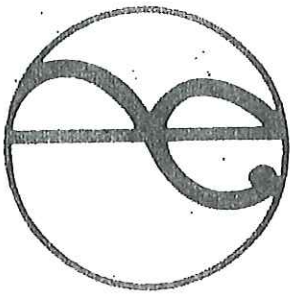


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**MINISTRY FOR THE ENVIRONMENT**  
**MANATŪ MŌTE TAIAO**

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195.

our ref:  
RLR 5/9/1/5

28 September 1992

Chief Executive  
Auckland International Airport Ltd  
P O Box 73 020  
Auckland International Airport  
AUCKLAND

FAX (09) 275 5835

Attn J G Smith  
Planning Services Manager

Dear Sir

**RESOURCE MANAGEMENT ACT: APPLICATION FOR REQUIRING AUTHORITY STATUS**

I refer to your application for your requiring authority status. We now appear to be in a position to put the applications before Ministers. Could you please check the following wording and confirm in writing that you are happy with it. You will note that the wording is a little different from your application. This is to ensure it is consistent with the other approvals and it does not generate unnecessary debate over why the approvals are differently worded.


The proposed wording is:

**2. General approval**-Auckland International Airport Limited is hereby approved as a requiring authority pursuant to section 167 of the Resource Management Act 1991 for the projects or works required for the operation, maintenance and expansion of the Auckland International Airport (as defined in section 2 of the Airport Authorities Act 1966).

**3. Designation approval**-Auckland International Airport Limited is hereby approved as a requiring authority pursuant to section 167 of the Resource Management Act 1991 in respect of the existing designations for proposed projects described in the Schedule to this order.

Please ring me if you have any questions. If possible it would be appreciated if you could reply by the end of the week.

Yours sincerely

  
Craig Mallett  
Resource Management Directorate  
for Secretary for the Environment

JO: Craig Mallett, RMD

5/9/1/5 (6)



**Auckland International  
Airport Limited**

see your file

P.O. Box 73020, Auckland International Airport, Auckland, New Zealand.  
Telephone (09) 275 0789. Facsimile (09) 275 5835.

6 January 1993

The Ministry for the Environment  
PO Box 10-362  
WELLINGTON

ATTENTION: MS SHARN SMITH

Dear Madam

RE: RMA - APPLICATION FOR REQUIRING AUTHORITY STATUS

Thank you for your letter dated 28 September 1992, which we referred to our legal advisers. We are happy with the proposed wording with two reservations.

1. The company considers it necessary to retain the designation of Aerodrome (International Airport). That designation is seen as critical in order to maintain the obstacle limitation surface controls in terms of section 168 (2) (b) and discussed below.
2. The company accepts your view that the obstacle limitation surface controls are more properly a "restriction (which) is reasonably necessary" for the operation of the airport rather than "a project or work" under section 168 (2) (a). The consequence is that approval is now not sought for requiring authority status for that control provided the Aerodrome (International Airport) designation is maintained.

There would thus be three named projects in the schedule:

1. Aerodrome (International Airport);
2. Future Airport Operations and Transshipment Area;
3. Proposed Second Runway and Related Works.

We note the correct spelling of Manukau in the schedule.

Yours faithfully



J. B. McSHANE  
PLANNING MANAGER

25  
YEARS  
AUCKLAND



G 2-11

19 January 1993

MINISTER FOR THE ENVIRONMENT

**REQUIRING AUTHORITY APPLICATION: RESOURCE MANAGEMENT ACT 1991**

- 1 The last application received in 1992 that remains to be dealt with was made by Auckland International Airport Limited. Parliamentary Counsel has drafted the Order in Council, in respect of this application, for approval by Cabinet. A draft Cabinet Paper, form CAB100/91 and an advice sheet are attached.
- 2 This application raises substantially the same issues as the applications you dealt with before Christmas 1992. In particular, the other Airport Company applications that you considered required similar approvals to be given. Before you can recommend approval of the applicant to Cabinet it is necessary for you, as Minister, under section 167(4), to satisfy yourself that
  - (a) The project or work is necessary for the purposes of the network utility operation carried on by the applicant; and
  - (b) The project or work is in the public interest; and
  - (c) The applicant is likely to satisfactorily carry out all the responsibilities of a requiring authority under the Act and will give proper regard to the interests of those affected and to the environment.
- 3 Attached to this paper, as an appendix, is a summary of the information supplied by the applicant. It is necessary for you to be satisfied on the information provided that the requirements of paragraphs (a), (b) and (c) above have been met. For the purposes of the Cabinet Paper it is sufficient if, in paragraph 7 of that paper, you advise Cabinet that you have carefully considered the application (which is also attached) and are satisfied that the applicant meets the tests set out in section 167(4)(a), (b) and (c). I have discussed this with Crown Law Office and they agree that this approach is acceptable.

