

19-D-01186

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 16 June 2019 requesting the following under the Official Information Act 1982 (the Act):

I request all documentation and/or information considered, received and/or created in relation to Auckland International Airport's classification as a 'designating authority' for the purposes of the Resource Management Act 1991.

We have identified 13 documents that are in scope of your request, as listed in the attached table. These documents were also requested and released in an OIA request in 2012. We are providing you the same documents, as previously released for an OIA requestor in 2012.

In 1993, the requiring authority application for Auckland International Airport was approved by way of Order in Council (by way of the Governor General). The approval process for requiring authority applications has since changed. The Minister for the Environment is now responsible for the approval of requiring authority applications. This includes revoking the requiring authority status if the requiring authority no longer meets the statutory tests under the RMA.

The Minister for the Environment's decision on requiring authority application will be based on whether the applicant meets the statutory tests to become a requiring authority under s 167(4) of the RMA, which are as follows:

"The Minister shall not issue a notice under subsection (3) unless he or she is satisfied that—

- (a) the approval of the applicant as a requiring authority is appropriate for the purposes of carrying on the project, work, or network utility operation; and*
- (b) the applicant is likely to satisfactorily carry out all the responsibilities (including financial responsibilities) of a requiring authority under this Act and will give proper regard to the interests of those affected and to the interests of the environment."*

This is different to the process of making designations under the RMA. This responsibility lies with the territorial/unitary authority (in this instance, Auckland Council). For additional information on how to get involved in the designation process, you may wish to read the following links:

- <http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-designation-process>



- <http://www.qualityplanning.org.nz/node/665>

Please contact the Ministry if you have any queries about this response.

Yours sincerely



Lorena Stephen
Director
Ministry for the Environment

Released under the provision of
the Official Information Act 1982

List of documents

No.	Date	Content	Decision	OIA Section/s (if withholding)
1	6 April 1992	Application by Auckland International Airport to become a Requiring Authority under Section 167 of the RMA	Release in Full	n/a
2	16 April 1992	Letter to Auckland International Airport from Ministry for the Environment regarding Application to become a Requiring Authority	Release in Full	n/a
3	6 July 1992	Ministry for the Environment file note – Auckland International Airport Ltd – Application to Become a Requiring Authority	Release in Full	n/a
4	21 July 1992	Revised application by Auckland International Airport to become a Requiring Authority under Section 167 of the RMA	Release in Full	n/a
5	28 September 1992	Letter to Auckland International Airport from Ministry for the Environment – Resource Management Act: Application for Requiring Status	Release in Full	n/a
6	6 January 1993	Letter to Ministry for the Environment from Auckland International Airport regarding RMA – Application for Requiring Authority Status	Release in Full	n/a
7	19 January 1993	Advice to Minister for the Environment from Ministry for the Environment – Requiring Authority Application: RMA1991 (includes the Briefing Note and Cabinet Paper)	Release in Full	n/a
8	Undated	First draft copy of The Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993	Release in Full	n/a
9	Undated	Draft copy of The Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993	Release in Full	n/a
10	15 February 1993	Gazette Notice – The Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993	Release in Full	n/a
11	16 February 1993	Cabinet Minute – The Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993	Release in Full	n/a
12	18 February 1993	The New Zealand Gazette – Regulation Summary page 473	Release in Full	n/a

No.	Date	Content	Decision	OIA Section/s (if withholding)
13	25 February 1993	Letter to Auckland International Airport from the Ministry for the Environment: Resource Management Act 1991: Requiring Authority Approval	Release in Full	n/a

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Note: due to file size, please email
ministerials@mfe.govt.nz
for copies of the documents
released