

KIWI RAIL FREIGHT HUB SUBMISSION FORM

63 - 1



Form 21 – Submission on a Notice of requirement from KiwiRail Holdings Limited for a designation to accommodate a new regional freight hub

TO: Palmerston North City Council
Private Bag 11-034
Palmerston North 4410
ATTENTION: Democracy & Governance Manager

NUMER OF PAGES

2

Continue on separate sheets if necessary

SUBMITTER DETAILS

Full name of Submitter Central New Zealand Distribution Hub Stakeholder Group

Postal Address C/ CEDA, Level 1/1-19 Fitzherbert Avenue Phone 06 3568199

Email linda.stewart@CEDA.nz

Signature

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

The total Notice of Requirement and supporting documentation.

2 MY SUBMISSION IS: (Comment whether you support, oppose, or are neutral regarding specific parts of the Notice of Requirement or wish to have them amended and the reasons for your view.) **see attached**

1. The Central NZ Distribution Hub Stakeholder Group (CNZDHSG) support in principle the KiwiRail Regional Freight Hub Notice of Requirement (NoR).
2. Participation in the CNZDHSG submission does not limit the participating parties to this submission from lodging their own submission to address specific environmental effects that they would like addressed as part of the NoR process.

3 I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL: (Give precise details, including the general nature of any conditions sought) **see attached**

CNZDHSG seek an outcome that enables KiwiRail and CNZDHSG to respond to the outcome of the wider master planning process, particularly integrated transport connections and infrastructure to enable the "Level 2 User" to access the KiwiRail rail infrastructure. In the first instance that means developing the land in a way which does not restrict future opportunities for that connection to occur and for the infrastructure to adjust and be upgraded as freight movements between the NEIZ, Airport and KiwiRail Freight Hub increase.

4 DO YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION? YES NO**5 IF OTHERS MAKE A SIMILAR SUBMISSION WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?** YES NO**6A I AM A TRADE COMPETITOR FOR THE PURPOSES OF SECTION 308B OF THE RESOURCE MANAGEMENT ACT 1991** YES (If Yes, go to 6B) NO**6B I AM DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT:**
i. adversely affects the environment; and
ii. does not relate to trade competition or the effects of trade competition YES (If Yes, comment below) NO**PLEASE SEND YOUR SUBMISSION BY 4PM, 26 MARCH 2021**

MAILING TO	Palmerston North City Council Private Bag 11-034, Palmerston North ATTENTION: Democracy & Governance Manager
DELIVERING TO	Council's Contact Services Centre, Civic Administration Building, Te Marae o Hine: The Square, Palmerston North ATTENTION: Democracy & Governance Manager
EMAILING TO	submission@pncc.govt.nz

YOU MUST SERVE A COPY OF YOUR SUBMISSION ON KIWIRAIL HOLDINGS LIMITED BY

MAILING TO	RMA Team KiwiRail Holdings Limited PO Box 593 Wellington 6140
EMAILING TO	Pam.Butler@kiwirail.co.nz

Please note that your submission (or part of your submission may be struck out if Palmerston North City Council is satisfied that at least one of the following applies to your submission (or part of your submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter

(Central NZ Distribution Hub Stakeholder Group)

2. MY SUBMISSION IS:

1. The Central NZ Distribution Hub Stakeholder Group (CNZDHSG) support in principle the KiwiRail Regional Freight Hub Notice of Requirement (NoR).

2. Participation in the CNZDHSG submission does not limit the participating parties to this submission from lodging their own submission to address specific environmental effects that they would like addressed as part of the NoR process.

3. The CNZDHSG submit that the KiwiRail Regional Freight Hub is generally consistent with a range of significant non-RMA strategic planning documents (other matters) including the following:

- a. 2018 Palmerston North Spatial Plan and 2021 Draft Spatial Plan
- b. 2018 PNCC City Development Strategy and Draft 2021 City Development Strategy
- c. 2018 Infrastructure Strategy and Draft 2021 Infrastructure Strategy
- d. Draft CEDA Distribution Hub Strategy
- e. Draft 2021 Manawatu-Whanganui Regional Spatial Plan
- f. 2018 Regional Land Transport Plan and Draft 2021 Regional Land Transport Plan
- g. 2010 Joint Transport Study
- h. 2021 NZTA PNITI Business Case
- i. Historical PNCC land-use strategies that identified the NEIZ for large freight, distribution and logistics development.

4. The CNZDHSG anticipate working together to assist with the implementation of the CEDA Distribution Hub Strategy for the benefit of all parties on matters such as a shared identity & marketing, advocacy, iwi partnerships, master planning, infrastructure planning, funding and delivery and Government partnerships, e.g. Housing and Urban Development Authority and Kainga Ora.

5. The CNZDHSG master planning is anticipated to address the following:

- a. Integrated transport connections.
- b. Coordinated delivery of PNITI.
- c. NEIZ expansion.
- d. Integrated stormwater & flooding infrastructure.
- e. Iwi partnerships.
- f. Appropriate connections to the Palmerston North Airport

(Central NZ Distribution Hub Stakeholder Group)

- g. Infrastructure to enable "Level 2 Users" in the NEIZ to access the KiwiRail Freight Hub rail infrastructure.
- h. Urban design, amenity and landscaping
- i. Housing to support new employment
- j. Infrastructure planning, staging and delivery.

6. While KiwiRail is part of the CNZDHSB, it is not part of this joint submission given it is the Requiring Authority for the Notice of Requirement.

7. The parties to the CNZDHSB for the purposes of this submission are:

- a) CEDA
- b) PNCC
- c) Horizons Regional Council
- d) Waka Kotahi NZ Transport Agency
- e) Palmerston North Airport Limited
- f) DKSH
- g) PMB Landco Ltd

It is likely other parties will join CNZDHSB by the time the hearing is scheduled for this Notice of Requirement.

3. I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL:

CNZDHSB seek an outcome that enables KiwiRail and CNZDHSB to respond to the outcome of the wider master planning process, particularly integrated transport connections and infrastructure to enable the "Level 2 User" to access the KiwiRail rail infrastructure. In the first instance that means developing the land in a way which does not restrict future opportunities for that connection to occur and for the infrastructure to adjust and be upgraded as freight movements between the NEIZ, Airport and KiwiRail Freight Hub increase.

CNZDHSB also seek an outcome that enables the KiwiRail Freight Hub to connect to the future transport network detailed in the NZTA PNITI Business Case in an efficient and effective manner.

KIWI RAIL FREIGHT HUB 64 - 1 SUBMISSION FORM



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SUBMITTER DETAILS

Full name of Submitter **Sharon Lee Gore**

Postal Address **\$ Faulkners Rd**

Phone **0273903601**

Email **Sharonleegore@outlook.com**

Signature

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE **see attached**

I oppose the whole of the notice of requirement.

1. we will lose much needed housing in a time where we have homeless due to lack of housing

2. Sound, light and noise pollution is unacceptable an unfair in a built up residential area. +

2 MY SUBMISSION IS: (Comment whether you support, oppose, or are neutral regarding specific parts of the Notice of Requirement or wish to have them amended and the reasons for your view.)

3 I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL: (Give precise details, including the general nature of any conditions sought)

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i am directly affected as I will see, hear and smell the hub 24/7 for the rest of my life. My years of hard work to retire peacefully and with money in the bank will be taken from me. My grandchildren will be put in danger. This is simply unacceptable and incredibly cruel and unfair on so many levels

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64 - 3

(Sharon Lee Gore)

Q1: THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

I oppose the whole of the notice of requirement.

1. we will lose much needed housing in a time where we have homeless due to lack of housing
2. Sound, light and noise pollution is unacceptable and unfair in a built up residential area.
3. The values of people's homes will be negatively affected. I
4. our ancestors are buried in the cemetery at the edge of the proposed site. very disrespectful.
5. There are other less invasive and damaging areas this hub can be located. I understand that Longburn is an option and Woodville which has enough land already set aside and owned by the railways for this type of operation.
6. There are Maori Kai gathering grounds in the site area.
7. added heavy traffic is a danger to children. the new ring roads will ruin the lives and financials of many who have invested life savings to be in this area.
8. there will be a strain on people's mental health
9. I ask you, the decision makers, would you be behind a project such as this if it were in your back yard especially given there are other options.

