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| Airport Registration

Guidance for airports and prospective airport operators

December 2024

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Preface

This **guidance for airports and prospective airport operators** has been prepared ahead of the Civil Aviation Act 2023 coming into force from 5 April 2025.

It should be read along side the **Airport Registration: Operational policy** document which can be found at www.transport.govt.nz/area-of-interest/air-transport/air-transport-regulatory-information/airports/airport-operator-registration

Civil Aviation Act Implementation Programme

December 2024

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Introduction

Purpose of this document

- 1 This document provides guidance to airports and airport operators on how to develop and submit an airport registration application, and how the Ministry will assess the application.
- 2 This document can be read in conjunction with the Ministry of Transport's Airport Registration Operational Policy which sets out the Ministry's approach to airport and airport operator registration under the Civil Aviation Act 2023 (2023 Act). It will be used to guide the Ministry's decision-making about airport registration applications.

Who the document is for?

- 3 The intended audience of this document are:
 - a airport operators with a space requirement that can apply for airport registration from 5 April 2025; or
 - b operators of airports who wish to register their airport or aerodrome under the 2023 Act and become airport operators.

Overview of Airport Registration

- 4 The Civil Aviation Act 2023 introduces a modern regulatory framework for airports which replaces the former airport authorities regime. This change reflects current regulatory thinking and the evolution of airports' role within the transport system. The new system of registration will be approved by the Secretary of Transport (the Secretary), making the process more streamlined by eliminating the need for an Order in Council.
- 5 Airport registration grants airport operators certain powers and obligations under the 2023 Act. An airport operator will need to be registered to exercise these powers, but this comes with its own set of obligations. These powers and obligations, for the most part, are transferred over from the Airport Authorities Act 1966.
- 6 The powers of an airport operator include, but are not limited to, land acquisition, consultation on charges, price setting, information disclosure, leasing, and making bylaws. These powers provide the operator with the flexibility and autonomy to manage the airport effectively.
- 7 The obligations on an airport operator ensure accountability and transparency. The obligations include consulting with the airport stakeholders on capital expenditure plans, spatial plans, and regulatory airport spatial undertakings (RASUs).
- 8 The Secretary is required to maintain a register of airports on the Ministry's website. Upon approval of the application by the Secretary, and subsequent registration of the airport operator, the operator is then able to exercise the powers associated with the relevant obligations as an airport operator under the 2023 Act.

Who has to submit an airport operator application?

- 9 Certain airports are required to register, while others may choose to register with the Secretary for Transport.
- 10 Existing airport authorities **with a space requirement**, as defined in section 218 of the 2023 Act, can apply for registration from 5 April 2025, the commencement of the Act, and submit the application before 1 October 2025 to ensure they can be assessed by 5 January 2026. For more information, see RASU guidance which can be found at www.transport.govt.nz/area-of-interest/air-transport/air-transport-regulatory-information/airports/regulatory-airport-spatial-undertakings-rasus
- 11 Other airport authorities have until 5 April 2030 to register as airport operators under the 2023 Act. The Airport Authorities Act 1966 will continue to apply to existing airport authorities who are not registered until 5 April 2030. If they fail to register by this date, they will cease to be airport authorities. If a space requirement arises during that time, the airport authority will have to register as an airport operator. The 2023 Act includes transitional provisions which preserves existing charges and bylaws when an airport authority is in the process of registering to become an airport operator.
- 12 An airport operator with a space requirement who has received an exemption from making a RASU, must still apply for airport registration.
- 13 If you are an airport operator and are unsure about whether you must submit an airport operator application, please get in touch with us (see 'Contact Us' section).

Roles within the Airport Registration regime

Who	Role
Airport operators	<ul style="list-style-type: none"> • Submit a registration application to the Ministry of Transport, see Annex 1. • Consult substantially affected persons • Update the Ministry on any changes to the information held in the register. Review and revise the application if needed. • Update registration details when changes occur. • If variation is needed, submit a variation application and revise if needed. • If cancelling the registration, notify the Ministry. • Comply with any airport operator obligation, including meeting space requirements. • If operating multiple airports, submit a multi-airport registration application.
Civil Aviation Authority	<ul style="list-style-type: none"> • Provide feedback on an airport operator when consulted by Ministry of Transport
Ministry of Transport / Secretary for Transport	<ul style="list-style-type: none"> • Maintain the register of airports • Administer the airport operator registration regime including: <ul style="list-style-type: none"> • accepting airport operators' registration • receiving variations of applications

