



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: Ecology

By: Justine Quinn

1. I have prepared evidence on ecological aspects of the Freight Hub on behalf of the s 42A reporting team which included my s 42A technical report and an addendum dated 9 August 2021 that responds to further information supplied by KiwiRail in relation to wetlands. I have since received and considered the written statement from Mr Garrett-Walker in response to that Addendum.
2. I will focus on the key matters remaining, as I see them.
3. First, I wish to restate that I agree the site is degraded and typical of land that has been subject to long term agricultural land use. I do not consider that this site is inappropriate for the proposed Freight Hub from an ecological point of view when looked at from '10,000 feet' – a term that I have heard used in this hearing.
4. With that said, I wish to explain my approach to reviewing the information advanced by KiwiRail in relation to ecology. Simply put, an ecology report was submitted with the NOR material, which concluded effects were generally either low or positive, and I was engaged to review it. From KiwiRail's legal submissions I understand that the Panel is being asked to take into account, as part of its overall assessment, that there will be a very low level of ecological effect, that there are unlikely to be any wetlands found on the site, and the ecological features on the site can be improved. I do not consider it is possible given the level of information provided at this stage to draw these conclusions. It is one thing to provide a '10,000 ft view' of the site from an ecological perspective, but it is another thing altogether to prematurely offer conclusions about what the ecological impact of the Freight Hub will be, based on what I consider to be an incomplete and inaccurate assessment.
5. I totally accept that my reservations about the assessment carried out to date may be addressed by further detailed assessment and a thorough regional consenting process. However, given my concerns about the ecological assessment in this process, it is my opinion that KiwiRail is likely considerably understating the challenges it will face to secure regional consents in the current policy environment, including its potential requirements for any offset or compensation measures.
6. I do not share the same confidence as Mr Garrett Walker as to the ecological values or the future effects as reported. Notwithstanding that only 50 % of the site has been accessed, I do not consider that the conclusions drawn are accurate for the areas that have been assessed. As one example, Mr Garrett-Walker said that he did not undertake any assessments in the Mangaone Stream as it was

outside the designation and outside the zone of influence. This is a different viewpoint to Mr Leahy (you may recall the 'jutting out bits' discussion) and Ms Bell. In my opinion, the ecological values overall are likely understated (refer to the black fronted dotterel at Mr Gore and Ms O'Reilly's property as an example), and consequently the ecological and natural character effects are likely underestimated.

7. I listened to the discussion in the hearing between Commissioners and Mr Garrett-Walker about natural inland wetlands, and I remain of the opinion that some of the wetlands identified within the Wetland Report meet the definition of a wetland under both the RMA and the natural inland wetland definition under the NPS FM. It is also possible that these habitats may be subject to Schedule F of the One Plan.
8. I wish to clarify again that the piping (I prefer this terminology to culverting in this case), is only one part of the expected stream habitat effects. The stream length that is not 'replaced' by pipe, will be completely lost, becoming in essence, dirt. This is substantial in terms of ecological and natural character assessments. I do not agree that the piping of streams will improve their ecological value, as seems to be the messaging from Mr Garrett-Walker. The loss of the potential ecological value will be required to be considered under the NPS FM at regional consenting phase, and the assessment to date does not take this into account.
9. In respect of the measures required to address effects on aquatic ecology (streams and wetlands) interchangeable reference has been made to mitigation, offset and compensation. These terms mean different things. Significant emphasis has been placed on achieving 'no net loss' which appears to have aligned with the conclusion of 'no permanent adverse effects'. In my opinion, given the current expected effects on streams and wetlands, there will be very limited opportunity to mitigate effects. Accordingly, there will be residual adverse effects that will need to be offset or compensated, almost certainly outside of the designation.
10. Notwithstanding Mr Garrett-Walker's discussion regarding humanised perceptions of stormwater ponds, I reiterate my earlier assessment regarding the appropriateness of constructed streams ('brand new channel') and treatment wetlands to address the ecological effects. There are limits to the ecological values that are likely to be realised in the constructed channel, and the treatment wetlands are for that purpose specifically.

11. I do not entirely agree with Mr Garrett-Walker's assertion that cultural and ecological assessments are separate. In my understanding, the NPS FM puts cultural considerations squarely into the ecology realm while recognising that, importantly, mana whenua should be involved in the determination of cultural values. I do not consider this precludes comment by ecologists, as there are synergies between the western science assessments and mātauranga Māori. While the streams are currently degraded, this does not preclude the restoration of them through riparian planting, fencing and stock exclusion. This would improve the ecological function of the streams and I understand would also improve the mana and mauri of the streams. In my opinion the ecological function, mana and mauri of the streams and wetlands within the designation will be irreversibly affected by the NOR.
12. I wish to comment briefly on conditions. I have heard some of the discussion about the ecological conditions that have been recommended by Ms Coplestone on my advice. My initial recommendations were developed on my understanding that the regional council would have the primary role in the consenting of ecological matters, but that this council retained some function. My primary intention was that conditions could be formulated in such a way to ensure that ecological considerations through detailed design of the project were well informed by a stronger information base about the site than what has been prepared so far. Generally, I see such conditions as integrating with the regional council's functions without 'stepping on its toes'. In part my recommendations were informed by my involvement in the regional consenting for Waka Kotahi on the Te Ahu a Turanga project, where at the regional consenting stage I already had the benefit of a carefully developed ecological framework and NOR conditions that had been offered by Waka Kotahi on the earlier notice of requirement, including a 'no net loss' of ecological values condition.
13. I remain concerned at the prospect of KiwiRail proceeding to a detailed design stage without a fully informed understanding of the ecological values of the site. I note that Mr Garrett-Walker has indicated that there may be opportunities to minimise ecological effects during detailed design, but if this is to be realised, the first step is still to gain an understanding of the ecological values.
14. While in retrospect I acknowledge that an ecological management plan might be best left to the Regional Council, I maintain that a full ecological survey of the values of the site should be required so that the ecological features of the site

can be understood in advance of detailed design commencing. This will enable the detailed design to proceed with full and complete information as to these values. With this information available, better decisions can be made about how the Freight Hub's design can address or manage adverse ecological effects. This can only help KiwiRail in advance of Regional Consenting. Further, it will provide more time for the full extent of ecological effects to be quantified so that measures to address effects (likely offset or compensation outside the designation) can be investigated prior to Regional Consenting commencing.

Justine Quinn

29 September 2021