

# A guide to the Notice of Requirement and designation process

This guide is designed to provide you with information on the Notice of Requirement and designation process for Watercare Services Limited (Watercare) projects. It is not intended to be a comprehensive description of the process. For more information go to [mfe.govt.nz/rma](http://mfe.govt.nz/rma)

The Resource Management Act 1991 (RMA) allows requiring authorities to designate areas of land for public infrastructure such as water and wastewater services, roads, rail, telecommunications, schools and hospitals. Watercare is a Requiring Authority under the RMA, in relation to the Auckland water and wastewater system.

## What is a Designation?

A designation is effectively a form of spot 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 route from activities that may compromise the proposed public work.

Designations provide Watercare with the ability to identify and secure the land required to undertake construction, operation and maintenance of Auckland's water and wastewater infrastructure.

For Watercare, the process for designating land is undertaken through a Notice of Requirement process 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 Watercare 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, Watercare 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, remedied 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 Watercare 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 in the development of a project and is considered when the NoR is prepared as well as when decisions are made regarding the proposed works.

## The NoR process

- The NoR is prepared and given to Auckland Council
- The Council decides if the designation should be publicly or limited notified
- If it is publicly notified, the public can make a submission in support or opposition of part or all of a project
- If the NoR is notified, a public hearing is held where the Requiring Authority (Watercare) 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 opposite provides an overview of the process.

