



## Report pursuant to s42A Resource Management Act 1991

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

S42A Technical Evidence Addendum: Landscape and visual effects

By: Chantal Whitby

1. I am the author of the Section 42A Landscape and Visual Amenity Report. Several of my concerns have been progressively addressed over the NoR process. However, some outstanding issues remain – namely the extent of effects and the ability to address them, as well as the ability to effectively integrate the Freight Hub with its surrounding environment.

### **Landscape character and visual amenity effects**

2. As set out in my report, I agree with the conclusion that adverse effects on landscape character and visual amenity will be high to moderate-high.
3. However, I disagree with use of the term 'positive effects' when referring to some mitigation measures. While the term 'effects' includes positive effects, the beneficial aspects of the landscape and natural character work are, in my opinion, part of mitigating the adverse effects of the proposal and should not be interpreted as 'positive' effects in their own right.
4. [Slide 1](#): For instance, the Landscape and Visual Amenity Assessment (or LVA) describes benefits for the entrance of Bunnythorpe. However, there is the potential for a 5m high noise mitigation wall to be located in this area. Ms Rimmer identified that a noise mitigation wall higher than 3m would start to have “really dominant” adverse effects. The Sangsters Road visual simulation illustrates the tension between visual amenity and noise mitigation where space is limited. Although this simulation was for a different part of the site, the same issue of limited space applies near the entrance to Bunnythorpe. As such, I consider that planting has been included in this area to lessen effects, rather than to create benefits.
5. [Slide 2](#): That aside, I agree with the importance of integrating the Freight Hub with its surrounding environment. Ms Rimmer’s approach is to set the project within a naturalised environment and she has proposed planting types historically natural to the area. As such, it would be beneficial if the proposed planting mix and location was determined in collaboration with an ecologist, to ensure biodiversity values are provided for in an integrated manner.
6. [Slide 3](#): The high to moderate-high adverse effects on landscape character and visual amenity are based on the possibility of early mitigation planting. As highlighted by Mr Skelton, a reasonable amount of construction will have been undertaken before the NIMT is moved, with Mr Skelton describing the issue of early planting along Sangster's Road as “problematic”. The practicality of early planting has also been raised by submitters. In response to this issue, I recommended conditions, with outcomes to be achieved for plant canopy cover and tree heights.

7. [Slide 4](#): The visual simulation along Sangsters Road is helpful, however, in my opinion further visual simulations are required to inform the detailed design process, including as part of ongoing consultation.
8. A need for further detail on visual amenity effects has also been identified by submitters.<sup>1</sup> The current amenity experienced from residential areas includes more expansive rural views and placement of the Freight Hub in this rural area changes these views, with noise mitigation structures contributing to the reduction in the experience of expansiveness.

### **Natural character positive moderate conclusion**

9. Ms Rimmer and I have differences of opinion regarding natural character methodology, leading to different conclusions. Ms Rimmer concludes that natural character effects will be positive moderate, while I consider it more likely that effects will be adverse. I am happy to answer questions on our differences in methodology but will focus here on what this means practically for this project.
10. As I understand it, natural character in the RMA context of waterways is referring to the preservation and protection of the natural character of waterbodies and their margins. In this context and relevant to the Freight Hub, 'natural character' consideration has a focus on the existing waterways and wetlands (if there are any) within the designation.
11. [Slide 5](#): The 'naturalised channel' and stormwater ponds are relied on as key elements for supporting the positive moderate natural character conclusions. I regard these elements as providing limited mitigation of natural character effects. While the stormwater ponds may potentially be made to have some desirable natural features, they are fundamentally not natural elements of the environment and that is not their intended function or purpose. A point that was reiterated by Mr Arsenau in his evidence last week.
12. [Slide 6](#): On the stormwater ponds, I acknowledge that the ponds could increase some people's perception of the naturalness of the area. However, I disagree with the conclusion that implementation of an artificial stormwater device which removes an existing stream tributary (as is the case for the northern pond) results in positive natural character effects.

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<sup>1</sup> Such as the Woodfields – Submitters 6 – who attempted simulating the Hub's effects on their views.

