



Designations

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

What is a designation?

The Resource Management Act 1991 (RMA) allows for 'requiring authorities' (RAs) – such as a council, Minister of the Crown or network utility operator – to designate land for a public work (such as a road or telecommunication facility, school or prison).

Designations allow the RA's works or project to go ahead on the site or route, without needing to obtain a land-use consent from the council or comply with any rules in the district plan.

Who can designate land?

All Ministers of the Crown and local authorities are RAs, meaning they can designate land in a district plan for a particular project or work. The Minister for the Environment can also approve as RAs certain persons, businesses or organisations that are responsible for network utilities (such as roads, electricity and telecommunication facilities, or pipelines to distribute gas or water) or certain types of infrastructure (such as airports).

Examples of current RAs are the Minister of Education (for schools) and New Zealand Transport Agency (for state highways, cycleways and shared paths).

Designations allow RAs to develop and operate activities, regardless of any district plan rules or resource consent requirements. Resource consents may still be required from a regional council or unitary authority for regional rules, but not from a territorial authority (city or district council).

Under the Public Works Act 1981, the 'Minister of Lands' (currently the Minister for Land Information) can grant approval to an RA to use compulsory acquisition powers when giving effect to a designation.

What is a notice of requirement?

A notice of requirement (NOR) is used by an RA to 'designate' an area of land for a particular purpose. The NOR will outline the scope or purpose of the designation and must include an assessment of effects on the environment.

Local authorities must notify the NOR and undertake hearings before making recommendations on the NOR. The RA can accept, amend or reject a local authority's recommendations when issuing its decision.

The actual physical works cannot start until approval is granted for the notice and, where required, the outline plan. The outline plan must contain detailed information on the construction and operation of the public work or project. This process must be completed before the designation 'lapses', currently within five years of the designation decision (as the default) or as stated in the designation.

Designations had a default lapse period of five years

Under the previous system, unless otherwise stated, a designation lapsed after five years if it had not been given effect to.

A five-year timeframe is widely held to be insufficient to implement designations. Designations are often large, complex processes involving planning, design, consenting, land purchase and other funding requirements, and implementation processes.

Ports unable to designate land

Prior to the amendments that are being brought in by the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act), port authorities did not have the ability to designate land for port purposes. Although some district plans enable existing ports to continue operating, they can act as a barrier to the intensification and/or expansion of coastal and inland ports, by requiring resource consent or plan changes to district plans.

Significant information requirements existed for requiring authorities

The previous system applied a high bar for information and assessment processes for a NOR. The result was that RAs considered designation processes to be costly and time consuming and created project risks around decision-making by regulators.

Assessment processes for a NOR included providing information to support an assessment of:

- whether the RA has given adequate consideration to alternative sites, routes or methods of undertaking the work
- whether the "works and designations are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought". This is a more onerous requirement than that for resource consents, which do not have a 'reasonably necessary' requirement.

Key changes

- Sections 48 to 53 of the Amendment Act amend sections 166, 168, 168A, 171, 184 and 184A of the RMA.
- Sections 74C and 74D of the Amendment Act amend Forms 18 and 20 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

Designation default lapse period extended

The Amendment Act extends the designation default lapse period from 5 years to 10 years. This means RAs can have more certainty that designations could be put in place in time, and land would be prevented from being used and developed in a manner that might compromise the designated use of the land.

Designation powers extended to ports

The Amendment Act amends the definition of network utility operators, to allow Northport and authorised ports operating under the Port Companies Act 1981 to designate land for port purposes. Port authorities operate in much the same way as existing network utility operators, in that specific operational requirements limit where an activity can go. Designation powers will help ensure the optimal location of public and other infrastructure that serves wider public interests. Compulsory acquisition powers could also be used to acquire land required for port expansion.

All the major port companies have at least one inland port. Inland ports provide important storage and handling facilities for existing coastal ports, which often lack the roading and warehousing infrastructure needed to manage large cargo volumes. Inland ports are usually well connected to local markets and have access to good road and rail infrastructure, to enable efficient transport of commodities for export.

Designation assessment processes simplified

The Amendment Act changes the information required for NORs, which now only require:

- assessments of alternative sites, routes or methods, and reasonably necessary tests for designations when the RA does not have an interest in the land sufficient to undertake the project or work
- where an RA owns land or has an interest in the land sufficient to undertake the project or work, that it be subject to the similar alternative tests that apply to resource consent applications
- assessments of environmental effects that are proportionate to the scale and potential effects on the environment.

Minor technical drafting changes have been made to Form 18 and Form 20 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 and sections 168, 168A and 171 of the Resource Management Act 1991, to ensure consistent terminology between the two statutory instruments.

