

Attachment

SUBMISSION

29 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Greg McQuaid on behalf of the Greendale Trust
Mt address [REDACTED]
My email is [REDACTED]

I am a Trustee of the Trust which owns property at the above address and hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

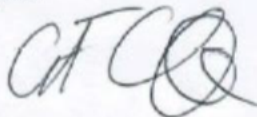
I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

I would urge the Ministry NOT to use the recent Parakai Airport decision as any sort of precedent, as there are significant differences in community stakeholders, location, geography, Unitary Plan considerations and future growth implications in the area, not to mention that the application fails the first hurdle of meeting the definition of "An airport company" as defined by the Act.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards



Greg McQuaid

On behalf of the Greendale Trust

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; " An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...."

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

Relief Sought: The application for Airport Authority status does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act, that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone...” pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019).

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised(signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the***

costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words *"The resulting North Shore Airport Precinct offers certainty...."* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition. This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.

5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure*

implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



*Fig 5 Example of significant safety hazard due to lack of parking
On Postman Road outside airfield office*

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Walkie Talkie [REDACTED]
Sent: Sunday, 29 November 2020 6:17 PM
To: Airports <airports@transport.govt.nz>
Cc: Walkie Talkie [REDACTED]
Subject: Re: NSAC (NSA) Airport Authority Status submission

To the Ministry of Transport

I would like to have the right to make my submission regarding the NSAC/NSA request for obtaining an Airport Authority Status at Dairy Flat, Auckland, to be taken into consideration. There are several points that give cause for concern regarding the proposal of the North Shore Aero Club (or North Shore Airport) to obtain Airport Authority Status. The rationale for the need for this expansion from a small airfield to a future Airport development in this area does not support their application.

To summarise with five clear points:

1. INTENTIONS AND RESPONSIBILITIES:

NSAC, (NSA) when asked, did not give in this first and only public meeting, on the 29 th Oct (with a submission date limited to the 9 th Nov expected to be accepted from the community), their intention to competently or comprehensively disclose, engage and respond with any actual information that would support their proposal claims with the community.

2. NON EVIDENCED BASED BUSINESS CLAIMS:

NSAC (NSA) have commenced their proposal by demonstrating their lack of concern of their adverse impact on Dairy Flat residents, or endangering existing well established structures like the Dairy Flat Schools, or necessitating further Government funding on required roading realignment, rezoning, and infrastructure necessary for an airport. Yet it will be in a tightly bordered area with many dangerous structures like the BP station, main motorway north, two highways and established residential properties.

All of which will need to have due obligations to be met at great cost.

NSAC have not given factual evidence that proves their abilities to operate at an Airport Authority Status level. This suggests there will need to be financial backing, and therefore from whom? They have in the past considered partnering with developers who wanted to change the area into a lime quarry until it became clear this would be detrimental to their airstrips. Obviously this would also be detrimental to residents in Dairy Flat too.

However once the authority is granted, NSAC (NSA) will be legally able to enact any land usage activity with very little resident inclusion, and this opportunity for potential unknown or negatively impacting development can not be seen as beneficial to the community.

Without an intention to disclose an open business plan of obligation for community engagement, NSAC (NSA)are not showing due diligence and transparency to their intent. Their future integrity and capabilities when implementing this development regarding their proposal is questionable.

3. NEED FOR ANOTHER AIRPORT:

NSAC (NSA) did not give actual evidence to validate that another Airport is a necessity in the North Shore region. After 50 or more years of only one Airport in Auckland, with many small airfields, Ardmore Aerodrome and Whenuapai Airforce base, this seems a large project for a small privately run airfield. Long term it would not be to any benefit for all of Auckland also, to process this application on their unsubstantiated claims of being able to provide potential future commercial air activity. This would take away from the already well established Airport facilities that are struggling to remain viable at Auckland Airport. The newly appointed Parakai Airport/ WAA will also need to gain more available air operations

in the North Shore region to fulfil their obligations as an Airport Authority Status. An extra airport in Dairy Flat would need to be worthy of this expansion without creating undue costs.

4. RESPONSIBILITIES TO RESIDENTIAL REQUIREMENTS:

NSAC (NSA) plan to create an airport where there is already much residential and structural amenities right on it's boundaries, without a mention of their obligations to mitigate future housing requirement environmental impacts. It immediately goes in contradiction to the already well funded government documentation and planing of the Unitary Plan that Auckland has in place at great cost, where zone changes to the surrounding land area of Dairy Flat is directed by government recognition for creating housing and improving transport to the city centre, (not funding private small airports without evidenced business based proposals).

5. OBLIGATIONS:

This shift to authorise a high impacting and privately owned legally empowered development, in a rural airfield inappropriately located in Dairy Flat, immediately raises a large concern and at great cost, not benefit, to do so for the community. There will be many obligations that NSAC (NSA) will have to meet. The NSAC (NSA)'s clear lack of trustworthy intentions to meet their obligations, misleading claims to indicate their capabilities, and lack of transparency of actual plans for the usage of this 350ha required once this grant for Airport Authority Status has been awarded, has to be questioned.

It is therefore imperative that the date for submissions be extended, well beyond the date set in Nov, and costly time consuming further lengthy on going discussions with the community and Council will likely continue. It will be necessary to clarify the needs, requirements and ability that NSAC (NSA) has to be able to support this significant proposal or convince the community that they will not be detrimentally impacted by gaining the Ministry's approval of Airport Authority Status.

To clarify with supporting information:

1. Intentions and responsibilities.

NSAC (NSA) has clearly shown their *reluctance to include the public* in their restrictive approach to email inclusion when advertising their first public reveal of their application for Airport Authority Status. Many of local residents and representatives were not given even a week's notice of this meeting taking place.

The email NSAC (NSA) sent to their members clearly asked to keep this public meeting announcement private and the transport authority asked for RSVP status from anyone expecting to attend it. *This did not indicate an open door approach to the public.* Most of the huge community present at this first public meeting were alerted through emails received not by the NSAC (NSA).

MP Mark Mitchel managed to discover this meeting information just in time to arrive minutes into the meeting from his prescheduled requirement to attend a key government meeting in Wellington on the Thursday 29 th October. *This implied disrespect of their obligation to keep the community informed and engaged is not foreboding a future enduring good business practice for a highly empowered legal entity.*

The last dates for public submissions to this application from the public were set for less than 2 weeks of this public announcement on the 9 th Nov. Yet NSAC admitted they have already consulted for some time with the Ministry of Transport and the Unitary plan advisors. So the feel of this meeting implied they had already secured this direct pathway without revealing a comprehensive business plan that they were able to discuss with the community in their claim to be granted the Airport Authority Status. NSAC (NSA) Manager John Punshon opened his proposal with a quip alluding to the close friendship the Minister of Transport has with the Governor General, implying the public would have no chance of deterring their likely swift

process of gaining the Airport Authority Status. The date and continued discussions need to be representative of the local community's right to engagement.

Therefore the NSAC (NSA) do not give confidence to the community, or any authority, regarding their intention to maintain transparency, as required for such a status practice, by clearly not intending to make the public informed about their first and only meeting before application for this Airport Authority Status. This also implies their lack of intention to disclose and discuss their proposal plans to the council, community representatives or local Member of Parliament.

2. Lack of evidence based business growth.

Several claims in their proposal discussed at the meeting needed actual evidential supporting information. Offering only a broad video presentation expressing their interest in expansion, not supported by all the members of the airfield, did not show how NSAC (NSA) could validate the need for Dairy Flat to be re zoned as land usage for an airport or how they would be capable to manage this goal.

The Hibiscus coast newspaper article was clearly in contradiction to their intentions to keep the airfield as a small operation in their submission, yet claimed they would increase to over 30,000 up to 70,000 flights a year, more ***misleading misinformation*** that wrongly informs and keeps the public out of their plans. Throughout the meeting NSAC (NSA) fielded off questions from the community about their intentions or give any actual information to back their claims as capable representatives for meeting the requirements of an Airport Authority Status.

Auckland Airport have struggled to maintain their own air operations and surrounding businesses to remain economically viable, let alone support an increased trajectory for future development for some time ahead. ***The claim by NSAC (NSA) that they will be able to create 18,000 jobs when an already fully established Auckland Airport have had such a downturn in commercial activity that they have had to let over 4000 jobs go, and are making no plans for growth for some time, shows impossible expectations.***

It is not feasible also to project an increase of air operations that will be able to be sustained at the North Shore Airfield now Parakai has obtained this Airport Authority Status.

At the meeting with the community there was ***no business plan given to show the community just how much commercial activity will actually be able to sustain this proposal from NSAC (NSA).***

This lack of 3rd party consultation and realistic evidence backed assessment of capabilities will be a point of mistrust that the community will continue to follow with interest over the due process of application by NSAC (NSA).

3. Need for another Airport facility.

Auckland Airport, along with the newly credited Parakai Airport, which will accommodate the North Shore region, (which covers land north of the harbour bridge stretching out west, across to east coasts, up to Warkworth in the North) will be needing to absorb any possible commercial aircraft operations in Auckland to support their continued Status.

As a city we should be supporting Auckland Airport's continued commercial enterprise going forward. Creating yet another Airport in Auckland will be a license to fail. Even with a vaccine tomorrow there will be long enduring financial difficulties with trade internally and overseas, where there now still is continued lockdown restrictions, and our reduced economic stature in NZ will not sustain more growth beyond what Parakai (WAA) can provide for in Auckland by 2030 or 2040 as proposed by NSAC (NSA).

The claim that over 30,000 aircraft operations happen yearly now at NSAC (NSA) is unsupported, especially when most of the local community living in proximity can also claim ***evidence of less than 50 flights a week. Misleading information like this is unrealistic***

speculation. Many small planes using the airfield have been recorded by the local community as circulating in this small airspace with regular ***breaches of their height and noise responsibilities to flight regulations.***

It is very likely that NSAC (NSA) has in fact experienced an economic downturn in their air operations over the last year that they have not discussed with the public.

This raises concern over what NSAC (NSA) will do with the Airport Authority Status and who will be supporting them.

Many of the 600 members of the NSAC (NSA) do not want this status, only 2 people verbally showed their approval at the meeting, and the rest have not voiced this approval to our community. The small aircraft usage and model plane activities by the members and ***community will be compromised by the predicted large passenger or possible freight planes, with issues like increased trucking of those goods, etc, all contradict the original small usage aspirations of the airfield.***

The prediction that an Airport Authority Status at NSAC (NSA) in Dairy Flat can support or benefit the community and therefore require re zoning the Unitary Plan's intention by changing residential zones into Industrial zoning, will not provide more housing needed in Auckland.

This will be in contradiction with the Government's planning already in place for Auckland. An overview of Auckland's best met future needs would not be benefited by another airport hub in Dairy Flat.

The western corridor to Parakai Airport will amply provide easy access for increased flights, and sustain more businesses there in the future. The already established Western Industrial parks benefit all of the North Shore region. ***This western transport route allows for increased commerce across the North Shore region, with a short drive away to Parakai; where else in the world can a central city like Auckland be accessed in less than an hour's drive away from an airport?***

The Ministry of Transport's focus on relieving traffic congestion to the central business district in Auckland city will not be benefited by an airport in Dairy Flat, but the western corridor with good motor way links to the city, north and south, will provide any required airport based transport links, with potential residential and business growth areas in the distant future. However ***Government allocated funds for traffic congestion, harbour bridge crossings, Penlink, a rapid transit South, and the extension of the new western tunnel motorway south are not benefited by instead supporting an NSAC (NSA) Airport Authority Status.***

Nor will funding future growth in Industrial development in the very well established rural residencies in Dairy Flat, by re zoning away from Residential to accommodate NSAC (NSA) airport authority status, be a rationale direction.

4. Impact of Airport on Community

Dairy Flat offers a restrictive land area available to NSAC (NSA) expectations. It is not like the many small airfields that operate in the North Shore region already that have wide expanses of clear unstructured land surrounding their airfields. Parakai offers a large expansion in unstructured land area with a crash zone. ***NSAC (NSA) does not have that surrounding unhindered expanse of land even if they gain the Authority to change what our government has already zoned as future urban and gain the legal right to buy up where they please in Dairy Flat.***

Future growth in children attending the schools in this area will make parents not be prepared to accept an Airport expansion in their backyard as proposed by NSAC (NSA). ***In each room of every school or structure, requirements of ventilation up to 15 air changes per hour and structural changes allowing no more than 40 dB Ldn noise levels, is only one aspect that NSAC will be responsible for in their safety sensitivity impact obligations.***

Safety measures such as extensive secure enclosures of the airport for any possible threat to rogue flights that might target any large explosive fuel storage or intense traffic on the main motorway north by terrorist activity for example, all are a requirement for future airport growth. This is a concern on a level comparable to bus accidents that have occurred of national attention. The Civil Aviation Act 139 states that the airfield should apply for Aerodrome certification in order to be able to fly planes of more than 30 passengers, which NSAC (NSA) would also need to gain and not be open to misuse.

Government funding would have to be reallocated towards this airport facility in order to make sure it can provide a safe future airport development instead of the urban housing development that will actually be needed in the future in this area.

Our recent short boom from New Zealanders returning home will not stop our population from seeking work overseas in the future either. ***The claim that the North Shore region will see an increase in 1 million residents in 10 years is not following the same actual growth rate trajectory of 49,000 correctly given by NZ Statistics over five years 2013-***

2018. Comparison of 50,000 to 1,000,000 residential growth increase is unbalanced speculation, especially when it already includes the huge growth in housing to date as seen in the recent West and East Coast (Millwater, etc.) residential developments.

The Unitary Plan has already been extensively developed by the government. It has presented to the community that land will be zoned in Dairy Flat for residential development, as this is seen as a requirement for the need to implement more housing zones for Auckland in the future. ***NSAC (NSA) will need to change many aspects in consultation with the Ministry of Transport in changes to the Dairy Flat Unitary Plan like roading, infrastructure and floodplain earthworks, to allow room for their expansion at continued cost to our rate payers.***

There is no indication that NSAC (NSA) will be able to purchase property at the value residents have invested over the years there. It contradicts the fact that the government has already commenced the re zone to urban planning in Dairy Flat.

The residents in Dairy Flat are still waiting to hear back from the Unitary Plan scheme how re zoning will ***impact residents financial futures in Dairy Flat.*** They will need to know how they be able to sustain their large financial investments in their above Auckland average priced properties as reflected in the rates they pay. Dairy Flat may offer some limited flat land but it is not a waste land without ***many existing valuable structures*** that would make it a good option for the unqualified future business development predicted by NSAC (NSA).

We do not live in NZ to be putting the gain of a few entrepreneurs for no benefit of the community's needs, as a priority.

5. Obligations.

There are major obstacles for the NSAC (NSA) to be able to responsively manage in Dairy Flat. These make their proposal inappropriate for the area. There are numerous reasons why it could become more problematic than beneficial.

With State Highway 1, our major motorway through the North Island, a large fuel storage BP petrol station serving that motorway, 2 main highways, Immediate height hinderance with trees and power poles servicing Postman road, many well established residential properties surrounding the airfield, and all the Dairy Flat Schools to name a few existing structures all only metres away; there will be problems for NSAC (NSA) in being able to provide adequately safe land space for the Airport Authority Status.

All these established structures are within a small flat space only metres away surrounding the airfield. Sharp inclines also surround this area.

All are on high priced land that NSAC (NSA) will need for growth.

Requirements for landing and takeoff and extended airport boundaries, are especially concerning for the community. An area made available for crash landing will be more obligatory hurdles in gaining this Authority Status.

Instead there will be a higher probable rate of accidents waiting to hit our headlines than what is already a local concern. To allow NSAC (NSA) to gain Airport Authority Status will be not only be irresponsibly dangerous, but with no room for error; this clearly is of no benefit to the many established residents in Dairy Flat.

Dairy Flat also has real issues for the possibility of endangering future increased crew staff involved in increased air activity with high bird strike, frost, flooding, wind turbulence and restrictive air visibility with yearly winter fogs from May through to November. This adds the difficult and dangerous nature of this proposal that will be limiting development for NSAC (NSA) to manage with responsibilities appropriate to Airport Authority Status standard.

Along with the heavy metal emissions, noise, turbulence and other environmental concerns, NSAC claim to make modest expansions. *But they also claim to be looking to gain 80 passenger plane flights* with a much larger airplane runaways and airport capability. This will require roading, parking and more infrastructure. *There is not a firm indication to date for residents to know the government can have that level of infrastructure funded in place in time to sustain that expansion.*

There will be real impact responsibilities required by the Authority; there is the impact on Riverhead Forest, Okura and a newly appointed green reserve on Green Rd, our waterways and habitat that are all in close proximity. This will further impede NSAC (NSA) to be able to meet their obligations or correspondingly provide any benefits to Dairy Flat residents.

IN SUMMARY

In summary this proposal is not sustainable. Our rates and tax payers money can not support this waste of the Ministry's valuable time to proceed with this proposal. The Authority will not provide rates in the future for what should remain a large potential residential area which is the Unitary Plan's approved scheme.

When the Ministry balances in this proposal whether the benefits NSAC (NSA) will correspondingly be able to provide to Dairy Flat in offering more aircraft operations against what Government finances will be needed to be spent on the requirement for building new roading, (despite recent Dairy Flat road improvement costs), improving flood planes, re zoning, impact sensitivities, etc, it should not be looking at creating financial burden to the future development of the Dairy Flat community.

NSAC (NSA) were unable to state their financial ability to fund this proposal. NSAC (NSA) also were unable to validate their claims with evidence based business plans and the capability to implement them.

NSAC (NSA) were not able to gain trust or show good intentions for the various responsibilities and liabilities the status will require.

This does not bode well for the legal authority they will have going forward. It was clear their lack of transparency with regards to their actual and realistic capabilities to meet their obligations to manage any impact sensitivity responsibility to the local area, could

not gain the public's trust for their actual intentions in their proposal to gain Airport Authority Status.

I would support a withdrawal of this proposal. The community already tolerate the small air operations that precariously occur at the airfield. The community would be realistically benefited by more people linked activities at NSAC (NSA) like an air museum, model aeroplane and flight simulation activities as a future tourist spot destination near to Snow Planet for example.

Government funding should not be reallocated to cover this development when our nation's original objective is to find more housing for the immediate future in Auckland through the lengthy time already invested in the Unitary Plan.

Not another Airport facility or Industrial Park will be guaranteed future business growth for Auckland as we are seeing businesses closing with much job losses not likely to be rejuvenated for some time all over Auckland. The many Industrial Parks already established throughout Auckland will continue to have vacancies, and this will not recover for some years to come with the world wide recession unfolding after 2020. We can not predict a long term financial climate with the outcome from this pandemic but we do know our immediate to mid term future will severely experience an economic downturn that will not support less urgent large scale developments in Auckland, and especially not in establishing more Airports.

Finally :

Clearly Dairy Flat will not benefit or have the need to support future growth of an Airport to this level of expansion to Airport Authority Status by NSAC (NSA).

I do not support NSAC (NSA) 's proposal for gaining Airport Authority Status.

Regards Mr Stephen Charles Walker

Sent from my iPad

From: David Cranna [REDACTED]
Sent: Sunday, 29 November 2020 7:21 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

I am making a submission in support of North Shore Airport being granted Airport Authority status. Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand. The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future. North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Councils highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses. North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force. As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status. New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too. North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner. In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly.

Kind regards,
David Cranna

[REDACTED]

Please note my new email address is: [REDACTED]

From: Victoria [REDACTED]
Sent: Sunday, 29 November 2020 7:34 PM
To: Airports <airports@transport.govt.nz>
Subject: Fwd: NSAC Airport Authority Status Public Submission

My Submission:

This submission may seem lengthy but I aim to give a very clear and realistic statement about how I see North Shore Aero Club's (NSA) application for Airport Authority Status impacts on the community, and all of Auckland in fact. Within the Local Government Act (2002) a Special Consultation Procedure allows the community to be informed of what plans are in place for our area and to provide the opportunity to engage with the Council about how this benefits us.

Therefore I do sincerely wish you will review this submission.

From the start I would like to raise the fact that **NSAC (NSA) has created concern when misrepresenting their actual intentions in communicating with the community about their proposal, through their newsfeeds and one public engagement.**

This does not bode well for their future intentions and their ongoing capacity to benefit the community.

Clearly public exposure is something the NSAC (North Shore Aero Club) or NSA, (North Shore Airport) attempted to avoid with their unguarded evasive email that announced their community meeting to be held in the Dairy Flat local hall. They did not want to inform the public despite this being a community requirement necessary for applying for Airport Authority Status. Their email, (Ref: Airfield Expansion Meeting) was aimed at some of the aero club members, (many are known to be opposed to this growth development), **asking to not extend this notice of a public meeting out into the community.** However this did not prevail as the hall was packed with very concerned local residents, councillors and even our local MP, who all voiced their rejection and **mistrust** of the NSAC (NSA) proposal.

I do not see how they can proceed now without lengthy continued mistrust and resistance of this proposal by the many people who will be seriously negatively impacted by it. This will come at great cost to the community, and therefore ongoing costs to the council.

I would prefer NSAC (NSA) were able to make their proposal **transparent with real facts**, not just the claimed misunderstanding the community is supposed to have, of what this change impacts in our area when asking to add another Airport in Auckland.

NSAC, who have chosen to rename their small air operations business at Dairy Flat as 'North Shore Airport', or NSA, do not have, at the present, the status or the capabilities to offer what we generally acknowledge an Airport to be able to operate as.

NSAC (NSA) are claiming proposed increased air activity is expected and be supported by the Ministry of Transport in order to gain this level of air operation.

NSAC (NSA) did not however show any evidence based business plan that can validate their claims.

Here is what the community do know about Auckland's need for another Airport facility:

1. We were informed at the meeting that since the 1950s we only had the one Airport Authority Status in Auckland approved, now within 9 months of application in 2020 there is WAA at Parakai, making **already 2 Airports for Auckland**, (with Ardmore Aerodrome and Whenuapai Airforce and many small other airfields also) **both looking to sustain their air operations economically going forward.** (Ref:Ministry of Transport online site)

2. A newly granted Airport Authority Status has just been approved to the much **safer location at the Airport WAA at Parakai and they would be looking to gain any air activity to the North Shore region.** (Ref: WAA website blog 3rdlevel where Parakai admit to struggling to grow air operations).

3. Also **Auckland Airport** has made it clear that they actually are struggling to maintain their usual flight schedules with the predicted future economic downturn. On their website they state they **are not looking to undertake any planned future development for some time. Other Airports around the world are also struggling to operate.** This contradicts NSAC (NSA) claims that there is a need for NSAC (NSA) to gain Airport Authority Status in order facilitate an increase in air transport that they claim is in demand for Auckland. (Ref: Project Infra Auckland Airport and Ardmore websites)

4. NSAC (NSA) are listed as an airfield, not an Aerodrome or an Airport, (Ref: AAA 1966, or **Civil Aviation Authority**) **which they do not already have. This is a large leap to Airport Authority Status with the many requirements a small airfield must be capable of meeting for approval by the Ministry and without asking for government funding to do this.**

5. What air operations the NSAC (NSA) do have on offer is a **small airfield, catering mostly for private parties**, there are many of these small airstrips in use in the region. A move to a larger airport would require an increase in the need to travel in and out of Dairy Flat when there is Auckland Airport and Parakai Airport already in Airport Authority Status operation and under an hours drive away serviced by major transport routes.

6. NZ Statistics give the growth of the North Shore region at 49,000 residents over 5 years from 2013 to 2018, while 2 years later after the COVID influx of 250,000 approx returned NZers to all of NZ cities, **NSAC's (NSA) claim of over 1 million residents needing to fly out of Dairy Flat instead is not a realistic transportation expectation** in this ongoing COVID overseas travel restrictive time, and flights from Parakai will be a safer airport facility to fund, only minutes away for all of future North Auckland's regional requirements.

This **claim of future commercial activity** that an airport would need to financially be able to sustain, **is very misleading**, (as I find much of NSAC claims for the ability to warrant the need for the change to Airport Authority Status actually are).

There are many reasons why it would be difficult to sustain an airport growth.

1. NSAC (NSA) predict they will be able to increase air operations of passenger planes up to 80 seaters, and well over the unlikely 30,000 flights they claim they are already operating a year to 70,000, **yet this does not suggest a modest growth in flights** they say they plan to be operating in Dairy Flat. Yet NSAC (NSA) **claim to provide Auckland with 18,000 future jobs**. This increase in flights will have a detrimental impact over an established residential area. They do not back this claim with any commercial activity demand proposals, or why it would be likely, in such a tightly boundary limited location, to validate this.

2. There are private pilot courses at over \$15,000 and only two scheduled day flights from North Shore Helicopters on offer on the website at present priced at \$500 approx which would both **only attract a limited market**. (Ref: NSAC (NSA) website)

3. There will not be a lot more to be expected in NSAC's (NSA) main commercial flights with **Gt Barrier, and Sunair airlines now scheduling all their regular flights from their bases in South Auckland**, none at present are scheduled from NSAC airfield, other Airlines don't appear to be operating often there either. (Ref: Barrier Airlines Flight status apps6)

4. Also looking at their website you will see that the **three NEST medihelicopters in operation in the area are only now providing rescue flights from their Whangarei base**, (Ref: NEST website), and it takes just 30 mins to Auckland Hospitals from there.

So it is debatable that there is any need for rescue flights or refuelling out of Dairy Flat that in future Parakai Airport in the same region can not benefit from.

5. Also airport infrastructure, parking and new roading to cater for an Airport in this expensive land area **will need to find government funding reallocated from other more valid and pressing projects that the Council are facing for all of Auckland's needs. The government has long recognised the need for meeting future housing zoning, not increased air activity.**

6. Please note also that **no factual evidence based business plans with 3rd party assessment of need to meet these responsibilities** were mentioned for what is a required obligation to financially support this application.

NSAC (NSA) may have thought few people perhaps are aware that **once the Airport Authority Status has been processed** at Auckland tax and rate payer costs (and that airports are exempt from rate paying), they **will have the legal right to take whatever properties they require to establish the airport.**

Then there are **real concerns with their intentions** to actually develop the airfield to make their new proposed large runways, claiming only a modest growth of the airfield. It is more feasible that they plan to use their Airport Authority Status for a land grant of 350ha in Dairy Flat **for another more viable large scale project**. NSAC (NSA) did unwisely begin a commercial enterprise with contractors who were interested in creating a lime quarry nearby until they realised it would compromise their airstrips with dust and dirt. This would have had terrible impacts also on the school and residents. Their financial vulnerability is clear and could be manipulated. This Status will be a way to **override much community opposition to gain land for undisclosed and therefore unlikely beneficial future industrial development in the area.**

The local community however will continue to resist this proposal because of the non beneficial impactful environmental effects that is well documented that airports do create, and at great cost to all involved.

Granting NSAC Airport Authority Status in the near to far future will impact negatively on our community where public safety could be disregarded and unreasonably jeopardised.

1. What air operations at the NSAC airfield has on offer is a **small amount of private planes, unsafe small runways (that fly directly over residential properties dangerously from end of takeoff), and very little actual commercial activity.** (Ref: Actual locally recorded little overhead flight activity and concerns when driving, cycling and walking Postman Rd from residents).

2. Dairy Flat will have to be changed from a rural environment without consideration of what this impact will be on the habitat, waterways and many effected local residents; all required to be reallocated with correct due diligence that has to be a right for any Auckland tax and rate payer.

3. They would also need to convince the Ministry of Transport to overlook the real risks in Dairy Flat regarding meeting requirement standards for visibility, hill clearance, frost and flooding, high bird strike and turbulence or contingency plans, let alone the impact on local schools

3. Safety will be an impossibility in this very tightly bordered land area in Dairy Flat. NSAC are clearly not concerned with safety limitations with the State Highway 1, a large explosive fuel storage at the BP petrol outlet servicing that motorway, 2 main highways and many established residential structures or the Dairy Flat schools, steep sided surrounding landscape, all within mere metres of the existing airfield, and no clear crash area available.

There will be obligations to be met.

1. There are real obligations regarding ventilation, noise and environmental issues that have to be met by an Airport and at great disruption and cost, that make this proposal not a benefit to the community. 2. But this request will create instead for Auckland Council's future budget an unnecessary and uneconomic extra expense, **especially** after granting Airport Status to WAA Parakai, where the clear support of the Kaipara Mayor, the good western motorway connections in place to Auckland north and travelling south, and the wide unstructured safe land space available for development at the new Parakai Airport make it a sensible option.

3. Local residents have bought into this expensive area with this zoning expected and would need to have a lengthy lead in time to not impact on their lives without undue hardship.

3. This airport development will reduce land values where most properties in this area have had extensive improvements added. There are residents who have heavily invested in building expensive amenities that rural areas need like large fencing, barns and other outdoor equipment suited to their present zoned lifestyle block rural living. Compared to other parts of Auckland this area can attract and sustain the interests of returning residents who are professionals looking for this level of lifestyle within the city surrounds. However **properties near to airports are not environmentally safe areas to buy into and live.** Land and rates are high in this area so most industrial developers will not be interested because of the little profit margins to be gained.

4. The spread of Auckland is not an environmentally rationale future strategy when there are many industries closing with **leases on offer all over Auckland in built up industrial sites that have existing facilities already established. Creating a new airport in Dairy Flat with the view to foster a business hub with air flights as a means of transportation can only be seen as a destructive and inappropriate use of Auckland's few remaining green belt rural lifestyle residential land areas.**

5. By requesting 350ha in this well established residential area, they **will contradict the zoned future residential undertaking of the lengthy government funded Unitary Plan.**

6. Auckland Council rely on rates for almost half of their financial income. These rates should reflect what people are needing for a future that we would want to live in. **It might look like an exciting future project to have another Airport in Auckland, but it is not a rationale commercial expansion when there are more urgent billion dollar project concerns of more important status that have to be addressed for meeting Auckland's needs.**

This is not a desirable area for conversion to airport or industrial development. It will not be beneficial for the community to change future zoning from residential into an industrial area here and it will need a long term period before any adjustments would render it affordable for developers.