4 It is considered that, since the application is so similar to those previously considered by you, it is not necessary for the application to be considered by the Cabinet Environment Committee before being referred to Cabinet for approval.

5 I recommend therefore -

- (1) That you advise that in the case of Auckland International Airport Limited you are satisfied -
  - (a) That the projects or works are necessary for the network utility operation carried on by the applicant;
  - (b) The projects and works are in the public interest; and
  - (c) The applicant is likely to satisfactorily carry out the responsibilities of a requiring authority under the Act and that it will give proper regard to the interests of those affected and to the environment; and
- (2) That, if you are satisfied that the criteria in (1) above have been met, you sign the attached Cabinet Paper, CAB 100/91 and the advice sheet.

S M Smith  
Solicitor  
for Secretary for the Environment

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OFFICIAL INFORMATION ACT



## Office of the Minister for the Environment

## Memorandum for Cabinet

**REQUIRING AUTHORITY APPLICATION: RESOURCE MANAGEMENT ACT 1991****Proposal**

- 1 Approval is sought for the submission of an Order in Council to the Executive Council to approve an application for requiring authority status under the Resource Management Act 1991.

**Background**

- 2 Under section 167 of the Act the Governor-General may, by Order in Council made on the recommendation of the Minister for the Environment, approve a network utility operator as a requiring authority for a particular work or project.
- 3 An application has been received from Auckland International Airport Limited to be approved as a requiring authority. Ten approvals of other applicants for this status were given in 1992 and the current application requires the same considerations as those already approved. In particular four other Airport companies received approvals in 1992 in a similar form to that now applied for by the applicant.
- 4 Due to the similarity of the nature of the current application with those already considered it was not necessary to have the Cabinet Environment Committee agree to the approval prior to Cabinet's consideration of the matter.
- 5 Once approved as a requiring authority the applicant will be able to notify territorial authorities of its requirements in respect of the project or work described in the Order. It is then the task of the territorial authority to undertake the public process of considering what provision should be made to meet the requirements of the requiring authority. Part of that public process involves the assessment of the effects on the environment of the designation. Accordingly, it is not necessary for Cabinet to consider the effects of the project or work on the environment in approving the application.

**Comment**

6 Under section 167(4), an applicant cannot be approved as a requiring authority unless the Minister for the Environment is satisfied that -

- "(a) The project or work is necessary for the purposes of the network utility operation carried on by the applicant; and
- "(b) The project or work is in the public interest; and
- "(c) The applicant is likely to satisfactorily carry out all the responsibilities of a requiring authority under this Act and will give proper regard to the interests of those affected and to the environment."

7 I have carefully considered the application of Auckland International Airport Limited and am satisfied that it meets the tests set out in section 167(4).

8 The applicant has already been served with a notice requesting that it advise territorial authorities of its designation requirements. The applicant cannot respond to these notices until it receives approval as a requiring authority. Accordingly, it is urgent that the Order approving the applicant is in force as quickly as possible to enable the applicant to issue requirements for designations.

9 The Order is a machinery provision which enables the approved network utility operator to function as a requiring authority under Part VIII of the Resource Management Act. The 28 day rule which applies to regulations has no application in this instance. It is appropriate, therefore, that the Order comes into force on the 7th day after its notification in the Gazette.

**Consultation**

10 Departments with an interest in the application have been consulted and agree that the application should be approved. Departments consulted include Commerce, Treasury, the SOE Unit, Conservation, Te Puni Kokiri and Transport.

**Recommendation**

11 I recommend that Cabinet approve the submission of the following Order in Council to the Executive Council:

The Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993.



5/19/1/5

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**THE RESOURCE MANAGEMENT (APPROVAL OF WELLINGTON INTERNATIONAL AIRPORT LIMITED AS REQUIRING AUTHORITY) ORDER 1992**

**Governor-General**

**ORDER IN COUNCIL**

At Wellington this \_\_\_\_\_ day of \_\_\_\_\_ 1992

Present:

IN COUNCIL

PURSUANT to section 167 of the Resource Management Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**ORDER**

**1. Title and commencement** - (1) This order may be cited as the Resource Management (Approval of Wellington International Airport Limited as Requiring Authority) Order 1992.