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SUBMITTER DETAILS

Full name of Submitter **Waka Kotahi NZ Transport Agency**

Postal Address **Level 7, Majestic Centre, 100 Willis Street** Phone **027 200 7677**

Wellington

Email **jeremy.talbot@nzta.govt.nz**

Signature

Jeremy Talbot

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

Please refer to attached.

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Level 7, Majestic Centre
100 Willis Street
PO Box 5084, Lambton Quay
Wellington 6145
New Zealand
T 64 4 894 5200
www.nzta.govt.nz

Waka Kotahi Reference: 2020-1079

26 March 2021

Democracy & Governance Manager
Palmerston North City Council
submission@pncc.govt.nz

Submission on a notice of requirement for a designation under section 168 of the Resource Management Act 1991 by KiwiRail Holdings Limited

Attached is a submission from Waka Kotahi NZ Transport Agency on the notice of requirement for a designation made by KiwiRail Holdings Ltd for a new regional freight hub on Railway Road between Palmerston North Airport and Bunnythorpe.

We welcome the opportunity to discuss the contents of our submission with the requiring authority and council. Please do not hesitate to contact me on 027 200 7677 or jeremy.talbot@nzta.govt.nz.

Yours sincerely,

A handwritten signature in black ink that reads 'Jeremy Talbot' in a cursive script.

Jeremy Talbot
Principal Planner
Environmental Planning
Waka Kotahi NZ Transport Agency

RESOURCE MANAGEMENT ACT 1991

Submission on a notice of requirement for freight hub purposes on the western side of Railway Road and the North Island Main Trunk Line between Palmerston North Airport and Bunnythorpe by KiwiRail Holdings Ltd

To: Democracy & Governance Manager
Palmerston North City Council
submission@pncc.govt.nz

Copy to requiring authority: RMA Team
KiwiRail Holdings Limited
pam.butler@kiwirail.co.nz

From: Jeremy Talbot
Principal Planner
Waka Kotahi NZ Transport Agency
jeremy.talbot@nzta.govt.nz

Introduction

Under section 169 of the Resource Management Act 1991 (RMA), Waka Kotahi NZ Transport Agency (Waka Kotahi) makes the following submission on the notice of requirement (NoR) for a Regional Freight Hub (Freight Hub) designation made by the requiring authority, KiwiRail Holdings Ltd (KiwiRail), on the western side of Railway Road and the North Island Main Trunk Line between Palmerston North Airport and Bunnythorpe.

The NoR seeks to designate approximately 177.7ha of land for the following purpose¹:

To develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005, and activities and infrastructure required to enable the transportation of goods by rail and road.

The NoR is described in detail in the application documents and further information provided by KiwiRail and published on the Palmerston North City Council (PNCC) website².

The role of Waka Kotahi:

Waka Kotahi is a Crown Entity established by section 93 of the Land Transport Management Act 2003. The statutory objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.

¹ Section 6.1 of the NoR and AEE dated October 2020 by Stantec

² <https://www.pncc.govt.nz/participate-palmy/have-your-say/kiwirail-regional-freight-hub/>

Waka Kotahi has a mandate under the Land Transport Management Act 2003, the Government Rooding Powers Act 1989, and the Government Policy Statement on Land Transport to carry out its functions in a way that delivers the transport outcomes set by the Government.

Waka Kotahi aims to deliver great journeys to keep New Zealand moving. A great journey is easy, safe and connected. This is achieved through focussing on providing one integrated land transport system that helps people get the most out of life and supports business. The Waka Kotahi strategic responses to addressing transport challenges are:

- One connected transport system.
- People-centred services.
- Partnerships for prosperity.

State highway network and the Palmerston North Integrated Transport Initiative

The state highway network in proximity to the proposed Freight Hub is comprised of State Highway 54 (SH54) to the west and State Highway 3 (SH3) to the south. State Highway 56 and SH3 are the main road connections to central Palmerston North, with State Highway 57 located to the south of the city. SH3 will connect to Te Ahu a Turanga: Manawatū Tararua Highway, which has recently started construction and is expected to be completed in four years.

There are no direct state highway connections to the Freight Hub site, however Waka Kotahi is in the process of developing several transport system changes through the Palmerston North Integrated Transport Initiative (PNITI), to support ongoing Government investment³ in the region and to encourage economic development. The PNITI has been developed in partnership with key agencies including the Manawatu District Council, Palmerston North City Council, and Horizons Regional Council.

To help manage this growth, whilst maintaining efficient freight movements to and from the Freight Hub proposal, North East Industrial Zone and other industrial areas within the city, there is a need to plan for the whole transport system.

Resolving the core safety and access problems identified by PNITI, particularly for freight, aligns strongly with the Government Policy Statement on Land Transport (GPS). Palmerston North is emerging as a key freight collection and distribution hub in the lower North Island. Resulting increases in the number of heavy vehicle movements, together with the lack of a coherently implemented road hierarchy, have contributed to safety and efficiency issues on the local road network that is impacting liveability.

The recommended PNITI programme contains a comprehensive package of transport and land use initiatives that will support Government investment in the region over the next 30 years and regional aspirations of being a strategic freight hub in the national supply chain.

The programme has been staged in line with modelling analysis which shows a number of transport and urban amenity benefits can be achieved in the shorter term through lower levels of investment. This includes online corridor and intersection upgrades for safety and access, together with safer speeds, and

³ Including: Te Ahu a Turanga, Linton and Ohakea regeneration, Turitea windfarm, Massey University expansion, MidCentral DHB investment and the Freight Hub.

land use changes across the network. These activities will be complemented by longer term interventions, including the development of a ring route and a future downstream bridge over the Manawatū River to reduce trips through the city, and enhance mode shift through placemaking and amenity improvements.

There is clear alignment on the outcomes to be achieved through investment in the transport system, and the required packages of work to deliver these outcomes.

The expected investment benefits of the recommended programme include:

- Reducing freight movements on residential and place-based streets by up to 50%.
- Reducing the number of congested intersections by 50% and improving journey times on key freight routes by up to ten minutes.
- Reducing deaths and serious injuries by 35–40% across the rural freight network.

PNITI alignment with the Freight Hub

Given the significance of the Freight Hub to the Government's wider investment objectives in the region and the expected impacts of the facility on the region's transport system, ongoing engagement with KiwiRail will be integral to the development and implementation of the PNITI programme.

Over the 30-year timeframe, some of the assumptions underpinning the PNITI programme are likely to change. Where material change occurs, the PNITI programme will need to be appropriately adjusted to reflect the changes that have occurred. For example, as developments such as the Freight Hub, Longburn, North East Industrial Zone extension and residential developments come to fruition, the PNITI programme can be adjusted to adapt to the development and any consequential impacts.

Waka Kotahi makes the following submission:

Waka Kotahi is neutral regarding the NoR and largely supports the proposed conditions requiring the preparation of plans to identify and manage adverse effects on the transport network during construction and operation of the Freight Hub, in particular:

- Outline Plan(s) (condition 9).
- Road Network Integration Plan (conditions 43 to 46).
- Construction Traffic Management Plan (conditions 54 to 57).
- Operational Traffic Management Plan (conditions 65 to 68).

Waka Kotahi has identified some issues with the conditions as drafted, which it would like to work with KiwiRail on to resolve prior to preparing for a hearing. These largely involve the level of consultation and certainty of outcomes from that consultation, so Waka Kotahi can have assurance the decisions being made will have appropriate outcomes for the whole transport network.

Outline plan process

An issue common to all three plans above is that they require preparation and submission as part of the outline plan(s) process under conditions 9(b), 9(h) and 9(j). In accordance with section 176A of the RMA, the territorial authority may request changes to an outline plan and the requiring authority then decides

whether to make those changes. Recourse to a decision by the requiring authority not to make requested changes is by appeal to the Environment Court, which is a resource and time-intensive process that parties would seek to avoid. Accordingly, Waka Kotahi seeks to work with KiwiRail on changes to the conditions that would avoid KiwiRail having sole discretion over the decision made with respect to effects on the transport network during construction and operation.

In addition to this, other issues identified are discussed for each plan as follows:

Road Network Integration Plan

Condition 43 requires KiwiRail to prepare the Road Network Integration Plan (RNIP) 12 months prior to construction commencing. Given the variability in construction timeframes, the time between construction commencing and operational traffic using the road network is unknown. This could result in insufficient time to plan and prepare necessary improvements to the road network to safely and efficiently manage traffic generation from the Freight Hub. Waka Kotahi seeks to work with KiwiRail on this issue to agree an appropriate timeframe for the preparation of the RNIP.