Finally, but what should be the most important consideration for our future growth, is the negative impact on our community an Airport in its backyard would bring. In our efforts to meet ICAC or IPCC international standards for a shift away from high CO2 emissions, greenhouse gas and non sustainable fossil fuels, NZ needs to move away from any unnecessary and uneconomical future growth in air activity.

1. There are many countries looking at this with a serious approach to change in their immediate future transportation needs. (Ref : oag.parliaments: Sweden has termed it 'Flyscam' as a policy that is reducing air flights). **The switch from air operations to solar, water and wind power to fuel train transportation with sea connections instead are future plans already researched and planned by many countries.**

2. Our transportation needs are far better met with time spent considering realistic factual information from many websites easily accessible online. All validate that per passenger per km travelled **air flights are the least able transport method to reduce our carbon footprint** : by train(6 kg) coach(22kg) electric car(14 kg) car (118kg), airplanes(190 kg).

3. There are many more statistics that further substantiate why air operations will need to reduce in our immediate future to address global concerns. **We are not exempt from our commitment to future ecologically beneficial developmental planning in NZ.**

I would like to have my concerns for this unsustainable and non beneficial proposal by NSAC (NSA) to gain Airport Authority Status heard.

In my opinion NSAC (NSA) should not gain the approval, and also should withdraw their submission and not further engage the Ministry of Transport's or the community's valuable time.

Regards, Dorothea Vickery Walker

[REDACTED]

From: [REDACTED]
Sent: Sunday, 29 November 2020 8:42 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

To Whom It May Concern

I write in support of North Shore Airport (NZNE) gaining Airport Authority Status.

North Shore Airport is a well establish airport providing critical strategic air support infrastructure to the residents of Auckland and those who wish to visit.

The airport has been in this location for many, many years. It provides employment to a group of flight instructors and their support staff and to various aircraft maintenance and restoration facilities. It has defined noise boundaries. The provision of competition to the other airports in the Auckland region and this airport's proximity to the large and growing North Shore population is a valuable asset requiring protection.

The granting of Airport Authority Status is appropriate to the nature of the flight operations conducted from North Shore Airport and will help to protect this valuable asset.

Mike Hayman

[REDACTED]

From: vpower [REDACTED]
Sent: Sunday, 29 November 2020 9:03 PM
To: Airports <airports@transport.govt.nz>
Subject: Northshore Aero Club

Kind Regards
Larry

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isYU ZHANG.....
Address... [REDACTED]
.....
Email [REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *“An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won’t be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club’s use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club’s use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes - Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words *"The resulting North Shore Airport Precinct offers certainty...."* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
3. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
4. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
5. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.

6. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure*

*Fig 5 Example of significant safety hazard due to lack of parking
On Postman Road outside airfield office*

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isLe MENG.....
Address.....
.....
Email
.....

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This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

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Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club’s use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

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While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

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The application clearly identifies the various stages of redevelopment and acknowledges that :

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It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.



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The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

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This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

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The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words *"The resulting North Shore Airport Precinct offers certainty...."* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

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In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
3. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
4. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
5. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.

6. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure*

implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



*Fig 5 Example of significant safety hazard due to lack of parking
On Postman Road outside airfield office*

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Le MENG.....
Address..... [REDACTED].....
.....
Email [REDACTED].....

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

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From: bose [REDACTED]
Sent: Sunday, 29 November 2020 9:19 PM
To: Airports <airports@transport.govt.nz>
Subject: NorthShore Aeroclub

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

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Address.. [REDACTED]
.....
.....
Email [REDACTED]

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While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

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The application clearly identifies the various stages of redevelopment and acknowledges that : *Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone... ”pg 38 Masterplan.*

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

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It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon. We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “*The resulting North Shore Airport Precinct offers certainty....*” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

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In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition . This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP “ *in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment*” The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

31. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
32. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
33. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
34. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
35. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
36. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

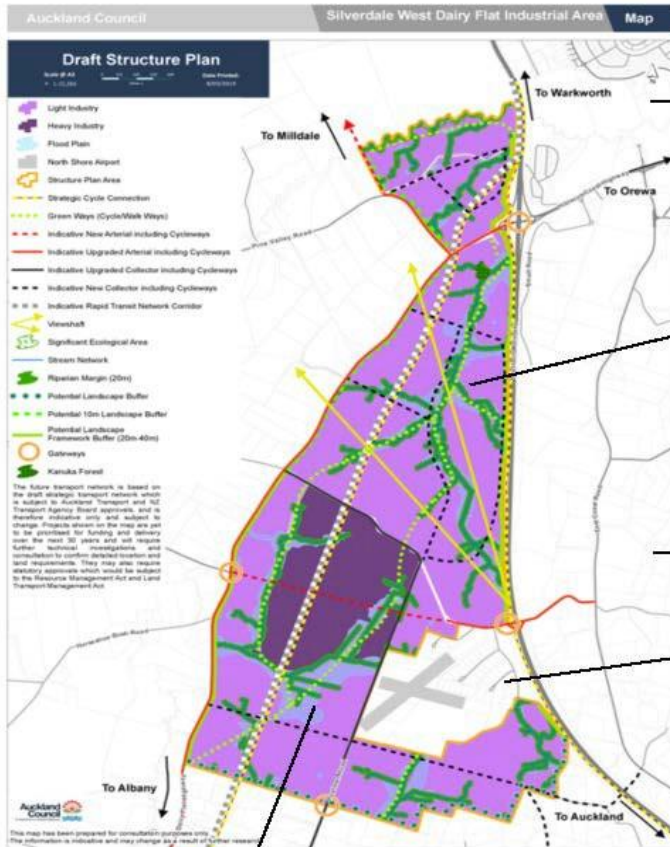
Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



Wetlands

Extent of Stage 1 Structure Plan Area 2020-2038

NSAC Special Purpose Airport Zone

fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the

Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isShan LIU.....
Address... [REDACTED]
.....
Email [REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “*An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the

powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

*26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote **except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.***

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

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The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon. We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

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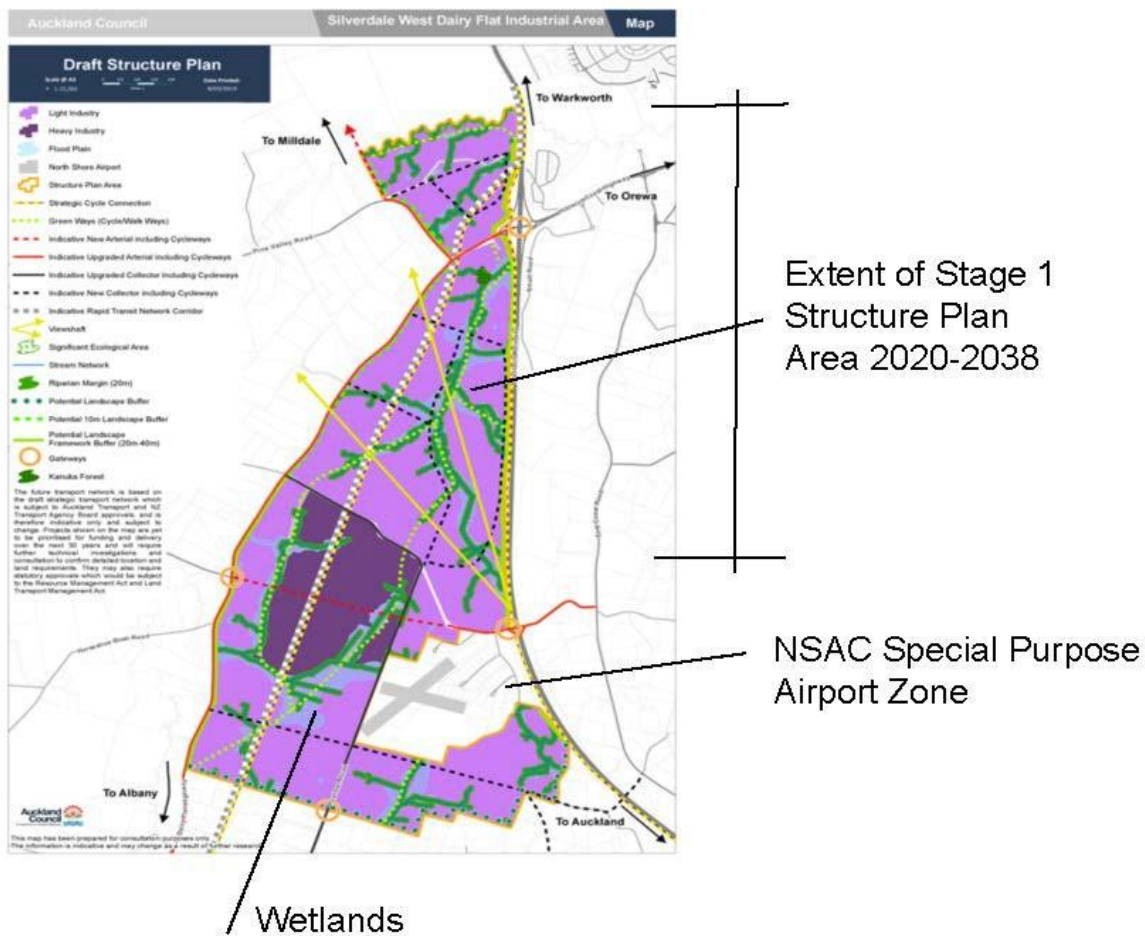


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SUBMISSION

27 November 2020

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To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isGailin CHANG.....

Address... [REDACTED]

Email [REDACTED]

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Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon. We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty....” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a

recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition. This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP "*in relation to the airport Principle 10 is ...Ensure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment*" The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

43. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway "*providing a natural topographic constraint for aircraft takeoffs and landings*" Refer cl 2.2 Airport Surroundings – Masterplan.
44. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
45. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
46. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
47. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
48. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made(some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

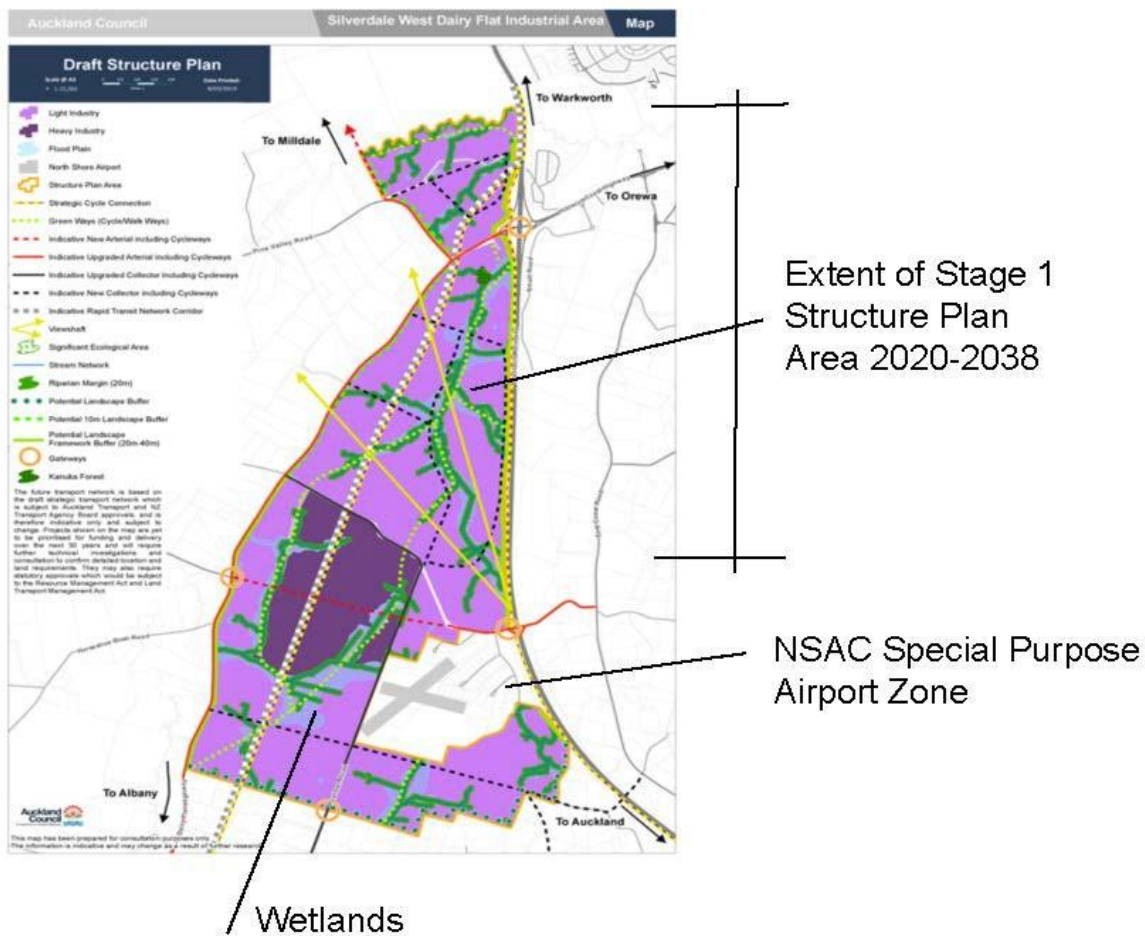


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the

Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isJing ZHAO.....

Address.. [REDACTED]

Email [REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

43. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won’t be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club’s use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

26.2 *The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:*
26.2.1 *at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club’s use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

44. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act, that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

45. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

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This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

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During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty...” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

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This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

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The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

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The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

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In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

- 49.** The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
- 50.** The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
- 51.** The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
- 52.** The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.

- 53. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
- 54. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

49. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

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Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

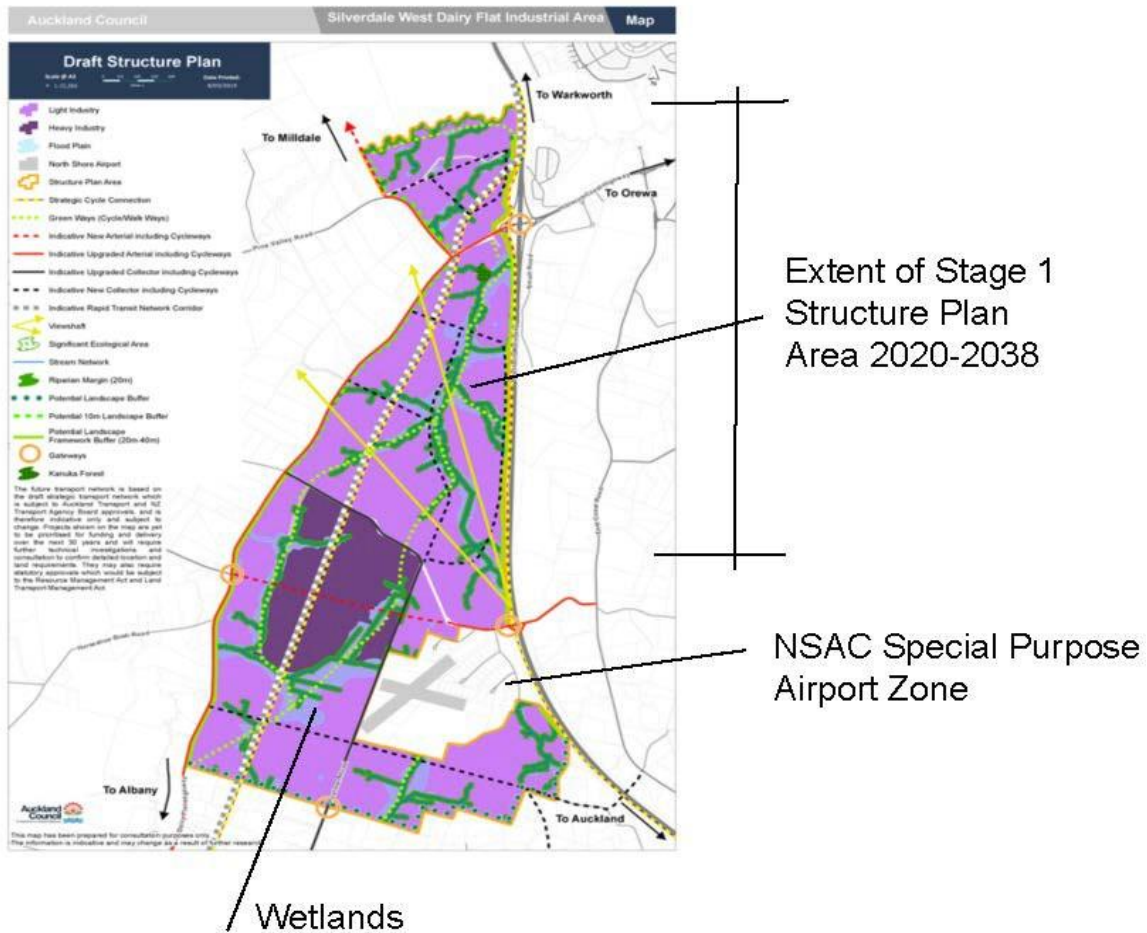


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We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



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On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

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From: Premier [REDACTED]
Sent: Sunday, 29 November 2020 9:26 PM
To: Airports <airports@transport.govt.nz>
Subject: NorthShore Aeroclub

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isAIPING ZHANG.....

Address... [REDACTED]

Email [REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

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The following reasons summarize the basis for my opposition.

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Does the application meet the requirements of the Act?

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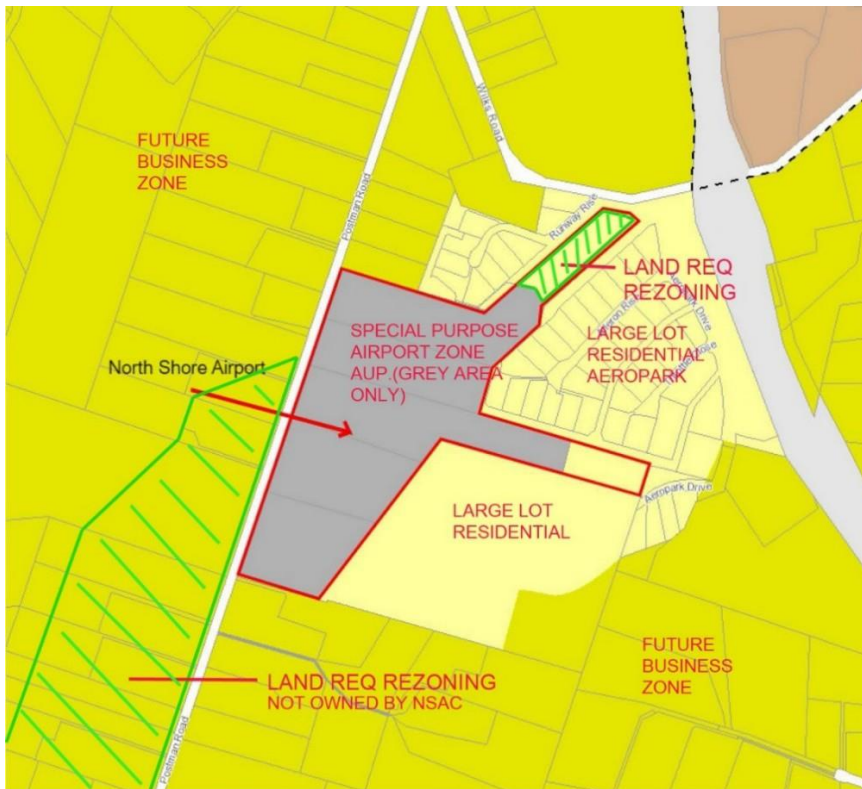


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53. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “*The resulting North Shore Airport Precinct offers certainty....*” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

54. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition . This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP “ *in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment*” The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

55. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

55. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
56. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
57. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
58. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
59. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
60. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

56. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

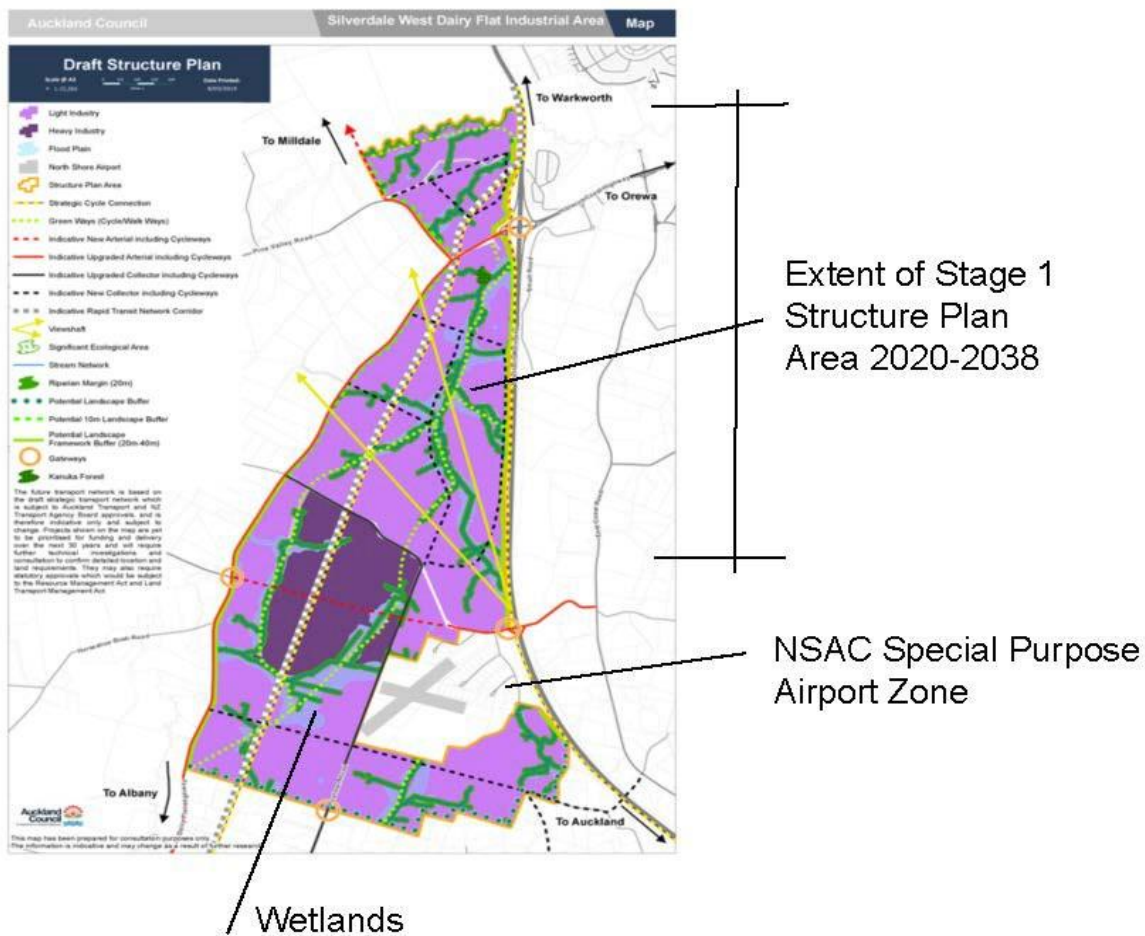


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the

Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Nathan Bailey [REDACTED]
Sent: Sunday, 29 November 2020 9:50 PM
To: Airports <airports@transport.govt.nz>
Subject: North Shore Airport

Hi,

I am making a submission in support of North Shore Airport being granted Airport Authority status. Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand. The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future. North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Councils highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses. North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force. As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status. New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too. North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner. In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly.

Regards,
Nathan Bailey
[REDACTED]

From: Greg Morris [REDACTED]
Sent: Sunday, 29 November 2020 10:12 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

Hello

I am an airline pilot living in Whangarei and a B Category Flying Instructor. I am a member of the New Zealand Warbirds Association and the Whangarei Flying Club. I have flown in and out of North Shore airport many times since 1993 and am making a submission in support of North Shore Airport being granted Airport Authority status.

Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand.

The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future.

North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Councils highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses.

North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force.

As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status.

New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too.

North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner.

In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly.

Kind regards

Greg Morris

NZCAA ID 37427

From: Karen Moore [REDACTED]
Sent: Sunday, 29 November 2020 11:11 PM
To: Airports <airports@transport.govt.nz>
Subject: North Shore Airport Proposal for Airport Authority Status

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

I have reviewed the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority. and oppose the proposed redevelopment of recreational airfield into a full commercial regional airport for the reasons outlined in the attached submission.

Would you please acknowledge receipt of my submission.

Yours faithfully

Karen Moore

[REDACTED]

[REDACTED]

Attachment

28 November 2020

Ministry of Transport

PO Box 3175

Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

I have reviewed the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

I have lived in Postman Road for nearly 20 years and strongly opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons set out below.

My request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does not decline the application outright, I seek an alternative relief whereby in any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning.

The reasons for my submission are:

1. The application does not meet the requirements of the Airport Authorities Act 1966 nor is it a suitable body to receive Airport Authority and/or Requiring Authority status. The Applicant, the North Shore Aeroclub is a not for profit Incorporated Society and the Act states; “ *An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*”

The North Shore Aero Club is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things

which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

CI 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

Furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company.

The Club Executive confirmed at a meeting to the local community on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief sought: The Club Executive are therefore operating outside of their own Constitution and have no mandate from its own membership to support this application. The application for Airport Authority status does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. The Club has not shown good governance or acted responsibly.

The Club Executive have confirmed that there has been no business case established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, I request that the application be rejected.

3. The Club has avoided the RMA Process. The application clearly identifies the various stages of redevelopment and acknowledges that :

"Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners, as I understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

Over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.”

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for

the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief sought: This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly I request that this application be forthwith rejected.

4. During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words *"The resulting North Shore Airport Precinct offers certainty...."* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

5. During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

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6. In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *"North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted"*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

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As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

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7. In respect to showing good governance, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create safety issues including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
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4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, I request the application to be rejected.

8. From the broader environmental aspects, the application also confirms that the property is un-serviced by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

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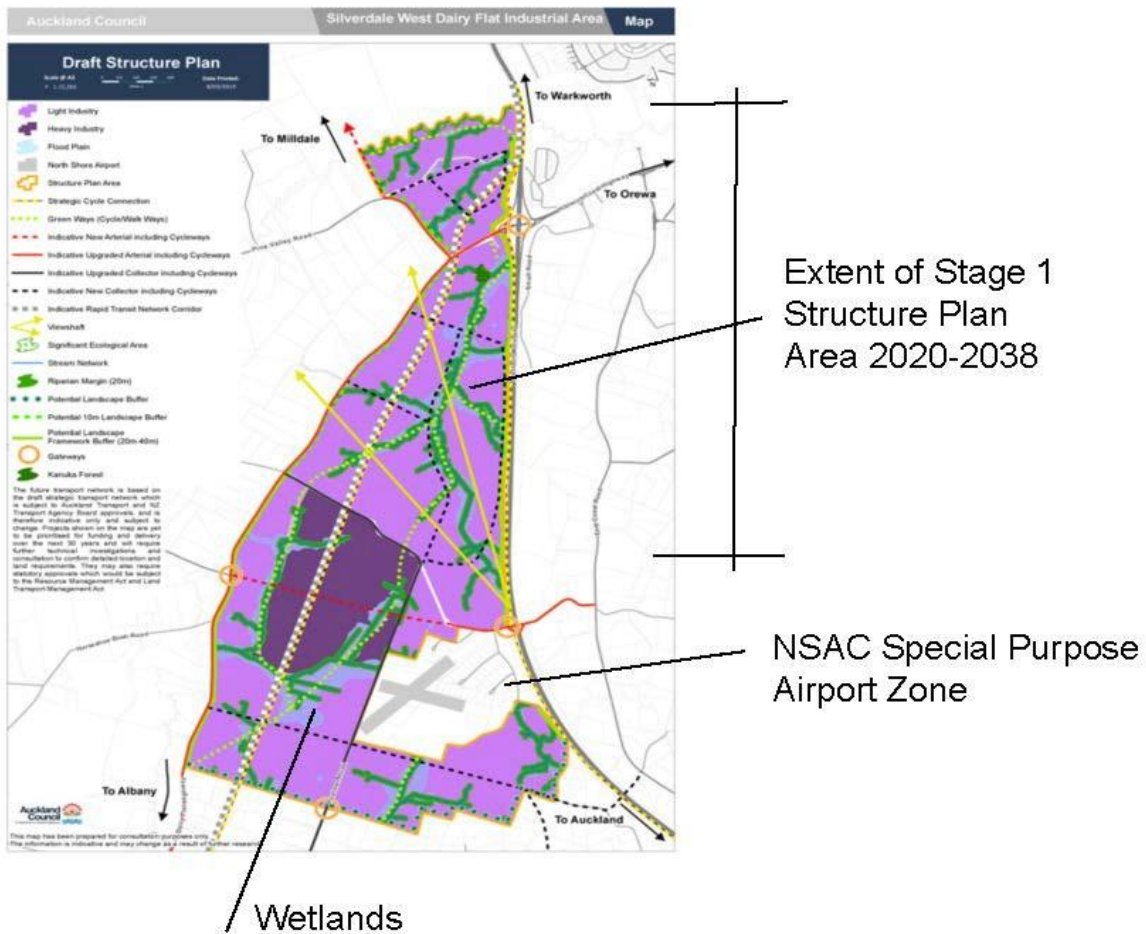


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. I request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

Karen Moore

From: Matthew and Lin Li Webster [REDACTED]
Sent: Sunday, 29 November 2020 11:44 PM
To: Airports <airports@transport.govt.nz>
Subject: North Shore Airport's airport authority status application

Dear Mr Tom Forster,

Please find attached my submission on the North Shore Aero Club's application for Airport Authority status.