- cancelling or suspending airport operator registration

How we will work with you

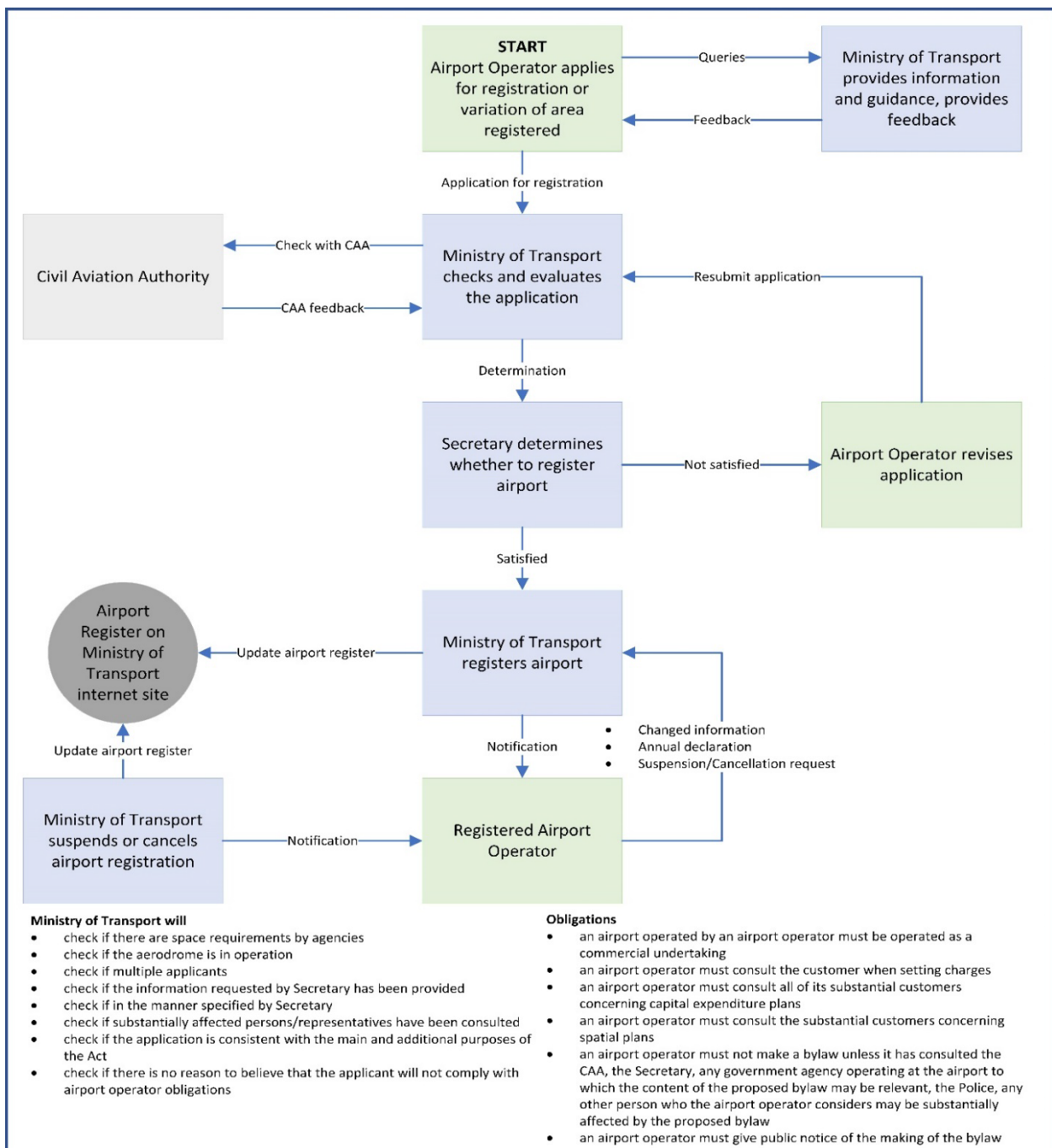
- 14 We will apply the following principles to how we work with you on your airport registration application.
 - a Partnership – we will provide guidance and support throughout the registration process, as well as encouraging open and honest communication.
 - b Transparency - we will provide clear and comprehensive information about the registration process, including the requirements, timelines, and evaluation criteria.
 - c Efficiency - we have streamlined the application process and will use technology to facilitate communication and document submission.
 - d Fairness - we will apply the same standards and criteria to all applicants.

