conditions 32A to 32I requiring the early preparation of a Design Framework, before detailed design and before the preparation of management plans. Any management plan would be required to demonstrate how the Design Frameworks' principles and outcomes had been adhered to, to the extent relevant to the management plan. The conditions include baseline matters to be addressed through design principles and design outcome opportunities to be identified. The Design Framework would need to be provided to the Palmerston North City Council at least 10 working days before detailed design stage commenced.

[466] As outlined earlier, the Panel prefers the Palmerston North City Council's Recommended Conditions on landscape, visual amenity and natural

character matters, including the requirement for a Design Framework as a preliminary document to inform subsequent outline and management plans. The Panel's Recommended Conditions in [Appendix 1](#) reflect that preference.

### *Evaluation*

- [467] The conditions now manage landscape, visual amenity and natural character effects adequately, recognising that these effects will change over time and that there is still work that will be done as part of the detailed design, management plan and outline plan stages to refine the mitigation.
- [468] The Panel recognises that there are some properties that will be disproportionately affected by change to the existing environment as a result of the Freight Hub. The Panel considered these effects carefully and the extent to which they could be addressed through the Proposed Conditions. The Panel considers that the effects are appropriate considering the purpose of the designation and will be able to be adequately managed, subject to the Panel's modifications. The inclusion of the Design Framework will also provide a key means for those affected to be able to input into the design principles to inform the Freight Hub's detailed design.

### ***Transportation effects and management***

- [469] The proposed Freight Hub will require the closure of Railway Road from Roberts Line to 50 metres south of Maple Street in Bunnythorpe. KiwiRail proposes to replace this with a new perimeter road to the west of the Freight Hub. This will provide three points of access to the Freight Hub, with primary access being via a new roundabout intersection at Roberts Line/Richardsons Line/Perimeter Road. A secondary access will be located on the new perimeter road at a point approximately 430 metres from the existing Clevely Line/Roberts Line intersection. The final access is proposed to be approximately 140 metres north of Te Ngaio Road and 160 metres east of Maple Street.
- [470] The new perimeter road will include off-road walking and cycling facilities.

- [471] Current plans show approximately 50 metres between the main site access roundabout and an internal rail line.<sup>67</sup> This is sufficient space for two heavy commercial vehicles (“HCVs”) to wait.<sup>68</sup> The Notice of Requirement includes land from the Foodstuffs site on Roberts Line to enable the construction of the new intersection.
- [472] Other roads that will need to be closed to accommodate the Freight Hub include:
- (a) Te Ngaio Road eastwards from approximately 180 metres east of Maple Street;
  - (b) Clevely Line northwards from approximately 400 metres north of Roberts Line; and
  - (c) Richardsons Line northwards from Roberts Line.
- [473] Many submitters expressed concerns around the increase in traffic that would arise as a result of the Freight Hub and the effect this would have on travel times and road safety. There were also concerns about how walking and cycling will be impacted, how the Freight Hub will integrate with, and may affect, future road and cycle route projects and how individual property access may be affected.
- [474] The Panel notes that between the submission of the Notice of Requirement and the hearing, incidents at the level crossings on Roberts Line and Clevely Line have prompted Palmerston North City Council to seek their closure outside of the Notice of Requirement process. Any matters pertaining to this raised either in evidence or during the hearing have therefore been set aside. Any matter raised in relation to other level crossings, specifically at Campbell Road/Kairanga-Bunnythorpe Road, Waughs Road/Campbell Road, near Aorangi Marae and Taonui School or on Campbell Road south of Fielding remain relevant.

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<sup>67</sup> Ms Fraser SOE paragraph 14.

<sup>68</sup> Mr Georgeson response to question from Commissioner Makinson.

[475] Matters relating to noise or air quality effects arising from traffic are addressed in other sections.

Summary of evidence received

[476] The road network surrounding the proposed Freight Hub is described by Mr Georgeson in section 5 of his Evidence in Chief.

[477] According to Mr Georgeson, the Freight Hub is expected to generate some 5,800 vehicles per day (“vpd”) during the initial stages of operation to 2031 and some 12,000 vpd at full build out at 2051.<sup>69</sup> This is a localised traffic effect and does not take into account the potential ability for the Freight Hub to remove long distance freight from road to rail. This is considered from an economic perspective by Mr Colegrave and Mr Paling. Ms Fraser agreed that transferring freight from road to rail is likely to have “*a range of positive effects for the transport system and environment*”.<sup>70</sup>

[478] Mr Georgeson assessed the effect of this traffic on the capacity of the existing road network using the Palmerston North Area Transport Model (“PNATM”), for assessment scenarios both with and without the Freight Hub at 2031 and 2041/51. The PNATM road layout was amended following agreement with Palmerston North City Council in relation to the status of Flyers Line and the use of Richardsons Line by light vehicles only. Mr Georgeson also allowed for a range of other planned road upgrades.<sup>71</sup> The modelling identified that existing areas of congestion and poor network performance such as Tremaine Avenue and Waughs Road will continue to perform poorly in future with or without the Freight Hub in place.<sup>72</sup> Some rural roads may see a small increase in traffic, with Stony Creek Road potentially experiencing an increase of 1,200 vpd by 2051.<sup>73</sup>

[479] Ms Fraser generally supports use of PNATM as an appropriate tool, however she raised some concerns around the accuracy of its outputs and

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<sup>69</sup> Mr Georgeson SOE Table 2.

<sup>70</sup> Ms Fraser SOE paragraph 211.

<sup>71</sup> Mr Georgeson SOE paragraph 5.28 and Figure 4.

<sup>72</sup> Mr Georgeson SOE paragraphs 7.15-7.16.

<sup>73</sup> Mr Georgeson SOE paragraphs 9.10-9.12.

considers that it may be underreporting future traffic effects.<sup>74</sup> Ms Fraser also considered that the traffic assessment methodology was limited by its consideration of full build out of development within the NEIZ as a permitted baseline. She based this opinion on the activity status for development within the NEIZ generally being restricted or full discretionary and the likelihood that any future development within the NEIZ would potentially be required to provide traffic mitigations<sup>75</sup>. She also raised concerns around the lack of sensitivity testing to allow for the PNITI.

- [480] Mr Georgeson noted that the PNITI was not included in the modelling due to lack of certainty over delivery timeframes.<sup>76</sup> He proposed that a Road Network Integration Plan (“RNIP”) be developed with relevant stakeholders to ensure that the delivery of PNITI is not adversely affected by the proposed Freight Hub and associated road upgrades. Ms Fraser, despite the concerns she raised, agreed that this was an appropriate tool to ensure that the Freight Hub does not preclude the delivery of PNITI (and vice versa) and that an integrated road network can be delivered.
- [481] Mr Georgeson stated that travel time increases between key origins and destinations, are expected to be around two minutes.<sup>77</sup> Travel time increases between Fielding and Palmerston North are not expected as a result of the Freight Hub.
- [482] The Panel heard from Ms Downs on behalf of Waka Kotahi. She confirmed Waka Kotahi’s general support for the Freight Hub, subject to suitable conditions being imposed. Ms Downs provided an overview of Waka Kotahi policy and context around PNITI. She also confirmed the need for integration between PNITI and the Freight Hub and confirmed Waka Kotahi’s willingness to collaborate with KiwiRail on that matter.
- [483] The Panel also heard from Horizons Regional Council, although no formal evidence was tabled. Mr Shirley expressed the view that there was

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<sup>74</sup> Ms Fraser SOE paragraph 3.

<sup>75</sup> Ms Fraser SOE paragraph 2.

<sup>76</sup> Mr Georgeson SOE paragraphs 5.31-5.32.

<sup>77</sup> Mr Georgeson SOE paragraph 7.21.

alignment between the Freight Hub and transport policies within the Regional Land Transport Plan, particularly around PNITI and general connectivity objectives. He echoed Ms Downs' opinion on the importance of integrating the proposed Freight Hub roading with PNITI through proactive co-operation between the relevant agencies.

- [484] Mr Michael Nixon presented evidence in relation to concerns by Foodstuffs as to how road access to their site on Roberts Line may be adversely affected in terms of both increased traffic demand on Roberts Line and its future physical layout, including the new roundabout access to the Freight Hub as proposed by KiwiRail. Mr Georgeson provided rebuttal evidence and concluded that safe and efficient access to the Foodstuffs site can be maintained subject to upgrades to Roberts Line. Mr Georgeson also acknowledged that the proposed new roundabout at Roberts Line/Richardsons Line represents a concept only and that future detailed design may identify options which allow for avoiding land take from Foodstuffs. This has yet to be investigated by KiwiRail.
- [485] As a result of the modelling, and consideration of road safety effects, including within and around Bunnythorpe, KiwiRail proposes to contribute to an upgrade of the Campbell Road/Kairanga-Bunnythorpe Road/Railway Road/level crossing node, and to provide safety improvements along Roberts Line from Railway Road to Richardsons Line to ensure safe access to the Foodstuffs distribution centre is provided.
- [486] Mr Georgeson did not consider construction traffic and potential associated effects. Instead, he relies entirely on conditions to require a Construction Traffic Management Plan ("CTMP") to be prepared to assess the construction traffic effects of different elements of construction activities over time.<sup>78</sup> Ms Fraser generally supports this approach and recommends that additional matters to those set out by Mr Georgeson should be included within a CTMP condition

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<sup>78</sup> Mr Georgeson SOE paragraph 10.14 - 10.17.

- [487] Following submissions and a request from Ms Fraser, Mr Georgeson confirmed that there is no intention to use the paper road between 9 and 9A Maple Street for construction access, this being of significant concern to Mr and Mrs Woodfield<sup>79</sup> who live adjacent.
- [488] The Panel heard from Mr van Bentum concerning the potential effects of construction traffic on the Palmerston North City Council roading asset and the need for this to be mitigated by KiwiRail. Mr van Bentum also stated that Palmerston North City Council does not support the long term use of the northern end of the Perimeter Road and Bunnythorpe as an appropriate route from access the Freight Hub and would prefer to see Te Ngaio Road used in future. The Panel understands that this comment relates to the PNITI and Bunnythorpe southern bypass and is a matter to be addressed through the RNIP.

*Analysis of material received*

- [489] The transportation witnesses did not prepare an agreed statement, however, there does not appear to be any suggestion from Ms Fraser or Mr Michael Nixon that the traffic and transportation effects of the Freight Hub cannot be mitigated.
- [490] The areas of difference on traffic matters relate to the extent of mitigation required and how this is to be achieved. This is highlighted through the Proposed Conditions, particularly Condition 49. There is also a difference of opinion around how to identify and mitigate the effects of construction traffic on the fabric of the road network. Palmerston North City Council is proposing baseline and post construction condition surveys of the road network be carried out to identify effects and therefore the extent of appropriate mitigation. KiwiRail disputes this approach on the grounds that other traffic will be using the road network during construction and that they would then be liable for pavement degradation caused by all traffic, not just construction traffic.

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<sup>79</sup> Submission 6.

[491] The remaining area of difference between Mr Michael Nixon and Mr Georgeson relates to the design of the proposed Freight Hub primary access roundabout and general effects on access to the Foodstuffs site due to increases in traffic on Roberts Line.

*Related Proposed Conditions*

[492] KiwiRail's Proposed Conditions include level crossing safety impact assessments, the RNIP, road connections and upgrades, construction traffic, and an operational traffic management plan. There was agreement between KiwiRail and Palmerston North City Council, or minor differences of opinion in relation to wording, for the majority of the proposed conditions, noting the areas of remaining disagreement. The Panel considers that these conditions cover the relevant matters, subject to some matters of detail.

[493] The Panel notes that there is a significant area of disagreement between KiwiRail and Palmerston North City Council in relation to Proposed Condition 49 and the extent of road network mitigations which should be the responsibility of the requiring authority and covered within the RNIP.

[494] Palmerston North City Council proposed the inclusion of additional road network upgrades<sup>80</sup>, which the Panel has considered as follows:

- Upgrades to Roberts Line from Railway Road to Richardsons Line are clearly identified as a direct response to effects of the proposed Freight Hub as identified by Mr Georgeson. Palmerston North City Council has responded to concerns raised by submitters in relation to the condition and safety of Roberts Line from Perimeter Road to Kairanga-Bunnythorpe Road. The modelling information presented by Mr Georgeson<sup>81</sup> suggests that traffic can be expected to increase on this section of Roberts Line by some 400vpd - 500vpd by full build out of the Freight Hub. The Panel considers that this is not a sufficient increase to absolutely require upgrades,

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<sup>80</sup> Condition 50 of Appendix B Condition Comparison Table dated 13 October 2022.

<sup>81</sup> Mr Georgeson s 92 response select link analysis.



but that the potential effects of this traffic and whether upgrades are needed should be considered as part of the RNIP.

- The need to upgrade Railway Road from Roberts Line to Airport Drive is related to the permitted baseline argument for development within the NEIZ. Given the activity status of future development within the NEIZ and the potential for such development to provide road network mitigation, the Panel considers that the inclusion of this is appropriate as the proposed Freight Hub would be developed partially within the NEIZ.
- The Kairanga-Bunnythorpe Road intersections with Railway Road and Campbell Road are identified as requiring upgrades in future, with the proposed Freight Hub exacerbating poor conditions in these locations. The Panel considers these upgrades to be a shared responsibility between Palmerston North City Council and KiwiRail as identified by Mr Georgeson.
- The concept plans of the Freight Hub show the perimeter road tying into the existing alignment of Railway Road in the immediate vicinity of Maple Street. The Panel therefore considers it appropriate that KiwiRail should consider how this intersection layout is affected by the change to the road network and whether alterations to its layout are appropriate.
- Mr van Bentum's evidence is that Railway Road between Maple Street and Kairanga-Bunnythorpe Road is not the Palmerston North City Council preferred route for Freight Hub traffic in the long term. Whilst traffic effects on this part of Railway Road need to be considered, the Panel considers that there is a degree of uncertainty in relation to future PNITI projects such that the need for upgrades is not confirmed.
- Freight Hub traffic effects on Campbell Road itself are also likely to be subject to the comparative timing of this and PNITI projects and is also not a 'given' at this time.

- The SH54/Waugh's Road intersection upgrade has been identified as a Palmerston North City Council/Waka Kotahi project<sup>82</sup> and in the Panel's view should not be listed as a required consideration within the RNIP.
- Mr Georgeson has identified a significant increase in traffic on Stoney Creek Road as a direct result of the Freight Hub, but also as a result of closure of the Roberts Line level crossing. The Panel considers any upgrades required to be a shared responsibility between Palmerston North City Council and KiwiRail.

[495] Proposed Condition 47 sets out the RNIP's objective as being "*to ensure that the roading network for the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network...*". To achieve this, Proposed Condition 49 requires information on "*the location, timing, form and design of any changes and upgrades required to intersections and roads for construction and operation of the Freight Hub to be delivered by the Requiring Authority including ...*" with reference being made to a list of specific roads and intersections. The implication is that the list identifies required infrastructure changes, however, from the evidence presented and discussions with experts during the hearing, the Panel has concluded that a less absolute outcome was intended for some elements. As such, the Panel recommends that upgrades to Roberts Line from the perimeter road to Kairanga Bunnythorpe Road, upgrades of Railway Road from Roberts Line to Airport Drive, upgrades to the Kairanga-Bunnythorpe Road intersections with Railway Road and Campbell Road, upgrades to Railway Road between Maple Street and Kairanga-Bunnythorpe Road, upgrades to Campbell Road, and upgrades to Stoney Creek Road) be covered by a new clause in Proposed Condition 49 requiring consideration of whether works are necessary either in part or in full as a response to the Freight Hub. The Panel considers that the upgrade of the SH54/Waugh's Road intersection is not required to mitigate the traffic effects of the Freight Hub and is therefore not the responsibility of KiwiRail. However, the Panel agrees with Palmerston North City Council

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<sup>82</sup> Mr Georgeson SOE paragraph 8.2.

that new Maple Street intersection with the perimeter road/Railway Road realignment sits firmly with KiwiRail.

[496] Concerning construction traffic, the Panel considers that given the evidence of Mr Skelton and the expected 1.55 million cubic meters of fill material to be imported to site, some assessment of construction traffic effects is possible and could have been undertaken. This would give submitters and the local community more certainty on the volume of traffic they might expect during the major earthworks and site establishment stages, along with potential durations, particularly in the context of the expected long terms traffic demands associated with the operation of the Freight Hub. The Panel in no way expects the source of fill material to be known at this stage, however, this does not preclude a high level consideration of a general quantum of effects on the more key routes from north, south east and west being considered. However, the Panel also accepts that the CTMP Proposed Conditions 78 to 85 are a common and appropriate mechanism to address this matter.

[497] Through discussion and closing, while Ms Arthur-Young did not dispute the principle of needing to mitigate construction traffic effects, she but did not agree with the mechanism proposed by Palmerston North City Council in their proposed condition 65, 67A and 67B requiring pre and post construction condition surveys of the road network and the on-going monitoring of the road condition during construction activities. In Ms Arthur-Young's view, KiwiRail is not averse to mitigating their effects, but the Palmerston North City Council approach would be overly onerous and would lead to KiwiRail taking on the maintenance function of the road controlling authority and having to make good road defects caused by non-construction related traffic. While the Panel understands this position, KiwiRail has not proposed an alternative in the proposed conditions. In the absence of an alternative, the Panel prefers the Palmerston North City Council position in relation to how construction traffic effects on the fabric of the road network should be monitored and mitigated and has included these provisions within the Recommended Conditions.

### Evaluation

- [498] The Panel concludes that subject to the above recommendations, the RNIP provides a suitable framework to support a co-ordinated delivery of future road network upgrades resulting from the Freight Hub and PNITI. While inclusion of PNITI in the traffic modelling for the Freight Hub would have provided a useful sensitivity test and a more robust assessment of effects overall, the Panel considers that there is suitable confidence from Ms Fraser, through discussion with Commissioner Makinson, and Ms Downs that the RNIP will ensure future integration of PNITI with the Freight Hub, that there is unlikely to be a significant increase in traffic arising from PNITI itself and as such, the lack of consideration at this stage is not material.
- [499] In reaching this position, the Panel has considered the Basin Bridge situation as raised by Ms Tancock in relation to whether the stated benefits deriving from the Freight Hub project are dependent on the delivery of PNITI. While the Panel acknowledges that PNITI would most likely be advantageous to the Freight Hub and has the potential to enhance its potential positive transport outcomes, the exclusion of PNITI from the assessment of traffic effects both on the local road network and also from the wider network effects assessed through the economic evidence of Mr Colegrave and Mr Paling, clearly precludes a 'Basin Bridge' situation from occurring.
- [500] The Panel is satisfied that subject to the conditions in Appendix 1, the transportation effects of the Freight Hub can suitably mitigate.

### ***Ecological effects and management***

- [501] The Panel has set out earlier in this report that the maintenance of indigenous biological diversity is a function of the Horizons Regional Council, as set out in the Regional Policy Statement. While this is the case, the Panel has carefully considered the evidence presented to it, which it addresses in this section of the report.
- [502] The site is currently comprised primarily of pasture grasses with some small areas of exotic vegetation. There was no dispute that the Freight Hub

would impact on terrestrial ecology on the Site, as wholesale clearance would be required.

- [503] Concerns were raised that there are potential effects on fauna that had not been assessed and that there could be effects on what fauna there is during operation of the proposed Freight Hub. Whether there were natural wetlands on the Site, as identified under the RMA, those identified by virtue of the National Policy Statement for Freshwater Management and the One Plan were also of contention.
- [504] There are two tributaries of the Mangaone Stream that traverse the Site, which would be culverted to enable the construction of the Freight Hub. There were concerns about impacts on aquatic fauna from discharges of sediment into waterbodies during construction and the removal of aquatic habitats resulting from the culverting. There was also uncertainty raised as to whether the proposed culverts underneath the Site would provide for feasible fish passage.
- [505] Particular concerns were raised about the impact on taonga species, in particular the impact on tuna<sup>83</sup> habitats.

Summary of evidence received

- [506] Mr Garrett-Walker's evidence for KiwiRail was that the Freight Hub would have a very low level of ecological effects, primarily due to the absence of highly or moderately valued ecological components within the Site or receiving environments. While he had not identified any natural wetlands on those parts of the Site he had accessed, he was of the view that should any small natural wetlands be discovered, they would likely be largely exotic and able to be offset so there was no local loss of extent or value.
- [507] Mr Garrett-Walker concluded that there would not be any permanent adverse effects on ecological values if the effects are managed appropriately. He was also of the view that the stormwater ponds and naturalised channel presented opportunities to increase habitat and ecosystem provisions.

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<sup>83</sup> Eels.

- [508] Concerning fish passage, Mr Garrett-Walker expressed his view that the culverts could have a positive effect on fish passage if installed according to the NIWA's fish passage guidelines. The gradient and size would provide access for the species for which passage was required. The darkness of the culvert would not be an issue because the species are generally nocturnal. He considered that fish passage is currently unfavourable through the Site due to stock access, poor riparian conditions, isolated drying and raised temperatures.
- [509] Ms Quinn for the Palmerston North City Council agreed that the Site is degraded and typical of land that has been used for agricultural purposes in the long term. From a "10,000 feet" view, she considered that site is not inappropriate from an ecological perspective. However, she remained concerned that a more detailed evaluation had not occurred and that the conclusions reached by Mr Garrett-Walker regarding wetlands and ecological features could not be supported. In her view, some of the wetlands on the Site would meet the wetlands definitions in the RMA and the National Policy Statement for Freshwater Management and may be subject to Schedule F of the One Plan.
- [510] Ms Quinn remained concerned that KiwiRail would likely face challenges during regional consent processes that would have implications for the Freight Hub proposal, including the potential need for offsetting and compensation being required outside of the designation. She was also concerned that KiwiRail would proceed to a detailed design without having a full understanding of the ecological values of the Site. In her view, having better information available would assist KiwiRail in advance of regional consenting and provide more time for the full extent of ecological effects to be quantified and investigated.
- [511] Concerning stormwater ponds and naturalised channels, Ms Quinn considered that there are limits to the values that are likely to be realised from the naturalised channel, and the treatment wetlands are for that specific purpose.

- [512] Mr Arsenau and Ms Baugham for KiwiRail provided evidence which addressed concerns raised about the ecological potential of the proposed stormwater treatment wetlands and the practicality of constructing culverts that would allow for fish passage.
- [513] Concerning ecological potential, Mr Arsenau and Ms Baugham advised that stormwater treatment wetlands do not provide the same suite of functions and benefits that natural wetlands do. In short, any aquatic organisms present in a treatment wetland would be frequently disrupted by water level fluctuation, limiting ecological value. They are also purpose-built to clean contaminated runoff, serving as a large filter to trap contaminants. Accordingly, the removal of trapped contaminants requires extensive disturbance of wetland soils and plants.
- [514] In terms of the fish passage, they raised concern about the need for an appropriate design or mitigation for the interior of the culvert, which could impact on fish behaviour and the need for ongoing maintenance.
- [515] Mr Copplestone for the Palmerston North City Council recognised the Regional Council's primary role in relation to terrestrial indigenous biodiversity but was of the understanding that territorial authorities still have a function to provide for amenity values, cultural values and the intrinsic values of ecosystems under Policy 6-1(b)-(c) of the One Plan and Part 2 of the RMA.
- [516] As the Panel addressed earlier, it was KiwiRail's position, as expressed by Ms Bell and Ms Arthur-Young, that the Regional Council has the primary responsibility for maintaining indigenous biodiversity, as set out in Policy 6-1(a) of the One Plan. This was accepted by the Palmerston North City Council; however, KiwiRail remained concerned that the Palmerston North City Council had proposed a condition requiring extensive ecological surveys to be undertaken, and that this delved into matters that would be addressed through regional consenting.
- [517] The Panel also heard from the Regional Council but received no expert evidence from them. The Regional Council witnesses confirmed that

terrestrial and aquatic biodiversity are all regional council functions and that these would be addressed through any necessary regional resource consents. They confirmed that there would need to be more biodiversity assessment undertaken.

*Analysis of material received*

- [518] By the conclusion of the hearing, it was apparent that the Palmerston North City Council remained concerned that KiwiRail had not undertaken a full enough assessment of the impact on ecological values, that would have implications for regional consenting, including the extent of offsetting and compensation that may be required. This then may result in changes to the designation being required, after KiwiRail had already carried out detailed design.
- [519] The Panel understands the Palmerston North City Council's concerns that the lack of a detailed ecological assessment of the Site may mean that KiwiRail undertakes detailed design without the benefit of this information and then faces difficulties at the regional consenting stage that may necessitate changes to the Freight Hub proposal.
- [520] The Panel has already concluded that the maintenance of indigenous biological diversity is a regional council responsibility and not one that the Panel needs to recommend conditions on.
- [521] In the Panel's view, that KiwiRail has chosen not to seek regional consents concurrently with this Notice of Requirement is their risk to take. That Palmerston North City Council has concerns about the implications of this and seek that ecological effects are addressed through the Notice of Requirement does not override this. To that end, the Panel does not support Palmerston North City Council's recommended ecological assessment condition being included in the condition suite and are confident that KiwiRail will undertake this irrespectively in the next steps of its process.



*Related Proposed Conditions*

- [522] While the Palmerston North City Council's section 42A report included conditions requiring an assessment of ecological values and the preparation of an ecological management plan prior to work commencing on the Site, by the conclusion of the hearing the Palmerston North City Council had reduced this to the assessment of ecological values only. Ms Copplestone's recommended Condition 99A would address terrestrial, freshwater and wetland habitats of the designation, including their amenity and cultural values.
- [523] KiwiRail did not propose any standalone conditions regarding ecological values. However, for the record The Panel notes that the proposed Landscape and Design Management Plan, while not specifically including reference to an ecologist, would require input from ecological experts to achieve its outcomes.

*Evaluation*

- [524] In coming to this position, it is not that the Panel considers that there will be no ecological effects or that these are acceptable. Rather, the Panel is confident that any ecological effects and their acceptability will be addressed at the regional consenting stage. Should there be changes required to the designation as a result, the RMA specifically allows for this to occur through a defined process.

***Freshwater effects and management***

- [525] The Panel has set out earlier in this report that freshwater effects are a function of the Horizons Regional Council and will be addressed through future regional consents and consents under the National Environmental Standard on Freshwater. While this is the case, the Panel has carefully considered the evidence presented to it, which it addresses in this section of the report.
- [526] The development of the Site would result in the loss of the two tributary systems of the Mangaone Stream catchment which pass through the

designation and potentially wetlands present on the Site. KiwiRail's proposal includes creating new stormwater ponds, a "naturalised" channel and culverting streams that would run underneath the Freight Hub.

[527] Submitters were concerned about potential adverse effects on groundwater and surface-water contamination, resulting from run-off from the Freight Hub. There was concern about potential impacts on private bores and the community water supply (via the Council's water bore).

[528] Iwi submitters were particularly concerned that Te Mana o te Wai would not be upheld due the extensive modification to the local catchment and the removal of some waterbodies.

[529] Stormwater management is addressed elsewhere in this report.

*Summary of evidence received*

[530] The Panel has already addressed in the ecological assessment that there was dispute over the presence of wetlands on the Site. The Panel is satisfied that this is a matter that will be addressed through regional consenting and do not address it further.

[531] The Panel did not receive expert evidence from any hydrologists. Evidence regarding stormwater management is addressed elsewhere in this report.

[532] In their section 42A report for the Palmerston North City Council, Ms Copplestone and Mr Percy addressed Policy 5-6 of the One Plan, which states that discharges and land use activities must be managed in a way which maintains existing groundwater quality. They noted that KiwiRail had not provided an assessment of potential risks to groundwater and that the Notice of Requirement had not identified whether any regional consents were required. In response to a s92 request, KiwiRail confirmed that they may need to obtain consents for discharge of contaminants should compliance not be achieved with Rule 14-28 of the One Plan. Ms Copplestone and Mr Percy concluded that they did not have certainty of the scale of groundwater contamination effects or the effectiveness of

any mitigation; while noting that effects on groundwater would be addressed through regional consenting process.

- [533] During the hearing, both the Palmerston North City Council and KiwiRail agreed that the Regional Council has the primary responsibility in relation to the management of freshwater. The Regional Council also confirmed this. However, Ms Copplesstone remained concerned that the National Policy Statement for Freshwater Management places much greater emphasis on integrated planning for freshwater outcomes between regional council and territorial authorities, and that the management of the effects of the use and development of land falls within the remit of the Palmerston North City Council.

*Analysis of material received*

- [534] The Panel's position in respect to freshwater are not different to those on ecology. The matters raised by submitters and the Palmerston North City Council of concern are all matters that fall within the Regional Council's functions and responsibilities under sections 15 and 30 of the RMA.
- [535] While Ms Copplesstone is correct that territorial authorities under s 31 to control any actual or potential effects of the use, development, or protection of land, regional councils have more specific functions under s30 to:
- (a) Control the use of land for the purpose of the maintenance and enhancement of water quality (1)(c)(ii).
  - (b) Control the use of land for the purpose of the maintenance of water quantity (1)(c)(iii).
  - (c) Control the use of land for the maintenance and enhancement of ecosystems in waterbodies (1)(c)(iiia).
  - (d) Control the discharges of contaminants into or onto land, air, or water and discharges of water into water.

*Related Proposed Conditions*

- [536] Neither the Palmerston North City Council nor KiwiRail proposed specific conditions in respect to freshwater. However, the Panel notes that the Stormwater Management and Monitoring Plans would address design measures and methods to assist with stormwater treatment and contaminant removal. The Panel addresses that separately.

*Evaluation*

- [537] As with ecological effects, it is KiwiRail's risk not to be seeking concurrent regional consents and should there need to be changes to the designation as a result of regional consent processes, the RMA provides for this process. And again, it is not that the Panel considers that all potential freshwater effects are acceptable; rather they are beyond the scope of our consideration of this Notice of Requirement. The Panel is satisfied that they will be appropriately addressed through regional consenting processes.

***Contaminated land, air quality and erosion and sediment control***

- [538] The land disturbance associated with the proposed development has the potential to disturb contaminated land and trigger the need for a resource consent under the regulations of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations ("NES-CS"). Dr Heveldt for KiwiRail outlined that the Preliminary Site Investigation undertaken as part of the assessment of effects did not identify any specific sources of potential contamination but did identify the potential for there to be sources of contamination based on previous activities carried out through the Site. A Detailed Site Investigation would be undertaken prior to works commencing to determine whether a consent was required under the NES-CS. The Form 18 Notice of Requirement identified that a resource consent would be sought separately under the NES-CS.
- [539] The removal of potentially contaminated soil material also has the potential to mobilise and more widely distribute contaminants which may require regional council consents. The operation of the Freight Hub also brings

with it the potential to result in ground contamination as a result of Hazardous Activities and Industries List activities occurring on the Site.

- [540] Earthworks required for construction bring with them the potential for erosion and sediment effects beyond the Site, including dust and other discharges to the air, discharge into waterbodies and discharge onto the roading network.
- [541] The operation of the Freight Hub itself will potentially result in dust and exhaust emissions from heavy trucks, trains and other vehicles on the Site.
- [542] Many of the submitters were concerned about the potential amenity, health and wellbeing effects of dust generated from the Site, both through the construction period and when the Freight Hub was operational. Particular concerns include soiling of washing and other surfaces, impacts on respiratory quality and effects on rainwater collection. Submitters requested that measures be put in place well before construction commenced. Another submitter was concerned about the potential use of polymer soil stabilisers which can pose health risks in themselves.
- [543] The Mid-Central District Health Board requested a standalone Construction Dust Management Plan condition, irrespective that regional council resource consents may be required for major earthworks, which may impose conditions to minimise dust. The Health Board identified the potential for construction dust to include particulate matter PM<sub>10</sub> which can cause both nuisance and health effects.

Summary of evidence received

- [544] By the conclusion of the hearing, the Palmerston North City Council and KiwiRail had agreed that an erosion and sediment control condition was not required as this would be addressed through regional consenting.
- [545] The evidence the Panel received centred on air quality and dust management arising from the construction and operation of the Freight Hub. At the hearing, the Panel also raised whether the proposed contaminated land related conditions were necessary.

- [546] Concerning contaminated land, the conditions offered by KiwiRail within its Notice of Requirement include two conditions (29 and 30) relating to contaminated land. Ms Copplestone and Mr Percy supported this in their section 42A report for Palmerston North City Council. Ms Copplestone did not expressly address contaminated land and the NES-CS in her planning summary statement. The Panel did not receive any expert evidence in respect of contaminated land from the Palmerston North City Council.
- [547] Ms Ryan, the Palmerston North City Council air quality expert and Ms Copplestone and Mr Percy were concerned about potential wider effects on air quality. Concern was raised that a regional consent might not be triggered and that this lack of a consent may mean that there were resultant adverse air quality effects that would not be managed.
- [548] By the conclusion of the hearing, Ms Ryan and Ms Copplestone had narrowed their area of concern to that of dust and not wider air quality effects.
- [549] The Panel received evidence on air quality from Dr Paul Heveldt on behalf of KiwiRail. In summary, Dr Heveldt recommended that conditions be imposed requiring both a construction dust management plan and an operational dust management plan. Dr Heveldt also recommended pre-commencement monitoring of particulate concentrations or PM<sub>10</sub>, total suspended particulate (TSP) and deposited dust to establish background air quality parameters for ongoing monitoring. In terms of effects, he considered there was potential for an accumulation of particulates on roofs within 100 metres of the marshalling yards. He noted there was a potential for contaminated dust which would need to be reassessed during construction should unsuspected contamination be present. He was not concerned about odour from diesel due to the distance any sources would be from nearby residences. Section 9.9 to 9.22 of his evidence sets out his recommended mitigation measures.
- [550] In response to questions, Dr Heveldt clarified that he was not certain if any regional council consents would require a construction dust management

plan to be provided. He was clear that construction dust needs to be managed as he considered the Site high risk in terms of particulate generation.

- [551] Dr Heveldt recommended for contaminated land that a Detailed Site Investigation occur prior to commencement of construction activities to ensure that specific areas of soil contamination are identified. His evidence also concludes that specific compliance requirements for the on-site storage and use of hazardous substances have been recommended. However, this was not reflected in the final KiwiRail Proposed Conditions.
- [552] Ms Bell's evidence noted Dr Heveldt's recommendations for continuous monitoring of TSPs and that background levels of dust would need to be determined before construction. She also noted that the Recommended Conditions included a requirement for a construction dust management plan. Ms Bell's position was that additional work would be required to see whether a regional council air discharge consent would be required.
- [553] Ms Arthur-Young in closing submissions cited Environment Court findings that territorial authorities have jurisdiction to manage the effects of dust on amenity, including visual and nuisance effects, but is precluded from managing their impact on air quality as a contaminant<sup>84</sup>. She confirmed that KiwiRail had Proposed Conditions requiring investigations in respect to the identification of dwellings that rely on roof top rain-water systems and the offer of a first flush system as mitigation and for an operational dust management plan.
- [554] Contrary to Ms Bell's earlier advice that a construction dust management plan was appropriate, Ms Arthur-Young's submission was that given the magnitude of earthworks proposed, and while the Palmerston North City Council earthworks provision would be triggered, a bulk earthworks regional consent would be required, and this would likely include a comprehensive construction dust management plan and dust monitoring. On questioning of what rule in the regional plan and what matters of

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<sup>84</sup> *Yaldhurst Quarries Joint Action Group v Christchurch City Council* [2017] NZEnvC 165 at [219] to [228].

control or discretion would require a construction dust management plan to be produced, Ms Arthur-Young referred us to Rule 13.2 of the One Plan and subsequently to the Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region 2002 as being a guide that the Horizons Regional Council relied on for assessing an erosion and sediment control plan. Ms Arthur-Young confirmed that Rule 13.2 does not refer to dust specifically as a matter of control.

[555] The Horizons Regional Council confirmed that they are responsible for air quality and land disturbance.

[556] On questioning, Ms Arthur-Young confirmed that KiwiRail would be open to conditions on dust management if there was no redundancy or inefficiency in what they addressed.

*Analysis of material received*

[557] The Panel concurs with Palmerston North City Council and KiwiRail that erosion and sediment control will be appropriately addressed through regional consenting and do not consider it further.

[558] The primary point of contention was whether a construction dust management plan was required or whether regional consenting could be relied on. There were also discrepancies between the parties as to the extent of what was required under the operational dust management plan.

[559] Where it became uncertain was whether the regional council would consider construction dust. The Panel considered Rule 13.3-2 of the One Plan for large scale land disturbance including earthworks. The matters of control included the provision of an erosion and sediment control plan, which on review did not address specifically dust generation. On review of the Greater Wellington Regional Council guideline that Ms Arthur-Young referenced, the only mention of dust was in respect to site access points. In the Panel's view, it is not clear or certain that the Horizons Regional Council would address the amenity and nuisance effects arising from construction dust.



- [560] The Panel also agrees with KiwiRail that there is no need for conditions requiring compliance with the NES-CS regulations. The NES-CS regulations need to be complied with regardless. This is clearly articulated in s 43D(4) of the RMA, which states “A national environmental standard that exists when a designation is made prevails over the designation”. As outlined earlier, KiwiRail also set out in its Form 18 that it would seek any necessary resource consents under the NES-CS.
- [561] The Panel considers that it is appropriate to include conditions around dust generated through the operation of the Freight Hub.
- [562] The Panel is not confident or convinced by Ms Arthur-Young that any Regional Council consent would address construction dust and its impact on the amenity and wellbeing of nearby residents so that a construction dust management plan was not required. The Panel prefers Dr Heveldt, Ms Bell’s earlier evidence and Ms Ryan and Ms Coppleson’s evidence in that regard.

#### Related Proposed Conditions

- [563] The Palmerston North City Council’s Recommended Conditions included three conditions for site investigations. These required KiwiRail to undertake a detailed site investigation, obtain any consents necessary under the NES-CS and to prepare a contaminated site management plan where appropriate. A further condition required KiwiRail to liaise with the Council and seek input from mana whenua to develop protocols for any other site investigations that did not form part of the detailed site investigation. KiwiRail had initially included these three conditions but removed them through the hearing process.
- [564] KiwiRail proposed an operational dust management condition. Alongside the management plan was a requirement that KiwiRail would identify existing dwellings within 100 metres of the designation extent that would experience adverse dust effects and that rely on roof top rainwater supply systems for water. These properties would be offered at KiwiRail’s cost, the installation of a first-flush rainwater diversion system.

[565] In terms of dust management, KiwiRail's final proposed construction management plan included a clause (c) requiring that the design and management specifications for all earthworks on-site be provided, including disposal sites and their location and dust management. The suite of conditions included in Ms Bell's evidence at the hearing included the requirement for a construction dust management plan as part of the construction management plan, but this was omitted in KiwiRail's final suite of Proposed Conditions.

[566] Palmerston North City Council proposed an extensive construction dust management plan, in addition to an operational dust management plan, with additional considerations to those proposed by KiwiRail. In addition, Palmerston North City Council also proposed conditions that would apply to both construction and operational dust and which would require:

- (a) An assessment of weather and ground conditions at the start of each construction works day.
- (b) Monitoring trigger levels relating to PM<sub>10</sub> concentration and wind direction.
- (c) The installation and operation of a meteorological monitoring station for the duration of construction and operation of the Freight Hub.
- (d) The installation and operation of instruments to measure particulate matter as PM<sub>10</sub> and PM<sub>2.5</sub> at or near two boundary locations.
- (e) KiwiRail to investigate any dust deposition at any applicable property and determine the appropriate remedial action.

[567] For the operational dust management plan, the Council also recommended:

- (a) Identification of sensitive receptors within a 150m distance.
- (b) A description of particulate matter monitoring programme and monitoring equipment.

- (c) Detailed information on dust monitoring.
- (d) Monitoring triggers and procedures to responding to triggers.
- (e) Recording and feedback of complaints.
- (f) An annual update of the plan, which would include any details of complaints and mitigation measures.

[568] Concerning the mitigation offered to existing dwellings in within 100 metres of the designation extent, Palmerston North City Council also included the supply of potable water to residents' tank storage system or connection to a domestic water supply reticulation system as alternatives. The Panel notes that these options were included in Dr Heveldt's evidence, in paragraph 9.19.

[569] Overall, the Panel was more persuaded by the Palmerston North City Council and Dr Heveldt that the conditions needed to be augmented to require both the ongoing monitoring of dust as well as the provision of a construction dust management plan.

### Evaluation

[570] Overall, subject to the Recommended Conditions in Appendix 1, the Panel considers that any amenity and nuisance effects during construction and operation of the Freight Hub can be appropriately managed, including any adverse effects arising from dust generated through construction and operation. The successful implementation of these conditions will be assisted by the dust monitoring conditions which will ensure real time monitoring is occurring to inform dust management measures.

[571] The Panel is also satisfied that any adverse effects arising from the disturbance of contaminated land will be addressed through consents required under the NES-CS and from the Regional Council. Similarly, any adverse effects arising from soil movement will be appropriately addressed through regional consents.

***Infrastructure, stormwater and flooding effects and management***

[572] The proposed Freight Hub represents a significant infrastructure project in its own right, while also potentially affecting the infrastructure assets of others. The Freight Hub itself is proposed to be some 2.8 kilometres in length, 650 metres in width and covers an area of some 177 hectares. It provides two arrival and departure tracks allowing for 1,500 metres long trains in future as well as 12 marshalling tracks and other storage and supporting rail tracks, the main infrastructure elements of the Hub include:

- (a) Relocating the NIMTL;
- (b) Creating a new perimeter road and associated road closures (see Transportation section for detail);
- (c) Creating noise bunds (see Noise section);
- (d) Culverting significant lengths of stream; and
- (e) Creating two (2) new stormwater ponds and associated treatment wetlands covering 9.7 hectares.

[573] Some 2.8 million cubic meters of fill are expected to be required on-site, with some 1.55 million cubic meters of this being imported material.<sup>85</sup> A finished formation level of RL50m is anticipated, with this equating to some 5 metres – 6 metres of fill in some places.<sup>86</sup>

[574] The proposed Freight Hub would result in the loss of approximately 23 hectares of existing flood plain, with culverted watercourses discharging to the Mangaone stream and its tributaries in the same locations as at present.<sup>87</sup>

[575] A 300 millimetres First Gas pipeline is identified as crossing diagonally through the proposed Freight Hub site and is protected by a 10 metres wide easement<sup>88</sup>. The Palmerston North City Council water bore is also located to the south of the Site, albeit outside of the designation. However,

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<sup>85</sup> Mr Skelton SOE paragraph 6.9.

<sup>86</sup> Mr Skelton SOE paragraphs 6.5 and 6.8.

<sup>87</sup> Mr Skelton SOE paragraphs 5.22 and 5.23.

<sup>88</sup> Mr Skelton SOE paragraph 5.17.

KiwiRail is aware of the Palmerston North City Council plans to expand and the need for access to be maintained. Transpower transmission lines and PowerCo cables also cross the northern section of the site.

Summary of evidence received

- [576] Mr Skelton's evidence provided a description of the concept design for the Freight Hub, with a particular focus on the design of the facility in relation to its expected functions.
- [577] In response to questions from the Panel, Mr Skelton also provided a detailed run through of how the Freight Hub would be staged and built, how the use of tracks would change over time and the general operational expectations of the Site. Mr Skelton also provided evidence in relation to the expected build programme and methodology which would essentially involve bulk earthworks, noise bunding, relocation of NIMTL, culverting of watercourse, construction of stormwater ponds and construction of perimeter road as enabling works. These are expected to take around three (3) years. Stage 1 of the Freight Hub to allow initial operations would take a further three (3) years, with the remaining trackwork and buildings being developed over the next twenty (20) years as required.
- [578] Mr Than, while generally supportive of the proposal, raised concerns that detailed track modelling had not been provided as part of the Notice of Requirement and the concept layout may be suboptimal operationally. During discussions with the Panel, he maintained that this represents a significant risk to the project and that the proposed concept design may not prove adequate to meet KiwiRail's stated needs. Mr Than also expressed concern that no Safety in Design assessment had been provided.
- [579] Mr Skelton explained the limitation of the maximum 1:200 (0.5%) gradient requirement for the rail line and connections back to NIMTL as being the defining factor for fixing future ground level and therefore governs the extent of earthworks required on-site. He also identified the overland flow path for stormwater, and optimising the cut/fill balance for earthworks as being important considerations.

- [580] Mr van Bentum provided evidence on behalf of Palmerston North City Council with a focus on the integration of the Freight Hub with any future operations of the Palmerston North City Council three waters and road network. Projects of particular note are the Te Araroa Trail between Bunnythorpe and Palmerston North to the east of the NIMTL and the three waters connections between Bunnythorpe and Palmerston North. He noted that there are council assets within roads that are to be stopped as part of the project, and these assets, as well as the Palmerston North City Council water bore to the south of site, must be protected through the Notice of Requirement process. It is understood that the water bore facility was removed from the Notice of Requirement subsequent to the submission of Mr van Bentum's evidence and this is now specifically excluded from the project site. The Panel understands from Mr van Bentum and Mr Leahy that this bore is some 360 metres deep and the loss of 177 hectares of land from the catchment area of over 15,000 hectares<sup>89</sup> is unlikely to be significant.
- [581] Mr van Bentum referred to a separate Project Agreement that Palmerston North City Council and KiwiRail have been working on, but this was not made available to the Panel either during or after the hearing. He also identified the need for a minimum 2.5 metres wide shared path to be provided, which has now been included in Proposed Conditions by KiwiRail.
- [582] Mr Mott provided a preliminary geotechnical assessment of the Site and identified potential risks to the Freight Hub associated with potentially soft, liquefiable ground. He reviewed new information received from Horizons Regional Council in relation to potential fault lines and concluded that this did not alter his original opinion regarding liquefaction risks. In response to concerns raised regarding the lack of detailed geotechnical information provided as part of the Notice of Requirement. Mr Mott concluded that all geotechnical risk can be managed through appropriate design.

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<sup>89</sup> Mr Leahy SOE paragraph 5.5.

- [583] Mr Leahy presented evidence in relation to stormwater and flooding. He acknowledged that these are matters for regional consents and are not strictly part of the Notice of Requirement, however, consideration of these matters is necessary in order to identify and size appropriate mitigations to ensure they are covered by the proposed designation. Mr Leahy identified three catchments (northern, central and southern) totalling some 15,000 hectares<sup>90</sup> which currently drain to the Mangaone Stream through the Site. KiwiRail proposes to divert the northern stream and recreate and open ‘naturalised’ channel where possible, with some culverting. The central stream will be culverted for its full length across site, as will the southern stream. Mr Leahy anticipated reduced upstream and downstream flooding<sup>91</sup> as result of the culvert design, on-site reuse, and detention and treatment within the proposed stormwater ponds and associated treatment wetlands. These are expected to cover some 9.7 hectares in total and Mr Leahy expects they will be sufficient to accommodate a 1 in 200 year flood event, allowing for the loss of existing flood storage capacity of the existing site.
- [584] Mr Arseneau and Ms Baugham agreed with the methodology adopted by Mr Leahy to assess stormwater and flooding effects.<sup>92</sup> They agreed in principle with the outcomes of this assessment and evidence. However, Mr Arseneau and Ms Baugham noted the potential flooding effect arising from the proposed Freight Hub are likely to be present during construction due to the scale of enabling works. At this point, the stormwater detention ponds and treatment wetlands are unlikely to be in place and while they were confident the effects can be managed appropriately, this should be considered through a Stormwater Management and Monitoring Plan(s)<sup>93</sup> (“SWMMP”).
- [585] Mr Arseneau and Ms Baugham identified a potential risk that the space allocated for stormwater management may be inadequate if the entire site is assessed against the NEIZ zone requirements of section 12A of the

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<sup>90</sup> Mr Leahy SOE paragraph 5.3.

<sup>91</sup> Mr Leahy SOE paragraphs 6.2, 7.16, 7.20.

<sup>92</sup> Mr Arseneau & Ms Baugham SOE paragraph 50.

<sup>93</sup> Mr Arseneau & Ms Baugham SOE paragraph 55.

- District Plan<sup>94</sup>, although they acknowledged that this zoning does not cover the full site. Subject to this one area of concern, Mr Arseneau and Ms Baugham were otherwise satisfied that the proposed stormwater management proposal met the policies and objectives of both the District Plan and the One Plan. In response to a question from Commissioner Pomare, Mr Arseneau and Ms Baugham confirmed that application of the NEIZ standards would not necessarily lead to a good stormwater management outcome.
- [586] Horizon Regional Council did not submit expert evidence but in discussion with the Panel confirmed that stormwater and flooding matters would be considering detail at the regional consents stage. They were satisfied that effect could be managed through consultation with Palmerston North City Council at that point.
- [587] Matters relating freshwater management and aquatic ecology associated with diversion of watercourses is dealt with separately, as are matters of erosion and sediment control.
- [588] Submitters raised a variety of concerns relating to public access to the stormwater ponds and a resultant loss of privacy, upstream and downstream flooding effects arising from loss of flood plain and culverting of watercourses, and potential positive benefits of moving NIMTL further away from Sangsters Road.
- [589] Mr Schofield from PowerCo<sup>95</sup>, sought to ensure that there is free and unrestricted access to their asset which crosses the designation site, and also to minimise road closures as these are future, if not existing asset corridors to which PowerCo has a statutory right. They sought to see all PowerCo assets removed from the designation and are also confirmation that Perimeter Road will be vested in Palmerston North City Council as a public asset.

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<sup>94</sup> Mr Aresenau & Ms Baugham SOE paragraph 80.

<sup>95</sup> Submission 48.



[590] In their written submission, Transpower sought an ongoing ability to maintain, upgrade and develop their infrastructure within the designation given the regionally and nationally significant nature of their infrastructure. Transpower also sought additional information relating to the design of structures within the designation, how construction activities would be managed in a safe way in proximity to their power lines and that the New Zealand Electrical Code of Practice for Electrical Safe Distances be complied with throughout.