Thank you and kind regards,
Matthew Webster.

Attachment

SUBMISSION

29 November 2020

RE: APPLICATION BY NORTH SHORE AERoclub INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Matthew Webster

Address: [REDACTED]

Email: [REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

57. Unitary Plan and its relationship with the North Shore Aero Club

The North Shore Aero Club has applied for Airport Authority Status for the following reasons (contained in an email to members of the Club on Thursday 26 November 2020):

- *The Airport Authorities Act (1966) allows for organizations to establish, improve, maintain, operate or manage airports.*
- *It provides a range of mechanisms that enable airports to evolve and cater to demand in a more fluid manner.*
- *It obligates the airport to operate in a transparent manner such as disclosing fees charged for aircraft movements and passenger levies.*
- *An Airport Authority can make its own bylaws (which must be approved by government).*
- *An Airport Authority can compulsory acquire land (but only through and with approval from the Minister of Lands).*
- *An Airport Authority can apply to the Minister for the Environment for requiring authority status under the Resource Management Act. Among other things, requiring authority status allows it to give notice to a local authority (the Council) to designate land under the district plan.*

I, along with the other title owners of 40 Aileron Rise, are members in the North Shore Aero Club.

In reading through the recommendations¹ made by the Ministry of Transport for West Auckland Airport Company Limited's application for Airport Authority Status, I note that paragraphs (16) and (17) state:

We note that airport authority status does not directly affect the number or size of aircraft permitted to use the airport. The size of aircraft permitted to use the airport is determined by civil aviation safety regulation, while the RMA provides mechanisms for placing limits on activities causing noise, including at airports.

If noise was, or became, a problem it is the responsibility of the Council and the Airport Company to work with the community to resolve these issues, part of which could include imposing noise restrictions

I also note the Ministry's observation in paragraphs (21), (23) and (25) of the same document. With that likely to apply the North Shore Aero Club's application, I conclude that the North Shore Aero Club's Master Plan² would be subject to other safeguards for the community. Please note I have read the Master Plan in full. I have also attended a member's meeting on Tuesday 11th February 2020 regarding the Master Plan and intention (at that date) to apply for Airport Authority status.

After that meeting I and the General Manager at the North Shore Aero Club corresponded with a suggestion from myself that they engage one on one with land owners and residents in the

¹ <https://www.transport.govt.nz/assets/Uploads/Briefing/briefing-paper-application-airport-authority-status.pdf>

² <https://www.transport.govt.nz/assets/Uploads/Application/AirportMasterPlan.pdf>

community to canvass concerns. I believe this will allay the concerns people may have, and even obviate some of them.

In a further meeting between the North Shore Aero Park Limited shareholders and the North Shore Aero Club on Thursday 26 November, I engaged with the General Manager. I asked the GM the nature of their working relationship with the Auckland Council over the last 7 years since the Auckland Unitary Plan (Operating Part) was first introduced. The GM commented that the Council have acted well towards the Club. However the North Shore Aero Club has a concern that although the working relationship is fine now, this could change in the future. The Club has also referred to the problems that could result if Postman Road become a 4 lane arterial road as part of the urbanisation in the next 30 years. Essentially, the Club is concerned regarding its future position with the oncoming development of Dairy Flat.

I understand this concern.

I have engaged with the Auckland Council over the last 10 years over its zoning, land release, and infrastructure program and appeared before the Independent Hearing Panel which received submission on the AUP OP.

The North Shore Aero Club's issue essentially is with the future direction of the Auckland Council's AUP OP. I believe it has come to this belief even though the Council has zoned its land as Special Purpose –Airports and Airfields. While they state that its relationship with the Auckland Council is on good terms, its actions in applying for Airport Authority status contradicts this statement.

The purpose of the Airport Authority is defined in clauses 3 and 4 of the Airport Authorities Act 1966³. I have reviewed these clauses and the North Shore Aero Club is able to exercise all of these where it considers them to be part of its current operations. In other words, granting Airport Authority status does not give it additional rights that it is seeking, other than its ability to engage with the Auckland Council on a different basis. I would submit that it is able to engage effectively now, and secure its future, directly with the Auckland Council.

On that basis, I have offered to volunteer on the Club's committee my time and support with their engagement with the Auckland Council over the medium/long term to ensure it can continue to benefit its members, and the businesses it supports. I would suggest to the Ministry on the prudence of inserting itself into a local issue between the club and the Council as I believe it is healthier to work directly with the Council in good faith. The Club can operate as an airport, can extend its runway for safety reasons, and based on its own admission, has a good relationship with the Council to ensure its future is secure - all today. This more natural approach of affairs will result in parties working for an equitable outcome and that could be placed at risk if the nature of the Club were to change, resulting in a more formal and de-personalised approach. I would encourage the Ministry to engage with the Council and the Club to understand the nuances and status of the issues (actual or perceived) that have resulted in the Club's application. This independent approach will ensure that the basis of Airport Authority Status (granted or denied) is sustainable.

On this basis, I believe it is prudent that the application be rejected and the Ministry provide feedback to the Club on the Council's plans to help the Club move forward for itself and the community.

³ <http://www.legislation.govt.nz/act/public/1966/0051/latest/whole.html>

From: Greg Knight [REDACTED]
Sent: Monday, 30 November 2020 7:40 AM
To: Airports <airports@transport.govt.nz>
Subject: dairy flat aeroclub

Regards Greg



FRIDGETECH MARINE & OUTDOORS
21 Tarndale Grove, Rosedale, Albany 0632
P O Box 302419, North Harbour, 0751
P: 09 415 1456 **F:** 09 415 1457 **E:** info@fridgetech.co.nz
www.fridgetech.co.nz

Attachment

27 November 2020

Ministry of Transport

PO Box 3175

Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

My name is ...Greg Knight..... , and I am submitting my objection to the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

As a member of the Dairy Flat community where I reside I am opposed to the proposed redevelopment of a recreational airfield into a full commercial airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, we seek the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AERoclub INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...Greg Knight.....

Address [REDACTED]

Email : ... [REDACTED]

58. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “ *An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....* ”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this

means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

59. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

60. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that : *Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone... ”pg 38 Masterplan.*

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

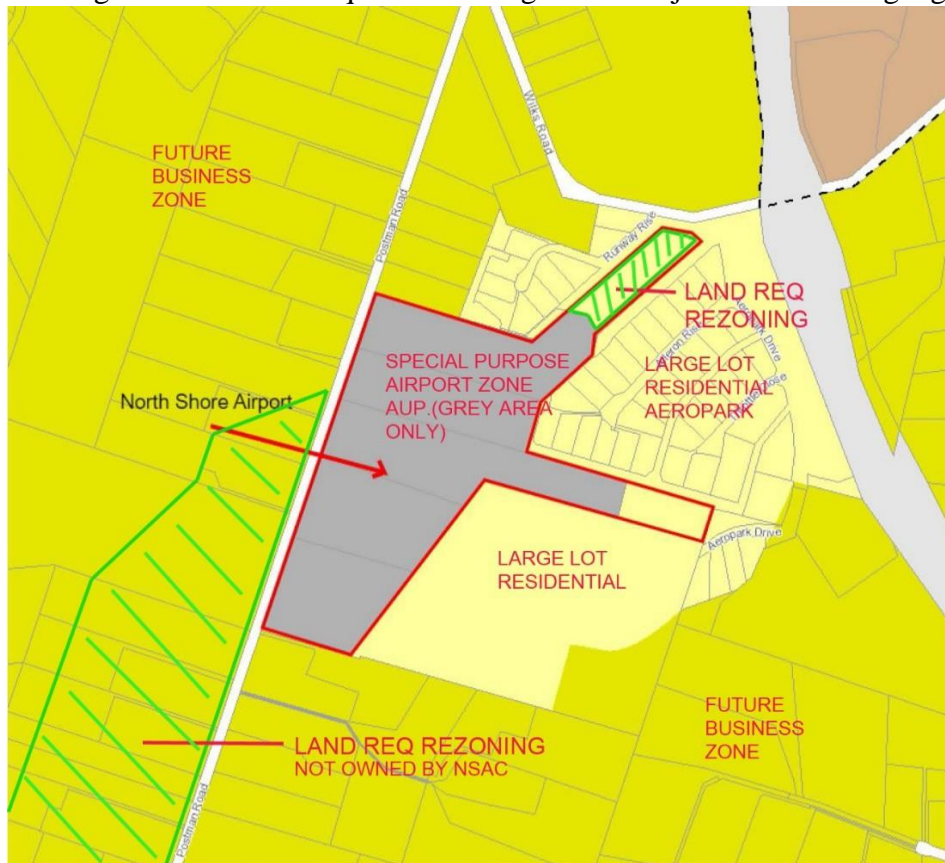


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon. We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised(signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act’s powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

61. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty....” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

62. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP “*in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment*” The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

63. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

61. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
62. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
63. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
64. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
65. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

64. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

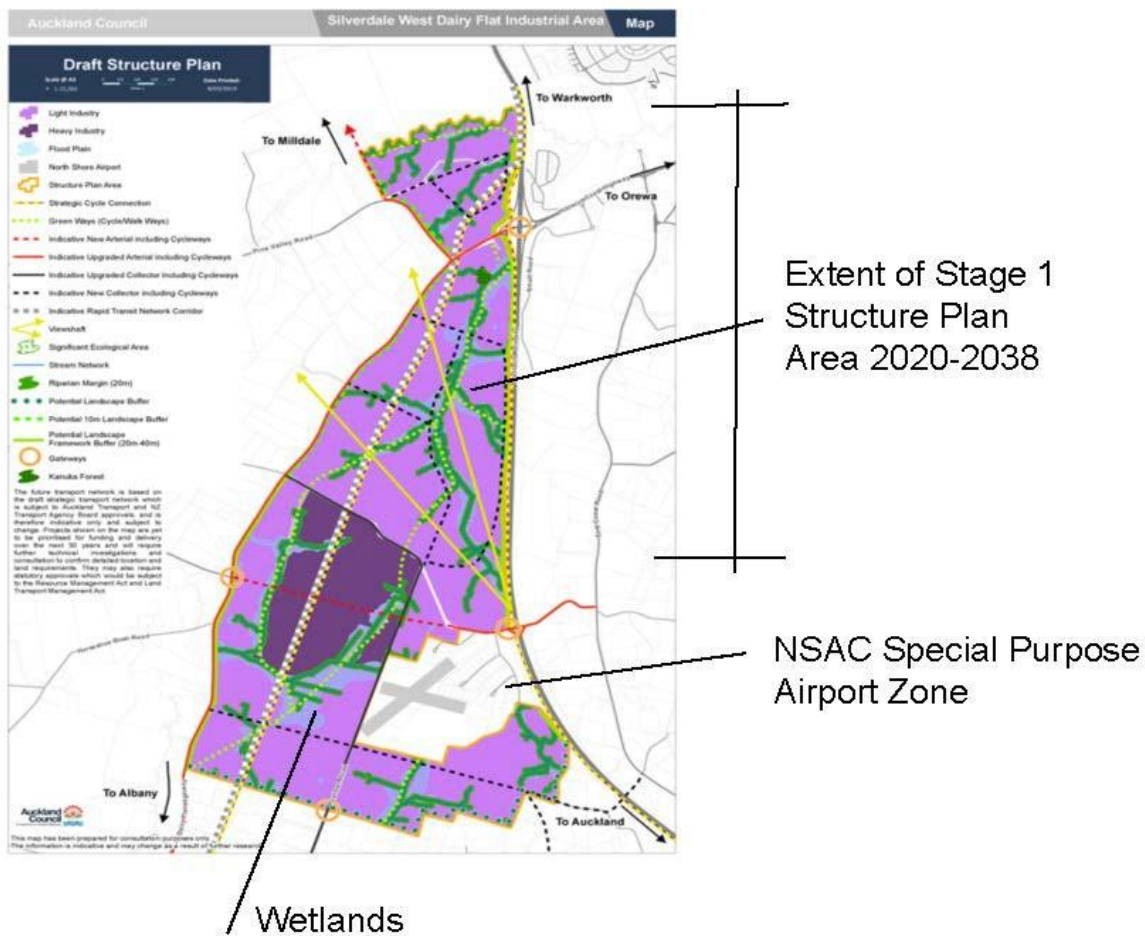


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the

Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Kelvin Tubman [REDACTED]
Sent: Monday, 30 November 2020 8:32 AM
To: Airports <airports@transport.govt.nz>
Subject: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is: Kelvin Tubman

Address: [REDACTED]
[REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The attachment outlines the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

Kelvin Tubman
Analysis Integrity and Capital Manager
Analysis Integrity

[REDACTED]
[REDACTED]

Attachment

SUBMISSION

27 November 2020

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The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

65. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

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The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

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It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

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The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

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Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

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However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific*

Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

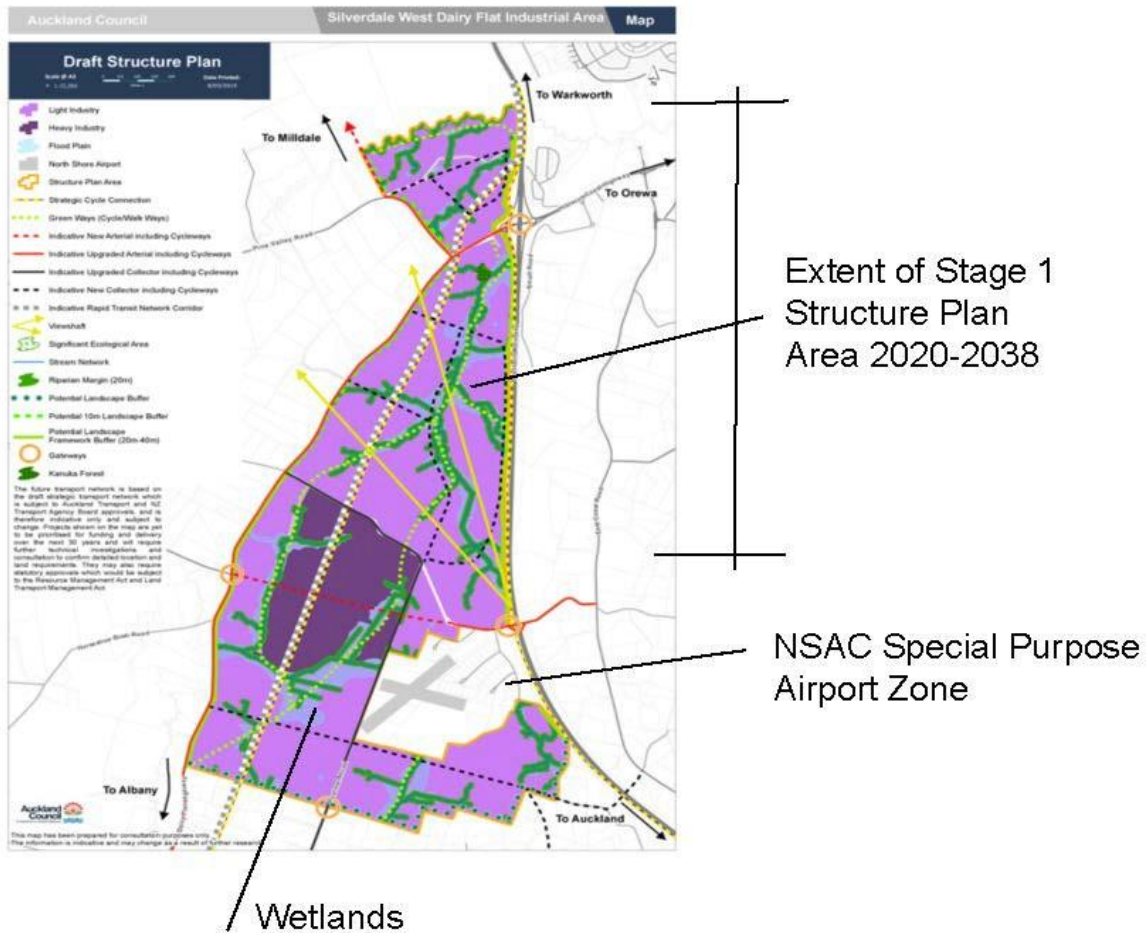


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: David Saunders [REDACTED]
Sent: Monday, 30 November 2020 9:42 AM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

Please find attached a submission for the application as above.
David Saunders

Attachment

Ministry of Transport
P.O Box 3175
Wellington 6140

Attention: Mr T. Forster
Manager of Economic Regulation – Aviation
t.forster@transport.govt.nz Ph: 04 439 9000

**RE: NORTH SHORE AIRPORT
APPLICATION FOR AIRPORT AUTHORITY STATUS**

Dear Sir,

I am making a submission in support of the North Shore Aero Club (Inc)'s North Shore Airport being granted an Airport Authority status.

The first question to ask is, can the North Shore Aero Club Inc (NSAC), apply under the Airport Authority Act 1966 for Airport Authority status. I believe it can, as the first sentence in the Act reads, "An Act to consolidate and amend the Local Authorities Empowering (Aviation Encouragement) Act 1929 and its amendments and to confer powers on certain local authorities and **other persons** in respect of airports"

and the NSAC clearly fits the description of "other persons", as do the private entities that own Parakai and Ardmore aerodromes, both of which already have Airport Authority status.

Also Section 3,(3) states, "The powers conferred on local authorities by this section may, with the prior consent of, and in accordance with conditions prescribed by the Governor-General by Order in Council, **be exercised by any person or association of persons** referred to in the Order in Council."

North Shore Airport is now recognised by the Auckland Council in the Unitary Plan as a strategic piece of transport infrastructure and is the subject of Auckland Council's supportive North Shore Airport Topic Report of 2017.

North Shore Airport Topic Report

<https://www.aucklandcouncil.govt.nz/have-your-say/topics-you-can-have-your-say-on/silverdale-west-dairy-flat-industrial-area-structure-plan/docsconsultation/north-shore-airport-topic-report.pdf>

By granting Airport Authority Status, the airport can develop and be of increasing value to the local community, because it will provide better transport links, more jobs and better synergy with the local businesses that will be established in the immediate vicinity of the airport under the current land zoning of the Auckland Unitary plan.

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North Shore Aero Club Inc (NSAC), the owner and operator of North Shore Airport since its existence in 1963, is a strong and viable organisation. Over the past 57 years the NSAC has grown to be one of the two largest Aero Clubs in New Zealand. It has approximately 600 members and there are 200 aircraft based at North Shore Airport. The governance of the club is by 10 elected members who have been chosen for their business and professional acumen that is suitable for leading the NSAC. The Constitution of the NSAC has just been through a complete review and is now robust and updated for the modern world that we now operate in. The day to day management of the NSAC is by professional personnel with suitable skill sets in aviation, aviation education and management. Section 4 of the Act describes all the mindset of the NSAC in running the North Shore Airport. The NSAC has been doing this very successfully for many, many years, and it wishes to develop the airport further with the additional powers of an airport authority.

Section 4 Additional powers of airport authorities

(1)

In the exercise of its powers under [section 3](#), and any other powers which it has, any airport authority may from time to time—

(a)

improve, maintain, operate, or manage an airport, whether or not the airport was established under this Act:

(b)

improve, maintain, operate, or manage an airport which has been added to, improved, or reconstructed by Her Majesty, or by some other authority, body, or person since the establishment of the airport:

(c)

establish, improve, maintain, operate, or manage an airport on any land, whether or not the land is wholly or partly owned by the airport authority:

(d)

improve, add to, alter, or reconstruct any airport or any part of an airport maintained or operated by the airport authority:

(e)

establish, operate, or manage, or cause to be established, operated, or managed at airports, refreshment rooms, book stalls, booking offices, travel agencies, and such other facilities as may be considered necessary:

(f)

enter into and carry out any agreement or arrangement necessary for the exercise of any power or function conferred on the airport authority by this Act.

The NSAC primarily provides flight education and training for its members, from ab initio (entry level) through to the highest licences and qualifications for commercial aviation. It is regularly audited by the NZQA and receives exceptional reviews about the quality of the training and the systems in place. The NSAC manages the airport for its members, other itinerant aviators and aviation related businesses, who use the airport and facilities to enjoy their aviation passion and commercial operations. North Shore Airport is a busy aerodrome as stated by CAA on the NZNE plate in the AIP Vol 4 and this traffic volume/usage has developed because of the proper professional management and services of the aerodrome.

“North Shore aerodrome is one of the busiest airfields in the country with a high level of fixed wing and helicopter traffic, both training and commercial operations. To facilitate the safe operation of all aircraft at North Shore aerodrome the following procedures should be complied with.”

North Shore Airport currently supports many jobs, businesses, and livelihoods, both on and off the aerodrome. The NSAC would like to develop further, air transport services for the North Shore community. There are already regular scheduled passenger flights to and from North Shore Airport and the airport is utilised daily by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force.

Airport Authority Status will provide a range of suitable mechanisms that will help ensure that the NSAC can maintain, operate and manage the airport in a way that is consistent with best practice, like the majority of airports around New Zealand, and it is essential that the NSAC is supported in its professional operation of the airport, by having the most appropriate tools available, which include Airport Authority Status.

New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that do already exist, must be given all the necessary and meaningful tools available to enable their continued operation. The great majority of regional airports in New Zealand, including all the airports in the Auckland region, both Council and other entities owned, (Ardmore, Auckland, Claris, Okiwi and Parakai) already enjoy Airport Authority Status and it is fitting that North Shore Airport should too.

In conclusion, The NSAC is more than capable of complying with the requirements of the Act. The regulatory framework and legal status that would be gained by acquiring an Airport Authority Status will help protect and enhance North Shore Airport and will provide certainty for the airport into the future. The Airport Authorities Act 1966 exists to support airports and their management, and it is therefore only fitting that North Shore Aero Club should be recognised as an Airport Authority.

David Saunders



From: Kevin Ward [REDACTED]
Sent: Monday, 30 November 2020 9:53 AM
To: Airports <airports@transport.govt.nz>
Subject: North Shore Airport application to become airport authority

This submission is from the New Zealand Airports Association (NZ Airports) and supports the application by North Shore Airport to become an Airport Authority. We appreciate the opportunity to provide a submission.

NZ Airports is the industry group for New Zealand's airports, and our members operate 42 airports nationwide. North Shore Airport is a member of NZ Airports.

NZ Airports submits that North Shore Airport has successfully been in active operation as an airport for decades and has served its local community, aviation users and recreational aviation well during that time. Gaining the status of an airport authority will provide North Shore Airport with appropriate rights and responsibilities to protect its current and future position as an operational airport while the surrounding region undergoes development, including changes indicated by the Auckland Unity Plan.

We note that none of the new rights gained as an airport authority are unlimited, or operate entirely at the discretion of the airport. Each exercise of the new rights has to be approved by a Minister (or Ministers) of the Crown, and appropriate checks and balances will be applied in each case (including the Airports Authorities Act 1966, the Public Works Act 1991, the Land Transport Act 1998, and the Resource Management Act).

Based on North Shore Airport's long period of operation and responsible management under North Shore Aero Club, we believe that it meets the key criteria applicable to a successful application:

- established as a functioning airport
- sustainable as aviation infrastructure, and
- capable of managing the additional responsibilities as an airport authority.

In addition the airport has, over an extended period, proven its value to its locality and the wider region, through air connectivity (including emergency services), economic and employment contributions, and enabling recreational and educational opportunities.

We also note that having the status of an airport authority will allow the North Shore Airport to more easily develop or adapt to changing aircraft types and use patterns, to fulfil its role under local and regional planning requirements, and thereby maintain and increase its usefulness to its local community and the wider aviation system.

We submit that the Minister of Transport should approve the application by North Shore Airport.

Kevin Ward
Chief Executive

[REDACTED] | [W www.nzairports.co.nz](http://www.nzairports.co.nz)

Level 8, Midland Chambers, 45 Johnston Street, Wellington 6011
PO Box 11369, Wellington 6142, New Zealand.



From: Pierre Pechon [REDACTED]
Sent: Monday, 30 November 2020 10:43 AM
To: Airports <airports@transport.govt.nz>
Subject: north shore airport

I am making a submission in support of North Shore Airport being granted Airport Authority status. Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand. The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future. North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Council's highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses. North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force. As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status. New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too. North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner. In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly

Kind regards,

Pierre Pechon
MB.ChB, B.Eng (Aeronautics), M.Sc (Orth.Eng), FRCS Eng (Tr+Orth)
Consultant Orthopaedic & Adult Reconstruction Surgeon

From: pierre pechon [REDACTED]
Sent: Monday, 30 November 2020 10:44 AM
To: Airports <airports@transport.govt.nz>
Subject: north shore

I am making a submission in support of North Shore Airport being granted Airport Authority status. Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand. The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future.

North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Councils highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses. North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force. As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status. New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too.

North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner. In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly

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Kind regards,

Pierre Pechon

MB.ChB, B.Eng (Aeronautics), M.Sc (Orth.Eng), FRCS (Trauma and Orth)

From: Nikora Lewis [REDACTED]

Sent: Monday, 30 November 2020 12:19 PM

To: Airports <airports@transport.govt.nz>

Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

I am making a submission in support of North Shore Airport being granted Airport Authority status. Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand. The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future. North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Council's highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses. North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force. As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status. New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too. North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner. In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly.

From: Warwick Hojem [REDACTED]
Sent: Monday, 30 November 2020 12:34 PM
To: Abi Wyatt [REDACTED] Airports <airports@transport.govt.nz>
Subject: North Shore Aero Club's application for Airport Authority

Hi,

Attached, please find a private landowner's submission opposing the North Shore Aero Club's application for Airport Authority

Many thanks

Warwick Hojem

Attachment

SUBMISSION

30

November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Johan Warwick Blackwood HOJEM

Address – [REDACTED]

Email – [REDACTED]

I am a landowner and own the property at the above addresses and hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

My reasons for opposing the North Shore Aero Club's application is many-fold but centres primarily around the negative impact that their application, if successful, would have on the natural environment and in particular, the birdlife in and around the area in which the aeroclub operates.

The North West Wildlink (see [North-West Wildlink](#)) stretches from Tiri Tiri in the east to the Waitakere Ranges in the west and it is a "living" corridor "linking" east to west with numerous stepping stones between these two points and these stepping stones are pockets of natural or

re-introduced native bush (some under covenant) which are eco-sensitive and they provide food and sanctuary to birds moving from east to west and vice versa. And, right in the middle of the North-West Wildlink is the North Shore Aero Club ... as it currently operates, it is not a serious threat to the natural environment, but, should it be granted Airport Authority status and it is allowed to extend its runway and allowed to fly 80-seater commercial aircraft, then, this would adversely affect the native bird populations within its footprint (specifically bird-strike and through noise, forcing birds to steer away from their natural flightpaths) and hence my strong opposition to their ill-thought out plans.

Surely, their solution (as an Aero Club) would be to sell their very valuable real estate (set in the wrong zones, including residential) and relocate to a flatter area more into the country where their impact on people, infrastructure and the natural environment would be much, much less.

I am also aware that the aero club has tried to impose height limitations on trees growing on neighbouring properties and I understand that they may wish to extend this requirement on tree heights as far as the "new" proposed Regional Park proposed for the 156Ha of land belonging to Auckland Council to the north of Green Road and find it restrictive that they may choose to prohibit the planting of kauri, rimu, rata, totara and other indigenous tree species ... many supporters of the Green Road Park have listed birding/enjoying the natural environment as high in their priority of what they wish the park to provide. Limiting tree heights (or species) in the park would impact adversely on people wishing to use the park who rank the natural environment more highly than that of a flight path. Also, if the amount of traffic is increased in the flight path, this too (the increased frequency of flights and increased volume of noise) would have an adverse effect on birds and users of the park.

At the end of 2028, the Redvale Landfill will cease operations in terms of taking in fill and in the two years leading up to this date, Waste Management, who operate this 66Ha site have undertaken to replant the filled area with native plants and hand it back to the community they have impacted on for over 30 years. They have already embarked on the restoration process and native birds are returning to the wetland areas that have been vegetated to date and again, increased flights and increased noise will have a major negative impact on these restoration endeavours.

I also do not believe that there has been any community consultation and also very little partnering with the Dairy Flat community ... I attended the feedback session at Dairy Flat Hall hosted by the Ministry of Transport late last month and taking members of an RSA to a meal and some under-privileged/health-impaired children on a flight over Auckland (note, neither group came from within the Dairy Flat community) does not constitute community involvement ... there has been little if not zero involvement in supporting local community (Dairy Flat) initiatives such as the Dairy Flat Primary School and Dairy Flat Hall and last year, the North Shore Aero Club endeavoured to get Auckland Council to get one of the aero club's immediate neighbours to trim trees on the neighbour's property note, using ratepayer money (not their own) to do their dirty work. See "Fair Go" archives dated April 2019 - <https://www.tvnz.co.nz/one-news/new-zealand/fair-go-property-owner-forced-up-against-ambitious-north-shore-aero-club>

At the meeting held at the Dairy Flat Hall, the CEO and the Chairman of the Aero Club endeavoured to explain their reasons for applying for airport authority but somehow, didn't indicate that one of their major objectives through obtaining airport authority status would be that they would become rates exempt. They are currently on a peppercorn rate regime ...

however, this is due to change with them becoming a fully rateable entity and obviously, being rate exempt is a major plus ... they were accused at the meeting of being non-transparent, specifically linked to the community within which they operate and this would appear to be another case of hiding their real intentions (such as a lucrative rates offset).