Applying to be a registered airport operator

- 15 This section describes the process for applying to be a registered airport operator.
- 16 See also the checklist of airport registration requirements in the 'Application for Airport Registration' section.

Airport Registration process overview

The flowchart below illustrates an overview of the airport registration process which is described in detail later in this section.



How to start an Airport Registration application

- 17 The airport operator should inform the Ministry of their intent to initiate their airport registration application; submit a new application or vary their existing registration.
- 18 Information and guidance will be available on the Ministry website, but the Ministry will provide additional information and guidance to the operator if needed.

Application for Airport Registration

- 19 The application should use the airport registration application checklist (see 'Annex 1') and include the following information and documents:
 - Name of the airport operator and the details of the person who may be contacted for further information (if different)
 - Legal name of organisation
 - Address of service and postal address, and a dedicated email address
 - Description of the aerodrome and any other area covered by the registration under section 222. This may be the Certificate of Title together with its Title Diagram or may be a prepared plan accompanied by its Legal Description.
 - Details of any previous cancellation or suspension of the airport registration, including the date it took effect.
 - Any space requirements that apply or will apply in relation to the airport operator
 - Status and progress of any RASU development or whether there is a RASU in place (or if an exemption is in place)
 - Ownership and management structure of the airport or aerodrome, and the names and roles of the key personnel involved in its operation.
 - Documentation of consultation with persons likely to be substantially affected by the registration of the airport operator, the outcomes of the consultation, and the process used to identify those substantially affected. This is a legislative requirement under s222(1)(a) and is informed by s220.
 - A description of how obtaining airport registration is consistent with the main and each additional purpose of the Act, including references to relevant regulations or other legislation as supporting evidence (if applicable).

A statement of compliance outlining how the airport operator has met any obligations under the 2023 Act and Civil Aviation Rules to date, with reference to any major instances of non-compliance and the measures the airport operator has taken or are implementing to rectify this.
- 20 The airport operator must consult any persons likely to be substantially affected by the registration.
- 21 For existing airport authorities transitioning to airport operator status, the change will often be minimal. This is because airport operators are already operating under a set of established rules and regulations, and the transition to an airport operator simply re-formalises the

applicant's status. Therefore, there are likely to be few or no individuals or groups who are substantially affected by this change. However, if the applicant chooses to undertake consultation, they should provide their rationale for including or excluding any identified potential persons affected by the registration. For example, the rationale may be that the powers from the new Act are minor in relation to how they affect these persons, and therefore, they are not 'substantially' affected by the registration.

- 22 For airports wanting to register as airport operators who are not airport authorities already, there are likely to be individuals and groups who are substantially affected by the registration. These individuals or groups would need to be consulted before submitting an application.
- 23 The applicant should demonstrate their process for identifying substantially affected individuals and how they have consulted them. This ensures transparency and allows for any concerns to be addressed in the early stages of the process rather than after the application has been submitted.

How will the Ministry assess the application?

- 24 The Ministry will review and assess the application for registration and may request additional information or clarification from the applicant or other relevant parties.
- 25 The assessment process includes:
 - Confirming the operation of the airport or aerodrome is consistent with the main and additional purposes of the 2023 Act.
 - Reviewing the compliance history and capability of the airport or aerodrome and assessing the likelihood of compliance with their obligations under the 2023 Act and the Civil Aviation Rules.
 - Verifying the current status and progress of any RASU recorded in the application against the information held internally by the Ministry or whether any RASU exemption is held.
 - Confirming that people likely to be substantially affected by the registration of the airport operator have been consulted and their views noted and/or addressed in the application. The applicant is expected to demonstrate their process for identifying these people and how they have consulted them.

What will the decision process look like?

- 26 The Secretary will decide whether to accept the application as presented, based on the review and evaluation of the application, particularly if it meets the legislative requirements in s220 and s222(1) of the Act.
- 27 If the Ministry has any concerns with the application which would lead it not being accepted, we will ask airport operators to provide additional information. A registration will not be declined until all required information has been submitted, assessed and evaluated.

- 28 If the application does not meet the requirements, the Secretary will decline the registration and refer it back to the airport operator, specifying which matters need to be addressed within the application before the airport operator can reapply.