(2) This order shall come into force on the 28th day after the date of its notification in the Gazette.

**2. General approval** - Wellington International Airport Limited is hereby approved as a requiring authority pursuant to section 167 of the Resource Management Act 1991 for-

- (a) The operation of the Wellington International Airport as defined in section 2 of the Airport Authorities Act 1966; and
- (b) All works associated with the maintenance and improvement of the operation of the airport.

Resource Management (Approval of Wellington International  
Airport Limited as Requiring Authority) Order 1992

**EXPLANATORY NOTE**

*This note is not part of the order, but is intended to indicate its general effect.*

This order declares that Wellington International Airport Limited is approved as a requiring authority for the Wellington International Airport and works upon it.

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OFFICIAL INFORMATION ACT



P.C.O. 46/1

Drafted by I. E. Hurrell

**RESTRICTED**

**THE RESOURCE MANAGEMENT (APPROVAL OF AUCKLAND INTERNATIONAL AIRPORT LIMITED) AS REQUIRING AUTHORITY) ORDER 1993**

Governor General

ORDER IN COUNCIL

At Wellington this \_\_\_\_\_ day of \_\_\_\_\_ 1993

Present:

IN COUNCIL

PURSUANT to sections 167 and 420 (6) of the Resource Management Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister for the Environment, hereby makes the following order.

ORDER

**1. Title and commencement**—(1) This order may be cited as the Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993.

(2) This order shall come into force on the 7th day after the date of its notification in the *Gazette*.

**2. Interpretation**—In this order, unless the context otherwise requires, "airport" has the meaning given to that term by section 2 of the Airport Authorities Act 1966.

**3. General approval**—Auckland International Airport Limited is hereby approved as a requiring authority, under section 167 of the

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*The Resource Management (Approval  
of Auckland International Airport  
Limited As Requiring Authority)  
Order 1993*

Resource Management Act 1991, for the operation, maintenance, and expansion of the airport known as Auckland International Airport.

**4. Approval in respect of projects with existing designations**—  
Auckland International Airport Limited is hereby approved as a requiring authority, under section 167 of the Resource Management Act 1991, for the projects described in the Schedule to this order (being projects to which existing designations relate).

SCHEDULE

Territorial Authority	Location	Project name
Manukau City Council	All the land covered by the existing Future Airport Operations and Transshipment Area designation in the Manukau City Council district plan operative on the commencement of this order	Future Airport Operations and Transshipment Area
Manukau City Council	All the land covered by the existing Proposed Second Runway and Related Works designation in the Manukau City Council district plan operative on the commencement of this order	Proposed Second Runway and Related Works
Manukau City Council	All the land covered by the existing Aerodrome (International Airport) designation in the Manukau City Council district plan operative on the commencement of this order	Aerodrome (International Airport)

Clerk of the Executive Council.



*The Resource Management (Approval  
of Auckland International Airport  
Limited As Requiring Authority)  
Order 1993*

3

EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order approves, under section 167 of the Resource Management Act 1991, Auckland International Airport Limited as a requiring authority—

- (a) For the operation, maintenance, and expansion of Auckland International Airport; and
- (b) For the projects specified in the Schedule to the order (being projects to which existing designations relate).

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THE RESOURCE MANAGEMENT (APPROVAL OF AUCKLAND INTERNATIONAL AIRPORT LIMITED AS REQUIRING AUTHORITY) ORDER 1993

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of February 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to sections 167 and 420 (6) of the Resource Management Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister for the Environment, hereby makes the following order.

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ORDER

1. **Title and commencement**—(1) This order may be cited as the Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993.

(2) This order shall come into force on the 7th day after the date of its notification in the *Gazette*.

2. **Interpretation**—In this order, unless the context otherwise requires, "airport" has the meaning given to that term by section 2 of the Airport Authorities Act 1966.

3. **General approval**—Auckland International Airport Limited is hereby approved as a requiring authority, under section 167 of the

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Resource Management Act 1991, for the operation, maintenance, and expansion of the airport known as Auckland International Airport.

