Notice of Intention - COVID-19 Recovery (Fast-track Consenting) Act 2020

[DATE]

[VERSION]

*Insert photo*

This notice has been prepared for the benefit of Waka Kotahi NZ Transport Agency (Waka Kotahi) / KiwiRail. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply notwithstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

**Quality Assurance Statement**

Project Manager: [insert]

Prepared by: [insert]

Reviewed by: [Waka Kotahi / KiwiRail Planner]

Approved for issue by: [insert]

Notice of intention PURSUANT TO PART 1 OF SCHEDULE 4 of the Covid-19 Recovery (fast-track consenting) act 2020

In accordance with Schedule 4, Clause 9 of the Covid-19 Recovery (Fast Track Consenting) Act 2020 (Act), Waka Kotahi / KiwiRail provides notice that the works described in this form will be undertaken as a permitted activity (that is, an activity for which a resource consent is not required under the Resource Management Act 1991).

To: XXXX Council  
 PO Box  
 Location

From: Waka Kotahi NZ Transport Agency / KiwiRail  
 PO Box  
 Location

Signed by:

Name (NZTA/KiwiRail Planner)  
Location

Pursuant to authority delegated by Waka Kotahi / KiwiRail  
Insert Date

Address for Service and Project Lead Contact Details:

Organisation Name  
P O Box   
CITY/TOWN POSTCODE

Project Lead: [Insert name & email address]

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#### **Waka Kotahi NZ Transport Agency / KiwiRail**

Waka Kotahi is a Crown entity with its objective, functions, powers and responsibilities set out in the Land Transport Management Act 2003 and the Government Roading Powers Act 1989. Waka Kotahi is also a requiring authority under s.167(3) of the RMA.

Our purpose is creating transport solutions for a thriving New Zealand. Waka Kotahi shapes New Zealand’s transport networks and people’s safe and efficient use of them. We connect families, help businesses take goods to market, and help others work, study and play.

An integrated approach to transport planning, funding and delivery is taken by Waka Kotahi. This includes investment in public transport, walking and cycling, local roads and the construction and operation of State Highways. Waka Kotahi exhibits a sense of social and environmental responsibility when undertaking this work.

OR

KiwiRail is a State-Owned Enterprise with its objective, functions, powers and responsibilities set out in the Railway Act 2003. KiwiRail is also a requiring authority under s.167(3) of the RMA.

Our purpose is Stronger Connections Better New Zealand. KiwiRail owns and operates rail and ferry transport networks so that freight and passengers can be moved within New Zealand in an efficient way. We are focused on providing excellent service to our customers, a zero-harm workplace for our people, and delivering reliable services, sustainably.

#### Description of Works

*Describe the works, referencing any relevant plans and/or reports that are attached as appendices. Add NZTM map references to indicate where the works are being undertaken.*

Waka Kotahi / KiwiRail will undertake all necessary precautions and measures to avoid unreasonable noise under section 16 of the Resource Management Act 1991.

In exercising its powers and performing its functions under the Act, Waka Kotahi / KiwiRail has given due consideration to, and acted in a manner that is consistent with, the principles of the Treaty of Waitangi and any relevant Treaty settlement legislation.

#### Permitted Activity Criteria

The works described above meet the permitted activity criteria set out in Subpart 2 (Work on Infrastructure) and Schedule 4 (Work on infrastructure: location requirements, permitted activities, and permitted activity standards) of the Act. In summary:

* The works will be undertaken by the Waka Kotahi/KiwiRail.
* The works will be carried out on existing infrastructure in or on the national road/rail corridor.
* The land on which the works will be undertaken meets at least 1 of the following criteria:
* The agency has a legal interest in the land that authorises access to and use of the land for the works.
* The land is in or on the national road corridor or the national rail corridor, and the agency is authorised to access and use the land for the works.
* A compensation certificate under section 19 of the Public Works Act 1981 records the acquisition of the land for the works.
* The works constitute the operation, maintenance, replacement, or minor upgrade of existing infrastructure.
* The works are not discretionary, non-complying, or prohibited activity under the relevant plan or proposed plan or the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
* The works will not occur in any of the following places identified or listed in the relevant plan or proposed plan:
  + - A wāhi tapu.
    - Any other site of cultural or historical significance.
    - An outstanding water body.
* The works will not occur in a wāhi tapu identified through the tangata whenua engagement process.
* The works do not involve a non-temporary take of water that would require a resource consent under the relevant plan or proposed plan.
* The works will be undertaken in accordance with the requirements of Schedule 4, Subpart 2 of the Act.
* The works are not contrary to any water conservation order.