Notification

- 29 Once a decision has been made, the Ministry will notify the applicant in writing. This notification will include:
- the decision: whether the application has been approved or denied
 - the reasons for the decision: a detailed explanation of the factors that contributed to the decision
 - the terms of registration: If approved, the terms of the registration under the 2023 Act
 - the appeal process: If denied, information on how the applicant can appeal the decision, if they wish to do so.
- 30 The Secretary will evaluate a resubmitted airport registration application using the same criteria (see 'How will the Ministry assess the application?' section). If the application meets the requirements, the Secretary will confirm the application has been accepted and the airport operator and its airport(s) will be registered.
- 31 For any accepted application for registration, the Ministry will log the acceptance, keep a record of the airport registration in a secure location and note the registration's acceptance in the (publicly available) airport register.

Varying a Registration

- 32 An airport operator may apply to the Secretary to vary the area covered by a registration as per section 222. This process follows the same evaluation procedures as the initial registration, but specifically covers the changes in land area.
- 33 Upon receiving an application for variation, the Secretary will amend the register to reflect the new area, provided that:
- The persons or representatives of the persons who the Secretary considers will be substantially affected by the variation in land area have been consulted about the change in land area.
 - The variation in land area aligns with the main and additional purposes of the 2023 Act.
 - There is no reason to believe that the airport operator will not comply with their obligations solely because of the variation of land area.
- 34 Once the variation is approved, the Secretary will provide written notice to the airport operator, specifying the newly varied area covered by the registration. If the application does not meet the requirements in section 222, the Secretary will refer it back to the airport operator, specifying matters which need to be addressed before resubmission.

Cancellation and Suspension Process

- 35 The Secretary may suspend or cancel an airport's registration under section 222 by issuing a written notice to the airport operator. This can occur under two circumstances:
- The airport operator requests the Secretary to do so in writing.
 - The Secretary determines that the airport operator is not operating the airport (e.g., due to insolvency) or does not hold the necessary aviation documents required to operate the aerodrome under the Civil Aviation Rules.
- 36 The suspension can be for a specified period or until a specified requirement is met.
- 37 Any person affected by a decision made under subsection (1) has the right to appeal the decision to the District Court under section 453.

While an airport operator is registered

- 38 We encourage airport operators to regularly monitor your information in the register for any changes as you are most familiar with your situation.
- 39 Airport operators are expected to fulfil their obligations in accordance with any powers granted to them under the Act. The Ministry's compliance and enforcement approach serves as a guide to ensure adherence to the Act's provisions.

Where to go for more information?

Related documents

- The Ministry's operational policy on airport registration which can be found at www.transport.govt.nz/area-of-interest/air-transport/air-transport-regulatory-information/airports/airport-operator-registration
- Civil Aviation Act 2023
<https://www.legislation.govt.nz/act/public/2023/0010/latest/whole.html#LMS49346>
- Ministry of Transport website www.transport.govt.nz/area-of-interest/air-transport/air-transport-regulatory-information/airports/airport-operator-registration

Contact Us

Get in touch for further information on airport registration at airports@transport.govt.nz

Annex 1: Airport Registration Application Requirements Checklist

Completing the Requirements Checklist will reduce the time needed for the Secretary to assess Airport Registration applications by:

- allowing the Ministry to easily find and review the information required by the Act, and
- providing transparency to the applicant on the Ministry's review of the Airport Registration information.

Please complete all the sections. If a section is not applicable to the operation, please note this.

If, for your operation, compliance is required for something not listed in the checklist, please add it and note the basis for the requirement.

The Ministry recommends that, after submitting the completed Requirements Checklist along with the application, you maintain an up-to-date version of the Requirements Checklist to assist with on-going compliance.

The completed Airport Registration application should be submitted as an attachment, as part of your online application.

Operator of airport information

Airport:	[insert name]
Operator of airport(s)	[insert legal name/s] [insert address of service and postal address] [insert email address]
Primary contact person for this registration:	Name: Role: Phone: Email:

Document submission information

Documents Submitted:	[list documents]
Date submitted:	<i>[enter date application submitted]</i>
Is this an application for a variation of an existing registration?	Y/N <i>[Please variation number]</i>

ANNEX 1: AIRPORT REGISTRATION APPLICATION REQUIREMENTS CHECKLIST

Documents Submitted:	[list documents]
Has your registration previously been cancelled or suspended	Y/N [specify reason for suspension or cancellation] [Specify date on which the suspension or cancellation took effect].