Condition 45 requires KiwiRail to consult with PNCC, Horizons Regional Council and Waka Kotahi when preparing the RNIP, with details of this consultation included through condition 46(h). Beyond consultation there is no requirement for KiwiRail to incorporate or deliver on the requests or outcomes discussed during that consultation. With the outline plan process being the final statutory requirement for the RNIP, Waka Kotahi is concerned that the consultation process may not lead to outcomes deemed necessary for the safe and efficient functioning of the road network being included in the RNIP. Waka Kotahi seeks to work with KiwiRail on this issue to agree a process where the RNIP is endorsed by all parties before it is included in the outline plan.

Construction Traffic Management Plan

Conditions 54 to 57 require KiwiRail to prepare a Construction Traffic Management Plan (CTMP) prior to the commencement of construction. There is no requirement in the conditions to consult with, or seek approval from, PNCC or Waka Kotahi in the preparation of the CTMP. This gives KiwiRail the discretion to prepare and implement the CTMP via the outline plan process. Waka Kotahi is concerned that the lack of consultation could lead to adverse effects on the safe and efficient functioning of the road network, so seeks to work with KiwiRail on this issue to agree a consultation and endorsement process for the CTMP before it is included in the outline plan. Waka Kotahi also consider that construction traffic monitoring should be included in the CTMP.

Operational Traffic Management Plan

Conditions 65 to 66 require KiwiRail to prepare an Operational Traffic Management Plan (OTMP). As above there is no requirement in the conditions to consult with, or seek approval from, PNCC or Waka Kotahi in the preparation of the OTMP. Waka Kotahi is concerned that the lack of consultation could lead to adverse effects on the safe and efficient functioning of the road network, so seeks to work with KiwiRail on this issue to agree a consultation and endorsement process for the OTMP (including subsequent reviews and updates) before it is included in the outline plan.

Operational Traffic Monitoring

There are no conditions proposed by KiwiRail to monitor traffic generation from the Freight Hub. Monitoring would provide valuable data to compare with the modelled traffic generation that the assessment is based on, which could then be used to plan, design and construct interventions to manage

adverse effects on the transport network. Traffic monitoring for a development of this scale would also be expected to record evasive action taken by drivers, Crash Analysis System review, complaints, levels of service at intersections, and other matters related to the safety and efficiency of the transport network. Reporting on the monitoring would be expected to analyse and evaluate the effects of the traffic generation for a specified time period, then determine what measures should be taken to mitigate any identified adverse effects. Waka Kotahi seeks to work with KiwiRail on the preparation and agreement of a monitoring condition(s) prior to the submission of an outline plan.

Relief sought:

Waka Kotahi seeks to work with KiwiRail to agree designation conditions as discussed in this submission that will manage potential adverse effects from the Freight Hub's construction and operation on the transport network. Waka Kotahi anticipates that these matters can be resolved prior to the hearing and would appreciate the opportunity to work with KiwiRail and alongside PNCC, to discuss potential conditions to address the issues raised.

Waka Kotahi wishes to be heard in support of this submission.

Dated at Wellington **26 March 2021**



Jeremy Talbot

Principal Planner

Environmental Planning

Pursuant to an authority delegated by Waka Kotahi NZ Transport Agency

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SUBMITTER DETAILS

Full name of Submitter Andrew Wotton

Postal Address 40 Eggletons Road

Phone 0211422954

RD5 Feilding

Email andrewwotton@hotmailcom

Signature

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

see attached

Road access to freight hub will overly impact on the current residents
Lack of information provided by the various government agencies to be able to make a valid submission
Projects of this size are short sighted as their impact on the sustainable use of the land will come at to great a cost
Original indigenous land owners appear to have had little say in the buiding of this on their ancestral land

2 MY SUBMISSION IS: (Comment whether you support, oppose, or are neutral regarding specific parts of the Notice of Requirement or wish to have them amended and the reasons for your view.)

see attached

I would oppose the construction of any regional link roads in the area as i t would significantly impact the residents in the area. Animals and the environment would also be affected. Road noise, heavy trucks and trains already impact on the area and any increase would be to the detriment of the local residents

Information supplied has been minimal or difficult to obtain. It is a requirement of the Local Government Act 2002 to provide adequate information to be able to make an

3 I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL: (Give precise details, including the general nature of any conditions sought)

see attached

Keep access roads to current roading

Better and clearer information to be provided

Sustainability must come first

Participate with local needs to be heard

4	DO YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION?
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
5	IF OTHERS MAKE A SIMILAR SUBMISSION WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
6A	I AM A TRADE COMPETITOR FOR THE PURPOSES OF SECTION 308B OF THE RESOURCE MANAGEMENT ACT 1991
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<input checked="" type="checkbox"/> YES (If Yes, comment below)	<input type="checkbox"/> NO

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(Andrew Wotton)

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Original indigenous land owners appear to have had little say in the buiding of this on their ancestral land

2 MY SUBMISSION IS:

I would oppose the construction of any regional link roads in the area as i t would significantly impact the residents in the area. Animals and the environment would also be affected. Road noise, heavy trucks and trains already impact on the area and any increase would be to the detriment of the local residents

Information supplied has been minimal or difficult to obtain. It is a requirement of the Local Government Act 2002 to provide adequate information to be able to make an informed submission

Large projects of this size are in direct opposition to sustainable land use laws and policies. Onc ethis land has been utilized in this way it will never return to its natural state. Forward thinking is required to minimized the impact on the environment

Local iwi interests have appeared to have been pushed aside in the rush to progress this project. Longer and more honest consultation needs to happen

(Andrew Wotton)

3. I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL:

Keep access roads to current roading

Better and clearer information to be provided

Sustainability must come first

Partnership with iwi needs to be honoured

To: Palmerston North City Council

Submission by Transpower New Zealand Limited on the Notice of Requirement by KiwiRail Holdings Limited for a designation to accommodate a new regional freight hub

26 March 2021

Keeping the energy flowing



Address for Service:

Transpower New Zealand Ltd
PO Box 17215 Greenlane
Auckland 1546
Attention: Jenna McFarlane, Senior
Environmental Planner
Ph: (09) 590 6851
Email: Jenna.McFarlane@transpower.co.nz

1.0 INTRODUCTION

- 1.1 This document and appendices form part of Transpower's submission to Palmerston North City Council on the Notice of Requirement (NoR) by KiwiRail Holdings Limited (KiwiRail) for a designation to accommodate a new regional freight hub (the **Project**).
- 1.2 Transpower New Zealand Limited (Transpower) is the State-Owned Enterprise that plans, builds, maintains, and operates New Zealand's high voltage transmission network - The National Grid. The National Grid comprises around 12,000 km of transmission lines and cables, and some 164 substations. It links generators to distribution companies and major industrial users from Kaikohe in the North Island to Tiwai Point in the South Island. Transpower's principal role is to ensure the reliable supply of electricity throughout the country and therefore has a significant interest in ensuring that development does not adversely affect the operation, maintenance, upgrading and development of the existing transmission network.
- 1.3 Transpower's Bunnythorpe – Mangahao A (BPE-MHO A) 110kV transmission line and Tower A0632, are directly affected by the proposed designation, regional freight hub and works at the northern end of the Project, between Maple Street and Railway Road (see maps attached as **Appendix A**).
- 1.4 Transpower's interest in the NoR relates to those project works at the northern extent of the Project, that could adversely affect its BPE-MHO A assets. Whilst the operational extent of the freight hub does not extend beneath BPE-MHO A, the degree of impact on Transpower's assets will be determined by the extent of construction works required to create the perimeter road, proposed noise walls and bunds, footpaths, landscaping and any other structures proposed beneath the lines.
- 1.5 Transpower's general position is that it is neutral in relation to the merits of the proposal. However, it would hold significant concerns if the final design and associated earthworks; any mitigation measures; and conditions, do not adequately take account of the National Grid assets affected by the Project. It is due to the need for conditions to be imposed in relation to construction management, landscaping, and the location of structures in proximity to the National Grid that Transpower has lodged this submission opposing (in part) the proposal. Sustainable management of resources will not be achieved if the adverse effects of the project on the National Grid are not appropriately avoided, remedied, or mitigated.

