

Notice of Requirement (Designation) Form

Form 18, Resource Management (Forms, Fees, and Procedure) Regulations 2003

Notice of requirement by KiwiRail for a designation under sections 145 and 168 and clause 4 of Schedule 1, Resource Management Act 1991.

To: Environmental Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

From: New Zealand Railways Corporation
Wellington Railway Station
Bunny Street
PO Box 593
Wellington 6140

The New Zealand Railways Corporation (trading as KiwiRail) gives notice of a requirement for 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), being the construction, operation and maintenance of a re-aligned section of the North Island Main Trunk (NIMT) through Ōtaki, named the Ōtaki Rail Realignment (NIMT), and being part of the Peka Peka to Ōtaki Expressway Project (the Project) in the Kāpiti Coast District Plan.

The site to which the requirement applies is as follows:

The site to which the requirement relates is described in Part C, Chapter 5 “Description of the Environment” of the AEE Report, Volume 2. Also refer to the Plan Set, Volume 5, specifically the Road Layout Plans and the Land Information Plans. A schedule of landowners affected is attached to the Land Information Plans. Generally, the requirement relates to an approximately 1.2km re-alignment of the NIMT through Ōtaki.

The nature of the proposed public work (or project or work)

The nature of the proposed work is the construction, operation and maintenance of a re-aligned section of the NIMT through Ōtaki over an approximate length of 1.2km, named the Ōtaki Rail Realignment (NIMT). Refer to Part D, Chapter 6 “Operation of the Project” and Chapter 8 “Construction of the Project” in Volume 2 of the AEE Report.

The re-alignment of the NIMT forms part of the Peka Peka to Ōtaki Expressway Project which is a component of the Wellington Roads of National Significance (RoNS). The re-alignment of the NIMT will facilitate and allow for the construction of the Expressway alignment through Ōtaki.

Works required in addition to the construction, operation and maintenance of the re-aligned section of the NIMT include safety information and operational services and structures (communications), relocation of utility services, vegetation removal, stormwater treatment, temporary construction works including storage areas and office facilities, maintenance and access areas and mitigation and restoration works.

The resource consents and other statutory authorisations required for the works are described below and/or detailed in Part B, Chapter 3 “Authorities sought under the Resource Management Act 1991” of the AEE Report, Volume 2.

The nature of the proposed conditions that would apply

It is proposed that the Project designation will be subject to the conditions contained in Part H, Chapter 31 “Proposed Designation Conditions” of the AEE Report, Volume 2 (as may be confirmed or modified in the determination of this requirement).

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

The AEE Report, Volume 2, outlines the existing environment, an assessment of the environmental effects of the Project and appropriate methods to avoid, remedy or mitigate any adverse effects of the works associated with the Project. Part C, Volume 2, of the AEE Report provides a description of the existing environment. Part G, Volume 2 of the AEE Report provides an assessment of the actual and potential effects of the Project on the environment during both construction and operation. The re-alignment of the NIMT forms a component of the wider Peka Peka to Ōtaki Expressway Project and the AEE Report for the Project as a whole includes the NIMT re-alignment.

Actual and potential effects on the environment and mitigation measures are identified in Part G of the AEE Report, Volume 2. These include:

- *Traffic and transport effects* – Effects on the transportation network during construction and effects on operation as a result of the Project (Chapter 13);
- *Geotechnical Engineering and Resilience* – Effects relating to geotechnical engineering including effects to groundwater, aquifers and existing extraction bores, rivers, and ground settlement. (Chapter 14);
- *Urban form and function effects* – Effects on the form and functioning of the Kāpiti urban area, including the urban growth strategy and the management of urban growth (Chapter 15);
- *Landscape and visual effects* – Visual and landscape effects, including amenity impacts during construction and operation (Chapter 16);
- *Hydrology effects* – Effects on the hydrology of the Project area, including effects on flooding (Chapter 17);
- *Stormwater effects* – Effects on the stormwater throughout the Project area (Chapter 18);
- *Terrestrial ecology effects* – Effects on the terrestrial ecology located within the Project area (Chapter 19);