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Many thanks

Warwick Hojem



From: heather kinnell <[REDACTED]>

Sent: Monday, 30 November 2020 12:43 PM

To: Airports <airports@transport.govt.nz>

Subject: Submission Opposed to Airport Authority Status for North Shore Airport

Please find attached my submission **OPPOSING** the granting of Airport Authority Status to North Shore Airport.

Thank you,
Heather Kinnell.

Attachment

Submission Opposed to North Shore Airport's Application for Airport Authority Status.

Dear Sir/Madame,

I am **strongly opposed** to the granting of Airport Authority Status to the North Shore Airport on the grounds of significant safety concerns and the unwillingness of the North Shore Aeroclub/North Shore Airport to communicate with members of the Dairy Flat community.

The most important reason for declining the application is the significant risk to human life and property if North Shore Airport is granted Airport Authority Status and implements its "Master Plan" for expansion of the airport. The airport has a 1:40 gradient for height within the fans at either end of the runway. For safety nothing should breach the height limits within these fans. A section of East Coast Road, between Jacksons Way and Spur Road lies within the fan at the north-eastern end of the runway. The road height in places reaches the maximum allowable height and there is land on either side of the road which breaches the height limits. In addition, there are many obstacles including trees, buildings, and power lines which breach the maximum allowable height as shown in the photos below.

[REDACTED]





The Auckland Council, North Shore Aeroclub, and CAA are all aware of these breaches, yet flight operations continue endangering the lives of air travelers, road users, and residents.

Many flights come in very low over my families' property on East Coast Road, in particular over a pine plantation established in the 1930s. This is clearly an accident waiting to happen.



One can assume that the bigger planes proposed in the 'Master Plan' will result in aircraft flying lower when coming into land increasing the danger to the public.

The well-known issues with these hazards lead onto the second concern I have with granting Airport Authority Status to North Shore Aeroclub – their complete lack of communication and unwillingness to work with members of the community.

For many years the North Shore Aeroclub have hidden behind the Auckland Council, forcing residents to remove trees at their (the residents) cost for breaching the allowable height within the fans. The aeroclub has requested Auckland Council to carry out all demands while the aeroclub never lowers themselves to communicate with residents.

One such incident occurred between my family and the Council regarding the above-mentioned pine plantation. A small number of the trees near the boundary with East Coast Road were planted by my great-grandfather in approximately 1910, while the bulk were planted in the 1930s. The trees were well established **before** the airport ever started operating. In 2016 my family received correspondence from the council that the trees now breached the allowed height within the fan and must be removed. The trees breached the allowed height by approximately 20 meters. Any reasonable person can understand that these 80-year-old trees didn't just grow 20 meters overnight; clearly the trees breached the height **before** the restrictions were put in place. My family and our lawyer tried to communicate our concerns with the aeroclub and tried to come to an arrangement regarding the cost of the tree removal. At no time did we ever say the trees couldn't be removed, just that we didn't feel we should be entirely responsible for the cost given the aeroclub had established an airfield in an area when they knew hazards were present. The aeroclub never talked with us. We had meetings with council representatives who agreed that the situation was difficult given the road was near or breaching the height restrictions and that there were many other hazards present. However, the aeroclub continued to petition the council for the tree's removal. A meeting was organized between my family, Auckland Council, and the aeroclub. We arrived at the meeting only to be told that the aeroclub did not want to be part of the meeting; that they wanted to (and already had) met with the council privately. Despite our strong legal position of existing use rights under the resource management act, the aeroclub, via the council, continued to push for the tree's removal. The aeroclub only stopped after the intervention of the television program 'Fair Go' and the withdrawal of council support.

This is a clear illustration that the aeroclub is not interested in fairly and reasonably dealing with the community. If given Airport Authority Status they are likely to ride rough-shod over the community to get what they want. The cost to individual landowners to fight against the airport, even when the individual is in the right will be too prohibitive for most people. Airport Authority **should not** be granted to a group that is going to use unfair, bullying tactics against members of the community.

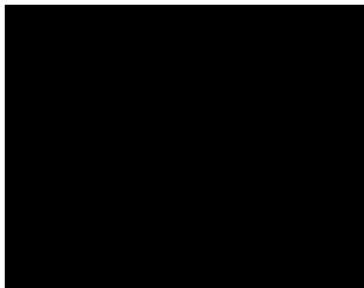
The aeroclub themselves admit that their major concern is for their members. The major concern should be for the safety and well-being of the public. All services the airport is currently involved with (including flight training, civil defense, and emergency helicopter landings) can continue without disruption without granting the power of Airport Authority to a group (the aeroclub) that have proved themselves unreasonable. Furthermore, Parakai Airfield already has Airport Authority status. Surely it is unnecessary and uneconomic for there to be two airports with Airport Authority within such close proximity to each other. Given the ground contours and lower population density, the Parakai Airport is far better suited for expansion to regional flights (if required) than North Shore. Yet in their application, North Shore aeroclub fail to mention this option even exists.

Moreover, if Airport Authority is granted to North Shore Airport, the resulting airport expansion will have nothing but detrimental effects on the residents in the surrounding area. Property prices will likely fall, most notably for those directly under the flight path. There will be a large increase in the volume of traffic on the local roads which have not been designed for this. There will be a significant increase in noise pollution. And a marked reduction in quality of life for residents. In no way will the community benefit from this proposal.

In summary, the granting of Airport Authority will give a small group of private individuals an unfair and unreasonable amount of power over the residents of the Dairy Flat area. The peaceful semi-rural lifestyles of residents will be lost with no benefit to the community. While the risk to human life and property will dramatically increase. This can not be allowed to happen.

Yours sincerely

Heather Kinnell



From: John Neill [REDACTED]
Sent: Monday, 30 November 2020 1:11 PM
To: Airports <airports@transport.govt.nz>
Subject: SUBMISSION FOR NORTH SHORE AERO CLUB
Importance: High

Hi,

As per attached.

John William Neill

Attachment

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning.

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...John Neill



1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; " *An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*"

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

*26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

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Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

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Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

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In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

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In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

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Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has **NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.



North Shore Airport Survey

1. Please provide your name and organisation (if applicable)

2. Please provide your contact details (in the case we need to contact you about your submission)

* 3. Are you a resident living in, or a business close to, the North Shore Area?

Yes

No, please specify your interest



North Shore Airport Survey

Please read the Airport Authority Status information below before completing the survey.

Airport authority status

Airport authority status provides for a range of powers and responsibilities under New Zealand legislation.

While the granting of airport authority status changes the powers and responsibilities the airport has under legislation, those powers are restrained through local and central government decision-making to ensure they are not misused.

Additionally, any substantial development plans at the airport would first be subject to Resource Management Act processes and would involve community input.

Many of the airports around New Zealand hold airport authority status. This includes large international airports such as Auckland, as well as smaller airfields such as Omarama in Southern Canterbury. This provides a regulatory regime designed specifically for the operation and management of airports regardless of size.

Powers of airport authority status

- The Airport would have the ability to make its own bylaws (subject to central government approval).
- Compulsory acquisition of land (but only through, and with approval from, the Minister of Lands).
- The ability to apply to the Minister for the Environment for requiring authority status under the Resource Management Act. Among other things, requiring authority status allows it to give notice to a local authority (the Council) to designate land under the district plan. For more information see [Applying for requiring authority status on the Ministry for the Environment website: Applying for requiring authority status](#)

The main powers available to an airport authority are restrained through central or local government decision-making, to prevent misuse, and protect the interests of the wider community which they serve.

Responsibilities of airport authority status

- The Airport, if granted airport authority status, must consult with substantial customers regarding airport charges and certain capital expenditure at the airport. Further, if required by regulations made under the Act, airport authorities must supply to the Secretary for Transport information such as financial statements and financial forecasts.
- Airport companies authorised by the Airport Authorities Act are classed as public entities under the Public Audit Act. The Auditor-

General is the auditor of public entities, and public entities are subject to the information-gathering and disclosure of information requirements of the Act.

- The Airport would be subject to the Ombudsman Act. The Ombudsman has functions under the Act to investigate decisions, acts and recommendations made by individuals and entities which are subject to the Act.

* 4. After reading the above, do you support the airport holding these powers?

Yes

No

Please provide more detail

Lower Property Values

* 5. Do you have any concerns about the airport appropriately carrying out the responsibilities of being an Airport Authority?

No

Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

* 6. Do you support North Shore Airport's application for Airport Authority Status?

Yes

No

Other

Please specify (optional)

7. Do you have any other feedback or comments?

From: Lorraine Mabbett [REDACTED]
Sent: Monday, 30 November 2020 1:12 PM
To: Airports <airports@transport.govt.nz>
Subject: SUBMISSION NORTH SHORE AEROCLUB
Importance: High

Hi,

As per attached

Cheers

Kind Regards

Lorraine

Lorraine Mabbett
Accounts & Office Manager

[JW Neill Contractors Ltd](#)

jwneillc.myob.net

0274 861 632



Attachment(s)

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...Angela Neill



1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “ An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

*26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

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Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

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Please provide more detail

Lower Property Values

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Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

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Other

Please specify (optional)

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27 November 2020

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PO Box 3175
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DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

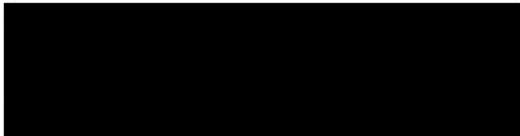
27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...Bonny Leonard



1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; " *An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*"

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

*26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



Fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has **NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.



North Shore Airport Survey

1. Please provide your name and organisation (if applicable)

2. Please provide your contact details (in the case we need to contact you about your submission)

* 3. Are you a resident living in, or a business close to, the North Shore Area?

Yes

No, please specify your interest



North Shore Airport Survey

Please read the Airport Authority Status information below before completing the survey.

Airport authority status

Airport authority status provides for a range of powers and responsibilities under New Zealand legislation.

While the granting of airport authority status changes the powers and responsibilities the airport has under legislation, those powers are restrained through local and central government decision-making to ensure they are not misused.

Additionally, any substantial development plans at the airport would first be subject to Resource Management Act processes and would involve community input.

Many of the airports around New Zealand hold airport authority status. This includes large international airports such as Auckland, as well as smaller airfields such as Omarama in Southern Canterbury. This provides a regulatory regime designed specifically for the operation and management of airports regardless of size.

Powers of airport authority status

- The Airport would have the ability to make its own bylaws (subject to central government approval).
- Compulsory acquisition of land (but only through, and with approval from, the Minister of Lands).
- The ability to apply to the Minister for the Environment for requiring authority status under the Resource Management Act. Among other things, requiring authority status allows it to give notice to a local authority (the Council) to designate land under the district plan. For more information see [Applying for requiring authority status on the Ministry for the Environment website: Applying for requiring authority status](#)

The main powers available to an airport authority are restrained through central or local government decision-making, to prevent misuse, and protect the interests of the wider community which they serve.

Responsibilities of airport authority status

- The Airport, if granted airport authority status, must consult with substantial customers regarding airport charges and certain capital expenditure at the airport. Further, if required by regulations made under the Act, airport authorities must supply to the Secretary for Transport information such as financial statements and financial forecasts.
- Airport companies authorised by the Airport Authorities Act are classed as public entities under the Public Audit Act. The Auditor-

General is the auditor of public entities, and public entities are subject to the information-gathering and disclosure of information requirements of the Act.

- The Airport would be subject to the Ombudsman Act. The Ombudsman has functions under the Act to investigate decisions, acts and recommendations made by individuals and entities which are subject to the Act.

* 4. After reading the above, do you support the airport holding these powers?

Yes

No

Please provide more detail

Lower Property Values

* 5. Do you have any concerns about the airport appropriately carrying out the responsibilities of being an Airport Authority?

No

Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

* 6. Do you support North Shore Airport's application for Airport Authority Status?

Yes

No

Other

Please specify (optional)

7. Do you have any other feedback or comments?

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

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Manager- Economic Regulation

Dear Sir,

My name is ...Lorraine Mabbett



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No, please specify your interest



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Many of the airports around New Zealand hold airport authority status. This includes large international airports such as Auckland, as well as smaller airfields such as Omarama in Southern Canterbury. This provides a regulatory regime designed specifically for the operation and management of airports regardless of size.

Powers of airport authority status

- The Airport would have the ability to make its own bylaws (subject to central government approval).
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* 4. After reading the above, do you support the airport holding these powers?

Yes

No

Please provide more detail

Lower Property Values

* 5. Do you have any concerns about the airport appropriately carrying out the responsibilities of being an Airport Authority?

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Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

* 6. Do you support North Shore Airport's application for Airport Authority Status?

Yes

No

Other

Please specify (optional)

7. Do you have any other feedback or comments?

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...JW and VA Neill Family Trust



1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “ An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

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The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

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In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



Fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has **NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.



North Shore Airport Survey

1. Please provide your name and organisation (if applicable)

2. Please provide your contact details (in the case we need to contact you about your submission)

* 3. Are you a resident living in, or a business close to, the North Shore Area?

Yes

No, please specify your interest



North Shore Airport Survey

Please read the Airport Authority Status information below before completing the survey.

Airport authority status

Airport authority status provides for a range of powers and responsibilities under New Zealand legislation.

While the granting of airport authority status changes the powers and responsibilities the airport has under legislation, those powers are restrained through local and central government decision-making to ensure they are not misused.

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* 4. After reading the above, do you support the airport holding these powers?

Yes

No

Please provide more detail

Lower Property Values

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No

Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

* 6. Do you support North Shore Airport's application for Airport Authority Status?

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Other

Please specify (optional)

7. Do you have any other feedback or comments?

27 November 2020

Ministry of Transport
PO Box 3175
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By email: airports@transport.govt.nz

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In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

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The reasons for our submission are set out below .

SUBMISSION

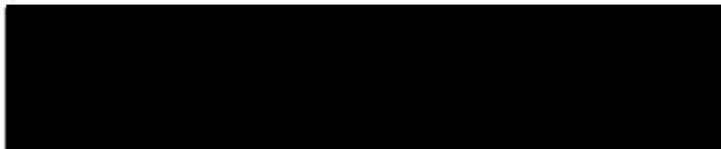
27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Linda Neill



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Does the application meet the requirements of the Act?

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Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

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Fig.3 Safety Hazards Map and land use

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From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has **NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.



North Shore Airport Survey

1. Please provide your name and organisation (if applicable)

2. Please provide your contact details (in the case we need to contact you about your submission)

* 3. Are you a resident living in, or a business close to, the North Shore Area?

Yes

No, please specify your interest



North Shore Airport Survey

Please read the Airport Authority Status information below before completing the survey.

Airport authority status

Airport authority status provides for a range of powers and responsibilities under New Zealand legislation.

While the granting of airport authority status changes the powers and responsibilities the airport has under legislation, those powers are restrained through local and central government decision-making to ensure they are not misused.

Additionally, any substantial development plans at the airport would first be subject to Resource Management Act processes and would involve community input.

Many of the airports around New Zealand hold airport authority status. This includes large international airports such as Auckland, as well as smaller airfields such as Omarama in Southern Canterbury. This provides a regulatory regime designed specifically for the operation and management of airports regardless of size.

Powers of airport authority status

- The Airport would have the ability to make its own bylaws (subject to central government approval).
- Compulsory acquisition of land (but only through, and with approval from, the Minister of Lands).
- The ability to apply to the Minister for the Environment for requiring authority status under the Resource Management Act. Among other things, requiring authority status allows it to give notice to a local authority (the Council) to designate land under the district plan . For more information see [Applying for requiring authority status on the Ministry for the Environment website: Applying for requiring authority status](#)

The main powers available to an airport authority are restrained through central or local government decision-making, to prevent misuse, and protect the interests of the wider community which they serve.

Responsibilities of airport authority status

- The Airport, if granted airport authority status, must consult with substantial customers regarding airport charges and certain capital expenditure at the airport. Further, if required by regulations made under the Act, airport authorities must supply to the Secretary for Transport information such as financial statements and financial forecasts.
- Airport companies authorised by the Airport Authorities Act are classed as public entities under the Public Audit Act. The Auditor-

General is the auditor of public entities, and public entities are subject to the information-gathering and disclosure of information requirements of the Act.

- The Airport would be subject to the Ombudsman Act. The Ombudsman has functions under the Act to investigate decisions, acts and recommendations made by individuals and entities which are subject to the Act.

* 4. After reading the above, do you support the airport holding these powers?

Yes

No

Please provide more detail

Lower Property Values

* 5. Do you have any concerns about the airport appropriately carrying out the responsibilities of being an Airport Authority?

No

Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

* 6. Do you support North Shore Airport's application for Airport Authority Status?

Yes

No

Other

Please specify (optional)

7. Do you have any other feedback or comments?

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...Ryder Leonard



1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; "*An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*"

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:

26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

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Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.



North Shore Airport Survey

1. Please provide your name and organisation (if applicable)

2. Please provide your contact details (in the case we need to contact you about your submission)

* 3. Are you a resident living in, or a business close to, the North Shore Area?

Yes

No, please specify your interest



North Shore Airport Survey

Please read the Airport Authority Status information below before completing the survey.

Airport authority status

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* 4. After reading the above, do you support the airport holding these powers?

Yes

No

Please provide more detail

Lower Property Values

* 5. Do you have any concerns about the airport appropriately carrying out the responsibilities of being an Airport Authority?

No

Yes, list your concerns and why

Extra Noise
Safety Concern
More Traffic.

* 6. Do you support North Shore Airport's application for Airport Authority Status?

Yes

No

Other

Please specify (optional)

7. Do you have any other feedback or comments?

From: Brian Sutton [REDACTED]
Sent: Monday, 30 November 2020 2:20 PM
To: Airports <airports@transport.govt.nz>
Subject: NSAC APPLICATION FOR AIRPORT AUTHORITY STATUS

27 November 2020

Ministry of Transport

PO Box 3175

Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

My name is Brian Sutton, and I am submitting my objection to the application by North Shore Airport ("Airport"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority, as Trustee of the Rosal Trust.

As a member of the Dairy Flat community where I reside I am opposed to the proposed redevelopment of a recreational airfield into a full commercial airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, we seek the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

Our legal advisor has also noted that, in her opinion:

"I have found nothing that says that outside of local authorities, only airport companies can run airports. However, the scheme of the Act would suggest that is the case and this makes sense because otherwise the owner or operator of an airport would not have the power to levy charges or make bylaws necessary to run an airport, unless they do so by contract and that would be pretty difficult.

Of note is that North Shore Aero Club has not applied to become an airport company. It's applied to become an airport authority. Its application makes no mention at all of becoming an airport company, which is odd because it's plainly the intent of the Act that airports be run by either local authorities or airport companies.

It is not appropriate that NSAC be an airport authority without being also an airport company. Thus, they have neither the member approval to proceed with nor the appropriate financial structure and information to be able to comply with the financial requirements applicable to airport companies. Without these steps having first been taken, it would not be appropriate to grant NSAC

airport authority status because they're not the right sort of body to hold them .It also means that having airport authority status is inappropriate because, if not being an airport company, they won't be subject to the protections afforded by the Act."

The reasons for our submission are set out within the attached Submission .

Rosal Trust
P O Box 358
Silverdale 0944, Auckland



Attachment

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

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The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Brian Sutton on behalf of the Rosal Trust

[REDACTED]

[REDACTED]

72. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *" An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...."*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act. Thus, they have neither the member approval to proceed with nor the appropriate financial structure and information to be able to comply with the financial requirements applicable to airport companies.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

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And furthermore:

26.2 *The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote **except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.***

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The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

73. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act, that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

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The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone...”pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

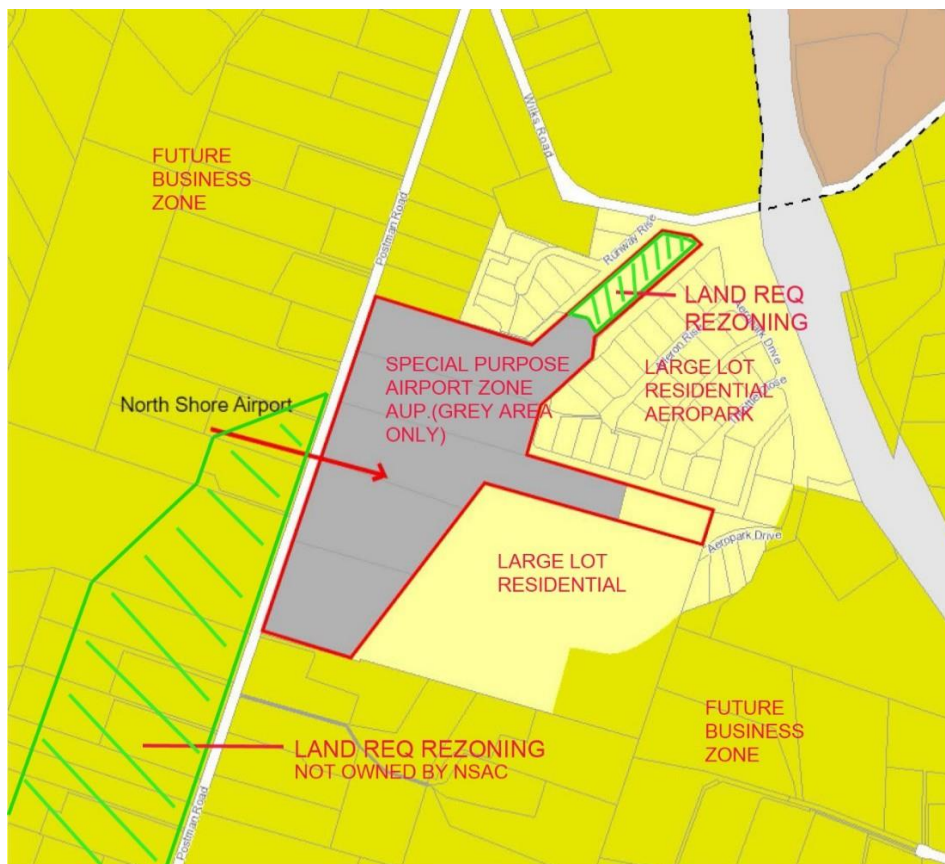


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

75. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty...” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul’s evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club’s existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

76. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

77. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

72. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
73. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
74. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
75. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
76. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .

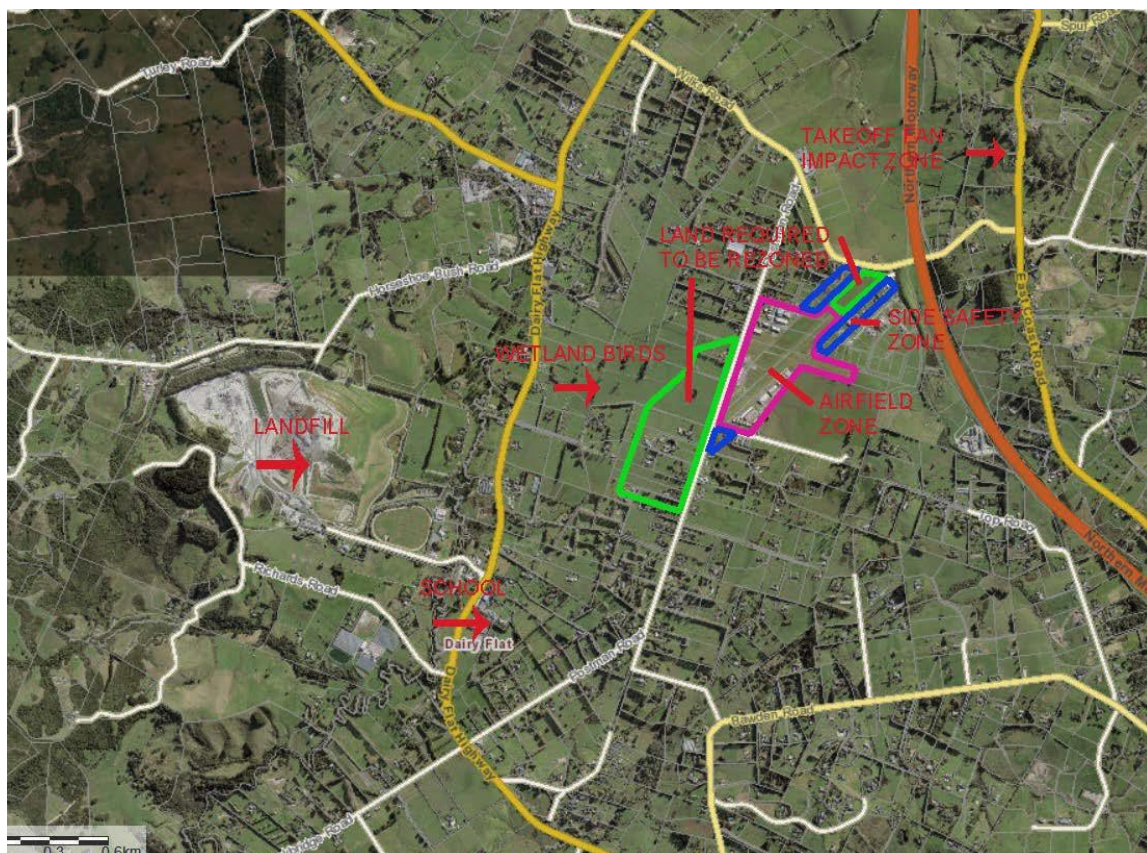


Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

78. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

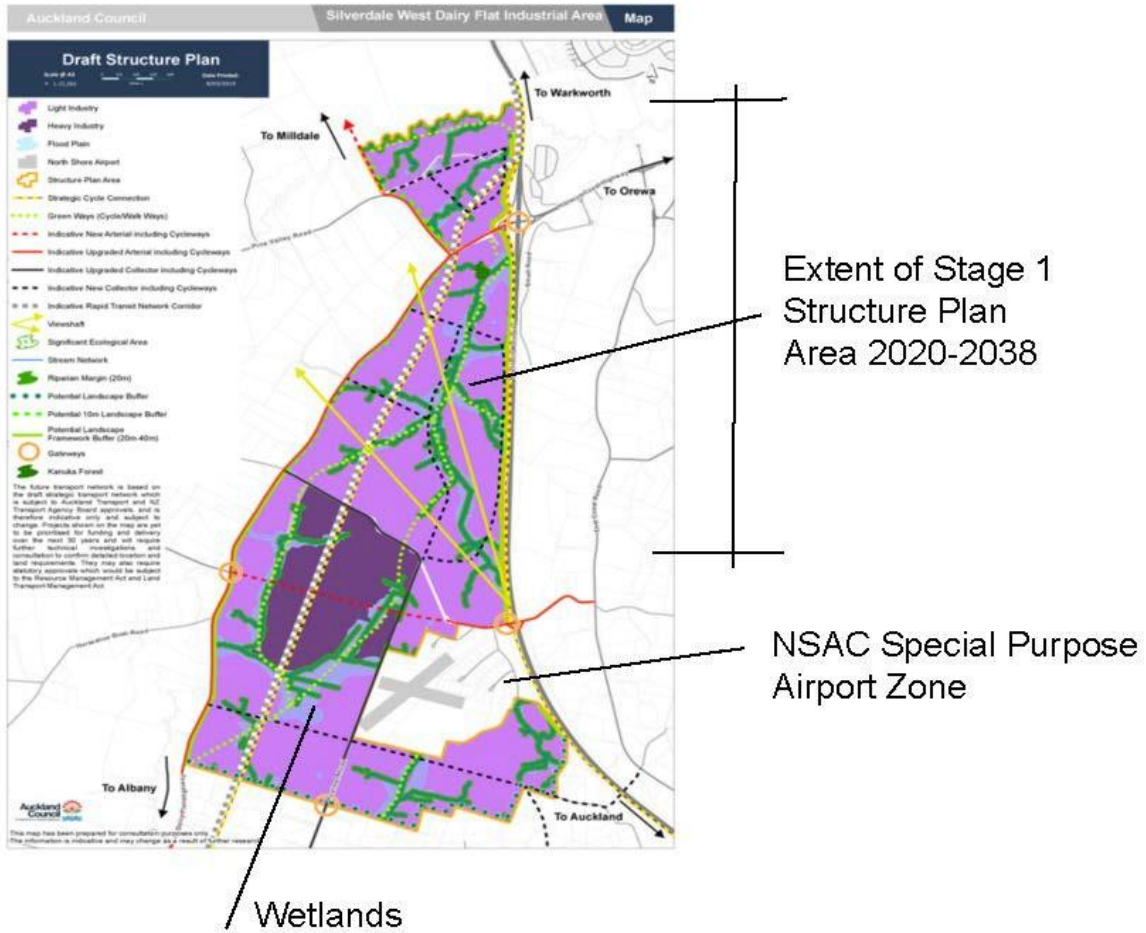


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: [REDACTED]
Sent: Monday, 30 November 2020 3:10 PM
To: Airports <airports@transport.govt.nz>
Subject: FW: North Shore Airport Proposal for Airport Authority Status

Attachment

28 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

I have reviewed the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

I have lived in Postman Road for nearly 20 years and strongly opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons set out below.

My request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does not decline the application outright, I seek an alternative relief whereby in any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning.

The reasons for my submission are:

1. The application does not meet the requirements of the Airport Authorities Act 1966 nor is it a suitable body to receive Airport Authority and/or Requiring Authority status. The Applicant, the North Shore Aeroclub is a not for profit Incorporated Society and the Act states; “*An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*”

The North Shore Aero Club is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

Furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company.

The Club Executive confirmed at a meeting to the local community on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief sought: The Club Executive are therefore operating outside of their own Constitution and have no mandate from its own membership to support this application. The application for Airport Authority status does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. The Club has not shown good governance or acted responsibly.