2.0 STATUTORY CONTEXT

National Policy Statement on Electricity Transmission 2008 (NPSET)

- 2.1 Under the Resource Management Act 1991 (RMA), the National Grid is recognised as a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated. The NPSET confirms the national significance of the National Grid and the need to appropriately manage activities and development under, and close to it.
- 2.2 The Objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*

- *Managing the adverse effects of other activities on the network.*

2.3 The NPSET contains 14 Policies. In particular, Policy 2 of the NPSET requires decision-makers to recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network. Whilst Policy 10 requires that all decision-makers: *“to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”*

2.4 In 2017, the High Court¹ emphasised the strength of Policy 10, stating:

“[85] Policy 10, though subject to the “reasonably possible” proviso, is, in my judgment, relatively prescriptive. It requires that decision-makers “must” manage activities to avoid reverse sensitivity effects on the electricity transmission network, and “must” ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised. What is sought to be protected is the national electricity transmission grid – an asset which the NPSET recognises is of national significance. A mandatory requirement to ensure that an asset of national significance is not compromised is, in my judgment, a relatively strong directive.”

2.5 Section 10.1.1 of the Assessment of Environmental Effects (AEE) details the Project works are consistent with the relevant provisions of the NPSET on the basis that whilst the BPE-MHO A transmission assets are located within the designation, the assets are located outside of the main operational area of the freight hub and therefore it is unlikely there will be any effect on electricity transmission. However, the application does not explain what measures are proposed to ensure this. The application also does not address the potential effects of the wider works, such as noise walls/bunds and landscaping, on the BPE-MHO A assets.

2.6 KiwiRail contacted Transpower in January 2020 to discuss location options for the freight hub and three options were presented to Transpower for comment. KiwiRail has not been in contact with Transpower again since then to discuss the selected option design, potential mitigation or impacts on Transpower’s transmission assets. The potential adverse effects of the proposed construction work and landscaping on, and access to, Transpower’s assets still needs to be considered and measures outlined to avoid, remedy or mitigate these effects. The application does not address this. Therefore, Transpower considers that in its current form the proposed works are not consistent with the NPSET.

The New Zealand Electrical Code of Practice for Electrical Safe Distances - NZECP 34:2001 (NZECP)

2.7 The NZECP is a mandatory code of practice pursuant to the Electricity Act 1992 which sets minimum safe distances from overhead transmission lines to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. The Code establishes safe clearance distances to buildings and structures, the ground (including stockpiles of earth), and other lines, as well as how close buildings, structures and excavations can occur to poles and towers. All proposed works for the project must comply with these requirements.

2.8 In the first instance, all project works must comply with the minimum safe clearance distances set out in NZECP, including of relevance:

¹ Paragraph 85, High court interim judgement of Justice Wyllie in *TRANSPOWER NEW ZEALAND LTD v AUCKLAND COUNCIL* [2017] NZHC 281 [28 February 2017]

- Section 2 - Minimum safe distances for excavations and construction near support structures; and
- Section 3 – Minimum safe distances between conductors and buildings/structures; and
- Section 4.3 and Table 4 – Material deposited under or near overhead lines; and
- Section 4.5 – Safe distances of conductors over railways tracks; and
- Section 5 – Safe distances for mobile plant; and
- Section 9 – Safe approach distances for people.

2.9 The draft and indicative landscape plan (Appendix C of the application) currently indicates a number of elements proposed beneath the transmission including, but not limited to:

- Vertical concrete noise walls;
- Earth mounds and planted noise bunds;
- Landscaping/mitigation planting;
- Recreation tracks and footpaths; and
- 2m high security fencing.

2.10 The applicant does not address the NZECP in its application, or the need for the proposed works to comply with its requirements. Kiwirail will need to work with Transpower to progress a proper assessment to establish whether the proposed works, including all the elements in paragraph 2.9 above, will comply with the mandatory requirements of the NZECP.

Electricity (Hazards from Trees) Regulations 2003

2.11 All landscaping near National Grid assets must be in accordance with the Electricity (Hazards from Trees) Regulations 2003. Any trees or vegetation must not be able to fall within 4 m of the transmission lines. Within the 12 m National Grid Yard any vegetation must be limited to species with a maximum growth height of 2 m at full maturity.

2.12 The applicant does not address the Electricity (Hazards from Trees) Regulations 2003 in its application or the need to comply with its requirements.

Horizons Regional One Plan (Combined Regional Policy Statement and Plan)

2.13 Part 1 (RPS), Chapter 3² of the Horizons One Plan (One Plan) recognises the National Grid as being a physical resource of regional or national importance³ and includes an objective and policies to recognise and provide for the National Grid.

2.14 Objective 3-1 and Policy 3-1 require regard to be had to the benefits of regionally and nationally important infrastructure by providing for their establishment, operation, maintenance and upgrading.

2.15 Policy 3-2 is of particular relevance to the National Grid (and this project) and requires adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by:

² Horizons One Plan, Part One, Chapter 3: Infrastructure, Energy, Waste, Hazardous Substances and Contaminated Land

³ Horizons One Plan, Part One, Chapter 3, Policies 3-1 and 3-2

- (a) ensuring that current infrastructure is identified and had regard to in all resource management decision-making, and any development, that would adversely affect the operation, maintenance or upgrading of those activities, is avoided as far as reasonably practicable;
- (b) ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of infrastructure are not located near existing such resources or such resources allowed by unimplemented resource consents or other RMA authorisations;
- (c) ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure, or such resources allowed by unimplemented resource consents or other RMA authorisations;
- (d) notifying the owners or managers of infrastructure of consent applications that may adversely affect the resources that they own or manage; and
- (e) ensuring safe separation distances are maintained, in particular by giving effect to the NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 prepared under the Electricity Act 1992.

2.16 Section 10.1.1 of the AEE and Q171 of the s92 response states that impacts on Transpower's BPE-MHO A assets will be minimised and the proposed works are likely similar to existing effects where the BPE-MHO A assets are located outside of the main operational area of the freight hub. However, construction works within this area, landscaping and the proposed perimeter road which will traverse beneath the lines all have potential to adversely affect the transmission assets.

2.17 It is also stated in Section 10.1.5 of the AEE, in relation to Objective 3-3 and Policy 3-2 of the One Plan that *"Transpower also has a transmission line running through the northern end of the Freight Hub. This is elevated and there are no works proposed close to pylons. KiwiRail will however keep Transpower informed."* As stated previously, further consultation on the location and potential adverse effects of this current design has not been undertaken with Transpower.

2.18 Therefore, for the above reasons and the following, Transpower considers the proposed works are inconsistent with the above One Plan objective and policies:

- The potential adverse effects of the proposed works (for the current design) on the National Grid line have not been fully considered or avoided as far as reasonably practicable;
- The proposed works could adversely affect the operation, maintenance or upgrading of the National Grid, as a result of the work's proximity to the National Grid; and
- An assessment of the proposed works against the relevant provisions of the NZECP or the Electricity (Hazards from Trees) Regulations 2003 has not been undertaken.

2.19 Whilst the delivery of key transport infrastructure is also a key consideration and has support at a policy level within the One Plan, the relief being sought by Transpower in this submission, is consistent with the relevant objectives and policies of the One Plan, on the basis that Transpower seeks that the operation, maintenance, upgrading and future development of National Grid infrastructure is provided for in the design and construction of the KiwiRail project.

Palmerston North City Council District Plan

2.20 To give effect to the NPSET, Palmerston North City Council District Plan (PNCDP) includes objectives, policies and rules to protect and restrict certain activities around existing National Grid transmission

lines. Of relevance to this proposal, Objectives 23.3.1 and 23.3.2 provide for the operation, maintenance, upgrading and development of regionally and nationally important network utilities.

- 2.21** Additionally, Policies 23.3.1(ii) and 23.3.2.2.4 identify the National Grid as regionally and nationally important network utilities and require that any incompatible development or intensification within the National Grid Yard is avoided.
- 2.22** As identified in Section 1.5 of this submission, the application does not effectively address the potential adverse effects on Transpower's National Grid assets. Additionally, the proposed works could adversely affect the operation, maintenance, or upgrading of the National Grid, as a result of the work's proximity to the National Grid assets.