*Analysis of material received*

[591] There is general agreement between the technical experts for both Palmerston North City Council and KiwiRail in relation to the scale and nature of the infrastructure to be delivered, subject to Mr Than's remaining concern about the concept plan potentially representing a suboptimal layout. The Panel's view on this has been presented at paragraphs 145 and 146 of this report and otherwise concurs with the KiwiRail and Palmerston North City Council experts' views.

[592] Concerning stormwater and flooding, there was general agreement between Mr Leahy, Ms Baugham and Mr Arseneau that there is sufficient land to accommodate stormwater detention ponds and associated treatment wetlands. There was also general agreement in relation to the principle of the conditions<sup>96</sup>, however some debate remained as to minor matters of detail.

[593] The Panel also accepts that the infrastructure associated with the Freight Hub can reasonably be delivered and that sufficient consideration has been given at this Notice of Requirement stage to how this can be achieved. Similarly, the Panel is of the view that suitable consideration has been given to the ongoing protection and operation of regionally and nationally important power transmissions infrastructure, and local three waters infrastructure through the development of conditions.

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<sup>96</sup> Conditions 35 to 42A.

Related Proposed Conditions

- [594] The concept plan presented to the hearing is confirmed in Proposed Condition 1 as forming the basis for future design development.
- [595] KiwiRail Proposed Conditions include the provision of a Stormwater Management Report and subsequent SWMMP (Conditions 35 to 42A). Jurisdictional overlap was traversed at length during the hearing process and this is another area where there is some tension between ensuring the Notice of Requirement has given sufficient consideration to ensuring that stormwater and flooding are addressed appropriately, without pre-empting regional consents and potential conditions and standards applied at that point in the overall process. There were two areas of disagreement in relation to these conditions. The first was the timing of when the SWMMP should be submitted<sup>97</sup> and the second the need to treat stormwater redirected through site.<sup>98</sup>
- [596] The objective of the Stormwater Management Report as set out in Proposed Condition 37 is to “*confirm the design of the stormwater detention ponds is sufficient to mitigate the potential flooding effects as a result of any increased stormwater runoff from the Freight Hub and loss of flood plain storage as a result of the site formation.*” It is required to be provide to Palmerston North City Council with the first Outline Plan.
- [597] It is reasonable to anticipate that this will occur after regional consents have been granted as bulk earthworks (also subject to regional consents) and construction of the ponds form part of the first three year package of enabling works. As such, information within the report is expected to have been assessed and approved by Horizons Regional Council as part of the consenting process and will be subject to the correct jurisdictional decision making process. The same logic applies to the SWMMP, although the Panel considers the logic chain to be less strong. As such, the Panel considers it

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<sup>97</sup> Condition 39.

<sup>98</sup> Condition 42A.

would be advisable to add Horizons Regional Council as a consultee to Proposed Condition 39.

- [598] On the timing of the SWMMP the Panel acknowledges KiwiRail's need for flexibility within this condition to reflect the design and construction process which is yet to be confirmed. However, the Panel also understands Palmerston North City Council's concerns as raised by Mr Arseneau and Ms Baugham about the potential for flooding effects arising from construction activities, particularly filling of the site, and for these to be addressed appropriately. As such, the Panel recommends an alteration to the wording of Proposed Condition 39 so that the SWMMP must be provided at least three months prior to undertaking any works on-site which may affect flooding/stormwater processes, as opposed to the current wording that only relates to delivery of the stormwater system itself.
- [599] Concerning Proposed Conditions 42 and 42A, the Panel agrees with KiwiRail that the conditions of the Notice of Requirement make it clear that they must address the stormwater and flooding effects arising from their site, and are in addition to any regional consents. Palmerston North City Council, in their Condition 44A as an alternative to the KiwiRail Proposed Condition 42A, specify that stormwater infrastructure must deal with stormwater generated from within the Freight Hub site (part (a)), and also any road or other structure constructed as part of the Freight Hub (part c)). The Panel considers parts (a) and (c) are unnecessary as any asset that KiwiRail may build and then vest, such as the perimeter road, falls within the designation and is therefore governed by the conditions associated with it. In terms of Palmerston North City Council Condition 44A(b), the RMA requires avoidance, remediation or mitigation of effects arising from the use of land. If one of the effects is to remove flood storage or to change overland flow paths either onto another site or onto the subject site through changes in landform due to development of the site, then that is an effect of development which must be addressed. As such, the Panel agrees with KiwiRail that this condition is not required as it is a function of the RMA and that the KiwiRail Proposed Condition 42A provides a suitable

mechanism to ensure that stormwater effects of the Freight Hub are mitigated.

- [600] Concerning geotechnical assessments, Palmerston North City Council Condition 34A covering consultation on-site investigation methodology, specifically any site investigation not covered by the National Environment Standard for Assessing and Managing Contaminants in Soil Hazardous to Human Health. That is not an approach supported by KiwiRail.
- [601] Panel considers consulting with Palmerston North City Council and *mana whenua* regarding the methodology for undertaking the geotechnical assessment is in KiwiRail's best interest. That does not have to be a lengthy or involved process and the Panel does not agree with KiwiRail's position that this would be overly prescriptive, given the wording is '*engage with Palmerston North City Council*' and '*seek input from mana whenua*'. No approval process is inferred and the Panel as included Recommended Condition 32A.
- [602] In terms of network utilities, the Panel considers the Proposed Conditions 72 and 77 reflect the actions requested by PowerCo in their submissions as they cover the relocation of existing infrastructure in consultation with the asset owner. The Proposed Conditions allow for details of the relief sought such as the size and location of tree planting to be addressed at the detailed design stage.
- [603] In relation to matter raised by Transpower, also concerning maintaining long term and unfettered access to their equipment and ensuring appropriate design controls are applied in the ongoing design of the Freight Hub, KiwiRail and Palmerston North have agreed, subject to some minor matters of wording, the Proposed Conditions 72 to 76. The Panel considers that the proposed conditions provide the relief sought by Transpower in their submission.
- [604] Concerning Palmerston North City Council's water bore the Panel also supports KiwiRail's view that inclusion of Palmerston North City Council's condition 60E is unenforceable as the bore lies outside the designation.

Access to the bore is from Roberts Line which becomes part of the perimeter road and is subject the Panel's recommended amendment to KiwiRail Proposed Condition 49 as discussed at [495] and [496].

### *Evaluation*

- [605] In terms of stormwater management and flooding, the Panel has been guided by the agreement of the experts in reaching the view that sufficient land has been included within the designation to allow for the development of appropriately scaled detention ponds and treatment wetlands which will be subject of a regional consent process.
- [606] Whilst the Panel considers it is in KiwiRail's best interest to consult with mana whenua and Palmerston North City Council when undertaking geotechnical site investigations and recommends a condition to that effect, the risk of not doing so lies with KiwiRail.
- [607] The Panel is satisfied that the Recommended Conditions provide a suitable level of control and certainty around the delivery, management and maintenance of infrastructure associated with the Freight Hub, whilst also mitigating its effects. The Panel also concludes that the Recommended Conditions also provide protection to regionally and nationally important PowerCo and Transpower assets and ensures that these and other infrastructure providers are consulted during the detailed design process.

### ***Lighting effects and management***

- [608] A number of submissions identified concern at the amount of lighting that would be caused by the Freight Hub because of its scale and because it is intended to operate '24/7'. Those effects included loss of the dark sky as well as interruption of sleep and glare.
- [609] Also, Palmerston North Airport Limited and the Airways Corporation raised safety concerns about potential light and glare caused to air traffic controllers and pilots with potential visibility identification and perception issues.

[610] The designation will suspend the operation of the following relevant District Plan protections:

- (a) The maximum height requirement in the Air Protection Surface (Rule 13.4.7).
- (b) Performance standard in s 12A, Rule 14A.4.1 requiring compliance with:
  - (i) Rule 11.6.1(a)(iv) which incorporates a requirement for exterior lighting to be designed in accordance with AS 4282. That standard has recently been superseded to AS/NZS 4282:2019.
  - (ii) A requirement that any artificial lighting must be shielded from the approach and take off paths to and from Palmerston North Airport.

Summary of evidence received

[611] Mr John McKensey is an independent electrical illumination engineer.

[612] Mr McKensey explained that he peer reviewed the preliminary lighting report contained in KiwiRail's Design, Construction and Operation Report in the Assessment of Environment Effects. That was initiated as a result of the s 92 information requests issued by the Palmerston North City Council. As a result, several iterations of a new lighting design report were created culminating in the version annexed to McKensey's evidence and which has the reference *Preliminary Design Report of Palmerston North Freight Hub – Lighting Report 29 April 2021 Revision No. D*. That document forms now part of the application to which the Proposed Condition 1 applies.

[613] The Freight Hub will have floodlights on columns and building mounts as well as a range of building security lighting. This includes road/carpark lighting. As Mr McKensey explained in his evidence the design proposed includes 20 column with asymmetric floodlights and 12 metres high building mounted floodlights and 7.5 metres columns with roadway lights [Tab No. 9(i)].

- [614] All lights will be LED and almost all lights will be installed with a zero upward tilt. The remainder will have a tilt not exceeding 5 degrees and will be located no higher than 12 metres.
- [615] The lighting will have a colour temperature of 4,000K.
- [616] The lighting design is tailored to meet safe operation required of the Freight Hub.
- [617] Mr McKensey assessed the effects of the design against the current standard AS/New Zealand Steel 4282:2019 which states as its objective *to provide a common basis for assessment of the likely effects of developments that involve the provision of outdoor lighting*.
- [618] In performing his calculations Mr McKensey identified a selection of representative properties set out below.
- (a) Clevely Line – 22A, 41A, 41B, 163;
  - (b) Nathan Place – 1, 3, 4, 5, 6, 7;
  - (c) Parrs Road – 27, 55D, 58, 59;
  - (d) Sangsters Road – 9, 11, 15, 25, 43, 73, 91, 95;
  - (e) Stoney Creek Road – 819, 821;
  - (f) Railway Road – 422;
  - (g) Roberts Line – 761, 771, 787, 803, 814, 824, 824A;
  - (h) Tukatai Road – 428;
  - (i) Maple Street – 1, 1A, 3, 5, 7, 7A, 9, 9A, 11, 11A, 13, 15, 17, 19, 21, 57; and
  - (j) Te Ngaio Road – 241, 242, 245.

- [619] From that analysis Mr McKensey was able to demonstrate that the maximum values were within the standard. Consequently Mr McKensey considered the obtrusive effects were less than minor [Tab No. 9(g)-(f)].
- [620] Concerning the Palmerston North Airport, Mr McKensey noted the Site was more than 1.2 kilometres from the runway and more than 2 kilometres from the air traffic control tower.
- [621] Mr McKensey confirmed that the lighting design aimed to meet the current standard that would normally apply under Rule 11.6.2.1(a)(i). In addition, because of the limitation and upward tilt any light source will not be directly visible from airborne aircraft and will not generate glare to pilots.
- [622] Mr McKensey's opinion was that the design would not impact on aircraft operation's control and safety but recommended consultation with the Palmerston North Airport Limited and the Civil Aviation Authority on detailed design.
- [623] The peer review of the effects of lighting by Palmerston North City Council was performed by Mr Glen Wright. His section 42A report worked off a slightly earlier version of the lighting design but this does not seem to have been material. Mr Wright is satisfied that the effects as described by Mr McKensey could adequately be mitigated and that the relevant standard, AS/NZS 4282:2019 could be met.
- [624] Mr Wright suggested Recommended Conditions with which Mr McKensey mostly agreed and the experts' positions are summarised in the table below.

*Recommendations by Mr Wright for conditions*

<b>Mr Wright's recommendations</b>	<b>Mr McKensey's response</b>
A certification process for the final detailed lighting design.	Mr McKensey agrees.
Reduction in effects from glow by the following:	Mr McKensey mostly agreed with those recommendations but said:



<p>(a) Use lights with 3000K colour temperature LEDs in lieu of the proposed 4000K LED's, this can be expected to reduce the blue light content within the white light by up to 25%.</p> <p>(b) Minimise the light projected at or above the horizontal, ideally no lights should be tilted above the horizontal and no lights should project light above the horizontal.</p> <p>(c) Do not overlight, only provide the lighting level required for the user/task.</p> <p>(d) Turn off lights when not required. We recommend appropriate lighting control systems are incorporated into the lighting design so that lights are turned off when not required for operational safety</p>	<p>(a) The 4000K colour should be used.</p> <p>(b) While luminaire tilt should be minimised, a small degree of tilt not exceeding 5 degrees for 9 out of the 382 lights is insignificant.</p> <p>(c) The Site should not be overlit.</p> <p>(d) It would be desirable to turn off lights when not required. However given the dynamic nature of vehicle movements and other aspects of the freight operation the may be impractical to co-ordinate.</p>
<p>The Construction Traffic Management Plan and Operational Traffic Management Plan conditions be amended to require consideration of the effects of headlight sweep on residential dwellings and mitigation of any identified adverse effects.</p>	<p>Mr McKenney agreed and said the selection of construction access points will be considered as part of the Construction Traffic Management Plan.</p>

[625] In operational phases, head lights from rail traffic will be mitigated by the screening of the barriers and the vegetation on those barriers.

*Analysis of material received*

[626] The expert evidence the Panel received is non-contentious and the Panel has no reason to doubt its correctness.

*Related Proposed Conditions*

[627] The Conditions provide for lighting management during construction and operation.

[628] Conditions 67 to 71 address the requirements of the Lighting Management Plan.

[629] Conditions 94 to 97 concern the operation of the Lighting Design Plan. The Panel is satisfied that these conditions appropriately implement and achieve what was anticipated by the experts to secure negligible lighting effects

*Evaluation*

[630] There is no dispute that the Freight Hub will change what is generally an unilluminated area to one that is luminated. The Panel accepts that the proposal will have minor obtrusive lighting effects on adjacent land, but is satisfied that these effects will be managed appropriately by conditions and management plans. The interests of the Palmerston North Airport are protected by the conditions.

***Economic effects and management****Summary of evidence received*

[631] The application in Volume 3 contains a technical report at Appendix K on economic impacts from Richard Paling dated October 2020. Supplementing that analysis was evidence presented by KiwiRail from Mr Fraser Colegrave. The Palmerston North City Council presented a section 42A report from Mr Vuletich.

[632] Mr Paling referred to the important Logistics Hub facilities that Palmerston North has developed in the lower North Island, south of the line between

Taranaki and the Hawke's Bay. The area has a current population of 1.03 million or about 20% of the New Zealand population based on a 2018 census. Mr Paling referred to the alignment with strategies promulgated by the Palmerston North City Council already referred to in this report. The dividends of a focus on logistics is addressed at section 2.7 of the report and it contains some revealing statistics based on employment in Palmerston North compared with New Zealand as a whole. For example, in the 2019 data set, the total population working in logistics in Palmerston North is approximately 10% compared with 7.6% and nationally. That represents a share of local employment that is almost 30% higher than the national position.

- [633] Between 2015 and 2019 there was a significant growth in logistics related activities with a growth in Palmerston North of 14.1% compared with an 8.3% growth nationally. From this Mr Paling concluded:

*“Distribution and logistics activities are clearly important to Palmerston North and their contribution in terms of employment has in general been growing faster in the City than in New Zealand as a whole. In the City, employment in logistics has also been growing faster than general employment. This has particularly been the case of the movement of goods associated with groceries and supermarkets where employment has almost grown by a third since 2015. Improvements effecting distribution is therefore likely to have a relatively high impact in the Palmerston North area”.*

- [634] Mr Paling confirmed in his report that the National Freight Demand Study revealed traffic movement of freight growth of about 45% and tended to support the forecasting from the master planning exercise undertaken by KiwiRail as part of site-selection.

- [635] Mr Paling's assessment of impacts was subdivided into the following:

- (a) Impacts for existing users in the Palmerston North area.
- (b) Potential for new development in the vicinity of the Freight Hub.
- (c) Access to the workforce.

- (d) Impact on its existing firms in the vicinity of the Freight Hub.
- (e) Provision of sites for redevelopment within the existing urban area.
- (f) Impacts during construction.

[636] Mr Paling's summary of the assessment of those impacts is contained in table 6.1 which is reproduced below.

<b>Table 6.1</b> <b>Economic effects - Summary</b>				
<b>Item</b>	<b>Description</b>	<b>Impact</b>	<b>Temporary or permanent</b>	<b>Timescale</b>
Improved freight handling and reduced costs for existing users	Positive impacts from the redevelopment of the freight hub leading to improved efficiency and reduced costs for customers. The proposed freight hub would be located close to many of its potential customers in the NEIZ, Kelvin Grove and Tremaine Avenue areas who would benefit from the improved facilities	Moderate positive	Permanent	Immediate and continuing over time
Potential for new development in the vicinity of the hub	The scale of activities in the hub and the areas immediately surrounding could provide a critical mass for specialist suppliers in handling and logistics encouraging the relocation or new development of facilities to support these activities, with consequent increases in employment	Moderate positive	Permanent	Medium - long term
Access to the workforce	The relocation of the freight hub further away from the main residential areas would increase the commuting costs for workers although provide opportunities for workers in Bunnythorpe and Feilding	Minor negative	Permanent but probably reducing over time	Impact largest in short term reducing over time

Impact on existing firms in the vicinity of the hub	While most effects are positive some adverse impacts from the increase in traffic flows along Roberts line	Mixed largely positive but with some minor negative effects. Potential for mitigation to reduce this to negligible	Permanent but probably reducing over time	Immediate
Provision of development space within the existing urban area	Would allow redevelopment of Existing Freight Yard for alternative uses. In addition firms relocating to the NEIZ would also free up space for development	Moderate/high positive	Permanent	Medium-long term
Impacts during construction	The economic impacts of the construction of the new hub would be largely positive with the injection of additional funding into the local economy	Moderate/high positive	Temporary	Temporary and very short term only

[637] Mr Colegrave undertook an assessment of wider economic benefits not characterised by Mr Paling. These wider economic benefits are described using the approach in the Waka Kotahi NZ Transport Agency's "New Economic Evaluation Manual – The Monetised Benefit and Cost Manual". The broader economic effects are the following:

- “(a) Productivity impacts - which can arise when economic activities cluster together and give rise to agglomeration effects. This agglomeration generates economic benefits by reducing transport costs and lifting the average productivity of businesses (for example, through the sharing of labour, specialised assets, and ideas). As businesses establish and thrive around the proposed Freight Hub over time, they will benefit from agglomeration effects, just like the various businesses that recently collocated with the Waikato Freight Hub in Hamilton once it opened.*
- (b) Employment impacts - in addition to providing employment during construction, the Freight Hub's future operations will also create*

*stable, direct long-term employment for the local community.*

- (c) *Competition effects - a more cost-effective freight service will reduce transport costs for a broad range of businesses, helping them to become more competitive in their respective markets. This is addressed in detail in the evidence of Mr Paling, which I agree with.*
- (d) *Exemplar effects - the proposed Freight Hub may be the first of many new freight hubs developed across New Zealand to help strengthen the national rail network and encourage a modal shift away from transporting freight by road. If so, the Freight Hub proposal may have important wider benefits by creating a blueprint for future developments and hence improving the economic efficiency with which the national rail network is developed over time”.*<sup>99</sup>

[638] In assessing the impact of ‘agglomeration’ and ‘halo’ effects of the Freight Hub development and its potential for absorbing a significant area earmarked for industrial development, Mr Colegrave considered statistical data including market activity and the potential value of releasing the existing Tremain facilities to the market for industrial development. Following that Mr Colegrave’s conclusions are stated at [4.26]-[4.28] of his evidence as follows:

“[4.26] *In other words, the market started acquiring land in and around the NEIZ extension area in anticipation of an intermodal freight hub because it would create a significant economic anchor towards which complementary activities would naturally gravitate. Therefore, not only would the Freight Hub consume a significant proportion of the Palmerston North city’s current stock of large-lot industrial land, but it has also accelerated the uptake of peripheral land to enable the agglomeration of like-activities. This agglomeration (or clustering) of economic activity, in turn, will generate economic benefits by reducing transport costs and lifting the average productivity of businesses (for example, through the*

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<sup>99</sup> SOE Fraser Colegrave at [4.2].

*sharing of labour, specialised assets, and ideas). Indeed, these agglomeration benefits are the motivating force for compatible / related economic activities willingly collocating with one another across the world”.*

[4.27] *As a result, Palmerston North city will need to start planning for the rezoning of other land to ensure that there is a sufficient supply of large-lot industrial sites to meet requirements over the longer term. I do, however, reiterate that the loss of some NEIZ land to the Freight Hub will be offset, at least partially, by the release of land currently occupied by the Existing Freight Yard (assuming this is redeveloped for industrial purposes). Given the relative proximity of that land to the CBD, it is highly likely to be more valuable than the land occupied by the Freight Hub in the NEIZ.*

[4.28] *On the basis that I am not aware of any factors that would preclude the successful identification and rezoning of additional land to offset the increased uptake of NEIZ as a result of the Freight Hub and complementary land uses, it is unlikely, in my view, that there will be any adverse economic effect. Conversely, the development of the new Freight Hub at the proposed location will instead give effect to Palmerston North City Council’s objective of using Palmerston North’s central location and access to road, rail and air transport to build a significant futureproofed freight and distribution hub”.*

[639] It is conventional for economists to assess the economic benefit of construction which represents a ‘sugar hit’ for a regional economy during the construction phase. Mr Colegrave assessed the potential for the Freight Hub to generate one billion of the GDP for the North Island and create employment of nearly 920 full time equivalents. Further, it could boost household incomes by around \$48 million after the construction of the Freight Hub. As the construction phase will be over an 8-10 year period, Mr Colegrave as aggregated the estimates to annual equivalents as shown in Table 3 below.

Table 3: Estimated Annual Economic Impacts of Construction (\$million)

Economic Impact Measures	Direct	Flow-On	Total
GDP \$m	\$30m	\$68m	\$98m
Employment (FTE-years)	296	623	919
Household Incomes \$m	\$18m	\$30m	\$48m

[640] Mr Colegrave addressed concerns raised in some submissions the suggestion that the proposal would create unsustainable demand for housing and forego opportunities for residential development. In light of the extensive planning for residential development by the Palmerston North City in various nodes of the City, Mr Colegrave considered these assertions unfounded.

[641] Mr Vuletich's written evidence largely agreed with the evidence of KiwiRail on the economic impacts. Significant differences in the assumption or calculation were noted in Mr Vuletich's section 42A report. Mr Vuletich was an impressive witness when giving evidence orally and answering questions. Part of his evidence addressed the question of the balance between the need for certainty about the project and the need for certainty for KiwiRail that the relevant planning provisions were in place to implement the project.

[642] On the question of term and considering the trade-off between providing certainty to KiwiRail and maximising the economic benefit by ensuring the term incentivises construction, Mr Vuletich at the hearing said:

*"I think there is an interesting tension there in that, yes, for KiwiRail they would value a longer lapse period because it preserves optionality for them to do things in certain timeframes, and allows things to resolve themselves that are possibly a bit uncertain at the moment. I absolutely agree that from KiwiRail's perspective a longer lapse period would give them more certainty and probably provide more certainty that the project would be delivered, however, from the city's perspective, the prolonging of that uncertainty delays a whole lot of potentially important investment decision. So I guess where we sat on this project*



*was in a sense representing the city's interests in relation to the development and trying to take the perspective that the KiwiRail operation while it may kind of operate from KiwiRail's perspective as a bit of an island within the broader environment. From the city's perspective it's really important that there is a harmonious relationship between the KiwiRail development and the broader economic and social systems, so yes, from KiwiRail's perspective they would want it longer and from the city's perspective they would want it as short as possible so that they can have certainty of what they do next, otherwise they find themselves in a little bit of limbo for the next few years and uncertainty is the best way to end up doing nothing for a period of time".*

[643] Concerning agglomeration benefits the following exchange occurred during the hearing between the Panel and Mr Vuletich:

*"Commissioner Maassen Turning to your paragraph 7, my impression was that the long-term investment was not considered by KiwiRail or understated because benefits were not really the major driver for this project for them. It is not a criticism, but there are two questions that just as a lay person when you create a port, in this case an internal port, that there are actually agglomeration benefits of quite significant magnitude that follow from them in the same way that you would for any other economic activity in that those things that interrelate or tend to collocate and the first thing is when you're doing an economic analysis you could do two things, you could potentially model what those benefits might be using a model or you could just rely on historical narrative analysis which says 'if you do these things based on historical experience you will see these type of benefits', it's more a qualitative than a quantitative economic assessment. So as a qualitative assessment do you agree that there is likely to be significant agglomeration benefits associated with creating the distribution locus of this type?"*

*Mr Vuletich Yes absolutely and that is certainly the vision that Palmerston North has now with that broader Central New Zealand Distribution Hub that relies on agglomeration and assumes that if you develop a competitive advantage, if you become really good at something, then people want to gravitate towards that thing and become part of it because it is more efficient and cost effective. There is already an element of that in Palmerston North, they already have*

*somewhat of a competitive advantage in this space but the broader plan that Palmerston North has, the freight hub would take it to the next level probably give it higher status than any other place in NZ in terms of that role. So, I absolutely agree. Where I am coming from with my evaluation, particularly from the city's perspective, of this is you can get caught up in those shorter term construction benefits for example, which I generally describe as a bit of a sugar hit, they come and they go but you don't support these projects from the city's perspective because you are going to get a short term sugar hit out of a construction project. What you are really investing in and buying into in the long term is the permanent fixture that is left at the end and that the KiviRail Hub and its broader role within that distribution model that Palmerston North aspires to is what will be the long term driver of value and competitive advantage for the region. So yes, it is absolutely grounded in the idea that this will create agglomeration benefits because it will be so much more efficient and so attractive to industry that you would be foolish not to be there".*

[644] Mr Vuletich talked about the importance of 'narrative' by regions to attract investment. In other words they need to demonstrate a coherent story based on strategic planning and past performance that makes their value proposition compelling. The following exchange on this topic is set out below.

*"Commissioner Maassen In terms of the overall narrative, some of which is actually being led by the City Council in terms of the situational and logistical advantages of Palmerston North, do you find that a compelling story as an economist in the broad sense?*

*Mr Vuletich Yes absolutely I do, and I think, I work all over the country and I have found working in Palmerston North to be quite refreshing in the sense that they take a really joined up approach to things and I think that probably Palmy has the benefit of being small enough that it's sort of manageable and understandable but large enough that it's significant and so watching David Murphy this morning, and I've worked with David a lot over the years, the way that they think about their economy and their broader system as a single integrated system rather than*

*whole bunch of siloed parts is really refreshing. I think they have a competitive advantage in distribution already, I think they have all the ingredients of establishing something really quite special here in terms of a multi modal hub that is not replicated elsewhere in NZ and they have got a lot of the planning framework, certainly in the Council, in place to deliver that which is unusual”.*

[645] Concerning the importance of efficiency and distribution for modern economy, the following exchange between the Panel and Mr Vuletich was instructive.

*“Commissioner Maassen It seems to me that, as an interested observer of the world, that distribution is a critical component of designing modern economy and I know if you go back to Adam Smith the ability and specialisation to create efficiencies is critical to economic development, but at the extreme scale a lot of the really substantially successful enterprises in the last 20 to 30 years have had as their fundamental characteristic distributional efficiency, I mean, I take extreme examples – Amazon, Apple – and I know that’s an extreme example, but isn’t true also of regional economies that if they can create these, the circumstances for those efficiencies, they are crucial to economic success?”*

*Mr Vuletich*

*Yes absolutely, the word we often use in this space, and certainly with the port relocation in Auckland which is really significant, is the removal of friction from the movement of goods. Also the separation of the movement of goods from the movement of people, those are two really important design principles that we adhere to when we are talking about freight logistics, certainly freight doesn’t want to be mixing with people, particularly on roads. It doesn’t end well for anyone in safety terms, or in terms of getting to and from places quickly and comfortably, but that removal of friction which is to reduce cost and allow for things to move as efficiently as they can, it oils the wheels of commerce it reduces costs on the system. It provides certainty; you know your goods are going to turn up on time. And we can see the impact of that at the moment, we’re in a massive global experiment of what happens when you disrupt supply chains and you can see and the knock on effects of that in our construction industry and elsewhere. It’s an extreme example but it demonstrates the dependencies we have on*

*moving goods to and from places very quickly and seamlessly and these types of hubs. The new model of distribution is essentially to establish an inland port network and this could be viewed as some sort of inland port, connected by rail, and connected to your sea gateways, deposits its freight and cargo onto trains which immediately take the freight to an inland port network that is usually quite close to where the freight wants to start or finish and then you micro distribute from there to minimise the number of trucks you have on the road. So to me this is a big part of the future and part of where we need to go in order to get freight off our congested arterials in and around our cities and onto a rail network that is dedicated to moving freight and it is not getting in the way of people”.*

Analysis of material received

- [646] The Panel considers that the evidence demonstrates that there will be considerable economic benefits for the Manawātū region if the Freight Hub is implemented. The Freight Hub proposal plays to Palmerston North’s economic strengths and is likely to propel the City into another phase of industrial development centred on logistics. The Panel considers that the agglomeration benefits are difficult to assess but are likely to be significant. Certainly if the Freight Hub is developed it will reinforce the narrative of the Manawātū region as a logistics hub. It will also likely result in an increased demand for industrial land in the north-east sector and there is adequate land supply to support that further development.
- [647] The Freight Hub is not the instigator of Palmerston North’s strategic qualities but more a product of it. The economic case for the Freight Hub was sufficiently compelling to secure support under the Provincial Growth Fund.
- [648] The Panel agrees with the evidence that there are no significant opportunity costs from the Notice of Requirement. The Panel does not accept the claim that there is likely to be a significant loss of potential residential land in light of the residential urban planning that the Palmerston North City Council is implementing including to the west of the City.

*Related Proposed Conditions*

- [649] There are no conditions specifically related to economic development and benefits. The settings placed on the lapse date are partly informed by the trade-offs addressed by Mr Vuletich.

*Evaluation*

- [650] Elsewhere in this report the Panel has identified that there are no so-called ‘environmental bottom lines’ potentially threatened by the Notice of Requirement. Further the Notice of Requirement represents a good strategic fit with land transport and land use planning by relevant agencies as well as other strategies aimed at economic development.
- [651] In light of these factors and the fact that the National Policy Statement - Urban Development demonstrates that it is necessary to plan for urban development to provide for people’s social, economic and cultural wellbeing the Panel considers that the economic and strategic benefits of this proposal are compelling and overwhelmingly positive.

***Relevant planning instruments***

- [652] Ms Copplestone and Mr Percy helpfully compiled a document containing all the relevant planning instruments and other reference documents (the Planning document). Appendix 2 to Ms Bell’s planning evidence dated 9 July 2021 also contains a summary of the relevant planning instruments, drawing on that contained within the AEE and s92 responses which form part of the Notice of Requirement. The Panel is satisfied that the Palmerston North City Council and KiwiRail planners drew our attention to all relevant planning instruments that the Panel need to consider under s 171(1)(a).
- [653] There was little contention between the KiwiRail and Palmerston North City Council planning witnesses as to which were the relevant policy instruments to be considered under s 171(1)(a) of the RMA. The Panel received no other expert evidence which raised consistency with the planning framework, with the exception of submission 45 from PMB

LandCo Ltd, Brian Green Properties Ltd and Commbuild Property Ltd in respect to specific provisions relating to the North Eastern Industrial Zone Structure Plan.

[654] Contention rather lay in concerns that the Palmerston North City Council had of the consistency of the Notice of Requirement with:

- (a) District Plan provisions that sought to maintain the character and amenity of rural and residential environments;
- (b) District Plan provisions directed at ensuring a safe and efficient land and transport network for all road users; and
- (c) Provisions in the One Plan and the National Policy Statement for Freshwater Management that seek to prioritise the health and wellbeing of waterbodies and freshwater ecosystems.

[655] By the end of the hearing, Ms Copplestone focussed on the National Policy Statement for Freshwater Management, expressing the view that the National Policy Statement for Freshwater Management directions cannot be disregarded, even though they are yet to be given effect to in the Regional Policy Statement. In particular, she highlighted the emphasis that the National Policy Statement for Freshwater Management puts on integrated management for freshwater outcomes between regional councils and territorial authorities and on the management of effects from land use. She also drew the Panel's attention to Te Mana o te Wai. In her view, the National Policy Statement for Freshwater Management makes Te Mana o te Wai considerations relevant at all times in giving effect to it.

[656] In closing, Ms Arthur-Young rightly drew the Panel's attention that s 171 only requires us to have particular regard to, and not give effect to, the relevant provisions of all relevant policy statements. She reminded the Panel that this means giving genuine attention and thought to those documents.

[657] The Panel queried Ms Arthur-Young on the degree to which the National Policy Statement on Urban Development was a relevant consideration, and

if so, how the Panel should approach the assessment of it against the National Policy Statement for Freshwater Management. She drew the Panel's attention to recent Environment Court and High Court decisions which had traversed the relationship between the New Zealand Coastal Policy Statement and the National Policy Statement on Electricity Transmission. Her submission on how the Panel should consider the National Policy Statement on Urban Development and National Policy Statement for Freshwater Management in the context of the Freight Hub is set out in 9.6 and 9.7 of her reply submissions. The Panel found this to be a helpful analysis of how they can be reconciled and considered alongside each other.

[658] The Panel has addressed the extent to which it needs to traverse matters covered by regional council functions earlier in this report. The Panel understands and appreciates Ms Copplestone's concerns in respect to the National Policy Statement for Freshwater Management, but as set out earlier, the matters in respect to which concern is raised are within the jurisdiction of the Regional Council. While it is not an ideal situation that the Panel was not able to consider an integrated package comprising the Notice of Requirement, NES-CS consents and regional consents, the Panel is confident that the concerns the Palmerston North City Council and other submitters have the fall within the gambit of the Regional Council's functions will be appropriately addressed. The Panel notes that the Mana Whenua Engagement Framework seeks to ensure there is a bridge for Mana Whenua between the Notice of Requirement and regional consents.

[659] In considering the effects on the environment of allowing the requirement, the Panel considers that the requirement is generally consistent, subject to the conditions of consent. Those matters that the Palmerston North City Council had particular concerns about will be appropriately traversed through subsequent and necessary regional consenting processes. In all other respects, the Panel is satisfied that, subject to the requirements set out in the Recommended Conditions of consent, the Notice of Requirement is generally consistent with the relevant planning documents.

- [660] The Panel finally turns to the matter raised in the submission from PMB LandCo Ltd, Brian Green Properties Ltd and Commbuild Property Ltd in respect to specific provisions relating to the North-Eastern Industrial Zone Structure Plan. Specifically, the submitter was concerned that the Freight Hub would mean that land would no longer be available for a Watercourse Reserve Area that is identified within the North-Eastern Industrial Zone Structure Plan. This would mean that a suitable replacement site would need to be identified. Mr Thomas's speaking notes from the hearing recorded that this matter was not being pursued on any evidentiary basis, on the understanding that a wider stormwater strategy was occurring as part of the wider master planning work the Panel has addressed earlier.
- [661] The Panel subsequently heard from Mr Murphy that integrated stormwater management would be addressed through the Central New Zealand Distribution Hub Master Plan. The Panel also heard that provisions in the North-Eastern Zone Extension Area, where the Freight Hub is proposed to be located, do not require a single stormwater detention area, rather relying on on-site stormwater management, which contradicts the submitter's assertion. Irrespective, the Panel does not consider this matter of any consequence that cannot be appropriately addressed through subsequent RMA processes, either at plan or resource consent level.

***Relevant other matters***

- [662] In accordance with RMA, s 171(1)(d) the Panel has considered all reasonably relevant matters including infrastructure, strategies and other plans under other statutes as described in this decision. Collectively, they help us evaluate the proposal against Part 2 and to form an assessment of the appropriateness of the activity.



***General matters concerning conditions***

- [663] Generally speaking, the conditions became highly polished following with the help of participants. The Panel has, with humility, changed what the Panel considers needs to be changed and made some small additions.
- [664] The cultural effects section of this decision addresses the Proposed Conditions by KiwiRail to address those effects.
- [665] Tangata whenua in the context of addressing Treaty obligations raised issues about the absence of detail about positive steps to facilitate tangata whenua employment and involvement in governance as part of the Freight Hub. Some of these matters went beyond what is contemplated by the provisions in RMA Part 2. It is not, for example, the function of decision-makers under the RMA to facilitate economic development of tangata whenua as a required outcome of resource management decision-making. Despite that some of the evidence, especially from Ngāti Kauwhata, about the historical impact of large scale development by agencies of the Crown on tangata whenua collated for the purpose of their Treaty of Waitangi claim struck a chord with KiwiRail.
- [666] Ms Arthur-Young, expressed KiwiRail's desire through Conditions 11-13 to ensure those historical grievances were not repeated with an eye to meaningful participation and active measures to secure positive outcomes for tangata whenua beyond the requirements of the RMA.
- [667] Offered conditions obtain their own force irrespective of whether or not they are strictly required or could be imposed. If offered they must be honoured. See for example *Kapiti Island Watching Interest Inc v. Kapiti Coast District Council*.<sup>100</sup> See also *Augier v. Secretary of State for the Environment*.<sup>101</sup> That case was followed by Allan J in *Frasers Papamoa v. Tauranga City Council*.<sup>102</sup> We record these points to provide context for Conditions 11-13.

<sup>100</sup> *Kapiti Island Watching Interest Inc v. Kapiti Coast District Council* 10 ELRNZ 277.

<sup>101</sup> *Augier v. Secretary of State for the Environment* (1978) 38 P & CR 219 (QB).

<sup>102</sup> *Frasers Papamoa v. Tauranga City Council* [2010] 2 NZLR 202 HC at 304.

- [668] The Palmerston North City Council proposed a Design Framework requirement plan by which the many disciplines would work together to achieve an integrated design. The Panel has inserted the requirement for a Design Framework into our Recommended Conditions because the Panel agrees with the Council that it is essential that there is an organising framework which is established and facilitates co-ordination and liaison with the community. The Panel emphasises of course that that framework is not intended to replace or perform the role of the more detailed management plans and design and should be subject to KiwiRail's operational requirements including in relation to health and safety.<sup>103</sup>
- [669] Beyond these measures the Panel considers that it is essential that there is at all times a person responsible for the co-ordination of construction and design activities to achieve compliance with conditions. We have, therefore, proposed a condition (Condition 24A of Recommended Conditions) requiring an Accountable Person to perform that role. In the end it will be people performing well that will optimise the implementation of these conditions. The benefit of an Accountable Person is to establish a chain of command. The idea is not to make that person especially accountable for non-compliance with the conditions which is the ultimately responsibility of KiwiRail. Rather it is to ensure that there is a good chain of command and which will facilitate communication between experts, designers, external agencies and the community. That is particularly important for an organisation the size of KiwiRail where the risk is that without some clear chain of command implementation of some aspects of the conditions could 'fall through the cracks'.
- [670] The Panel sets out that context because it is useful to record it in order to fully understand the meaning and purpose of the relevant conditions.
- [671] Mr Feng's family have a lifestyle property they treasure. Mr Feng expressed concern about the impacts of acquisition on his ability to purchase an equivalent property. We understand those concerns and the considerable anxiety that compulsory acquisition can cause. However, these are not

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<sup>103</sup> See Proposed Condition 14E(a)(i).

matters relevant to our consideration in the preparation of this report. There is a process by which valuations can be contested and the Land Valuation Tribunal is available as a forum to debate matters of valuation.

*Lapse date*

- [672] Throughout the hearing, KiwiRail has maintained that a 15 year lapse period is required to give them sufficient time to plan, consent and deliver the proposed Freight Hub. This is due to the significant scale and complexity of the project.
- [673] Understandably, this has raised concerns with submitters who consider 15 years to be on overly long time for them to live with the uncertainty of when work on the freight hub might begin. They consider a five year lapse period to be more appropriate, a view which Palmerston North City Council initially supported.
- [674] The discussion reported earlier between Mr Vuletich and Commissioner Maassen also speaks to this tension between providing a degree of flexibility for KiwiRail without creating adverse economic impacts through uncertainty.
- [675] Evidence was presented by Mr Skelton on behalf of KiwiRail around the expected project timeframes. Mr Skelton considered that should the notification of requirement be confirmed, that the following timeframes would apply<sup>104</sup>:
- (a) detailed design and regional consenting – four years.
  - (b) bulk earthworks and other enabling works – three years.
  - (c) Stage 1 Freight Hub construction – three years (assumed opening date of 2030).
  - (d) Stages 2 and 3 to be built over following 20 years.

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<sup>104</sup> Mr Skelton SOE paragraphs 1.5-1.6.

[676] Mr Skelton confirmed to Commissioner Maassen that the majority of the Site would be occupied by the end of Stage 1 as the infrastructure works to the road and rail network and provision of the stormwater ponds essentially define the project's geographic extents, with the buildings within the central part of the Site being delivered over a number of years once this infrastructure is in place.

[677] The Palmerston North City Council condition set dated 30 September 2021 suggest a lapse period of 10 years.<sup>105</sup> This is not supported by KiwiRail who still maintain that a 15 year lapse period is necessary to project their ability to deliver the Freight Hub.

[678] RMA, s 184 deals with the lapsing of designations. It states that:

*“(1) A designation lapses on the expiry of 5 years after the date on which it is included in the district plan unless—*

*(a) it is given effect to before the end of that period; or*

*(b) the territorial authority determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made and fixes a longer period for the purposes of this subsection; or*

*(c) the designation specified a different period when incorporated in the plan”.*

[679] Clause 1 (a) sets the principle that a designation must be given effect to otherwise it will be deemed to have lapsed. Clause 2 (a) confirms that this same logic applies in situations where a different lapse period has been specified for a designation.

[680] Based on Mr Skelton's evidence, it is realistic for KiwiRail to have completed Stage 1 of the Freight Hub, including the major infrastructure works, within 10 years of the notification of requirement being confirmed.

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<sup>105</sup> Condition 4.

The Panel acknowledges that projects do not always run smoothly and that there may be factors outside KiwiRail's control, such as Covid-19, which may affect their ability to deliver this project. The Panel understands their position however, the Panel also has sympathy for those living nearby who have expressed their concern regarding the uncertainty such a long lapse period brings. This was echoed by Mr Vuletich in his discussion with Commissioner Maassen discussed in paragraph [598] of this report. In the Panel's opinion, the crux of the matter comes down to what extent of work is a reasonable demonstration of intent i.e. what represents giving effect to the designation.

- [681] The RMA is silent on the degree of work required to be undertaken to give effect to either a resource consent or a designation. The Panel has therefore approached this question from a practical perspective of what constitutes a demonstration of commitment to complete a project. In this instance, given the extent of enabling works required such as realignment of the NIMTL, building a new perimeter road, construction of considerable noise bunds, building storm water detention ponds, culverting over 650 metres of significant lengths of stream and undertaking 2.8 million cubic metres of bulk earthworks on-site is a level of investment of suitable significance that the designation could reasonably be considered to have been given effect to.
- [682] Mr Skelton's evidence is that the design, consenting and construction of these enabling works would realistically take around seven years. The 10-year lapse period builds in an approximately 50% buffer to the expected duration of activity and in our view, provides a greater degree of certainty for local residents whilst also providing KiwiRail with some elasticity within their project timeframes. The Panel therefore recommend that a 10-year lapse period be applied to this designation.

### ***Overall Evaluation***

- [683] Standing back, the Panel considers that this Notice of Requirement was well-conceived and should be confirmed.

[684] The process has yielded a better outcome for the City and community than in the application as initially framed including the offered. The Panel's acclamation of the Notice of Requirement is because of those refinements and improvements.

[685] The Panel has recommended changes to the conditions where appropriate.

### *Acknowledgements*

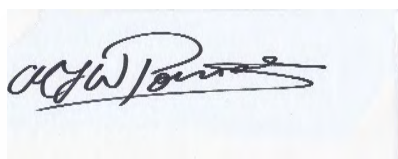
[686] The Panel's decision records its gratitude for the constructive involvement of all participants. The submitters' submissions and evidence was of a high calibre and thought provoking. The Palmerston North City Council performed its regulatory role impeccably. KiwiRail has readily engaged in the process despite the fact that our powers only extend to non-binding recommendations. The Panel is also very grateful for the efforts of Ms Kath Olliver the Panel Administrator from the Palmerston North City Council who most ably ensured a smooth hearing process in difficult circumstances.

*Panel's Execution*

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Gina Sweetman

A handwritten signature in black ink, appearing to read 'Miria Pomare' with a stylized flourish.

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Miria Pomare

A handwritten signature in black ink, appearing to read 'Judith Makinson' with a stylized flourish.

Judith Makinson

A handwritten signature in blue ink, appearing to read 'John Maassen' with a stylized flourish.

John Maassen (Chairperson)

**E. Appendices and reference documents**

**Appendix 1 – The Panel’s Recommended Conditions**



## Appendix 1 – Recommended Conditions

Definitions	
Term	Definition
Completion	Completion of construction of the Freight Hub.
Designation Extent	The land within the designation boundary shown in black outline on the Concept Plan prepared by Isthmus, dated 29 October 2021.
Existing Dwelling	As at 23 October 2020, any building: <ul style="list-style-type: none"> <li>(a) that was constructed as a lawful dwelling; or</li> <li>(b) for which resource consent was granted for construction of a dwelling.</li> </ul>
Freight Hub	All activities and structures shown on the Concept Plan dated 29 October 2021, prepared by Isthmus, except that for the purposes of Conditions 107 – 122 it excludes the North Island Main Trunk Line and the Perimeter Road.
Habitable space	Any room in a dwelling which is used or which can be used as a sitting room, a living room, a bedroom, a dining room, or a family room.
Noise Mitigation Structures	The earth bunds and vertical noise barriers to mitigate noise effects.
Perimeter Road	The physical works required to provide: <ul style="list-style-type: none"> <li>(a) a new section of road south of Maple Street between Railway Road and Roberts Line;</li> <li>(b) improvements to Roberts Line north west of the intersection at Roberts Line and Railway Road; and</li> <li>(c) a safe separated shared path of at least 3.0m in width between Railway Road south of Maple Street and the intersection of Roberts Line and Railway Road.</li> </ul>
Works	All physical works and activities (including all site establishment activities but excluding site investigations) that are required to construct the activities and all supporting infrastructure shown on the Concept Plan prepared by Isthmus, dated 29 October 2021.
General Conditions	
1.	Except as modified by the conditions below and accompanying outline plan(s), the works authorised by this designation must be undertaken in general accordance with the following information provided by the Requiring Authority: <ul style="list-style-type: none"> <li>(a) the Notice of Requirement for the Freight Hub dated 23 October 2020 and the further information provided by the Requiring Authority dated 15 February 2021, 24 May 2021 and 28 May 2021;</li> <li>(b) Concept Plan dated 29 October 2021, prepared by Isthmus;</li> <li>(c) Draft indicative Landscape plan dated 6 July 2021 prepared by Isthmus Group (rev B); and</li> <li>(d) evidence provided by the Requiring Authority dated 9 July 2021 and at the hearing in August / September 2021.</li> </ul>
2.	If there is any inconsistency between the Notice of Requirement documentation listed in Condition 1 above and the designation conditions, then the designation conditions <del>will</del> prevail.
Lapse Period	
3.	The designation will lapse if not given effect to within 10 45 years from the date on which it is included in the District Plan.
Management Plans	
4.	At least 20 working days before the Works commence or unless otherwise specified in the conditions below, the management plan(s) specified in Condition 8 (excluding the Road Network Integration Plan) including any report or framework required by these conditions must be submitted to the Head of Planning Services at Palmerston North City Council for certification that the management plan(s) meets the requirements of the relevant condition(s). Once certified the management plan(s) must be implemented.
5.	Management plan(s) may be prepared and submitted for one or more stages, aspects, sections, or locations of works. All management plans, reports and frameworks must be reasonable and sufficient to meet their purpose.
6.	The management plan must be certified by the Palmerston North City Council Head of Planning Services, in accordance with the following process: <ul style="list-style-type: none"> <li>(a) If the Requiring Authority has not received a response from the Head of Planning Services within 20 working days of the date of submission of the response under Condition 4, the management plan is deemed to be certified.</li> </ul>

## Appendix 1 – Recommended Conditions

	<p>(b) If the Head of Planning Services response is that the management plan does not meet the requirements of the relevant condition(s), the Requiring Authority must consider any reasons and recommendations of the Head of Planning Services and resubmit an amended management plan for certification.</p> <p>(c) If the Requiring Authority has not received a response from the Head of Planning Services within 5 working days of the date of resubmission under Condition 6(b) above, the management plan is deemed to be certified.</p>
<b>Outline Plan(s)</b>	
7.	The outline plan(s) may be submitted for the Freight Hub or for one or more stages, aspects, sections, or locations of works.
8.	<p>The outline plan(s) must include any relevant plan for the particular design or construction or operational matters being addressed in the outline plan and any updates of any plans. The following must be included in an outline plan or plans (as relevant to the particular stage, aspect, section or location of the design or construction matters being addressed):</p> <ul style="list-style-type: none"> <li>(a) Construction Management Plan</li> <li>(b) Construction Traffic Management Plan</li> <li>(c) Construction Noise and Vibration Management Plan</li> <li>(d) Landscape and Design Management Plan</li> <li>(e) Construction Engagement Plan</li> <li>(f) Stormwater Management Report</li> <li>(g) Stormwater Monitoring and Maintenance Plan</li> <li>(h) Road Network Integration Plan</li> <li>(i) Operational Noise and Vibration Management Plan</li> <li>(j) Operational Traffic Management Plan</li> <li>(k) Operational Lighting Design Plan</li> <li>(l) Operational Dust Management Plan</li> <li>(m) Geotechnical Report</li> <li>(n) Construction Lighting Management Plan</li> <li>(o) Construction Dust Management Plan</li> </ul>
<b>Amendments to management plans</b>	
9.	The Requiring Authority may make material amendments to any documents or plans listed in Condition 8 (excluding the Road Network Integration Plan) by following the process set out in Conditions 4 and 6, unless the amendment is a minor amendment under Condition 10.
10.	<p>The documents and plans referred to in Condition 8 (excluding the Road Network Integration Plan) may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for re-certification or a further outline plan, where:</p> <ul style="list-style-type: none"> <li>(a) the amendment is in general accordance with the original document, plan, or outline plan and the relevant conditions under which that document or plan was prepared; or</li> <li>(b) the amendment is to give effect to an amendment required under another statutory approval; and</li> <li>(c) the amendment proposed is provided in writing to Palmerston North City Council at least 10 working days prior to the relevant works being undertaken; and</li> <li>(d) Palmerston North City Council confirms in writing that the amendments meet the requirements of Condition 10(a) or (b). If a response is not received from the Head of Planning Services at the Council within 5 working days of the date that it is provided in Condition 10(c), the amendments are deemed to be approved.</li> </ul>
10A	<p>The Requiring Authority must notify the Head of Planning Services at Palmerston North City Council, in writing, at least 10 working days prior to commencement of the detailed design stage of the Freight Hub project. The notice of commencement must include:</p> <ul style="list-style-type: none"> <li>(a) the Mana Whenua Partnership Framework required by Condition 11;</li> <li>(b) the Design Framework required by Condition 14;</li> <li>(c) the Geotechnical Report required by Condition 32:</li> </ul>
<b>Mana Whenua Partnership Framework</b>	
11.	Within 12 months of [the date the NoR is confirmed], and before commencing preparation of the Design Framework in accordance with Condition 14 and the detailed design stage of the Freight Hub, the Requiring Authority must engage with Mana Whenua to prepare a Partnership Framework in partnership with Mana Whenua for the Freight Hub in accordance with the principles of Te Tiriti o Waitangi and have it certified by the Palmerston North Council.