Schedule of Airport Registration information requirements

In each section below, please provide **both**:

- page/paragraph numbers where the information requirement has been addressed in the documentation you have provided, and
- how the information requirement has been addressed.

INFORMATION REQUIREMENT	OPERATOR	MINISTRY OF TRANSPORT
Requirements based on the Civil Aviation Act 2023 and other information required by the Ministry of Transport	Page references and comments	Review & Comments (for MoT internal use)
Ref # 1. Spatial Information & Consultation		
1(a) The area covered by the registration, including: <ul style="list-style-type: none"> • The aerodrome (mandatory); and • any other area being used, or held for future use, for the purposes of the airport (if applicable) 	<i>[Please summarise the information provided as attachments, to support evidence of area covered by registration. Eg: maps, diagrams, tables, written description].</i>	
1(b) Consultation with persons likely to be substantially affected by the registration of the airport operator	<i>[Please provide evidence of consultation and outline how you have identified those substantially affected]</i>	
1(c) Any space requirements that apply or will apply in relation to the airport operator.	<i>[Please specify government agency space requirements, if any apply]</i>	
1(d) Status and progress of any Regulatory Airport Spatial Undertaking (RASU) development.	<i>[Please state whether a RASU (or request for RASU exemption) has been applied for or accepted]. Write N/A if airport has not applied for RASU (or RASU exemption)].</i>	

ANNEX 1: AIRPORT REGISTRATION APPLICATION REQUIREMENTS CHECKLIST

1(e)	The ownership and management structure of the airport or aerodrome, and the names and roles of the key personnel involved in its operation.	<i>[Please summarise]</i>
2. Consistency with the main and additional purposes of the Act		
2(a)	A safe and secure civil aviation system.	<i>[Please provide a general statement and/or describe relevant policies of how your operation is consistent with this purpose of the Act, including references to regulations (if applicable)]</i>
2(b)	Maintain, enhance, and promote a transport system that contributes to environmental sustainability, economic prosperity, inclusive access, healthy and safe people, and resilience and security.	<i>[Please provide a general statement and/or describe relevant policies of how your operation is consistent with this purpose of the Act, including references to regulations (if applicable)]</i>
2(c)	Promote innovation, effectiveness, and efficiency in civil aviation.	<i>[Please provide a general statement and/or describe relevant policies of how your operation is consistent with this purpose of the Act, including references to regulations (if applicable)]</i>
2(d)	Ensure that New Zealand's obligations under international civil aviation conventions, agreements, and understandings are implemented.	<i>[Please provide a general statement and evidence of meeting relevant civil aviation conventions, agreements or understandings, including references to regulations (if applicable)]</i>
2(e)	Preserve New Zealand's national security and national interests.	<i>[Please provide a general statement and/or describe relevant policies of how your operation is consistent with this purpose of the Act, including references to regulations (if applicable)]</i>
2(f)	Take into account the adverse effects of civil of civil aviation on the interests of people, property, and the environment.	<i>[Please provide evidence of consultation and describe relevant policies, including references to regulations (if applicable)]</i>

ANNEX 1: AIRPORT REGISTRATION APPLICATION REQUIREMENTS CHECKLIST

3. Obligations		
3(a)	Airport must be operated as a commercial undertaking, except as allowed in s.226.	<i>[Please provide evidence]</i>
3(b)	Consult the substantial customers when setting charges.	<i>[Please describe how you do, or will, comply with this airport operator obligation]</i>
3(c)	Consult all of its substantial customers concerning capital expenditure plans.	<i>[Please describe how you do, or will, comply with this airport operator obligation]</i>
3(d)	Consult the substantial customers and government agencies concerning spatial plans.	<i>[Please describe how you do, or will, comply with this airport operator obligation]</i>
3(e)	Consult the CAA, the Secretary, any government agency operating at the airport to which the content of the proposed bylaw may be relevant, the Police, any other person who the airport operator considers may be substantially affected by the proposed bylaw.	<i>[Please describe how you do, or will, comply with this airport operator obligation]</i>
3(f)	Give public notice of the making of the bylaw.	<i>[Please describe how you do, or will, comply with this airport operator obligation]</i>
3(g)	Evidence of aerodrome certification issued by the CAA.	<i>[Please provide certificate]</i>

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This table describes the people who have received this document.

Group/Team
This document is publicly available on the Ministry website.

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