The Club Executive have confirmed that there has been no business case established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, I request that the application be rejected.

3. The Club has avoided the RMA Process. The application clearly identifies the various stages of redevelopment and acknowledges that :

“Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone...”pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners, as I understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

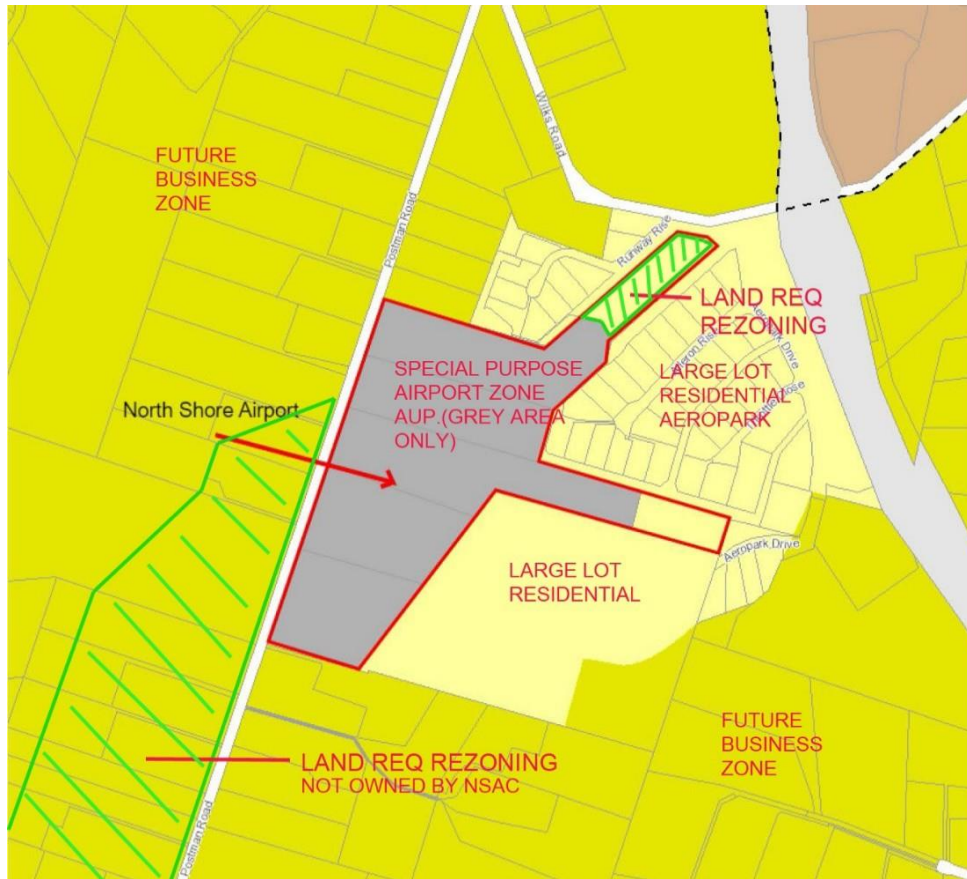


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

Over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the

airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.”

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief sought: This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly I request that this application be forthwith rejected.

4. During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

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In its own words *“The resulting North Shore Airport Precinct offers certainty....”* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

5. During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

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6. In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states "*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*". This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

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Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

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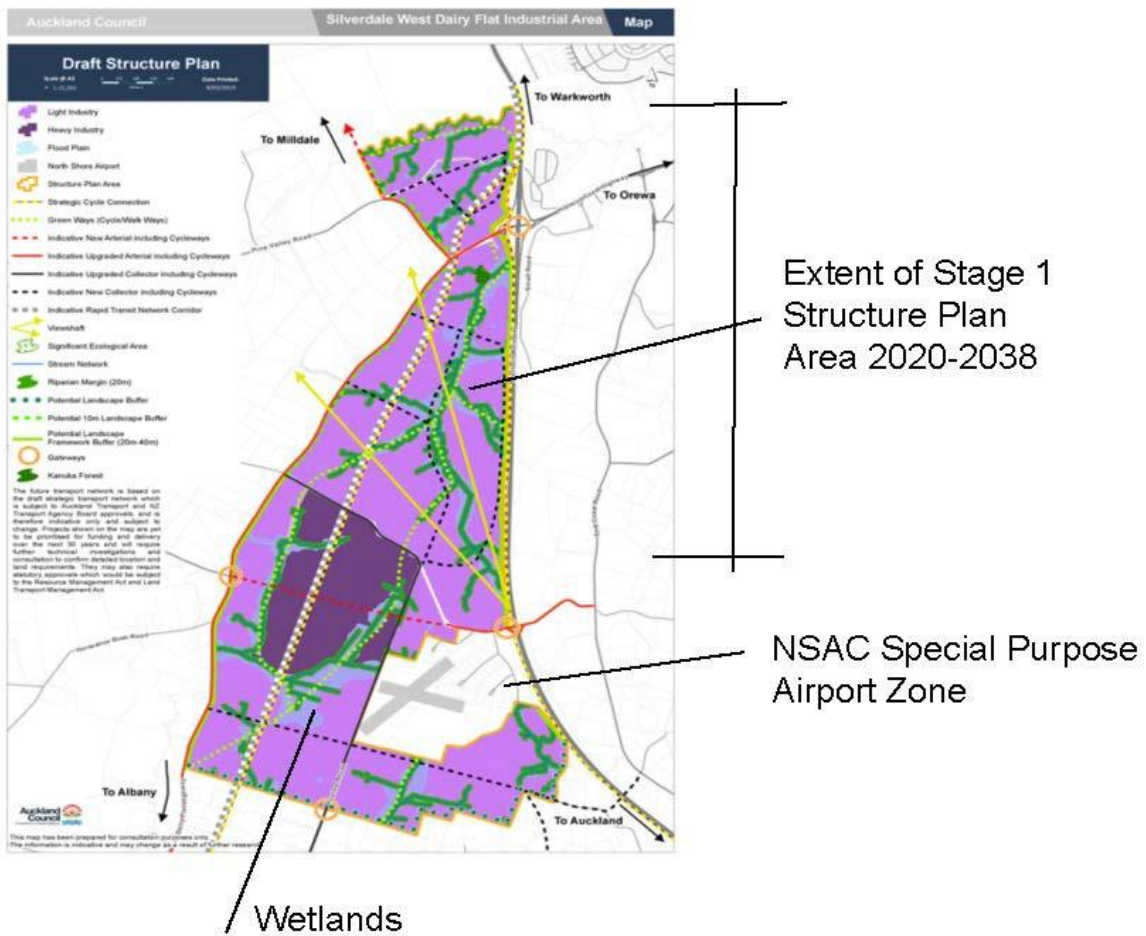


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Karen Moore

From: Penny Fuller [REDACTED]
Sent: Monday, 30 November 2020 3:29 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission North Shore Aeroclub

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Penny Fuller.....

[REDACTED]

I am landowner and own property at the above address and hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards



Penny Fuller

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *“ An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

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And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and have no mandate from its own membership to support this application. The application for Airport Authority status

does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been no business case established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

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It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

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This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

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Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

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Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *"North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted"*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *"the approval and support of North Shore Airport within the community is clear"*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition. This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *"in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment"* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *"providing a natural topographic constraint for aircraft takeoffs and landings"* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

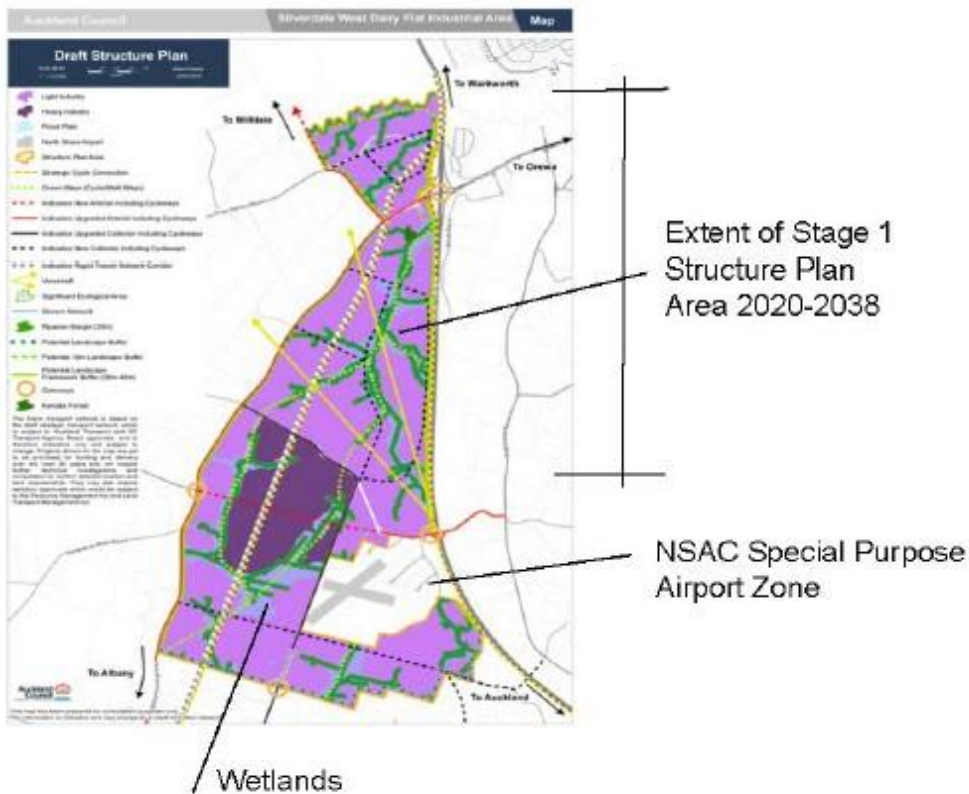


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has **NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Phillipa Hanson [REDACTED]
Sent: Monday, 30 November 2020 3:32 PM
To: Airports <airports@transport.govt.nz>
Subject: NORTH SHORE AIRPORT APPLICATION FOR AIRPORT AUTHORITY STATUS

27 November 2020

Ministry of Transport

PO Box 3175

Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

My name is Phillipa Hanson, and I am submitting my objection to the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

As a member of the Dairy Flat community where I reside I am opposed to the proposed redevelopment of a recreational airfield into a full commercial airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, we seek the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

Our legal advisor has also noted that , in her opinion:

“I have found nothing that says that outside of local authorities, only airport companies can run airports. However, the scheme of the Act would suggest that is the case and this makes sense because otherwise the owner or operator of an airport would not have the power to levy charges or make bylaws necessary to run an airport, unless they do so by contract and that would be pretty difficult.

Of note is that North Shore Aero Club has not applied to become an airport company. It’s applied to become an airport authority. Its application makes no mention at all of becoming an airport company, which is odd because it’s plainly the intent of the Act that airports be run by either local authorities or airport companies.

It is not appropriate that NSAC be an airport authority without being also an airport company. Thus, they have neither the member approval to proceed with nor the appropriate financial structure and information to be able to comply with the financial requirements applicable to airport companies. Without these steps having first been taken, it would not be appropriate to grant NSAC

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airport authority status because they're not the right sort of body to hold them .It also means that having airport authority status is inappropriate because, if not being an airport company, they won't be subject to the protections afforded by the Act."

The reasons for our submission are set out within my attached submission .

P O Box 358

Silverdale 0944, Auckland



Attachment

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

My name is Phillipa Hanson, and I am submitting my objection to the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

As a member of the Dairy Flat community where I reside I am opposed to the proposed redevelopment of a recreational airfield into a full commercial airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, we seek the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

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"I have found nothing that says that outside of local authorities, only airport companies can run airports. However, the scheme of the Act would suggest that is the case and this makes sense because otherwise the owner or operator of an airport would not have the power to levy charges or make bylaws necessary to run an airport, unless they do so by contract and that would be pretty difficult.

Of note is that North Shore Aero Club has not applied to become an airport company. It's applied to become an airport authority. Its application makes no mention at all of becoming an airport company, which is odd because it's plainly the intent of the Act that airports be run by either local authorities or airport companies.

It is not appropriate that NSAC be an airport authority without being also an airport company. Thus, they have neither the member approval to proceed with nor the appropriate financial structure and information to be able to comply with the financial requirements applicable to airport companies. Without these steps having first been taken, it would not be appropriate to grant NSAC airport authority status because they're not the right sort of body to hold them .It also means that having airport authority status is inappropriate because, if not being an airport company, they won't be subject to the protections afforded by the Act."

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Ms Phillipa Hanson
[REDACTED]
[REDACTED]

79. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *" An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...."*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act. Thus, they have neither the member approval to proceed with nor the appropriate financial structure and information to be able to comply with the financial requirements applicable to airport companies.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote *except:* 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

80. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act, that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

81. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone...”pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

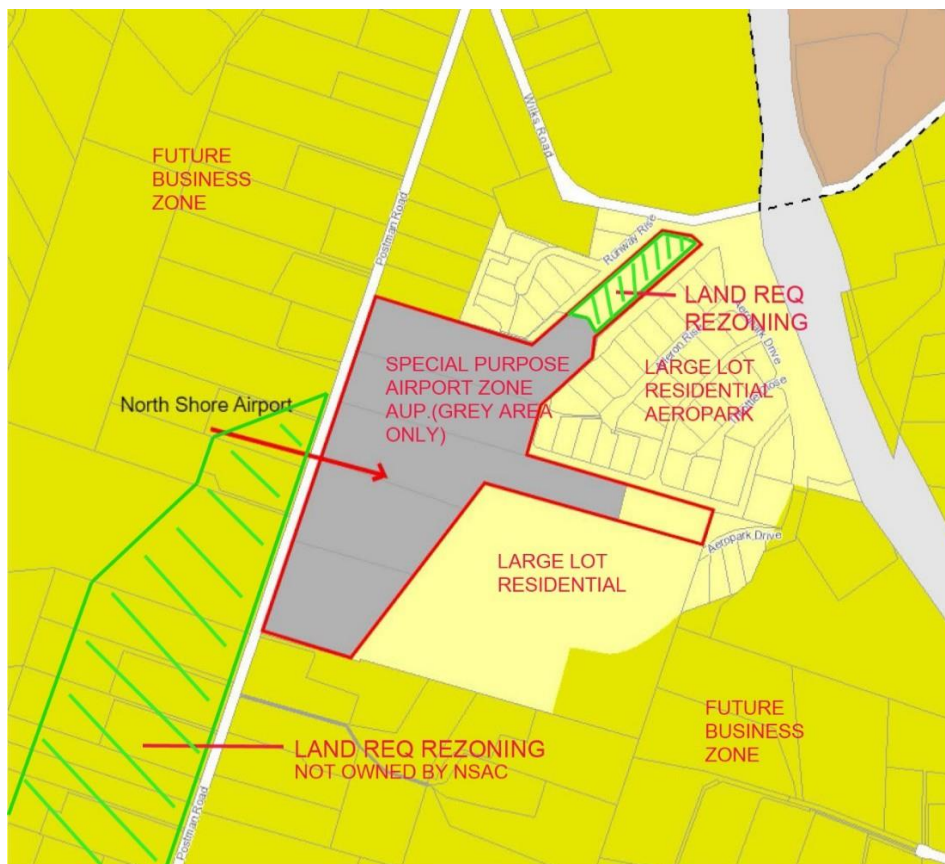


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

82. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty....” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul’s evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club’s existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

83. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

84. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

77. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
78. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
79. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
80. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
81. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .

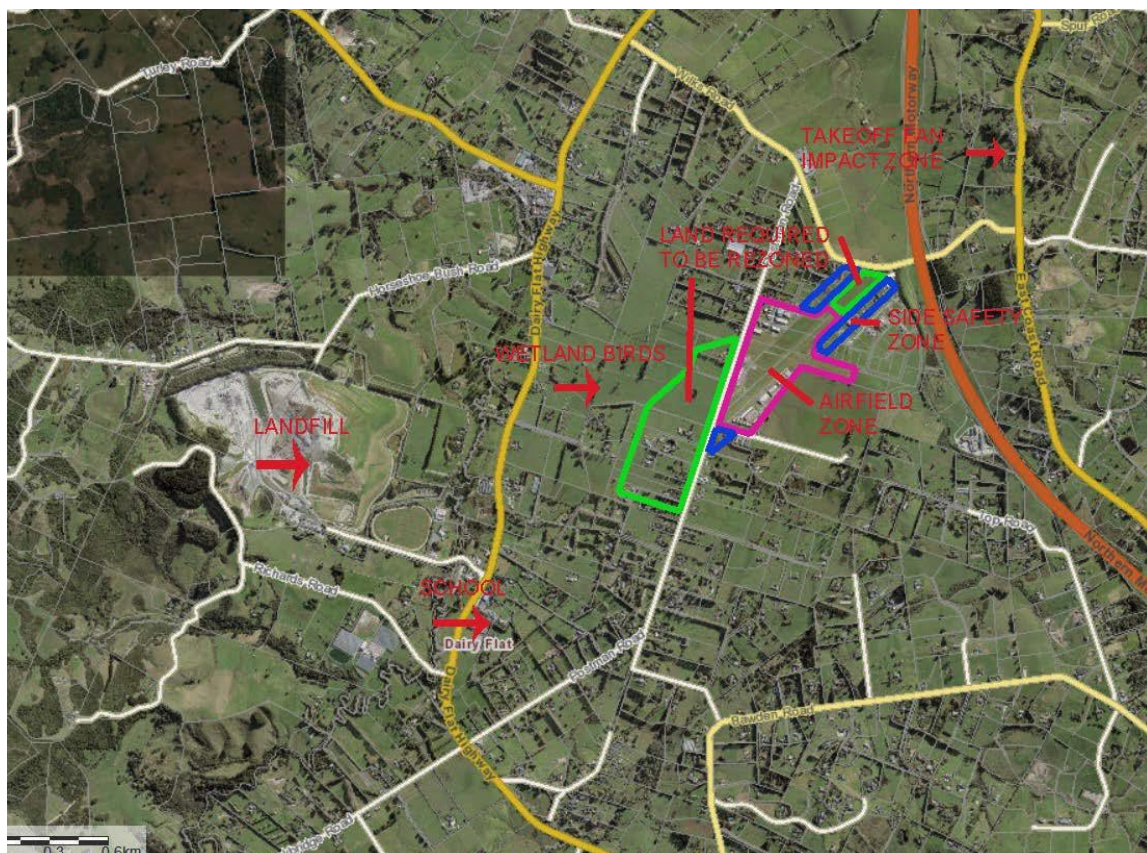


Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

85. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

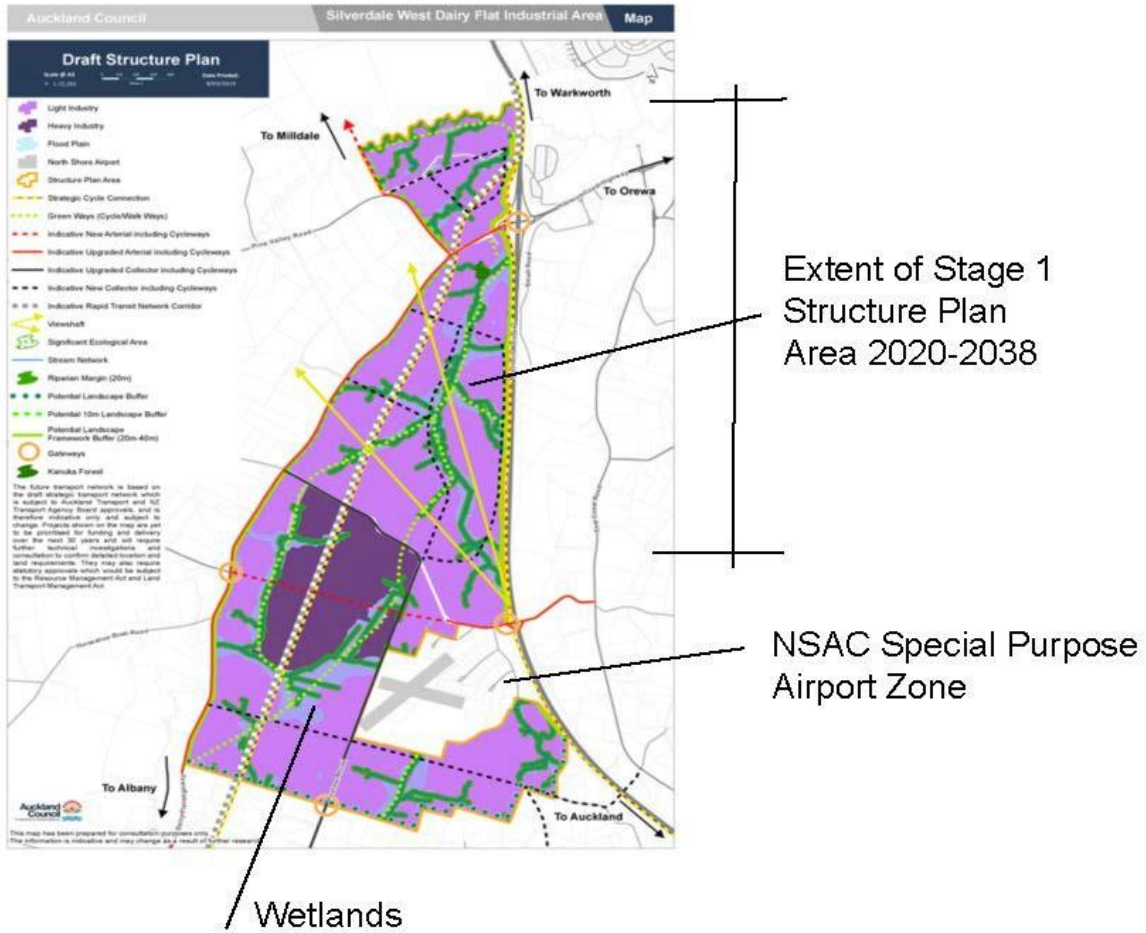


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: David Ronkowski [REDACTED]
Sent: Monday, 30 November 2020 4:36 PM
To: Airports <airports@transport.govt.nz>
Subject: NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

Hi,

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to **decline** the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning.

The reasons for my submission are included in the attached.

Could you please send a confirmation of receipt of our submission.

Kind regards

David Ronkowski

Attachment

SUBMISSION

30 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ... **David Ronkowski** I am a member of the Dairy Flat Land Owners Group

[REDACTED]

[REDACTED]

86. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “*An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

87. Is the Club showing good governance and acting responsibly?

I understand that the Club Executive have apparently confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance. Also at a recent meeting when we asked who was funding this they said they had not confirmed that at this stage?

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly, it's driven by a perceived profit motive to utilise an Act, that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

88. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that: *Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone... ” page 38 Masterplan.*

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners, as we understand it. It is owned by the Club at present.

It is contained within the land area at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon. We note that over the last 3 years two significant parcels of land contained within this Southern extension zone, and required for the development program, have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This is confusing and has the potential to bring into question their intent?

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

89. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer page 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse effects with its neighbours, and is appearing to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “*The resulting North Shore Airport Precinct offers certainty....*” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded:

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However, it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

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In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However, the Community has been extremely vocal during the AUP process and most recently at the local community

meeting, in response to the NSAC's application to voice its opposition. This was a meeting which the Club didn't want to have, and clearly for good reason.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

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In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

82. The northern take-off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway "*providing a natural topographic constraint for aircraft take-offs and landings*" Refer cl 2.2 Airport Surroundings – Masterplan.
83. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
84. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
85. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
86. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

92. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being "Development Ready" in part by 2022.

However, within the **Draft** Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the

developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate onsite facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice-Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Lloyd Morris [REDACTED]
Sent: Monday, 30 November 2020 5:00 PM
To: Airports <airports@transport.govt.nz>
Subject: NSAC AIRPORT AUTHORITIES APPLICATION SUBMISSION

Attachment

29th November 2020

Ministry of Transport
P.O Box 3175
Wellington 6140

Attention : Airports
airports@transport.govt.nz Ph : 04 439 9000

Dear Sir,

**RE : NORTH SHORE AIRPORT
SUBMISSION ON AIRPORT AUTHORITY STATUS**

This is a Private Submission IN SUPPORT of the North Shore Airports application to become an Airport Authority under the provisions of the Airport Authorities Act 1966 [incl. 1997 & 2000 Amendments].

I have read the NS Airport Authority application to the Ministry of Transport earlier this year and are of a view that NSAC Incorporated has the required and appropriate management systems, the skilled staff & leadership, financial resources, Local Authority zoning & support, to properly, prudently and diligently discharge the mantle of responsibilities, obligations and duties of the Airport Authorities Act in respect of NS Airport.

The world is a constantly changing environment and within that microcosm New Zealand Law as it pertains particularly to matters of Aviation, Health & Safety and Security are constantly evolving within a global set of standards. Aerodromes have both a historic and a legitimate place within that global framework, and that continues within New Zealand at tiered levels of International and Regional applications. In order to meet those constantly changing environments, Aerodrome operators need to apply appropriate tools to meet those operational obligations and indeed there are expectations from the public at large, Local and Central Government that this will be so. The Airport Authorities Act is perceived to be a well established, purpose designed piece of legislation that recognises the Utility function of Aerodromes and which offers legislated support for their existence.

This year has been a year of landscape change due to the Covid19 event, with the Government exercising emergency powers as a forward pathway was navigated. These events have served as a marker for change, and nowhere more so than in the aviation industry. The global pathway forward for aviation remains uncertain, and whilst there are business casualties in the aviation sector we have to expect there will be a recovery, leading to a rebuilding, rebranding and restructuring of airlines and aerodrome facilities alike to meet a changing reality. Whilst the aviation industry is currently health focused, we should be mindful that in the near future there expectations that there will be rapid technological advances that will potentially change the practical face of aviation travel and how Aerodromes are designed, maintained and managed.

NS AIRPORT

The Airport Authorities application as tabled was factual, and stands supported on its own. There has under the Auckland Council Unitary Plan formation been a very long, robust process where the shape and structure of the Unitary Plan was challenged from all sides, the screeds of information submitted was sifted by the Independent Hearing Commissioners and decisions handed down. That process had open access to all and received wide ranging Submissions from local residents, Aerodrome users and persons well away with no direct linkages to the Aerodrome. The resulting current AUP-OP recognises the historical presence of NS Airport, its value to Auckland's North Shore and set in place a legal zoning framework with operational overlays that recognised and facilitated the continuation of the Aerodrome. NS Airport was also the subject of a specific focus under the 2017 Topic Report 17 which continued to underpin and support NS Airport.

I would not expect the Ministry of Transport to receive any negative or contrary submissions per se from divisions within Auckland Council to this application, as such submissions would be contrary to Auckland Council's already, and relative recent, established AUP-OP position. In deed, I might expect Auckland Council to support its own zoning and the future aspirations it has articulated for NS Airport.

NS Airport has already been recognised by the Ministry of Transport within the rules and regulations set and administered by the Civil Aviation Authority, within and reflecting the International ICAO standards. NSAC Inc is required to take its obligations seriously and has worked for some time with its 600 Members and its professional consultants, working within the Auckland Council zoning parameters on a Draft Master Plan, a script that is considered a 'living document' meaning it can change as circumstances and regulation dictate, yet at the same time offers a guiding framework and a 'go to' where information pertaining to the NS Airport can be located all in one place. That it is necessary to forward plan is not the question, NSAC has not only survived for nearly 60 years, indeed it has flourished where many Aerodromes have fallen by the way side by failing to plan in a careful prudent manner. My view, having attended all the Draft Master Plan meetings, is that the Draft Master Plan is a guiding document rather than a definitive one, it offers a practical handbook for activities within the airport boundary and considers the wider implications of activities outside the boundary as is necessary because flight paths and noise do impact neighbours.

Given NSAC management is planning for long term maturing of the Aerodrome, then conferment of Airport Authority status is another helpful tool in the management toolbox and like all tools it needs to be used for the right tasks, exercised proportionally and with wisdom. The request for and granting of Airport Authority status by the Crown through the Ministry of Transport is not in itself unusual, most Aerodromes of significance appear to have that conferment, and we are mindful for example that Parakai Airport recently became an Airport Authority. Rather it is a clearly focused facilitation tool, fit for purpose and will assist NSAC management to remain focused, disciplined, and to make sound, robust and credible decisions.

NS Airport has committed itself to the timely provision of sufficient aerodrome capacity in a range of weather conditions, for working with neighbours supporting compatible surrounding land-use planning, for providing resilience in the provision of aerodrome services and has done all of this in a traditionally conservative growth model. Forward planning in an increasingly fast paced communication environment the world has become, requires a more focused and timely information stream and implementation certainty once decisions have been made, accordingly NSAC management needs to position itself with the best tools to get the job done and the Airport Authorities Act is part of that solution.

LOCAL RESIDENTS

Aerodromes are utilities, and the operators are as a generality both lauded and despised at the same time. Lauded for the ability to use the aviation facilities for travel and despised both those who don't or otherwise see their presence as an unwelcome inconvenience to their lifestyle and future expectations. This is of course not a new revelation and there has always been tension wherever Aerodromes are located and residents. In this case the NS Airport has been in existence since the early 1960's and will have outlived nearly all of the early neighbourhood residents to the point that those who have moved into the area do so with the full knowledge of the presence of the Aerodrome.

Whilst there was a time when the neighbours were all known to the NSAC and indeed many were Members, but that unfortunately is not the new reality as subdivision occurs and Auckland Council is currently conducting the Dairy Flat Restructure around the Aerodrome from a Rural to Industrial use. I was at the meeting hosted by the Ministry of Transport at the local Dairy Flat Community Hall and was not surprised by the vocal opposition but was surprised at the lack of knowledge portrayed by submitters about the Airport Authority, and indeed I thought there was a sense of confusion as to what was being objected to.