## Appendix 1 – Recommended Conditions

12.	<p>The objective of the Mana Whenua Partnership Framework is to;</p> <ul style="list-style-type: none"> <li>(a) recognise Kaupapa based models such as Whānau Ora Outcomes, Te Whare Tapa Whā values and Te Pae Mahutonga Attributes</li> <li>(b) honour, recognize and provide for mana whenua values, and tikanga and kawa participation in the area affected by the Freight Hub,</li> <li>(c) develop mechanisms to avoid, mitigate, compensate or offset effects on mana whenua values and tikanga through the implementation of agreed participation, monitoring and mitigation measures and</li> <li>(d) provide opportunities for expression of those values and tikanga through design and development beyond completion of the overall project.</li> </ul>
13.	<p>The Partnership Framework will include as a minimum:</p> <ul style="list-style-type: none"> <li>(a) key roles and responsibilities for Mana Whenua at the governance and operational levels, including in relation to design and development of the Freight Hub;</li> <li>(b) involvement in cultural impact assessments, preparation and implementation of the Design Framework, management plans as part of this designation and any management plans that are developed as part of regional resource consents;</li> <li>(c) monitoring and exercise of kaitiakitanga and manākitanga activities to be undertaken including in particular, regular monitoring of ngā Puna and waterways to be carried out in partnership with Mana Whenua and implementation of adaptive management strategies to address water quality issues if agreed standards are not met;</li> <li>(d) involvement in developing, approving and partaking in accidental discovery protocols and any archaeological authorities and wildlife permits required;</li> <li>(e) overall site dedication and other tikanga protocols to be performed by Mana Whenua;</li> <li>(f) opportunities for the expression of Mana Whenua values and tikanga in the design, development and operation of the Freight Hub;</li> <li>(g) any employment, training scholarship, procurement and investment opportunities as part of the development of the Freight Hub; and</li> <li>(h) any mahi toi to be developed as part of the project.</li> </ul>
<b>Design Framework</b>	
14	The Requiring Authority must prepare a Design Framework before commencing the detailed design stage of the Freight Hub and before preparation of the management plans in Condition 9.
14A	<p>The Design Framework must:</p> <ul style="list-style-type: none"> <li>(a) collate and set out the key design principles to inform the detailed design of the Freight Hub, as required by Condition 14E(a) and</li> <li>(b) identify design outcomes that the detailed design should seek to achieve in accordance with Condition 14E(b), including but not limited to, opportunities for the detailed design to reflect community and mana whenua values identified in the design principles.</li> </ul>
14B	The Requiring Authority must invite and make provision for, the Community Liaison Forum and mana whenua to actively participate in the development of the Design Framework, including participation in defining and confirming the key design principles to be included in the Design Framework.
14C	The Requiring Authority must demonstrate how the detailed design of the Freight Hub adheres to the key design principles and how the detailed design gives effect, where practicable, to the design outcomes identified in the Design Framework.
14D	<ul style="list-style-type: none"> <li>(a) any management plan required by conditions of this designation, or outline plan prepared and submitted in accordance with section 176A of the RMA, must demonstrate how the key design principles have been adhered to and give effect, where practicable, to the design outcomes identified in the Design Framework, to the extent those design principles and design outcomes are relevant to the content of those management or outline plans.</li> <li>(c) any management plan required by conditions of this designation, and any outline plan prepared and submitted in accordance with section 176A of the RMA, must be accompanied by a design review statement that describes how the management plan and Freight Hub design adheres to the key design principles and gives effect, where practicable, to the design outcomes identified in the Design Framework</li> </ul>
14E	<p>Design Principles:</p> <ul style="list-style-type: none"> <li>(a) The compendium of design principles developed in the Design Framework should collate relevant principles identified in the documents in Condition 1 and address, at a minimum, the following matters:</li> </ul>

## Appendix 1 – Recommended Conditions

	<ul style="list-style-type: none"> <li>(i) KiwiRail's operational requirements, including in relation to health and safety;</li> <li>(ii) An interdisciplinary approach which effectively integrates various design elements;</li> <li>(iii) Appropriately integrate the Freight Hub with its immediate and wider landscape setting, including through the design of buildings and structures;</li> <li>(iv) principles to inform design of noise mitigation measures, so as to have particular regard to visual amenity, outlook and privacy, and landscape character;</li> <li>(v) principles to inform design of lighting, so as to have particular regard to visual amenity, landscape character and natural darkness of the night sky;</li> <li>(vi) design principles to reflect community identity and place and/or cultural and historical values, as identified through engagement with the Community Liaison Forum;</li> <li>(vii) design principles to reflect cultural values, as identified through engagement with mana whenua;</li> </ul> <p>Design Outcomes:</p> <ul style="list-style-type: none"> <li>(b) The Design Framework must, if possible, identify opportunities for the detailed design of the Freight Hub to: <ul style="list-style-type: none"> <li>(i) provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;</li> <li>(ii) provide beneficial outcomes for natural character, landscape character and visual amenity;</li> <li>(iii) maintain and/or enhance amenity values in the wider landscape;</li> <li>(iv) provide for community connectivity around the site, including pedestrian and cycle access to and from Bunnythorpe;</li> <li>(v) recognise as far as is practicable the rural character and context of the local environment.</li> </ul> </li> </ul>
14F	If an outline plan for the Freight Hub has not been submitted to the Palmerston North City Council within five years of the date the Design Framework was provided to the Council in accordance with Condition 10A, the Requiring Authority must undertake a review of the Design Framework to ensure that the principles and design outcomes remain relevant and appropriate
14G	The Requiring Authority must invite, and make provision for, the Community Liaison Forum and mana whenua to actively participate in the review of the Design Framework.
14H	If a review of the Design Framework required by Condition 14F finds that the Design Framework should be amended, the Requiring Authority must amend the Design Framework and provide a copy of the amended Design Framework to the Palmerston North City Council as soon as reasonably practicable.
<b>Communication and Engagement</b>	
<b>Community Liaison Forum</b>	
15.	Within 12 months of the [date the NoR is confirmed], the Requiring Authority must establish a Community Liaison Forum in a way and in a form that achieves the aims of the community and engagement conditions and approved by the Palmerston North City Council.
16.	The Requiring Authority must maintain the Community Liaison Forum until at least six months after Completion.
17.	The purpose of the Community Liaison Forum is to provide an interactive forum through which the Requiring Authority can provide information to and receive feedback from the community on any matters relating to the design, construction and operation of the Freight Hub.
18.	The Community Liaison Forum must be open to mana whenua and all interested residents and organisations within the vicinity of the Freight Hub.
19.	<p>The Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) identify and invite parties that may be interested in participating in the Community Liaison Forum, including: <ul style="list-style-type: none"> <li>(i) local residents who submitted on the Notice of Requirement for the Designation;</li> <li>(ii) Bunnythorpe School and any childcare facilities in the vicinity;</li> <li>(iii) Community groups (including Bunnythorpe Community Centre, faith-based groups and residents organisations);</li> <li>(iv) Businesses and landowners (including in Bunnythorpe village and the North East Industrial Zone);</li> <li>(v) cycling and walking groups (including Te Araroa Manawatū Trust); and</li> </ul> </li> <li>(b) develop, in consultation with the Community Liaison Forum participants, terms of reference consistent with the purpose of the Community Liaison Forum as set out in Condition 17 including the methods and frequency of communication with those participants for the duration of the Community Liaison Forum as outlined in Conditions 15 and 16.</li> </ul>

## Appendix 1 – Recommended Conditions

	(c) Develop in consultation with the Community Liaison communication strategies and tools for effective and accessible information dissemination to affected members of the community in a timely way
20.	<p>The Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) provide the Community Liaison Forum with up-to-date information about the design, construction and operation of the Freight Hub, including updates on material changes in design or activity and complaints received in accordance with Condition 31;</li> <li>(b) ensure that the Community Liaison Forum is provided with opportunities to provide feedback on matters, including: <ul style="list-style-type: none"> <li>(i) the draft Design Framework</li> <li>(ii) draft documents and plans set out in Condition 8 and material updates to any plans in accordance with Conditions 9 and 10A prior to the submission of these documents to the Palmerston North City Council;</li> <li>(iii) timing and nature of mitigation works proposed;</li> <li>(iv) any regional resource consent applications and any proposed mitigation measures associated with those consent applications; and</li> </ul> </li> <li>(c) collate any feedback received and report back to the Community Liaison Forum as to how that feedback has been considered by the Requiring Authority.</li> </ul>
<b>Community Liaison Person</b>	
21.	Within 12 months of the [date the NoR is confirmed] the Requiring Authority must appoint (and at all times have appointed) and have approved annually by the Palmerston North City Council, a Community Liaison Person with particular skills in community engagement.
22.	The Community Liaison Person role must be in place until at least six months after Completion.
23.	<p>The role of the Community Liaison Person is to:</p> <ul style="list-style-type: none"> <li>(a) be responsible for the implementation of the Community Liaison conditions 15 to 20.</li> <li>(b) provide a point of contact for the community on behalf of the Requiring Authority for: <ul style="list-style-type: none"> <li>(i) all enquiries relating to the Freight Hub, including land acquisition, construction or operational matters;</li> <li>(ii) administering the Community Liaison Forum, once established in accordance with Condition 15;</li> <li>(iii) co-ordinating landowner engagement in relation to the implementation of plans listed in Condition 8 and any relevant conditions of this Designation.</li> </ul> </li> </ul>
24.	The Requiring Authority must make the contact details of the Community Liaison Person available to the community.
<b>Accountable Person</b>	
24A.	<p>Two months before commencement of this works, the Requiring Authority must appoint (and at all times have appointed) and have approved annually by the Palmerston North City Council, an Accountable Person and a Nominated Cover Person, both of whom must demonstrate:</p> <ul style="list-style-type: none"> <li>(a) A good understanding of the Freight Hub project</li> <li>(b) A good knowledge of the conditions</li> <li>(c) Skills in project management to ensure the coordinated implementation of the notice of requirement conditions.</li> </ul>
24B	The Accountable Person must as far as practicable be based onsite during construction for a minimum of four hours per week, unless otherwise agreed by the Palmerston North City Council
24C	<p>The role of the Accountable Person and the Nominated Cover person (in the instance the Accountable Person is sick or unavailable) is to;</p> <ul style="list-style-type: none"> <li>(a) Oversee the preparation and review of, submit and ensure compliance with all management plans</li> <li>(b) Be the point of contact for any queries about compliance with the conditions for the Palmerston North City Council and the Community Liaison Forum</li> <li>(c) Coordinate across a range of the different disciplines the implementation of the conditions.</li> </ul>
<b>Advice Note</b>	
<p>The aim of this condition is not to make the accountable person have special responsibility for any non-compliance but to ensure there is a clear chain of command in the implementation of the project where the Accountable Person will have a key role. Also, the coordination of disciplines is essential to the delivery of the project in a way that meets these conditions. The Accountable Person should have a clear overview of the project to help that coordination</p>	
<b>Construction Engagement Plan</b>	
25.	At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Engagement Plan for certification and implement the plan for the duration of construction.
26.	The objective of the Construction Engagement Plan is to ensure that parties that are affected by construction activities are informed of the timing and nature of those activities.
27.	The Construction Engagement Plan must include:

## Appendix 1 – Recommended Conditions

<ul style="list-style-type: none"> <li>(a) Contact details of the Community Liaison Person appointed in accordance with Condition 21.</li> <li>(b) A process for identifying the parties that will be communicated with, and the methods of communication, including: <ul style="list-style-type: none"> <li>(i) the use of a project website for public information; and</li> <li>(ii) provision of an electronic and / or paper-based newsletter and its proposed delivery area for paper-based newsletters.</li> </ul> </li> <li>(c) Information on the following, as identified in the relevant management plan(s): <ul style="list-style-type: none"> <li>(i) likely construction works and programme;</li> <li>(ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;</li> <li>(iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);</li> <li>(iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;</li> <li>(v) progress of any construction works against key project milestones; and</li> <li>(vi) any measures to manage construction effects as identified in the Construction Management Plan, Construction Traffic Management Plan, Construction Noise and Vibration Management Plan, Construction Lighting Management Plan, Construction Dust Management Plan and Landscape and Design Plan.</li> </ul> </li> </ul>	
<b>Complaints Register</b>	
28.	Within 12 months of [date the NoR is confirmed] the Requiring Authority must establish a register to record any complaints received and action undertaken by the Requiring Authority in response to the complaint, and maintain the register until at least 6 months after Completion.
29.	The complaints register must include: <ul style="list-style-type: none"> <li>(a) the nature and details of the complaint; and</li> <li>(b) measures taken by the Requiring Authority to respond to the complaint or where any measures have not been taken, the reasons why.</li> </ul>
30.	The complaints register must be made available to Palmerston North City Council upon request, subject to compliance with privacy obligations.
31.	The Requiring Authority must provide regular updates to the Community Liaison Forum on complaints received and any measures to address any complaints identified.
<b>Geotechnical report</b>	
32.	Prior to commencement of any Works, a geotechnical report must be prepared by a suitably qualified and experienced person and provided to the Palmerston North City Council (Head of Planning Services), to identify any risk of instability on land within the Designation Extent and confirm that any such risk <del>can</del> will be appropriately avoided, remedied or mitigated.
32A	Prior to undertaking any site investigations, the Requiring Authority must: <ul style="list-style-type: none"> <li>(a) Engage with the Palmerston North City Council on the parameters of those investigations, including the local and nature of investigation; and</li> <li>(b) Seek input from mana whenua in relation to developing protocols for an intrusive site investigation.</li> </ul> Any site investigations must be undertaken by a suitably qualified and experienced person.
<b>Archaeology</b>	
33.	Prior to the commencement of any Works, the Requiring Authority must prepare an accidental discovery protocol in accordance with Condition 34 and implement the accidental discovery protocol for the duration of the works,
34.	The accidental discovery protocol must be prepared in collaboration with mana whenua and in consultation with Heritage New Zealand Pouhere Taonga, and must include: <ul style="list-style-type: none"> <li>(a) details of contractor training regarding the skills necessary to be aware of the possible presence of cultural or archaeological sites or material;</li> <li>(b) general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wāhi tapu or wāhi taonga, including the requirement to immediately cease the Works in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;</li> <li>(c) in the event that kōiwi tangata or taonga are discovered, work must cease immediately in the vicinity of the remains and mana whenua, Heritage New Zealand Pouhere Taonga, New Zealand Police and Palmerston North City Council must be contacted;</li> <li>(d) procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and</li> </ul>

## Appendix 1 – Recommended Conditions

(e)	activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.
<b>Stormwater</b>	
Stormwater Management Report	
35.	The Requiring Authority must prepare and submit a Stormwater Management Report with the first outline plan to Palmerston North City Council.
36.	The Stormwater Management Report must be prepared by a suitably qualified and experienced person.
37.	The objective of the Stormwater Management Report is to confirm the design of the stormwater detention ponds is sufficient to mitigate the potential flooding effects as a result of any increased stormwater runoff from the Freight Hub and the loss of flood plain storage as a result of the site formation.
38.	The Stormwater Management Report must: <ul style="list-style-type: none"> <li>(a) achieve the objective in Condition 37;</li> <li>(b) outline the results of hydrologic and hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; and</li> <li>(c) provide hydraulic details to confirm the appropriate size of the stormwater detention ponds;</li> <li>(d) identify potential effects of the Freight Hub site development on flood risk; and</li> <li>(e) identify methods for reasonable mitigation of any identified flooding effects.</li> </ul>
Stormwater Management and Monitoring Plan	
39.	At least three months prior to the delivery of the relevant part of the stormwater system, as outlined in the construction programme in Condition 66, or other works affecting the flood storage capacity of the site, the Requiring Authority must prepare a Stormwater Management and Monitoring Plan for certification and implement the plan for the duration of the Works. The Requiring Authority must demonstrate that it has consulted with Horizons Regional Council in the development of this Plan and how any feedback has been incorporated into the Plan.
40.	The objective of the Stormwater Management and Monitoring Plan is to demonstrate that the stormwater system and the methods for the monitoring and maintenance of the stormwater system will be effective.
41.	The Stormwater Management and Monitoring Plan must be prepared by a suitably qualified and experienced person.
42.	The Stormwater Management and Monitoring Plan must include: <ul style="list-style-type: none"> <li>(a) design measures to assist with achieving hydraulic neutrality and methods to assist with stormwater treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetlands/swales and appropriate vegetation;</li> <li>(b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including sediment removal, clearance of debris, replacement of vegetation, training of operators, and separation or secondary containment of any high-risk contamination areas; and</li> <li>(c) details of the location, operation and maintenance of any stormwater outlets from the site, including emergency spillway.</li> </ul>
42A.	The Requiring Authority must design, construct, operate and maintain on-site stormwater management devices and/or systems which have been installed to manage and treat stormwater generated within the Freight Hub.
<b>Level Crossings</b>	
43	At least 12 months prior to submission of the first outline plan, the Requiring Authority must commission Level Crossing Safety Impact Assessments or update any existing assessments to determine the impact of the Freight Hub on the following crossings: <ul style="list-style-type: none"> <li>(a) the Campbell Road/Kairanga Bunnythorpe Road level crossing;</li> <li>(b) the Waughs Road/Campbell Road level crossing;</li> <li>(c) pedestrian level crossings in the vicinity of Aorangi Marae and Taonui School; and</li> <li>(d) Campbell Road crossing south of Feilding.</li> </ul> The Requiring Authority must provide copies of the Level Crossing Safety Impact Assessments or updates to any existing assessments to the Palmerston North City Council and / or Manawātū District Council.
44.	The Requiring Authority must engage with Palmerston North City Council and Manawātū District Council in relation to the allocation and timing of the implementation of the recommendations in each Level Crossing Safety Impact Assessment.
45.	Unless already closed by the Palmerston North City Council, the Requiring Authority must close the Roberts Line and Clevely Line Level Crossings prior to the closure of Railway Road.

## Appendix 1 – Recommended Conditions

### Road Network Integration Plan

46. At least 12 months prior to submission of the first outline plan, the Requiring Authority must prepare a Road Network Integration Plan for certification by the Palmerston North City Council.
47. The objective of the Road Network Integration Plan is to ensure that the roading network within the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network.
48. The Requiring Authority must consult and share information with Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency in preparing the Road Network Integration Plan (and any updates).
49. The Road Network Integration Plan must achieve the objective in Condition 47 and must include:
  - (a) the timing for the closure of and/or the legal stopping of any relevant roads (or sections of roads, as the case may be), including Railway Road, Clevely Line, Te Ngaio Road and Richardsons Line;
  - (b) the location, timing, form and design of any changes and upgrades to intersections and roads required for construction and operation of the Freight Hub that are to be delivered by the Requiring Authority including:
    - (i) changes as a result of the closure and / or legal stopping of relevant roads set out in Condition 49(a);
    - (ii) the Perimeter Road, including a safe separated shared path of at least 3.0 metres between Railway Road south of Maple Street and the intersection at Roberts Line and Railway Road;
    - (iii) a new intersection at Roberts Line with the Perimeter Road;
    - (iv) an upgraded intersection at Richardsons Line and Roberts Line that includes access to activities within the Freight Hub;
  - (iv) a northern and western access from the Perimeter Road to activities within the Freight Hub;
  - (v) Upgrades to Roberts Line between Railway Road and the new intersection between Roberts Line and Richardsons Line as at (v) above, including the three vehicle accesses to the Foodstuffs North Island Limited site at 703 Roberts Line, the legal description being Lot 1 DP 384898;
  - (vi) Railway Road from Roberts Line to Airport Drive including the side road intersections and accesses onto Railway Road;
  - (vii) The Maple Street intersection with Railway Road; and
  - (c) the location, timing, form and design of any changes and upgrades to the following property accesses required to be delivered by the Requiring Authority as a result of the construction and operation of the Freight Hub:
    - (i) 422 and 422A Railway Road (the legal descriptions being SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613);
    - (ii) 684 Roberts Line (the legal description being Lots 3 and 4 DP 74613); and
    - (iii) the three existing vehicle accesses to Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898);
  - (d) the timing, form and design of changes required to be delivered by the Requiring Authority and Palmerston North City at the intersections of Kairanga Bunnythorpe Road with each of Railway Road and Campbell Road;
  - (e) the timing for the closure of any level crossings;
  - (f) the proposed speed limits for any new roads and changes to speed limits for existing roads;
  - (g) the location and timing and form of any changes and upgrades to pedestrian walkways, cycleways and public transport facilities, including new or relocated bus stops;
  - (h) the location and timing of confirmed and funded upgrades or additions to the wider transport network, including works that are part of the Palmerston North Integrated Transport Improvement (PNITI) project and the identification of potential alternative ways for that wider transport network being delivered by the region's road controlling authorities to integrate with any roading upgrades and connections required for construction and operation of the Freight Hub; and
  - (i) details of the feedback provided by Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency and how this has been incorporated into the Road Network Integration Plan, including any feedback regarding:
    - (i) the location and timing of a ring road and/or any bypasses of Bunnythorpe; and
    - (ii) how these connections integrate with the roading network required for the construction and the safe and efficient movement of freight as part of the operation of the Freight Hub; and
  - (j) the timing of reviews and frequency of updates to the Road Network Integration Plan, based on the matters outlined in this Condition 49;



## Appendix 1 – Recommended Conditions

(k)	<p>whether there is a need for upgrades to, and if so, the location, timing, form and design of any changes and upgrades to intersections and roads required for construction and operation of the Freight Hub that are to be delivered by the Requiring Authority including:</p> <ul style="list-style-type: none"> <li>(i) Roberts Line between Perimeter Road and Kairanga – Bunnythorpe Road;</li> <li>(ii) The intersections of Kairanga-Bunnythorpe Road with each of Railway Road and Campbell Road and the intersection with the level crossing;</li> <li>(iii) Railway Road between Maple Street and Kairanga-Bunnythorpe Road;</li> <li>(iv) Campbell Road between 38 Campbell Road and the intersection with Stoney Creek Road;</li> <li>(v) Stoney Creek Road including intersections with Ashhurst Road and Kelvin Grove Road.</li> </ul>
<b>Roading connections and upgrades</b>	
50.	<p>Unless alternative access to the Freight Hub is provided that no longer requires the Perimeter Road (or a relevant part of it) to be constructed, the Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) construct the Perimeter Road (or relevant part); and</li> <li>(b) surface it with an asphaltic mix road surface; and</li> <li>(c) enable public use of the Perimeter Road prior to the closure of the relevant section of Railway Road.</li> </ul>
51.	<p>Unless otherwise provided by other road controlling authorities, the upgrades listed in Condition 49(b) must be delivered by the Requiring Authority according to the timing outlined in the Road Network Integration Plan.</p>
52.	<p>In order to inform the timing, design and form of the upgrades listed in Condition 49(b), the Requiring Authority must undertake traffic modelling and safety audits to demonstrate that the designs will:</p> <ul style="list-style-type: none"> <li>(a) achieve an intersection Level of Service D or better (for sign-controlled intersections this is the Level of Service on the side road(s) approach(es) or better, as modelled with SIDRA or similar; and</li> <li>(b) not result in any serious or significant safety concerns, in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.</li> </ul> <p>The Requiring Authority must provide copies of the traffic modeling and safety audits to the Palmerston North City Council.</p>
53.	<p>The Requiring Authority must design and construct all new roads, intersections and vehicle crossings in accordance with the Palmerston North City Council's roading standards, or to such standards as otherwise agreed with Palmerston North City Council.</p>
54.	<p>The Requiring Authority must design and construct a safe connection across the North Island Main Trunk Line for cyclists and pedestrians at a location south of, and as close as reasonably practicable to, the Roberts Line and Railway Road intersection in consultation with the Palmerston North City Council. The connection must be operational within 6 months after the relocation of the North Island Main Trunk Line.</p>
<b>Landscape and Design</b>	
55.	<p>The Requiring Authority must prepare and submit a Landscape and Design Management Plan for certification with the first outline plan to Palmerston North City Council. The Requiring Authority must implement the Landscape and Design Management Plan.</p>
56.	<p>The objective of the Landscape and Design Plan is to ensure that the design of the Freight Hub avoids, remedies or mitigates potential adverse effects of the Freight Hub on landscape character, visual amenity and natural character</p>
57.	<p>The Landscape and Design Management Plan must be prepared by a suitably qualified and experienced person in consultation with other relevant qualified persons, as required.</p>
58.	<p>The Requiring Authority must invite the mana whenua and the Community Liaison Forum to provide input and feedback on the development of the Landscape and Design Management Plan.</p>
59.	<p>The Landscape and Design Management Plan must achieve the objective in Condition 54 and shall include:</p> <ul style="list-style-type: none"> <li>(a) how the landscape design implements the design principles and achieves the design outcomes in the Design Framework;</li> <li>(b) the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of stormwater detention ponds, stream and riparian margins, cut faces and fill batters;</li> <li>(c) a description of design measures (including but not limited to the final form, finish and articulation of the proposed buildings, Noise Mitigation Structures and batter heights and slopes);</li> <li>(d) a description of how the plantings in (b) and other design measures in (c): <ul style="list-style-type: none"> <li>(i) integrate the built forms including roof lines and walls of the Freight Hub and the related earthworks into the surrounding environment;</li> <li>(ii) mitigate visual amenity effects in relation to residential properties;</li> </ul> </li> </ul>

## Appendix 1 – Recommended Conditions

	<ul style="list-style-type: none"> <li>(iii) contribute to the open watercourse and stormwater ponds appearing as natural features and enhancing local biodiversity;</li> <li>(iv) comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and</li> <li>(v) comply with any regional consents.</li> </ul>
(e)	<p>how the proposed planting will:</p> <ul style="list-style-type: none"> <li>(i) mitigate adverse effects on, and/or enhance the natural character of waterbodies, including the Mangaone Stream surrounds,</li> <li>(ii) restore indigenous biodiversity in consultation with a suitably qualified and experienced ecologist,</li> <li>(iii) where practicable, use eco-sourced seeds and plants sourced from the rohe (in consultation with mana whenua);</li> </ul>
(f)	how sites of cultural and historical significance (if identified through the Mana Whenua Engagement Framework and Design Framework will be recognised and provided for;
(g)	how any roads and walkways within the designation extent integrate into the character of the surrounding area and connect to paths and cycleways outside the designation and provide opportunities for outlook(s) over the Freight Hub;
(h)	<p>In relation to proposed Noise Mitigation Structures:</p> <ul style="list-style-type: none"> <li>(i) the location of the Noise Mitigation Structures as outlined in the Operational Noise and Vibration Plan; and</li> <li>(ii) the final form, finish, and planting of these Structures, including design treatment of vertical noise barriers, and landscaping of bunds;</li> <li>(iii) noise mitigation walls shall have a minimum planted depth of 5 m on the external face of the walls;</li> <li>(iv) details of how the Noise Mitigation Structures have been designed where practicable to avoid, remedy or mitigate their adverse effects on landscape character and visual amenity (including through consultation with the community and mana whenua); and</li> <li>(v) details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from Noise Mitigation Structures will avoid adverse effects on the foundations of any National Grid support structure.</li> </ul>
	(i) how the lighting effects on the landscape and visual amenity are minimised;
	(j) the proposed timing and planting methods (including ground preparation, mulching and any trials) for establishing any landscape or visual amenity planting, with all new planting to be commenced in the first planting season following the completion of each stage or discretion location of construction works;
	(k) the growing conditions required to ensure the successful establishment, growth and on-going viability of planting;
(l)	the process and programme for maintaining any landscape or visual amenity planting and fencing to a high standard at all times (including, but not limited to, plant and animal pest management, removal of litter and vandalism, maintenance of plants to ensure clear pathways and sightlines, and replacement of dead plants).
60.	This condition is blank.
61.	This condition is blank.
62.	<p>Planting within the designation must be designed to achieve:</p> <ul style="list-style-type: none"> <li>(a) at least an 80% canopy cover within five years of being planted;</li> <li>(b) at least 50% of tall tree species reach a height of 5 meters within five years of being planted; and</li> <li>(c) a minimum depth of planting along the following roads: <ul style="list-style-type: none"> <li>(i) 20 metres along the majority extent of Sangsters Road, excluding the tie in area at Roberts Line; and</li> <li>(ii) 30 metres along the internal frontage of the Perimeter Road excluding the tie in with Roberts Line (new intersection).</li> </ul> </li> </ul>
63.	All buildings within the Freight Hub must be designed and constructed to avoid potential roof glare to the south and particularly to the Palmerston North Airport Control Tower.
<b>Construction Management Plan</b>	
64.	At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Management Plan for certification and implement the plan for the duration of the Works.
65.	The objective of the Construction Management Plan is to ensure that management procedures and construction methods are adopted to avoid, remedy or mitigate adverse effects of the construction of the Freight Hub and minimise as far as reasonably practicable disturbance to residents.
66.	The Construction Management Plan must achieve the objective in Condition 65 and must include:

## Appendix 1 – Recommended Conditions

	<ul style="list-style-type: none"> <li>(a) a construction programme, including identifying key stages of the Works (including the delivery of parts of the stormwater system), and any seasonal timings for works;</li> <li>(b) a detailed site layout;</li> <li>(c) the design and management specifications for all earthworks on-site, including disposal sites and their location and the Construction Dust Management Plan;</li> <li>(d) measures to ensure that the Works and structures (including the operation of any mobile plant and machinery) are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);</li> <li>(e) the design of temporary lighting for the Works and construction support areas in accordance with the Construction Lighting Management Plan;</li> <li>(f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;</li> <li>(g) the approach to the management of construction waste;</li> <li>(h) measures to avoid or minimise disturbance to burials being undertaken at Bunnythorpe cemetery during construction;</li> <li>(i) the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(j) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(k) environmental incident and emergency management procedures; and</li> <li>(l) contact numbers for key construction staff, and staff responsible for any monitoring requirements.</li> </ul>
	<b>Construction Lighting Management Plan</b>
67.	All lighting required for the Works must comply with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits.
68.	At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Lighting Management Plan for certification and implement the plan for the duration of the Works.
69.	The Construction Lighting Management Plan must be prepared by a suitably qualified and experienced person.
70	The objective of the Construction Lighting Management Plan is to demonstrate compliance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, Zone A2 Limits, between 11:00pm and 6.00am during the Works.
71	<p>The Construction Lighting Management Plan must specify the measures to:</p> <ul style="list-style-type: none"> <li>(a) minimise construction vehicle headlight sweep on adjacent dwellings identified in this plan;</li> <li>(b) minimise as far as practicable light spill and glare from construction lighting on adjacent dwellings identified in this plan dwellings; and</li> <li>(c) minimise as far as practicable light spill and glare from construction lighting to the Palmerston North Airport Control Tower.</li> </ul>
	<b>Dust Monitoring</b>
71A	The Requiring Authority must ensure that there is no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect beyond the boundary of the Designation.
71B	The Requiring Authority must assess weather and ground conditions (wind and dryness) at the start of each day when construction Works are scheduled. The Requiring Authority must ensure that applicable dust mitigation measures and methods contained in the Construction Dust Management Plan are ready for use prior to commencing Works for the day.
71C	<p>For the purposes of Conditions [71D, 71E and 71F], the following maximum monitoring trigger levels shall apply to all works authorised by the Designation:</p> <ul style="list-style-type: none"> <li>(a) Ten-minute rolling PM<sub>10</sub> concentration of 150 micrograms per cubic metre (1-hour average).</li> </ul> <p>The wind direction (10-minute average) places dust generating construction activities directly upwind of sensitive receivers when the wind speed exceeds 7 m/s.</p>
71D	<ul style="list-style-type: none"> <li>(a) The Requiring Authority must install and operate, for the duration of construction and operation of the Freight Hub, a meteorological monitoring station, with instruments capable of continuously monitoring metrological conditions for the site. The instruments must: <ul style="list-style-type: none"> <li>(i) be installed prior to commencing construction Works;</li> <li>(ii) be capable of continuous measurement and real time logging and reporting of wind strength, wind direction, air temperature and rainfall;</li> </ul> </li> </ul>

## Appendix 1 – Recommended Conditions

	<ul style="list-style-type: none"> <li>(iii) provide an alarm to site staff (for example via mobile phone) if the ten-minute rolling average wind speed trigger level in Condition [59C(b)] is exceeded;</li> <li>(iv) be installed on a mast such that their height is at least five metres above ground level and in accordance with AS 2923 – 1987 Ambient Air Guide for Measurement of Horizontal Wind for Air Quality Applications;</li> <li>(v) be maintained in accordance with the manufacturer's specifications.</li> </ul>
	<p>(b) All measured data must be:</p> <ul style="list-style-type: none"> <li>(i) recorded using an electronic data logging system and retained for the duration of the activities authorised by the Designation;</li> <li>(ii) provided to the Palmerston North City Council upon request.</li> </ul>
71E	<p>Prior to the commencement of Works, the Requiring Authority must install and operate instruments to measure particulate matter as PM<sub>10</sub> and PM<sub>2.5</sub> on, or near to, at least two Designation boundary locations including:</p> <ul style="list-style-type: none"> <li>(a) the north-western boundary; and</li> <li>(b) the eastern boundary.</li> </ul> <p><b>Advice note:</b></p> <p>The intent of the monitoring locations is to align with the prevailing winds that are from the north-northeast quadrant and the south-southeast quadrant, such that the monitoring can provide corresponding upwind and downwind data for the construction works. The location of the monitoring stations along the north-western and eastern boundaries may need to be changed over time, i.e. to take into account the significance of the works and relative separation of the works to potentially impacted dwellings. Depending on the extent of the works at any particular stage of construction, additional monitors may need to be installed to achieve coverage and fulfil the intent of the condition.</p>
71F	<p>All particulate matter monitors required under Conditions [71E] must be:</p> <ul style="list-style-type: none"> <li>(a) of a type that are suitable for dust management by measuring PM<sub>10</sub> and PM<sub>2.5</sub>, but need not meet the standard for compliance monitoring under the National Environmental Standards for Air Quality Regulations (2004);</li> <li>(b) calibrated and maintained in accordance with the manufacturer's specifications;</li> <li>(c) capable of providing real-time information to provide email and/or text alerts if exceedances of the monitoring trigger value in Condition [71C] occur.</li> </ul>
<b>Construction Dust Management Plan</b>	
71G	<p>The Requiring Authority must prepare a Construction Dust Management Plan for certification and implement the plan for the duration of construction Works.</p>
71H	<p>The objective of the Construction Dust Management Plan is to detail measures for avoiding, remedying or mitigating the adverse effects of dust from construction works.</p>
71I	<p>The Construction Dust Management Plan must be prepared by a suitably qualified and experienced person.</p>
71J	<p>The Construction Dust Management Plan must achieve the objective in Condition [59H] and shall include:</p> <ul style="list-style-type: none"> <li>(a) A description of the activities and sources with the potential to generate dust on site;</li> <li>(b) A description of the potential effects of the dust discharges;</li> <li>(c) A description of the receiving environment and identification of sensitive receivers within 150 metres of the site boundaries;</li> <li>(d) Procedures, processes and methods for managing dust, including for when personnel are not on site;</li> <li>(e) Identification of triggers and contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as: <ul style="list-style-type: none"> <li>(i) cleaning of water tanks and replenishment of water supplies,</li> <li>(ii) cleaning of houses,</li> <li>(iii) cleaning of other buildings and infrastructure,</li> <li>(iv) cleaning of local roads (in agreement with PNCC's Chief Engineer);</li> </ul> </li> <li>(f) A description of the particulate matter monitoring programme and monitoring equipment;</li> <li>(g) A dust monitoring plan including: <ul style="list-style-type: none"> <li>(i) Equipment selection and siting requirements;</li> <li>(ii) A maintenance and calibration schedule for meteorological and particulate matter monitoring instruments, and data management procedures;</li> <li>(iii) Methods for undertaking visual monitoring assessments of dust emissions;</li> </ul> </li> <li>(h) Procedures for training of personnel and contractors to make them aware of the requirements of the Construction Dust Management Plan;</li> <li>(i) Monitoring triggers and procedures for responding to particulate matter monitoring and wind speed triggers;</li> </ul>

## Appendix 1 – Recommended Conditions

	<p>(j) The process for recording complaints and providing feedback to the complainant on how issues raised in complaints have been addressed;</p> <p>(k) The roles and responsibilities of personnel responsible for implementing and reviewing the Construction Dust Management Plan.</p>
71K	If a complaint related to off-site effects of dust is received and verified, the Requiring Authority must investigate dust deposition at the applicable property and determine the appropriate remedial action(s), for example, providing cleaning services.
<b>Network utilities</b>	
72.	<p>Prior to any land disturbing works, the Requiring Authority must:</p> <p>(a) identify the location of existing overhead or underground network utilities (<a href="http://www.beforeudig.co.nz">www.beforeudig.co.nz</a>);</p> <p>(b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations or other marker for overhead lines; and</p> <p>(c) provide the information of the network utilities identified under Condition 72(a) and (b) and information on any restrictions in place in relation to those existing network utilities to all construction personnel, including contractors.</p>
73.	Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority must obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).
74.	The Requiring Authority must provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).
75.	At least 20 working days prior to the commencement of the Works, the Requiring Authority must provide Transpower New Zealand Limited with details of the likely Works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.
76.	The Requiring Authority must ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating potential earth rise and ensuring electrical safety.
77.	The Requiring Authority must ensure the continuity of existing Powerco owned services and existing Palmerston North City Council owned three water services and, where necessary, provide for the efficient relocation of any of their infrastructure affected by the Works or operation of the Freight Hub to a location where operation, maintenance and upgrade activities associated with those services can be safely and efficiently provided (such relocation to be planned and undertaken in consultation with the relevant infrastructure owner).
<b>Construction Traffic</b>	
78.	At least six months prior to the Works commencing, the Requiring Authority must prepare a Construction Traffic Management Plan for certification, and implement the plan for the duration of the Works.
79.	The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to avoid, remedy or mitigate adverse effects from traffic associated with the Works on property access, road user safety and efficiency of traffic movements.
80.	The Construction Traffic Management Plan must be prepared by a suitably qualified and experienced person.
81.	At least 20 working days prior to the Construction Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, Manawātū District Council for feedback.
82.	<p>The Construction Traffic Management Plan must achieve the objective in Condition 79 and must:</p> <p>(a) identify the numbers, frequencies, and timing of traffic movements for each phase of the construction programme in the Construction Management Plan, including any limitations on heavy vehicle movements through key areas (including local roads) during night and peak times, as required either in relation to traffic conditions or to mitigate potential noise and vibration effects;</p> <p>(b) identify safe site access routes, site access arrangements, and site access points for construction traffic, including heavy vehicles involved in constructing the Freight Hub in a manner consistent with Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management;</p> <p>(c) with reference to relevant Austroads Guidelines (or similar New Zealand Standards), identify any upgrades that are needed on the basis of departures from those standards, and the timing of upgrade works that the Requiring</p>

## Appendix 1 – Recommended Conditions

	<p>Authority must undertake, to ensure safe and fit for purpose site access routes and access points, including for possible night-time movement of construction vehicles;</p> <p>(d) outline temporary traffic management measures, such as traffic detours (including for public transport, walking and cycling, school bus routes, and infrastructure) and temporary speed limits;</p> <p>(e) describe measures to maintain safe pedestrian and cyclist movements in the vicinity of the site, including measures to ensure that any shared paths delivered by Palmerston North City Council and Te Araroa Trail between Palmerston North and Feilding are open to the public for use at all times (including any diversions) during construction of the Freight Hub;</p> <p>(f) outline measures to manage noise from construction traffic including any restrictions on routes, timing and engine braking;</p> <p>(g) detail measures to ensure vehicle access to private properties is maintained, where current access is affected by construction, including ensuring that access to the Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898) is able to be provided for heavy vehicles at all times;</p> <p>(h) identify opportunities to use the rail network to minimise effects on the roading network where practicable;</p> <p>(i) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads;</p> <p>(j) detail the process for and locations of construction traffic movement monitoring and the frequency and times of monitoring relevant to the stage of construction set out in the programme in the Construction Management Plan;</p> <p>(k) provide a process for ensuring that updated traffic information is included in the Construction Engagement Plan;</p> <p>(l) specify how road condition will be monitored and maintained (including in conjunction with the relevant Road Controlling Authority) to ensure that road surface integrity and waterproofness is maintained at a level consistent with that identified through the pre-works surveys required under Condition 82A, including specifications of the frequency and response times for remedying defects;</p> <p>(m) identify any material construction activity being undertaken by other parties, including roading works occurring along access routes identified in Condition 82(b); and</p> <p>(n) provide details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council and how it was incorporated.</p>
82A	<p>Pre-construction baseline surveys</p> <p>(a) Prior to commencement of Earthworks and Site Establishment Works of the Freight Hub, the Requiring Authority must undertake and document:</p> <p>(i) Pre-works condition surveys of the carriageways including road roughness, rutting, skid resistance, cracking and drainage performance along the local roads affected by the freight Hub as identified in the certified Construction Traffic Management Plan under Condition 78;</p> <p>(ii) Independent comparative pavement life-cycle modelling (e.g. DTMS) informed by Falling Weight Deflectometer (FWD) surveys, of both the 'with' (Scenario A) and 'without' (Scenario B) Earthworks and Site Establishment Works traffic scenarios to identify the timing of pavement renewal works required under each scenario.</p> <p>(b) The requiring Authority must submit the surveys and assessment results to Palmerston North City Council's Roading Asset Manager at least 10 working days prior to commencements of Earthworks and Site Establishment Works</p>
82B	<p>(a) As soon as practicable following completion of Earthworks and Site Establishment Works of the Freight Hub, the Requiring Authority must, at its expense, conduct a FWD survey, using the same methods, locations and geographical extent as required by Condition 82A(a)(ii). The results of the pre and post works will be compared.</p> <p>(b) Where necessary, the Requiring Authority must, at its expense and subject to the authorisation of the relevant road Controlling Authority, engage an approved Council contractor to carry out any rehabilitation works necessary to restore the asset to the predicted Scenario B lifespan identified in the pre-works survey.</p>
83.	The Construction Traffic Management Plan must be reviewed and updated as required to align with the key stages identified in the construction programme required in the Construction Management Plan.
84.	The Requiring Authority must provide any updated draft Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatū District Council for review and feedback at least 20 working days prior to submitting the updated Construction Traffic Management Plan for recertification under Condition 9.
85.	The Requiring Authority shall ensure that Maple Street is not used by construction traffic to access the Freight Hub.

## Appendix 1 – Recommended Conditions

### Construction Noise and Vibration Management Plan

86. At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Noise and Vibration Management Plan for certification and implement the plan for the duration of the Works.
87. The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with the limits in Conditions 89 and 91 will be achieved for the duration of the Works.
88. The Construction Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person and in general accordance with the requirements of Annex E2 of NZS 6803:1999
89. All of the Works must be undertaken to ensure that, as far as practicable, construction noise does not exceed the limits in Table 1. Construction Noise limits. Noise levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as follows (at occupied dwellings).

Table 1: Construction Noise limits

Time of Week	Time Period	LAeq	LAFmax
Weekdays	0630 – 0730	55 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	65 dB	80 dB
	2000 – 0630	45 dB	75 dB
Saturdays	0630 – 0730	45 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB
Sundays and Public Holidays	0630 – 0730	45 dB	75 dB
	0730 – 1800	55 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB

N.B. Shading indicates *night-time* hours.

90. Night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90 must only take place if the Works cannot be practicably undertaken during day time hours.
91. Construction vibration must comply with the criteria in Table 2 Vibration Criteria, where:
- Measurement is in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures;
  - BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.

Table 2: Vibration Criteria

Receiver	Location	Details	Category A PPV	Category B PPV
Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s
		0630 – 2000	1 mm/s	5 mm/s
Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s

## Appendix 1 – Recommended Conditions

	Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2
			Vibration continuous		50% of BS 5228-2 Table B.2 <sup>3</sup>
(c)	The Category A construction vibration criteria in Table 2 above must be complied with as far as practicable. If measured or predicted vibration from the Works exceeds the Category A criteria, the Requiring Authority must engage an independent, suitably qualified and experienced person to assess and manage construction vibration during those activities.				
(d)	If prior to or during Works, measured or predicted vibration from the Works exceed the Category B criteria in Table 2:				
(i)	the relevant Works must not commence or proceed until a suitably qualified and experienced person has undertaken a building condition survey at affected receivers (provided the owner(s) and/or occupier(s) has agreed to such a survey) and identified specific Best Practicable Option measures to manage the effects of vibration; and				
(ii)	the Requiring Authority must undertake vibration monitoring for the duration of the relevant Works.				
(e)	The findings of the building condition surveys and measures identified in Condition 91(d) must be included as a Schedule to the Construction Noise and Vibration Management Plan in Condition 92 and the Requiring Authority must implement the mitigation measures for the duration of the relevant Works.				
(f)	The Schedule must be provided to the Palmerston North City Council (Head of Planning Services) as soon as practicable before the relevant Works commence.				
(g)	As soon as practicable following completion of the relevant Works, the Requiring Authority must engage a suitably qualified and experienced person to undertake a building condition survey at affected receivers identified in Condition 91(d) to determine if any damage has occurred as a result of construction vibration.				
(h)	The Requiring Authority must repair any damage identified in condition 91(g) as soon as practicable.				
92.	The Construction Noise and Vibration Management Plan must achieve the objective in Condition 87 and include:				
(a)	the noise and vibration limits as set out in the Conditions 89 and 90;				
(b)	a description of the construction works and processes;				
(c)	a description of anticipated equipment and any noise or vibration suppression devices;				
(d)	the hours of operation, including times and days when activities causing noise and/or vibration would occur;				
(e)	identification of affected dwellings and other noise sensitive activities and projected noise and vibration levels for those activities;				
(f)	a description of alternative management strategies where compliance with the criteria in Conditions 89 or 90 may not be achieved;				
(g)	methods and frequency for monitoring and reporting on construction noise and vibration;				
(h)	details of the procedures and timing for notifying stakeholders and sensitive receivers of construction activities in relation to night time works, where the night time noise limits in Table 1 of Condition 89 and Table 2 of Condition 90 will be exceeded, notice to sensitive receivers must include the expected timing and duration of the works and be provided and copied to the Palmerston North City Council Head of Planning Services at least five working days before the works commence);				
(i)	procedures for handling noise and vibration complaints as set out in the Construction Engagement Plan and Complaints Register in Conditions 25-31;				
(j)	construction equipment operator training procedures and expected construction site behaviours; and				
(k)	contact numbers for key construction staff, staff responsible for noise assessment and the council compliance officer;				
(l)	whether the construction noise limits in Table 1 in Condition 89 will be exceeded and whether acoustic mitigation (such as temporary or permanent acoustic screens) is required to achieve compliance with those noise limits. Any such mitigation must be put in place prior to the relevant Works commencing and be maintained for the duration of those Works; and				
(m)	procedures and timing for a suitably qualified and experienced person to undertake a specific noise assessment of night-time construction works, which must include any recommended mitigation measures to minimise the noise impacts of any night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90.				
Water supply					



## Appendix 1 – Recommended Conditions

93.	The Requiring Authority must ensure that all new buildings within the Freight Hub are serviced with adequate water supply and access to that supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.
<b>Operational Lighting Design Plan</b>	
94.	The Requiring Authority must prepare and submit an Operational Lighting Design Plan to Palmerston North City Council for certification at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Lighting Design Plan.
95.	The Operational Lighting Design Plan must be prepared by a suitably qualified and experienced person.
96.	The objective of the Operational Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, access roads (including the Perimeter Road), and car parks of the Freight Hub will be designed to comply with <i>AS/NZS 4284:2019- Control of the obtrusive effects of outdoor lighting, Zone A2 limits</i> between 11.00pm and 6.00am to manage sky glow, glare, light spill and effects on road users from the operation of the Freight Hub, including at the Palmerston North Airport Control Tower.
97.	The Operational Lighting Design Plan must achieve the objective in Condition 96 and must include: <ul style="list-style-type: none"> <li>(a) the projected light spill and glare calculations;</li> <li>(b) the proposed locations and design for lighting structures, including low-level security lighting and under carriage lighting;</li> <li>(c) any measures to reduce potential adverse visual amenity effects including minimising where practicable, the number of lighting poles and the height of lighting towers;</li> <li>(d) confirmation that a Civil Aviation Authority NZ Part 77 Determination has been obtained if required; and</li> <li>(e) identification of potential areas where headlight sweep onto the windows of a residential dwelling's bedroom is likely to occur because of night-time traffic movements within the site and when exiting the site. If so, provide details for measures to mitigate its effects; and</li> <li>(f) the proposed exterior lighting colour, which must have a colour temperature of light emitted of 3000 Kelvin or lower.</li> </ul>
<b>Operational Traffic Management Plan</b>	
98.	The Requiring Authority must prepare and submit an Operational Traffic Management Plan to Palmerston North City Council for certification at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement an Operational Traffic Management Plan for the duration of the Freight Hub's operation.
99.	The objective of the Operational Traffic Management Plan is to avoid, remedy or mitigate any identified adverse transport effects of traffic generated by the operation of the Freight Hub.
100.	At least 20 working days prior to the Operational Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Operational Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council for feedback.
101.	The Operational Traffic Management Plan must achieve the objective in Condition 99 and include: <ul style="list-style-type: none"> <li>(a) the process for and frequency of operational traffic monitoring (at least every two years until completion, unless otherwise agreed with Palmerston North City Council, including when the monitoring commences, the location of monitoring points, the timing of monitoring (to avoid school or public holidays, and to be undertaken at a similar time each year) and the period of traffic count collection (which must be at least 7 consecutive days);</li> <li>(b) a description of actual and forecasted traffic generation at each of the Freight Hub's three access points from the Perimeter Road, including light and heavy vehicles, as a result of activities within the Freight Hub;</li> <li>(c) records of assessment and reporting on safety and performance of each of the Freight Hub's access points carried out in accordance with Condition 102, with allowance made for the interaction with rail crossings within the site) and any other access point onto the section of the Perimeter Road between Roberts Line and Maple Street;</li> <li>(d) details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, and Manawātū District Council and how it has been incorporated; and</li> <li>(e) the process for reviewing and updating the Operational Traffic Management Plan as outlined in Condition 104</li> </ul>
102.	The Requiring Authority must assess the safety and performance of the accesses listed in Condition 101(c) to demonstrate that they achieve: <ul style="list-style-type: none"> <li>(a) a Level of Service of D or better (for sign-controlled intersections, this is the Level of Service on the side road(s) approach(es)), as modelled with SIDRA or similar intersection modelling software; and</li> </ul>

## Appendix 1 – Recommended Conditions

- (b) in the event that there have been any serious injury or fatal crashes (as reported in the Waka Kotahi Crash Analysis System (CAS) database) the road network at the accesses in Condition 101(c) since the previous review of the Operational Traffic Management Plan, road safety audits must be undertaken in accordance with the *New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013*.
103. In the event that any of the accesses do not meet the standards in Condition 102(a) or 102(b), and in circumstances where the failure to meet those standards is attributable to operational traffic associated with the Freight Hub, the Requiring Authority must:
- (a) develop designs for upgrades to that infrastructure in order to achieve these standards;
  - (b) submit the designs to the Chief Roading Engineer at Palmerston North District Council for certification that they meet the requirements of Condition 102(a) and / or 102(b); and
  - (c) implement at its cost the certified infrastructure upgrades within 12 months of receiving certification.
104. The Requiring Authority must review and update the Operational Traffic Management Plan:
- (a) with each relevant outline plan of works for buildings and development of the Freight Hub taking into account the outcomes of any monitoring and audits undertaken in accordance with Condition 101 and 102;
  - (b) when total vehicle movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 4200 vehicles per day;
  - (c) when total vehicle movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 8000 vehicles per day.
  - (d) when total traffic movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 12000 vehicles per day; and
  - (e) at least every 6 years.
105. The Requiring Authority must advise Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council on the outcomes of any review undertaken in accordance with Condition 104 and provide any updated draft Operational Traffic Management Plan to those parties for review and feedback.
106. The Requiring Authority is not required to review and update the Operational Traffic Management Plan under Condition 104(b) or 104(c) or 104(d) within 12 months of the previous review and update of the Operational Traffic Management Plan.