3.0 ISSUES OF SPECIFIC INTEREST TO TRANSPOWER

General Submission

- 3.1** Without limiting any of the specific reasons given in this submission, the extent to which the application is opposed is because it:
- Does not implement and/or give effect to the objective and policies of the NPSET, and the relevant infrastructure objectives, policies and other provisions of the other relevant planning instruments; and
 - Has failed to consider and assess the potential effects of the proposed construction works, permanent structures and landscaping on the National Grid; and
 - Is otherwise inconsistent with and/or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA.

Construction Management

- 3.2** Managing construction around Transpower transmission lines (support structures and conductors) is critical for security of supply and health and safety during construction of the project. The applicant does not currently address how construction will be managed to ensure Transpower's BPE-MHO A transmission assets will be protected during any construction activities.

Earthworks and Mobile Plant

- 3.3** In the first instance, all earthworks and the stockpiling of materials must comply with the minimum safe clearance distances set out in NZECP relating to minimum safe clearances to conductors and towers. In particular, excavations too close to the towers can destabilise them, potentially putting the whole line at risk.
- 3.4** The application also does not address the potential adverse effects of earthworks on Transpower's assets, or NZECP and the need for the proposed works to comply with its requirements. Transpower will need to work with KiwiRail to find suitable solutions in this regard, including progressing a proper investigation and assessment to determine the exact nature of the impact of the proposed works on Transpower's assets and the likely mitigation required.

Access

- 3.5** The application has not addressed how access to Transpower's assets, particularly the tower, will be maintained during construction and operation of the project. By way of example, access to the BPE-MHO Tower A0632 would be potentially restricted in its current location between the road and

recreational footpath due to proposed planting and 2m high security fence. Access to the tower has not been identified by the applicant.

- 3.6** Transpower has a legal right to access its transmission lines and support structures (e.g. for maintenance, inspections and upgrading) under the Electricity Act 1992, however this does not guarantee that physical access is available. Transpower's requirements for vehicle access to the lines and poles needs to be considered so as not to compromise Transpower's ability to access and maintain the existing National Grid assets.

Landscaping

- 3.7** The type and location of any new trees and vegetation have the potential to affect Transpower's assets. If trees touch the conductors, or electricity 'jumps' the gap to nearby trees, dangerous voltages may arise in the area on, around and adjacent to the tree.
- 3.8** The application does not currently provide enough detail for or provide an assessment against the requirements of the Electricity (Hazards from Trees) Regulations 2003.

Earth Potential Rise

- 3.9** In the rare event of a lightning strike or fault on the transmission line, towers or poles may transfer high voltage and dangerous currents into the ground for a very short instant. This is known as 'Earth Potential Rise' (EPR). The voltages produced by this can potentially be hazardous if someone is standing close to, or touching, the tower or pole. Objects, such as metallic pipes or fences, set into the ground near the tower or pole with the fault may also transfer hazardous voltages to a person who is touching the object at the time of the fault. Transpower would work with Kiwi rail to determine appropriate mitigations, should they be required. Such mitigations may require changes to elements of design and the materials used. EPR needs to be investigated and solutions agreed upon early in the design process.

Extent of Designations

- 3.10** The designation footprint will encompass Tower A0632 of the BPE-MHO-A line that is not currently within a designation. Transpower wishes to ensure that the designation is reduced to the minimum extent necessary to operate the freight hub, and to avoid the need to obtain unnecessary approvals under s176(1)(b) of the RMA for the ongoing operation, maintenance and upgrading of its existing transmission lines.
- 3.11** Transpower will be requesting that the Kiwirail designation is removed from all Transpower's assets where practicable following completion of construction.

4.0 DECISION / RELIEF SOUGHT:

- 4.1** Transpower seeks a decision that ensures that the operation, maintenance, upgrading and future development of National Grid infrastructure is protected from the potential adverse effects of the designation, construction and operation of the proposed Regional Freight Hub.
- 4.2** To enable that decision to be made, Transpower seeks that the Applicant provides further information on the proposed design and construction methodology for the Regional Freight Hub, including (but not limited to) the following information:
- The type and location of trees proposed to be planted within the National Grid Yard;

- The size, height and location of any permanent structures within the National Grid Yard. This includes any permanent earth bunds, noise walls or security fences;
- The location and nature of any earthworks in proximity to tower A0632 or beneath the lines;
- Proposed measures to ensure Transpower's access to its assets is not compromised;
- Proposed controls on mobile plant and machinery during construction of the project to ensure mobile plant remains a minimum of 4 metres from the lines at all times; and
- An assessment prepared by a suitably qualified electrical engineer to demonstrate compliance with the requirements of NZECP.

4.3 In addition to the information requested above, Transpower seeks conditions are included in the designation to give effect to the concerns outlined in this submission, and to meet the Council's responsibilities to protect regionally and nationally significant infrastructure. In particular, Transpower seeks additional conditions regarding:

- Construction management, including earthworks setbacks and mobile plant management
- Restrictions on landscaping, and in particular vegetation types within the National Grid Yard
- Controls on permanent structures within the National Grid Yard, or where they may compromise access to Transpower's assets.

4.4 Transpower wishes to be heard in support of its submission.

Dated at Christchurch this 26th day of March 2021.



Andy Eccleshall
Environmental Planner
Transpower New Zealand Limited
(Authorised to sign on behalf of Transpower NZ Ltd)

Ph: (04) 590 8687 / Email: Andy.Eccleshall@transpower.co.nz

Appendices:

Appendix A: Map of Transpower assets affected by the Project

Copy Served to: **KiwiRail Holdings Limited**
RMA Team
PO Box 593
Wellington 6140
Pam.Butler@kiwirail.co.nz

Appendix A:

Maps of Transpower Assets



KiwiRail NoR Railway Rd, Bunnythorpe



11-Mar-2021

Scale: 10,000



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Plan Size: A4L



KIWI RAIL FREIGHT HUB 68 - 1

SUBMISSION FORM



Form 21 – Submission on a Notice of requirement from KiwiRail Holdings Limited for a designation to accommodate a new regional freight hub

TO: Palmerston North City Council
Private Bag 11-034
Palmerston North 4410
ATTENTION: Democracy & Governance Manager

NUMBER OF PAGES 2

Continue on separate sheets if necessary

SUBMITTER DETAILS

Full name of Submitter **Friederike Lugt**

Postal Address **661 Stoney Creek Rd**

Phone **027 248 6500**

RD10

Email **flugt@outlook.com**

Signature

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

ALL PARTS, especially marshalling yards including tracks, signals, overhead line equipment, container terminal, wagon storage, maintenance and network service facilities, freight forwarding facilities, log handling yard, bulk liquid storage, and activities ancillary to the freight hub.

2 MY SUBMISSION IS: (Comment whether you support, oppose, or are neutral regarding specific parts of the Notice of Requirement or wish to have them amended and the reasons for your view.) **see attached**

OPPOSE, on the grounds that (1) There are too many exclusions from the acoustic assessment and social impact assessment; these limitations have not been made clear in report summaries, therefore the public has potentially been misled;

(2) Specified noise mitigation strategies have not been sufficiently detailed and are potentially insufficient given the size of the site and potential height of container stacking; noise mitigation is not close enough to noise source;

(3) Acoustic and social impact assessments have not adequately addressed the effects.

3 I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL: (Give precise details, including the general nature of any conditions sought)

(1) A fully encompassing analysis with a number of operational scenarios included; (2) Detailed noise mitigation strategies should be fully detailed and evaluated for adequacy before further planning proceeds. The acoustic assessment should be used to set upper limits for noise, with consequences for breaches specified and a fast-track system for dealing with complaints; (3) Include in decision making the significant body of knowledge regarding the impact of night-time noise on health and wellbeing.

