

**BEFORE INDEPENDENT COMMISSIONERS
AT PALMERSTON NORTH**

UNDER THE Resource Management Act 1991 ("**RMA**")

AND

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

**JOINT MEMORANDUM OF COUNSEL ON BEHALF OF
KIWIRAIL HOLDINGS LIMITED AND TRANSPower NEW ZEALAND LIMITED**

23 JULY 2021

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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum has been prepared jointly on behalf of KiwiRail and Transpower New Zealand Limited ("**Transpower**") in relation to KiwiRail's Notice of Requirement for the Freight Hub ("**NoR**").
2. Transpower lodged a submission on the NoR (dated 26 March 2021) seeking additional conditions be imposed on the designation to ensure the operation of the National Grid infrastructure is protected from potential adverse effects arising from the Freight Hub.

Amended conditions

3. Following receipt of Transpower's submission, KiwiRail has been working closely with Transpower to address the matters raised in its submission. KiwiRail included amendments to the proposed conditions attached as Appendix 1 to Ms Bell's evidence (dated 9 July 2021) to address the matters raised in Transpower's submission. Transpower supports the inclusion of conditions 56(b)(iv) and 59(e) which provide:

56. The Landscape and Design Plan shall include:

[...]

(b) the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of stormwater detention ponds, stream and riparian margins, cut faces, fill batters, and show how these plantings and any other appropriate design measures (including but not limited to the final form, finish and articulation of the proposed buildings and batter heights and slopes):

[...]

iv. comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and

59. The Construction Management Plan shall include:

[...]

(e) measures to ensure that enabling or construction works and structures are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);

4. Since the filing of evidence, a number of further amendments have been discussed between KiwiRail and Transpower. The parties have now reached agreement on further amendments to the conditions and these are attached at **Appendix 1** to this memorandum. The further amendments to the conditions attached to Ms Bell's evidence dated 9 July 2021 are identified in blue text and underline.

5. Transpower considers the conditions are appropriate to ensure that the National Policy Statement on Electricity Transmission (2008) is given effect to, and the National Grid will not be compromised by the construction and operation of the Freight Hub. Transpower confirms that the conditions outlined at paragraph 3 above and the further amendments to the proposed conditions outlined at **Appendix 1** fully address the matters raised in its submission. Accordingly, Transpower does not consider it is necessary to provide evidence or attend the hearing on the NoR.

DATE: 23 July 2021



A A Arthur Young / L J Rapley
Counsel for KiwiRail Holdings Limited



J P Mooar
Counsel for Transpower New Zealand Limited

APPENDIX 1

Proposed conditions as set out in Appendix 1 to Ms Karen Bell's evidence dated 9 July 2021 shown in black text.

Further amendments agreed between KiwiRail and Transpower are shown in [blue underline](#).

Landscape and Design Plan

[...]

56. The Landscape and Design Plan shall include:

[...]

- (f) the location of the proposed noise mitigation structures as outlined in the Operational Noise and Vibration Plan, and where required, the final form, finish, and planting of these structures (including vertical noise barriers and bunds) along Sangsters Road and Maple Street, including:
 - (i) vertical noise barriers and bunds and associated planting with a minimum depth of 5 m on the external face of the noise mitigation structures; [and](#)
 - (ii) [details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from noise mitigation structures and bunds will avoid adverse effects on the foundations of any National Grid support structure.](#)
- (g) how the lighting effects on the landscape and visual amenity are minimised;
- (h) the proposed timing for establishing any landscape or visual amenity planting, including to maximise mitigation planting coverage prior to construction of the main buildings and/or operation of the Freight Hub where practicable; and
- (i) the process and programme for maintaining any landscape or visual amenity planting including plant and animal pest management.

Network utilities

60. Prior to any land disturbing works, the Requiring Authority shall:

- (a) identify the location of existing overhead or underground network utilities (www.beforeudig.co.nz);
- (b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations, [or other marker for overhead lines](#); and
- (c) provide the information of the network utilities identified under Condition 60(a) and (b) to all construction personnel, including contractors.

- XX. Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority shall obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).
- XY. The Requiring Authority shall provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).
- YY. At least 20 working days prior to the commencement of construction works, the Requiring Authority shall provide Transpower New Zealand Limited with details of the likely construction works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.
- YZ. The Requiring Authority shall ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating earth potential rise and ensuring electrical safety.

Third Party restrictions

100. The Requiring Authority shall enable access for maintenance utility works undertaken in road corridors in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors (September 2016) or any approved update to the Code.
- XXA. The Requiring Authority shall ensure that access is maintained to the National Grid transmission line and support structure for maintenance at all reasonable times, and emergency works at all times.