### Operational Noise and Vibration

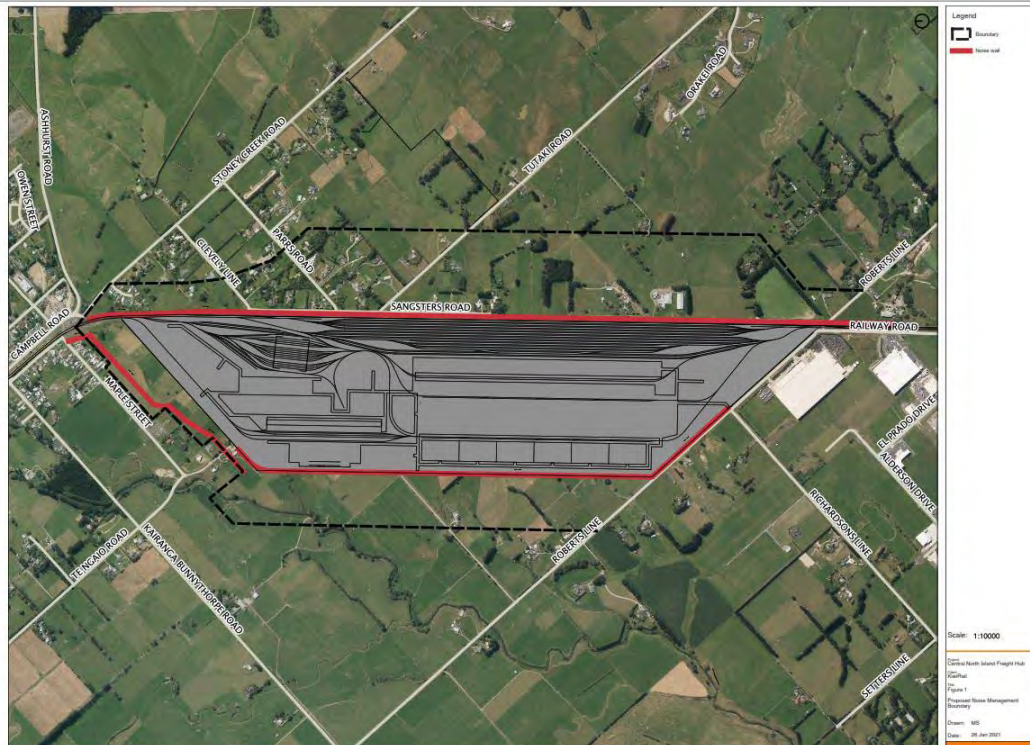
107. All operational activities at the Freight Hub must be undertaken to ensure that noise does not exceed the limits Table 3 when measured at or beyond the Noise Management Boundary shown in Figure 1.

Table 3: Noise limits

All times	55dB L <sub>Aeq</sub> (1hr)
10pm-7am	85 dBL <sub>Amax</sub>

Figure 1 Noise Management Boundary

## Appendix 1 – Recommended Conditions



108. Sound levels of operational activities at the Freight Hub must be measured in accordance with NZS 6802:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6801:2008 Acoustics – Environmental noise, except that no corrections will be made for duration (6.4).

*Advice note: for the purposes of Condition 108, sound generated from rail activities using good site management practices that minimise as far as practicable the creation of tonal and impulsive noise beyond the Site, including the sound from containers being picked up and put down, should not be classified as having special audible characteristics.*

109. The Freight Hub must be designed and operated to ensure that noise does not exceed 65 dB LAeq(1hr) within any site zoned Rural or Residential (as at 23 October 2020) outside the Designation Extent.
110. At least 12 months prior to the commencement of operation of any noise generating component of the Freight Hub, the Requiring Authority must undertake noise modelling to predict at intervals of 45 dB LAeq (1hr), 55 LAeq (1hr) and 65 dB LAeq (1hr):
- the projected noise levels from the operation of the Freight Hub for the following 12 months ("**Annual Noise Contours**"); and
  - the long term projected noise levels from future activities within the Freight Hub ("**Future Noise Contours**").
- The Requiring Authority must thereafter undertake noise modelling annually, and update the Annual Noise Contours and Future Noise Contours (as required).
111. Where the Annual Noise Contours identify that the noise levels are predicted to exceed 55 dB LAeq(1hr) at any time, or 45 dB LAeq (1hr) between the hours of 10pm and 7am, (either wholly or partly) at any Existing Dwelling in the following 12 months, the Requiring Authority must:
- subject to property owner(s) approval and within three months of producing the Annual Noise Contours, engage a suitably qualified person to undertake investigations at those Existing Dwellings to determine if any acoustic treatment measures are necessary to achieve, based on the Future Noise Contours, an internal noise levels of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces;
  - within three months of undertaking the investigations in Condition 111(a), make an offer to the property owner(s) to install, at the Requiring Authority's cost, acoustic treatment measures recommended by the suitably qualified person to achieve the noise levels in Condition 111(a) based on the Future Noise Contours and a reasonable future projection of noise from the operation of the North Island Main Trunk Line; and
  - if the offer in Condition 111(b) is accepted within six months, and provided that the property owner(s) enter into a covenant with the Requiring Authority which includes terms that the owner(s) and occupier(s) will ensure that the acoustic treatment measures are not removed or altered in a way that lessens their effectiveness, the Requiring

## Appendix 1 – Recommended Conditions

	Authority must install the acoustic treatment and use best endeavours to install that treatment before any Existing Dwelling falls within the 55 dB LAeq(1hr) Annual Noise Contour.
	Advice Note: Any covenant under 111(b) must not require a no complaints obligation on landowners unless agreed to by the landowner.
112.	Where any bedrooms within an Existing Dwelling contain openable windows, the acoustic treatment measures in Condition 111(a) must include a positive supplementary source of fresh air ducted from outside which must achieve a minimum of 7.5 litres per second per person
113.	When providing acoustic treatment measures in accordance with Condition 111, the Requiring Authority is not required to fund any measures required to: <ul style="list-style-type: none"> <li>(a) bring a building up to the standard required in any building regulations, bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; or</li> <li>(b) remove any asbestos that is likely to be disturbed by the installation of the acoustic treatment. where that work is not reasonably related to or ancillary to the installation of noise insulation</li> </ul>
114.	This condition is blank.
115.	The Requiring Authority is not required to achieve an internal design noise level of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces, and will not be in breach of Condition 111, if: <ul style="list-style-type: none"> <li>(a) the property owner(s) accepts in writing a form or level of acoustic treatment that results in a different internal design sound level and that consent is provided to the Palmerston North City Council; or</li> <li>(b) the Palmerston North City Council certifies that it not reasonably practicable to achieve the specified internal design noise level due to the type, structure, age or state of repair of the Existing Dwelling or the desirability to maintain heritage features of the Existing Dwelling.</li> </ul> <p>In the event that Condition 115(b) applies, the Requiring Authority must install measures to reduce the internal design sound level of the habitable spaces as far as practicable.</p>
116.	All operational activities in the Freight Hub must be undertaken to ensure that vibration at any Existing Dwelling outside the Designation Extent does not exceed 0.3 mm/s $v_{w,95}$ as far as practicable.
117.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council for certification at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Noise and Vibration Management Plan.
118.	The objective of the Operational Noise and Vibration Management Plan is to demonstrate how compliance with the noise and vibration limits for the operation of the Freight Hub set out in Conditions 107, 109 and 116 will be achieved.
119.	The Operational Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person.
120.	The Operational Noise and Vibration Management Plan must outline: <ul style="list-style-type: none"> <li>(a) the noise and vibration limits for both day and night time activities within the Freight Hub must operate as set out in Condition 107 and Condition 116;</li> <li>(b) the Annual Noise Contours and the Future Noise Contours produced in accordance with Condition 110;</li> <li>(c) any noise mitigation required to manage the noise effects including: <ul style="list-style-type: none"> <li>(i) a continuous barrier, including bunds and/or natural elevation on the eastern boundary within the Designation Extent extending to at least 5 metres above the finished ground level;</li> <li>(ii) a barrier 3 metres above local ground level on the northern boundary within the Designation Extent;</li> <li>(iii) a barrier 3 metres above finished ground level on the western boundary if dwellings are still within 500m of the Perimeter Road in that location when operation commences; and</li> <li>(iv) acoustic treatment of Existing Dwellings required by Conditions 110 to 115.</li> </ul> </li> <li>(d) the process for undertaking modelling and monitoring of operational noise and vibration;</li> <li>(e) the location of permanent noise monitors which must include: <ul style="list-style-type: none"> <li>(i) one in the northern area of the Freight Hub;</li> <li>(ii) one in the eastern area of the Freight Hub; and</li> <li>(iii) one in the western area of the Freight Hub, if dwellings are still within 500 metres of the Perimeter Road in that location,</li> </ul> </li> <li>(f) site noise management measures including operation of machinery and equipment in a manner to avoid unreasonable noise.</li> </ul>

## Appendix 1 – Recommended Conditions

121.	The Requiring Authority must make the current version of the Operational Noise and Vibration Management Plan publicly available on its website.
122.	The Requiring Authority must review and update (including with any additional noise modelling as required) the Operational Noise and Vibration Management Plan: <ul style="list-style-type: none"> <li>(a) annually; and</li> <li>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.</li> </ul>
<b>Operational Dust Management</b>	
123.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council for certification at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Dust Management Plan.
124.	The objective of the Operational Dust Management Plan is to avoid, remedy or mitigate the adverse effects of dust from the operation of the Freight Hub.
125.	The Operational Dust Management Plan must be prepared by a suitably qualified and experienced person.
126.	The Operational Dust Management Plan must achieve the objective in Condition 124 and include: <ul style="list-style-type: none"> <li>(a) the location and nature of dust generating activities within the Freight Hub;</li> <li>(b) the location of any sensitive receptor within 100m of the Designation Extent;</li> <li>(c) a qualitative assessment of the risk of impacts of dust generation from dust generating activities within the Freight Hub, including the typical frequency and duration of exposure to dust for each activity;</li> <li>(d) the mitigation and management practices to minimise the potential for more than minor adverse dust emissions beyond the Designation Extent; and</li> <li>(e) the process for monitoring dust generation and dust generating activities.</li> </ul>
127.	The Requiring Authority must review and update the Operational Dust Management Plan prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the dust generated from the Freight Hub.
128.	At least three months prior to Works commencing, the Requiring Authority must: <ul style="list-style-type: none"> <li>(a) identify Existing Dwellings within 100m of the Designation Extent that will experience adverse dust effects arising from the operation of the Freight Hub and rely on roof top rain water supply systems for drinking water supply;</li> <li>(b) at each of the Existing Dwellings identified in Condition 128(a), offer to install a first-flush rainwater diversion system at the Requiring Authority's cost; and</li> <li>(c) subject to property owner(s) approval, install that system as soon as practicable.</li> </ul>
<b>Third Party restrictions</b>	
129.	The Requiring Authority must enable access for maintenance utility works undertaken in road corridors in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors (September 2016) or any approved update to the Code.
130.	The Requiring Authority must ensure that access is maintained to any Powerco infrastructure, the National Grid Transmission Line and support structure for maintenance at all reasonable times, and for emergency works at all times.

**Appendix 2 – Notice of Requirement and Gazette notice of KiwiRail's  
status as a requiring authority**

Form 18

Notice of Requirement to by Requiring Authority for designation under section 168(2) of the Resource Management Act 1991

To: Palmerston North City Council  
Private Bag 11034  
Palmerston North

From: KiwiRail Holdings Limited ("**KiwiRail**")  
PO Box 593,  
Wellington 6140

### 1. Notice of Requirement

KiwiRail, as requiring authority, gives notice of a requirement ("**NoR**") for a designation in the Palmerston North City Council District Plan in respect of a project, being the construction and operation of a new intermodal rail and freight hub on land between Palmerston North and Bunnythorpe ("**Freight Hub**").

### 2. The sites to which the requirement applies is:

The designation extent is shown in Appendix 1 to this NoR (Volume 1). The sites identified are located in approximately 177.7 ha of land to the west of Railway Road, between Palmerston North and Bunnythorpe, and includes land that is currently designated for the North Island Main Trunk ("**NIMT**").

The land requirement plans, including the legal description of sites to which this NoR relates and the record of titles, are set out in Appendix 2 to this NoR (Volume 1).

A description of the environment is provided in the Assessment of Environmental Effects ("**AEE**") supporting this NoR contained in Volume 2.

### 3. The nature of the proposed Project is:

The project involves the construction and operation of the Freight Hub. The activities currently undertaken by KiwiRail at its Tremaine Avenue freight yard ("**Existing Freight Yard**") (apart from the passenger terminal and the network communications centre) will be relocated to the new site and will form part of the Freight Hub.

The Freight Hub will include the following key elements and associated works:

- Marshalling yards
- Container terminal
- Wagon storage
- Maintenance and network services facilities
- Freight forwarding facilities
- Log handling
- Bulk liquid storage
- Operation and administration office areas
- Staff facilities including parking
- Access roads
- Relocation of the NIMT
- Installation of above ground rail infrastructure
- Stormwater management areas with associated planting
- Noise management areas with associated planting
- Buildings and other activities ancillary to the Freight Hub

Further detail on the Freight Hub is provided in the AEE contained in Volume 2 to the NoR.



#### **4. The nature of the proposed conditions that would apply are:**

The conditions proposed by KiwiRail are attached as Appendix 3 to this NoR (Volume 1).

#### **5. The effects that the Project will have on the environment, and the ways in which any adverse effects will be mitigated are:**

Detail on the effects of the Freight Hub are set out in the AEE in Volume 2. In summary, the Freight Hub will have both positive effects and potential adverse effects on the environment.

##### **Positive effects**

Once completed, the Freight Hub will have positive effects for the region and for the national freight network, including:

- Employment opportunities created through both construction and operation of the Freight Hub, contributing to economic growth in Palmerston North and the wider region.
- Assisting in mitigating the causes of climate change through the relative reduction in carbon emissions by reducing reliance on roads for the transport of freight.
- Improved transport safety related to the increased capacity to manage freight through the rail network relative to freight movements on roads, changes to intersections and removal of level crossings.
- Relocation of freight operations from the Existing Freight Yard will release land along Tremaine Avenue for future development and enable the Palmerston North City Council to realise its strategic plans related to encouraging rail and industry locating in the north east of the city.
- Localised benefits in terms of removing noise and vibration in the existing NIMT area south of Bunnythorpe through relocation of the NIMT.
- Stormwater management benefits associated with comprehensive development of the site that that will reduce the potential flooding risk to upstream properties and introduce the opportunity to incorporate improved measures for fish passage.
- Opportunities to improve the ecological value of some in-stream habitat.

##### **Potential adverse effects**

The Freight Hub will have potential adverse environmental effects, including:

- Temporary adverse effects related to construction associated with construction noise, construction traffic and land disturbance.
- Effects on existing ecology related to the removal of existing vegetation as well as piping and culverting of streams and associated loss of stream beds.
- Noise effects related to both the construction and operation of the Freight Hub.
- Visual and landscape effects related to the changes to the natural and urban landscape, and natural character of the area.
- Transport effects due to increased transport movements and other changes to the roading network to integrate access to the Freight Hub.
- Effects on archaeological or historic heritage within the Designation Extent and to the surrounding area relating to earthworks and the operation of the Freight Hub.
- Effects from stormwater discharge on downstream flooding and water quality.
- Social impacts on local residents, including from land acquisition and a change in the quality and amenity of the environment.

The assessment of effects is contained in the AEE contained in Volume 2 and the Technical Assessments contained in Volume 3.

Proposed conditions to avoid, remedy or mitigate any potential adverse effects are attached as Appendix 3 to this NoR (Volume 1).



## **6. Alternative sites, routes and methods have been considered to the following extent:**

KiwiRail carried out a multi-criteria analysis process to select the preferred location for the Freight Hub. Following the selection of the preferred site location, consideration was given to alternative site layouts and other operational aspects, including roading alignments and areas for stormwater management.

The assessment of alternatives is described in more detail in Volume 2.

## **7. The Project and designation are reasonably necessary for achieving the objectives of the requiring authority because:**

KiwiRail's objectives in developing a rail Freight Hub in or near Palmerston North on the NIMT line are to:

- increase its operational capacity to efficiently accommodate projected regional and national freight growth and support wider regional development;
- enable rail to be integrated with, and connected to, other transport modes and networks; and
- improve the resilience of the regional and national freight transport system over time.

The Freight Hub is reasonably necessary to achieve these objectives:

- The Existing Freight Yard at Tremaine Avenue in Palmerston North is constrained and cannot be efficiently redeveloped to meet the anticipated freight growth and the modal shift.
- The ability to accommodate longer trains as part of the Freight Hub has the benefit of increasing operational capacity and aggregating shipments to make the movement of freight by rail to locations where more efficient and more attractive.
- The Freight Hub will increase the resilience of the regional and national freight transport system as it will enable more freight to be moved by rail and decrease the burden of moving freight on roads across the central North Island and beyond.
- The Freight Hub will provide improved facilities for the transfer of freight between rail and road as well as opportunities for integration with the wider strategic transport network

The designation is reasonably necessary to achieve these objectives:

- The proposed infrastructure is not specifically provided for under the Palmerston North City Council's District Plan's zone-based controls or the specific provisions for infrastructure.
- The use of a designation will provide certainty for the Freight Hub to proceed and ensure that KiwiRail's activities are not affected by future changes to the Palmerston North City Council District Plan or limited by new development on adjacent sites.
- The use of a designation as a planning tool enables an appropriate degree of flexibility for a project of this scale but through its identification on the District Plan's planning maps, it will provide certainty to the public that a public work is intended on this site.

Further detail is contained in the AEE contained in Volume 2.

## **8. Resource consents needed for the proposed activity:**

Regional resource consents are not being sought concurrently with this NoR. However, it is anticipated that regional resource consents will be required for:

- Bulk earthworks.
- Discharges from the disturbance of contaminated soil.
- Stormwater discharged to existing streams from the stormwater management devices.
- Stream works including the diversion of existing watercourses and installation of culverts as existing watercourses will need to be piped.

It is also anticipated that following completion of a Detailed Site Investigation, a resource consent will likely be required pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health for the change in use and volume of land disturbed, and a resource consent will likely be required under the National Environmental Standard for Freshwater Management for works in streams.

## **9. Consultation with parties that are likely to be affected:**

KiwiRail has undertaken consultation with parties that are likely to be affected, including the following:

- Iwi/hapū including Ngāti Kauwhata, Rangitāne ki Manawatu and Ngāti Raukawa ki te tonga
- Waka Kotahi NZ Transport Agency
- Ministry of Transport
- Palmerston North City Council
- Horizons Regional Council
- Manawātū District Council
- Regional Economic Development Agencies
- Private landowners in and around the proposed NoR area
- Freight transport groups
- Local community
- The wider Palmerston North community
- KiwiRail customers
- Utility operators

Further detail on the consultation and engagement is included in Volume 2.

## **10. Information required:**

KiwiRail attaches the following information required to be included in this NoR by a plan or proposed plan, or any regulation made under the Resource Management Act 1991:

- Volume 1: Form 18 Notice of Requirement for a Designation and Appendices
- Volume 2: Assessment of Environmental Effects and Appendices
- Volume 3: Technical Assessments and Appendices

Signed on behalf of KiwiRail Holdings Limited:

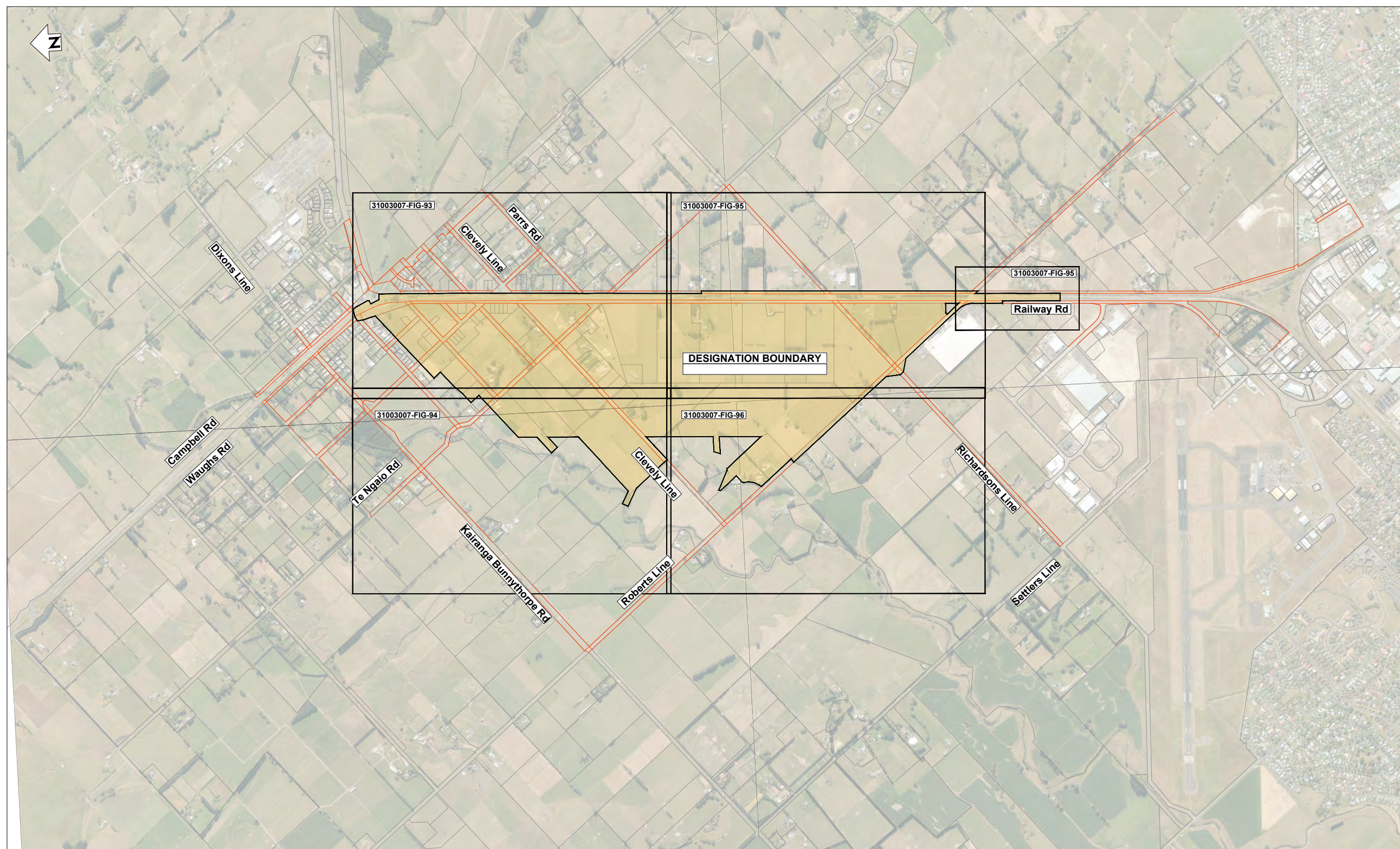


Olivia Poulsen  
Executive General Manager Property (Acting)

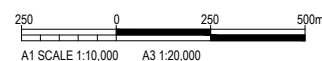
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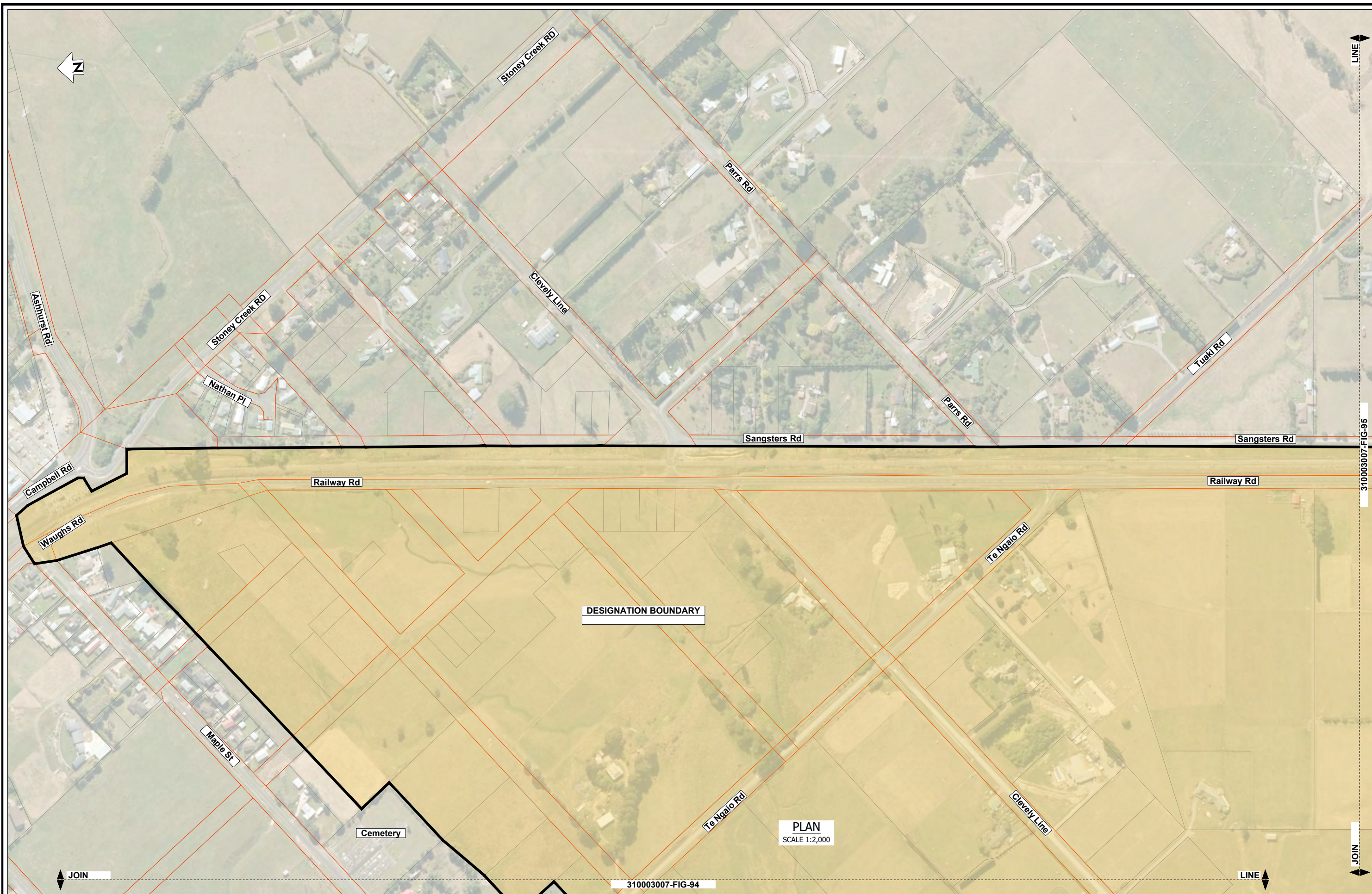
UPDATED DESIGNATION BOUNDARY  
PRINT DATE 15 September 2020

REGIONAL FREIGHT HUB  
KIWI -RAIL SITE 3C-G2  
DESIGNATION BOUNDARY

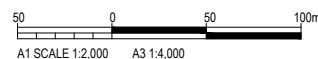
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UPDATED DESIGNATION BOUNDARY  
PRINT DATE 15 September 2020



Job No: 310003007

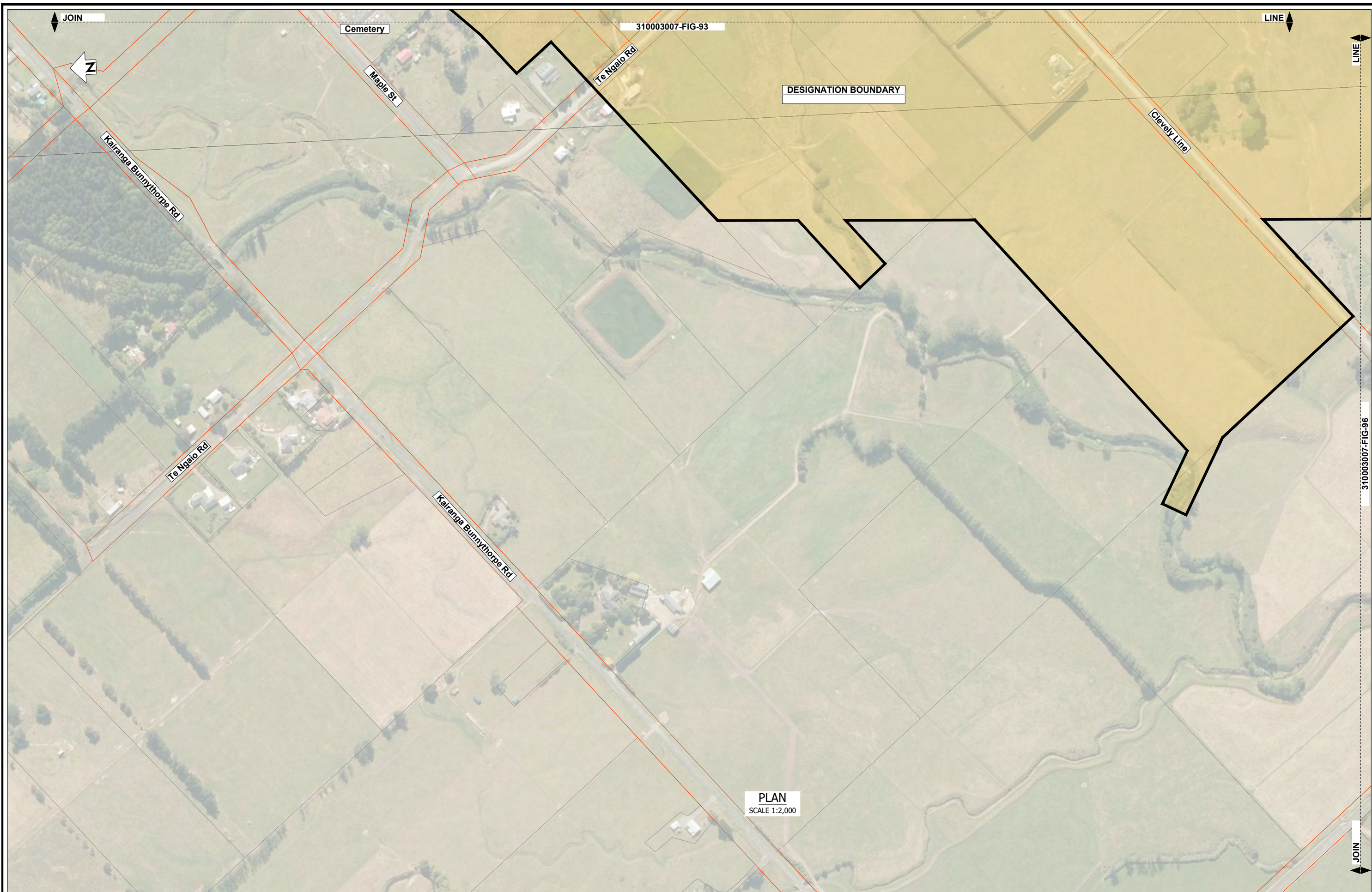
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KIWI -RAIL SITE 3C-G2  
DESIGNATION BOUNDARY 1 of 4

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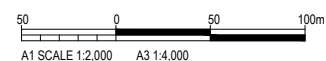
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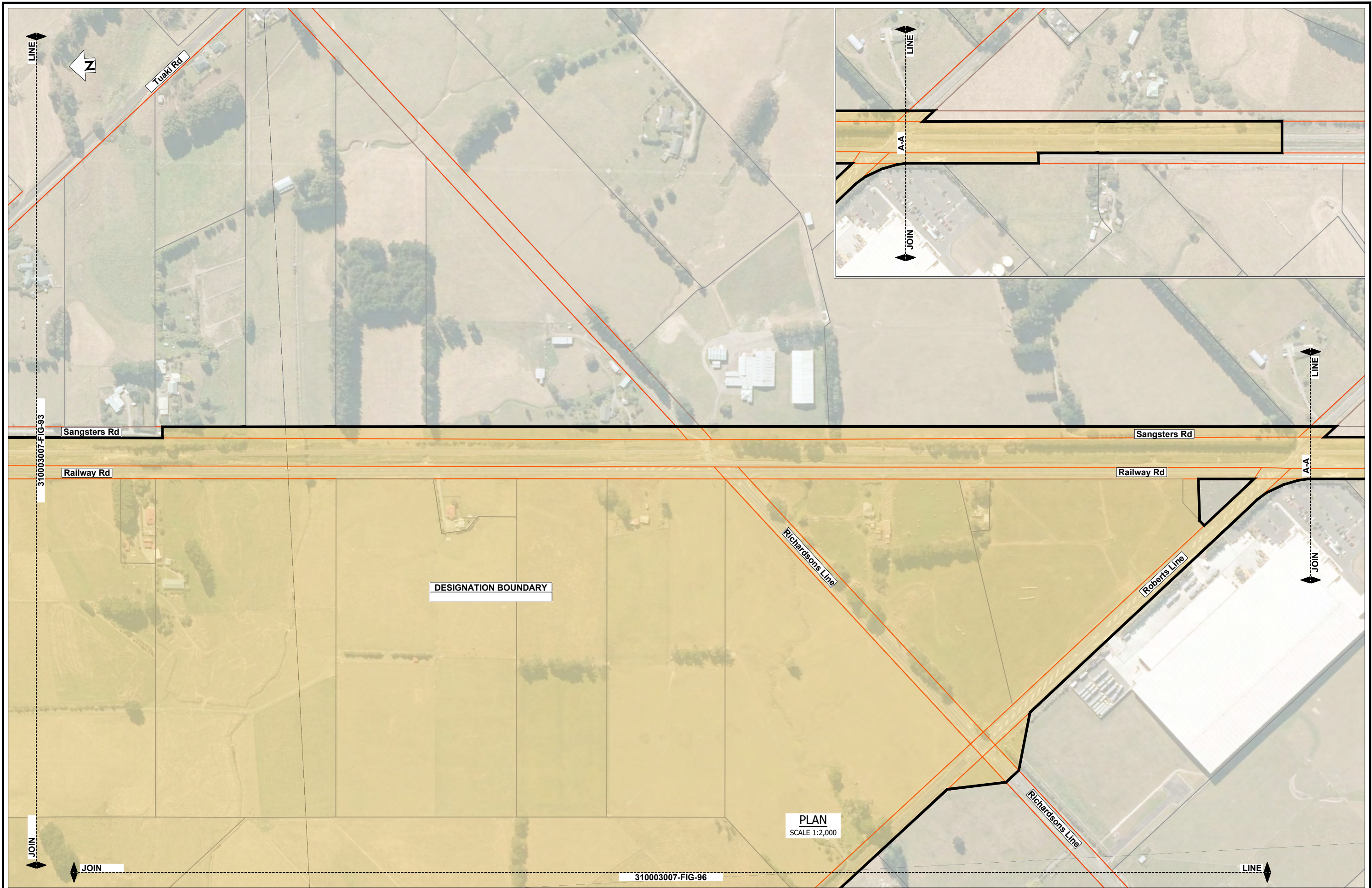
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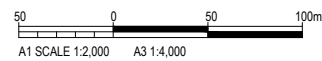
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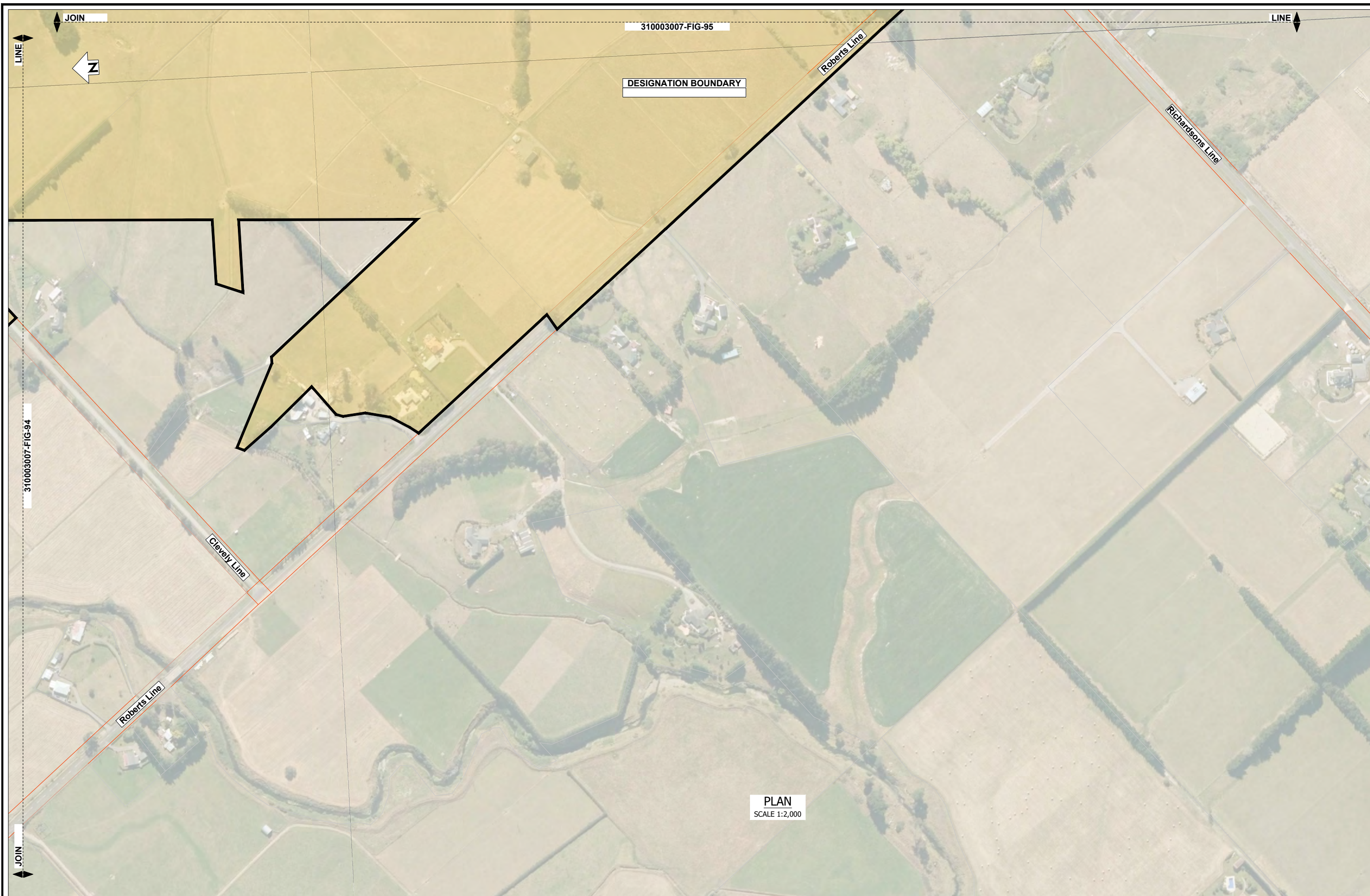
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**FIG: 95**



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## Appendix 2: Regional Freight Hub Directly Affected Land Schedule

Land Requirement Plan Ref	Record of Title	Legal Description	Location	Designation Area (ha), subject to survey
1a	339545	Lot 1 Deposited Plan 384898	703 ROBERTS LINE	0.0194
1b	339545	Lot 1 Deposited Plan 384898	703 ROBERTS LINE	0.1100
2a	897995	Section 1, 4 Survey Office Plan 536786	696 ROBERTS LINE	0.0694
3	905619	Section 2-3 Survey Office Plan 536786	403 RAILWAY ROAD	3.9955
4	WN289/70	Part Suburban Section 513 Township of Bunnythorpe and Defined On Deposited Plan 5737	391 ROBERTS LINE	0.1705
5	WN188/26	Part Suburban Section 513 Township of Bunnythorpe	RAILWAY ROAD	4.0469
6a	WN7D/352	Lot 3 Deposited Plan 31092	265 RICHARDSONS LINE	0.1100
7	WN84/300	Section 1479 Township of Bunnythorpe	756 ROBERTS LINE	7.2085
8	WN68/77	Section 1478 Bunnythorpe Village Settlement	RAILWAY ROAD	5.2938
9	WN78/26	Section 1477 Bunnythorpe Village Settlement	RAILWAY ROAD	4.0469
10	WN43D/864	Lot 1 Deposited Plan 82057	455 RAILWAY ROAD	0.4690
11a	26816	Suburban Section 1507 Township of Bunnythorpe and Lot 2 Deposited Plan 306869	788 ROBERTS LINE	19.6667



<b>Land Requirement Plan Ref</b>	<b>Record of Title</b>	<b>Legal Description</b>	<b>Location</b>	<b>Designation Area (ha), subject to survey</b>
12	WN54D/346	Lot 1 Deposited Plan 87151	814 ROBERTS LINE	2.6412
13a	26815	Lot 1 Deposited Plan 306869	824 ROBERTS LINE	1.9689
14	WN48D/212	Section 1475 and Part Section 1476 Township of Bunnythorpe	489 RAILWAY ROAD	7.6248
15	WN72/36	Section 1473-1474 Bunnythorpe Village Settlement	489 RAILWAY ROAD	8.0937
16	WN122/157	Part Section 1472 Bunnythorpe Village Settlement	489 RAILWAY ROAD	0.4047
17	WN122/158	Section 1471 Bunnythorpe Village Settlement and Part Section 1472 Bunnythorpe Village Settlement	489 RAILWAY ROAD	7.6890
18	575203	Lot 2 Deposited Plan 451268	503 RAILWAY ROAD	7.2933
19a	575205	Lot 4 Deposited Plan 451268	125-151 CLEVELY LINE	7.7213
20a	WN56C/734	Lot 1 Deposited Plan 89157	163 CLEVELY LINE	0.2682
21	575202	Lot 1 Deposited Plan 451268	117 CLEVELY LINE	0.7998
22	575204	Lot 3 Deposited Plan 451268	121 CLEVELY LINE	0.8002
23	386527	Lot 4 Deposited Plan 396718	115 CLEVELY LINE	0.5497
24	386526	Lot 3 Deposited Plan 396718	111 CLEVELY LINE	0.5497
25	662658	Lot 1 Deposited Plan 477726	107 CLEVELY LINE	0.7792
26	662659	Lot 2 Deposited Plan 477726	105 CLEVELY LINE	0.8048

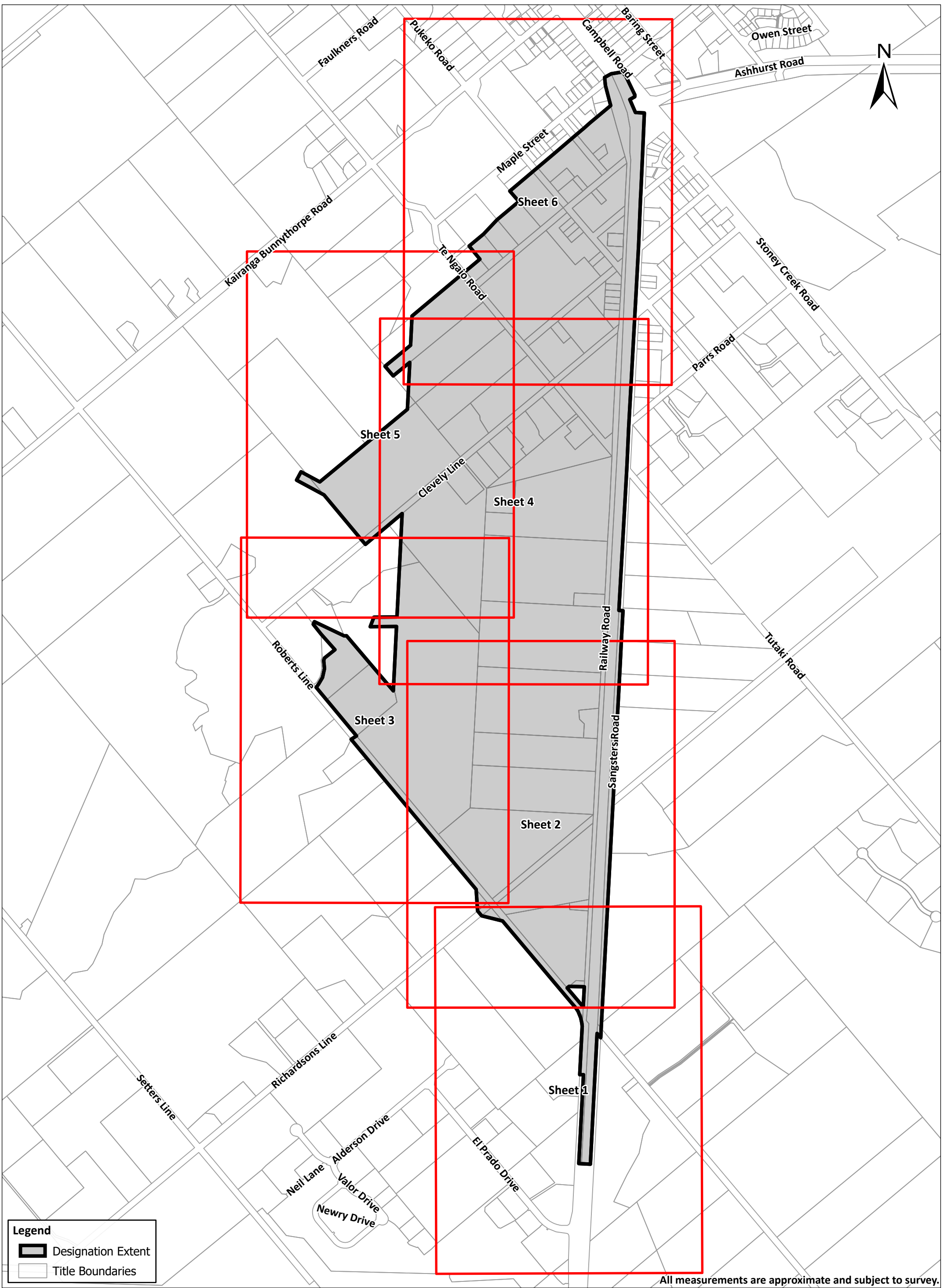
<b>Land Requirement Plan Ref</b>	<b>Record of Title</b>	<b>Legal Description</b>	<b>Location</b>	<b>Designation Area (ha), subject to survey</b>
27	662660	Lot 3 Deposited Plan 477726	103 CLEVELY LINE	0.8314
28	662661	Lot 4 Deposited Plan 477726	101 CLEVELY LINE	0.5322
29	837333	Lot 2 Deposited Plan 524511	304 TE NGAIO ROAD	2.7323
30	837332	Lot 1 Deposited Plan 524511	314 TE NGAIO ROAD	0.5000
31a	WN261/153	Section 1513 and Part Section 1511 Township of Bunnythorpe	125 KAIRANGA BUNNYTHORPE ROAD	9.1395
32	414215	Lot 1 Deposited Plan 403746	118 CLEVELY LINE	1.3822
33	414216	Lot 2 Deposited Plan 403746	106 CLEVELY LINE	2.6658
34	WN610/151	Town Section 1312-1324 Township of Bunnythorpe	307 TE NGAIO ROAD	3.1768
35	WN80/48	Section 1304, 1306-1311 Bunnythorpe Village Settlement	68 CLEVELY LINE	1.4164
36	WN897/1	Section 1305 Town of Bunnythorpe	CLEVELY LINE	0.2023
37a	WNE1/980	Section 1296-1303 Town of Bunnythorpe	242 TE NGAIO ROAD	1.6187
37b	WNE1/980	Section 1293 Town of Bunnythorpe	242 TE NGAIO ROAD	0.1012
37c	WNE1/980	Section 1289 Town of Bunnythorpe	242 TE NGAIO ROAD	0.1619
38	WN475/229	Section 1294-1295 Township of Bunnythorpe	242 TE NGAIO ROAD	0.2099

