

This guide is designed to provide you with information on the Notice of Requirement and designation process for our projects. It is not intended to be a comprehensive description of the process. For more information go to mfe.govt.nz/rma

The Resource Management Act 1991 (RMA) allows requiring authorities to designate areas of land for public infrastructure such as roads, rail, telecommunications, schools and hospitals.

What is a Designation?

A designation is effectively a form of zoning over a site or route. The designation provides for:

- The long-term approval of the work intended to be carried out
- Certainty for the community and affected landowners about location and the nature of the works
- Protection of the land from activities that may compromise the proposed public work.

Designations are the preferred consenting approach as they provide the ability to identify and secure the land required to undertake construction, operation and maintenance of Auckland's transport infrastructure.

The process for designating land is undertaken through a Notice of Requirement process lodged with Auckland Council.

Notice of Requirement

A Notice of Requirement process is similar to applying for resource consent. It is a statutory process in the RMA and is how Auckland Transport/Waka Kotahi NZ Transport Agency notifies Auckland Council that it is seeking to designate land. Until a designation has been confirmed and included in a district plan, a designation is referred to as a Notice of Requirement (NoR).

In preparing a NoR, Auckland Transport/Waka Kotahi NZ Transport Agency will:

- Investigate the strategic need for a project
- Consult with the community and affected landowners
- Assess options and alternatives before selecting a preferred option
- Commission specialist assessments on project and environmental effects and how they can be avoided, managed or mitigated.

Consultation

An important part of developing a project is consulting with those potentially affected – the community, mana whenua, businesses, government and community organisations. This involvement will help ensure we consider everyone's views, potential issues and effects of a project on the community. It is an important part of assessing the optimal way to avoid, remedy or mitigate any issues.

This feedback is used to develop a project and is considered when the NoR is prepared and also when decisions are made regarding the proposed works.

The NoR process

- The NoR is prepared and lodged with the Auckland Council
- The Council decides if the designation should be publicly or limited notified
- If it is publicly notified, people and groups are able to lodge submissions with the Council
- If the NoR is notified, a public hearing is held where the requiring authority (Auckland Transport/Waka Kotahi NZ Transport Agency) and all submitters are able to be heard
- The Council recommends to the requiring authority whether it thinks the designation should be confirmed in the district plan (with or without modification to the conditions) or be withdrawn
- The requiring authority decides whether to confirm or withdraw the notice (in other words, to accept or reject the Council's recommendation in part or full)
- The opportunity exists for the Council or any submitter to appeal the decision of the requiring authority (the appeal is lodged with the Environment Court).