



Report pursuant to s42A Resource Management Act 1991

In the matter of:	A Notice of Requirement to construct and operate a new intermodal rail and freight hub on land between Palmerston North and Bunnythorpe
And:	A hearing by Palmerston North City Council pursuant to s100A
Requiring Authority:	KiwiRail Holdings Ltd
Hearing date:	Commencing 9 August, 2021

Section 42A technical evidence summary statement for hearing: Social Impacts

By: Amelia Linzey

Introduction

1. I am the author of the Section 42A report on social impacts. In this summary statement I provide comment on the following:
 - a) Identification of potential social effects on the environment of allowing the Freight Hub.
 - b) Matters arising since preparation of the s42A report, including from the submission of expert evidence, joint witness statements from expert conferencing, or at the hearing.
 - c) Issues in relation to social impacts that remain in contention.

1 Identification of Effects

2. Firstly, it is my opinion that the methodology and approach of the KiwiRail Social Impact Assessment (SIA) prepared by Ms Kirsty Austin is appropriate. I also agree with Ms Austin's identification of the main potential positive impacts of the project (being improvements to safety in the local and wider impact area, and the provision of employment opportunities in the area).
3. Further, I agree with Ms Austin on the key potential negative impacts of the proposal, in that I consider these are likely to be impacts:
 - (a) to way of life and amenity during construction; and
 - (b) on amenity, community connectivity, and community character during operation.
4. In my opinion however, the SIA has three limitations which results in the assessment not fully considering the scale of potential impacts and, in some cases, underplays the significance of potential impacts that may be experienced by some within the community. I consider these limitations to be as follows:
 - (a) The level of design input and information on which the SIA is based does not provide sufficient detail to assess potential adverse social impacts over time, particularly given uncertainty on timing and stages of development. I consider that the proposed conditions for the designation provide for a range of different construction sequencing

or development scenarios. I do not consider that these potential options have been sufficiently considered in the SIA and therefore there is a degree of potential 'optimism' in the assessment of social impacts. A key example of this is the ability for vegetation and screening to be established in advance of construction works, particularly around Sangsters Road.

- (b) There is the gap in the information provided by KiwiRail in the Cultural Values Assessment, which I consider may also raise potential adverse social impacts that cannot be identified onow. To me, this risk should be acknowledged. While I recognise that Ms Austin has indicated some conservatism in the significance of her assessment of potential impacts to address this, I feel that this is predicated on the scope of effects she has already identified and this approach risks overlooking some specific impacts for this community.
 - (c) The generalisation of assessment of potential adverse social impacts across the defined 'local area' potentially obscures or 'averages out' some impacts that may be higher for those in the community in close proximity to the proposed Freight Hub. This includes those in the Bunnythorpe community area (particularly Sangsters Road and Maple Street). I consider that this can be addressed through mitigation measures and proposed conditions which I turn to later.
5. In light of these limitations, I consider that the scale of potential adverse effects could be of a higher adverse nature than those assessed by Ms Austin. I conclude that on the basis of the information to date, these could be at a level of moderate adverse (with a risk of potentially being even higher, considering the identified 'information gaps') over both the construction and operation of the Project (particularly if there is substantial staged operation of the Freight Hub). From a social perspective, I consider this risk is greatest for those who are living closest to the proposed site and who are part of the Bunnythorpe community, but also acknowledge the information gaps presented by the lack of a cultural impact assessment.
6. Ms Austin acknowledges this uncertainty in her evidence, and makes some recommendations for additional mitigation (some of which are addressed in the current conditions and some of which I do not consider have been sufficiently reflected in the conditions proposed by KiwiRail to date). I consider

however, that there is potential for the conditions to go further to provide greater confidence that these potential adverse effects are appropriately mitigated.

2 Issues that remain in contention

7. I consider it is appropriate and feasible to address the uncertainty of the potential adverse social impacts arising from the Freight Hub through a comprehensive suite of conditions. In particular, I consider that KiwiRail should be required to provide opportunity for the community to engage with them about their concerns and provide opportunities to address these concerns in a process that would facilitate design outcomes for those areas of the site that interface with the community.
8. Further, I have recommended that a number of the existing conditions are strengthened, and I have discussed these matters with Ms Copplestone.
9. I have recently participated in conferencing with the landscape, social and planning experts of Council and KiwiRail. While this was a productive discussion, we did not agree on whether there should be a design framework, as the reporting officers have recommended. I remain of the view that the creation of an overarching design framework would help address some of the uncertainty around potential future impacts, particularly given the long lead-in time anticipated before the Freight Hub becomes operational. A design framework would provide the opportunity for an integrated, iterative approach to addressing potential impacts identified by other specialists, as well as social impacts. I note that in her evidence, Ms Austin acknowledges that there is likely to be value in this approach, but that these measures are not currently provided for in the designation conditions. I have prepared the appended **diagram** demonstrating the role of the design framework as a method of engaging with and collaborating with the community.
10. As shown in the process diagram, I consider that the community liaison forum, mana whenua and stakeholders should have the opportunity to identify key values and principles to shape the design framework, and that they are given the opportunity to review the draft design framework and provide feedback before it is finalised. This, in my opinion, will address potential adverse impacts on sense of place and the value the community have in their local environment.