<b>Land Requirement Plan Ref</b>	<b>Record of Title</b>	<b>Legal Description</b>	<b>Location</b>	<b>Designation Area (ha), subject to survey</b>
39	WN12C/1014	Section 1288 Town of Bunnythorpe	242 TE NGAIO ROAD	0.3036
40	WN310/274	Section 1292 Township of Bunnythorpe	242 TE NGAIO ROAD	0.1012
41	WN321/293	Section 1291 Township of Bunnythorpe	242 TE NGAIO ROAD	0.1012
42	WN20/192	Town Section 1290 Township of Bunnythorpe	RAILWAY ROAD	0.1012
43	WNF3/179	Section 1465 Town of Bunnythorpe	242 TE NGAIO ROAD	4.0469
44a	WN18D/728	Section 1464 Town of Bunnythorpe	242 TE NGAIO ROAD	3.7711
45a	WN56/195	Suburban Section 1463 Township of Bunnythorpe	242 TE NGAIO ROAD	3.0779
46	497376	Section 1213-1222, 1224-1227 Town of Bunnythorpe and Part Section 1223 Town of Bunnythorpe	242 TE NGAIO ROAD	6.4464
47a	WN610/152	Section 1211-1212 Town of Bunnythorpe	RAILWAY ROAD	0.2024
47b	WN610/152	Section 1202, 1206-1209 and Part Section 1223 Town of Bunnythorpe	RAILWAY ROAD	1.0194
47c	WN610/152	Section 1195-1196, 1199-1201 Town of Bunnythorpe	RAILWAY ROAD	0.4781
47d	WN610/152	Section 1178-1185, 1187-1194 Town of Bunnythorpe	RAILWAY ROAD	1.7027
47e	WN610/152	Section 1136-1140 Town of Bunnythorpe	RAILWAY ROAD	1.3955
47f	WN610/152	Section 1133-1135 Town of Bunnythorpe	RAILWAY ROAD	0.3036

Land Requirement Plan Ref	Record of Title	Legal Description	Location	Designation Area (ha), subject to survey
47g	WN610/152	Section 1119-1125, 1127, 1129-1131 Town of Bunnythorpe	RAILWAY ROAD	1.4364
47h	WN610/152	Section 1094-1104, 1106-1109 Town of Bunnythorpe	RAILWAY ROAD	1.4983
48	WN294/95	Section 1210 Town of Bunnythorpe	RAILWAY ROAD	0.1012
49	WN7A/610	Section 1205 Town of Bunnythorpe	RAILWAY ROAD	0.1012
50a	WN20/237	Town Section 1204 Township of Bunnythorpe	RAILWAY ROAD	0.1012
51	WN29/84	Town Section 1203 Township of Bunnythorpe	RAILWAY ROAD	0.1012
52	WN125/218	Section 1197-1198 Town of Bunnythorpe	RAILWAY ROAD	0.2024
53	WN125/219	Section 1197-1198 Town of Bunnythorpe	RAILWAY ROAD	0.2024
54	WN125/217	Section 1197-1198 Town of Bunnythorpe	RAILWAY ROAD	0.2024
55	WN125/216	Section 1197-1198 Town of Bunnythorpe	RAILWAY ROAD	0.2024
56	WN125/220	Section 1197-1198 Town of Bunnythorpe	RAILWAY ROAD	0.2024
57	WN29/85	Town Section 1186 Township of Bunnythorpe	RAILWAY ROAD	0.1012
58a	WN57A/34	Lot 2 Deposited Plan 89295	245 TE NGAIO ROAD	0.2607
59	WN57A/35	Lot 3 Deposited Plan 89295	247 TE NGAIO ROAD	0.5714

<b>Land Requirement Plan Ref</b>	<b>Record of Title</b>	<b>Legal Description</b>	<b>Location</b>	<b>Designation Area (ha), subject to survey</b>
60a	260327	Lot 2 Deposited Plan 364002	57 MAPLE STREET	0.6409
61	WN615/46	Town Section 1143 Township of Bunnythorpe	242 TE NGAIO ROAD	0.9561
62	WN27/51	Section 1126, 1128 Town of Bunnythorpe	MAPLE STREET	0.2833
63a	WN20/194	Town Section 1132 Township of Bunnythorpe	STONE CREEK ROAD	0.1012
64	WN20/197	Town Section 1105 Township of Bunnythorpe	RAILWAY ROAD	0.1239
65a	35987	Section 1515 Town of Bunnythorpe	CLEVELY LINE	0.1832
66a	WN49C/899	Part Section 1511 Town of Bunnythorpe	125 KAIRANGA BUNNYTHORPE ROAD	0.0601
67	road reserve	Road - Railway Road - Local Road		5.3744
68	rail reserve	Rail		11.4646
69a	road reserve	Road - Roberts Line - Local Road		0.0362
69b	road reserve	Road - Roberts Line - Local Road		2.2664
70	road reserve	Road - Sangsters Road - Local Road		1.8300
71a	road reserve	Road - Richardsons Line - Local Road		0.0805
71b	road reserve	Road - Richardsons Line - Local Road		0.8144
72	road reserve	Road - Clevely Line - Local Road		2.0583
73a	road reserve	Road - Te Ngaio Road - Local Road		0.5931

<b>Land Requirement Plan Ref</b>	<b>Record of Title</b>	<b>Legal Description</b>	<b>Location</b>	<b>Designation Area (ha), subject to survey</b>
73b	road reserve	Road - Te Ngaio Road - Local Road		0.9036
74	road reserve	Road – Unnamed Paper Road – Local Road		0.7851
75	road reserve	Road – Unnamed Paper Road – Local Road		1.3059
76	road reserve	Road – Unnamed Paper Road – Local Road		0.7491
77	road reserve	Road – Unnamed Paper Road – Local Road		0.3061
78	road reserve	Road – Unnamed Paper Road – Local Road		0.3181

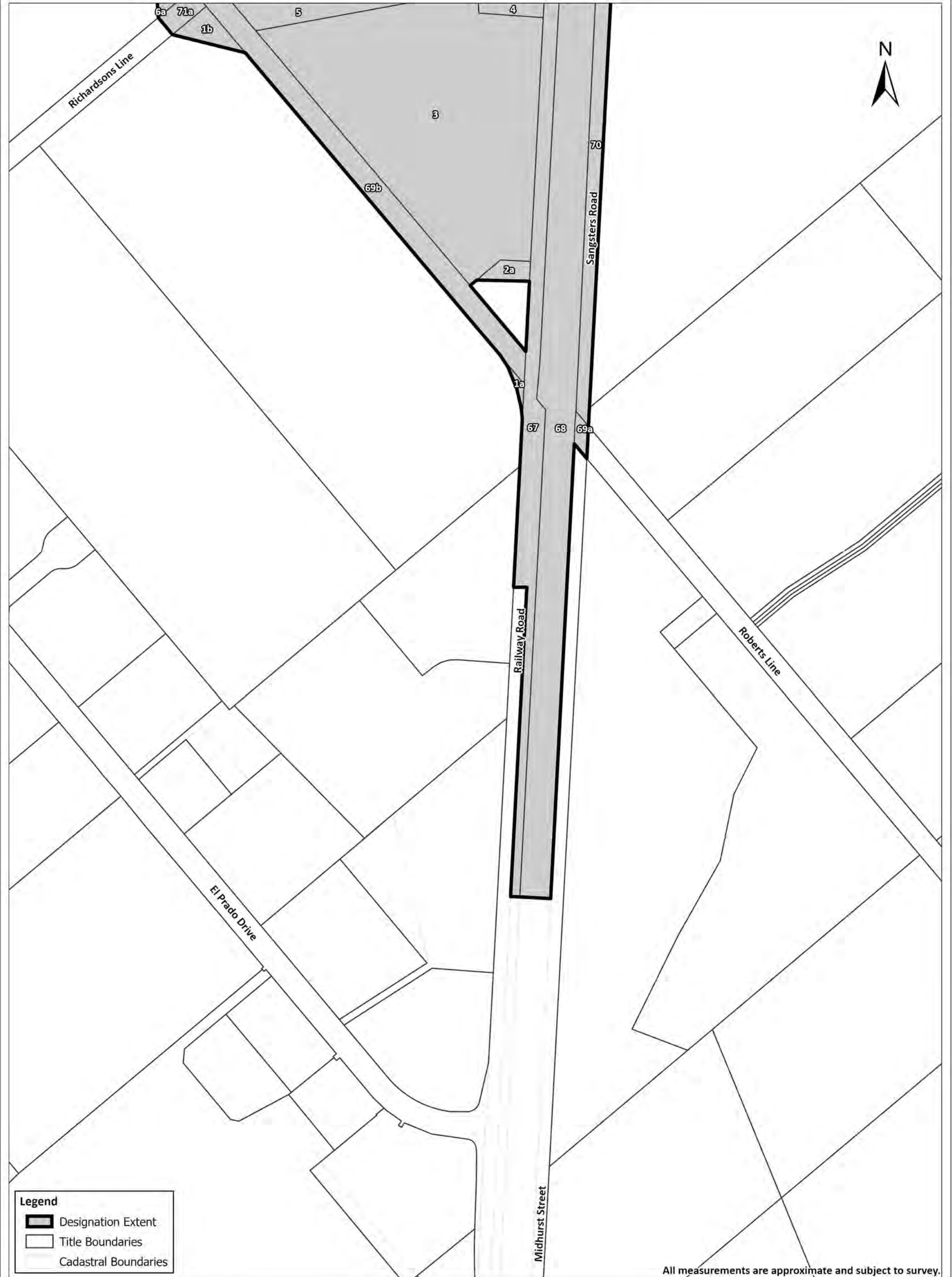


Legend




Designation Extent

Title Boundaries





**Legend**

-  Designation Extent
-  Title Boundaries
-  Cadastral Boundaries

All measurements are approximate and subject to survey.

  
Corporate Property Advisors and Negotiators®

Imagery sourced from:  
Property boundaries sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy +/- 1m in urban areas, +/- 30m in rural areas.  
Coordinate System: NZGD 2000 New Zealand Transverse Mercator Datum NZGD 2000 // This map was produced with ArcGIS Pro (Esri).

PREPARED BY	David Fowler	DATE	21/10/2020	SHEET	1 of 5
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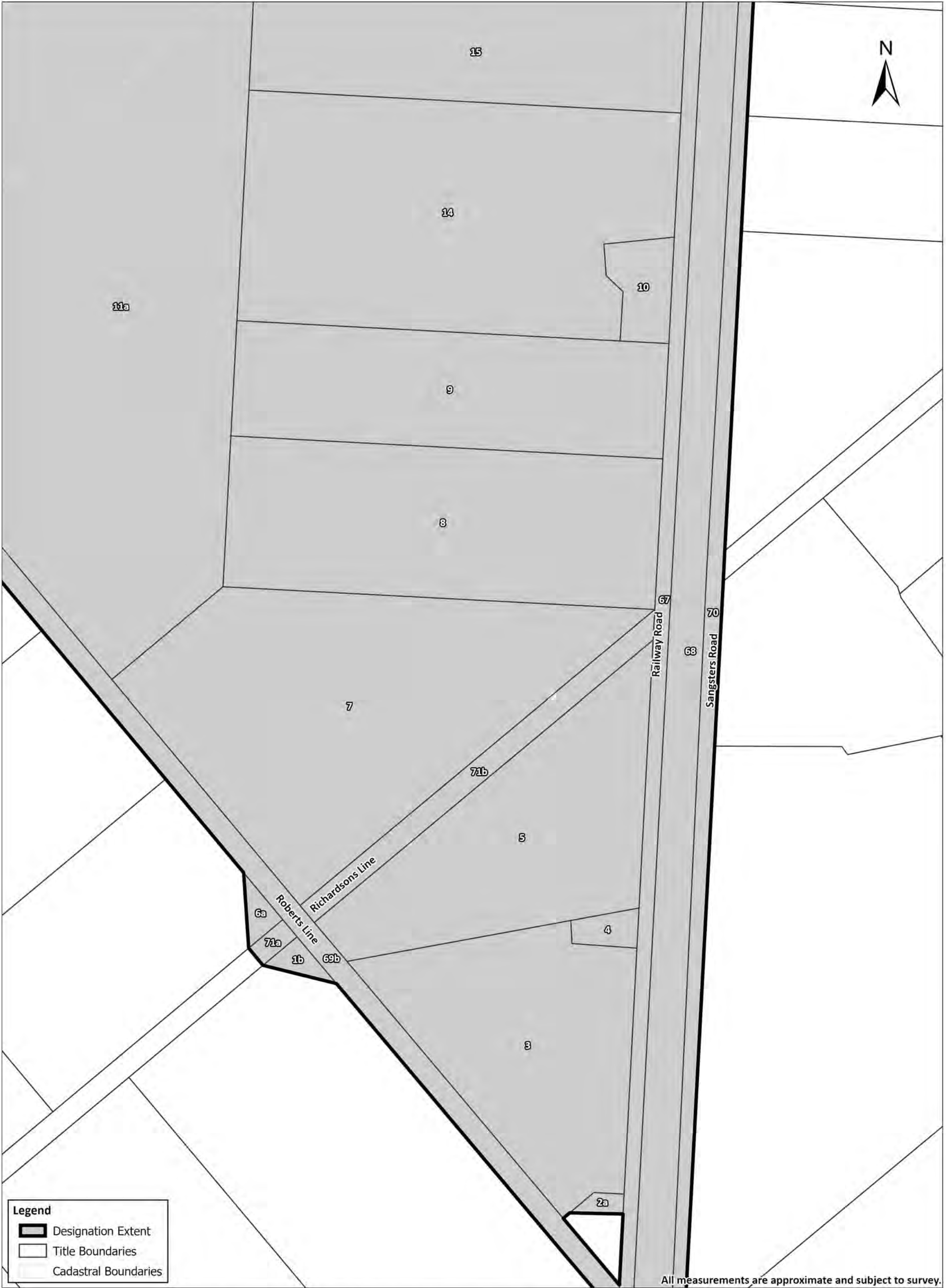
**KiwiRail Regional Freight Hub**  
Designation Requirement Plan

FIG REF	716126	A3 Scale	1:3,000
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**KiwiRail** 







**Legend**

- Designation Extent
- Title Boundaries
- Cadastral Boundaries

All measurements are approximate and subject to survey.

Corporate Property Advisors and Negotiators®

Imagery sourced from:  
Property boundaries sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy +/- 1m in urban areas, +/- 30m in rural areas.  
Coordinate System: NZGD 2000 New Zealand Transverse Mercator  
Datum: NZGD 2000 // This map was produced with ArcGIS Pro (Esri).

PREPARED BY **David Fowler**    DATE **21/10/2020**    SHEET **3 of 6**

**KiwiRail Regional Freight Hub**  
Designation Requirement Plan

FIG REF **716126**    A3 Scale **1:3,000**    0 90 Metres





All measurements are approximate and subject to survey.









## **Appendix 3**

### **General Conditions**

1. Except as modified by the conditions below and subject to final design and accompanying outline plan(s), the works authorised by this Designation shall be undertaken generally in accordance with the following information provided by the Requiring Authority in the Notice of Requirement for the Freight Hub dated 23 October 2020:
  - (a) Designation extent dated 15 September 2020.
  - (b) Land Requirement plans and schedule of land included in designation.
  - (c) Volume 2 Assessment of Effects on the Environment and supporting information:
    - (i) Concept Plan (Figure 120) dated 20 October, prepared by Stantec.
    - (ii) Draft indicative Landscape plan dated 12 October 2020 prepared by i Isthmus Group (rev 1).
  - (d) Volume 3 Technical Reports.
2. Where there is any inconsistency between the Notice of Requirement documentation listed above and the designation conditions, the designation conditions shall prevail.
3. Any reference in these conditions to a New Zealand Standard includes any future amendments or replacements of that standard.

### **Lapse Period**

4. The designation shall lapse if not given effect to within 15 years from the date on which it is included in the District Plan.

### **Management Plans**

5. At least 20 working days prior to construction commencing or unless otherwise specified in the conditions below, the management plan(s) specified below shall be submitted to Palmerston North City Council for certification that the management plan(s) meets the objective specified.
6. All works shall be carried out in accordance with the applicable Management Plan(s) and other plans required by these conditions.

### **Outline Plan(s)**

7. An outline plan or plans shall be prepared and submitted to the Council in accordance with section 176A of the RMA.
8. The outline plan(s) may be submitted for the entire Freight Hub or for one or more stages, aspects, sections, or locations of works.

9. The outline plan(s) shall include any relevant management plan for the particular design or construction matters being addressed in the outline plan. The following must be included in an outline plan or plans (as relevant to the particular design or construction matters being addressed):
  - (a) Construction Management Plan
  - (b) Construction Traffic Management Plan
  - (c) Construction Noise and Vibration Management Plan
  - (d) Landscape Plan
  - (e) Construction Engagement Plan
  - (f) Stormwater Design Report
  - (g) Stormwater Management and Monitoring Plan
  - (h) Road Network Integration Plan
  - (i) Operational Noise and Vibration Management Plan
10. The documents and plans referred to in condition 9 above may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for a further outline plan where:
  - (a) amendment proposed is provided in writing to the Palmerston North City Council; and
  - (b) amendment is in general accordance with the original document or plan, or the amendment is to give effect to an amendment required under another statutory approval.

## **Communication and Engagement**

### Community Liaison Forum

11. Prior to the commencement of construction, the Requiring Authority shall establish and maintain a Community Liaison Forum.
12. The purpose of the Community Liaison Forum is to provide a platform through which the Requiring Authority can provide information to, and receive feedback, from the community.
13. The Requiring Authority shall determine the type of platform and frequency of updates to the community which shall be at least every six months during construction and 12 months during operation.
14. The Requiring Authority shall ensure that the platform provides opportunities for the community to provide feedback.



#### Community Liaison Person

15. Within 12 months of the **[date the NoR is confirmed]** and until at least 12 months after the Freight Hub commences operation, the Requiring Authority shall appoint a Community Liaison Person as the point of contact for the community.
16. The Requiring Authority shall make the contact details of the Community Liaison Person available to the community.

#### Construction Engagement Plan

17. Prior to the commencement of construction, the Requiring Authority shall prepare a Construction Engagement Plan and implement the plan for the duration of construction.
18. The objective of the Construction Engagement Plan shall be to outline a process to ensure that the community is provided with construction information prior to the commencement of construction and to ensure the ongoing provision of information during construction.
19. The Construction Engagement Plan shall include:
  - (a) Contact details of the Community Liaison Person appointed pursuant to condition 15.
  - (b) A process for identifying the parties that will be communicated with, and the methods of communication.
  - (c) Information on and the methods for communicating the following:
    - (i) likely construction works and programme;
    - (ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;
    - (iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);
    - (iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;
    - (v) progress of any construction works against key project milestones and completion dates; and
    - (vi) the Construction Traffic Management Plan developed pursuant to condition 48.

#### Complaints Register

20. The Requiring Authority, at all times during construction, shall maintain a register of any complaints received in relation to adverse effects of the construction of the Freight Hub.



21. The register must include:
- (a) the name and contact details of the complainant;
  - (b) the nature and details of the complaint; and
  - (c) measures taken by the Requiring Authority to respond to the complaint.
22. This complaints register shall be made available to Palmerston North City Council upon request.

### **Mana Whenua**

#### Mana Whenua Values

23. Prior to the commencement of construction, the Requiring Authority shall prepare a Mana Whenua Engagement Framework.
24. The objective of the Mana Whenua Engagement Framework is to recognise and provide for mana whenua values in the area affected by the Freight Hub, to develop mechanisms to avoid or mitigate effects on mana whenua values through the implementation of agreed monitoring and mitigation measures and provide opportunities for expression of those values through design.
25. The Requiring Authority shall engage with mana whenua to develop the contents of the Mana Whenua Engagement Framework, which may include:
- (a) roles and responsibilities of mana whenua, including in relation to design and development of the Freight Hub;
  - (b) involvement in preparation of management plans;
  - (c) monitoring activities to be undertaken;
  - (d) involvement in developing and partaking in accidental discovery protocols;
  - (e) site dedication protocols; and
  - (f) opportunities for the expression of mana whenua values in the design and development of the Freight Hub.

### **Archaeology**

26. The Requiring Authority shall ensure that where any land disturbing works occur in an area of the Designation which is not subject to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014, an accidental discovery protocol is in place.
27. The accidental discovery protocol shall be prepared in collaboration with mana whenua and shall include:

- (a) specific procedures in the event that kōiwi tangata or taonga are discovered; and
- (b) activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.

## **Stormwater**

### Stormwater modelling

- 28. The Requiring Authority shall prepare and submit a Stormwater Design Report with the first outline plan to Palmerston North City Council containing details of the stormwater detention ponds.
- 29. The Stormwater Design Report shall be prepared by a suitably qualified and experienced person.
- 30. The purpose of the Stormwater Design Report is to confirm the sizing (volume) of the stormwater detention ponds sufficient to mitigate the potential downstream flooding effects as a result of any increased stormwater runoff from the Freight Hub and/or the loss of flood plain storage as a result of the site formation.
- 31. The Stormwater Design Report shall:
  - (a) outline the results of hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; and
  - (b) confirm the appropriate size of the stormwater ponds.

### Stormwater Management and Monitoring Plan

- 32. Prior to commencement of construction, the Requiring Authority shall prepare and implement a Stormwater Management and Monitoring Plan.
- 33. The objective of the Stormwater Management and Monitoring Plan is to outline the design features for the effective operation of the stormwater system and the methods for the monitoring and maintenance of the stormwater system.
- 34. The Stormwater Management and Monitoring Plan shall be prepared by a suitably qualified and experienced person.
- 35. The Stormwater Management and Monitoring Plan shall include:
  - (a) design measures to assist with achieving hydraulic neutrality and methods to assist with water treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetland/swales and appropriate vegetation;
  - (b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including

sediment removal, clearance of debris, replacement of vegetation, and training of operators; and

- (c) details of the location and operation of any emergency spillway.

#### **Level Crossing Safety Impact Assessment**

- 36. At least 12 months prior to construction commencing, the Requiring Authority shall commission Level Crossing Safety Impact Assessments for:
  - (a) the Campbell Road/Kairanga Bunnythorpe Road level crossing; and
  - (b) the Waughs Road/Campbell Road level crossing.
- 37. The Requiring Authority will engage with Palmerston North City Council to determine how to appropriately allocate implementation responsibilities in relation to the recommendations in each Level Crossing Safety Impact Assessment.

#### **Road Network Integration Plan**

- 38. At least 12 months prior to construction commencing, the Requiring Authority shall prepare a Roding Network Integration Plan.
- 39. The objective of the Roding Network Integration Plan is to ensure that the roading network for the Freight Hub is appropriately managed and integrated with the wider transport network.
- 40. The Roding Network Integration Plan shall include:
  - (a) the timing for the closure of and/or the legal stopping of any relevant roads;
  - (b) details of the location and timing of any access, roads, and intersection upgrades required for the establishment and the operation of the Freight Hub;
  - (c) the timing for the closure of any level crossings;
  - (d) the proposed speed limits for any new roads and changes to speed limits for existing roads;
  - (e) the location and timing of any pedestrian walkways, cycleways and public transport facilities, including relocation of the Bunnythorpe Bus stop;
  - (f) the location and timing of confirmed and funded upgrades or additions to the wider transport network and identification of opportunities for that wider transport network to integrate with any roading connections required for the operation of the Freight Hub; and
  - (g) details of the feedback provided by Palmerston North City Council and Waka Kotahi the NZ Transport Agency and how this has been incorporated into the Road Network Integration Plan.

## **Landscape Plan**

41. Prior to commencement of construction, the Requiring Authority shall prepare a Landscape Plan.
42. The objective of the Landscape Plan is to outline the landscape measures to be incorporated into the Freight Hub design, to manage potential adverse effects of the Freight Hub on landscape, visual amenity and natural character.
43. The Landscape Plan shall be prepared by a suitably qualified and experienced person.
44. The Landscape Plan shall include:
  - (a) the location and types of proposed landscape and visual amenity plantings, including planting of stormwater detention ponds, stream and riparian margins, cut faces, fill batters, and to integrate the built forms of the Freight Hub into the surrounding environment;
  - (b) the location of proposed noise mitigation structures, including vertical noise barriers and bunds and associated planting;
  - (c) proposed timing for any landscape or visual amenity planting; and
  - (d) the process and programme for maintaining any landscape or visual amenity planting.

## **Construction**

### Construction Management Plan

45. Prior to commencement of the construction, the Requiring Authority shall prepare a Construction Management Plan, and implement the plan for the duration of construction.
46. The objective of the Construction Management Plan is to outline measures for managing construction related effects.
47. The Construction Management Plan shall include:
  - (a) a construction programme, including any seasonal timings for works;
  - (b) a detailed site layout;
  - (c) the design and management specifications for all earthworks on-site, including disposal sites and their location;
  - (d) measures to be implemented to minimise dust from construction and related earthworks;
  - (e) the design of temporary lighting for enabling and construction works and construction support areas;

- (f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;
- (g) the approach to the management of construction waste;
- (h) the accidental discovery protocol adopted by the Requiring Authority;
- (i) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;
- (j) environmental incident and emergency management procedures; and
- (k) contact numbers for key construction staff, and staff responsible for any monitoring requirements.

#### Construction Traffic Management Plan

- 48. Prior to the commencement of construction, the Requiring Authority shall prepare a Construction Traffic Management Plan, and implement the plan for the duration of construction.
- 49. The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to minimise adverse effects of construction works on the property access, traffic safety and efficiency.
- 50. The Construction Traffic Management Plan shall be prepared by a suitably qualified and experienced person.
- 51. The Construction Traffic Management Plan shall:
  - (a) identify safe site access routes and access points for heavy vehicles;
  - (b) identify opportunities to use the rail network to minimise effects on the roading network where practicable;
  - (c) detail measures to provide vehicle access to private and adjacent properties;
  - (d) methods to manage local and network wide effects of the construction, including temporary traffic management measures, such as traffic detours including for public transport and school bus routes and temporary speed limits;
  - (e) provide details for measures to maintain safe pedestrian and cyclist access movements in the vicinity of the site;
  - (f) provide details for any new permanent accesses to be formed at the earliest practical opportunity to limit the adverse effects of construction and severance;

- (g) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads; and
- (h) provide a process for preparing a traffic management communications plan.

#### Construction Noise and Vibration Management Plan

- 52. Prior to the commencement of construction, the Requiring Authority shall prepare a Construction Noise and Vibration Management Plan, and implement the plan for the duration of construction.
- 53. The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with the following will be achieved for the duration of construction of the Freight Hub, where applicable to the relevant works:
  - (a) NZS 6803:1999 Acoustics – Construction Noise; or
  - (b) Waka Kotahi, State Highway Construction and Maintenance Noise and Vibration Guide, 2019.
- 54. The Construction Noise and Vibration Management Plan shall be prepared by a suitably qualified and experienced person.
- 55. The Construction Noise and Vibration Management Plan shall include:
  - (a) a description of the projected construction noise and vibration levels;
  - (b) a description of the construction works and processes;
  - (c) a description of anticipated equipment and any noise or vibration suppression devices;
  - (d) the hours of operation, including times and days when activities causing noise and/or vibration would occur;
  - (e) identification of dwellings and projected noise and vibration levels for those dwellings;
  - (f) methods and frequency for monitoring and reporting on construction noise and vibration; and
  - (g) construction equipment operator training procedures and expected construction site behaviours.

#### **Operational Lighting**

- 56. Prior to the commencement of construction of the Freight Hub, the Requiring Authority shall prepare a Lighting Design Plan.

57. The objective of the Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, internal access roads, and car parks of the Freight Hub will be designed to manage glare from the operation of the Freight Hub, and to comply with R12A.4.1(f) of the District Plan.
58. The Lighting Design Plan shall include:
- (a) the lighting standards to be complied with;
  - (b) the projected light spill or glare calculations; and
  - (c) the proposed locations and design for lighting structures, including any measures to reduce potential adverse visual amenity effects.

### **Operational Noise and Vibration**

59. The Requiring Authority shall prepare and implement an Operational Noise and Vibration Management Plan.
60. The objective of the Operational Noise and Vibration Management Plan is to detail mitigation and ongoing measures to control noise and vibration effects from the operation of the Freight Hub.
61. The Operational Noise and Vibration Management Plan shall be prepared by a suitably qualified and experienced person.
62. The Operational Noise and Vibration Management Plan shall outline:
- (a) the noise and vibration limits within which activities within the Freight Hub must operate;
  - (b) the details and location of any noise mitigation structures required to manage the noise and vibration effects;
  - (c) the process for undertaking noise modelling and monitoring;
  - (d) the location of permanent noise monitors which shall include one in the northern area and one in the eastern area of the Freight Hub; and
  - (e) site noise management measures including operation of machinery and equipment in a manner to avoid unreasonable noise.
63. The Requiring Authority shall make the current version of the Operational Noise and Vibration Management Plan publicly available.
64. The Requiring Authority shall review the Operational Noise and Vibration Management Plan:
- (a) annually; and

- (b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.

## **Post-completion**

### Post-completion review of designation extent and conditions

- 65. As soon as practicable following completion of the Freight Hub, the Requiring Authority shall:
  - (a) review the designation extent;
  - (b) identify areas of designated land that the Requiring Authority considers are no longer necessary for the ongoing operation, maintenance or for ongoing measures to mitigate adverse effects of the Freight Hub; and
  - (c) notify the Council under section 182 of the RMA to remove those parts of the designation.
- 66. Once construction of the Freight Hub is complete, the following construction conditions will no longer apply and can be removed as part of any subsequent District Plan review:
  - (a) conditions 17-22; and
  - (b) conditions 45-55.

*Advice note: This condition does not prevent works required for the ongoing operation or maintenance of the Freight Hub from being undertaken.*



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## Departmental Notices

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### Business, Innovation and Employment

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#### Crown Entities Act 2004

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##### Appointment/reappointment to the New Zealand Tourism Board

Pursuant to section 28(1)(a) of the Crown Entities Act 2004, the Minister of Tourism has appointed

Jamie Grant Daniel Tuuta, of Wellington  
as a member of the New Zealand Tourism Board for  
a three-year term commencing on 7 March 2013 and  
expiring on 7 March 2016; and reappointed

Richard Ian Leggat, of Auckland  
as a member of the New Zealand Tourism Board for a  
second term commencing on 1 February 2013 and expiring  
on 1 February 2016.

Dated at Wellington this 5th day of March 2013.

RT HON JOHN KEY, Minister of Tourism.

go1453

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### Culture and Heritage

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#### Crown Entities Act 2004

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##### Appointment to the Arts Council of New Zealand Toi Aotearoa

Pursuant to section 28 and Schedule 5 of the Crown Entities Act 2004, I appoint

Dr Richard Grant, of Havelock North  
as chair and as a member of the Arts Council of  
New Zealand Toi Aotearoa for a term commencing on  
1 April 2013 and expiring on 31 December 2013 (or such  
earlier date on which the current council is abolished).

Dated at Wellington this 2nd day of March 2013.

HON CHRISTOPHER FINLAYSON, Minister for Arts,  
Culture and Heritage.

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### Education

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#### Education Act 1989

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##### Waipaoa Station School (2722) Closure Notice

Pursuant to section 154 of the Education Act 1989, I hereby  
declare that **Waipaoa Station School**, Gisborne/East Coast  
Region, will close on 5 May 2013 and will cease to be  
established on that day.

Dated at Wellington this 5th day of March 2013.

HON HEKIA PARATA, Minister of Education.

go1553

##### Te Puia Springs School (2699) Closure Notice

Pursuant to section 154 of the Education Act 1989, I hereby  
declare that **Te Puia Springs School**, Tairāwhiti, will close  
on 5 May 2013 and will cease to be established on that day.

Dated at Wellington this 5th day of March 2013.

HON HEKIA PARATA, Minister of Education.

go1554

##### Te Kura Kaupapa Māori o Waipiro (2724) Closure Notice

Pursuant to section 154 of the Education Act 1989, I hereby  
declare that **Te Kura Kaupapa Māori o Waipiro**,  
Waipiro Bay, will close on 5 May 2013 and will cease to  
be established on that day.

Dated at Wellington this 5th day of March 2013.

HON HEKIA PARATA, Minister of Education.

go1555

##### Notice of Direction to Appoint a Limited Statutory Manager for the Board of Trustees of Sir Douglas Bader Intermediate School, Mangere (1215)

Pursuant to section 78M of the Education Act 1989, I direct  
the Secretary for Education to appoint a limited statutory  
manager for the board of trustees of Sir Douglas Bader  
Intermediate School because of risks to the educational  
performance of its students and the operation of the school.

The following functions, powers and duties of the board are  
to be vested in a limited statutory manager:

- All functions, powers and duties of the board as an employer (whether statutory or otherwise);
- all functions, powers and duties of the board in curriculum management including teaching and assessment practice (whether statutory or otherwise); and
- all functions, powers and duties of the board to establish board systems and processes (whether statutory or otherwise) for school-wide self-review.

A limited statutory manager must also advise the board on the following:

- Effective financial management; and
- effective communication with its staff and community.

This notice takes effect on the day of publication.

Dated at Wellington this 5th day of March 2013.

HON HEKIA PARATA, Minister of Education.

go1242

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### Environment

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#### Resource Management Act 1991

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##### The Resource Management (Approval of KiwiRail Holdings Limited as Requiring Authority) Notice 2013

Pursuant to section 167 of the Resource Management Act 1991, the Minister for the Environment gives the following notice.

**Notice**

**1. Title and commencement**—(1) This notice may be cited as the Resource Management (Approval of KiwiRail Holdings Limited as a Requiring Authority) Notice 2013.

(2) This notice shall come into force on the 7th day after its publication in the *New Zealand Gazette*.

**2. Approval as a requiring authority**—KiwiRail Holdings Limited is hereby approved as a requiring authority under section 167 of the Resource Management Act 1991, for its network utility operation being the construction, operation,

maintenance, replacement, upgrading, improvement and extension of its railway line.

**3. Revocation**—This notice revokes the Resource Management (Approval of the New Zealand Railways Corporation as Requiring Authority) Notice 2004 (dated the 16th day of September 2004 and published in the *New Zealand Gazette*, 23 September 2004, No. 124, page 3070).

Dated at Wellington this 4th day of March 2013.

HON AMY ADAMS, Minister for the Environment.

go1447

**Health****Medicines Act 1981****Consent to the Distribution of New Medicines**

Pursuant to section 20 of the Medicines Act 1981, the Minister of Health hereby consents to the distribution in New Zealand of the new medicines which were referred to the Minister of Health under the provisions of section 24(5) of the Act and are set out in the Schedule hereto:

**Schedule**

<i>Product:</i>	<b>Enbrel</b>
<i>Active Ingredient:</i>	Etanercept 25mg
<i>Dosage Form:</i>	Powder for injection with diluent
<i>New Zealand Sponsor:</i>	Pfizer New Zealand Limited
<i>Manufacturer:</i>	Boehringer Ingelheim Pharma GmbH & Co KG, Biberach an der Riss, Germany
<i>Product:</i>	<b>Enbrel</b>
<i>Active Ingredient:</i>	Etanercept 50mg
<i>Dosage Form:</i>	Powder for injection with diluent
<i>New Zealand Sponsor:</i>	Pfizer New Zealand Limited
<i>Manufacturer:</i>	Boehringer Ingelheim Pharma GmbH & Co KG, Biberach an der Riss, Germany
<i>Product:</i>	<b>Enbrel</b>
<i>Active Ingredient:</i>	Etanercept 25mg
<i>Dosage Form:</i>	Solution for injection
<i>New Zealand Sponsor:</i>	Pfizer New Zealand Limited
<i>Manufacturers:</i>	Vetter Pharma-Fertigung GmbH & Co Kg, Langenargen, Germany Pfizer Ireland Pharmaceuticals, Dublin, Ireland Boehringer Ingelheim Pharma GmbH & Co KG, Biberach an der Riss, Germany
<i>Product:</i>	<b>Enbrel</b>
<i>Active Ingredient:</i>	Etanercept 50mg
<i>Dosage Form:</i>	Solution for injection
<i>New Zealand Sponsor:</i>	Pfizer New Zealand Limited
<i>Manufacturers:</i>	Vetter Pharma-Fertigung GmbH & Co Kg, Langenargen, Germany Pfizer Ireland Pharmaceuticals, Dublin, Ireland Boehringer Ingelheim Pharma GmbH & Co KG, Biberach an der Riss, Germany

Dated this 7th day of March 2013.

DR DON MACKIE, Chief Medical Officer, Clinical Leadership, Protection and Regulation Business Unit, Ministry of Health (pursuant to delegation given by the Minister of Health on 6 July 2001).

go1516

**Consent to the Distribution of New Medicines**

Pursuant to section 20 of the Medicines Act 1981, the Minister of Health hereby consents to the distribution in New Zealand of the new medicines set out in the Schedule hereto:

### Appendix 3 – Information on Palmerston North City Council’s website pertaining to the Notice of Requirement

#### NOTICE OF REQUIREMENT AND SUPPORTING INFORMATION

##### Volume one: Notice of requirement form and accompanying plans

Item No.	Description	Author	Date
<a href="#"><u>1</u></a>	Form 18: Notice of Requirement, KiwiRail Regional Freight Hub	KiwiRail	23 October 2020
<a href="#"><u>2</u></a>	Appendix 1: Designation Extent	KiwiRail/Stantec	15 September 2020
<a href="#"><u>3</u></a>	Appendix 2: Schedule of Landowners and Land Requirement Plans	KiwiRail/The Property Group	Undated (but plans dated October 2020)
<a href="#"><u>4</u></a>	Appendix 3: Proposed Conditions	KiwiRail	Undated

##### Volume two: Assessment of environmental effects and appendices

Item No.	Description	Author	Date
<a href="#"><u>5</u></a>	Assessment of Environmental Effects, KiwiRail Regional Freight Hub	Prepared by Stantec on behalf of KiwiRail	October 2020
<a href="#"><u>6</u></a>	Appendix A: Requiring Authority Gazette Notice	New Zealand Gazette	14 March 2013
<a href="#"><u>7</u></a>	Appendix B: Concept Plan	KiwiRail/Stantec	20 October 2020
<a href="#"><u>8</u></a>	Appendix C: Landscape Plan and Cross Sections	KiwiRail/Isthmus Group Ltd	12 October 2020
<a href="#"><u>9</u></a>	Appendix D: Masterplan Report	Prepared by Stantec on behalf of KiwiRail	April 2020
<a href="#"><u>10</u></a>	Appendix E: Community Engagement Report	Prepared by Stantec on behalf of KiwiRail	October 2020

##### Appendix F: Multi-criteria analysis report and supporting documents

Item No.	Description	Author	Date
<a href="#"><u>11</u></a>	Appendix F: Summary Report	Prepared by Stantec on behalf of KiwiRail	June 2020
<a href="#"><u>12</u></a>	F1: Engineering Degree of Difficulty Assessment	Prepared by Stantec on behalf of KiwiRail	June 2020
<a href="#"><u>13</u></a>	F2: Connectivity Assessment	Prepared by Dhimantha Ranatunga on behalf of KiwiRail	June 2020
<a href="#"><u>14</u></a>	F3: Heritage & Archaeology Assessment	Prepared by inSite Archaeology Ltd on behalf of KiwiRail	June 2020

<a href="#">15</a>	F4: Natural Environment Assessment	Prepared by Simon Beale and Adam Forbes on behalf of KiwiRail	June 2020
<a href="#">16</a>	F5: Noise and Vibration Assessment	Prepared by Chiles Ltd and Altissimo Consulting on behalf of KiwiRail	June 2020
<a href="#">17</a>	F6: Property Degree of Difficulty Assessment	KiwiRail (Dale Philip)	June 2020
<a href="#">18</a>	F7: Rail Assessment	KiwiRail (Goncalo Sintra)	June 2020
<a href="#">19</a>	F8: Resilience Assessment	Andy Mott and Alistair Osborne on behalf of KiwiRail	June 2020
<a href="#">20</a>	F9: Strategic Fit Assessment	Paula Hunter on behalf of KiwiRail	June 2020
<a href="#">21</a>	F10: Visual & Landscape Assessment	Prepared by Isthmus on behalf of KiwiRail	June 2020
<a href="#">22</a>	F11: Community Cohesion Assessment	Prepared by April Peckham and Karen Bell on behalf of KiwiRail	June 2020
<a href="#">23</a>	F12: Economic Assessment	Prepared by Richard Paling on behalf of KiwiRail	June 2020

### Volume three: Technical assessment reports and appendices

Item No.	Description	Author	Date
<a href="#">24</a>	A: Design Construction and Operation Report	Prepared by Stantec on behalf of KiwiRail	October 2020
<a href="#">25</a>	B: Preliminary Geotechnical Assessment	Prepared by Stantec on behalf of KiwiRail	October 2020
<a href="#">26</a>	C: Integrated Transport Assessment	Prepared by Stantec on behalf of KiwiRail	23 October 2020
<a href="#">27</a>	D: Acoustic Assessment	Prepared by Chiles Ltd on behalf of KiwiRail	23 October 2020
<a href="#">28</a>	E: Landscape and Visual Effects Assessment	Prepared by Isthmus Group Ltd on behalf of KiwiRail	October 2020
<a href="#">29</a>	E1: Context Photographs	KiwiRail	9 October 2020
<a href="#">30</a>	E1: Context Photographs [Printable]	KiwiRail	9 October 2020
<a href="#">31</a>	F: Assessment of Ecological Values and Effects	Prepared by Boffa Miskell Ltd on behalf of KiwiRail	22 October 2020
<a href="#">32</a>	G: Stormwater Flooding Assessment	Prepared by Stantec on behalf of KiwiRail	October 2020
<a href="#">33</a>	H: Preliminary Analysis of Archaeological Potential [includes appendices]	Prepared by inSite Archaeology Ltd on behalf of KiwiRail	October 2020
<a href="#">34</a>	I: Contaminated Land Assessment	Prepared by Stantec on behalf of KiwiRail	October 2020
<a href="#">35</a>	J: Social Impact Assessment	Prepared by Kirsty Austin on behalf of KiwiRail	20 October 2020

<a href="#">36</a>	K: Economic Analysis	Prepared by Richard Paling Consulting on behalf of KiwiRail	October 2020
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## FURTHER INFORMATION: S92 REQUESTS AND RESPONSES

### First request and response

Item No.	Description	Author	Date
<a href="#">36</a>	S92 letter: Request for further information	Palmerston North City Council (Anita Coppelstone)	14 December 2020
<a href="#">38</a>	S92 letter: KiwiRail response	KiwiRail (Pam Butler)	15 February 2021
<a href="#">39</a>	Appendix A: S92 Response Table	KiwiRail	Undated
<a href="#">40</a>	Appendix B: Updated Notice of Requirement conditions (tracked changes)	KiwiRail	Undated
<a href="#">41</a>	Appendix C: Notice of Requirement conditions (updated S92)	KiwiRail	Undated
<a href="#">42</a>	Attachment 1 S92 Response: Geotech	Prepared by Stantec on behalf of KiwiRail	12 February 2021
<a href="#">43</a>	Attachment 2A S92 Response: Ecology	Prepared by Boffa Miskell Ltd on behalf of KiwiRail	15 February 2021
<a href="#">44</a>	Attachment 2B Updated Technical Assessment: Ecology (tracked changes)	Prepared by Boffa Miskell Ltd on behalf of KiwiRail	15 February 2021
<a href="#">45</a>	Attachment 3 S92 Response: Design, Construction and Operations	Prepared by Stantec on behalf of KiwiRail	15 February 2021
<a href="#">46</a>	Attachment 4A S92 Response: Lighting	Prepared by Stantec on behalf of KiwiRail	12 February 2021
<a href="#">47</a>	Attachment 4B: Updated Lighting Report (tracked changes)	Prepared by Stantec on behalf of KiwiRail	28 July 2020 (updated February 2021)
<a href="#">48</a>	Attachment 5 S92 Response: Contaminated Land	Prepared by Stantec on behalf of KiwiRail	11 February 2021
<a href="#">49</a>	Attachment 6 S92 Response: Stormwater	Prepared by Stantec on behalf of KiwiRail	15 February 2021
<a href="#">50</a>	Attachment 7 S92 Response: Noise and Vibration	Prepared by Chiles Ltd on behalf of KiwiRail	12 February 2021
<a href="#">51</a>	Attachment 8A S92 Response: Economic	Prepared by Richard Paling Consulting on behalf of KiwiRail	February 2021
<a href="#">52</a>	Attachment 8B S92 Response: Economics	Prepared by Insight Economics Ltd on behalf of KiwiRail	15 February 2021
<a href="#">53</a>	Attachment 9 S92 Response: Transport	Prepared by Stantec on behalf of KiwiRail	February 2021
<a href="#">54</a>	Attachment 10 Appendix PN Freight Hub: Graphic Sections	Prepared by Isthmus Group Ltd on behalf of KiwiRail	12 February 2021

<a href="#">55</a>	Attachment 10 Appendix PN Freight Hub: Landscape Plan	Prepared by Isthmus Group Ltd on behalf of KiwiRail	12 February 2021
<a href="#">56</a>	Attachment 10 PN Freight Hub: Landscape Plan (low res)	Prepared by Isthmus Group Ltd on behalf of KiwiRail	12 February 2021
<a href="#">57</a>	Attachment 10 PN Freight Hub: Graphic Sections (low res)	Prepared by Isthmus Group Ltd on behalf of KiwiRail	12 February 2021
<a href="#">58</a>	Attachment 10 S92 Response: Landscape and Visual (plus spatial plan)	Prepared by Isthmus Group Ltd on behalf of KiwiRail	February 2021
<a href="#">59</a>	Attachment 11 S92 Response: Planning	Prepared by Stantec on behalf of KiwiRail	12 February 2021
<a href="#">60</a>	Attachment 12 S92 Response: Social Impact	Prepared by Kirsty Austin on behalf of KiwiRail	February 2021
<a href="#">61</a>	Attachment 13 S92 Q 187 Response: Updated Appendix 2 Schedule	KiwiRail	February 2021
<a href="#">62</a>	Attachment 14 S92 Q 188 Response: Updated Rail Yard Concept Plan	KiwiRail/Stantec	12 February 2021
<a href="#">63</a>	Palmerston North area traffic model: Model development and validation report	Beca Ltd	23 December 2014
<a href="#">64</a>	Palmerston North area traffic model: Peer review report	Prepared by Tim Kelly Transportation Planning Ltd for Palmerston North City Council	January 2015

### Second request and response

Item No.	Description	Author	Date
<a href="#">65</a>	S92 request 2: Further information required – Air quality and dust effects	Palmerston North City Council	28 April 2021
<a href="#">66</a>	KiwiRail response to S92 request 2: Air quality and dust effects	KiwiRail	24 May 2021

### Third request and response

Item No.	Description	Author	Date
<a href="#">67</a>	S92 request 3: Further information required – Issues raised by submitters	Palmerston North City Council	7 May 2021
<a href="#">68</a>	KiwiRail response to S92 request 3: Issues raised by submitters	KiwiRail	28 May 2021

### COUNCIL REPORTING TEAM TECHNICAL REPORTS FOR HEARING

Item No.	Description	Author	Date
<a href="#">69</a>	Air quality: Deborah Ryan	Pattle Delamore Partners Ltd on behalf of Palmerston North City Council	9 August 2021
<a href="#">70</a>	Ecology: Justine Quinn	Tonkin & Taylor Ltd on behalf of Palmerston North City Council	9 August 2021
<a href="#">71</a>	Economic impacts: Shane Vuletich	Fresh Information Ltd on behalf of Palmerston North City Council	9 August 2021
<a href="#">72</a>	Landscape and visual effects: Chantal Whitby	Hudson Associates on behalf of Palmerston North City Council	9 August 2021
<a href="#">73</a>	Lighting: Glen Wright	Stephenson & Turner New Zealand Ltd on behalf of Palmerston North City Council	9 August 2021
<a href="#">74</a>	Noise: Nigel Lloyd	Acousafe Consulting & Engineering Ltd on behalf of Palmerston North City Council	9 August 2021
<a href="#">75</a>	Palmerston North City Council infrastructure assets: Robert van Bentum	Robert van Bentum on behalf of Palmerston North City Council	9 August 2021
<a href="#">76</a>	Planning report companion document: Effects and recommendations summary table	Anita Copplestone and Phillip Percy on behalf of Palmerston North City Council	9 August 2021
<a href="#">77</a>	Planning: Anita Copplestone and Phillip Percy	Anita Copplestone and Phillip Percy on behalf of Palmerston North City Council	9 August 2021
<a href="#">78</a>	Railway track design, construction and operation: Michael Than	Michael Than on behalf of Palmerston North City Council	9 August 2021
<a href="#">79</a>	Social impacts: Amelia Linzey	Amelia Linzey on behalf of Palmerston North City Council	9 August 2021
<a href="#">80</a>	Stormwater and flooding: David Arseneau and Reiko Baugham	David Arseneau and Reiko Baugham on behalf of Palmerston North City Council	9 August 2021
<a href="#">81</a>	Traffic and transportation: Harriet Fraser	Harriet Fraser on behalf of Palmerston North City Council	9 August 2021



