

Route protection

What is route protection?

Route protection is the identification and protection of land for a future public work, such as a transport project. It occurs early in the life of the project.

Route protection is not intended to finalise the exact detail of the future transport project – this is refined during future stages. Usually an indicative design is developed and assessed to inform the ‘footprint’ or space that requires legal protection. To enable as much flexibility as possible, the protected route will provide for a range of transport solutions, including road, public transport and walking and cycling.

Once route protection is secured, future project stages include concept design, resource consent approvals, procurement, detailed design and construction. For some projects, the time between route protection and construction is short, but in other projects it can be some years before construction begins.

Route protection provides long-term planning certainty

Route protection provides property owners, businesses and the community with certainty on where transport routes will be in the future, which can help people make informed decisions about their own land and the development of that land.

Route protection gives developers a clear direction on future transport services in residential and business areas, so they can plan around it – eg where walk-up catchments will be to rapid transit stations. It guides future location choices for other essential community services, such as schools and hospitals.

It can also enable new and establishing communities to plan with more certainty - they can move to an area knowing there will be public transport travel options for them in the future.

This process means that decisions on the position of new transport connections can be done at the same time as the planning for new housing, employment, recreational facilities and other services.

How does route protection work?

Route protection is generally achieved either by formal statutory processes (eg a designation, or by changing zoning on land), or by direct agreements with landowners or developers to set aside part of their land.

In most cases, it is expected that route protection will be ultimately secured by way of a designation, although interim route protection may occur by other planning processes in the short term.

A designation is a provision in the Auckland Unitary Plan that allows a requiring authority (such as Waka Kotahi or Auckland Transport) to use the land for specified public works. It is effectively a form of zoning over a site or route indicating where and how the land is likely to be used in the future, along with any restrictions or conditions that may apply.

To secure a designation, Waka Kotahi will submit a Notice of Requirement (NoR) to designate land under the Resource Management Act (RMA) 1991.

Once confirmed through this process, the designation is included in the Auckland Unitary Plan.

Preparing a Notice of Requirement (NoR)

- Submitting a NoR is similar to applying for resource consent. It is a statutory process under the RMA and is how Waka Kotahi will notify Auckland Council that it is seeking to designate land. Until a designation has been confirmed and included in the Auckland Unitary Plan, a designation is referred to as a NoR.
- In preparing a NoR, Waka Kotahi will:
 - investigate the strategic need for a project
 - consult with the community and affected property owners
 - assess options and alternatives before selecting a preferred option
 - commission specialist assessments and assess the environmental effects of the project and how they can be avoided, managed or mitigated.

Consultation during a NoR's development

- An important part of developing a project or a NoR is consulting with those potentially affected – the community, Mana Whenua, businesses, government and community organisations.
- This involvement will help Waka Kotahi consider everyone's views and potential issues and effects of a project. It is an important part of assessing the optimal way to avoid, remedy or mitigate any effects.
- It is also an important step in establishing ongoing trust and engagement between people affected by a designation once it's approved. Once a designation is in place, property owners can continue to use, own, buy or sell their designated land for many years to come, right up until the requiring authority (Waka Kotahi) needs the land for construction. Ongoing communication between parties during this time is important for everyone.

Participating in the formal NoR process

- The NoR is prepared and lodged with the authority overseeing the application, usually the Council.

This authority decides whether the designation should be publicly or limited notified.

- If it is publicly notified, people and groups are able to lodge submissions with the authority.
- If the NoR is notified, a public hearing is held where the requiring authority (Waka Kotahi) and all submitters are able to be heard.

- The authority overseeing the application recommends to the requiring authority whether it thinks the designation should be confirmed in the Auckland Unitary Plan (with or without modification to the extent of the designation or the conditions) or be withdrawn.
- The requiring authority decides whether to confirm or withdraw the notice (in other words, to accept or reject the 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).

Property owners and designations

- All affected property owners will be consulted with through the development of the NoR to look for ways to reduce or mitigate impacts or concerns, or look for opportunities.
- If a formal designation process is planned, we will keep you updated on how that process is progressing and when you will have the chance to make submissions if you would like to. Submitting is voluntary and means you can be heard by an independent person/group, such as Council-appointed commissioners.
- Once a designation is approved and in place, property owners can continue to use, own, buy or sell their designated land for many years, right up until the requiring authority needs the land for construction. The timeline for purchasing the land required is usually within a few years of the expected construction date. At that point the requiring authority would contact property owners to begin purchase negotiations under the Public Works Act 1981.
- While the designation signals the future use of land for a public work, in the meantime property owners can continue to use the land in the manner they were before the NoR was lodged, including maintenance or grazing. If a property owner wishes to change the use of their land, or to build or develop on land that is subject to a designation, they need to discuss such proposals with the requiring authority. This is to make sure that the future construction of the project is not hindered.
- Anyone facing a change of circumstances or having difficulties selling their property should contact the requiring authority to ascertain what processes and criteria apply in these circumstances.