11. I also recommend a condition specifying that management and outline plans must demonstrate compliance with the outcomes and principles of the design framework to provide a mechanism for the ongoing development of design. This is particularly aimed at the interface with the community to respond positively to the outcomes that have been identified as being important.
12. The creation of a design framework was discussed in expert conferencing during August 2021, and I comment on this discussion later in this summary.

3 Response to matters raised in Hearing

13. Several matters were raised during Ms Austin's presentation earlier in this hearing which I provide comment to below. I have also listened to the evidence of Ms Rimmer on landscape and visual matters and comment on this below where relevant.

Communications and Engagement

14. Firstly, I agree with the Commissioner's comment that in terms of accessibility of information, it is appropriate to require information about the project (and opportunities to provide feedback) to be shared with the community through a range of media. I consider that the Engagement Plan is an appropriate place for these mediums to be outlined. In respect to the conditions, Condition 25 can include a requirement for the Engagement Plan to outline a range of mediums that will be used to communicate with the community.
15. I agree with both Ms Austin and the Commissioner that the role of the group facilitator is important to the success of the Community Liaison Forum, and this person should be selected based on their skills and expertise. In my experience, the facilitator should act as a bridge between the Requiring Authority and the community, not as an advocate for either group. However, I also consider that it is critical that the recommendations made by the CLF are fed back to the Requiring Authority to be actioned by the project/construction teams. For this reason, I consider that a facilitator appointed from KiwiRail (rather than necessarily independent) can have some advantages.
16. The Commissioners have also raised questions about the efficacy in the existing proposed conditions (including noise and dust conditions) in allowing for engagement and information sharing with the community.

17. I agree with Ms Austin that timing is key to the efficacy of these conditions; in particular, providing the community with information in sufficient time for them to consider the information and respond to the proposed management approaches if needed.

Design framework

18. There is a challenge here in balancing the community interest in receiving certainty (in terms of what can be expected in each stage of the project) and flexibility for the Requiring Authority, particularly given the long lead-in time for the project and the fact that identification of 'stages' will likely be driven by technical and operational decisions rather than community input.
19. A key facet of the proposed design framework is that it will be prepared before the creation of any management or outline plans, not alongside them. I consider this order to be critical in allowing the community sufficient time to understand the design process, understand how the project development will occur, and feed into emerging design and opportunities.
20. I consider the design framework will enable the community to have a degree of comfort that while aspects of the project will change as design and construction progress, the overarching design outcomes, and the way that each stage will interact with the community, will be responded to. This, in my opinion, goes some way towards addressing the 'flexibility vs certainty' challenge identified earlier in the hearing.
21. I recall Ms Rimmer's reservations about the design framework, in particular noting that she considers that the Landscape and Design Framework could cover most of the objectives mentioned in the proposed design framework conditions.
22. While I acknowledge it would be possible to 'move' the key points of the design framework across into the Landscape Design Plan, I consider it important that the design framework is a separate document which will sit above and provide guidance for all other plans. In particular, I consider this is appropriate as it acknowledges that this is not a document 'prepared by and for the landscape planning on the project'. As all other management and outline plans are to give effect to the objectives of the design framework, it is appropriate for it to sit as an overarching document rather than being integrated into another plan.

23. Ms Rimmer also pointed out that under the current condition wording, creation of the CLF, design framework, and mana whenua engagement plan would all occur simultaneously. I agree that this creates difficulties in terms of ensuring community and mana whenua input into the design framework. For this reason, I suggest that the design framework condition is amended to allow more time for its creation and to be explicit that it is developed to inform subsequent management plans. I consider that timing issues around development of these plans can be resolved with careful attention to conditions and diligence by the requiring authority in implementing the processes.
24. Ms Rimmer also noted that she was unclear on who would create the design framework, how it would be prepared and how it would be certified. To assist, I have prepared the appended flow diagram that I consider outlines this process. In short, KiwiRail would be responsible for drafting the framework, but would be required to seek input from both the CLF and mana whenua in both the early stages of drafting and in the review phase.