As a professional who has recently completed a private Restructure Plan with Auckland Council and been involved with Auckland Council, Auckland Transport & NZTA exercising their RA Warrants, I can understand the great deal of frustration being felt by the local residents undergoing the Dairy Flat Restructure. There are several things happening here and the 'static or noise' in my view is more focused on other things and the Airport Authorities application has served as a 'lightning rod' for discontent. Land ownership started to change quickly once Auckland Council announced the impending Dairy Flat Restructure zone change with ownership changing as long term owners sold to property investors who are looking for value uplift before reselling and developers who are looking for both value uplift and opportunities to build. The presence of the NS Airport is clearly an inconvenience for developers who are looking to change Auckland Council's mind from Light Industrial zoning to Mixed Business Use, the former is easily supported and compatible with an Aerodrome, but the latter opens the door for Residential Apartment towers next door and underneath approach plates to an airport which one might have thought were less compatible with an Airport. My point is there are other commercial activities occurring in the vicinity of the NS Airport that are unrelated to this application, which are raw within the community but will likely have long term reverse sensitivity impacts on the Aerodrome.

We should also not under estimate the fact that Auckland Council has well documented financial problems at the moment and as a result has deferred what was to be significant expenditure on bringing the required Infrastructure to Dairy Flat. This has delayed the overall timeframes for bringing Dairy Flat Light Industrial 'online' and at the same time Auckland Council, NZTA, WaterCare and Auckland Transport have signalled their intent and will all in the future be exercising their RA Warrants at various times to execute roading, stormwater wetlands & detention ponds, wastewater pumping stations, cycleways, rapid transport routes. I contend both issues have preoccupied local investors / developers and the NSAC Airport Authorities application looks to be an unwanted complication to the investment mix.

Whilst there has been 'noise' opposing the Airport Authority application, to my knowledge there has only been two telephone calls to the NSAC Office and two visits from local residents to clarify the application. If there was such a high level of neighbourhood discontent one might have

expected concerned neighbours would have contacted NSAC in far greater numbers for clarity ... and that has not occurred.

SUMMARY

I cannot find any reason not to support the NSAC application for Airport Authority status, and in my view will not adversely impact the Dairy Flat Restructure opportunity.

Yours faithfully,

Lloyd & Susan Morris

[Redacted signature block]

From: Gaynor Ronkowski [REDACTED]
Sent: Monday, 30 November 2020 5:24 PM
To: Airports <airports@transport.govt.nz>
Subject: Fw: North Shore Airport for Airport authority status

Hi,

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("**Airport**"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to **decline** the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning.

The reasons for my submission are included in the attached.

Could you please send a confirmation of receipt of our submission.
Kind regards

Gaynor Ronkowski

Attachment

SUBMISSION

30 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is **Gaynor Ronkowski** I am a member of the Dairy Flat Land Owners Group

[REDACTED]

[REDACTED]

93. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *“An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

94. Is the Club showing good governance and acting responsibly?

I understand that the Club Executive have apparently confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance. Also at a recent meeting when we asked who was funding this they said they had not confirmed that at this stage?

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly, it's driven by a perceived profit motive to utilise an Act, that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

95. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that:

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..." page 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners, as we understand it. It is owned by the Club at present.

It is contained within the land area at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone, and required for the development program, have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This is confusing and has the potential to bring into question their intent?

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**"*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan

Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

96. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer page 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse effects with its neighbours, and is appearing to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words *"The resulting North Shore Airport Precinct offers certainty...."* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded:

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However, it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

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This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However, the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

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Based upon the Club’s actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club’s environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Albert Rootman [REDACTED]
Sent: Monday, 30 November 2020 7:11 PM
To: Airports <airports@transport.govt.nz>
Subject: RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isAlbert Rootman
[REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

Please note some specific concerns I have relating to residents in Runway rise, which is part of the Aeropark Country Estate.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards
Albert Rootman

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name isAlbert Rootman

[REDACTED]

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The following reasons summarize the basis for my opposition.

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I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

Albert Rootman

Dear Sir / Madam,

Please find below my submission in opposition to the application by the North Shore Aeroclub to become an airport authority.

Most of the submission is based on a pro-forma submission we as the residents of Aeropark Country Estate agreed on. I do however want to add a few specific points where **the residents of Runway rise** will be affected.

The sections in Runway rise are directly to the west of the northern end of the current runway, where the expansion of the runway is proposed. The existing houses are about 3 years old and there is construction of new residences planned on some of the vacant sections, which is to commence shortly.

The owners of these properties bought in this location based on the rural nature and size of the properties, being **zoned large urban** under existing and proposed unitary plans. The airfield in its current form provides a complementary backdrop to this zoning, with large open spaces and with manageable adverse effects in terms of aircraft noise and other related impacts. The houses are of modern construction, designed under the resource and building consents granted to minimise internal noise and other related impacts from the airport activities.

The application being consulted on and the North Shore airport master plan do not consider the impacts the granting of airport authority status would have on these properties. Without any information provided by the applicant where these impacts have been considered and/or addressed, I am of the view that extending the runway and providing for up to 80 seat aeroplanes to land here would significantly impact on these properties in terms of designed noise levels, character of the area, and desirability as a place to live.

I also have concerns about the safety issues this would create, as some of the existing and planned residences in Runway rise are as close as 50-100m of the existing runway, which is not a high risk with current small aeroplanes, but would need to be considered if the planned extension and widening of the runway were to proceed to accommodate larger aeroplanes .

Most residents of Aeropark are not active members of the Aeroclub, other than being required to be members as a contractual condition in their purchase agreements. Residents have not been clearly consulted for this application, with most residents and landowners in the estate only finding out about the application when we received notices from the Ministry of Transport.

100. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *“An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

101. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

102. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.

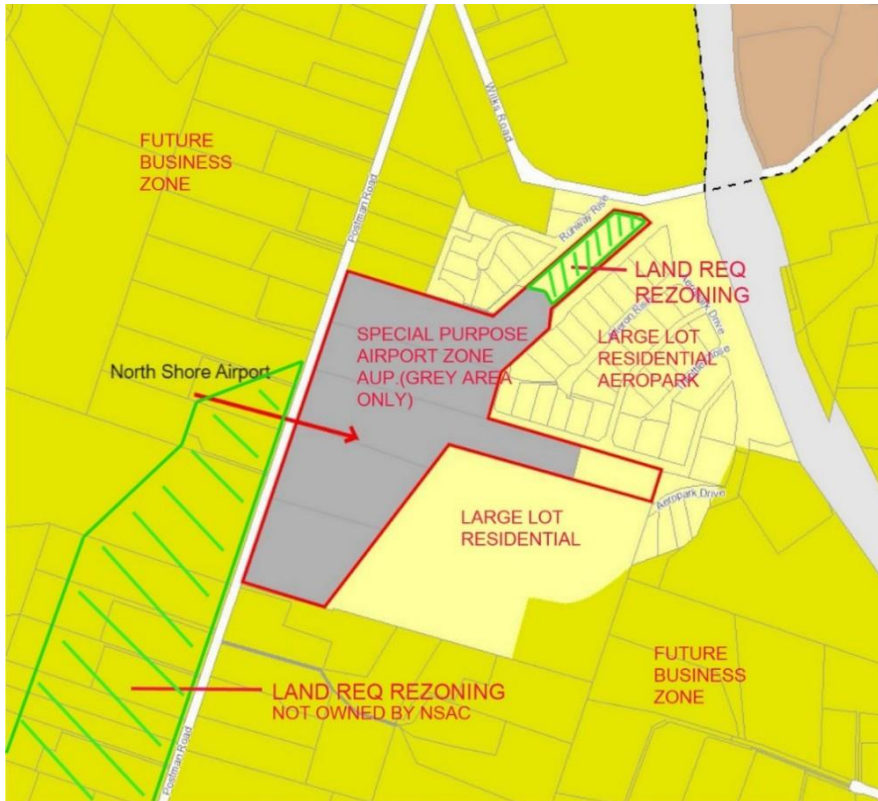


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

103. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty...” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

104. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

105. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

92. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
93. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
94. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
95. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.

96. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
97. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

106. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific*

Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

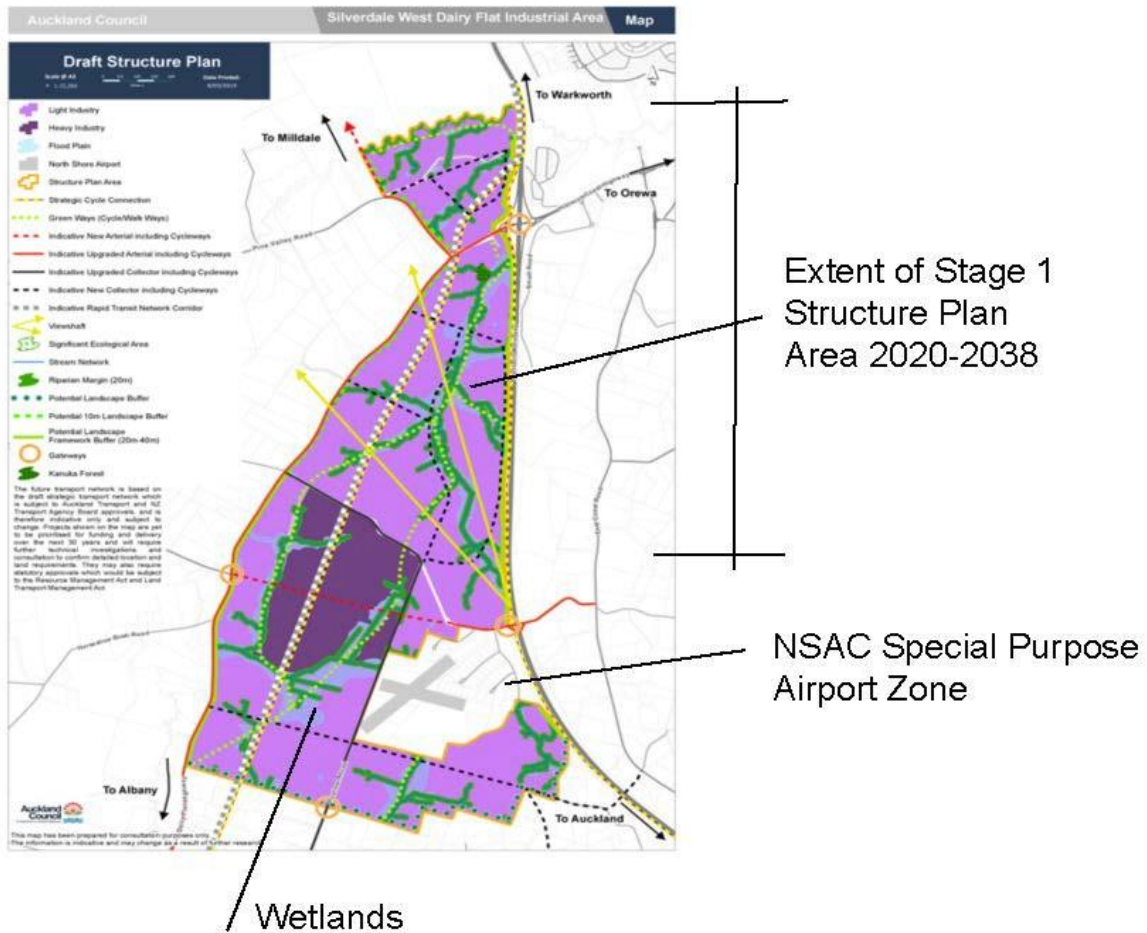


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Lisa Chou [REDACTED]
Sent: Monday, 30 November 2020 7:51 PM
To: Airports <airports@transport.govt.nz>
Subject: Re: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

SUBMISSION 27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To: Ministry of Transport
North Shore Airport Consultation
Attn Mr. T Forster
Manager- Economic Regulation

Dear Sir,

My name is Elizabeth **Chou** and is part of the Dairy Flat Land Owners Group
[REDACTED]

1. Compliance with the AIRPORT AUTHORITIES ACT 1966
Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “ *An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....* ”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:
POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company. The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive is therefore operating outside of their own Constitution and has no mandate from its own membership to support this application. The application for Airport Authority status does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. Is the Club showing good governance and acting responsibly?

The Club Executive has confirmed that there has been no business case established for the expansion program including financial feasibility modeling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have a significant detrimental impact on the the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , which was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes - Airports and Airfields Zone...”pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on-site) for sale. The Club has had the opportunity to purchase these titles and has chosen NOT to do so. This makes their intent very clear as to how they wish to use the Act's powers for personal gain. The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.”

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making an application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly, we request that this application be forthwith rejected.

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adversely affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960s, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty....” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however, is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr. D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However, it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr. Paul's evidence, extended up to Postman Road at the southwest end of the runway.” Auckland Council in fact confirmed the extension of the Rural-Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone –

Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighboring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by a private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

5. Engagement with the Community – Transparently

With respect to community engagement, the NSAC has turned its back on the Community. In its submission, it states “North Shore Airport management is of the view further consultation on Airport Authority status is unwarranted”. This very clearly establishes NSAC's view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “the approval and support of North Shore Airport within the community is clear”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However, the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition. This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP “ in relation to the airport Principle 10 is ...Ensure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment” The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be unworthy of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to showing good governance, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create safety issues including:

1. The northern take-off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “providing a natural topographic constraint for aircraft takeoffs and landings” Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area that attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.

4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars, and numerous other improvements and infrastructure.

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study. Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is unserved by water supply, wastewater, and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicant's Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area is “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation and may or may not include the Industrial Uses identified on the Draft Structure.

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.

Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside the airfield office.

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on-site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment, and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and over-riding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

Warm regards,

Lisa Chou



From: Robert Fry [REDACTED]
Sent: Monday, 30 November 2020 8:27 PM
To: Airports <airports@transport.govt.nz>
Subject: NORTH SHORE AIRPORT SUBMISSION ON AIRPORT AUTHORITY STATUS

Dear Sir,

This is a Private Submission IN SUPPORT of the North Shore Airports application to become an Airport Authority under the provisions of the Airport Authorities Act 1966 [incl. 1997 & 2000 Amendments].

Please find the attached file.

Regards,
Robert Fry

Attachment (withheld upon request)

From: Paul Matheson [REDACTED]
Sent: Monday, 30 November 2020 8:56 PM
To: Airports <airports@transport.govt.nz>
Subject: Support for North Shore Airport Obtaining Airport Authority Status

Good Evening,

Please find attached a word .docx in support for North Shore Airport obtaining Airport Authority Status.

Any questions, please contact me

Thanks,

Paul Matheson

Attachment

I am a member of NSAC and here is my endorsement for the proposal that North Shore Airport be granted Airport Authority status.

There are a couple of reasons why I support the proposal. The airport is currently used by a number of significant operators as well as recreational pilots. The operators range from serious and important rescue and emergency services to passenger transportation to Great Barrier. These operators prefer to operate at North Shore Airport for a variety of reasons and granting the authority will ensure that their operations are not jeopardised in the future. I note that the authority requested is not extraordinary, and many airports of various sizes around the country have this authority to help them maintain their operations. The proposal will ensure that the North Shore Airport in Dairy Flat will continue to operate at the level that is required by all current stakeholders, internal and external. Related to the above point, the airport has been recorded in many government documents as significant and an important transport infrastructure for the future. Many international cities have numerous airports taking passengers and freight yet there are few airports in the Auckland region. Whilst Auckland International in Mangere can deal with the traffic currently, this may not be the case in the future. This argument was suggested in the news when Air New Zealand tried to get Whenuapai opened to commercial flights and failed. It appears Auckland will need another significant Airport and there are not many options. It should be noted that it currently takes approximately 50 minutes to get to Auckland International airport from Orewa with no traffic. This will only get worse when the super city expands. Ironically, if the above is to happen, it will not be good for my club. If Auckland grows such that it needs another big airport and North Shore is chosen, it is highly likely that NSAC will get pushed out of North Shore which has already happened with a flying club in Queenstown. Despite this double-edged sword, I still believe it is the correct idea.

There are numerous additional reasons to support the proposal, but these are the ones I would like to highlight in small time I have available. It is important that North Shore Airport be granted Airport Authority status to protect the future use of the Airport for all stakeholders, so it does not end up like Eden Park.

From: Shane Harris <[REDACTED]>
Sent: Monday, 30 November 2020 9:19 PM
To: Airports <airports@transport.govt.nz>
Subject: NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

30 November 2020

Please find attached my submission in opposition to the North Shore Aeroclub Inc becoming an Airport Authority

Ministry of Transport

**North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation**

Dear Sir,

My name is Shane Harris

[REDACTED]

[REDACTED]

I am a landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in **OPPOSITION** to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

Shane Harris

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Shane Harris

[REDACTED]

[REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won’t be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club’s use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club’s use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**"*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty...” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

98. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
99. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
100. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
101. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.

102. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
103. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made(some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

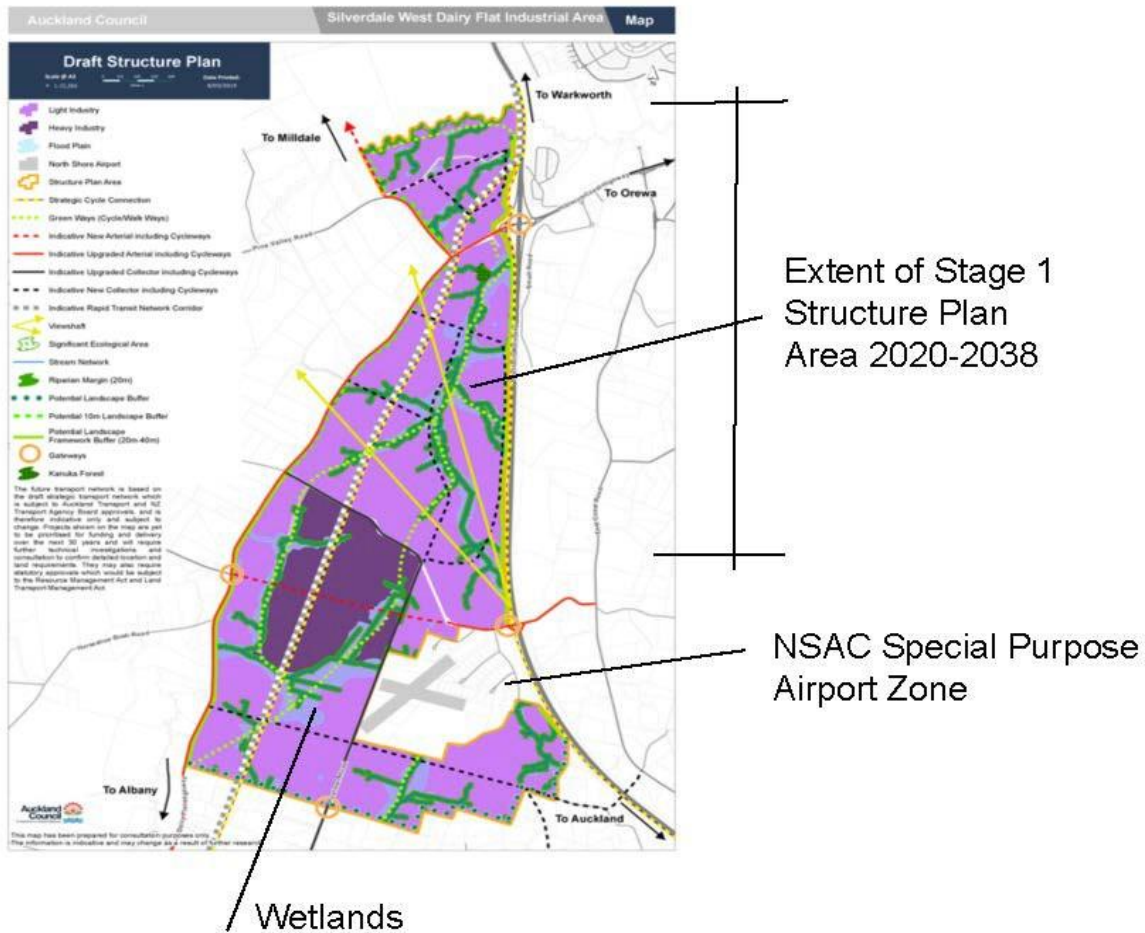


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Rachel Venn [REDACTED]
Sent: Monday, 30 November 2020 9:29 PM
To: Airports <airports@transport.govt.nz>
Subject: North Shore application to become an airport authority

Hi,

I am writing to you as a local Dairy Flat resident residing in the area around the local North Shore airfield.

I am opposing the submission to become an airport authority for the following reasons:

* transparency within the local DF community - at a recent meeting at the local DF hall in November, it was very obvious that the locals oppose the application to become an authority and also future expansion (as part of their master plan), although for many years locals have supported the club within their existing boundaries.

* the majority of land that would need to be acquired for expansion of the club is beyond the existing boundaries and owned and controlled by private owners and not by the club and by granting them authority status includes powers of compulsory acquisition. There is no proposal on how these owners would be compensated, considering the outright significant investment they have made.

* safety of houses, buildings, local DF school (the southern approach), wetland areas (attracting local wildlife, birds and structures). I also worry about crash/emergency landings in the area as it is getting more built up.

* car parking along Postman Road (usually on weekends in summer) is particularly bad. This traffic will only increase as the airport gets bigger.

I request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

Rachel Venn
[REDACTED]

From: Warren Billett [REDACTED]
Sent: Monday, 30 November 2020 9:29 PM
To: Airports <airports@transport.govt.nz>
Cc: [REDACTED]
Subject: North Shore Aero Club - Application for Airport Authority Status - Submission

To Mr T Forster
Ministry of Transport – North Shore Airport Consultation
Manager – Economic Regulation

Dear Sir,

Due to software difficulties , we are hereby forwarding the attached submission for Doug & Karen Agnew of [REDACTED] for the express purpose to notify their objection of the NSAC Airport Authority application.

This submission is being made at the direct request of Doug & Karen Agnew (the submitter's) for and on their behalf.

Best regards

Warren Billett

Dairy Flat Land Owners Group
Representative

Attachment

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("Airport"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

29 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ... Doug & Karen Agnew

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; " *An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*"

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

*26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and have **no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

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The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone... "pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

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The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

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Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

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Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

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4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

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Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

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From: Stephen Jones [REDACTED]
Sent: Monday, 30 November 2020 9:37 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

I am making a submission in support of North Shore Airport being granted Airport Authority status. This would provide a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand.

The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future. North Shore Airport is recognised by Auckland Council as strategic transport infrastructure, is the subject of Auckland Council's highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses.

There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force.

As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential that North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status. New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should have that too.

North Shore Aero Club, the owner of North Shore Airport, has approximately 600 members and approximately 200 aircraft are based at North Shore Airport. North Shore Aero Club is a well-established organisation with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner.

In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognised as an Airport Authority accordingly.

Regards

Stephen Jones
[REDACTED]

From: Brent Hempel [REDACTED]
Sent: Monday, 30 November 2020 9:50 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Airport receiving Airport Authority Status

Dear Sirs,

Herewith please find my submission in support of North Shore Airport receiving Airport Authority Status.

Regards
Brent

Brent Hempel BCom(Hons) MBA

*Management Logistics (NZ) Limited
Unit 4a, 76 Forge Road, Silverdale, Auckland.
PO Box 198, Silverdale, Auckland, 0944*

Attachment

Submission in Support of North Shore Airport gaining Airport Authority Status.

Dear Sirs,

I am a land owner in the Waitoki area. Whilst not in close proximity to the airport there is a lot of aviation activity in my area as it is used for training purposes. I have lived in the area for 15 years. As the airport has been there for some 60 years now I find it incredulous that people living in the area continually moan about the noise and activity expecting no progress, development, or growth even in a measured manner.

The entire area has undergone tremendous change and we have lost too many valuable resources due to the poor management of the interaction of the various interest groups. This is not about the airport versus the community, this is about the airport applying for and receiving the status that it needs and is entitled to in order to manage its affairs in an every changing and challenging environment.

I have been to the public meeting and been privy to the hysteria and paranoia from social media that some people seem to be feeding on which seems to be based on emotion and perception rather than the facts of what the application is all about.

The only thing that should be considered is if in terms of the Act the Airport is adjudged to be able to discharge its responsibilities under the Act in a responsible and measured manner. It is my view that the organisation which owns the airport is well run by a committee of professional volunteers with experience overseeing a full time qualified management team. The organisation is guided by a constitution and membership oversight that prohibits radical and irresponsible behaviour and decision making. Whilst the organisation has some plans for the future, the Airport Authority Status will merely become one of the tools in the box that assists in the internal management of these aspirations. The community fear that is being stoked up by some individuals would seem to be misplaced with unknown motivation as any major decisions regarding interaction with the surrounding area itself is subject to rigorous application and oversight.

I hope this submission has been of some assistance in your process.

Regards

Brent Hempel

From: Warren & Pauline Billett [REDACTED]
Sent: Monday, 30 November 2020 10:20 PM
To: Airports <airports@transport.govt.nz>
Subject: North Shore Aero Club - Application for Airport Authority Status - Submission

To Mr. T Forster

Ministry of Transport – North Shore Airport Consultation

Manager – Economic Regulation

Dear Sir,

For reasons as outlined in our attached submission - I hereby notify my objection of the NSAC Airport Authority application.

Best regards

Pauline Billett

Attachment

29 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport ("Airport"), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

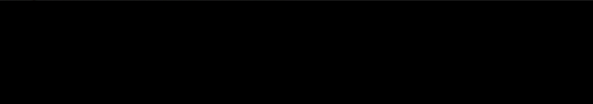
29 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ... Pauline Billett



1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; " *An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*"

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

*26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and have no mandate from its own membership to support this application. The application for Airport Authority status does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been no business case established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone... "pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development."

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status does not include powers of compulsory acquisition.

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition. This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

1. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
2. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
3. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
4. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
5. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure.



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.



fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step has **NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental, built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: [REDACTED]
Sent: Monday, 30 November 2020 10:25 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission in Support of North Shore Aero Club Application

Dear Sir/Madam

Please find attach my support for North Shore Aero Club application for North Shore Airport to be recognized as an Airport Authority

Yours sincerely

Brian Renfree

Attachment

Airport Authority Submission for North Shore Airport

I am making a submission in support of North Shore Airport being granted Airport Authority status.

Airport Authority Status provides a range of suitable mechanisms that will help ensure North Shore Airport can continue to maintain, operate and manage the airport in a way that is consistent with the majority of airports around New Zealand.

The regulatory framework and legal status that would be gained by acquiring Airport Authority Status will help protect North Shore Airport and provide certainty for the airport now and into the future.

North Shore Airport is recognized by Auckland Council as strategic transport infrastructure, is the subject of Auckland Council's highly supportive North Shore Airport Topic Report of 2019, and with the granting of Airport Authority Status, the airport can continue to be of increasing value to the local community by providing better transport links, more jobs and synergy with local businesses.

North Shore Aero Club, the owner of North Shore Airport has approximately 600 members and around 200 aircraft are based at North Shore Airport. There are regular scheduled passenger flights to and from North Shore Airport and in addition, the airport is heavily utilized by various EMS providers such as NZ Police, Auckland Rescue Helicopter Trust (Westpac Rescue), Northland Emergency Services Trust and the Royal New Zealand Air Force.

As key strategic infrastructure directly attributable to supporting many jobs, businesses and livelihoods, it is essential North Shore Airport is supported in the diligent operation of the airport by endorsing it with the most appropriate tools available, namely, Airport Authority Status.

New airports are difficult to establish, especially those within useful proximity to growing metropolitan areas and the airports that exist must be given all the necessary, purposeful tools available to complement their continued operation. The vast majority of regionally significant airports in New Zealand already enjoy Airport Authority Status and it is fitting that North Shore Airport should too.

North Shore Aero Club as owner of North Shore Airport is a well-established organization with the appropriate levels of resource, experience and responsibility to meet their obligations under, and exercise the powers of the Airport Authorities Act in a diligent and sensible manner. In conclusion, the Airport Authorities Act 1966 exists for a reason and it is essential that North Shore Airport should be recognized as an Airport Authority accordingly.

From: Buks Snyman [REDACTED]
Sent: Monday, 30 November 2020 10:31 PM
To: Airports <airports@transport.govt.nz>
Subject: Airport status application submission - North Shore Aero club

Hi

I am the owner of [REDACTED]. See attached a submission against the application by North Shore Aero Club to gain Airport Authority Status.

Thanks & Regards

Buks Snyman | General Manager – NZ

QEP New Zealand
[REDACTED]

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is **Buks Snyman**
[REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in **OPPOSITION** to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport. My property is directly next to the runway on the northern side of the club towards Wilks Road.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

Buks Snyman

[REDACTED]

[REDACTED]

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won’t be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

26.2 *The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:*
26.2.1 *at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.

