

# Attachment 2: Auckland Transport Requiring Authority Status

Auckland Transport is deemed to be approved as a requiring authority, as a network utility operator, under Section 167 of the Resource Management Act (RMA) for the purposes set out in Section 47 of the Local Government (Auckland Council) Act 2009. Section 45 of the Local Government (Auckland Council) Act 2009 sets out Auckland Transport's functions, which include acting as a requiring authority.

## Extract from Local Government (Auckland Council) Act 2009

Sections 45 & 47 added, on 1 November 2010, by section 31 of the Local Government (Auckland Council Amendment) Act 2010 (2010 No 36).

### 45 Functions of Auckland Transport

*The functions of Auckland Transport are to –*

- (a) prepare the regional land transport plan for Auckland in accordance with the Land Transport Management Act 2003; and*
- (b) manage and control the Auckland transport system in accordance with this Act, including by—*
  - (i) performing the statutory functions and exercising the statutory powers set out in section 46 as if Auckland Transport were a local authority or other statutory body, as the case may be; and*
  - (ii) acting as a requiring authority under section 167 of the Resource Management Act 1991 in accordance with section 47; and*
- (c) carry out research and provide education and training in relation to land transport in Auckland; and*
- (d) undertake any other transport functions that the Auckland Council may lawfully direct it to perform or delegate to it (for example, management of off-street parking facilities owned by the Council); and*
- (e) without limiting paragraph (d), undertake any transport functions expressly conferred on the Auckland Council by any enactment (for example, under a local Act) that the Council may lawfully direct it to perform or delegate to it; and*
- (f) undertake or exercise any functions, powers, and duties in respect of State highways that the New Zealand Transport Agency may lawfully delegate to it; and*
- (g) undertake any other functions that are given to it by this Act or any other enactment, or that are incidental and related to, or consequential upon, any of its functions under this Act or any other enactment.*

### 47 Auckland Transport is requiring authority

- (1) Auckland Transport is deemed to be approved as a requiring authority, as a network utility operator, under section 167 of the Resource Management Act 1991 for the following purposes:*

- (a) *constructing or operating or proposing to construct or operate roads in relation to the Auckland transport system; and*
  - (b) *the carrying out of an activity or a proposed activity (other than an activity described in paragraph (a)) in relation to the Auckland transport system for which it or the Auckland Council has financial responsibility.*
- (2) *For the purposes of subsection (1), Part 8 of the Resource Management Act 1991 applies—*
  - (a) *with any necessary modifications (and despite the fact that an activity described in subsection (1)(b) is not a network utility operation within the meaning of section 166 of that Act); but*
  - (b) *subject to subsection (3) and section 48(3).*
- (3) *If section 180(1) of the Resource Management Act 1991 applies to a project or work that is an activity described in subsection (1)(b), Auckland Transport may exercise the power under that section only by transferring the relevant designation to—*
  - (a) *a Minister of the Crown; or*
  - (b) *the New Zealand Transport Agency; or*
  - (c) *the New Zealand Railways Corporation; or*
  - (d) *the Auckland Council.*
- (4) *The New Zealand Transport Agency and the New Zealand Railways Corporation are prohibited from further transferring any designation that they receive under subsection (3).*
- (5) *In subsection (2), activity has the same meaning as in section 5(1) of the Land Transport Management Act 2003.*
- (6) *This section is subject to section 48.*