4 DO YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION? YES NO**5 IF OTHERS MAKE A SIMILAR SUBMISSION WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?** YES NO**6A I AM A TRADE COMPETITOR FOR THE PURPOSES OF SECTION 308B OF THE RESOURCE MANAGEMENT ACT 1991** YES (If Yes, go to 6B) NO**6B****I AM DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT:**

- i. adversely affects the environment; and
- ii. does not relate to trade competition or the effects of trade competition

 YES (If Yes, comment below) NO

The degree is yet to be properly established

PLEASE SEND YOUR SUBMISSION BY 4PM, 26 MARCH 2021

MAILING TO	Palmerston North City Council Private Bag 11-034, Palmerston North ATTENTION: Democracy & Governance Manager
DELIVERING TO	Council's Contact Services Centre, Civic Administration Building, Te Marae o Hine: The Square, Palmerston North ATTENTION: Democracy & Governance Manager
EMAILING TO	submission@pncc.govt.nz

YOU MUST SERVE A COPY OF YOUR SUBMISSION ON KIWIRAIL HOLDINGS LIMITED BY

MAILING TO	RMA Team KiwiRail Holdings Limited PO Box 593 Wellington 6140
EMAILING TO	Pam.Butler@kiwirail.co.nz

Please note that your submission (or part of your submission may be struck out if Palmerston North City Council is satisfied that at least one of the following applies to your submission (or part of your submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter

(Friederike Lugt)

2 MY SUBMISSION IS

OPPOSE, on the grounds that (1) There are too many exclusions from the acoustic assessment and social impact assessment; these limitations have not been made clear in report summaries, therefore the public has potentially been misled;

(2) Specified noise mitigation strategies have not been sufficiently detailed and are potentially insufficient given the size of the site and potential height of container stacking; noise mitigation is not close enough to noise source;

(3) Acoustic and social impact assessments have not adequately addressed the effects of night-time noise disturbances.

KiwiRail Freight Hub Submission

Form 21 – Submission on a Notice of requirement from KiwiRail Holdings Limited for a designation to accommodate a new regional freight hub

To:

Palmerston North City Council

Private Bag 11-034

Palmerston North 4410

ATTENTION: Democracy & Governance Manager

Submitter:

Te Ao Turoa Environmental Centre/Bestcare Whakapai Hauora Charitable Trust

Mandated Iwi Authority for Rangitāne o Manawatū

140-148 Maxwells Line, Awapuni

Palmerston North

Attention: Jonathan Procter

Email: J.N.Procter@massey.ac.nz

Phone: 021 634 488

MY SUBMISSION IS:

Introduction: Rangitāne o Manawatū

Ancestors of Rangitāne o Manawatū arrived in Aotearoa aboard the Kurahaupō waka over 30 generations ago. Whatonga, who was a captain of the waka, settled in

Heretaunga (Hawkes Bay) and explored a large part of Aotearoa. Whatonga is the eponymous ancestor whom the people of Rangitāne o Manawatū trace their lineage. Rangitāne was the grandson of Whatonga whose descendants occupy the Manawatū and other areas of the lower North Island and the top of the South Island today. At the turn of the 19th century Rangitāne and Rangitāne whānaunga had held mana over nearly the entire drainage basin of the Manawatū River for many hundreds of years. Life centred around the Manawatū River and its tributaries which came to shape the worldview of Rangitāne. Thus the naming of the Manawatū River and its creation feature prominently in Rangitāne lore. This mātauranga links Rangitāne o Manawatū to the world creating an inseparable bond and a responsibility to protect the environment physically and metaphysically in its widest sense from misuse and further degradation.

Rangitāne o Manawatū have been mana whenua for hundreds of years, thus have a deep connection to the life-giving land and waters of the Manawatū and an obligation to ensure kaitiakitanga; protecting, enhancing and restoring the mauri for future generations.

Rangitāne o Manawatū is a collective of six hapū. The Leaders within the hapū work closely together and each hapū has a place on the Rangitāne o Manawatū Treaty Settlement Trust. This collaboration forms the mandate for Rangitāne o Manawatū as the iwi authority. Rangitāne o Manawatū signed their Treaty Settlement in 2016 and hold a statutory acknowledgement over the Manawatū River and its tributaries including the Mangaone Stream.

Summary of Rangitāne concerns

The Kiwirail Freight Hub Project will have significant impacts on Rangitāne o Manawatū as a result of adverse effects on the environment, in particular in the following areas

- Sediment discharges and erosion
- Stormwater discharges (water quality and quantity)
- Freshwater and terrestrial ecology
- Landscape
- Design

- Archaeological Management
- Flooding
- The relationship of Rangitāne o Manawatū and our culture and traditions with land, water, sites, wāhi tapu and other taonga

THE SPECIFIC PARTS OF THE PROPOSAL THAT MY SUBMISSION RELATE TO ARE:

Sub-part 3.5(4) of the National Policy Statement for Freshwater Management 2020 provides direction to territorial authorities to ensure integrated management of freshwater. The proposed Freight Hub is a form of urban development in Rangitāne o Manawatū opinion, and the NPSFM 2020 should be had regard to, including consideration of how the proposal will contribute to Te Mana o te Wai.

(a) **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.

Also note Chapter 2 of the One Plan, Objective 2-1: a. To have regard to the mauri of natural and physical resources to enable hapū and iwi to provide for their social, economic and cultural wellbeing.

Rangitāne o Manawatū understand that two tributaries of the Mangaone Stream will be destroyed as a result of the Railhub project. It must be recognised that these waterways have mauri and support life. They also have the potential to be restored to high ecological value in the future, a potential which will be lost as a result of the project. The waterways are not simple low-value degraded farm drains but the headwaters and life blood of the Mangaone Stream, which has great significance to Rangitāne o Manawatū for mahinga kai, ceremonies and bathing.

Relief sought

- 1) To protect te Mana Whakahaere of Rangitāne o Manawatū, Rangitāne strong preference is that the Freight Hub is re-designed so that major modifications to the Mangaone Stream tributaries are avoided.
- 2) If those impacts cannot be avoided through redesign, the project must ensure that the impacts on these waterways is properly and comprehensively offset and, where offsetting is not possible, compensated for, in consultation with Rangitāne o Manawatū, using a robust habitat and biodiversity accounting model.
- 3) That Kiwirail commission a Cultural Impact Assessment so that Rangitāne o Manawatū has the opportunity to explore the impact on whenua and wai fully.

(b) **Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.

Also relevant to kaitiakitanga are:

- Section 6 Matters of National Importance in the Resource Management Act (RMA)
 - (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- Section 7(a) Kaitiakitanga and;
- Chapter 2 of the One Plan, Objective 2-1: b. Kaitiakitanga must be given particular regard and the relationship of hapū and iwi with their ancestral lands, water, sites, wāhi tapu and other taonga (including wāhi tupuna) must be recognised and provided for through resource management processes.

Rangitāne o Manawatū are kaitiaki of their rohe (the Manawatū area), water and indigenous taonga species. They have the responsibility to future generations to protect and enhance mahinga kai stocks, protect the intrinsic values of indigenous species, and the quality of water in the Manawatū.

It is of great concern to Rangitāne that thorough ecological investigations were not carried out across the entire project area. A designation cannot be granted without fully understanding the effects on Rangitāne o Manawatū taonga. Rangitāne o Manawatū must know what taonga species and endangered indigenous species are using the project area for parts or all of their life cycles.

Relief sought

- 1) KiwiRail must complete comprehensive ecological surveys for all types of native lizards, birds, bats, terrestrial invertebrates, freshwater communities, wetlands and indigenous vegetation. Ecological surveys must be undertaken across the entire project area because many indigenous taonga such as lizards, birds, and tuna thrive in agricultural and forestry environments.
- 2) The project must ensure that the impacts on all taonga species is properly reduced, mitigated, offset and, where appropriate, compensated for, in consultation with Rangitāne o Manawatū, using a robust habitat and biodiversity accounting model.
- 3) To ensure accidental wildlife deaths are avoided and Kaitiakitanga is upheld, the project must undertake onsite wildlife salvage under the supervision of a suitably qualified person during the following activities:
 - a) During all and any work in freshwater bodies, including wetlands
 - b) During removal of any woody vegetation
- 4) Aquatic wildlife must be translocated to the Mangaone Stream, and terrestrial wildlife to a location suitably protected from predators and of similar habitat to which the individual was found.
- 5) To ensure accidental wildlife deaths are avoided and Kaitiakitanga is upheld the project must undertake pre works wildlife surveys under the supervision of a suitably qualified person for indigenous nesting birds in the following areas:
 - a) Rank grass
 - b) Clearance of woody vegetation
 - c) Within 20 meters of riparian areas of streams and wetlands

d) Within wetlands

If active nests are found, then a 30 meter exclusion zone must be in place until the birds have fledged.

(c) **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others.

Rangitāne o Manawatū are incredibly concerned about the impact the Freight Hub project will have on water quality both during construction and as a result of on-going operation. Addressing these potential effects is a critical part of the overall design of the proposal and effective integrated management, and shouldn't be left as a future regional consenting consideration.