**KEY DOCUMENTS REFERRED TO IN THE TECHNICAL REPORTS**

Item No.	Description	Author	Date
<a href="#">82</a>	Good practice guide for assessing discharges to air from industry	Ministry for the Environment	2016
<a href="#">83</a>	Impacts of Palmerston North integrated transport initiative on key regional projects	Fresh Info	February 2021
<a href="#">84</a>	Palmerston North integrated transport initiative network options report	Waka Kotahi NZ Transport Agency	January 2021
<a href="#">85</a>	Palmerston North-Manawatu strategic transport study	Traffic Design Group	June 2010
<a href="#">86</a>	Plan change 15E [northeast industrial zone extension] intersections assessment report	Traffic Design Group	October 2014
<a href="#">87</a>	Te tangi a te manu: Aotearoa New Zealand landscape assessment guidelines	New Zealand Institute of Landscape Architects	April 2021

**KIWIRAIL TECHNICAL REPORTS FOR HEARING**

Item No.	Description	Author	Date
<a href="#">88</a>	Acoustics evidence, Stephen Chiles	Stephen Chiles on behalf of KiwiRail	9 July 2021
<a href="#">89</a>	Archaeology evidence, Daniel Parker	Daniel Parker on behalf of KiwiRail	9 July 2021
<a href="#">90</a>	Contaminated land and air quality, Paul Heveldt	Paul Heveldt on behalf of KiwiRail	9 July 2021
<a href="#">91</a>	Corporate evidence, Olivia Poulsen	Olivia Poulsen on behalf of KiwiRail	9 July 2021
<a href="#">92</a>	Corporate evidence, Todd Moyle	Todd Moyle on behalf of KiwiRail	9 July 2021
<a href="#">93</a>	Design, construction and operation, Mike Skelton	Michael Skelton on behalf of KiwiRail	9 July 2021
<a href="#">94</a>	Ecology evidence, Jeremy Garrett-Walker	Jeremy Garrett-Walker on behalf of KiwiRail	9 July 2021
<a href="#">95</a>	Economics evidence, Fraser Colegrave	Fraser Colegrave on behalf of KiwiRail	9 July 2021
<a href="#">96</a>	Economics evidence, Richard Paling	Richard Paling on behalf of KiwiRail	9 July 2021
<a href="#">97</a>	Geotechnical evidence, Andrew Mott	Andrew Mott on behalf of KiwiRail	9 July 2021
<a href="#">98</a>	Landscape and visual evidence, Lisa Rimmer	Lisa Rimmer on behalf of KiwiRail	9 July 2021
<a href="#">99</a>	Landscape and visual evidence, Lisa Rimmer [Appendix A: viewpoint 1-10]	Isthmus Group Ltd on behalf of KiwiRail	June 2021
<a href="#">100</a>	Landscape and visual evidence, Lisa Rimmer [Appendix A: viewpoint 11-29]	Isthmus Group Ltd on behalf of KiwiRail	June 2021



<a href="#"><u>101</u></a>	Landscape and visual evidence, Lisa Rimmer [Appendix B, C and D]	Isthmus Group Ltd on behalf of KiwiRail	July 2021
<a href="#"><u>102</u></a>	Lighting evidence, John McKensey	John McKensey on behalf of KiwiRail	9 July 2021
<a href="#"><u>103</u></a>	Planning evidence, Karen Bell	Karen Bell on behalf of KiwiRail	9 July 2021
<a href="#"><u>104</u></a>	Social impact evidence, Kirsty Austin	Kirsty Austin on behalf of KiwiRail	9 July 2021
<a href="#"><u>105</u></a>	Stormwater and flooding evidence, Allan Leahy	Allan Leahy on behalf of KiwiRail	9 July 2021
<a href="#"><u>106</u></a>	Transport evidence, Mark Georgeson	Mark Georgeson on behalf of KiwiRail	9 July 2021
<a href="#"><u>107</u></a>	Electronic Hyperlinked Evidence On Behalf Of KiwiRail Part 1	Russell McVeagh on behalf of KiwiRail	9 July 2021
<a href="#"><u>108</u></a>	Electronic Hyperlinked Evidence On Behalf Of KiwiRail Part 2	Russell McVeagh on behalf of KiwiRail	9 July 2021
<a href="#"><u>109</u></a>	Electronic Hyperlinked Evidence On Behalf Of KiwiRail Part 3	Russell McVeagh on behalf of KiwiRail	9 July 2021
<a href="#"><u>110</u></a>	Electronic Hyperlinked Evidence On Behalf Of KiwiRail Part 4	Russell McVeagh on behalf of KiwiRail	9 July 2021

#### SUBMITTER EVIDENCE FOR HEARING

Item No.	Description	Author	Date
<a href="#"><u>111</u></a>	Brady Nixon on behalf of Foodstuffs North Island Ltd: 23 July 2021	Brady Nixon on behalf of Foodstuffs North Island Ltd	23 July 2021
<a href="#"><u>112</u></a>	Michael Nixon for Foodstuffs North Island Ltd [Transport] 23 July 2021	Michael Nixon on behalf of Foodstuffs North Island Ltd	23 July 2021
<a href="#"><u>113</u></a>	Paul Thomas for PMB Landco Ltd, Brian Green Properties Ltd and Commbuild Property Ltd: 15 July 2021	Paul Thomas on behalf of PMB Landco Ltd, Brian Green Properties Ltd and Commbuild Property Ltd	15 July 2021
<a href="#"><u>114</u></a>	Sarah Downs for Waka Kotahi: 23 July 2021	Sarah Downs on behalf of Waka Kotahi	23 July 2021

#### KIWIRAIL REBUTTAL EVIDENCE

Item No.	Description	Author	Date
<a href="#"><u>115</u></a>	Rebuttal statement of evidence of Mark Georgeson: Transport	Mark Georgeson on behalf of KiwiRail	4 August 2021

**KIWIRAIL LEGAL SUBMISSIONS**

Item No.	Description	Author	Date
<a href="#"><u>116</u></a>	Memorandum of counsel on behalf of KiwiRail: 6 August 2021	Russell McVeagh on behalf of KiwiRail	6 August 2021
<a href="#"><u>117</u></a>	Bundle of authorities for KiwiRail Holdings Limited dated 6 Aug 2021 part 1	Russell McVeagh on behalf of KiwiRail	6 August 2021
<a href="#"><u>118</u></a>	Bundle of authorities for KiwiRail Holdings Limited dated 6 Aug 2021 part 2	Russell McVeagh on behalf of KiwiRail	6 August 2021
<a href="#"><u>119</u></a>	Bundle of authorities for KiwiRail Holdings Limited dated 6 Aug 2021 part 3	Russell McVeagh on behalf of KiwiRail	6 August 2021
<a href="#"><u>120</u></a>	Bundle of authorities for KiwiRail Holdings Limited dated 6 Aug 2021 part 4	Russell McVeagh on behalf of KiwiRail	6 August 2021
<a href="#"><u>121</u></a>	Electronic hyperlinked evidence on behalf of KiwiRail part 1	Russell McVeagh on behalf of KiwiRail	9 July 2021
<a href="#"><u>122</u></a>	Electronic hyperlinked evidence on behalf of KiwiRail part 2	Russell McVeagh on behalf of KiwiRail	9 July 2021
<a href="#"><u>123</u></a>	Electronic hyperlinked evidence on behalf of KiwiRail part 3	Russell McVeagh on behalf of KiwiRail	9 July 2021
<a href="#"><u>124</u></a>	Legal submissions on behalf of KiwiRail	Russell McVeagh on behalf of KiwiRail	6 August 2021
<a href="#"><u>125</u></a>	Visual simulations v1	Isthmus Group Ltd on behalf of KiwiRail	8 July 2021

**SUBMISSIONS**

Item No.	Description	Author	Date
<a href="#"><u>126</u></a>	KiwiRail NOR Submissions - 1 to 10 - Mar 21	Members of the Public	March 2021
<a href="#"><u>127</u></a>	KiwiRail NOR Submissions - 11 to 18 - Mar 21	Members of the Public	March 2021
<a href="#"><u>128</u></a>	KiwiRail NOR Submissions - 19 to 22 - Mar 21	Members of the Public	March 2021
<a href="#"><u>129</u></a>	KiwiRail NOR Submissions - 23 to 30 - Mar 21	Members of the Public	March 2021
<a href="#"><u>130</u></a>	KiwiRail NOR Submissions - 31 to 46 - Mar 21	Members of the Public	March 2021

<a href="#"><u>131</u></a>	KiwiRail NOR Submissions - 47 to 52 - Mar 21	Members of the Public	March 2021
<a href="#"><u>132</u></a>	KiwiRail NOR Submissions - 53 to 62 - Mar 21	Members of the Public	March 2021
<a href="#"><u>133</u></a>	KiwiRail NOR Submissions - 63 to 71 - Mar 21	Members of the Public	March 2021
<a href="#"><u>134</u></a>	KiwiRail NOR Submissions - 72 - Mar 21	Members of the Public	March 2021
<a href="#"><u>135</u></a>	KiwiRail NOR Submissions - 73 to 90 - Mar 21	Members of the Public	March 2021
<a href="#"><u>136</u></a>	KiwiRail NOR Submissions - 91 to 98 - Mar 21	Members of the Public	March 2021

### Appendix 4 – Appearances

Submitter	Contact	Email
Rochelle & Rex McGill		
Timothy B Te Wake		
Central Economic Development Agency	Ray Mudgeway	
Tutaki 2019 Ltd	Nathan Barnes	
Kevin & Yvonne Stafford		
Horizons Regional Council	Sarah Carswell	
Mike Tate		
Zaneta Park		
Helen & Pita Kinaston		
Gerry Rose & Gill Frampton		
PMB Landco Ltd, Brian Green Properties Ltd & Commbuild Property Ltd	Paul Thomas	
Paul Linklater		
Manawatu District Council	Shayne Harris	
John David Bryan Austin & Rosaleen Mary Wapp		
Central New Zealand Distribution Hub Stakeholder Group	Ray Mudgeway	
Friederike Lugt		
Darren Green		
Ian & Andrea Ritchie		
MidCentral District Health Board (MDHB) Public Health Service	Andrew Watt	
Aorangi Papakainga	Mason Durie	
Glen & Karen Woodfield		
Powerco Limited	Gary Scholfield	
Warren Bradley		
Foodstuffs North Island	Matt Norwell	
Peter Gore & Dale O'Reilly		
Sharon Lee Gore		
Waka Kotahi NZ Transport Agency	Caitlin Kelly	
Andrew Wotton		
Te Ao Turoa Environmental		

Centre/Bestcare Whakapai Hauora Charitable Trust Mandated Iwi Authority for Rangitāne o Manawatū	Jonathan Procter	
Danelle O’Keeffe & Duane Butts		
William J Bent		
Riana Carroll		
Dianne M C Tipene		
Ji Hangfeng		
David Odering		
Martin Jones		
Nicola Schreurs & Thomas Good		
Ian A Shaw		
Robyn Curtis		
Mereti Taipana		
Aaron P Fox		
Joanne K Whittle		
Gordon H Malcolm		
Te Runanga o Raukawa	Dennis Emery	

## Appendix 5 – The Proposed Conditions

### KIWIRAIL PROPOSED CONDITIONS AS AT 5 NOVEMBER 2021

<b>Definitions</b>	
<b>Term</b>	<b>Definition</b>
Completion	Completion of construction of the Freight Hub.
Designation Extent	The land within the designation boundary shown in black outline on the Concept Plan prepared by Isthmus, dated 29 October 2021.
Existing Dwelling	As at 23 October 2020, any building: (a) that was constructed as a lawful dwelling; or (b) for which resource consent was granted for construction of a dwelling.
Freight Hub	All activities and structures shown on the Concept Plan dated 29 October 2021, prepared by Isthmus, except that for the purposes of Conditions 107 – 122 it excludes the North Island Main Trunk Line and the Perimeter Road.
Habitable space	Any room in a dwelling which is used or which can be used as a sitting room, a living room, a bedroom, a dining room, or a family room.
Noise Mitigation Structures	The earth bunds and vertical noise barriers to mitigate noise effects.
Perimeter Road	The physical works required to provide: (a) a new section of road south of Maple Street between Railway Road and Roberts Line; and (b) improvements to Roberts Line north west of the intersection at Roberts Line and Railway Road.
Works	All physical works and activities (including all site establishment activities but excluding site investigations) that are required to construct the activities and all supporting infrastructure shown on the Concept Plan prepared by Isthmus, dated 29 October 2021.
<b>General Conditions</b>	
1.	Except as modified by the conditions below and accompanying outline plan(s), the works authorised by this designation must be undertaken in general accordance with the following information provided by the Requiring Authority: (a) the Notice of Requirement for the Freight Hub dated 23 October 2020 and the further information provided by the Requiring Authority dated 15 February 2021, 24 May 2021 and 28 May 2021; (b) Concept Plan dated 29 October 2021, prepared by Isthmus; (c) Draft indicative Landscape plan dated 6 July 2021 prepared by Isthmus Group (rev B); and (d) evidence provided by the Requiring Authority dated 9 July 2021 and at the hearing in August / September 2021.
2.	Where there is any inconsistency between the Notice of Requirement documentation listed in Condition 1 above and the designation conditions, the designation conditions will prevail.
<b>Lapse Period</b>	
3.	The designation will lapse if not given effect to within 15 years from the date on which it is included in the District Plan.
<b>Management Plans</b>	
4.	At least 20 working days prior to the Works commencing or unless otherwise specified in the conditions below, the management plan(s) specified in Condition 8 (excluding the Road Network Integration Plan) must be submitted to the Head of Planning Services at Palmerston North City Council for certification that the management plan(s) meets the requirements of the relevant condition(s).
5.	Management plan(s) may be prepared and submitted for one or more stages, aspects, sections, or locations of works.
6.	The management plan must be certified by the Palmerston North City Council Head of Planning Services, in accordance with the following process: (a) If the Requiring Authority has not received a response from the Head of Planning Services within 20 working days of the date of submission of the response under Condition 4, the management plan is deemed to be certified. (b) If the Head of Planning Services response is that the management plan does not meet the requirements of the relevant condition(s), the Requiring Authority must consider any reasons and recommendations of the Head of Planning Services and resubmit an amended management plan for certification. (c) If the Requiring Authority has not received a response from the Head of Planning Services within 5 working days of the date of resubmission under Condition 6(b) above, the management plan is deemed to be certified.
<b>Outline Plan(s)</b>	
7.	The outline plan(s) may be submitted for the Freight Hub or for one or more stages, aspects, sections, or locations of works.
8.	The outline plan(s) must include any relevant plan for the particular design or construction or operational matters being addressed in the outline plan and any updates of any plans. The following must be included in an outline plan or plans (as relevant to the particular stage, aspect, section or location of the design or construction matters being addressed): (a) Construction Management Plan (b) Construction Traffic Management Plan (c) Construction Noise and Vibration Management Plan (d) Landscape and Design Plan (e) Construction Engagement Plan

	<ul style="list-style-type: none"> <li>(f) Stormwater Management Report</li> <li>(g) Stormwater Monitoring and Maintenance Plan</li> <li>(h) Road Network Integration Plan</li> <li>(i) Operational Noise and Vibration Management Plan</li> <li>(j) Operational Traffic Management Plan</li> <li>(k) Operational Lighting Design Plan</li> <li>(l) Operational Dust Management Plan</li> <li>(m) Geotechnical Report</li> <li>(n) Construction Lighting Management Plan</li> </ul>
<b>Amendments to management plans</b>	
9.	The Requiring Authority may make material amendments to any documents or plans listed in Condition 8 (excluding the Road Network Integration Plan) by following the process set out in Conditions 4 and 6, unless the amendment is a minor amendment under Condition 10.
10.	<p>The documents and plans referred to in Condition 8 (excluding the Road Network Integration Plan) may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for re-certification or a further outline plan, where:</p> <ul style="list-style-type: none"> <li>(a) the amendment is in general accordance with the original document, plan, or outline plan and the relevant conditions under which that document or plan was prepared; or</li> <li>(b) the amendment is to give effect to an amendment required under another statutory approval; and</li> <li>(c) the amendment proposed is provided in writing to Palmerston North City Council at least 10 working days prior to the relevant works being undertaken; and</li> <li>(d) Palmerston North City Council confirms in writing that the amendments meet the requirements of Condition 10(a) or (b). If a response is not received from the Head of Planning Services at the Council within 5 working days of the date that it is provided in Condition 10(c), the amendments are deemed to be approved.</li> </ul>
<b>Mana Whenua Partnership Framework</b>	
11.	Within 12 months of [the date the NoR is confirmed], the Requiring Authority must engage with Mana Whenua to prepare a Partnership Framework in partnership with Mana Whenua for the Freight Hub in accordance with the principles of Te Tiriti o Waitangi.
12.	The Partnership Framework will recognise Kaupapa based models such as Whānau Ora Outcomes, Te Whare Tapa Whā values and Te Pae Mahutonga Attributes.
13.	The objective of the Mana Whenua Partnership Framework is to honour, recognize and provide for mana whenua values, and tikanga and kawa participation in the area affected by the Freight Hub, to develop mechanisms to avoid, mitigate, compensate or offset effects on mana whenua values and tikanga through the implementation of agreed participation, monitoring and mitigation measures and provide opportunities for expression of those values and tikanga through design and development beyond completion of the overall project.
14.	<p>The Partnership Framework will include as a minimum:</p> <ul style="list-style-type: none"> <li>(a) key roles and responsibilities for Mana Whenua at the governance and operational levels, including in relation to design and development of the Freight Hub;</li> <li>(b) involvement in cultural impact assessments, preparation and implementation of management plans as part of this designation and any management plans that are developed as part of regional resource consents;</li> <li>(c) monitoring and exercise of kaitiakitanga and manākitanga activities to be undertaken including in particular, regular monitoring of ngā Puna and waterways to be carried out in partnership with Mana Whenua and implementation of adaptive management strategies to address water quality issues if agreed standards are not met;</li> <li>(d) involvement in developing, approving and partaking in accidental discovery protocols and any archaeological authorities and wildlife permits required;</li> <li>(e) overall site dedication and other tikanga protocols to be performed by Mana Whenua;</li> <li>(f) opportunities for the expression of Mana Whenua values and tikanga in the design, development and operation of the Freight Hub;</li> <li>(g) any employment, training scholarship, procurement and investment opportunities as part of the development of the Freight Hub; and</li> <li>(h) any mahi toi to be developed as part of the project.</li> </ul>
<b>Communication and Engagement</b>	
<b>Community Liaison Forum</b>	
15.	Within 12 months of the [date the NoR is confirmed], the Requiring Authority must establish a Community Liaison Forum.
16.	The Requiring Authority must maintain the Community Liaison Forum until at least 6 months after Completion.
17.	The purpose of the Community Liaison Forum is to provide an interactive forum through which the Requiring Authority can provide information to and receive feedback from the community on any matters relating to the design, construction and operation of the Freight Hub.
18.	The Community Liaison Forum must be open to mana whenua and all interested residents and organisations within the vicinity of the Freight Hub.
19.	<p>The Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) identify and invite parties that may be interested in participating in the Community Liaison Forum, including: <ul style="list-style-type: none"> <li>(i) local residents who submitted on the Notice of Requirement for the Designation;</li> <li>(ii) Bunnythorpe School and any childcare facilities in the vicinity;</li> <li>(iii) Community groups (including Bunnythorpe Community Centre, faith-based groups and residents organisations);</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(iv) Businesses and landowners (including in Bunnythorpe village and the North East Industrial Zone);</li> <li>(v) cycling and walking groups (including Te Araroa Manawatū Trust); and</li> </ul>
	(b) develop, in consultation with the Community Liaison Forum participants, terms of reference consistent with the purpose of the Community Liaison Forum as set out in Condition 17 including the methods and frequency of communication with those participants for the duration of the Community Liaison Forum as outlined in Conditions 15 and 16.
20.	The Requiring Authority must: <ul style="list-style-type: none"> <li>(a) provide the Community Liaison Forum with up-to-date information about the design, construction and operation of the Freight Hub, including updates on material changes in design or activity and complaints received in accordance with Condition 31;</li> <li>(b) ensure that the Community Liaison Forum is provided with opportunities to provide feedback on matters, including: <ul style="list-style-type: none"> <li>(i) draft documents and plans set out in Condition 8 and material updates to any plans in accordance with Condition 9;</li> <li>(ii) timing and nature of mitigation works proposed;</li> <li>(iii) any regional resource consent applications and any proposed mitigation measures associated with those consent applications; and</li> </ul> </li> <li>(c) collate any feedback received and report back to the Community Liaison Forum as to how that feedback has been considered by the Requiring Authority.</li> </ul>
<b>Community Liaison Person</b>	
21.	Within 12 months of the [date the NoR is confirmed] the Requiring Authority must appoint, in consultation with Palmerston North City Council, a Community Liaison Person with particular skills in community engagement.
22.	The Community Liaison Person role must be in place until at least 6 months after Completion.
23.	The role of the Community Liaison Person is to provide a point of contact for the community on behalf of the Requiring Authority for: <ul style="list-style-type: none"> <li>(a) all enquiries relating to the Freight Hub, including land acquisition, construction or operational matters;</li> <li>(b) administering the Community Liaison Forum, once established in accordance with Condition 15;</li> <li>(c) co-ordinating landowner engagement in relation to the implementation of plans listed in Condition 8 and any relevant conditions of this Designation.</li> </ul>
24.	The Requiring Authority must make the contact details of the Community Liaison Person available to the community.
<b>Construction Engagement Plan</b>	
25.	At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Engagement Plan and implement the plan for the duration of construction.
26.	The objective of the Construction Engagement Plan is to ensure that parties that are affected by construction activities are informed of the timing and nature of those activities.
27.	The Construction Engagement Plan must include: <ul style="list-style-type: none"> <li>(a) Contact details of the Community Liaison Person appointed in accordance with Condition 21.</li> <li>(b) A process for identifying the parties that will be communicated with, and the methods of communication, including: <ul style="list-style-type: none"> <li>(i) the use of a project website for public information; and</li> <li>(ii) provision of an electronic and / or paper-based newsletter and its proposed delivery area for paper-based newsletters.</li> </ul> </li> <li>(c) Information on the following, as identified in the relevant management plan(s): <ul style="list-style-type: none"> <li>(i) likely construction works and programme;</li> <li>(ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;</li> <li>(iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);</li> <li>(iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;</li> <li>(v) progress of any construction works against key project milestones; and</li> <li>(vi) any measures to manage construction effects as identified in the Construction Management Plan, Construction Traffic Management Plan, Construction Noise and Vibration Management Plan, Construction Lighting Management Plan, and Landscape and Design Plan.</li> </ul> </li> </ul>
<b>Complaints Register</b>	
28.	Within 12 months of [date the NoR is confirmed] the Requiring Authority must establish a register to record any complaints received and action undertaken by the Requiring Authority in response to the complaint, and maintain the register until at least 6 months after Completion.
29.	The complaints register must include: <ul style="list-style-type: none"> <li>(a) the nature and details of the complaint; and</li> <li>(b) measures taken by the Requiring Authority to respond to the complaint or where any measures have not been taken, the reasons why.</li> </ul>
30.	The complaints register must be made available to Palmerston North City Council upon request, subject to compliance with privacy obligations.
31.	The Requiring Authority must provide regular updates to the Community Liaison Forum on complaints received and any measures to address any complaints identified.
<b>Geotechnical report</b>	



32.	Prior to commencement of any Works, a geotechnical report must be prepared by a suitably qualified and experienced person and provided to the Palmerston North City Council (Head of Planning Services), to identify any risk of instability on land within the Designation Extent and confirm that any such risk can be avoided, remedied or mitigated.
<b>Archaeology</b>	
33.	Prior to the commencement of any Works, the Requiring Authority must prepare an accidental discovery protocol in accordance with Condition 34 and implement the accidental discovery protocol for the duration of the Works.
34.	The accidental discovery protocol must be prepared in collaboration with mana whenua and in consultation with Heritage New Zealand Pouhere Taonga, and must include: <ul style="list-style-type: none"> <li>(a) details of contractor training regarding the skills necessary to be aware of the possible presence of cultural or archaeological sites or material;</li> <li>(b) general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wahi tapu or wahi taonga, including the requirement to immediately cease the Works in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;</li> <li>(c) in the event that kōiwi tangata or taonga are discovered, work must cease immediately in the vicinity of the remains and mana whenua, Heritage New Zealand Pouhere Taonga, New Zealand Police and Palmerston North City Council must be contacted;</li> <li>(d) procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and</li> <li>(e) activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.</li> </ul>
<b>Stormwater</b>	
<b>Stormwater Management Report</b>	
35.	The Requiring Authority must prepare and submit a Stormwater Management Report with the first outline plan to Palmerston North City Council.
36.	The Stormwater Management Report must be prepared by a suitably qualified and experienced person.
37.	The objective of the Stormwater Management Report is to confirm the design of the stormwater detention ponds is sufficient to mitigate the potential flooding effects as a result of any increased stormwater runoff from the Freight Hub and the loss of flood plain storage as a result of the site formation.
38.	The Stormwater Management Report must: <ul style="list-style-type: none"> <li>(a) achieve the objective in Condition 37;</li> <li>(b) outline the results of hydrologic and hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; and</li> <li>(c) provide hydraulic details to confirm the appropriate size of the stormwater detention ponds;</li> <li>(d) identify potential effects of the Freight Hub site development on flood risk; and</li> <li>(e) identify methods for mitigation of any identified flooding effects.</li> </ul>
<b>Stormwater Management and Monitoring Plan</b>	
39.	At least three months prior to the delivery of the relevant part of the stormwater system as outlined in the construction programme in Condition 66, the Requiring Authority must prepare and implement a Stormwater Management and Monitoring Plan.
40.	The objective of the Stormwater Management and Monitoring Plan is to demonstrate that the stormwater system and the methods for the monitoring and maintenance of the stormwater system will be effective.
41.	The Stormwater Management and Monitoring Plan must be prepared by a suitably qualified and experienced person.
42.	The Stormwater Management and Monitoring Plan must include: <ul style="list-style-type: none"> <li>(a) design measures to assist with achieving hydraulic neutrality and methods to assist with stormwater treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetlands/swales and appropriate vegetation;</li> <li>(b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including sediment removal, clearance of debris, replacement of vegetation, training of operators, and separation or secondary containment of any high-risk contamination areas; and</li> <li>(c) details of the location, operation and maintenance of any stormwater outlets from the site, including emergency spillway.</li> </ul>
42A.	The Requiring Authority must design, construct, operate and maintain on-site stormwater management devices and/or systems which have been installed to manage and treat stormwater generated within the Freight Hub.
<b>Level Crossings</b>	
43.	At least 12 months prior to submission of the first outline plan, the Requiring Authority must commission Level Crossing Safety Impact Assessments or update any existing assessments to determine the impact of the Freight Hub on the following crossings: <ul style="list-style-type: none"> <li>(a) the Campbell Road/Kairanga Bunnythorpe Road level crossing;</li> <li>(b) the Waughs Road/Campbell Road level crossing;</li> <li>(c) pedestrian level crossings in the vicinity of Aorangi Marae and Taonui School; and</li> <li>(d) Campbell Road crossing south of Feilding.</li> </ul> The Requiring Authority must provide copies of the Level Crossing Safety Impact Assessments or updates to any existing assessments to the Palmerston North City Council and / or Manawātū District Council.
44.	The Requiring Authority must engage with Palmerston North City Council and Manawātū District Council in relation to the allocation and timing of the implementation of the recommendations in each Level Crossing Safety Impact Assessment.
45.	Unless already closed by the Palmerston North City Council, the Requiring Authority must close the Roberts Line and Clevely Line Level Crossings prior to the closure of Railway Road.

<b>Road Network Integration Plan</b>	
46.	At least 12 months prior to submission of the first outline plan, the Requiring Authority must prepare a Road Network Integration Plan.
47.	The objective of the Road Network Integration Plan is to ensure that the roading network within the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network.
48.	The Requiring Authority must consult and share information with Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency in preparing the Road Network Integration Plan (and any updates).
49.	<p>The Road Network Integration Plan must achieve the objective in Condition 47 and must include:</p> <ul style="list-style-type: none"> <li>(a) the timing for the closure of and/or the legal stopping of any relevant roads (or sections of roads, as the case may be), including Railway Road, Clevely Line, Te Ngaio Road and Richardsons Line;</li> <li>(b) the location, timing, form and design of any changes and upgrades to intersections and roads required for construction and operation of the Freight Hub that are to be delivered by the Requiring Authority including: <ul style="list-style-type: none"> <li>(i) changes as a result of the closure and / or legal stopping of relevant roads set out in Condition 49(a);</li> <li>(ii) the Perimeter Road, including a safe separated shared path of at least 3.0 metres between Railway Road south of Maple Street and the intersection at Roberts Line and Railway Road;</li> <li>(iii) a new intersection at Roberts Line with the Perimeter Road;</li> <li>(iv) an upgraded intersection at Richardsons Line and Roberts Line that includes access to activities within the Freight Hub;</li> <li>(v) a northern and western access from the Perimeter Road to activities within the Freight Hub; and</li> </ul> </li> <li>(c) the location, timing, form and design of any changes and upgrades to the following property accesses required to be delivered by the Requiring Authority as a result of the construction and operation of the Freight Hub: <ul style="list-style-type: none"> <li>(i) 422 and 422A Railway Road (the legal descriptions being SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613);</li> <li>(ii) 684 Roberts Line (the legal description being Lots 3 ad 4 DP 74613); and</li> <li>(iii) the three existing vehicle accesses to Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898);</li> </ul> </li> <li>(d) the timing, form and design of changes required to be delivered by the Requiring Authority and Palmerston North City at the intersections of Kairanga Bunnythorpe Road with each of Railway Road and Campbell Road;</li> <li>(e) the timing for the closure of any level crossings;</li> <li>(f) the proposed speed limits for any new roads and changes to speed limits for existing roads;</li> <li>(g) the location and timing and form of any changes and upgrades to pedestrian walkways, cycleways and public transport facilities, including new or relocated bus stops;</li> <li>(h) the location and timing of confirmed and funded upgrades or additions to the wider transport network, including works that are part of the Palmerston North Integrated Transport Improvement (PNITI) project and the identification of potential alternative ways for that wider transport network being delivered by the region's road controlling authorities to integrate with any roading upgrades and connections required for construction and operation of the Freight Hub; and</li> <li>(i) details of the feedback provided by Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency and how this has been incorporated into the Road Network Integration Plan, including any feedback regarding: <ul style="list-style-type: none"> <li>(i) the location and timing of a ring road and/or any bypasses of Bunnythorpe; and</li> <li>(ii) how these connections integrate with the roading network required for the construction and the safe and efficient movement of freight as part of the operation of the Freight Hub; and</li> </ul> </li> <li>(j) the timing of reviews and frequency of updates to the Road Network Integration Plan, based on the matters outlined in this Condition 49.</li> </ul>
<b>Roading connections and upgrades</b>	
50.	<p>Unless alternative access to the Freight Hub is provided that no longer requires the Perimeter Road (or a relevant part of it) to be constructed, the Requiring Authority must:</p> <ul style="list-style-type: none"> <li>(a) construct the Perimeter Road (or relevant part); and</li> <li>(b) surface it with an asphaltic mix road surface; and</li> <li>(c) enable public use of the Perimeter Road prior to the closure of the relevant section of Railway Road.</li> </ul>
51.	Unless otherwise provided by other road controlling authorities, the upgrades listed in Condition 49(b) must be delivered by the Requiring Authority according to the timing outlined in the Road Network Integration Plan.
52.	<p>In order to inform the timing, design and form of the upgrades listed in Condition 49(b), the Requiring Authority must undertake traffic modelling and safety audits to demonstrate that the designs will:</p> <ul style="list-style-type: none"> <li>(a) achieve an intersection Level of Service D or better (for sign-controlled intersections this is the Level of Service on the side road(s) approach(es)) or better, as modelled with SIDRA or similar; and</li> <li>(b) not result in any serious or significant safety concerns, in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.</li> </ul> <p>The Requiring Authority must provide copies of the traffic modeling and safety audits to the Palmerston North City Council.</p>
53.	The Requiring Authority must design and construct all new roads, intersections and vehicle crossings in accordance with the Palmerston North City Council's roading standards, or to such standards as otherwise agreed with Palmerston North City Council.
54.	The Requiring Authority must design and construct a safe connection across the North Island Main Trunk Line for cyclists and pedestrians at a location south of, and as close as reasonably practicable to, the Roberts Line and Railway

	Road intersection in consultation with the Palmerston North City Council. The connection must be operational within 6 months after the relocation of the North Island Main Trunk Line.
<b>Landscape and Design</b>	
55.	The Requiring Authority must prepare and submit a Landscape and Design Plan with the first outline plan to Palmerston North City Council. The Requiring Authority must implement the Landscape and Design Plan.
56.	The objective of the Landscape and Design Plan is to ensure that the design of the Freight Hub avoids, remedies or mitigates potential adverse effects of the Freight Hub on landscape, visual amenity and natural character in a way that ensures KiwiRail's operational requirements are met and the Freight Hub is appropriately integrated with the surrounding environment, including opportunities for enhancement.
57.	The Landscape and Design Plan must be prepared by a suitably qualified and experienced person in consultation with other relevant qualified persons, as required.
58.	The Requiring Authority must invite the mana whenua and the Community Liaison Forum to provide input and feedback on the development of the Landscape and Design Plan including participation in the development of design principles and outcomes set out in Condition 60.
59.	The Landscape and Design Plan must achieve the objective in Condition 56 and must provide for: <ul style="list-style-type: none"> <li>(a) KiwiRail's operational requirements; and</li> <li>(b) any plans required under the conditions of this Designation,</li> </ul>
60.	The Landscape and Design Plan must incorporate design principles and outcomes reflecting: <ul style="list-style-type: none"> <li>(a) mana whenua values;</li> <li>(b) a context specific landscape approach to appropriately integrate the Freight Hub with its immediate and wider landscape setting;</li> <li>(c) community identity and place;</li> <li>(d) walking and cycling connectivity; and</li> <li>(e) cultural or historic values.</li> </ul>
61.	The Landscape and Design Plan must include: <ul style="list-style-type: none"> <li>(a) the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of stormwater detention ponds, stream and riparian margins, cut faces, fill batters, and</li> <li>(b) how the plantings in Condition 61(a) and any other design measures (including but not limited to the final form, finish and articulation of the proposed buildings, Noise Mitigation Structures and batter heights and slopes): <ul style="list-style-type: none"> <li>(i) integrate the built forms including roof lines and walls of structures within the Freight Hub and the related earthworks into the surrounding environment;</li> <li>(ii) mitigate adverse visual amenity effects on affected residential properties;</li> <li>(iii) contribute to the open watercourse and stormwater ponds appearing as natural features and enhancing local biodiversity;</li> <li>(iv) comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and</li> <li>(v) comply with any regional consents.</li> </ul> </li> <li>(c) how the proposed planting will enhance natural character of waterbodies, including the Mangaone Stream surrounds and restore indigenous biodiversity;</li> <li>(d) how sites of cultural and historical significance will be recognised;</li> <li>(e) how any roads and walkways within the designation extent integrate into the character of the surrounding area and connect to paths and cycleways outside the designation and include opportunities for outlook(s) over the Freight Hub;</li> <li>(f) In relation to proposed Noise Mitigation Structures: <ul style="list-style-type: none"> <li>(i) the location of the Noise Mitigation Structures as outlined in the Operational Noise and Vibration Plan;</li> <li>(ii) the final form, finish, and planting of these Structures along Sangsters Road and Maple Street, including design treatment of vertical noise barriers, and landscaping of bunds (where planted to have a minimum depth of 5 m on the external face of those bunds);</li> <li>(iii) details of how the Noise Mitigation Structures have been designed where practicable to avoid, remedy or mitigate their adverse effects on landscape character and visual amenity; and</li> <li>(iv) details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from Noise Mitigation Structures will avoid adverse effects on the foundations of any National Grid support structure.</li> </ul> </li> <li>(g) how the lighting effects on the landscape and visual amenity are minimised;</li> <li>(h) the proposed timing for establishing any landscape or visual amenity planting, including methods to maximise mitigation planting coverage prior to construction of the main buildings and/or operation of the Freight Hub where practicable; and</li> <li>(i) the process and programme for maintaining any landscape or visual amenity planting and fencing.</li> </ul>
62.	Planting within the designation must be designed to achieve: <ul style="list-style-type: none"> <li>(a) at least an 80% canopy cover within five years of being planted;</li> <li>(b) at least 50% of tall tree species reach a height of 5 meters within five years of being planted; and</li> <li>(c) a minimum depth of planting along the following roads: <ul style="list-style-type: none"> <li>(i) 20 metres along the majority extent of Sangsters Road, excluding the tie in area at Roberts Line; and</li> <li>(ii) 30 metres along the internal frontage of the Perimeter Road excluding the tie in with Roberts Line (new intersection).</li> </ul> </li> </ul>
63.	All buildings within the Freight Hub must be designed and constructed to avoid potential roof glare to the south and particularly to the Palmerston North Airport Control Tower.

<b>Construction Management Plan</b>	
64.	At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Management Plan and implement the plan for the duration of the Works.
65.	The objective of the Construction Management Plan is to ensure that management procedures and construction methods are adopted to avoid, remedy or mitigate adverse effects of the construction of the Freight Hub.
66.	The Construction Management Plan must achieve the objective in Condition 65 and must include: <ul style="list-style-type: none"> <li>(a) a construction programme, including identifying key stages of the Works (including the delivery of parts of the stormwater system), and any seasonal timings for works;</li> <li>(b) a detailed site layout;</li> <li>(c) the design and management specifications for all earthworks on-site, including disposal sites and their location and dust management;</li> <li>(d) measures to ensure that the Works and structures (including the operation of any mobile plant and machinery) are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);</li> <li>(e) the design of temporary lighting for the Works and construction support areas in accordance with the Construction Lighting Management Plan;</li> <li>(f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;</li> <li>(g) the approach to the management of construction waste;</li> <li>(h) measures to avoid or minimise disturbance to burials being undertaken at Bunnythorpe cemetery during construction;</li> <li>(i) the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(j) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(k) environmental incident and emergency management procedures; and</li> <li>(l) contact numbers for key construction staff, and staff responsible for any monitoring requirements.</li> </ul>
<b>Construction Lighting Management Plan</b>	
67.	All lighting required for the Works must comply with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits.
68.	At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Lighting Management Plan and implement the plan for the duration of the Works.
69.	The Construction Lighting Management Plan must be prepared by a suitably qualified and experienced person.
70.	The objective of the Construction Lighting Management Plan is to demonstrate compliance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, Zone A2 Limits, between 11:00pm and 6.00am during the Works.
71.	The Construction Lighting Management Plan must specify the measures to: <ul style="list-style-type: none"> <li>(a) minimise construction vehicle headlight sweep on adjacent dwellings identified in this plan;</li> <li>(b) minimise as far as practicable light spill and glare from construction lighting on adjacent dwellings identified in this plan dwellings; and</li> <li>(c) minimise as far as practicable light spill and glare from construction lighting to the Palmerston North Airport Control Tower.</li> </ul>
<b>Network utilities</b>	
72.	Prior to any land disturbing works, the Requiring Authority must: <ul style="list-style-type: none"> <li>(a) identify the location of existing overhead or underground network utilities (<a href="http://www.beforeudig.co.nz">www.beforeudig.co.nz</a>);</li> <li>(b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations or other marker for overhead lines; and</li> <li>(c) provide the information of the network utilities identified under Condition 72(a) and (b) and information on any restrictions in place in relation to those existing network utilities to all construction personnel, including contractors.</li> </ul>
73.	Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority must obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).
74.	The Requiring Authority must provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).
75.	At least 20 working days prior to the commencement of the Works, the Requiring Authority must provide Transpower New Zealand Limited with details of the likely Works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.
76.	The Requiring Authority must ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating potential earth rise and ensuring electrical safety.
77.	The Requiring Authority must ensure the continuity of existing Powerco owned services and existing Palmerston North City Council owned three water services and, where necessary, provide for the efficient relocation of any of their infrastructure affected by the Works or operation of the Freight Hub to a location where operation, maintenance and upgrade activities associated with those services can be safely and efficiently provided (such relocation to be planned and undertaken in consultation with the relevant infrastructure owner).

<b>Construction Traffic</b>	
78.	At least six months prior to the Works commencing, the Requiring Authority must prepare a Construction Traffic Management Plan, and implement the plan for the duration of the Works.
79.	The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to avoid, remedy or mitigate adverse effects from traffic associated with the Works on property access, road user safety and efficiency of traffic movements.
80.	The Construction Traffic Management Plan must be prepared by a suitably qualified and experienced person.
81.	At least 20 working days prior to the Construction Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, Manawātū District Council for feedback.
82.	<p>The Construction Traffic Management Plan must achieve the objective in Condition 79 and must:</p> <ul style="list-style-type: none"> <li>(a) identify the numbers, frequencies, and timing of traffic movements for each phase of the construction programme in the Construction Management Plan, including any limitations on heavy vehicle movements through key areas (including local roads) during night and peak times, as required either in relation to traffic conditions or to mitigate potential noise and vibration effects;</li> <li>(b) identify safe site access routes, site access arrangements, and site access points for construction traffic, including heavy vehicles involved in constructing the Freight Hub in a manner consistent with Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management;</li> <li>(c) with reference to relevant Austroads Guidelines (or similar New Zealand Standards), identify any upgrades that are needed on the basis of departures from those standards, and the timing of upgrade works that the Requiring Authority must undertake, to ensure safe and fit for purpose site access routes and access points, including for possible night-time movement of construction vehicles;</li> <li>(d) outline temporary traffic management measures, such as traffic detours (including for public transport, walking and cycling, school bus routes, and infrastructure) and temporary speed limits;</li> <li>(e) describe measures to maintain safe pedestrian and cyclist movements in the vicinity of the site, including measures to ensure that any shared paths delivered by Palmerston North City Council and Te Araroa Trail between Palmerston North and Feilding are open to the public for use at all times (including any diversions) during construction of the Freight Hub;</li> <li>(f) outline measures to manage noise from construction traffic including any restrictions on routes, timing and engine braking;</li> <li>(g) detail measures to ensure vehicle access to private properties is maintained, where current access is affected by construction, including ensuring that access to the Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898) is able to be provided for heavy vehicles at all times;</li> <li>(h) identify opportunities to use the rail network to minimise effects on the roading network where practicable;</li> <li>(i) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads;</li> <li>(j) detail the process for and locations of construction traffic movement monitoring and the frequency and times of monitoring relevant to the stage of construction set out in the programme in the Construction Management Plan;</li> <li>(k) provide a process for ensuring that updated traffic information is included in the Construction Engagement Plan;</li> <li>(l) identify any material construction activity being undertaken by other parties, including roading works occurring along access routes identified in Condition 82(b); and</li> <li>(m) provide details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council and how it was incorporated.</li> </ul>
83.	The Construction Traffic Management Plan must be reviewed and updated as required to align with the key stages identified in the construction programme required in the Construction Management Plan.
84.	The Requiring Authority must provide any updated draft Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council for review and feedback at least 20 working days prior to submitting the updated Construction Traffic Management Plan for recertification under Condition 9.
85.	The Requiring Authority shall ensure that Maple Street is not used by construction traffic to access the Freight Hub.
<b>Construction Noise and Vibration Management Plan</b>	
86.	At least 20 working days prior to the Works commencing, the Requiring Authority must prepare a Construction Noise and Vibration Management Plan and implement the plan for the duration of the Works.
87.	The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with the limits in Conditions 89 and 91 will be achieved for the duration of the Works.
88.	The Construction Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person and in general accordance with the requirements of Annex E2 of NZS 6803:1999

89. All of the Works must be undertaken to ensure that, as far as practicable, construction noise does not exceed the limits in Table 1. Construction Noise limits. Noise levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as follows (at occupied dwellings).

Table 1: Construction Noise limits

Time of Week	Time Period	LAeq	LAFmax
Weekdays	0630 – 0730	55 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	65 dB	80 dB
	2000 – 0630	45 dB	75 dB
Saturdays	0630 – 0730	45 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB
Sundays and Public Holidays	0630 – 0730	45 dB	75 dB
	0730 – 1800	55 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB

N.B. Shading indicates *night-time* hours.

90. Night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90 must only take place if the Works cannot be practicably undertaken during day time hours.
91. Construction vibration must, as far as practicable, comply with the criteria in Table 2 Vibration Criteria, where:
- Measurement is in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures;
  - BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.

Table 2: Vibration Criteria

Receiver	Location	Details	Category A PPV	Category B PPV
Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s
		0630 – 2000	1 mm/s	5 mm/s
Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s
Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2
		Vibration continuous		50% of BS 5228-2 Table B.2 <sup>2</sup>

- The Category A construction vibration criteria in Table 2 above must be complied with as far as practicable. If measured or predicted vibration from the Works exceeds the Category A criteria, the Requiring Authority must engage an independent, suitably qualified and experienced person to assess and manage construction vibration during those activities.
- If prior to or during Works, measured or predicted vibration from the Works exceed the Category B criteria in Table 2:
  - the relevant Works must not commence or proceed until a suitably qualified and experienced person has undertaken a building condition survey at affected receivers (provided the owner(s) and/or occupier(s) has agreed to such a survey) and identified specific Best Practicable Option measures to manage the effects of vibration; and
  - the Requiring Authority must undertake vibration monitoring for the duration of the relevant Works.
- The findings of the building condition surveys and measures identified in Condition 91(d) must be included as a Schedule to the Construction Noise and Vibration Management Plan in Condition 92 and the Requiring Authority must implement the mitigation measures for the duration of the relevant Works.
- The Schedule must be provided to the Palmerston North City Council (Head of Planning Services) as soon as practicable before the relevant Works commence.
- As soon as practicable following completion of the relevant Works, the Requiring Authority must engage a suitably qualified and experienced person to undertake a building condition survey at affected receivers identified in Condition 91(d) to determine if any damage has occurred as a result of construction vibration.
- The Requiring Authority must repair any damage identified in condition 91(g) as soon as practicable.

