

## Notice of Requirement (Designation) Form

For office use only:  
Private Bag 63002  
Waterloo Quay  
Wellington 6140

Application number: .....

Date received: .....

It is recommended that information requirements are discussed with EPA staff before the matter is lodged with the EPA. Contact details are (04) 916 2426 or 0800 CALL EPA.

All the information relating to the matter which is lodged with the EPA will be available to the public.

### Part I: Notice of Requirement by Minister, Local Authority, or Requiring Authority for Designation or Alteration of Designation

**Sections 168(1), (2) and 181 and clause 4 of Schedule 1, Resource Management Act 1991**  
**This part of the form reflects the information requirements of Form 18.**

To the Environmental Protection Authority (EPA)

The New Zealand Railways Corporation (trading as KiwiRail) gives notice of a requirement for a designation (or for an alteration to a designation) for a public work (or for a project or work or in respect of any land, water, subsoil, or airspace where a restriction is necessary for the safe or efficient functioning or operation of a public work or a project or work).

#### Additional information that will help to process your application:

Please tick which of the below options for a requiring authority apply:

- a Minister of the Crown
- a local authority
- a network utility operator approved as a requiring authority under section 167 of the RMA. Please provide the Gazette Notice reference approving the applicant as a requiring authority:

Resource Management (Approval of The New Zealand Railways Corporation Limited as a Requiring Authority) Notice 2004. Gazette Notice contained in Part J, Appendix C of the AEE Report, Volume 2.

Describe the site to which the requirement applies as it is commonly known and in a way that will enable it to be easily identified eg,:

- the street address
- the legal description
- proximity to any well-known landmark

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- grid reference.

Include the page number(s) where the above information is included (eg, Volume 1, pages 1 to 10):

*Notice of Requirement for the designation of land for the construction, operation and maintenance of a re-aligned section of the North Island Main Trunk (NIMT) through Ōtaki, in the Kāpiti Coast District.*

*Refer to the Road Layout Plans and the Land Information Plans located in the Plan Set, Volume 5.*

Give details of the nature of the proposed public work (or project or work). Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*The construction, operation and maintenance of a re-aligned section of the NIMT through Ōtaki, Refer to Part D of the AEE Report, Volume 2.*

Give details of the nature of the proposed restrictions that would apply. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*Refer to Part H, Chapter 31 of the AEE Report, Volume 2.*

#### **Additional information that will help to process your application:**

Please tick whether restrictions will apply to the designation:

- no restrictions/conditions on the designation are proposed
- restrictions/conditions applying to the designation are proposed
- changes to the existing restrictions/conditions applying to the designation are proposed.

Give details of the effects that the public work (or project or work) will have on the environment, and the ways in which any adverse effects will be mitigated. Include the page number(s) where the above information is included (eg, Volume 1, pages 1 to 10):

*Refer to Parts G (for the assessment of environmental effects) and Part H (for the proposed management of environmental effects) of the AEE Report, Volume 2.*

Give details of the extent to which alternative sites, routes, and methods have been considered. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*Refer to Part E, Chapter 9 of the AEE Report, Volume 2.*

Give details of the reasons why the public work (or project or work) and the designation (or alteration) are reasonably necessary for achieving the objectives of the requiring authority. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*Refer to Part A, Chapters 1 and 2 of the AEE Report, Volume 2.*

Give details of any resource consents that are needed for the proposed activity and have (or have not) been applied for. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10), or N/A if resource consents are not needed for the proposed activity:

*Refer to Part B, Chapter 3 of the AEE Report, Volume 2.*

Give details of the consultation (or No consultation) that has been undertaken with parties that are likely to be affected. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*Refer to Part F, Chapter 10 of the AEE Report, Volume 2. For more detail refer to Technical Report 22, Volume 3 – Consultation Summary Reports.*

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Attach information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