High quality erosion and sediment control is extremely important to protect freshwater bodies from sedimentation. Rangitāne o Manawatū recognise the Mangaone is naturally a soft bottomed stream but are concerned the project could create unnatural levels of sedimentation in the Mangaone Stream. The disturbance of agricultural soils to build the project could also send high levels of nutrients to the stream promoting anoxic events and algal blooms.

Relief sought

- 1) Rangitāne o Manawatū must see that Kiwirail have undertaken high quality baseline surveys along the Mangaone Stream from above the project area to the confluence of the Mangaone Stream with the Manawatū River. The surveys must measure macrophyte species and abundance, periphyton abundance and bed sedimentation/sediment deposition rates using at least two different techniques. Freshwater monitoring must continue for the duration of the project and beyond.
- 2) To ensure we are showing manaakitanga and kaitiakitanga over our waterways Rangitāne o Manawatū request Kiwirail undertake the following:
 - a) Install two turbidity monitors on high-risk Sediment Retention Ponds to demonstrate how effective pond treatment is.

- b) A treatment efficiency standard is imposed on sediment treatment devices
- c) The installation of all sediment treatment devices is overseen by at least two suitably qualified persons and undertaken in consultation with Rangitāne o Manawatū.
- d) Works do not occur within winter months
- e) Rangitāne o Manawatū kaitiaki (cultural monitors) are required to oversee earthworks, ecology works and archaeology

Rangitāne o Manawatū are currently undertaking a project to monitor tuna in the Mangaone Stream downstream of the Kiwirail development, the iwi have turned up hundreds of eels each monitoring occasion in every 50 meter reach. The stream is a thriving eel fishery for the iwi. Phase two of the project will be to test the eels to ensure they are safe to harvest and eat, in aim of revitalising Rangitāne culture. The act of manaakitanga for the fishery and the iwi must not be compromised by the Railhub. The quality of water discharged from the Kiwirail site over the life of the project and operation is of utmost concern to Rangitāne o Manawatū. Industrial areas such as the proposed Freight Hub discharge heavy metals, hydrocarbons, potentially herbicides and pesticide residues, sediment, macro and micro-plastics. Even in small quantities these pollutants could severely impact the water quality of Mangaone Stream, contaminate tuna, and further alienate Rangitāne o Manawatū from their absolute taonga.

Relief sought

At a minimum the following provisions must be put in place to protect water quality:

- 1) Macro plastic AND microplastic filters must be imposed on every manhole and drainage hole in the Rail hub designation.
- 2) Macro and micro plastics must be monitored annually within the Mangaone Stream and discharge points for the whole lifespan of the Kiwirail operations.
- 3) A treatment train to remove all heavy metals and hydrocarbons.
- 4) Monitoring, maintenance and further treatment option loops are put in place and assessed at least annually to ensure the Kiwirail Freight Hub

are not discharging water contaminated with heavy metals, hydrocarbons and any other contaminants.

- 5) Ecological treatment wetlands must be used as a final method to restore mauri to the treated water, prior to discharge to the Mangaone Stream.

Rangitāne o Manawatū are also concerned that the development of the Kiwirail project will increase flooding risk in Palmerston North.

Relief sought

To show manaakitanga for our community downstream Kiwirail must ensure that the Rail hub project is hydraulically neutral; that is, stormwater water is held in storage wetlands and released at a slow rate only after peak flood flow has passed. It cannot be discharged at a greater rate than natural and should aim to provide stormwater buffering over and above natural levels.

- (d) **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.

The panel of commissioners for the Kiwirail Freight Hub Project and Palmerston North City Council have the obligation to prioritise the evidence contained within this submission. The National Policy Statement for Freshwater Management 2020 is a live document with strong direction on the requirement to protect the fundamental importance of Te Mana o te Wai. Section 6(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; s7a Kaitiakitanga; and s8 Treaty of Waitangi exist to because we cannot have sustainable management without indigenous partnership and protection of culture.

“There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future”.

There is clear direction that the health and wellbeing of the Mangaone Stream and ecosystems contained therein is to be prioritised over the ability of people, in this case Kiwirail, to provide for their social and economic priorities now and in the future. To ensure that Te Mana o te Wai, Kaitiakitanga, and Treaty Partnership is recognised in its fullest extent, the advice given by Rangitāne o Manawatū throughout this submission to protect the Mangaone Stream must be implemented through the designation. A designation cannot be granted without firm assurance the relationship of Rangitāne and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga will be protected.

(e) **Stewardship:** the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.

Also note

Chapter 2 of the One Plan, Objective 2-1:

b. Kaitiakitanga must be given particular regard and the relationship of hapū and iwi with their ancestral lands, water, sites, wāhi tapu and other taonga (including wāhi tupuna) must be recognised and provided for through resource management processes.

Rangitāne o Manawatū are working with Horizons Regional Council and Palmerston North City Council to plan for widening of the Mangaone Stream stop banks and restoration of the lower reaches of the Mangaone Stream. Planting has already begun at the confluence of the Manawatū River and Mangaone, as well as regular tuna monitoring. Te Ao Turoa Environmental Centre hold training days in the Mangaone Stream for Rangatahi (youth) to learn about water quality and ecology. The Mangaone Stream is sustaining economic, social and cultural activities for Palmerston North, these relationships and opportunities are growing for our region and they must not be compromised by the Railhub.

The Mangaone Stream and wider land environments are a set of interlinked wāhi tapu where settlements once dotted the stream banks and trails led through the dense forest. One such track named the Awahuri track started in Whakarongo, traversed the Mangaone Stream and went directly through the project site, to lead off in various directions around Awahuri/Feilding. There are a scatter of accidental archaeological finds relating to Rangitāne surrounding the Freight hub Project area resulting in the risk of archaeological evidence being uncovered as the Freight hub Project progresses.

Rangitāne o Manawatū highlight again the importance of having cultural monitors onsite as the project progresses to oversee the management of water, taonga species and archaeology.

Relief sought

- 1) Rangitāne o Manawatū iwi leaders require notification of accidental finds, participation in management processes including safe keeping of their taonga/ Tino Rangatiratanga/ sovereignty over archaeology that belongs to their ancestors.
- 2) The provisioning of cultural monitors to oversee earthworks
- 3) The visual impact of the Railhub on Rangitāne o Manawatū use of the wider cultural landscape must be considered through the use of native plantings.

(f) *Care and respect:* the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Also note

Section 8 of the RMA- Treaty of Waitangi: requires that all persons exercising functions and powers under the Resource Management Act take into account the principles of the Treaty of Waitangi.

Section 3 Objective 1 of Palmerston North District Plan- To acknowledge Rangitāne o Manawatū as Tangata Whenua within Palmerston North City, Policy 1. 4 To follow Rangitanenuiarawa in resource management processes which Rangitane o Manawatu are involved in.

Kiwirail have consulted early in the process supporting Rangitāne o Manawatū to participate in the Multi Criteria Analysis to choose the preferred location. Rangitāne are supportive of the location chosen but are concerned that the mauri of the area and ecology has not been properly assessed, protections and long-term monitoring imposed, and sufficient ecological offset and compensation provided.

Since the MCA process there has been a concerning lack of consultation and engagement. As a result, Rangitāne believe we are have not been able 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.

Relief sought

- 1) Rangitāne o Manawatū recommend an Iwi Working Group is set up to provide oversight of these issues. Rangitāne o Manawatū wish to work with Kiwirail to ensure that effects are managed in a culturally appropriate manner “Rangitānenui-a-rawa” while adhering to best practice throughout the duration of the project and beyond.
- 2) Rangitāne o Manawatū should also sit on the Governance Committee of the project. This is a treaty led approach. This is an approach that would demonstrate Kiwirail take their responsibility as a New Zealand company seriously to protect freshwater for the health of the New Zealand nation.

I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL:

Amend the Notice of Requirement based on the reasons and relief sought set out above.

I wish to be heard in support of this submission.

If others make a similar submission I **would be** prepared to consider presenting a joint case with them at any hearing.