4. Approval in respect of projects with existing designations— Auckland International Airport (which is hereby approved as a requiring authority, under section 167 of the Resource Management Act 1991, for the projects described in the Schedule to this order (being projects to which existing designations relate))

SCHEDULE

Territorial Authority	Location	Project name
Manukau City Council	All the land covered by the existing Future Airport Operations and Transhipment Area designation in the Manukau City Council district plan operative on the commencement of this order	Future Airport Operations and Transhipment Area
Manukau City Council	All the land covered by the existing Proposed Second Runway and Related Works designation in the Manukau City Council district plan operative on the commencement of this order	Proposed Second Runway and Related Works
Manukau City Council	All the land covered by the existing Aerodrome (International Airport) designation in the Manukau City Council district plan operative on the commencement of this order	Aerodrome (International Airport)

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect. This order approves, under section 167 of the Resource Management Act 1991, Auckland International Airport Limited as a requiring authority— (a) For the operation, maintenance, and expansion of Auckland International Airport; and (b) For the projects specified in the Schedule to the order (being projects to which existing designations relate).

Issued under the authority of the Acts and Regulations Publication Act 1989. Date of notification in Gazette: 18 February 1993. This order is administered in the Ministry for the Environment.

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# Regulation Summary

## Notice Under the Acts and Regulations Publication Act 1989

Pursuant to the Acts and Regulations Publication Act 1989, notice is hereby given of the making of regulations as under:

Authority for Enactment	Title or Subject-matter	Serial Number	Date of Enactment	Price Code	Postage and Packaging
Maori Trust Boards Act 1955	Maori Trust Boards Regulations 1985, Amendment No. 5	1993/11	15/2/93	5-BY	\$2.30
Corporations (Investigation and Management) Act 1989	Corporations (Investigation and Management) Order 1993	1993/12	15/2/93	2-A	\$1.60
Electoral Act 1956	Electoral Regulations 1981, Amendment No. 11	1993/13	15/2/93	6-BY	\$2.30
Resource Management Act 1991	Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993	1993/14	15/2/93	3-BX	\$2.10
Resource Management Act 1991	Water Conservation (Rangitikei River) Order 1993	1993/15	15/2/93	4-BX	\$2.10
Telecommunications Act 1987	Telecommunications Network Operators Order 1993	1993/16	15/2/93	2-A	\$1.60

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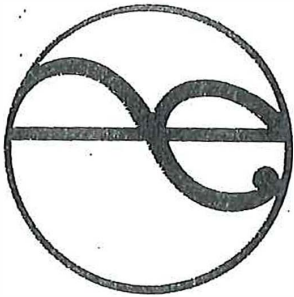
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**MINISTRY FOR THE ENVIRONMENT**  
**MANATŪ MŌ TĒTAIAO**

84 Boulcott Street, P.O. Box 10362, Wellington, New Zealand.  
Telephone (04) 473-4090, Fax (04) 471-0195

our ref:

RMP 5/9/1/5

25 February 1993

Chief Executive  
Auckland International Airport Ltd  
PO Box 73 020  
AUCKLAND

Dear Sir

**RESOURCE MANAGEMENT ACT 1991, REQUIRING AUTHORITY APPROVAL**

I am pleased to advise you that your application for requiring authority status under the Resource Management Act 1991 has been approved. Approval was notified in the New Zealand Gazette No 22 (page 473) on 18 February 1993. A photocopy of the Order in Council is attached. Copies are available at bookshops selling Government publications.

As you are no doubt aware, approval as a requiring authority allows you to maintain and modify existing designations and issue requirements for new designations in accordance with your approval. Requirements follow the process in sections 168 - 174 of the Act and all designations are open for submissions when a proposed district plan is notified. The local authority is required to assess the environmental impact of designations. Approval as a requiring authority should not be seen a prejudging this process.

The issue that has arisen as applications for requiring authority status have been considered was the importance of consultation with the tangata whenua. I have attached a copy of a recent Ministry publication on the topic to assist in this regard.

Clause 75 of Resource Management Amendment Bill allows network utility operators to be approved for utility operations and not to be restricted to projects or works. If this provision is enacted

- 1. *Copy*
- 2. *File*
- 3. *file*



you may wish to consider whether you wish to apply for this more generic approval.

Please contact me if you have any questions concerning your approval.

Yours sincerely



Frances Lane Brooker  
Resource Management Directorate  
for Secretary for the Environment

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OFFICIAL INFORMATION ACT