Cultural impact assessment

25. I agree with Ms Austin that a Cultural Impact Assessment (CIA) should, where practical, be led by mana whenua. In my experience, this may mean that a number of CIAs are prepared by various impacted iwi or hapū groups.
26. The fact that a CIA has not been prepared has therefore created a challenging situation whereby it is still appropriate and necessary for iwi and hapū values and knowledge to be considered through the NoR, but speculating on the nature of issues to be considered through an SIA is not necessarily appropriate either. Some insights that may have been captured in a CIA (such as whakapapa and land connections, or historic place values and issues for the Māori community in the area) would have likely informed the SIA. (I also acknowledge that some specific issues about Māori traditions and relationships to the environment would fall outside the domain of an SIA).
27. Further to this, an SIA does have a responsibility to identify and consider specific sub-groups in the community and the vulnerabilities of these groups to particular impacts. In my s 42A report, for example, I identified the residents of the Bunnythorpe area as a specific subgroup. There is potential that some social impacts may be specific to (or more significant for) the Māori community. There are a number of demographic characteristics that, as a

New Zealand trend, impact Māori more than others in the community. For example, lower rates of home ownership, less participation in employment etc.

28. I note Ms Austin's comments earlier in the hearing that she has not observed a statistical difference between the Māori community and the wider local community. While I have not investigated this in depth myself, an initial search suggests that there may be some differences between the groups, for example, in regard to employment rates and household makeup.¹
29. In addition, I note that in my experience, statistics for an area do not always equate to the actual experience of the community. A CIA can add real value here by identifying additional matters (for example, colonisation and land loss grievances or place values) which may not be 'visible' through statistics, but have a significant impact on the lived experience of communities.
30. In the absence of a CIA being prepared, and with the issues I have listed in mind, I consider that the proposed Mana Whenua Engagement Framework is an essential part of the proposed conditions, as it will provide opportunities for any such issues to be identified and responded to.

Submitter evidence

31. I have listened to the evidence presented by Carol and Glen Woodfield regarding their sons' sensory issues and associated concerns about the impacts of the Freight Hub on their way of life.
32. They noted in their presentation that being able to have input into KiwiRail's plans (in regard to management of community concerns), or at least being kept updated on plans for the development, would be useful in allowing them time to understand what is proposed and put plans in place to deal with the heightened sensory environment. With this in mind, I consider that the Woodfields' submission is an example of how the design framework and CLF

¹ For example, an MBIE 'Māori in the Labour Market' report (2017) states that the employment rate for Māori in the Te Tai Hauāuru region (Taranaki, Manawatu and Whanganui) was 62.7% whereas the employment rate for non-Māori was 66.3%. The Te Puni Kōkiri 'Te Tai Hauuru Regional Profile' also shows differences in household makeup between Māori and non-Māori; for example non-Māori make up a much higher proportion of one person households and couples, while Māori make up a larger proportion of two or more family households. See <https://www.tpk.govt.nz/en/a-matou-mohiotanga/demographics>

would benefit the community by providing a degree of clarity on what can be expected throughout each stage of development.

4 Expert conferencing

33. In August 2021 I participated in expert conferencing that focused on the proposed design framework. KiwiRail and PNCC's experts agreed on a number of matters for the management of potential impacts during this conferencing. For example, that design principles need to be set early in the process, and that Council should certify the process rather than the content of the framework. However, several matters remain unresolved:

- While I agree that it would be *possible* for design framework matters to be covered in the LDP, I remain of the opinion that outlining key design principles in a separate document (which sits 'above' management plans) is the most effective way of ensuring that design principles are given effect to in the construction and operation of the Freight Hub.
- I disagree with KiwiRail's stance that horizontal integration of the LDP (and design principles) would generate better outcomes; I consider that horizontal integration of these documents would clearly communicate the 'overarching' nature of these principles and the fact that they are expected to be integrated through all management plans. Additionally, it would be difficult to effectively provide for the design principles in management plans if they are being developed at the same time as the LDP.
- If a separate design framework is not provided (i.e if design principles are incorporated into the LDP), I consider it likely that the development of this part of the LDP will need to be led by (or have significant input from) at least a social impact expert, cultural impact specialist and potentially an engagement specialist in addition to the landscape expert; input from these experts as a minimum should be provided for through conditions.

5 Conclusions

34. In conclusion, I consider that in the absence of a more detailed impact assessment (supported by more detailed information on the construction,

operation and timing of the proposal), an appropriate response is to include a comprehensive suite of conditions on the designation to provide KiwiRail an opportunity to engage with and respond to community concerns during implementation. I consider the additional mitigation conditions that I have recommended, particularly the creation of a design framework, are the most appropriate means to respond to the uncertain social impacts of the proposal.

A handwritten signature in black ink, appearing to read 'Amelia Linzey', written in a cursive style.

Amelia Linzey

28 September 2021

Diagram: Relationship of Design Framework Process to Management Plans