13. [Slide 7](#): The 'naturalised channel' only represents a small portion of the streams within the site. Mr Leahy acknowledges that there is no scope to provide mitigation through naturalised channels for other tributaries through the site.
14. [Slide 8](#): In Ms Rimmer's presentation she described the ability for meanders to be created within the 'naturalised channel'. Mr Garrett-Walker also commented that there is space within the 'naturalised channel' area to provide for floodplains, in which wetlands could be included. Both these comments appear to be mismatched with the information provided in the LVA, which describes the channel as relatively confined.
15. [Slide 9](#): Other attributes which limit the ability of the 'naturalised channel' to mitigate natural character effects include its unnaturally low position in comparison to the Freight Hub Floor (the channel will be up to 4.9m below the site RL50), and that large sections of the channel will be culverted.
16. The existing baseline for natural character is also not known due to information gaps in the ecology data. Mr Garrett-Walker confirmed that he has not surveyed or visited the whole site and there remains the potential for natural wetlands to exist within the designation. As ecological values contribute to natural character, it is not possible to fully understand the effects of the Freight Hub on natural character and determine appropriate mitigation measures.
17. [Slide 10](#): I consider that several of the mitigation measures identified as mitigating effects on natural character are relevant to landscape character only. For instance, in her presentation Ms Rimmer identified the 50 hectares of planting proposed within the designation as contributing to her conclusion of positive moderate effects for natural character. The only waterbodies present in the Freight Hub will be the 'naturalised channel' and the stormwater ponds. Any planting located outside riparian margins and their immediate context will not assist in mitigating effects on natural character.
18. My disagreement with the positive moderate natural character effects conclusion, raises the question for me as to whether adequate mitigation has or can be provided within the boundaries of the designation to preserve and protect the natural character of the area. I appreciate that this is an issue that will be examined again at the regional consenting stage.

## **The Design Framework**

19. One of the main areas of disagreement in the conditions is Council's recommended Design Framework, with KiwiRail preferring to address design matters via a Landscape and Design Plan.
20. I agree with Ms Rimmer that there are several principles within the NEI Design Guide which could be considered for the Freight Hub. However, I do not consider the NEI Design Guide provides a sufficient design framework for this project.<sup>2</sup>
21. [Slide 11](#): I have recommended that a Design Framework be prepared as a guiding document to inform the design, construction and operation of the site at various stages. The overarching design principles and outcomes of the Design Framework would shape the project in its entirety, not just the Landscape and Design Plan. Therefore, it is important for the Design Framework conditions to sit outside the Landscape and Design Plan conditions.

## **Recommended conditions**

22. During the NoR process I recommended several additional conditions to address issues I have raised. I acknowledge that several of these have been incorporated by KiwiRail in their revised set of conditions. A number of differences remain on matters of detail, which I am happy to speak to, to the extent I am able.
23. From my perspective, however, I consider that the Design Framework approach as an overarching document requiring implementation through the management plans would provide an opportunity for meaningful mana whenua and wider community engagement by enabling an integrated and iterative approach for addressing effects. This would guide specialists to work collaboratively and resolve potential tensions between disciplines or different areas of expertise, such as conflicts which may arise between noise mitigation and visual amenity. In comparison, a landscape plan has the tendency to become relegated to a single expertise. I do not agree with Ms Rimmer that the landscape plan on its own satisfactorily performs the same function as the design framework would, and I maintain that it would be useful and a helpful tool for KiwiRail and the community.
24. Accordingly, I consider this Design Framework to be an appropriate tool to address several concerns raised by Council, submitters, and as raised throughout the hearing. I engaged in conferencing on this topic with Ms Rimmer, Ms Copplestone,

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<sup>2</sup> See Ms Copplestone and Mr Percy's evidence-in-chief at paragraphs 407 to 416.

and Ms Bell, and there is a record of conferencing statement which articulates our rationale and reasons for disagreement.

A handwritten signature in black ink, appearing to read 'Chantal Whitby', with a stylized, cursive script.

Chantal Whitby

30 September 2021