92.	<p>The Construction Noise and Vibration Management Plan must achieve the objective in Condition 87 and include:</p> <ul style="list-style-type: none"> <li>(a) the noise and vibration limits as set out in the Conditions 89 and 90;</li> <li>(b) a description of the construction works and processes;</li> <li>(c) a description of anticipated equipment and any noise or vibration suppression devices;</li> <li>(d) the hours of operation, including times and days when activities causing noise and/or vibration would occur;</li> <li>(e) identification of affected dwellings and other noise sensitive activities and projected noise and vibration levels for those activities;</li> <li>(f) a description of alternative management strategies where compliance with the criteria in Conditions 89 or 90 may not be achieved;</li> </ul>
	<ul style="list-style-type: none"> <li>(g) methods and frequency for monitoring and reporting on construction noise and vibration;</li> <li>(h) details of the procedures and timing for notifying stakeholders and sensitive receivers of construction activities in relation to night time works, where the night time noise limits in Table 1 of Condition 89 and Table 2 of Condition 90 will be exceeded, notice to sensitive receivers must include the expected timing and duration of the works and be provided and copied to the Palmerston North City Council Head of Planning Services at least five working days before the works commence);</li> </ul>
	<ul style="list-style-type: none"> <li>(i) procedures for handling noise and vibration complaints as set out in the Construction Engagement Plan and Complaints Register in Conditions 25-31;</li> <li>(j) construction equipment operator training procedures and expected construction site behaviours; and</li> <li>(k) contact numbers for key construction staff, staff responsible for noise assessment and the council compliance officer;</li> <li>(l) whether the construction noise limits in Table 1 in Condition 89 will be exceeded and whether acoustic mitigation (such as temporary or permanent acoustic screens) is required to achieve compliance with those noise limits. Any such mitigation must be put in place prior to the relevant Works commencing and be maintained for the duration of those Works; and</li> <li>(m) procedures and timing for a suitably qualified and experienced person to undertake a specific noise assessment of night-time construction works, which must include any recommended mitigation measures to minimise the noise impacts of any night-time construction work that exceeds the noise limits specified in Table 1 in Condition 89 and Table 2 in Condition 90.</li> </ul>
<b>Water supply</b>	
93.	The Requiring Authority must ensure that all new buildings within the Freight Hub are serviced with adequate water supply and access to that supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.
<b>Operational Lighting Design Plan</b>	
94.	The Requiring Authority must prepare and submit an Operational Lighting Design Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Lighting Design Plan.
95.	The Operational Lighting Design Plan must be prepared by a suitably qualified and experienced person.
96.	The objective of the Operational Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, access roads (including the Perimeter Road), and car parks of the Freight Hub will be designed to comply with <i>AS/NZS 4284:2019- Control of the obtrusive effects of outdoor lighting, Zone A2 limits</i> between 11.00pm and 6.00am to manage sky glow, glare, light spill and effects on road users from the operation of the Freight Hub, including at the Palmerston North Airport Control Tower.
97.	<p>The Operational Lighting Design Plan must achieve the objective in Condition 96 and must include:</p> <ul style="list-style-type: none"> <li>(a) the projected light spill and glare calculations;</li> <li>(b) the proposed locations and design for lighting structures, including low-level security lighting and under carriage lighting;</li> <li>(c) any measures to reduce potential adverse visual amenity effects including minimising where practicable, the number of lighting poles and the height of lighting towers;</li> <li>(d) confirmation that a Civil Aviation Authority NZ Part 77 Determination has been obtained if required; and</li> <li>(e) identification of potential areas where headlight sweep onto the windows of a residential dwelling's bedroom is likely to occur because of night-time traffic movements within the site and when exiting the site. If so, provide details for measures to mitigate its effects; and</li> <li>(f) the proposed exterior lighting colour, which must have a colour temperature of light emitted of 3000 Kelvin or lower.</li> </ul>
<b>Operational Traffic Management Plan</b>	
98.	The Requiring Authority must prepare and submit an Operational Traffic Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement an Operational Traffic Management Plan for the duration of the Freight Hub's operation.
99.	The objective of the Operational Traffic Management Plan is to avoid, remedy or mitigate any identified adverse transport effects of traffic generated by the operation of the Freight Hub.
100.	At least 20 working days prior to the Operational Traffic Management Plan being submitted to Palmerston North City Council for certification, the Requiring Authority must provide a draft of the Operational Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council for feedback.
101.	<p>The Operational Traffic Management Plan must achieve the objective in Condition 99 and include:</p> <ul style="list-style-type: none"> <li>(a) the process for and frequency of operational traffic monitoring (at least every two years until completion, unless otherwise agreed with Palmerston North City Council, including when the monitoring commences, the location</li> </ul>

	<p>of monitoring points, the timing of monitoring (to avoid school or public holidays, and to be undertaken at a similar time each year) and the period of traffic count collection (which must be at least 7 consecutive days);</p> <p>(b) a description of actual and forecasted traffic generation at each of the Freight Hub's three access points from the Perimeter Road, including light and heavy vehicles, as a result of activities within the Freight Hub;</p> <p>(c) records of assessment and reporting on safety and performance of each of the Freight Hub's access points carried out in accordance with Condition 102, with allowance made for the interaction with rail crossings within the site) and any other access point onto the section of the Perimeter Road between Roberts Line and Maple Street;</p> <p>(d) details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, and Manawātū District Council and how it has been incorporated; and</p> <p>(e) the process for reviewing and updating the Operational Traffic Management Plan as outlined in Condition 104</p>
102.	<p>The Requiring Authority must assess the safety and performance of the accesses listed in Condition 101(c) to demonstrate that they achieve:</p> <p>(a) a Level of Service of D or better (for sign-controlled intersections, this is the Level of Service on the side road(s) approach(es)), as modelled with SIDRA or similar intersection modelling software; and</p> <p>(b) in the event that there have been any serious injury or fatal crashes (as reported in the Waka Kotahi Crash Analysis System (CAS) database) the road network at the accesses in Condition 101(c) since the previous review of the Operational Traffic Management Plan, road safety audits must be undertaken in accordance with the <i>New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013</i>.</p>
103.	<p>In the event that any of the accesses do not meet the standards in Condition 102(a) or 102(b), and in circumstances where the failure to meet those standards is attributable to operational traffic associated with the Freight Hub, the Requiring Authority must:</p> <p>(a) develop designs for upgrades to that infrastructure in order to achieve these standards;</p> <p>(b) submit the designs to the Chief Roading Engineer at Palmerston North District Council for certification that they meet the requirements of Condition 102(a) and / or 102(b); and</p> <p>(c) implement at its cost the certified infrastructure upgrades within 12 months of receiving certification.</p>
104.	<p>The Requiring Authority must review and update the Operational Traffic Management Plan:</p> <p>(a) with each relevant outline plan of works for buildings and development of the Freight Hub taking into account the outcomes of any monitoring and audits undertaken in accordance with Condition 101 and 102;</p> <p>(b) when total vehicle movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 4200 vehicles per day;</p> <p>(c) when total vehicle movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 8000 vehicles per day.</p> <p>(d) when total traffic movements across the three access points from the Perimeter Road to activities within the Freight Hub exceed 12000 vehicles per day; and</p> <p>(e) at least every 6 years.</p>
105.	<p>The Requiring Authority must advise Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawātū District Council on the outcomes of any review undertaken in accordance with Condition 104 and provide any updated draft Operational Traffic Management Plan to those parties for review and feedback.</p>
106.	<p>The Requiring Authority is not required to review and update the Operational Traffic Management Plan under Condition 104(b) or 104(c) or 104(d) within 12 months of the previous review and update of the Operational Traffic Management Plan.</p>

#### Operational Noise and Vibration

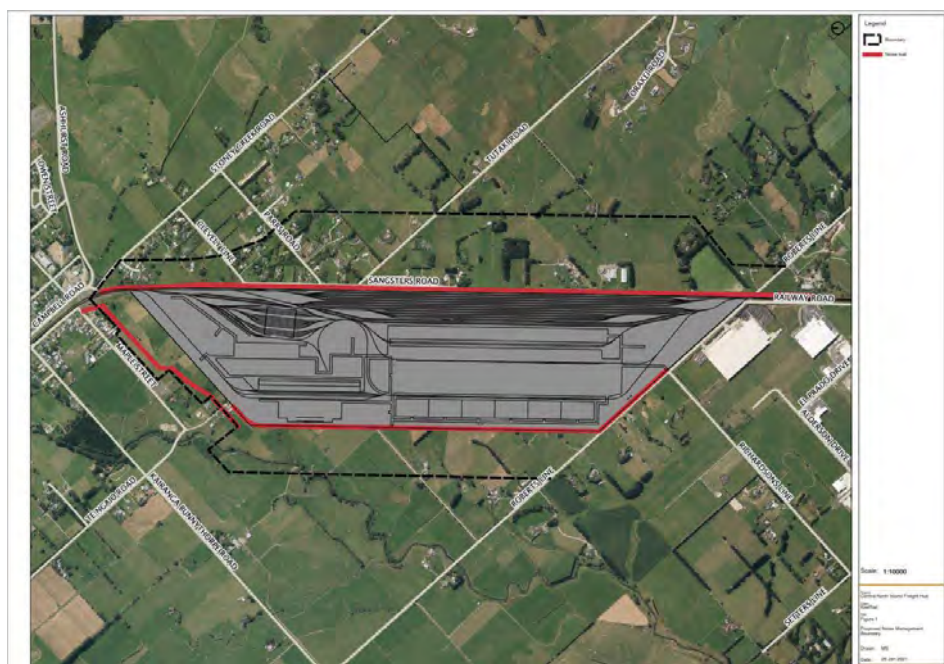
107. All operational activities at the Freight Hub must be undertaken to ensure that noise does not exceed the limits, as far as practicable, in Table 3 when measured at or beyond the Noise Management Boundary shown in Figure 1.

Table 3: Noise limits

All times	55dB L <sub>Aeq</sub> (1hr)
10pm-7am	85 dBL <sub>Amax</sub>



Figure 1 Noise Management Boundary



108. Sound levels of operational activities at the Freight Hub must be measured in accordance with NZS 6802:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6801:2008 Acoustics – Environmental noise, except that no corrections will be made for duration (6.4).

*Advice note: for the purposes of Condition 108, sound generated from normal rail activities which are undertaken in accordance with good site management practices, including the sound from containers being picked up and put down, is not classified as having special audible characteristics.*

109. The Freight Hub must be designed and operated to ensure that noise does not exceed 65 dB LAeq(1hr) within any site zoned Rural or Residential (as at 23 October 2020) outside the Designation Extent.
110. At least 12 months prior to the commencement of operation of any noise generating component of the Freight Hub, the Requiring Authority must undertake noise modelling to predict at intervals of 45 dB LAeq (1hr), 55 LAeq (1hr) and 65 dB LAeq (1hr):
- the projected noise levels from the operation of the Freight Hub for the following 12 months (“**Annual Noise Contours**”); and
  - the long term projected noise levels from future activities within the Freight Hub (“**Future Noise Contours**”).
- The Requiring Authority must thereafter undertake noise modelling annually, and update the Annual Noise Contours and Future Noise Contours (as required).
111. Where the Annual Noise Contours identify that the noise levels are predicted to exceed 55 dB LAeq(1hr) at any time, or 45 dB LAeq (1hr) between the hours of 10pm and 7am, (either wholly or partly) at any Existing Dwelling in the following 12 months, the Requiring Authority must:
- subject to property owner(s) approval and within three months of producing the Annual Noise Contours, engage a suitably qualified person to undertake investigations at those Existing Dwellings to determine if any acoustic treatment measures are necessary to achieve, based on the Future Noise Contours, an internal noise levels of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces;
  - within three months of undertaking the investigations in Condition 111(a), make an offer to the property owner(s) to install, at the Requiring Authority's cost, acoustic treatment measures recommended by the suitably qualified person to achieve the noise levels in Condition 111(a) based on the Future Noise Contours and a reasonable future projection of noise from the operation of the North Island Main Trunk Line; and
  - if the offer in Condition 111(b) is accepted within six months, and provided that the property owner(s) enter into a covenant with the Requiring Authority which includes terms that the owner(s) and occupier(s) will ensure that the acoustic treatment measures are not removed or altered in a way that lessens their effectiveness, the Requiring Authority must install the acoustic treatment and use best endeavours to install that treatment before any Existing Dwelling falls within the 55 dB LAeq(1hr) Annual Noise Contour.
112. Where any bedrooms within an Existing Dwelling contain openable windows, the acoustic treatment measures in Condition 111(a) must include a positive supplementary source of fresh air ducted from outside which must achieve a minimum of 7.5 litres per second per person
113. When providing acoustic treatment measures in accordance with Condition 111, the Requiring Authority is not required to fund any measures required to:
- bring a building up to the standard required in any building regulations, bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; or
  - remove any asbestos that is likely to be disturbed by the installation of the acoustic treatment.

114.	If requested by the property owner(s), the Requiring Authority may, at its discretion, install or contribute to the cost of installing alternative acoustic measures (which may result in a different acoustic internal environment), subject to the property owner(s) being granted any necessary building or resource consents (as may be required).
115.	<p>The Requiring Authority is not required to achieve an internal design noise level of 35 dB Laeq(1h) in bedrooms and 40 dB Laeq(1h) in other habitable spaces, and will not be in breach of Condition 111, if:</p> <ul style="list-style-type: none"> <li>(a) the property owner(s) accepts a form or level of acoustic treatment that results in a different internal design sound level; or</li> <li>(b) it is not reasonably practicable to achieve the specified internal design noise level due to the type, structure, age or state of repair of the Existing Dwelling or the desirability to maintain heritage features of the Existing Dwelling.</li> </ul> <p>In the event that Condition 115(b) applies, the Requiring Authority must install measures to reduce the internal design sound level of the habitable spaces as far as practicable.</p>
116.	All operational activities in the Freight Hub must be undertaken to ensure that vibration at any Existing Dwelling outside the Designation Extent does not exceed 0.3 mm/s vw,95 as far as practicable.
117.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Noise and Vibration Management Plan.
118.	The objective of the Operational Noise and Vibration Management Plan is to demonstrate how compliance with the noise and vibration limits for the operation of the Freight Hub set out in Conditions 107, 109 and 116 will be achieved.
119.	The Operational Noise and Vibration Management Plan must be prepared by a suitably qualified and experienced person.
120.	<p>The Operational Noise and Vibration Management Plan must outline:</p> <ul style="list-style-type: none"> <li>(a) the noise and vibration limits for both day and night time activities within the Freight Hub must operate as set out in Condition 107 and Condition 116;</li> <li>(b) the Annual Noise Contours and the Future Noise Contours produced in accordance with Condition 110;</li> <li>(c) any noise mitigation required to manage the noise effects including: <ul style="list-style-type: none"> <li>(i) a continuous barrier, including bunds and/or natural elevation on the eastern boundary within the Designation Extent extending to at least 5 metres above the finished ground level;</li> <li>(ii) a barrier 3 metres above local ground level on the northern boundary within the Designation Extent;</li> <li>(iii) a barrier 3 metres above finished ground level on the western boundary if dwellings are still within 500m of the Perimeter Road in that location when operation commences; and</li> <li>(iv) acoustic treatment of Existing Dwellings required by Conditions 110 to 115.</li> </ul> </li> <li>(d) the process for undertaking modelling and monitoring of operational noise and vibration;</li> <li>(e) the location of permanent noise monitors which must include: <ul style="list-style-type: none"> <li>(i) one in the northern area of the Freight Hub;</li> <li>(ii) one in the eastern area of the Freight Hub; and</li> <li>(iii) one in the western area of the Freight Hub, if dwellings are still within 500 metres of the Perimeter Road in that location,</li> </ul> </li> <li>(f) site noise management measures including operation of machinery and equipment in a manner to avoid unreasonable noise.</li> </ul>
121.	The Requiring Authority must make the current version of the Operational Noise and Vibration Management Plan publicly available on its website.
122.	<p>The Requiring Authority must review and update (including with any additional noise modelling as required) the Operational Noise and Vibration Management Plan:</p> <ul style="list-style-type: none"> <li>(a) annually; and</li> <li>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.</li> </ul>
<b>Operational Dust Management</b>	
123.	The Requiring Authority must prepare and submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must implement the Operational Dust Management Plan.
124.	The objective of the Operational Dust Management Plan is to avoid, remedy or mitigate the adverse effects of dust from the operation of the Freight Hub.
125.	The Operational Dust Management Plan must be prepared by a suitably qualified and experienced person.
126.	<p>The Operational Dust Management Plan must achieve the objective in Condition 124 and include:</p> <ul style="list-style-type: none"> <li>(a) the location and nature of dust generating activities within the Freight Hub;</li> <li>(b) the location of any sensitive receptor within 100m of the Designation Extent;</li> <li>(c) a qualitative assessment of the risk of impacts of dust generation from dust generating activities within the Freight Hub, including the typical frequency and duration of exposure to dust for each activity;</li> <li>(d) the mitigation and management practices to minimise the potential for more than minor adverse dust emissions beyond the Designation Extent; and</li> <li>(e) the process for monitoring dust generation and dust generating activities.</li> </ul>
127.	The Requiring Authority must review and update the Operational Dust Management Plan prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the dust generated from the Freight Hub.
128.	At least three months prior to Works commencing, the Requiring Authority must:

(a) (b) (c)	identify Existing Dwellings within 100m of the Designation Extent that will experience adverse dust effects arising from the operation of the Freight Hub and rely on roof top rain water supply systems for drinking water supply; at each of the Existing Dwellings identified in Condition 128(a), offer to install a first-flush rainwater diversion system at the Requiring Authority's cost; and subject to property owner(s) approval, install that system as soon as practicable.
<b>Third Party restrictions</b>	
129.	The Requiring Authority must enable access for maintenance utility works undertaken in road corridors in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors (September 2016) or any approved update to the Code.
130.	The Requiring Authority must ensure that access is maintained to any Powerco infrastructure, the National Grid Transmission Line and support structure for maintenance at all reasonable times, and for emergency works at all times.

## **Appendix 6 – Maps Bundle**

## **KIWIRAIL LIMITED - FREIGHT HUB PLAN BUNDLE – VOLUME 1**

### **Index**

#### **Tab 1 – Content**

- (a) Freight Hub designation site
- (b) Zoning of the site
- (c) Submitter property locations

#### **Tab 2 – Concept Plan**

- (a) Regional Freight Hub Concept Plan

#### **Tab 3 – Landscape and Visual**

- (a) Landscape Plan
- (b) Landscape Plan relative to submitter locations
- (c) Cross Sections – Section 1 and 2 (Maple Street)
- (d) Cross Sections – Section 3 and 4 (Mangaone Stream and Clevely Line)
- (e) Cross Sections – Section 5 and 6 (Roberts Line)
- (f) Cross Sections – Section 7, 8 and 9 (Sangsters Road)

#### **Tab 4 – Acoustic**

- (a) Noise contours (without mitigation)
- (b) Noise contours (with mitigation)
- (c) Operational noise contours with mitigation (Maple Street – Stoney Creek Road)
- (d) Operational noise contours with mitigation (Sangsters Road – Tutaki Road)
- (e) Operational noise contours with mitigation (Sangsters Road – Railway Road)
- (f) Operational noise contours with mitigation (Roberts Line – Richardsons Line)
- (g) Operational noise contours with mitigation (Roberts Line – Kairanga – Bunnythorpe Road)
- (h) Operational noise contours with mitigation (Maple Street – Railway Road)
- (i) Operational noise contours with mitigation (Sangsters Road – Stoney Creek Road)
- (j) Operational noise contours with mitigation (Sangsters Road – Tutaki Road)
- (k) Operational noise contours with mitigation (Sangsters Road – Roberts Line)
- (l) Noise Management Boundary

**Tab 5 – Transport**

- (a) Concept Design – Roberts Line – Overview Plan
- (b) Concept Design – Roberts Line – Railway Road Curve
- (c) Concept Design – Roberts Line – Richardsons Line Roundabout
- (d) Concept Design – Foodstuffs sight lines

**Tab 6 – Ecology**

- (a) Ecological Assessment – Updated Figure 2 – site access
- (b) Ecological Assessment – Updated Figure 3 – Stream system features

**Tab 7 – Stormwater**

- (a) Freight Hub site in catchment context

**Tab 8 – Social Impact**

- (a) Community facilities within the local impacted area
- (b) Residential dwellings within the local impacted area
- (c) Comparison of social impact across the local impact area

**Tab 9 – Lighting**

- (a) Lighting Layout – sheet 1
- (b) Lighting Layout – sheet 2
- (c) Lighting Layout – sheet 3
- (d) Lighting Layout – sheet 4
- (e) Lighting Layout – sheet 5
- (f) Lighting Layout – sheet 6
- (g) Lighting Layout – sheet 7
- (h) Lighting Layout – sheet 8
- (i) Lighting pole and luminaire mounting details

**Tab 10 – Archaeology**

- (a) Site locations
- (b) Historical sections

**Tab 11 – Air Quality**

- (a) Dwellings within 100 metres of the Designation Extent

**Tab 1(a) Freight Hub designation site**





## Palmerston North Freight Hub Designation

20200915 KiwiRail Designation Boundary

Data Sources: Stantec, Land Information New Zealand  
 Basemap Service Credits: Eagle Technology, LINZ, StatsNZ, NIWA,  
 Natural Earth, © OpenStreetMap contributors., LINZ, Stats NZ, Eagle  
 Technology, Esri, HERE, Garmin, FAO, METI/NASA, USGS  
 Map displayed in NZGD 2000 New Zealand Transverse Mercator  
 coordinate system.  
 Author: RM (Stantec), 05/08/2021



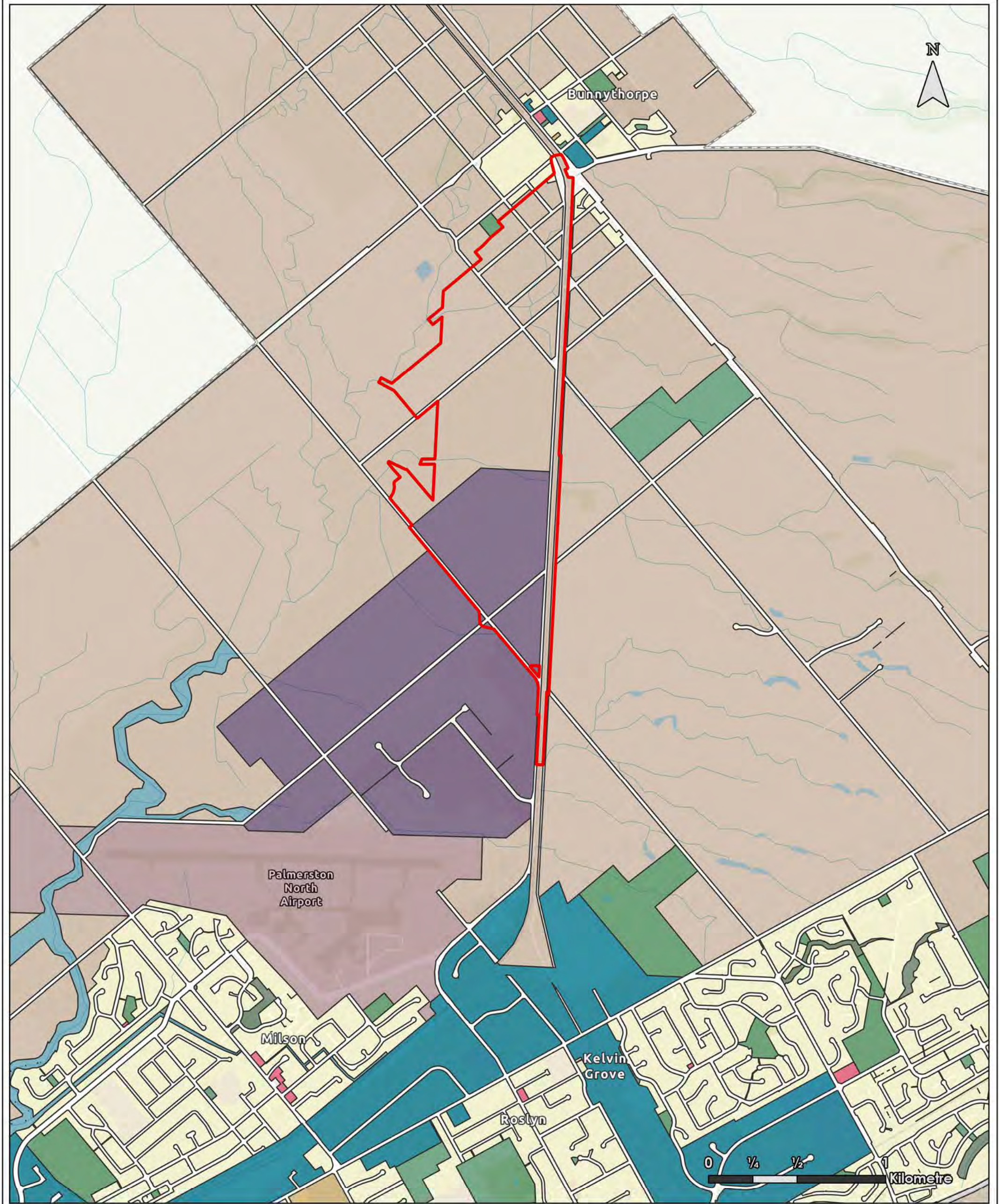
This document has been prepared based on information provided by others as cited in the data sources. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.





**Tab 1(b) Zoning of the site**





**Palmerston North Freight Hub Designation  
with Palmerston North CC District Plan**

Data Sources: Stantec, Palmerston North City Council  
Basemap Service Credits: Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors., Eagle Technology, LINZ, StatsNZ, NIWA, Natural Earth, © OpenStreetMap contributors., LINZ, Stats NZ, Eagle Technology, Esri, HERE, Garmin, FAO, METI/NASA, USGS  
Map displayed in NZGD 2000 New Zealand Transverse Mercator coordinate system.  
Author: RM (Stantec), 06/08/2021

2020/09/15 KiwiRail Designation Boundary

District Plan Zones

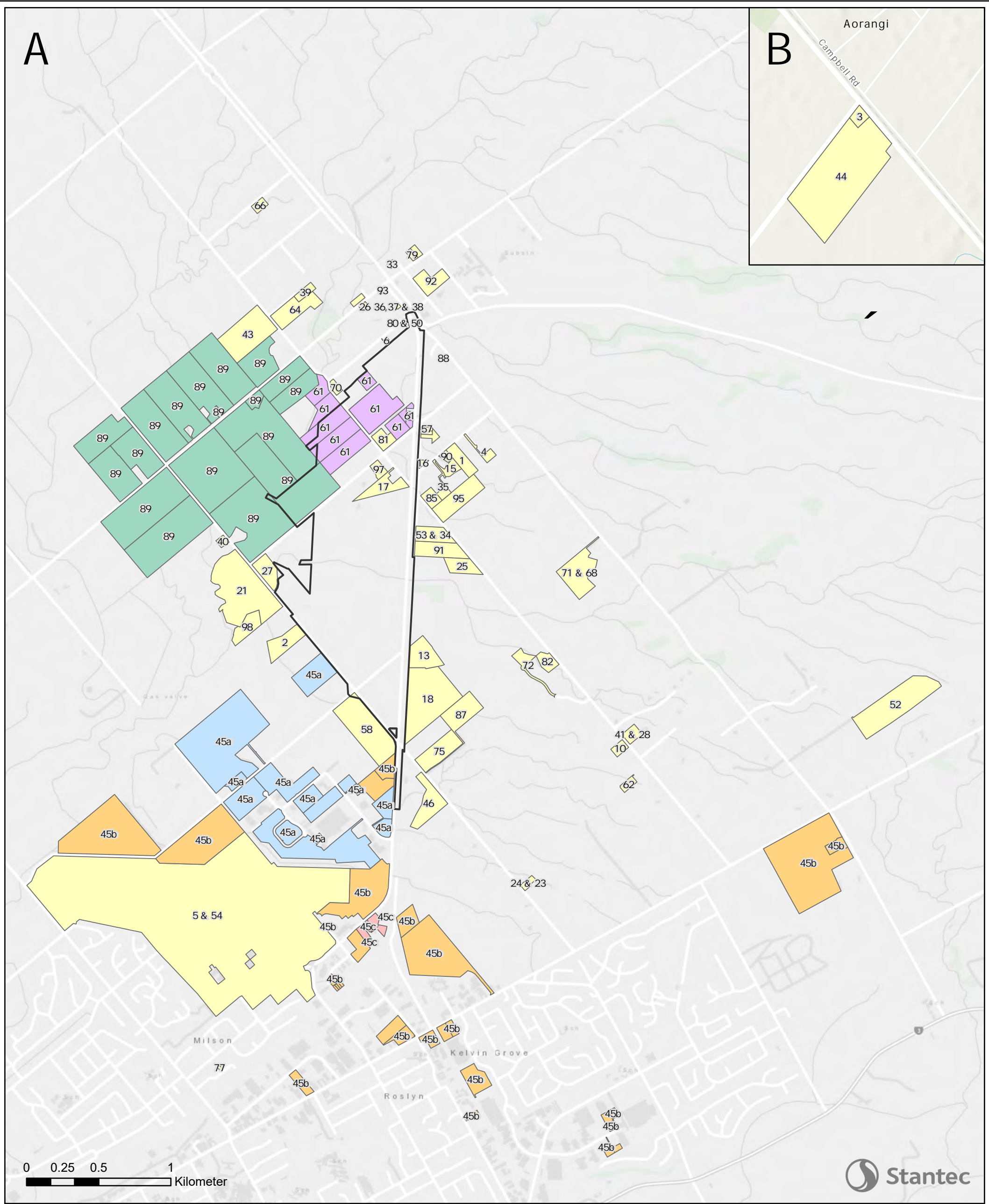
- |  |   |  |
|--|---|--|
| <ul style="list-style-type: none"><li>Airport</li><li>Caccia Birch</li><li>Conservation and Amenity</li><li>Flood Protection</li><li>Fringe Business</li><li>Industrial</li><li>Inner Business</li><li>Institutional</li></ul> | <ul style="list-style-type: none"><li>Local Business</li><li>North East Industrial</li><li>Outer Business</li><li>Race Training</li><li>Racecourse</li><li>Recreation</li><li>Residential</li><li>Rural</li></ul> | <ul style="list-style-type: none"><li>Showgrounds</li><li>Water Recreation</li></ul> |
|--|---|--|



This document has been prepared based on information provided by others as cited in the data sources. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



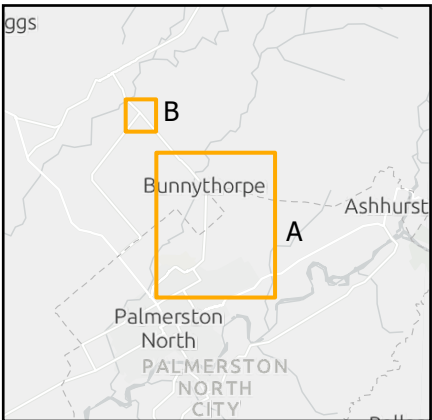
**Tab 1(c) Submitter property locations**



Palmerston North Freight Hub Submissions

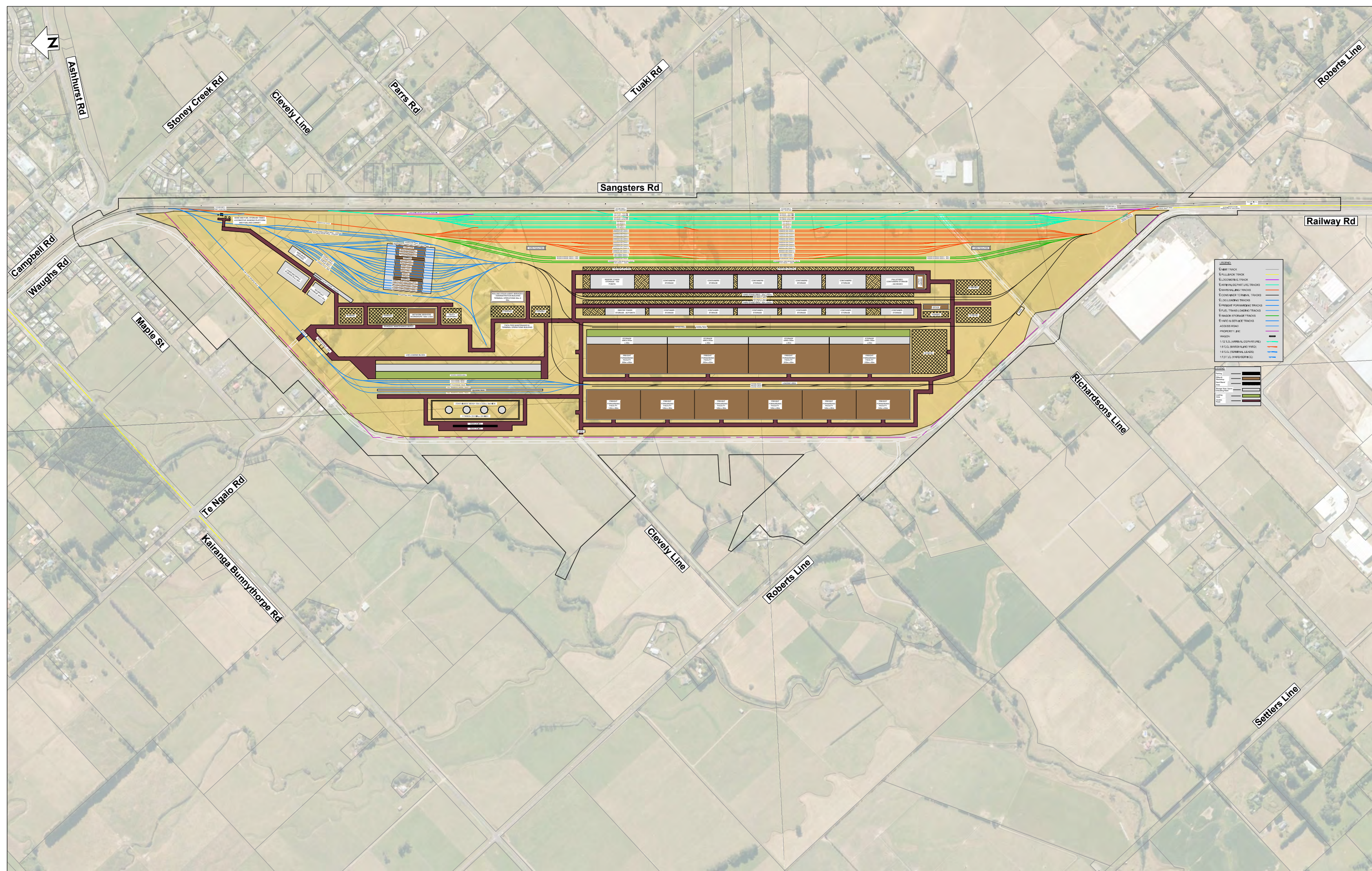
Data Sources: Stantec, Land Information New Zealand  
Basemap Service Credits: Esri, NASA, NGA, USGS. By using this layer you conform to the Eagle Technology web services terms of use. Fair Use. Use in combination with ArcGIS software. The data is sourced from third parties. Eagle Technology gives no warranties in relation to the web services. Data contains data sourced from the LINZ Data Service licensed for reuse under CC BY 4.0. LINZ, Stats NZ, Eagle Technology, Esri, HERE, Garmin, FAO, METI/NASA, USGS, LINZ, Stats NZ, Eagle Technology, Esri, HERE, Garmin, METI/NASA, USGS Map displayed in NZGD 2000 New Zealand Transverse Mercator coordinate system.  
Author: RM (Stantec), 04/08/2021

- 20200915 KiwiRail Designation Boundary
- Multiple property ownership submission
  - 45a: PMB Landco Ltd
  - 45b: Brian Green Properties Ltd
  - 45c: Commbuild Property Ltd
  - 61: Peter Gore
  - 89: M Houghton
- Single property ownership submission
  - Individual submission



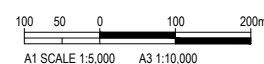
**Tab 2(a) Regional Freight Hub Concept Plan**





**PLAN**  
SCALE 1:10,000

UPDATED KIWIRAIL YARD AFTER CONVERSATION  
WITH KIWIRAIL OPERATION STAFF  
THIS FIG 142 REPLACE FIG 121.  
PRINT DATE 12 February 2021



Job No: 310003007

# REGIONAL FREIGHT HUB RAIL YARD CONCEPT PLAN

Drawn By: DCG  
Scale: AS SHOWN

**FIG: 142**



**Tab 3(a) Landscape Plan**

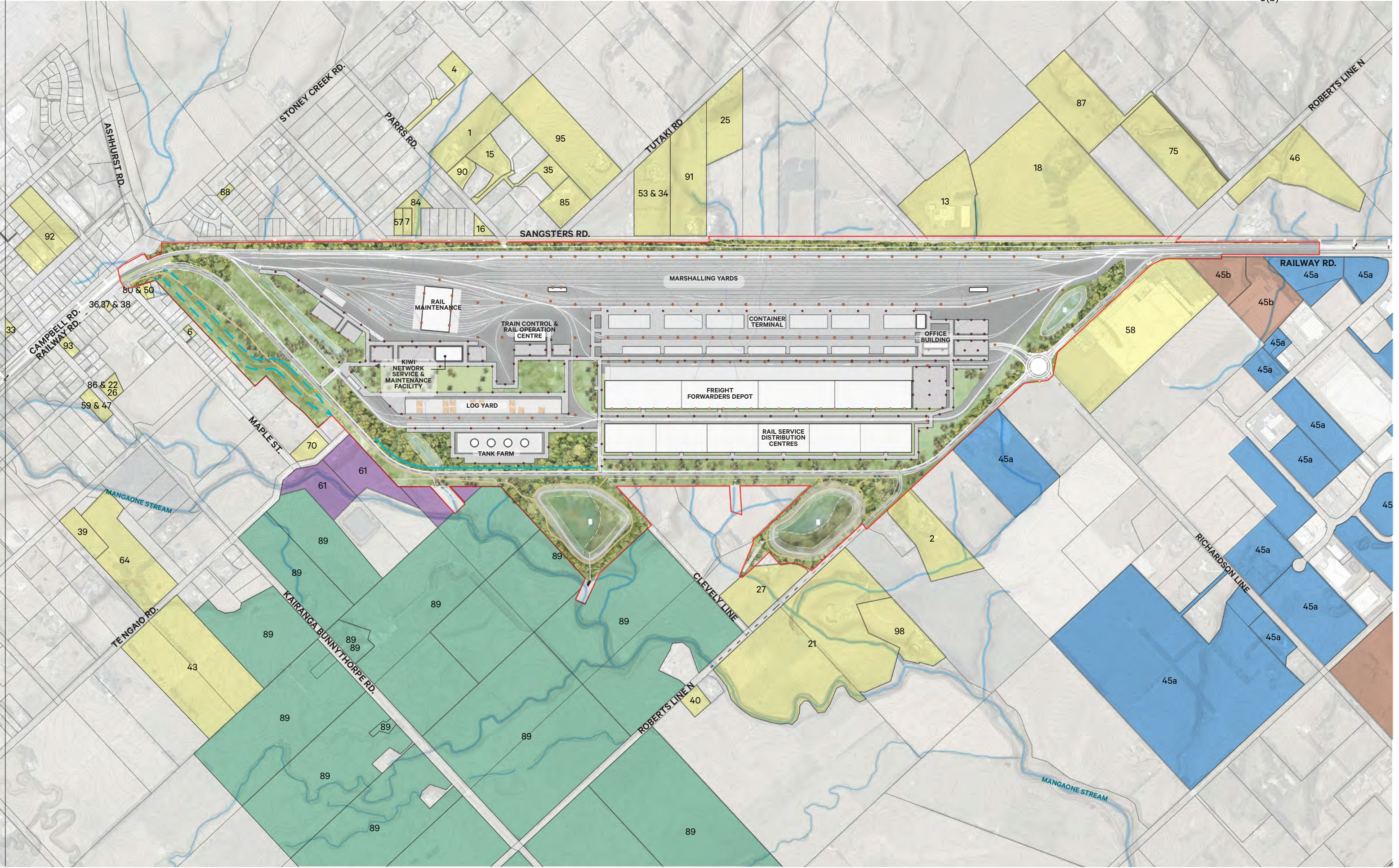






**Tab 3(b) Landscape Plan relative to submitter locations**





Legend.	
Stormwater Mitigation	
	Stormwater Attenuation Ponds
Noise Mitigation, Features & Fencing	
	Planted Earth Bund (Noise Mitigation)
	Vertical Concrete Walls (Noise Mitigation)
	Naturalised Channel
	Possible Future Recreation Track
	2m High Security Fence
	12m High Post & Wire Fence
	Feature Indigenous Trees
Mitigation Planting	
	Tall River Plains Planting (10-15m High)
	Wetland & Naturalised Channel Planting

	Low River Terrace Planting (1-2m High, dotted with Cabbage Trees)
	Amenity Planting (Within the Site)
	Designation Boundary
	Flood Light Column (Indicative)
	Internal Access Lighting (Indicative)
	Building Mounted Lighting (Indicative)
	Perimeter Road Lighting (Indicative)

Submission Properties.	
Multiple Property Ownership	
	45a: PMB Landco Ltd
	45b: Brian Green Property Ltd
	61: Peter Gore and Dale O'Reilly
	89: Max Houghton
Single Property Ownership Submission	
	Individual Submission
Submitter Properties 17, 61, 81 and 97 located within the designation are not able to be shown	

**KiwiRail Regional Freight Hub.**  
**Landscape plan.**

**DRAFT AND INDICATIVE**  
Submission Properties

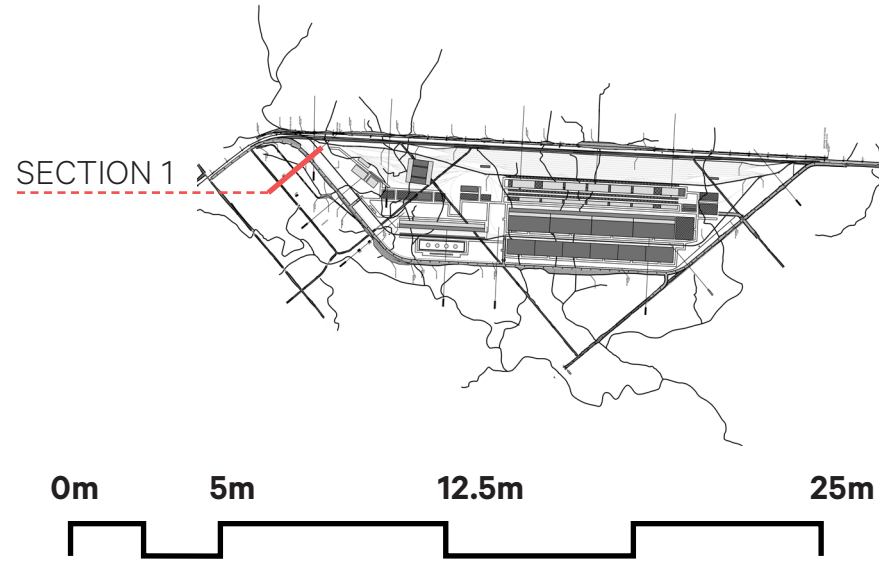
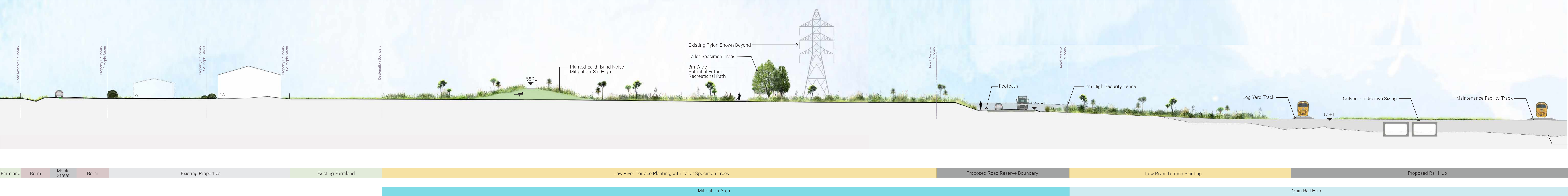
**Isthmus.**



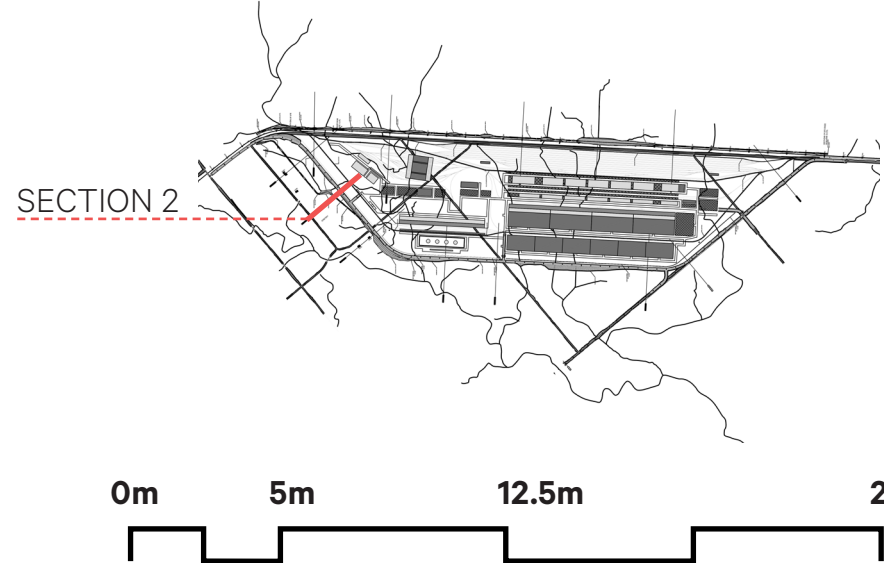
**Tab 3(c) Cross Sections – Section 1 and 2 (Maple Street)**



SECTION 1 - MAPLE ST  
DRAFT AND INDICATIVE  
1:250@A1 / 1:500@A3



SECTION 2 - MAPLE ST  
DRAFT AND INDICATIVE  
1:250@A1 / 1:500@A3

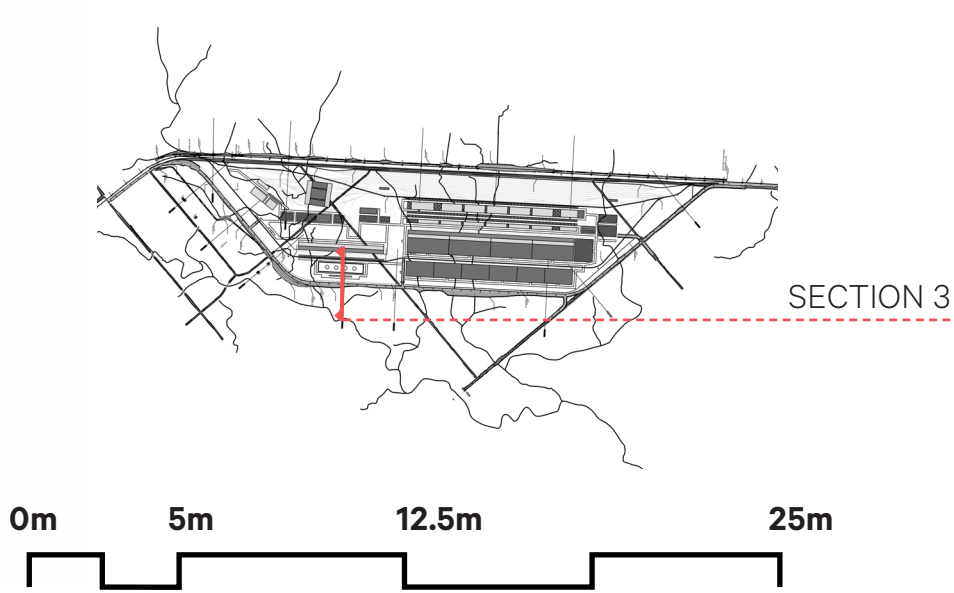
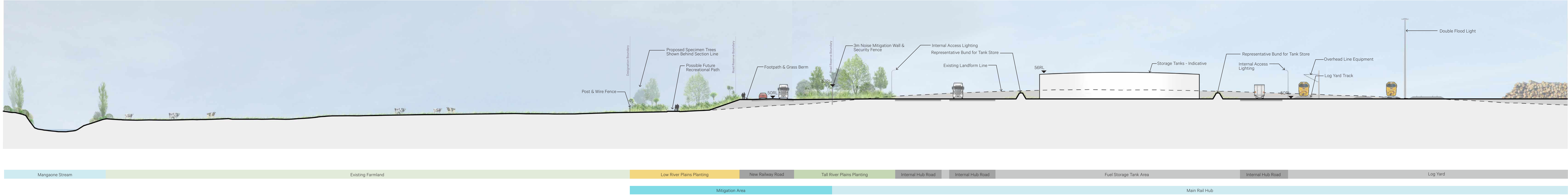




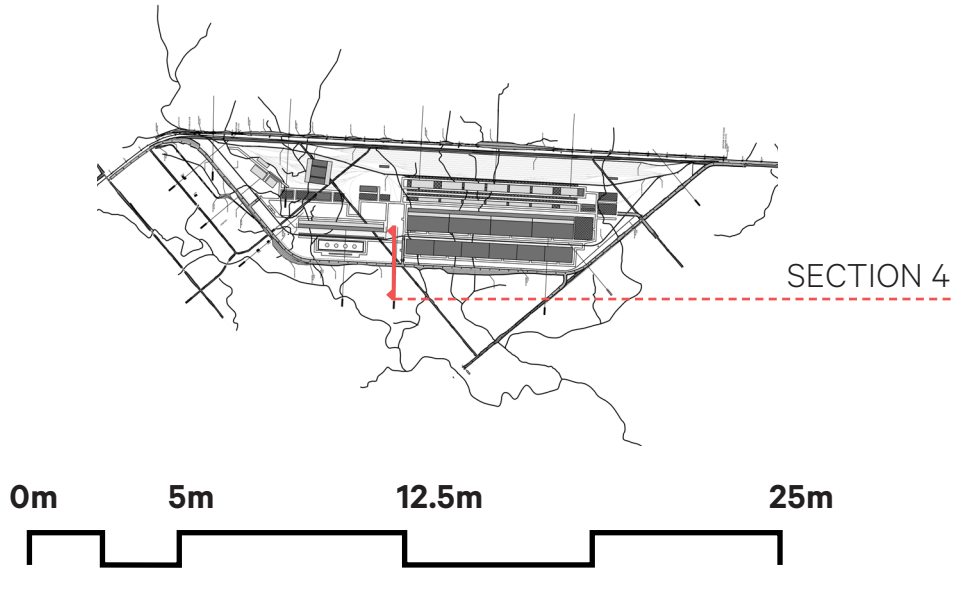
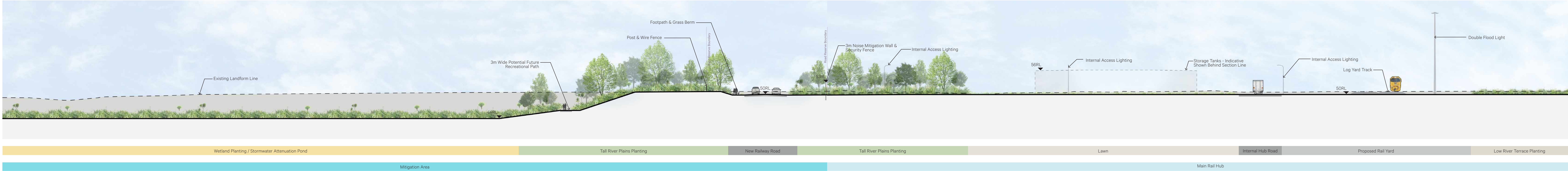
**Tab 3(d) Cross Sections – Section 3 and 4 (Mangaone Stream and Clevely Line)**



SECTION 3 - MANGAONE STREAM  
DRAFT AND INDICATIVE  
1:250@A1 / 1:500@A3



SECTION 4 - CLEVELY LINE  
DRAFT AND INDICATIVE  
1:250@A1 / 1:500@A3



KiwiRail Regional Freight Hub.  
Landscape plan Cross Sections.  
DRAFT AND INDICATIVE

Isthmus.

