

**Before Palmerston North City Council**

**Under** the Resource Management Act 1991 (RMA)

**In the matter of** an application by KiwiRail Limited for a Notice of Requirement under section 168(2) to designate land for constructing and operating a new intermodal rail and freight hub on land between Palmerston North and Bunnythorpe

---

**Evidence of Brady Nixon on behalf of Foodstuffs North Island Ltd**

**Date:** 23 July 2021

---

## **INTRODUCTION**

- 1 My name is Brady Nixon, I am a development manager for Foodstuffs North Island Limited (“**FSNI**”).
- 2 My evidence is given in support of FSNI’s submission on KiwiRail Limited (“**KiwiRail**”) for a Notice of Requirement (“**NOR**”) for a Regional Freight Hub on land between Palmerston North and Bunnythorpe.
- 3 I am familiar FSNI’s property that is directly affected by the NOR and am authorised to give this evidence on behalf of FSNI.

## **SCOPE OF EVIDENCE**

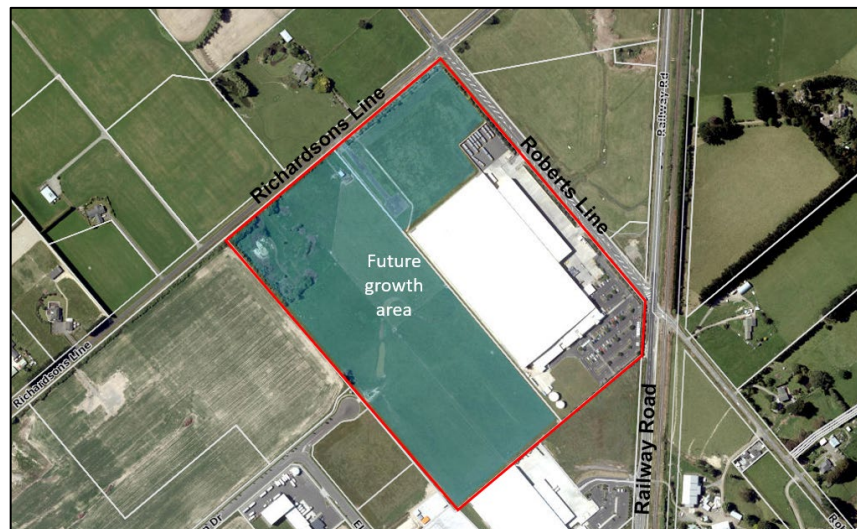
- 4 My evidence focuses on the impact of the NOR on FSNI’s property and operations.
- 5 In my evidence I will discuss the following:
  - (a) FSNI’s landholdings and operational context;
  - (b) FSNI’s concerns on the operational impacts of the NOR; and
  - (c) Applicability of the use of a NOR by KiwiRail for commercial activities that do not fall within the scope of the KiwiRail designation.
- 6 My evidence should be read in conjunction with evidence prepared by traffic engineering expert, Mr Michael Nixon.

## **FSNI’S LANDHOLDIING AND OPERATIONAL CONTEXT**

- 7 Foodstuffs is New Zealand’s largest grocery retailer with 330 stores across the North Island and serving over 2.7 million New Zealanders every week. To deliver the scale and efficiency to these customers, FSNI operates a fleet of more than 300 trucks, with five distribution

centres across Auckland and Palmerston North and four transport depots in Whangarei, Hastings, New Plymouth, and Wellington. Supermarket are classified as an essential service by the Government therefore FSNI supermarkets and the supply chain is able to remain fully operational during Covid-19 lockdowns.

- 8 FSNI owns and operate their Roberts Line Distribution Centre (“**RLDC**”) which services the central and lower North Island in terms of deliveries of stock and produce to FSNI operated supermarkets, being Pak’nSave, New World and Four Square. The RLDC is located at 703 Roberts Line (Lot 1 DP 384898) and adjoins 2 Alderson Drive (LOT 31 DP 446858) which is also owned by FSNI (see Figure 1 below). It is anticipated that future growth of the RLDC will utilise 2 Alderson Drive and the grassed area to the north of the existing warehousing.



**Figure 1:** FSNI 19.71ha of landholdings outlined in red with future growth area shaded blue

- 9 The RLDC has frontages to Roberts Line, Richardsons Line and Railway Road. Presently fleet trucks and employee’s vehicles access/egress from Roberts Line however this is subject to potential change with any future expansion of the RLDC. At its peak, 80-120 truck movements currently occur to/from the site in a 24-hour period.

**KIWIRAIL'S PROPOSED NOR**

- 10 Being an immediately adjoining landowner to the NOR, the main issue of contention for FSNI is that the works/activities proposed as part of the NOR do not create issues whereby the fundamental operation of the RLDC, being the movement of stock to and from the site, is in any way restricted or compromised.
- 11 FSNI is concerned that the NOR's effects as outlined by its traffic engineering expert, as it is likely to compromise the efficient functioning of the RLDC. It is critical that the FSNI is part of any conversation regarding the redevelopment of roading in the area and portions of their landholdings that may be subject to the NOR. Presently there is insufficient information in the application material provided to give FSNI assurances that construction or operational traffic effects from the NOR will not adversely impact operations at the RLDC now and in the future. This is also a view affirmed in the technical evidence by the Council's traffic expert, Ms Harriet Fraser.
- 12 To the best of my knowledge, KiwiRail have only undertaken brief meeting with FSNI and these discussions did not progress to specific engagement with FSNI directly on the issues. FSNI was hoping for a more comprehensive and integrated solution for both parties and continues to be open to engagement and to act in the best interests of the community it serves. However, resolution of these critical issues through direct engagement with KiwiRail is by no means guaranteed. FSNI seeks a more concrete commitment to addressing its concerns with the NOR, as I believe is appropriate and available to the Commissioners under the RMA.
- 13 The traffic engineering expert for FSNI has outlined the effects of the NOR on the RLDC from their specialist perspective. I will not repeat all of these effects. I only highlight here that the RLDC is an important FSNI regional asset, which FSNI seeks to use to the fullest extent now and in the future. The NOR may permanently hinder FSNI from fully

utilising the land holdings as it wants and needs to in order to continue fulfilling its obligations as an essential service provider.

- 14 Furthermore, FSNI question the applicability of the scope of activities to be authorised by the designation, such as a commercial/industrial park, that does not lie within the scope of KiwiRail's Requiring Authority Approval. Such matters should be assessed through a plan change or resource consent process. I note that this matter has been raised in a memorandum by counsel for Dr J. Whittle and Dr A. Fox and dated 8 July 2021. FSNI supports this memorandum.

## CONCLUSION

- 15 For the reasons outlined above, FSNI needs an outcome that ensures they can continue to carry out their essential functions at the RLDC for the community in the central and lower North Island both presently and into the future.
- 16 It is critical that KiwiRail addresses the identified issues which are outlined above, and in Mr Michael Nixon's evidence, to ensure the NOR does not compromise the effective operation of the RLDC or its future growth.



---

**Brady Nixon**

**Foodstuffs North Island Ltd**

23 July 2021