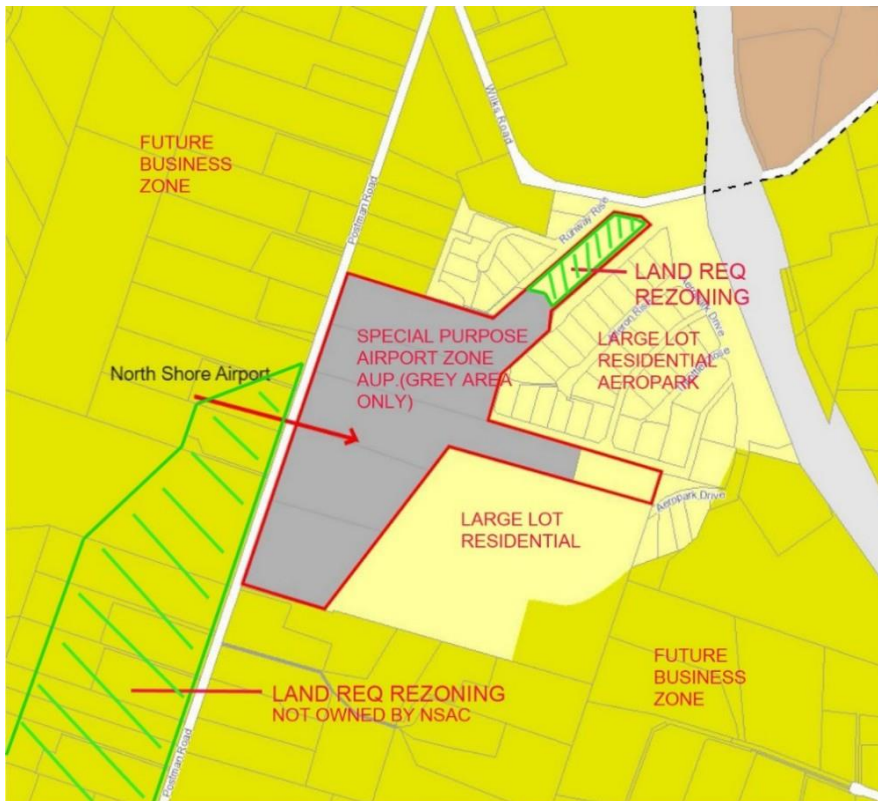


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

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Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words *"The resulting North Shore Airport Precinct offers certainty..."* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

"Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway."

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

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This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

104. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
105. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
106. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
107. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.

108. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
109. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made(some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

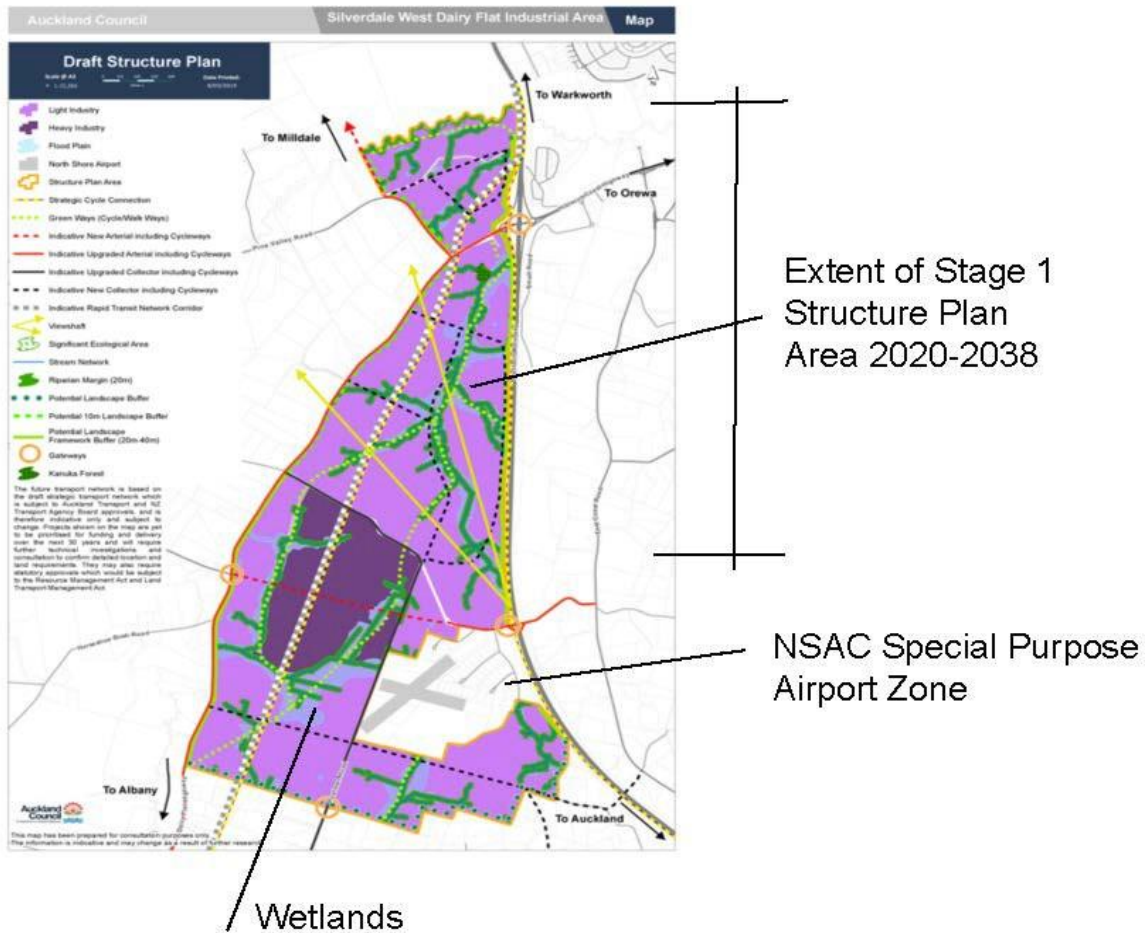


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Kaye Edwards [REDACTED]
Sent: Monday, 30 November 2020 10:34 PM
To: Airports <airports@transport.govt.nz>
Subject: Objection to application by north shore aeroclub

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport

North Shore Airport Consultation

Attn Mr T Forster

Manager- Economic Regulation

Dear Sir,

Our names are Anthony Akuhata Edwards and Kaye Marie Edwards

[REDACTED]

Email : [REDACTED]

We strongly object to the proposal of the Aero Club to gain airport authority status.

A summary of the reasons for our objection are as follows:

1. Increased noise. This is a rural area that people have moved to to enjoy a quieter rural lifestyle. There is already significant noise from the airfield at times and the lifestyle we currently enjoy is at risk if that increases. At times the noise is so great we are unable to hear the each other talk or hear the TV or radio. Any further increase in this would be unbearable.
2. Increased air traffic poses an increased safety risks to residents.
3. The Aero Club does not represent the neighbourhood. In nearly 30 years in the area, I am yet to meet a club member.
4. The Aero Club is not respectful of the community and does not work with members of the community to address concerns. Any concerns raised over the years have been treated dismissively.

5. The extra powers conferred on an Airport are of concern, eg the right to acquire land and restrict development on nearby properties. Surely this is not consistent with the Unitary Plan in which the area has been zoned for future urban development.
6. The application itself, the uncertainty it brings, and the proposal if granted, will have a detrimental effect on property prices in the area.
7. The infrastructure in the area is not of a suitable standard for an airport in the area.
8. Auckland already has airport facilities and we see no benefit to be gained from Dairy Flat also gaining similar status. Whenuapai is a short distance from here and has runways able to take the larger craft referred to. There is no need to have another airport so close.
9. We support the submission made by members of the dairy Flat Landowners group with their reasons in more detail as follows:

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; *“An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...”*

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this means that having airport

authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:
26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.

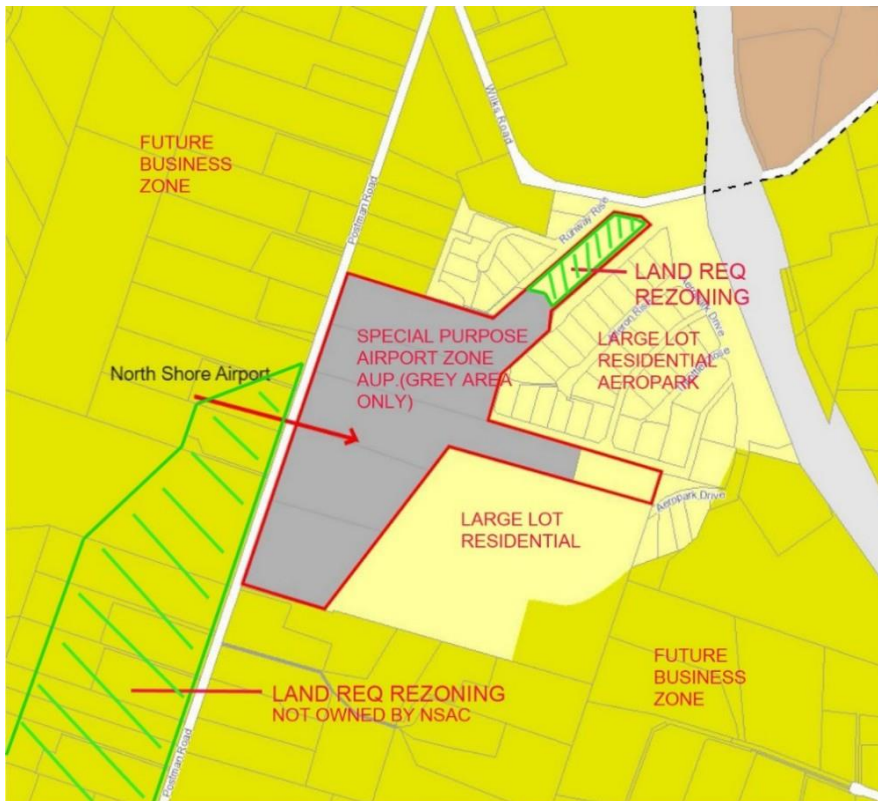


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty...” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

5. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP “*in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment*” The application shows scant regard for its neighbours and the wider community.

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In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

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Fig.3 Safety Hazards Map and land use

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However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific*

Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

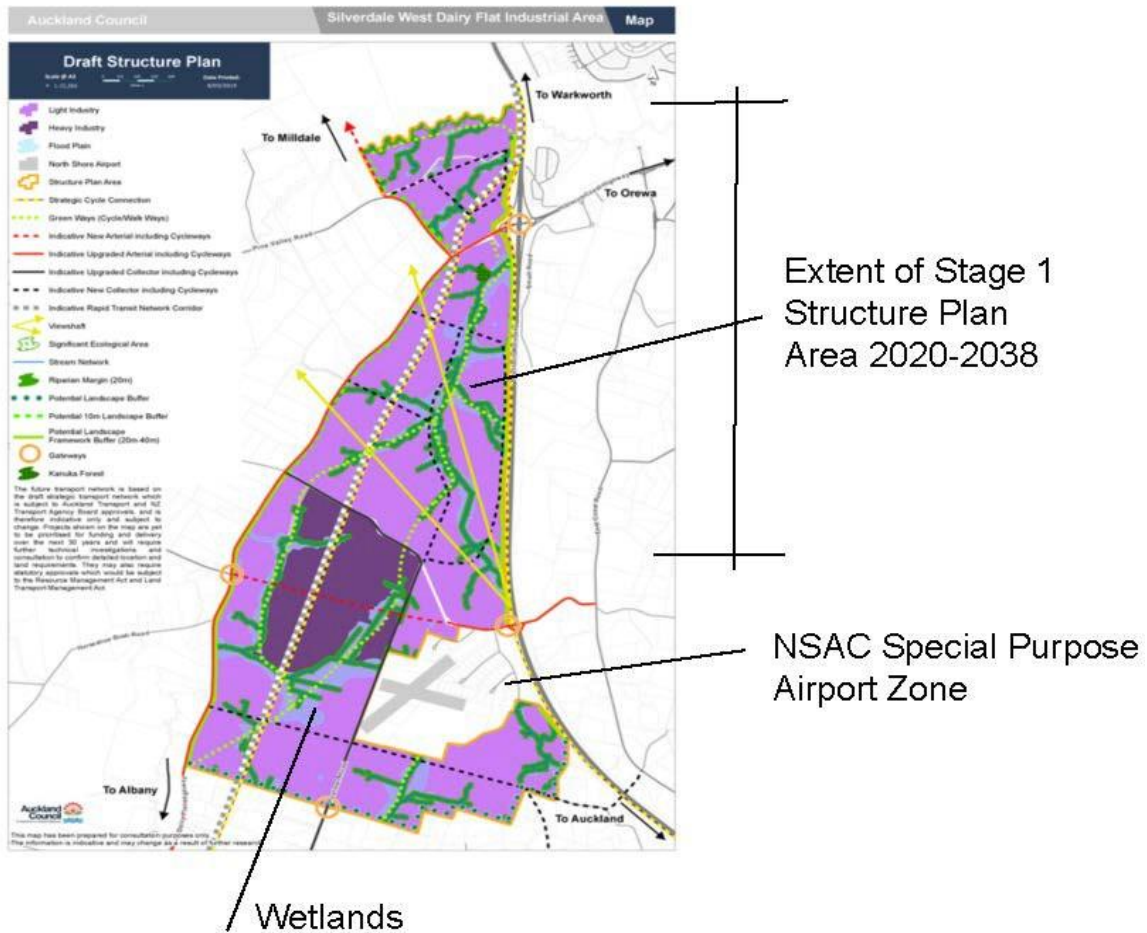


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We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



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From: Cole Hinton [REDACTED]
Sent: Monday, 30 November 2020 10:51 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission for NSAC Airport Authority

Dear the Ministry of Transport,

Please find attached my submission as an affected landowner of the proposed Airport Authority application for North Shore Airport. I oppose the application.

Kind regards

--
Cole Hinton
[REDACTED]

Attachment

SUBMISSION

30 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Cole Hinton.....

[REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

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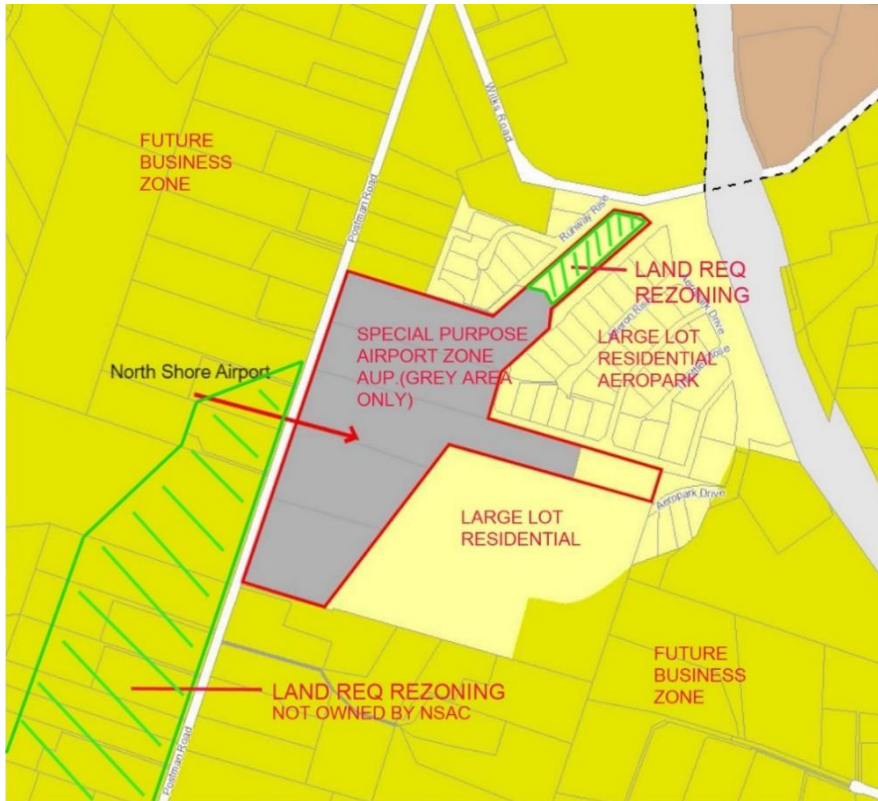


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This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

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Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

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In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The actions of the club have also disenfranchised it from the residents of the NSAP. This is significant as the Aeropark community are effectively attached to the Airport, and residents are legally required to be members of the NSAC.

The Club has now isolated itself from the greater Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

6. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

110. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway *“providing a natural topographic constraint for aircraft takeoffs and landings”* Refer cl 2.2 Airport Surroundings – Masterplan.
111. The planned northern extension of the runway would extend directly behind residential dwellings, owned by NSAP residents.
112. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
113. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.

114. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
115. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

7. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage , up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

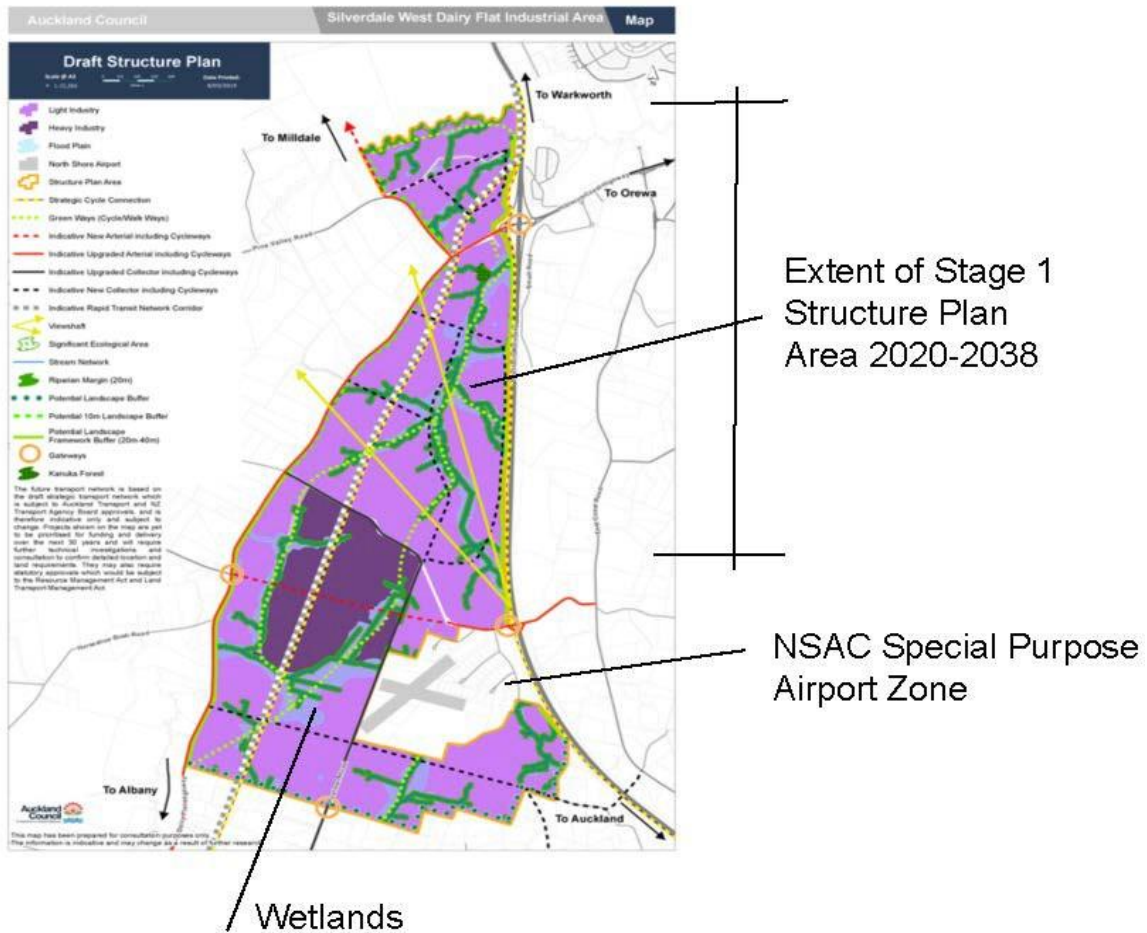


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Justine Crabb [REDACTED]
Sent: Monday, 30 November 2020 10:55 PM
To: Airports <airports@transport.govt.nz>
Subject: Submission for NSAC Airport Authority

Dear the Ministry of Transport,

Please find attached my submission as an affected landowner of the proposed Airport Authority application for North Shore Airport. I oppose the application.

Attachment

SUBMISSION

30 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Justine Crabb
[REDACTED]

I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

I am directly affected by the proposed development plan as set out in its submission and am in OPPOSITION to any expansion of the airfield beyond both its current legal boundaries and also the area zoned as Special Purpose Zone – Airport.

The following reasons summarize the basis for my opposition.

I welcome the consideration of your deliberations of my submission along with the rest of the Community and await the decision on this application.

Regards

1. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It’s inappropriate to give NSAC the powers of an airport authority because they’re not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won’t be subject to the protections afforded by the Act.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club’s use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

And furthermore:

26.2 *The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except:*
26.2.1 *at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club’s use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.*

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

We understand that the Club Executive have confirmed to the representatives of Dairy Flat Land Owners Group (DFLOG) at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

2. Is the Club showing good governance and acting responsibly?

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

3. Avoiding RMA Process

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone..."pg 38 Masterplan.

Lot 9 is a small parcel of land, that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners. It is owned by the Club at present but was only recently acquired.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road and sits directly behind residential properties.

It should be noted that the Aeroclub has signed off changes to the Aeropark development in the past that could be perceived as detrimental to the Aeropark. While this was within the NSAC rights this was for its own benefit at the expense of the NSAP owners.

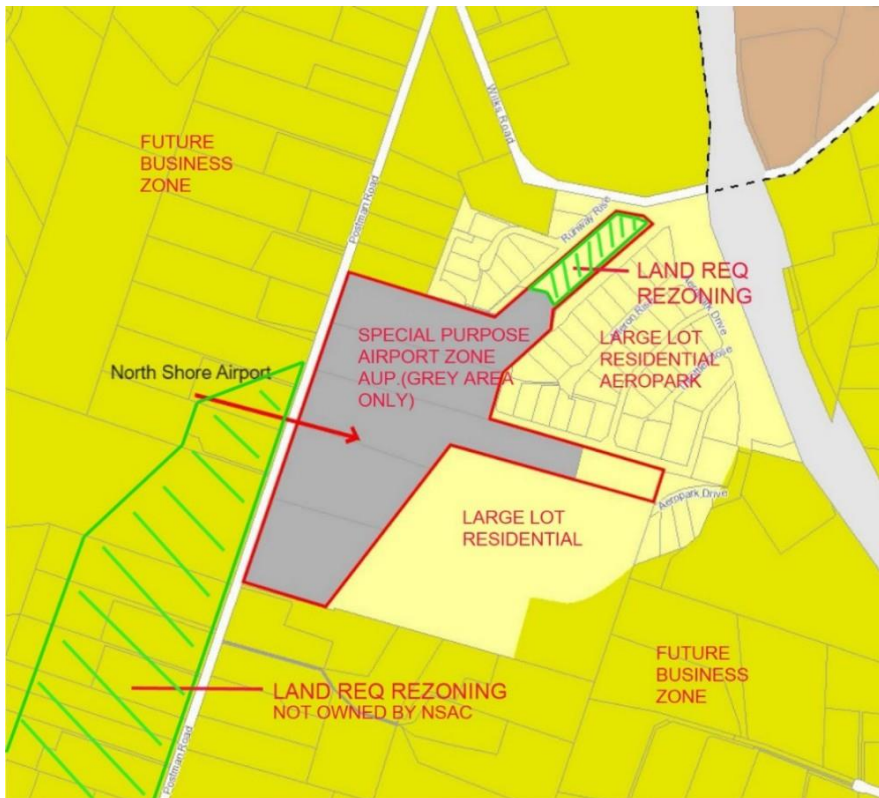


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**”*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport

Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

4. Unitary Plan Process – Not Key Transportation Infrastructure

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words “The resulting North Shore Airport Precinct offers certainty...” which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

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However ,within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific*

Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

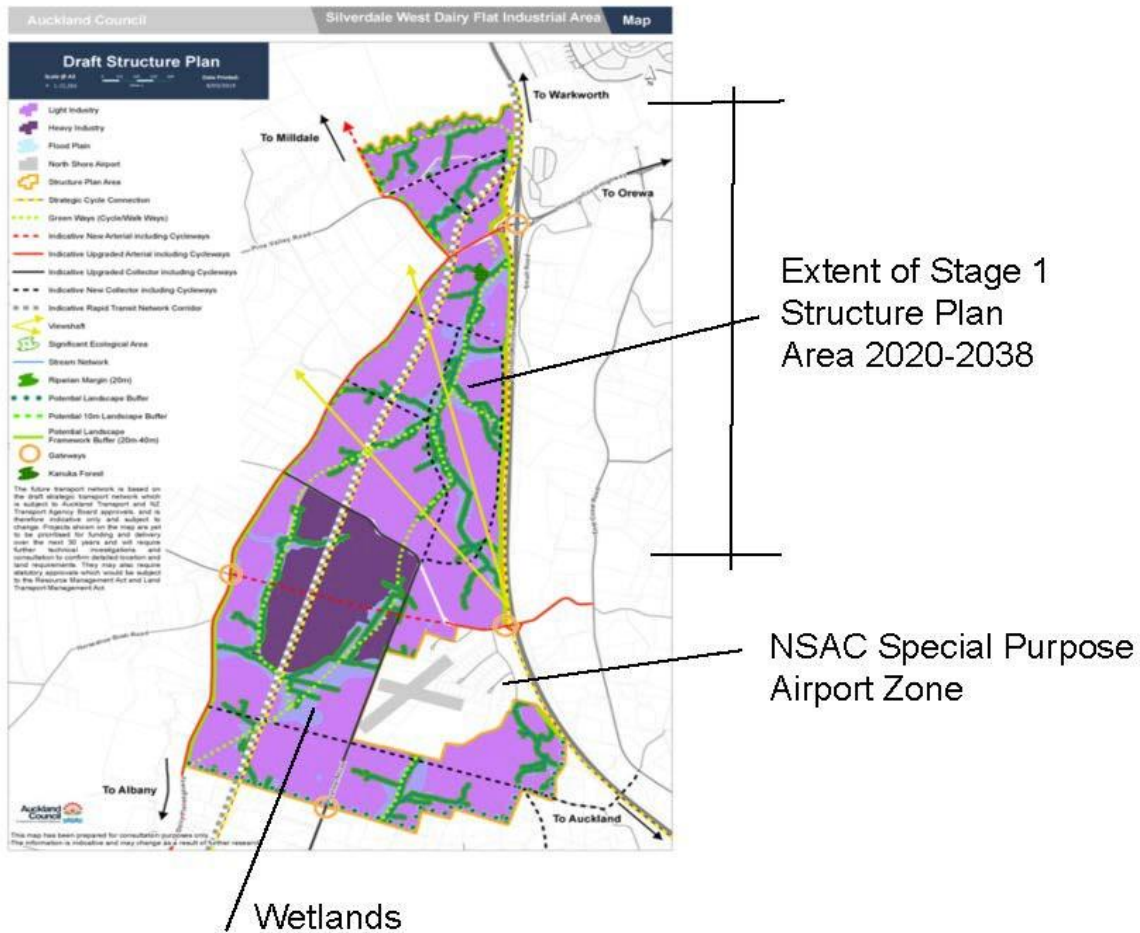


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From: Greg Gordon [REDACTED]
Sent: Monday, 30 November 2020 10:52 PM
To: Airports <airports@transport.govt.nz>
Subject: North shore airport

To whom it may concern.

My wife and I own a property number [REDACTED]. We have lived here for 8 years. Before we moved here we read the resource consent for the NSA airport it has restrictions on the noise level that the aircraft can make. There a many aircraft that break this every day. So with this scheme how can they expect turboprop planes to be with in the the restrictions that apply.

We are retired and we deserve to have quite enjoyment at our property with out aircraft every few minutes flying over our house at low level and well over the decibel reading that the resource consent allows.

This is only one of the reasons for us being against this change of airfield to an airport.

Please find an attachment.

Greg Gordon

[REDACTED]

Attachment

27 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is ...Brian Sutton as Chairman of the Dairy Flat Land Owners Group
[REDACTED]
[REDACTED]

107. Compliance with the AIRPORT AUTHORITIES ACT 1966

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “ *An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...*”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

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substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

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The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

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The application clearly identifies the various stages of redevelopment and acknowledges that :

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It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

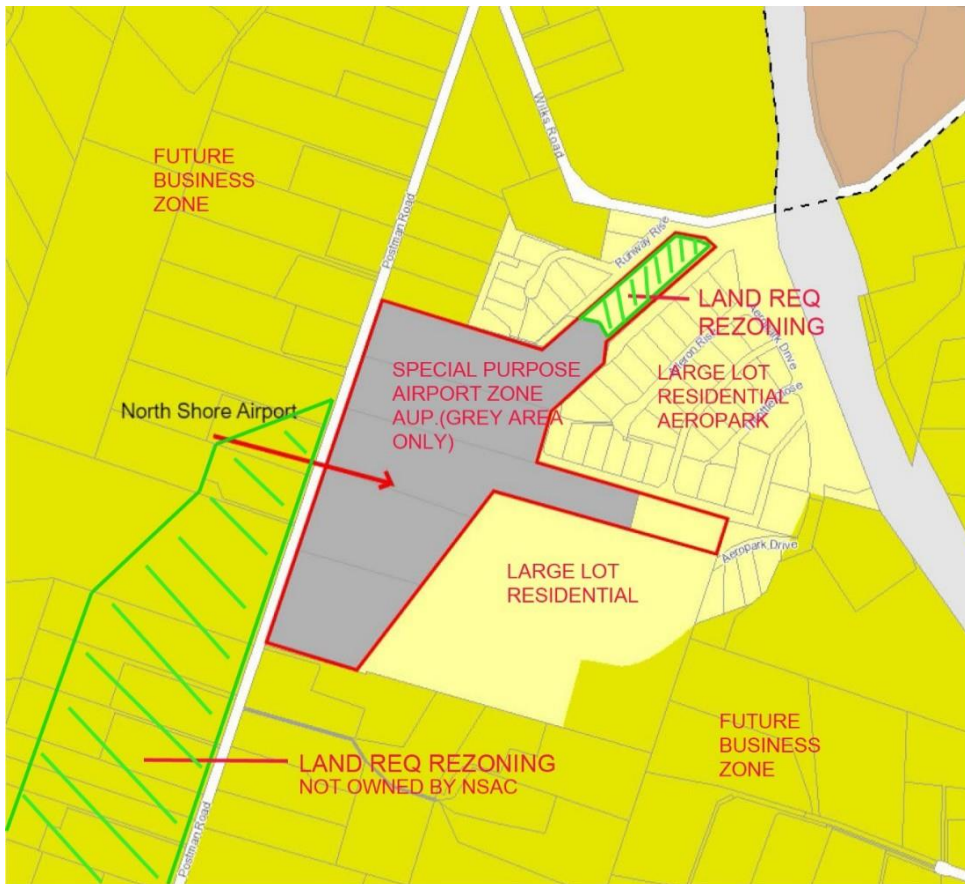


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

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111. Engagement with the Community – Transparently

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states “*North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted*”. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states “*the approval and support of North Shore Airport within the community is clear*”.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC’s application to voice its opposition . This was a meeting which the Club didn’t want to have, and clearly for good reason.