- *Volume 2: Assessment of Environmental Effects report, including:*
  - *Part A: Introduction and background to the Project*
  - *Part B: Statutory context*
  - *Part C: Description of the environment*
  - *Part D: Description of the Project*
  - *Part E: Consideration of alternatives*
  - *Part F: Consultation and Engagement*
  - *Part G: Assessment of effects on the environment*
  - *Part H: Management of environmental effects*
  - *Part I: Statutory assessment*
  - *Part J: Appendices*
- *Volume 3: Technical reports and supporting documents*
- *Volume 4: Management plans*
- *Volume 5: Plan set*

## Part II: Matter Lodged With the EPA

### Sections 145, 148 and 149ZB, Resource Management Act 1991

#### This part of the form reflects the information requirements of Form 16A.

To the Environmental Protection Authority (EPA)

Insert full name of person lodging the matter (the applicant):

*KiwiRail.*

Provide a description of the proposal to which the matter relates. Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*The construction, operation and maintenance of a re-aligned section of the NIMT through Ōtaki. Refer to Part D of the AEE Report, Volume 2.*

List the relevant local authorities for the matter lodged: Include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*Kāpiti Coast District Council.*

This information accompanies:

- 1 or more of the following applications for a resource consent
- 1 or more of the following applications for a change to or cancellation of the conditions of a resource consent
- 1 or more of the following requests for the preparation of a regional plan
- 1 or more of the following changes to a plan

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- 1 or more of the following variations to a proposed plan
- 1 or more of the following notices of requirement for a designation or to alter a designation
- 1 or more of the following notices of requirement for a heritage order or to alter a heritage order.

Provide details of the matter or matters. Please include the page number(s) where this information is included (eg, Volume 1, pages 1 to 10):

*Refer to Part B, Chapter 3 of the AEE Report, Volume 2.*

The matter consists of one or more applications for resource consent, or an application to change or cancel the conditions of a resource consent, or a notice of requirement to alter a designation, or a notice of requirement to alter a heritage order, and relates to an activity that is part of a proposal of national significance in relation to which one or more matters have already been subject to a direction under section 142(2) or 147(1)(a) or (b) (please tick):

- yes
- no

**Additional information that will help us in processing your application:**

If yes, please provide the following information to identify the matter for which a direction by the Minister under section 142(2) or 147(1)(a) or (b) has been made:

Project name:

EPA reference number:

EPA Project Leader:

The matter relates (please tick one):

- wholly to the coastal marine area
- partly to the coastal marine area
- does not relate to the coastal marine area.

Please note, if the matter relates wholly to the coastal marine area references to the Minister in this form should be read as the Minister of Conservation. If the matter relates to the coastal marine area in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Please confirm that you wish the Minister to make a direction under section 147(1)(a) or (b) to refer the matter to a board of inquiry or to the Environment Court for decision, on the grounds that the matter is or is part of a matter of national significance. Please indicate your preference (tick):

- a direction to refer the matter to a board of inquiry
- a direction to refer the matter to the Environment Court.

Please note the Minister will only direct the matter to a board of inquiry or the Environment Court for decision if they consider that the matter is, or is part of, a proposal of national significance. In deciding whether a matter is, or is

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part of, a proposal of national significance the Minister may have regard to any relevant factor, including the factors set out in section 142(3) of the RMA.

It would be helpful for you to indicate whether, in your view, any of the following factors are relevant to this matter (tick factors of relevance):

- the matter has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment)
- the matter involves, or is likely to involve, significant use of natural and physical resources
- the matter affects, or is likely to affect, a structure, feature, place, or area of national significance
- the matter affects, or is likely to affect, or is relevant to, New Zealand's international obligations to the global environment
- the matter results, or is likely to result, in or contribute to, significant or irreversible changes to the environment (including the global environment)
- the matter involves, or is likely to involve, technology, processes, or methods that are new to New Zealand and that may affect its environment
- the matter is, or is likely to be, significant in terms of section 8
- the matter will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions
- the matter affects, or is likely to affect, more than one region or district
- the matter relates to a network utility operation that extends or is proposed to extend to more than one district or region
- other relevant factor(s).