#### Iwi and Hapū Engagement

Iwi and hapū engagement has been undertaken in accordance with Schedule 4, Clause 5 of the Act.

A management plan has been prepared in accordance with schedule 4, Clause 7 of the Act. A copy is attached as Appendix […]. *(If a management plan is required in accordance with Schedule 4, Clause 7, the Act requires that it be included in the Notice of Intention. If no management plan is required, update this section to confirm that)*

*Describe the engagement undertaken and attach record of engagement as an Appendix. See user guide for tangata whenua engagement process. The record of engagement must include:*

* *Any interests and values held by iwi, hapū, and Treaty settlement entities in relation to the proposed works.*
* *The protocols or management plans agreed to in relation to those interests, values, and sites.*
* *Any identified wahi tapu.*
* *Any of the following sites that require a management plan:*
* *any site that is affected by or adjacent to the place where the works will occur; and*
* *any site that is a wāhi tapu, any other site of cultural or historical significance, or a habitat of taonga species.*
* *If the Agency tries to engage with iwi authorities, groups, and Treaty settlement entities but receives no response from them, the notice must also include sufficient details to demonstrate that the agency took reasonable measures to contact those authorities, groups, and entities.*

#### Pre-Start Meeting

The works are anticipated to commence in [insert month and year]. In accordance with Schedule 4, Clause 9 of the Act, an invitation to the pre-start meeting addressed to Council’s Compliance and Monitoring Officer is hereby made.

Date:

Time:

Location:

#### Landowner Approval

Landowner approval [has/will] be obtained from the following parties prior to the commencement of works:

* […]
* […]
* […]

#### Earthworks

*If the project does not involve an “earthworks activity”, no erosion and sediment control plan is required. If this is the case, updated this section to confirm that the project does not involve an “earthworks activity”.*

An erosion and sediment control plan is attached as Appendix […]. This plan has been prepared by a suitably qualified person with experience in erosion and sediment control. It will be implemented in accordance with industry best practice that reflects the scale of the activity and associated earthworks.

#### Operational Noise

*Delete this section if the works do not involve “alteration of a state highway”. Check with legal team – what is the trigger for this being required?*

As the works involve alteration of a state highway, a post-construction review report will be prepared in accordance with the Specification for Noise Mitigation (New Zealand Transport Agency, NZTA P40: 2014) and provided to Council for its information within 12 months after completion of works.

#### Contaminant Management

*Delete this section if an emergency spill prevention plan is not required (Schedule 4, Clause 20). Check with legal team – what is the trigger for this being required?*

An emergency spill prevention plan is attached as Appendix […]. This outlines measures to prevent spills and to contain and manage any release of contaminants from equipment being used for the activity. A copy of this plan will be held on site at all times and be made immediately available in response to any request from an enforcement officer.

#### Contaminated Land

*Delete this section if a contaminated land site investigation and/or management plan is not required. Check with legal team – what is the trigger for this being required?*

A contaminated land site investigation attached as Appendix […].

A site management plan is attached as Appendix […]. This management plan has been prepared in accordance with the Contaminated Land Management Guidelines No 1 and will be implemented by a suitably qualified practitioner with experience in the management of contaminated sites. *If this management plan is not yet complete, it need not be included with this notice, but must be made available to council within 10 working days before the works commence.*

#### Construction Noise and Vibration Management Plan

*Update this section if the activity does not involve works within 100 metres of a sensitive activity as defined in Schedule 4, Clause 23 to confirm no management plan required.*

A construction, noise, and vibration management plan is attached as Appendix […]. This plan has been prepared in accordance with NZS 6803:1999 Acoustics—Construction noise.

#### Use, Storage and Handling of Hazardous Substances

*Delete this section if an emergency response plan for the use, storage, and handling of hazardous substances is not required. Check with legal team – what is the trigger for this being required?*

An emergency response plan for the use, storage, and handling of hazardous substances is attached as Appendix […].

#### Invoicing Details

*Insert NZTA/KiwiRail details for council invoicing for fixed fees and/or monitoring.*

**Appendix 1 – […]**