

A Guide to the Notice of Requirement



This guide is designed to provide you with information on the Notice of Requirement and designation process for Auckland Transport 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. Auckland Transport is a Requiring Authority under the RMA, in relation to the Auckland transport system.

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 of Auckland Transport as they provide the ability to identify and secure the land required to undertake construction, operation and maintenance of Auckland's transport infrastructure.

For Auckland Transport, 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 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 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 Auckland Transport considers 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) 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).

The diagram overleaf provides an overview of the process.

Notice of Requirement Process

INVESTIGATIONS/ONGOING CONSULTATIONS

Auckland Transport undertakes investigations and analysis of various route options. It consults with stakeholders including the public, directly affected landowners, iwi, local boards and other organisations. The consultation process is ongoing throughout the process.



EVALUATE

A preferred route is selected through a rigorous options evaluation process.



ASSESSMENTS

Further design and technical assessments, including cultural assessments are completed.



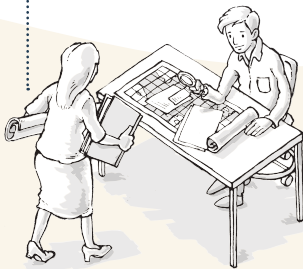
LODGE

Auckland Transport lodges Notice of Requirement and assessment of environment effects with Auckland Council.



REVIEW

Auckland Council reviews application and may request additional information.

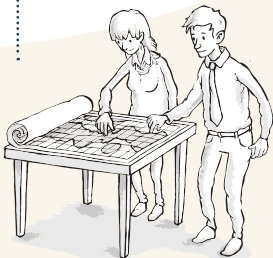


IDENTIFY

Auckland Transport identifies a problem which needs to be addressed and sets the project objectives.



DISTRICT PLANS
UNITARY PLANS
STRATEGIC DOCUMENTS



NOTIFY

Public notification by Auckland Council (if required).

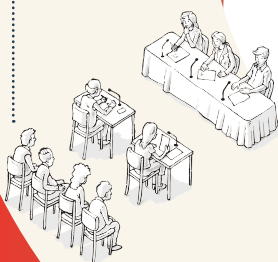


PUBLIC
SUBMISSION



HEARING

Public hearing.



RECOMMENDATION

Auckland Council makes recommendation to Auckland Transport.



AUCKLAND TRANSPORT ISSUES A DECISION

Auckland Transport accepts recommendation; Accepts recommendation in part; Rejects recommendation.



DECISION

Auckland Council notifies decision of Auckland Transport to submitters and affected landowners/occupiers.



OPERATIVE

New designation becomes operative in District Plan/Unitary Plan.



APPEAL PROCESS

- Submitters can appeal to the Environment Court (15 working days).
- Environment Court hearing.
- Environment Court issues decision.