- *Aquatic ecology effects* – Effects of the construction and operation of the Project on the aquatic ecology throughout the Project area (Chapter 20);
- *Air quality effects* – Effects associated with emissions, including impacts from construction emissions (particularly dust) and vehicle emissions to air during operation (Chapter 21);
- *Noise and vibration effects* – Effects from noise and vibration emitted from the Project during its construction and operation (Chapter 22);
- *Land contamination effects* – Effects of disturbance of actual or potentially contaminated soil on sites with known historical contamination (Chapter 23);
- *Archaeology effects* – Effects on actual and potential archaeological site (Chapter 24);
- *Built heritage effects* – Effects on built heritage throughout the Project area (Chapter 25);
- *Tangata Whenua and Cultural Heritage effects* – Effects of the Project during construction and operation on tangata whenua and cultural heritage values (Chapter 26);
- *Social and community effects* – Effects of the construction and operation of the Project on communities and neighbourhoods (Chapter 27);
- *Economic effects* – Effects of the construction and operation of the Project on economic activity locally, regionally and nationally (Chapter 28); and
- *Land acquisition and property effects* – (Chapter 29).

The AEE Report, Volume 2, draws on information provided in the technical assessments (located in Volumes 3) and the management plans (located in Volume 4).

Part G and Part H of the AEE Report, Volume 2, outline the management plan and condition approaches to managing the environmental effects of the Project.

Alternative sites, routes, and methods have been considered for the following extent:

Part E, Chapter 9 of the AEE Report, Volume 2, contains an assessment of alternative sites, routes and methods considered for the Project.

The public work (or project or work) and designation (or alteration) are reasonably necessary for achieving the objectives of the requiring authority because:

The Works

The Project objectives are part of KiwiRail's overall statutory functions (section 12 of the NZRCA 1981) to operate, maintain, renew and upgrade the rail network, while improving safety on the network and contributing to sustainability through providing an alternative to road transport as outlined in Part A or the AEE Report, Volume 2.

KiwiRail's objectives for the Project are to:

- Establish and maintain safe and efficient rail passenger transport services within the region by providing rail infrastructure and services;
- Encourage economic development and provide for the development of safe public transport services;
- Allow for stations which are easily accessible and serve the needs for existing and future communities; and
- Achieve a connected and integrated transport network.

The works are reasonably necessary to achieve those objectives because the works will:

- Improve the safety of the NIMT, including by removing 5 of 8 existing level crossings;
- Improve the efficiency of the NIMT, including by providing improved curve radius dimensions allowing consistent train speeds and removing 5 of 8 existing level crossings;
- Encourage economic development by providing for the Peka Peka to Ōtaki Expressway while improving the efficiency of the NIMT;
- Provide for potential future double tracking of the NIMT; and
- Provide for the future use of the historic Ōtaki Railway station by realigning it to fit with the new NIMT alignment.

Refer to Part A, Chapter 2 “Background to the Project” of the AEE Report, Volume 2 for further information regarding the objectives and benefits of the Project.

The Designation

KiwiRail was approved under section 167 of the RMA as a requiring authority by the Resource Management (Approval of the New Zealand Railways Corporation as a Requiring Authority) Notice 2004, notified in the Gazette on 23 September 2004 (a copy of this Notice is contained in Part J, Appendix C of the AEE Report, Volume 2). As a requiring authority, KiwiRail may under section 167 of the RMA, designate land, water subsoil or airspace to “*establish, maintain, and operate, or otherwise arrange for, safe and efficient rail freight and passenger transport services within New Zealand*” in accordance with its statutory functions under the New Zealand Railways Act 1981.

This designation is reasonably necessary to achieve the objectives as:

- The designation will enable KiwiRail to meet its statutory functions under the NZRCA 1981;
- It will enable the land required for the re-aligned NIMT to be acquired;
- It will enable KiwiRail to achieve its project objectives and to facilitate the construction of the Peka Peka to Ōtaki Expressway;
- It will allow for the construction, operation and maintenance of the NIMT in accordance with the designation, notwithstanding anything to the contrary in the Kāpiti Coast District Plan (KCDP);
- It will allow the land required to be identified in the KCDP, giving a clear indication of the use of that land;

- It will enable the works to be undertaken in a comprehensive and integrated manner as part of the Peka Peka to Ōtaki Expressway project;
- It will provide a consistent planning framework for KiwiRail, as the rest of the NIMT is designated; and
- It will protect the proposed NIMT realignment from future development which may otherwise preclude that realignment.