Copyright © Isthmus Group Ltd.  
Job: 4198 Date: 08 July 2021 REV C  
Appendix C, Landscape and Visual evidence

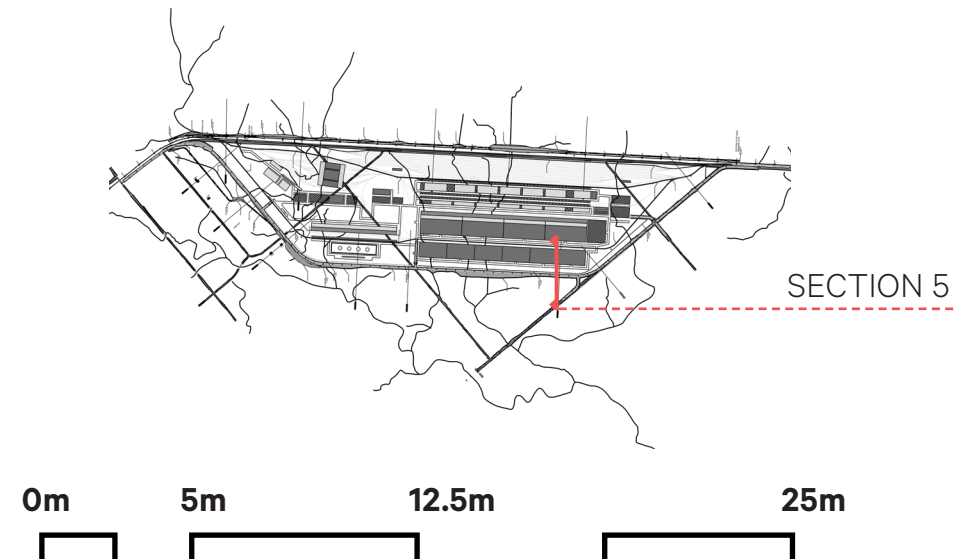
NOTE: THESE ARE TO BE PRINTED ON LONG RUN A1.



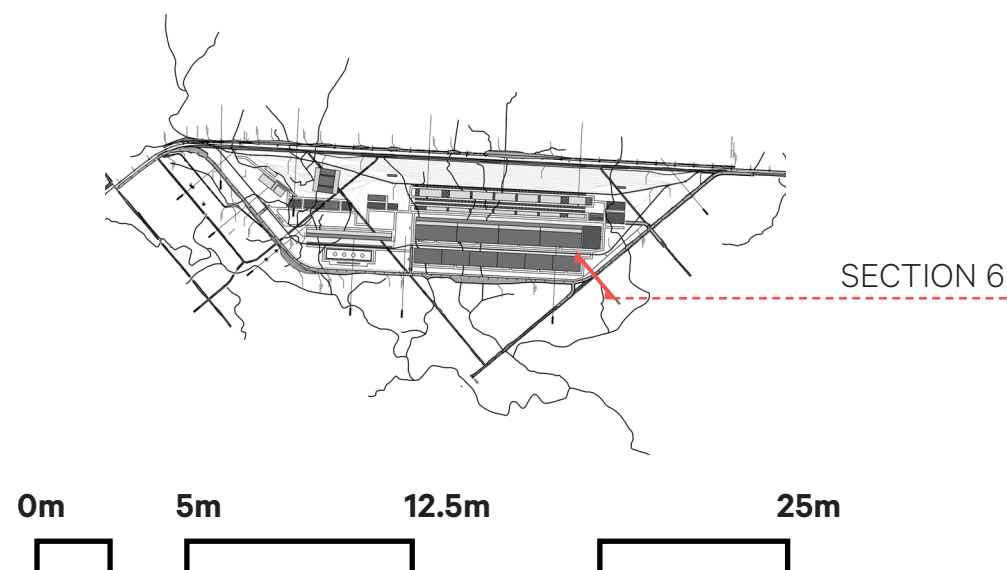
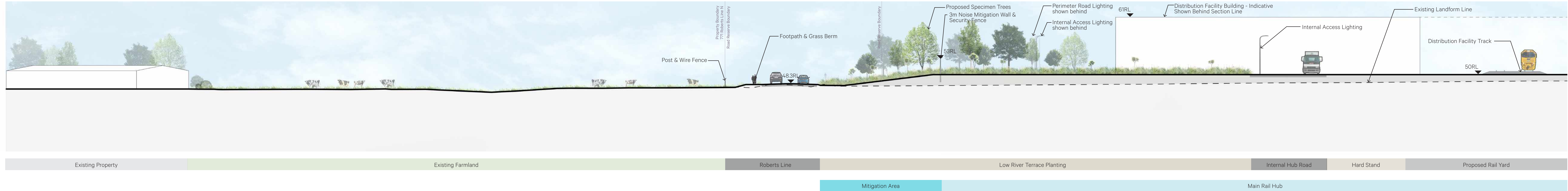
**Tab 3(e) Cross Sections – Section 5 and 6 (Roberts Line)**



SECTION 5 - ROBERTS LINE  
DRAFT AND INDICATIVE  
1:250@A1 / 1:500@A3



SECTION 6 - ROBERTS LINE  
DRAFT AND INDICATIVE  
1:250@A1 / 1:500@A3



KiwiRail Regional Freight Hub.  
Landscape plan Cross Sections.  
DRAFT AND INDICATIVE

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Job: 4198 Date: 08 July 2021 REV C

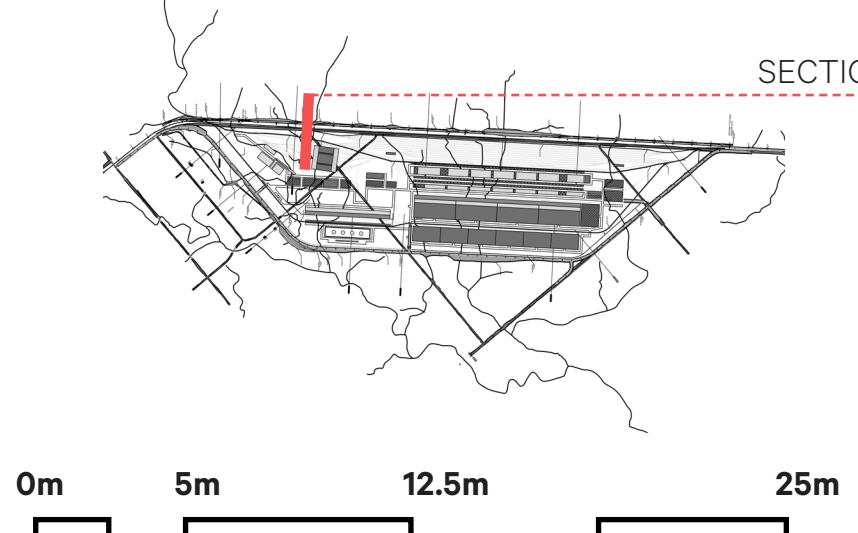
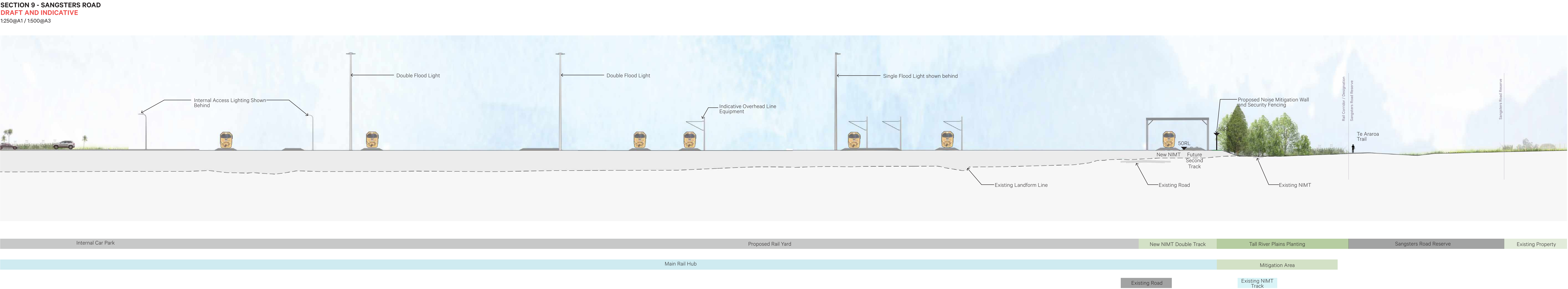
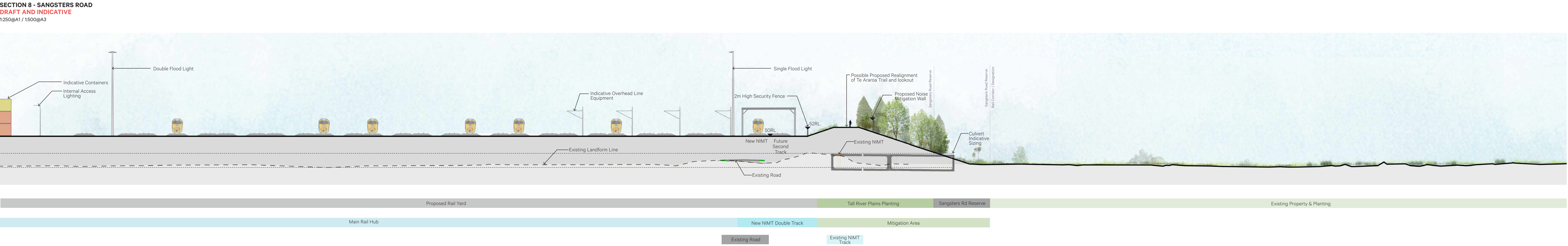
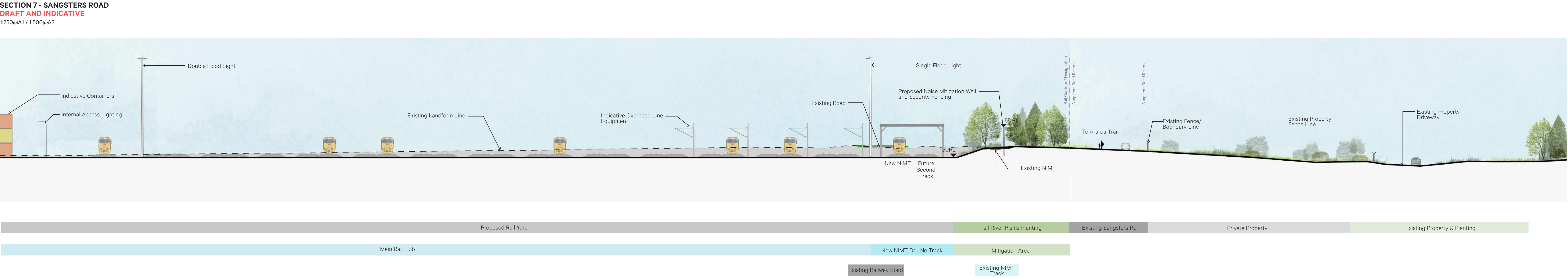
Appendix C, Landscape and Visual evidence

NOTE: THESE ARE TO BE PRINTED ON LONG RUN A1.



**Tab 3(f) Cross Sections – Section 7, 8 and 9 (Sangsters Road)**





**KiwiRail Regional Freight Hub.**  
**Landscape plan Cross Sections.**  
**DRAFT AND INDICATIVE**

**Isthmus.**

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Job: 4198 Date: 08 July 2021 REV C  
Appendix C, Landscape and Visual evidence

NOTE: THESE ARE TO BE PRINTED ON LONG RUN A1.



**Tab 4(a) Noise contours (without mitigation)**





Legend

Noise wall

Noise level, LAeq(1h)

45-50 dB

50-55 dB

55-60 dB

60-65 dB

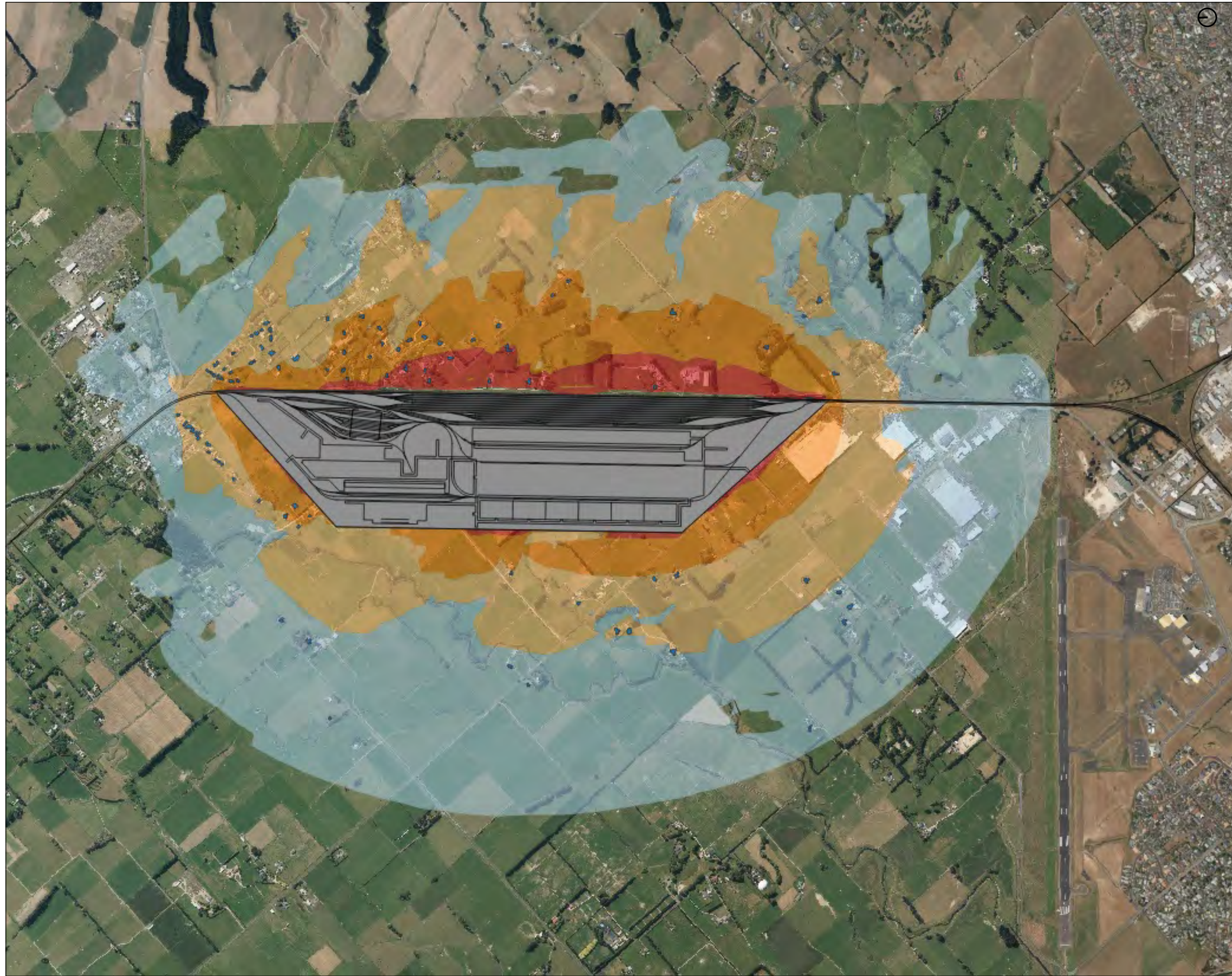
Scale: 1:15000

Project:  
Regional Freight Hub  
Client:  
KiwiRail

Title:  
Statement of evidence of  
Stephen Chiles 9 July 2021  
Figure 3 - Noise modelling  
without mitigation

Date: 3 Aug 2021

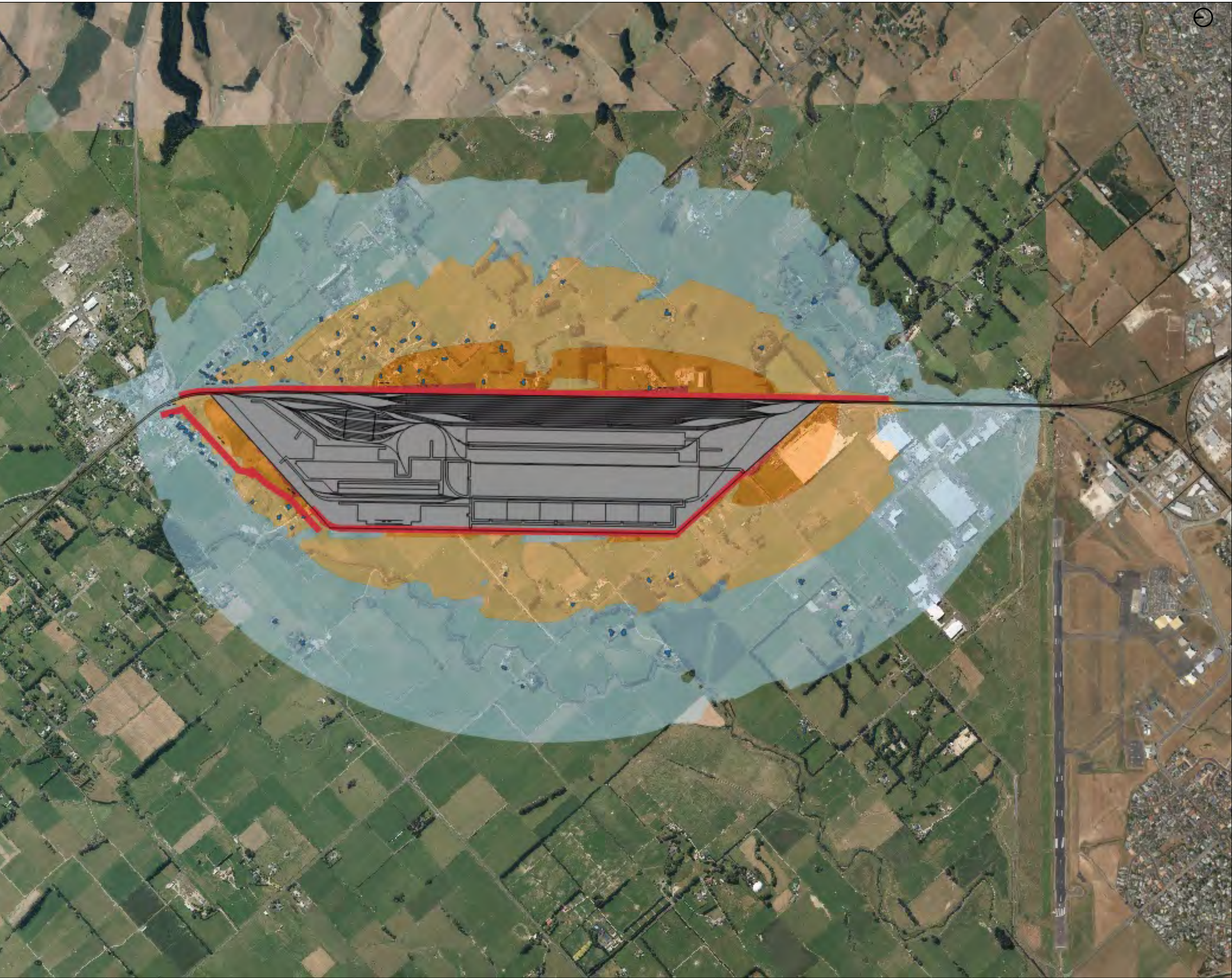
Drawn: MS





**Tab 4(b) Noise contours (with mitigation)**





Legend

Noise wall

Noise level, LAeq(1h)

45-50 dB

50-55 dB

55-60 dB

60-65 dB

Scale: 1:15000

Project:  
Regional Freight Hub  
Client:  
KiwiRail

Title:  
Statement of evidence of  
Stephen Chiles 9 July 2021  
Figure 4 - Noise modelling  
with mitigation

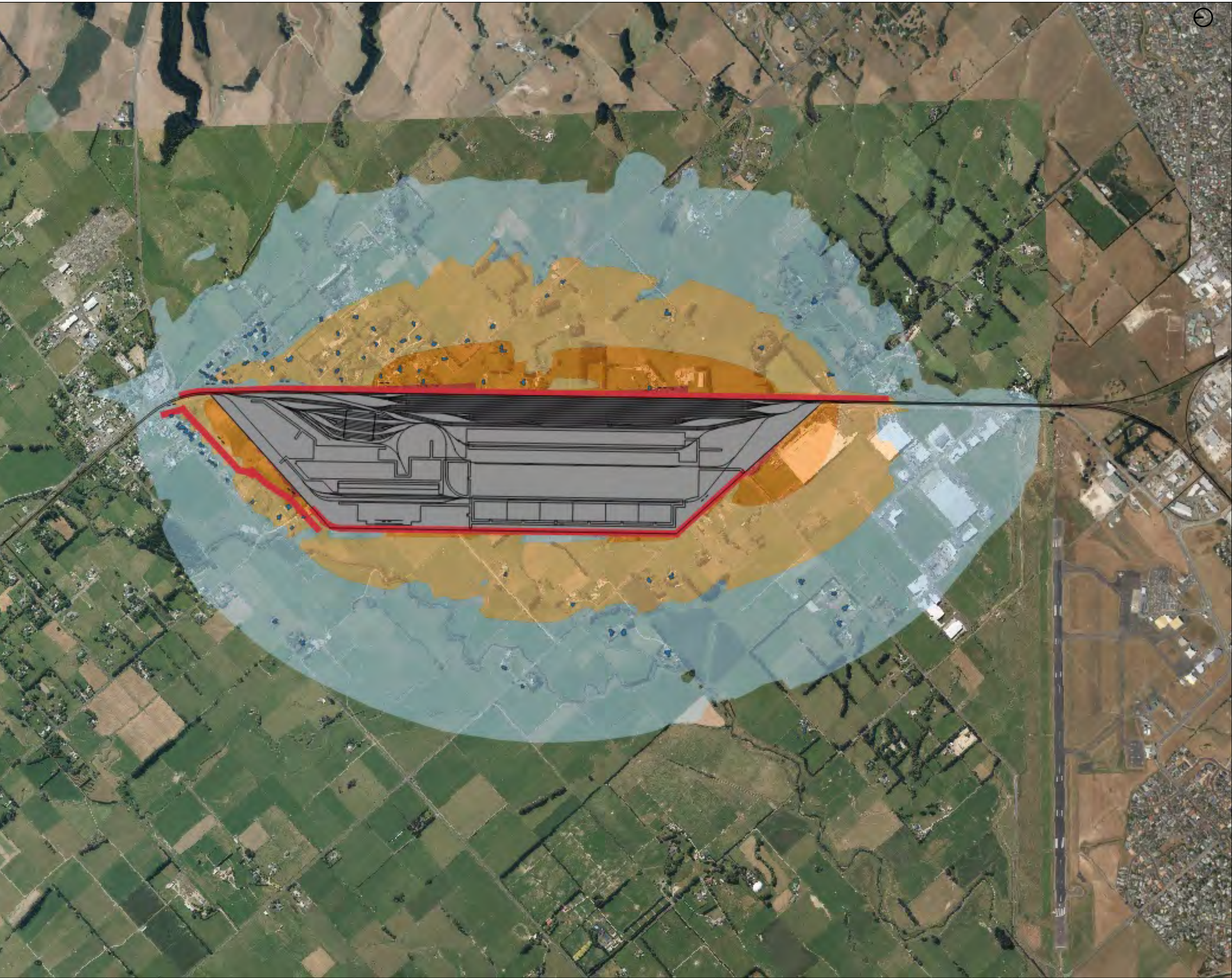
Date: 3 Aug 2021

Drawn: MS



**Tab 4(c) Operational noise contours with mitigation (Maple Street – Stoney Creek Road)**





Legend

Noise wall

Noise level, LAeq(1h)

45-50 dB

50-55 dB

55-60 dB

60-65 dB

Scale: 1:15000

Project:  
Regional Freight Hub  
Client:  
KiwiRail

Title:  
Statement of evidence of  
Stephen Chiles 9 July 2021  
Figure 4 - Noise modelling  
with mitigation

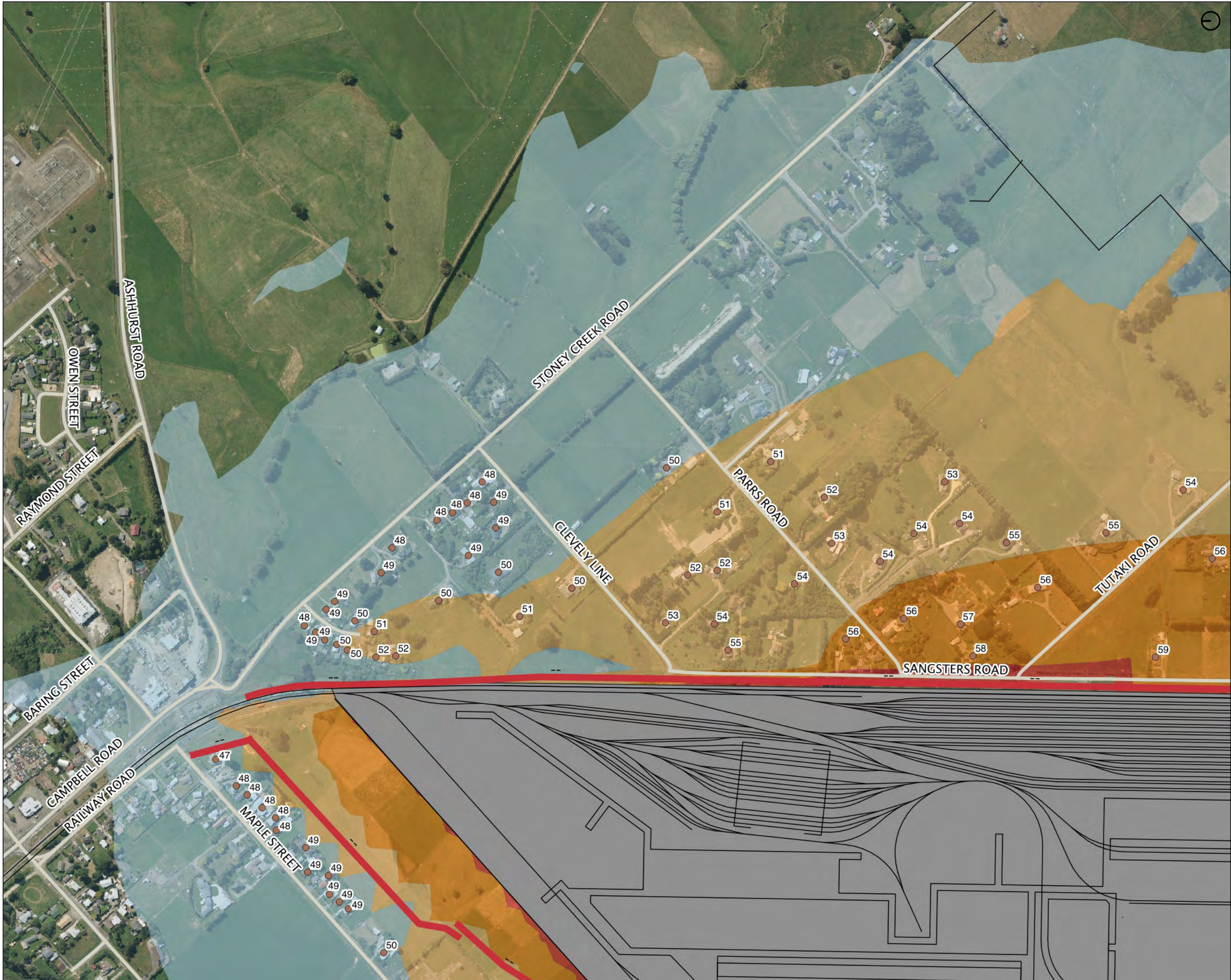
Date: 3 Aug 2021

Drawn: MS



**Tab 4(d) Operational noise contours with mitigation (Sangsters Road – Tutaki Road)**





4(c)

Legend

Noise wall

Noise contour, LAeq(1h)

45-50 dB

50-55 dB

55-60 dB

60-65 dB

Scale: 1:5000

Project: Central North Island Freight Hub

Client: KiwiRail

Title: Figure 2

Indicative operational noise with noise barriers (Technical Report D Figure 12)

Drawn: MS

Date: 26 Jan 2021



**Tab 4(e) Operational noise contours with mitigation (Sangsters Road – Railway Road)**





4(e)

Legend

Noise wall

Noise contour, LAeq(1h)

- 45-50 dB
- 50-55 dB
- 55-60 dB
- 60-65 dB

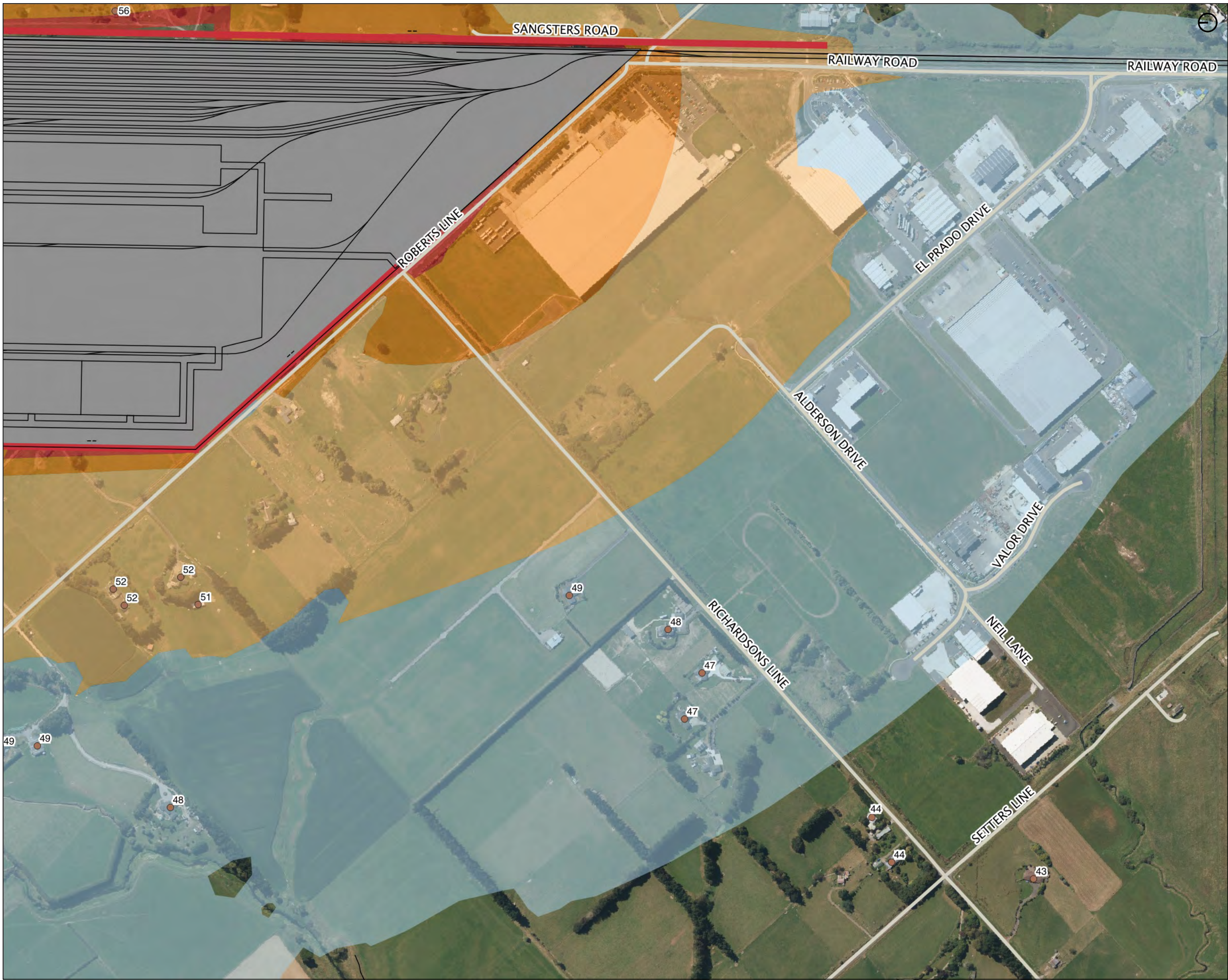
Scale: 1:5000

Project: Central North Island Freight Hub  
Client: KiwiRail  
Title: Figure 4  
Indicative operational noise with noise barriers (Technical Report D Figure 12)  
Drawn: MS  
Date: 26 Jan 2021



**Tab 4(f) Operational noise contours with mitigation (Roberts Line – Richardsons Line)**





4(f)

Legend

Noise wall

Noise contour, LAeq(1h)

- 45-50 dB
- 50-55 dB
- 55-60 dB
- 60-65 dB

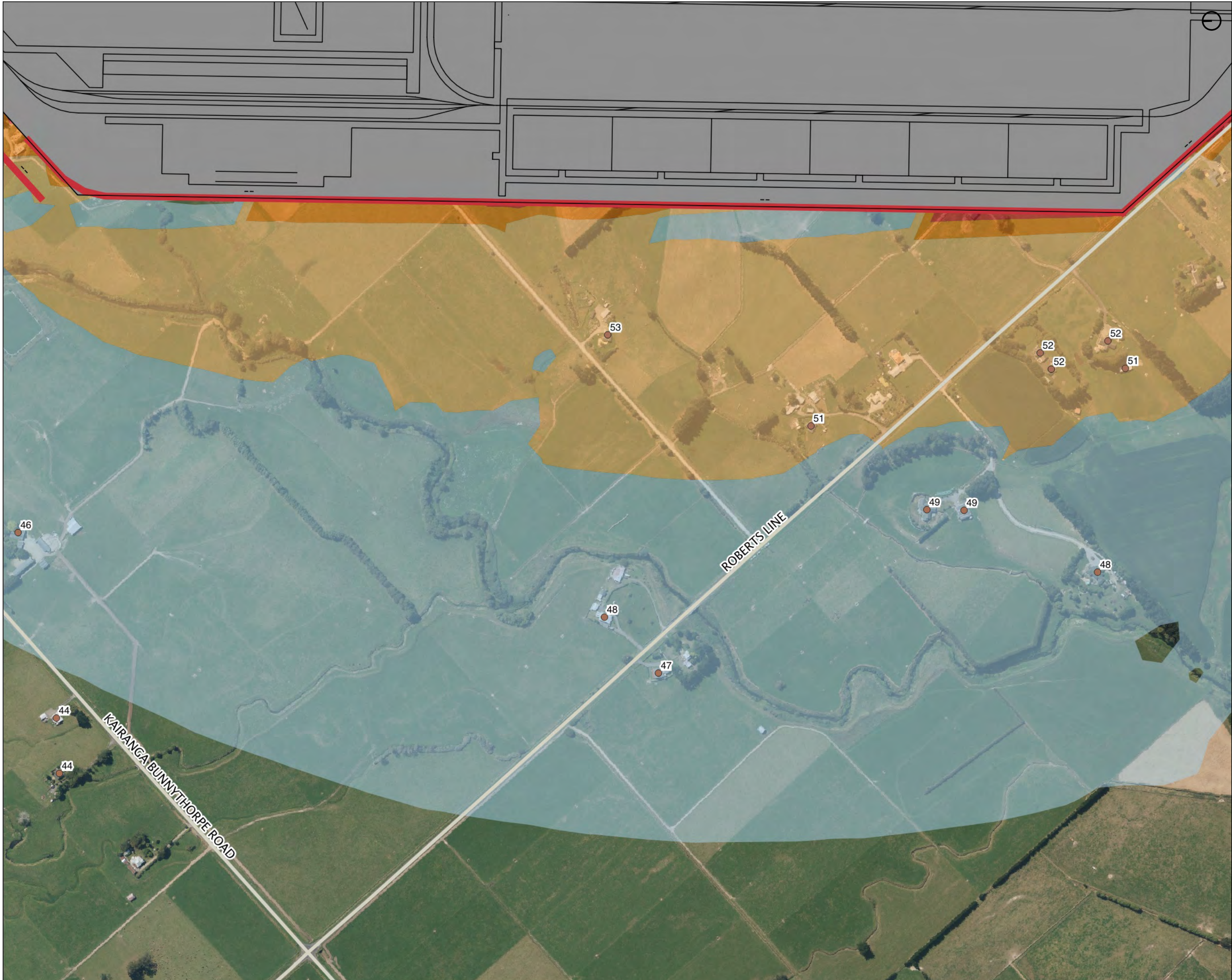
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Project: Central North Island Freight Hub  
Client: KiwiRail  
Title: Figure 5  
Indicative operational noise with noise barriers (Technical Report D Figure 12)  
Drawn: MS  
Date: 26 Jan 2021



**Tab 4(g) Operational noise contours with mitigation  
(Roberts Line – Kairanga – Bunnythorpe Road)**





4(g)

Legend

Noise wall

Noise contour, LAeq(1h)

45-50 dB

50-55 dB

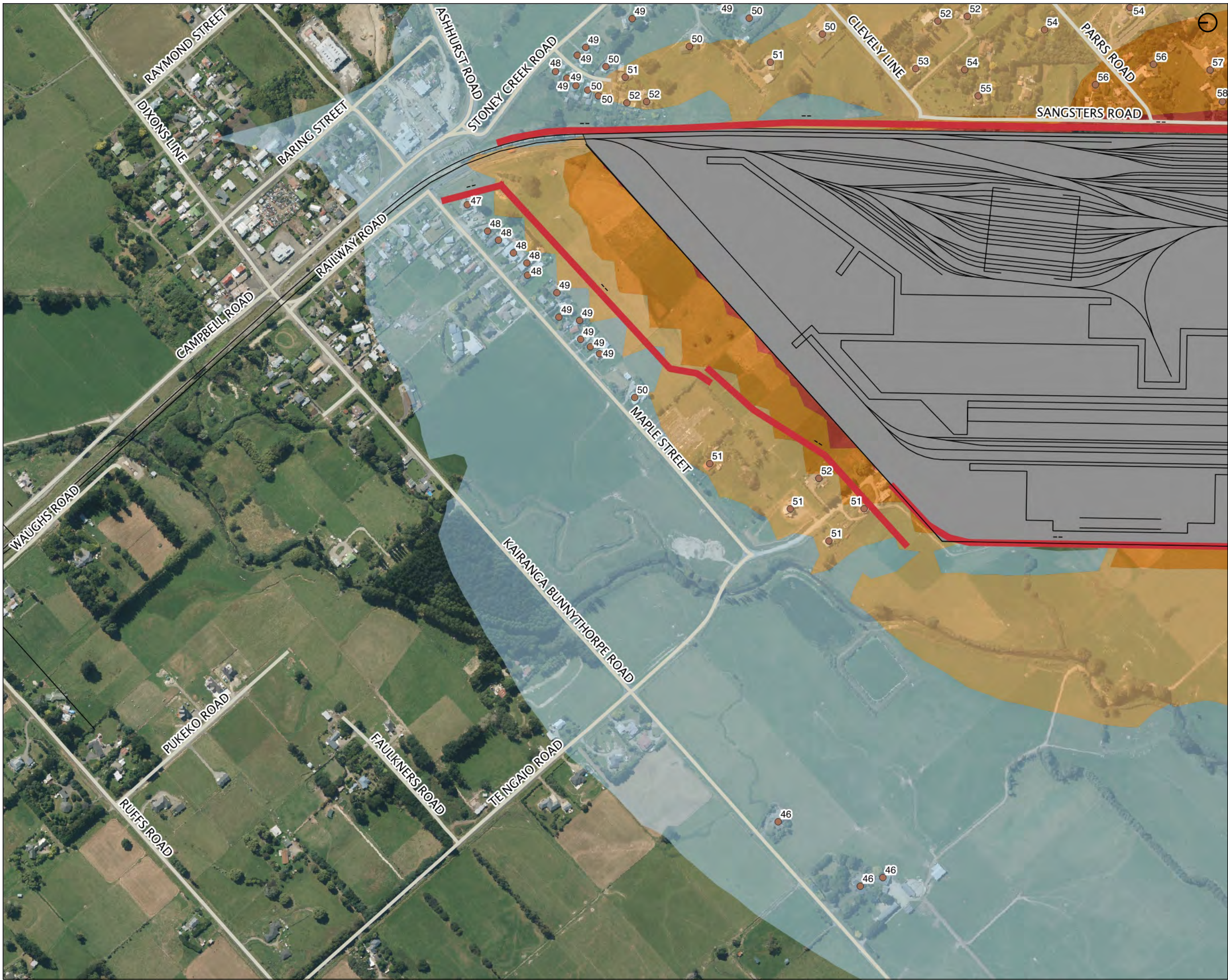
55-60 dB

60-65 dB



**Tab 4(h) Operational noise contours with mitigation (Maple Street – Railway Road)**





4(h)

Legend

Noise wall

Noise contour, LAeq, 1h,

- 45-50 dB
- 50-55 dB
- 55-60 dB
- 60-65 dB

Scale: 1:5000

Project: Central North Island Freight Hub  
Client: KiwiRail  
Title: Figure 7  
Indicative operational noise with noise barriers (Technical Report D Figure 12)  
Drawn: MS  
Date: 26 Jan 2021



**Tab 4(i) Operational noise contours with mitigation (Sangsters Road – Stoney Creek Road)**





No specific noise mitigation



3m high noise wall



5m high noise wall

4(i)

Legend

Noise wall

Noise level, LAeq(1h)

45-50 dB

50-55 dB

55-60 dB

60-65 dB

Scale: 1:5000

Project: Central North Island Freight Hub

Client: KiwiRail

Title: Figure 8

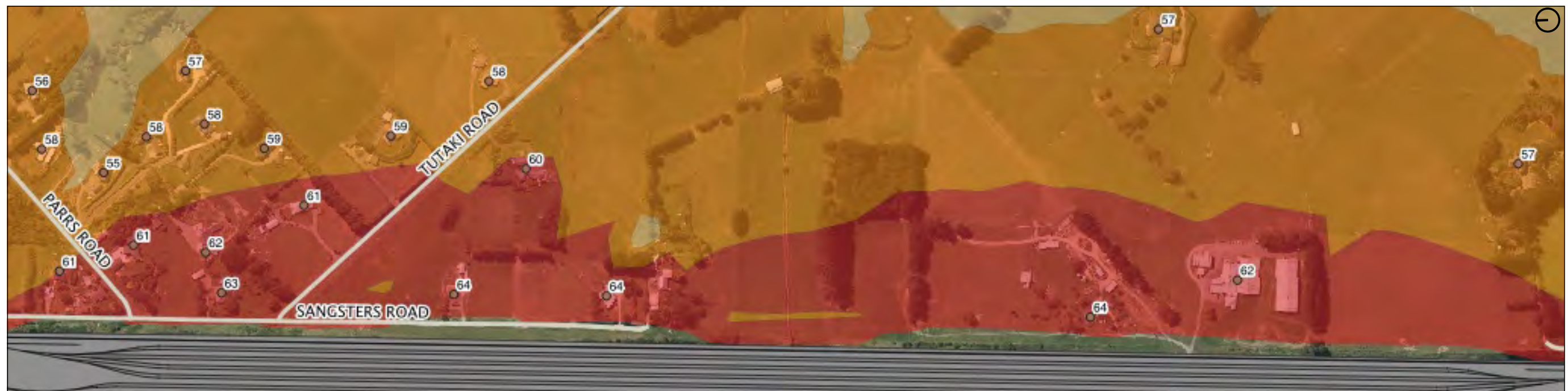
Comparison of east mitigation options

Date: 27 Jan 2021

Drawn: MS



**Tab 4(j) Operational noise contours with mitigation (Sangsters Road – Tutaki Road)**



No specific noise mitigation



3m high noise wall



5m high noise wall

Legend

Noise wall

Noise level, LAeq(1h)

- 45-50 dB
- 50-55 dB
- 55-60 dB
- 60-65 dB

Scale: 1:5000

Project:  
Central North Island Freight Hub  
Client:  
KiwiRail

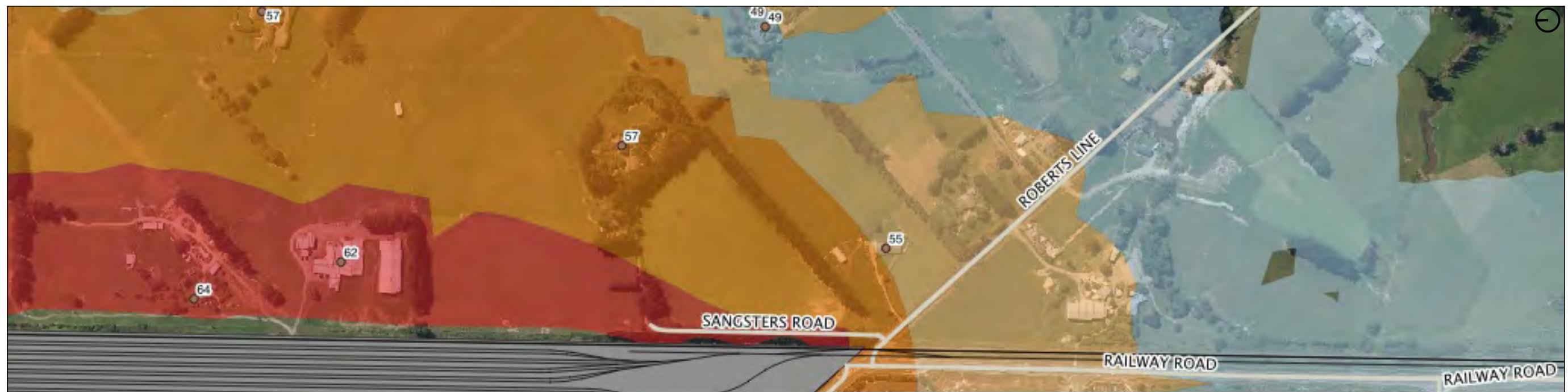
Title:  
Figure 9  
Comparison of east mitigation options

Date: 27 Jan 2021

Drawn: MS



**Tab 4(k) Operational noise contours with mitigation (Sangsters Road – Roberts Line)**



No specific noise mitigation



3m high noise wall



5m high noise wall

## Legend

Noise wall

Noise level,  $L_{Aeq}(1h)$ 

45-50 dB

50-55 dB

55-60 dB

60-65 dB

Scale: 1:5000

Project:  
Central North Island Freight Hub  
Client:  
KiwiRail

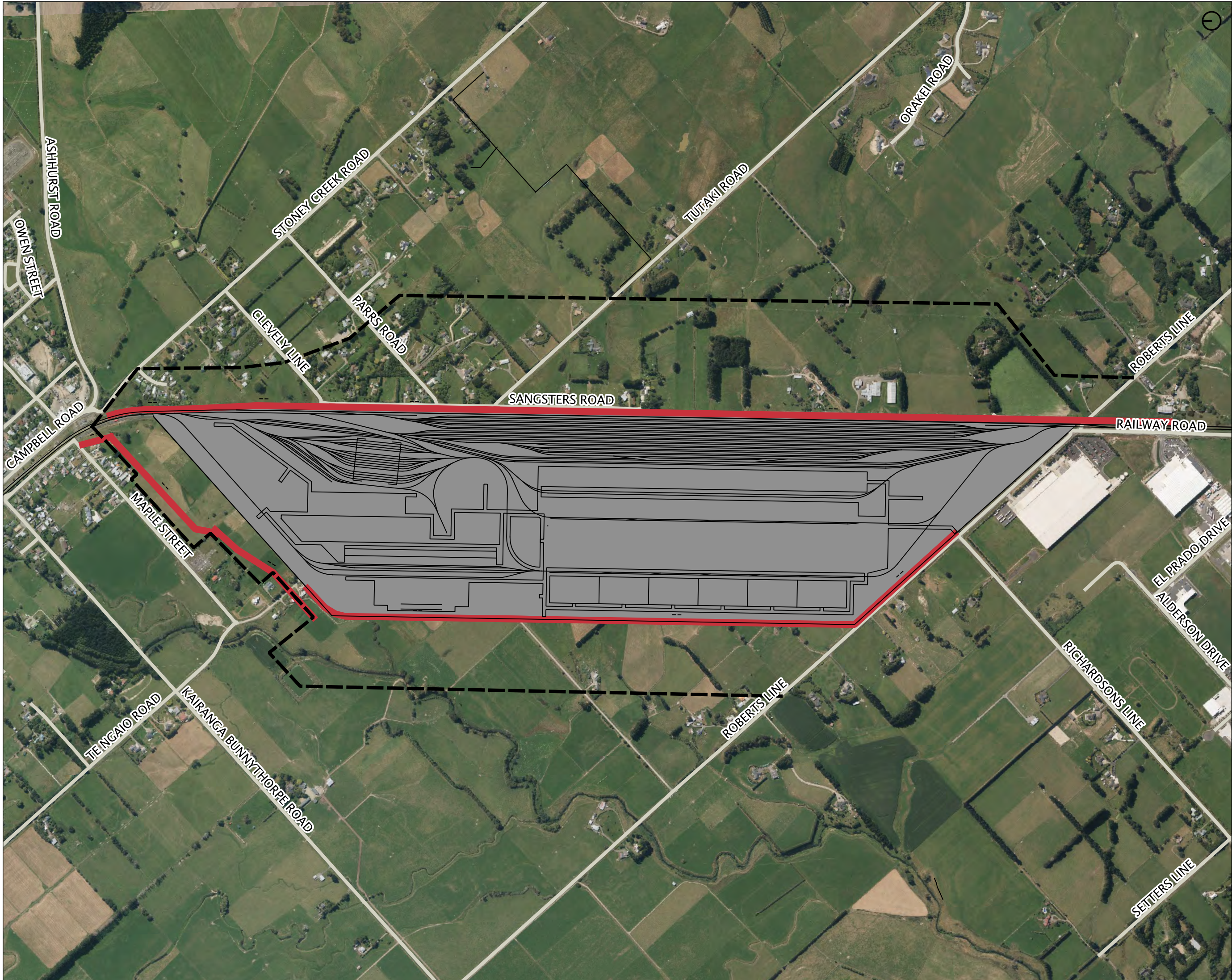
Title:  
Figure 10  
Comparison of east mitigation options

Date: 27 Jan 2021

Drawn: MS

**Tab 4(l) Noise Management Boundary**





4(i)

Legend

Boundary

Noise wall

Scale: 1:10000

Project:  
Central North Island Freight Hub

Client:  
KiwiRail

Title:  
Figure 1

Proposed Noise Management  
Boundary

Drawn: MS

Date: 26 Jan 2021



**Tab 5(a) Concept Design – Roberts Line – Overview Plan**