Please provide reasons why you consider that the selected factors support your application to have a direction made in relation to the matter. Please include the page number(s) where these reasons are provided (eg, Volume 1, pages 1 to 10) in the application documents or with references to other correspondence sent to the EPA:

*Refer to the accompanying letter that outlines the reasons why the Project is considered to be of national importance.*

Please provide the further views of the applicant regarding whether the matter should be referred to a board of inquiry or the Environment Court and any other recommendations sought as to the course of action. Please include the page number(s) where these reasons are provided (eg, Volume 1, pages 1 to 10):

*Refer to the accompanying letter that outlines the reasons why the Project should be referred to a board of inquiry.*

Please note that the applicant's views will be considered but will not determine the recommendation of the EPA or the Minister's direction.

## Part III: Additional Optional Information

**This part of the form includes additional information that will help in processing the application.**

If it would be helpful to provide the following information:

- a list of the local authorities under whose administrative jurisdiction resource consent is required, and any staff members that the proposal has been discussed with. Please include the page number(s) where this information is included, if provided (eg, Volume 1, pages 1 to 10):

*Resource consents are required from Greater Wellington Regional Council under Wellington Regional Plans. A list of consents applied for is provided in Part B, Chapter 3 of the AEE Report, Volume 2.*

*Resource consent will be sought at a later stage from the Kāpiti Coast District Council in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. This does not form part of this application.*

- if the requiring authority is not the owner of the land to which the requirement applies, please attach details of all property owners and occupiers. Please include the page number(s) where this information is included, if provided (eg, Volume 1, pages 1 to 10):

*Refer to Part F, Chapter 10 of the AEE Report, Volume 2 and Technical Report 22, Volume 3 outlines the consultation that has been undertaken throughout the development of the project. Information on properties affected is provided in the Land Information Plans and Road Layout Plans, Volume 5 and discussed in Part A, Chapter 2 and Part G Chapter 29 of the AEE Report, Volume 2. A schedule of landowners affected is attached to the Land Information Plans. No written approvals have been obtained.*

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## Part IV: Signature

I hereby certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I understand that the EPA can recover its actual and reasonable costs associated with processing this application.

  
\_\_\_\_\_  
Signature of applicant (or person authorised to sign on behalf of application)

7 March 2013

Date

David Stuart Gordon, Network Performance Manager, KiwiRail

Address for service:      KiwiRail  
                                    Level 4, Wellington Railway Station  
                                    Bunny Street  
                                    Wellington 6011

Telephone: 04 498 3389 (ext. 43389)

Email: [pam.butler@kiwirail.co.nz](mailto:pam.butler@kiwirail.co.nz)

Contact person: Pam Butler, Senior RMA Advisor

**Additional contact information that would help us process your application:**

Additional contact representative: James Gardner-Hopkins

Service (ie, legal): Russel McVeagh, legal counsel to the KiwiRail

Address: PO Box 10-214, Wellington 6143

Telephone: +64 4 819 7870

Email: [james.gardner-hopkins@russelmcveagh.com](mailto:james.gardner-hopkins@russelmcveagh.com)

Billing address:          NZ Transport Agency  
                                    Level 9 PSIS House  
                                    20 Balance Street  
                                    PO Box 5084, Lambton Quay  
                                    Wellington 6145

Telephone: +64 4 931 8917

Email: [rowan.oliver@nzta.govt.nz](mailto:rowan.oliver@nzta.govt.nz)

Contact person: Rowan Oliver

**Note to person giving notice**

You must pay any charge payable to the territorial authority for the requirement or alteration to the requirement under the Resource Management Act 1991.

You may be required to pay actual and reasonable costs incurred in dealing with this matter. You should refer to section 149ZD of the Resource Management Act 1991 for further details.