The following resource consents are needed for the proposed activity and have been applied for:

The consents applied for are as a part of the Peka Peka to Ōtaki Expressway Project as a whole. As such lodgement of these consents with the EPA and the Regional Council have been done on a Project-wide basis by the NZTA and are found in Volume 1 – “Resource Consents Sought by the NZTA”. A brief outline of the regional consents sought for the Project is as follows:

- Soil disturbance and vegetation clearance for roading and tracking activities;
- The use, erection and placement of new structures (culverts, bridge support structures, erosion protection structures, stormwater pipes and outfall structures) in the beds of watercourses;
- The reclamation of wetlands;
- The construction of bore holes for groundwater extraction;
- The removal of vegetation in the beds of various watercourses; and
- To dam surface water via a wetland.

Water permits, for:

- The temporary and permanent diversion of water (both surface and groundwater); and
- To take groundwater and surface water for construction activities.

Discharge permits, for:

- the discharge of chemically treated sediment laden water (from construction) to land that may enter water;
- the discharge of chemically treated sediment laden water (from construction) to water; and
- the discharge of contaminants (from cement) to land.

At this stage consents have not been sought, from the KCDC, in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

The following consultation has been undertaken with parties that are likely to be affected:

Extensive consultation has been undertaken with the community and key stakeholders, including directly affected landowners.

Part F, Chapter 10 of the AEE Report, Volume 2, provides a record of the consultation process undertaken, feedback received and how this was considered in the development of the Project. For further detail see Technical Report 22 “Consultation Summary Reports”, Volume 3.

The key aspects of the consultation are:

- It has kept stakeholders and the community informed of the Project as it has developed to provide a relatively high degree of familiarity among key stakeholders and the general public about the general concept of the Project;
- Although it is acknowledged that there is opposition to the Project from some individuals and groups there is also widespread support for the Project.
- Through the consultation undertaken over the various stages of the development of the Project, stakeholders and the community have had an opportunity to provide feedback on the Project’s design and mitigation measures. The NZTA has considered and responded to issues and concerns that have been identified through this engagement, taking into account all aspects of the Project;
- Consultation has recognised and utilised community knowledge and resources in the identification of environmental effects to consider;
- Consultation feedback has been taken into account in decision-making throughout the process, particularly in regard to local knowledge; and
- The NZTA has considered and responded to Issues and concerns raised during the consultation have been addressed throughout the process.

Ongoing consultation is proposed during the construction period and provision is made for this in the proposed mitigation and monitoring contained in Part H of the AEE Report, Volume 2.

Lapse period for the designation

The KiwiRail seeks a lapse period of 15 years for the designation, pursuant to section 184(1)(c) of RMA. This is consistent with the lapse period sought by the NZTA for its designation of the Project. This period has been set having regard to the time anticipated to be required to give effect to the works, including the completion of land purchase negotiations, detailed design and construction of the proposed Project and the staged construction of the Project with the other sections of the Wellington Northern Corridor. It also allows for an appropriate margin to address possible consenting, tendering, funding and construction processes.

KiwiRail attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991

Volume 1: Forms:

- Lodgement of matter with the EPA;
- Notice of Requirement by the NZTA;
- Notice of Requirement by KiwiRail; and

- Applications for regional resource consents by the NZTA.

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; and
- Part J: Appendices.

Volume 3: Technical reports and supporting documents

Volume 4: Management Plans

Volume 5: Plan Set

- [Note – Plans identifying the land subject to this notice of requirement are contained in the 'Plan Set' (Volume 5)]

Signature of person authorised to sign on behalf of person giving notice:


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David Stuart Gordon

General Manager, Network Performance

Signed for and on behalf of KiwiRail

..... 7 March 2013

Date

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