I **am not** a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

This submission has been sent to Palmerston North City Council by email:

submission@pncc.govt.nz

A copy of this submission has been served on Kiwirail Holdings Limited by email to:

Pam.Butler@kiwirail.govt.nz

Jonathan Procter

Te Ao Turoa Environmental Centre Advisor

KIWI RAIL FREIGHT HUB 70 - 1 SUBMISSION FORM



Form 21 – Submission on a Notice of requirement from KiwiRail Holdings Limited for a designation to accommodate a new regional freight hub

TO: Palmerston North City Council
Private Bag 11-034
Palmerston North 4410
ATTENTION: Democracy & Governance Manager

NUMER OF PAGES

Continue on separate sheets if necessary

SUBMITTER DETAILS

Full name of Submitter Renee louise Thomas-Crowther

Postal Address 241 Te Ngaio Road, RD 8,

Phone 021 029 76624

Palmerston North 4478

Email renee.crowther@icloud.com

Signature

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

We are concerned about about the proposal to operate a Frieght hun in the intended location.

2 MY SUBMISSION IS: (Comment whether you support, oppose, or are neutral regarding specific parts of the Notice of Requirement or wish to have them amended and the reasons for your view.) **see attached**

While I think it is a great idea for the economy in Palmerston North, we (my husband, and myself), strongly oppose the Freight Hub being located in the proposed area. We recently moved to the country for the space, fresh air, quiet and views, as did many of the community members. The freight hub will disturb this, for all residents, anywhere in a several kilometre radius. It will bring down the value of this area, our houses, and our right to live in an environment in which we have chosen. I am concerned about the amount of light pollution that will be emitted, dust both in the build process and ongoing the

3 I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL: (Give precise details, including the general nature of any conditions sought)

I request that the Council declines Kiwirail's requirement for designation for the Freight Hub in this location. While I think the hub is a great idea, i believe the wrong location has been sought and will have negative effects on the environment, surrounding neighbours, and cost involved with improving the specific land involved.

4 DO YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION? YES NO**5 IF OTHERS MAKE A SIMILAR SUBMISSION WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?** YES NO**6A I AM A TRADE COMPETITOR FOR THE PURPOSES OF SECTION 308B OF THE RESOURCE MANAGEMENT ACT 1991** YES (If Yes, go to 6B) NO**6B I AM DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT:**

- i. adversely affects the environment; and
- ii. does not relate to trade competition or the effects of trade competition

 YES (If Yes, comment below) NO

As our property will be within 100 metres of the proposed site, we are directly affected by all aspects, positive and negative, to the railhub. The negative as described on page one.

PLEASE SEND YOUR SUBMISSION BY 4PM, 26 MARCH 2021

MAILING TO	Palmerston North City Council Private Bag 11-034, Palmerston North ATTENTION: Democracy & Governance Manager
DELIVERING TO	Council's Contact Services Centre, Civic Administration Building, Te Marae o Hine: The Square, Palmerston North ATTENTION: Democracy & Governance Manager
EMAILING TO	submission@pncc.govt.nz

YOU MUST SERVE A COPY OF YOUR SUBMISSION ON KIWIRAIL HOLDINGS LIMITED BY

MAILING TO	RMA Team KiwiRail Holdings Limited PO Box 593 Wellington 6140
EMAILING TO	Pam.Butler@kiwirail.co.nz

Please note that your submission (or part of your submission may be struck out if Palmerston North City Council is satisfied that at least one of the following applies to your submission (or part of your submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter

2 MY SUBMISSION IS

2. While I think it is a great idea for the economy in Palmerston North, we (my husband, and myself), strongly oppose the Freight Hub being located in the proposed area. We recently moved to the country for the space, fresh air, quiet and views, as did many of the community members. The freight hub will disturb this, for all residents, anywhere in a several kilometre radius. It will bring down the value of this area, our houses, and our right to live in an environment in which we have chosen. I am concerned about the amount of light pollution that will be emitted, dust both in the build process and ongoing, the hours of operation disturbing my peace, and most of all, the noise, which I value in my life immensely. We are starting a family, and came to Bunnythorpe so that we could do this in a relaxed and quiet place, away from the noise and bustle of town. The operating hours will also contribute to our distress. It is not in the best interests of the community that live here. The hub will be an eye saw for us that choose to live here with a beautiful view of the windmills. I am also not impressed by the new road around the freight hub, which would cause even more traffic to be nearer to our residence. The noise and light from vehicles is very disturbing, and not what we had in mind for our future in the quiet countryside. The sides of the road are also home to many native Pukeko, who choose to live here. I like these animals a lot, and would be very disappointed to see their naturally chosen habitat destroyed. I believe there is also a stream on this land, and feel that this should not be moved or polluted upon any human will. The proposed site for the freight hub is within a flood zone, which will take an unreasonable amount of money to bring up with the weight bearing standard that comes with such a site. The freight hub, should it go ahead with build, should be located elsewhere in the Manawatu where it disturbs fewer people, less of our beautiful NZ natural environment and doesn't destroy the value of any community or its homes.

KIWI RAIL FREIGHT HUB 71-1 SUBMISSION FORM



Form 21 – Submission on a Notice of requirement from KiwiRail Holdings Limited for a designation to accommodate a new regional freight hub

TO: Palmerston North City Council
Private Bag 11-034
Palmerston North 4410
ATTENTION: Democracy & Governance Manager

NUMER OF PAGES 2

Continue on separate sheets if necessary

SUBMITTER DETAILS

Full name of Submitter **Darren Green**

Postal Address **661 Stoney Creek Rd**

Phone **027 230 6622**

RD10

Email **greensky@inspire.net.nz**

Signature

(Signature of the person making submission or the person authorised to sign on their behalf. A signature is not required if you are submitting by electronic means.)

1 THE SPECIFIC PARTS OF THE NOTICE OF REQUIREMENT MY SUBMISSION RELATES TO ARE:

Noise

2 MY SUBMISSION IS: (Comment whether you support, oppose, or are neutral regarding specific parts of the Notice of Requirement or wish to have them amended and the reasons for your view.) **see attached**

OPPOSE, KiwiRail unfairly downplayed the noise potential from the proposed hub and is seeking to divest the cost of noise mitigation to neighbouring properties. They will here by socialise associated cost for the benefit of a handful of business. The promise of cheaper transport will not serve the environment or the public. The promise of taking trucks of roads only to replace them with night time trains is unjustified. The promise of new jobs will come at the cost of old ones. Freight will take longer to arrive. The economica model is fundamentally flawed and outdated. New technologies in truck efficiency have not

3 I SEEK THE FOLLOWING RECOMMENDATION OR DECISION FROM THE PALMERSTON NORTH CITY COUNCIL: (Give precise details, including the general nature of any conditions sought)

Review the District plan to protect residents from excess noise or set in place other protection mechanisms. It would be more helpful to focus on improved passenger services. PNCC needs to carry out a broaded impact assessment base on quintuple bottom line rotocols that puts p[people at the centre.

4 DO YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION? YES NO**5 IF OTHERS MAKE A SIMILAR SUBMISSION WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?** YES NO**6A I AM A TRADE COMPETITOR FOR THE PURPOSES OF SECTION 308B OF THE RESOURCE MANAGEMENT ACT 1991** YES (If Yes, go to 6B) NO**6B I AM DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT:**
i. adversely affects the environment; and
ii. does not relate to trade competition or the effects of trade competition YES (If Yes, comment below) NO

The degree is yet to be properly established

PLEASE SEND YOUR SUBMISSION BY 4PM, 26 MARCH 2021

MAILING TO	Palmerston North City Council Private Bag 11-034, Palmerston North ATTENTION: Democracy & Governance Manager
DELIVERING TO	Council's Contact Services Centre, Civic Administration Building, Te Marae o Hine: The Square, Palmerston North ATTENTION: Democracy & Governance Manager
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YOU MUST SERVE A COPY OF YOUR SUBMISSION ON KIWIRAIL HOLDINGS LIMITED BY

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- it contains offensive language
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter

(Darren Green)

2 MY SUBMISSION IS

OPPOSE, KiwiRail unfairly downplayed the noise potential from the proposed hub and is seeking to divest the cost of noise mitigation to neighbouring properties. They will here by socialise associated cost for the benefit of a handful of business. The promise of cheaper transport will not serve the environment or the public. The promise of taking trucks of roads only to replace them with night time trains is unjustified. The promise of new jobs will come at the cost of old ones. Freight will take longer to arrive. The economic model is fundamentally flawed and outdated. New technologies in truck efficiencies have not been considered.