As quoted in its submission regarding the AUP “*in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment*” The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

112. Operational Constraints and Safety

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

116. The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
117. The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
118. The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
119. Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
120. Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .

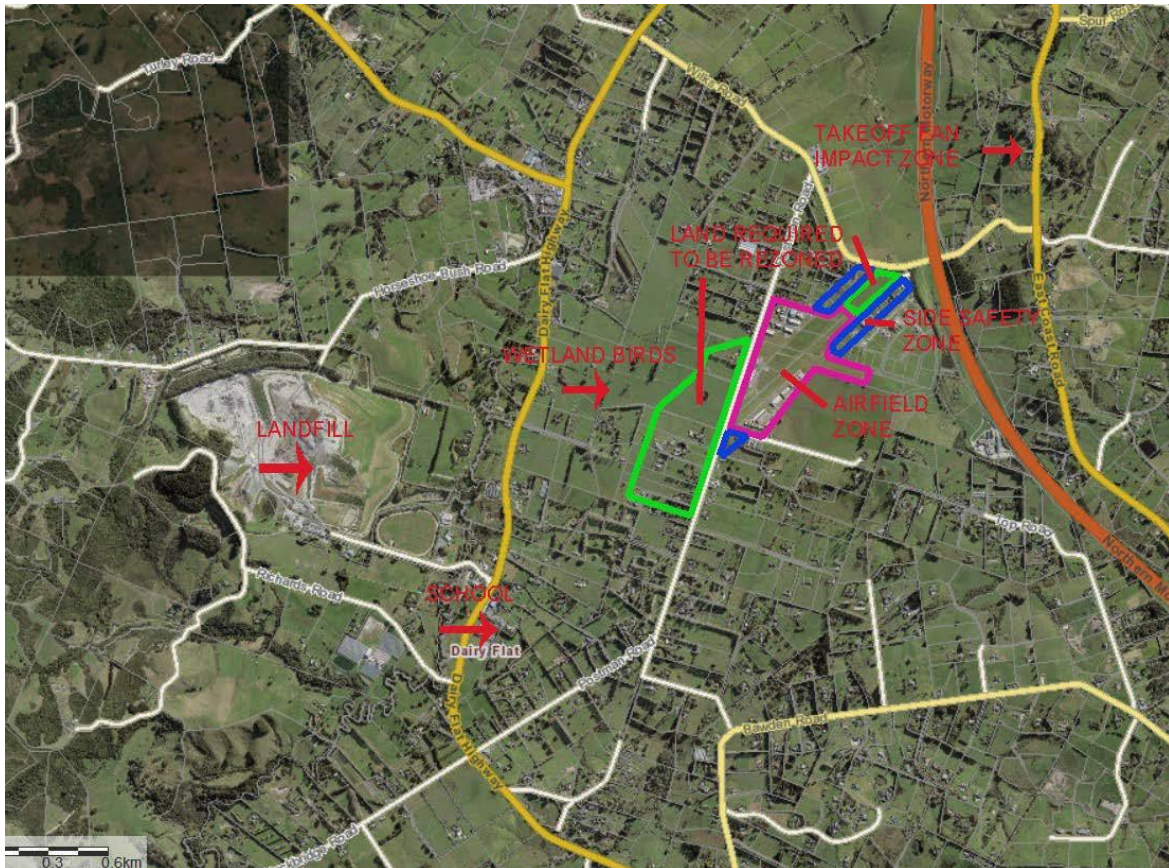


Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

113. Lack of Supporting Infrastructure

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

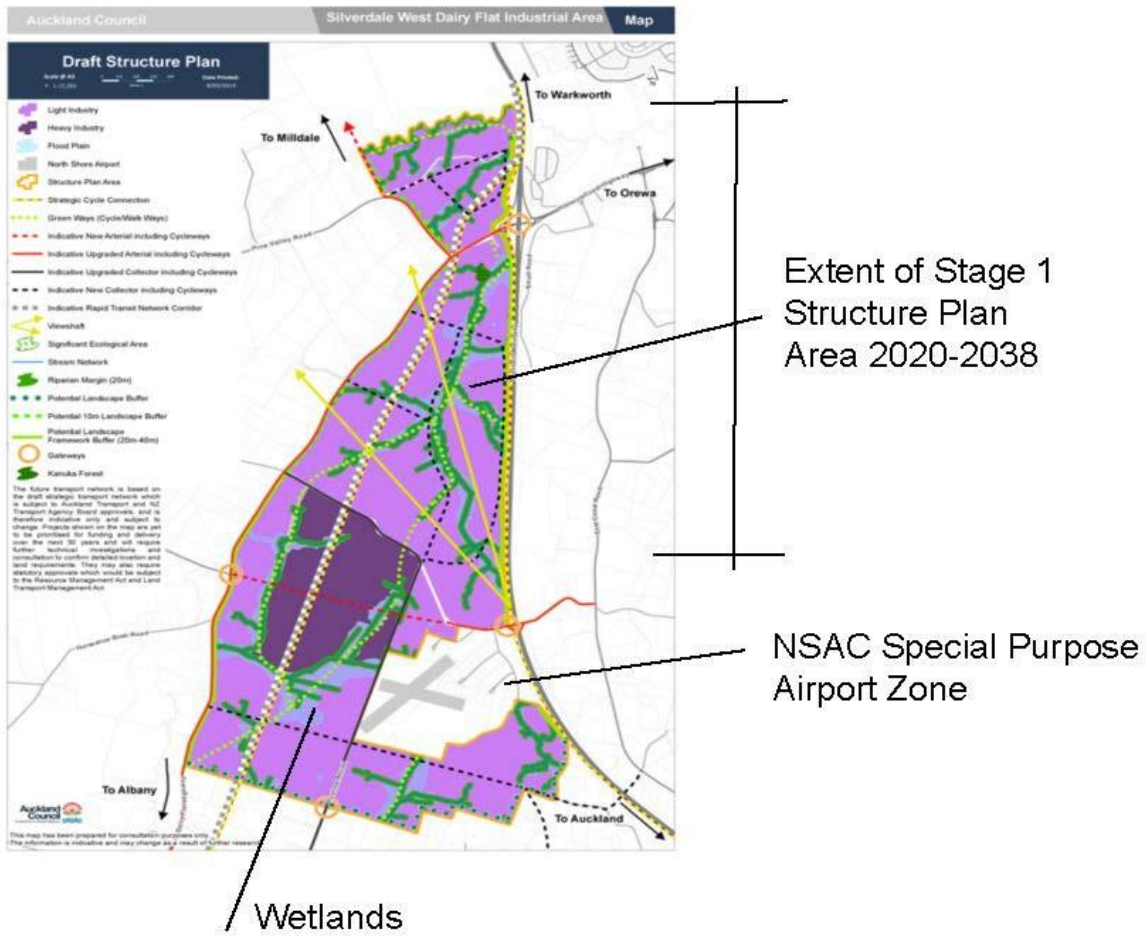


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking

On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

From: Donna Morgan [REDACTED]
Sent: Monday, 30 November 2020 11:16 PM
To: Airports <airports@transport.govt.nz>
Subject: North Shore Airport Submission

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

On behalf of Dairy Flat Land Owners Group (DFLOG), we have reviewed the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

DFLOG is a representative of the wider Dairy Flat Community and represents around 300 members of the Community. As such we as a Community hold strong views that are opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons outlined herein.

The relief we request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does take forward the application, DFLOG seeks the following alternative relief:

- that any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning..

The reasons for our submission are set out below .

SUBMISSION

30 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Donna Morgan



Compliance with the AIRPORT AUTHORITIES ACT 1966

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No.

Currently, the North-Shore Aero Club Inc. is primarily managed as a not for profit Incorporated Society, whereas, an airport operating under the status of Airport Authority must be operated by an incorporated limited liability Company, with the attenuate teaching services currently being run totally independently by private individuals or companies on the North Shore Airfield land, enabling the NSAC, executive of the NSAC to maintain the advantages and protection for elected officers and committee members of the Incorporated Societies Act. This Act was formulated in law to protect well intentioned volunteers and executives in a club from any financial or legal liability for transgressions in a large number of areas. There are clear differences between the Incorporated Societies, and those who are registered and operate as a Limited liability Company. Over time, it has been proven often that trying to overlay one identity over the other does not function satisfactorily in the legal sense, as many legal requirements are in direct conflict with each other. This leaves the question of just who will be the identity which runs a commercial airport facility?

Thus far, at the time of the meeting of the Dairy Flat community members on November 19th, the NSAC Manager disclosed that the decision to make the application for Airport Authority status has not been put to the general membership of the NSAC which calls into question the whole accountability when even this basic step has not yet been taken to validate the application, particularly in consideration of the huge finance required to enable the plans stated of aiming to expand to allow for as large as 80 seater planes to be using the airport. It is not viable to suggest that the whole of the NSAC membership wishes are important to the applicant, much less the surrounding neighbourhood. This could never be construed as the domain of those who have a private pilots licence, and is perhaps why the manger has chosen to bypass the constitutional requirement to put a matter of such import to the general membership of the club at an AGM or SGM. Also, the manager stated that no

business plan or any funding proposals had been prepared, a worrying symptom as that would normally be surely considered a basic process to proceed to an AGM or SGM of the membership, much less lodging the formal application for Airport Authority status. It was also unclear at the meeting how the present status of the airfield is limiting from the point of view of the stated 600 members of the NSAC, that required this upgraded Airport Authority Status. Without it, the Airfield to all intents and purposes is functioning perfectly well – at least from the point of view and satisfaction of the general membership, although the members must, like those of us often driving past the grossly overflowing car parking area, be concerned at what is already a relatively narrow road, with cars parked well onto it.

The Dairy Flat School has been in place since 1878, and the increasing frequency and size of planes would seriously impact the school and its teachers and students as it is directly under the flight path most commonly taken. The difference between a small one to four seater plane – which is the current predominant size flying, and an 80 seat plane is a huge increase in decibels, and must impact both teachers and students adversely, as well as all the other surrounding properties. It is macabre that a non rate paying identity – NSAC has applied to become an Airport authority with the unchallengeable right to demand to purchase properties from residents, thereby taking from the rates pool, against the wishes of all those who have paid hard earned cash to purchase their properties, and therefore remove them from the rate paying roll without any benefit to the remaining community members – each dreading being treated similarly. The attempts by the NSAC to bypass the RMA, and the community consultation do nothing to placate the serious concerns that I have, as do most in the area, and the granting of the Airport Authority status will greatly decrease any compulsion for the management to engage with the community with anymore integrity and transparency than they have shown thus far.

The topography of the whole area that the NSAC flies over is ill-fitted to provide a longer runway which would be necessitated for the much larger 80 seaters planned, particularly when, given the number of movements per day – including take-off and landings would mean an even larger area to accommodate the increased number of larger planes, each of which needing more space to manoeuvre while in a holding pattern, and committed to increased numbers of flights and passengers, the many days of early morning fog will also add to the congestion. It is third world thinking to sandwich a commercial airfield into what has long been a lifestyle area, when there are many other areas that could be used more economically with water and sewerage a great deal more accessible, and a much flatter topography to make them safer.

The prospect that those of us with properties directly affected, it seems that the requirements of the Environments Acts, along with Occupational Safety and Health will no longer apply, and at the NSAC whim, we can be forced to vacate our homes on a 'take it or leave it' purchase price, with absolutely no restraint being put on the NSAC demands. I can be told what I may grow where, and how high trees on my place are allowed to grow, even be told they must be chopped down. Draconian does not even start to describe the effect this will have. I chose to relocate from central Auckland for a quieter, more sustainable life,

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as did most of the people I have spoken to in the general area. Before I purchased the property, I made an appointment with the then manager of the NSAC, who gave me a firm undertaking that the long-term intent was to continue – with a small increase in numbers of movements on an on going basis, as the airfield has always done. At no point was anything said that suggested that buying the land was tantamount to buying right by the next equivalent to the International Airport at Mangere, quite the opposite in fact.

I urge the New Zealand transport Authority to decline the application by the Northshore Aero Club Incorporated to have an Airport Authority Status, as it is ill conceived, and lacking in vital details of the background to exactly why it is needed for an undefined purpose for the membership of the Club and fails to provide any balanced reason as to how the community members like myself would offset the considerable loss of value of and quality of life in their homes.

Yours faithfully,

Donna Morgan,
Resident,
Property Owner.

From: Donna Morgan [REDACTED]
Sent: Monday, 30 November 2020 11:59 PM
To: Airports <airports@transport.govt.nz>
Subject: NORTH SHORE AIRFIELD APPLICATION.

To : Ministry of Transport
North Shore Airport Consultation
Attn. Mr T Forster
Manager- Economic Regulation

Dear Sir,
My name is Donna Morgan

[REDACTED]

Dear Sir,
Compliance with the AIRPORT AUTHORITIES ACT 1966

I attended the meeting between the Dairy flat Community and the North Shore Aero Club to obtain details on the application of Club – an Incorporated Society, to understand why they had applied for an Airport Authority Status. There had been no business plan completed, no reasons were given as to why they applied or needed it, why the present level of function was no longer satisfactory. The application had not been presented to the membership of the club, which on my understanding is in breach of their constitution, and is remarkable given the powers that this would give the club over all the surrounding properties, and would require the raising of many millions of dollars to take to the envisaged commercial capacity to enable planes in large numbers of up to 80 seaters in size. This is in direct conflict with the Airport Authority Status only being available to Limited Liability Companies, which would appear to be a takeover by stealth by the manager and others. Any limited liability Company would encounter all the conflicts between the Act that it functions under, and the requirements of the not for profit Incorporated Societies Act.

For the local residents, we would find ourselves subject to our properties being compulsorily purchased, with a 'take it or leave it' price, and what we could grow and where – forced to chop down – at our cost trees they didn't like, grossly affected at the whim of 600 NSAC members. Instantly our properties would reduce in value, and the property I bought to leave the inner city of Auckland, would very quickly become untenably noisy, the direct opposite to my reason for buying and moving there, and I cannot image what it will be like for the Dairy Flat School which is also under the direct flight path – there would be no comparison in the noise level at present plane sizes and arrivals and departures. Added to that will be the circling planes waiting for their turn to land, or waiting on the morning fog to clear.

The topography of the surrounds – at each end of the present runways rise quite steeply adding to the noise and danger of the larger planes, are far from ideal, and the surrounding roads are already congested enough with no sign of improvement likely as the traffic volumes are rising rapidly already with the developments of Millwater and Milldale. Postmans Road is already often very restricted by cars that overflow from the

NSAC car park, and park on both sides of the road, trying to avoid landing up in the ditch that runs along each side.

In summary, there are so many reasons for declining the NSAC application for Airport Authority Status, but primarily, it is totally out of context with all facets of it's surrounds to have a commercial airfield severely impacting a vast number of people for some unstated benefit, but costing all of us who own the surrounding land money, health, safety and peace of mind.

Yours faithfully,

Donna Morgan
Owner, Occupier.

30 November 2020

To : Ministry of Transport
North Shore Airport Consultation
Attn Mr T Forster
Manager- Economic Regulation

Dear Sir,

My name is Donna Morgan



Compliance with the AIRPORT AUTHORITIES ACT 1966

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No.

Currently, the North-Shore Aero Club Inc. is primarily managed as a not for profit Incorporated Society, whereas, an airport operating under the status of Airport Authority must be operated by an incorporated limited liability Company, with the attenuate teaching services currently being run totally independently by private individuals or companies on the North Shore Airfield land, enabling the NSAC, executive of the NSAC to maintain the advantages and protection for elected officers and committee members of the Incorporated Societies Act. This Act was formulated in law to protect well intentioned volunteers and executives in a club from any financial or legal liability for transgressions in a large number of areas. There are clear differences between the Incorporated Societies, and those who are registered and operate as a Limited liability Company. Over time, it has been proven often that trying to overlay one identity over the other does not function satisfactorily in the legal sense, as many legal requirements are in direct conflict with each other. This leaves the question of just who will be the identity which runs a commercial airport facility?

Thus far, at the time of the meeting of the Dairy Flat community members on November 19th, the NSAC Manager disclosed that the decision to make the application for Airport Authority status has not been put to the general membership of the NSAC which calls into question the whole accountability when even this basic step has not yet been taken to validate the application, particularly in consideration of the huge finance required to enable the plans stated of aiming to expand to allow for as large as 80 seater planes to be using the airport. It is not viable to suggest that the whole of the NSAC membership wishes are important to the applicant, much less the surrounding neighbourhood. This could never be construed as the domain of those who have a private pilots licence, and is perhaps why the manger has chosen to bypass the constitutional requirement to put a matter of such import to the general membership of the club at an AGM or SGM. Also, the manager stated that no business plan or any funding proposals had been prepared, a worrying symptom as that would normally be surely considered a basic process to proceed to an AGM or SGM of the membership, much less lodging the formal application for Airport Authority status. It was

also unclear at the meeting how the present status of the airfield is limiting from the point of view of the stated 600 members of the NSAC, that required this upgraded Airport Authority Status. Without it, the Airfield to all intents and purposes is functioning perfectly well – at least from the point of view and satisfaction of the general membership, although the members must, like those of us often driving past the grossly overflowing car parking area, be concerned at what is already a relatively narrow road, with cars parked well onto it.

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The prospect that those of us with properties directly affected, it seems that the requirements of the Environment Acts, along with Occupational Safety and Health will no longer apply, and at the NSAC whim, we can be forced to vacate our homes on a 'take it or leave it' purchase price, with absolutely no restraint being put on the NSAC demands. I can be told what I may grow where, and how high trees on my place are allowed to grow, even be told they must be chopped down. Draconian does not even start to describe the effect this will have. I chose to relocate from central Auckland for a quieter, more sustainable life, as did most of the people I have spoken to in the general area. Before I purchased the property, I made an appointment with the then manager of the NSAC, who gave me a firm undertaking that the long-term intent was to continue – with a small increase in numbers of

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movements on an on going basis, as the airfield has always done. At no point was anything said that suggested that buying the land was tantamount to buying right by the next equivalent to the International Airport at Mangere, quite the opposite in fact.

I urge the New Zealand transport Authority to decline the application by the Northshore Aero Club Incorporated to have an Airport Authority Status, as it is ill conceived, and lacking in vital details of the background to exactly why it is needed for an undefined purpose for the membership of the Club and fails to provide any balanced reason as to how the community members like myself would offset the considerable loss of value of and quality of life in their homes.

Yours faithfully,

Donna Morgan,
Resident,
Property Owner.

From: Michael Neufeld [REDACTED]
Sent: Tuesday, 1 December 2020 12:00 PM
To: Airports <airports@transport.govt.nz>
Subject: Northshore Airport authority application - submission

Hello,

I am hopeful that this email can make it's way to those making the decisions regarding the Northshore Aero club's application for Airport authority status.

I attended the public meeting last month, and appreciated the clarity that was brought in terms of what the Transport agency's role is in deciding on the application. Although the additional 2 weeks of time was welcomed, it has not enabled me the appropriate time to consider all the pros and cons associated with the outcomes of such an application.

As such, I will declare my wish for the application to be declined and try to focus a brief argument on whether or not the Aero Club has the ability to discharge their obligations should they receive the authority.

The club has a very small presence in the community, and represents only a particularly affluent segment of it. It is unclear how many members are actually community members and when asked, the Director could not answer specifically, but claimed at least 1/2 of the members are 'likely local'. This suggests there are many members of the club who do not actually live in Dairy Flat and may account for the lack of forethought about the potential implications of an expanding airfield on the community. Despite the flight paths running directly over our home, and perhaps more importantly, directly over the local primary school (365 children), we have never been contacted by them, nor been invited to any sort of community consultation or community building event. As a homeowner, that is one thing, but as a member of the Board of Trustees for the school, it is most disappointing.

In the director's own words the aero club are "First and foremost there to serve their members". This is further proof that they are not stewards of the local spaces or community. With a plan for running 30 twin prop flights per day (80,000 people movements per annum) that will fly at low altitude over the School and school grounds, their claim that this is only a 'modest increase' is absurd. It is remarkable that they have not approached the school to discuss what impacts this might have on the children and teachers? Their previous opposition to the urban development proposed in the unitary plan was predicated on the 'risk' of flight paths over developed areas. It seems conveniently forgotten?

The public meeting was planned with only short warning and the deadline for submissions less than 14 days later. This was not a 'good faith' approach, and the conversations I subsequently had with the director elicited further understanding as to why he is so driven to gain the ability to expand.

The expanding role of a director aside, it is interesting that he also holds title to some land immediately adjacent to the airport that he has said would likely be purchased by the airfield if it gains authority. I thought it curious that he would disclose this to me, but nonetheless, when the statements are made that the club only serves it's members, I do not believe it is entirely meaning that they intend to serve all members in the same manner, but rather potentially special interests of some.

If this is ultimately for financial gain of the club, how could it be that they have given no thought about what they might offer the local community in return? The club does not need authority status to continue to serve it's members under the terms the airfield and Club was established. There is not threat to their continued pursuit of recreational and limited commercial activity.

Keep in mind that the director is leading the application and when asked about his background, he has no formal qualifications relating to such work. He has immigrated to New Zealand after selling his house painting business. While I respect his drive, the failures to consult are indicative that any hopes of "discharging obligations" of authority status may not be successful if working in a vacuum.

From my perspective, the public talk made clear that the club's stance is not entirely out in the open, is underdeveloped and has been presented with purposeful obfuscation. This was evidenced by the fact that the local council members and the local MP had absolutely no knowledge of the application nor the public meeting until letters about the meeting arrived in their mailbox or concerned locals contacted them they had received the letters.

Thus, if the ability for the club to be able to "Discharge their obligations" is at the fore of any decision, I trust you will include considerations in regards to the capacity of those leading the proposals to follow moral, legal and ethical practices that look beyond what serves their small membership base, and to what serves those that live around and under their plans. .

Please keep in mind that while the applicants have a full time director and years to make plans and submissions, we as community individuals, are working full time while trying to raise our families. To squeeze a

valid and thoughtful response into these timelines and to meet the submission deadline was impossible for many of us.
I hope this does however give some perspectives to consider.

With respect and kind regards
Michael Neufeld



Michael Neufeld

DHSc Candidate, MPhil (1st class Hons), PGdip Adv Nursing,

BHSc Nursing, Offshore Marine Medic Cert

Programme Leader – Student Experience
Department of Nursing
Auckland University of Technology



W aut.ac.nz

From: Choi Senog [REDACTED]
Sent: Friday, 11 December 2020 12:02 PM
To: Airports <airports@transport.govt.nz>
Subject: NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

Hi I am sending attachment letter regards the North Shore Airport proposal .

Kind Regards

Choi

Attachment

SUBMISSION

27 November 2020

RE: APPLICATION BY NORTH SHORE AEROCLUB INC TO BECOME AN AIRPORT AUTHORITY.

To : Ministry of Transport

North Shore Airport Consultation

Attn Mr T Forster

Manager- Economic Regulation

Dear Sir,

My name is Se Senog Choi and my husband Sang Pil Han

[REDACTED]

[REDACTED]

- **Compliance with the AIRPORT AUTHORITIES ACT 1966**

Does the application meet the requirements of the Act?

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; “ An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....”

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

*Cl 20.2 Notwithstanding the provisions of rule 20.1 **the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.***

And furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include **transfer** of all assets into the new company.

The Club Executive have confirmed to the representatives of DFLOG at a meeting on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution .

Relief Sought:

The Club Executive are therefore operating outside of their own Constitution and **have no mandate from its own membership** to support this application. The application for Airport Authority status does not meet these requirements as the **Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.**

- **Is the Club showing good governance and acting responsibly?**

The Club Executive have confirmed that there has been **no business case** established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly

when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief Sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act , that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, we request that the application be rejected.

- **Avoiding RMA Process**

The application clearly identifies the various stages of redevelopment and acknowledges that :

Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone... "pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners ,as we understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.



Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

We note that over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

*"Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. **The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.**"*

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief Sought:

This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly we request that **this application be forthwith rejected.**

- **Unitary Plan Process – Not Key Transportation Infrastructure**

During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

The original zoning under the Rodney District Plan required the Aeroclub to not create adverse affects with its neighbours, and is now trying to reverse the issue to attempt to make sure that reverse sensitivity is now the Community's problem, not its own.

Since its formation in the early 1960's, the Club has managed to function adequately within its own area until recently. It appears to have a section of Club membership aggressively striving to expand commercial activities. But the position is not consistent across the membership.

In its own words "The resulting North Shore Airport Precinct offers certainty...." which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

This is further compounded within the AUP by Council applying a Special Purposes Zone – Airport explicitly within the existing airfield boundaries, and not extending over its own existing boundaries and into the surrounding neighbouring land holdings, thereby creating a permanent constraint on any future development beyond its current operations. The majority of the land required for expansion beyond the Club's existing boundaries is owned and controlled by private individual Owners and not the Club.

Primary Relief Sought: In accordance with the Unitary Plan Process, and as defined by the new Special Purposes zoning, all future development to be constrained to NSAC existing property boundaries.

Secondary Relief Sought: Should the Ministry not support the rejection of this application, then we seek that should Airport Authority status be granted, that such status **does not include powers of compulsory acquisition.**

- **Engagement with the Community – Transparently**

In respect to community engagement, the NSAC has turned its back on the Community. In its submission it states *“North Shore Airport management are of the view further consultation on Airport Authority status is unwarranted”*. This very clearly establishes NSAC view on its position in the community and approach to transparency, or desired lack thereof.

The submission states *“the approval and support of North Shore Airport within the community is clear”*.

This is an astonishing statement and was clearly shown to be an absolute misrepresentation of fact at the Local Community Hall. The Community has historically supported the Club as a recreational airfield operating within its existing boundaries. However the Community has been extremely vocal during the AUP process and most recently at the local community meeting, in response to the NSAC's application to voice its opposition . This was a meeting which the Club didn't want to have, and clearly for good reason.

As quoted in its submission regarding the AUP *“ in relation to the airport Principle 10 isEnsure that transport is sustainable in the long term, minimises negative impacts on peoples health and the built and natural environment”* The application shows scant regard for its neighbours and the wider community.

The Club has now isolated itself from the Community for the foreseeable future and has created this conflict itself.

Relief Sought: The NSAC have shown themselves to be **unworthy** of the status which would be bestowed upon them by granting of Airport Authority status. They are a long way removed from any comparable public body in terms of governance and corporate responsibility and do not reflect the intentions of the Act. On this basis the application should be rejected.

- **Operational Constraints and Safety**

In respect to **showing good governance**, the NSAC further note in the Masterplan some of the physical constraints that currently exist which create **safety issues** including:

- The northern take off and landing fan is intersected some 1200m to the North by surrounding hillside rising some 55m above the runway “*providing a natural topographic constraint for aircraft takeoffs and landings*” Refer cl 2.2 Airport Surroundings – Masterplan.
- The southern approach is directly above Dairy Flat Primary school approx. 1250m to the South of the existing runway.
- The adjacent property to the West includes a large wetland area which attracts very large numbers of seasonal bird movements. This is now covered by the Freshwater National Policy Statement 2020 and will require special consideration.
- Birdstrike risk is further compounded by the close proximity to the Redvale Landfill.
- Close proximity of numerous privately owned structures including residential dwellings, privately owned hangars and numerous other improvements and infrastructure .



Fig.3 Safety Hazards Map and land use

There appears to be little regard in the NSAC application to the increased risk that any expansion will have on the wider community or users of the airfield and NSAC have confirmed in the application that they have yet to undertake any aeronautical study.

Relief Sought: Due to a lack of research regarding critical safety issues and the apparent disregard for the Communities property rights and significant investments that have been made (some very recently), with no proposal as to how these owners would be adequately compensated, we request the application to be rejected.

- **Lack of Supporting Infrastructure**

From the broader environmental aspects, the application also confirms that the property is **un-serviced** by water supply, wastewater and stormwater with no Council Infrastructure currently planned within the timeframes indicated by the applicants Development Program. This includes projected significant increases in patronage, up to 40,000 passenger movements annually as soon as 2028.

The Council Reports referred to are incorrectly quoted (Future Urban Land Supply Strategy – FULSS) as the area being “Development Ready” in part by 2022.

However, within the Draft Structure Plan process, the area directly surrounding the NSAC is subject to the Draft Plan and has been deferred in respect to time frames now being 2038-2048 with *specific Land Use to be determined by a full Business Demand Study, at the time of infrastructure implementation* and may or may not include the Industrial Uses identified on the Draft Structure Plan in stages 2 & 3.

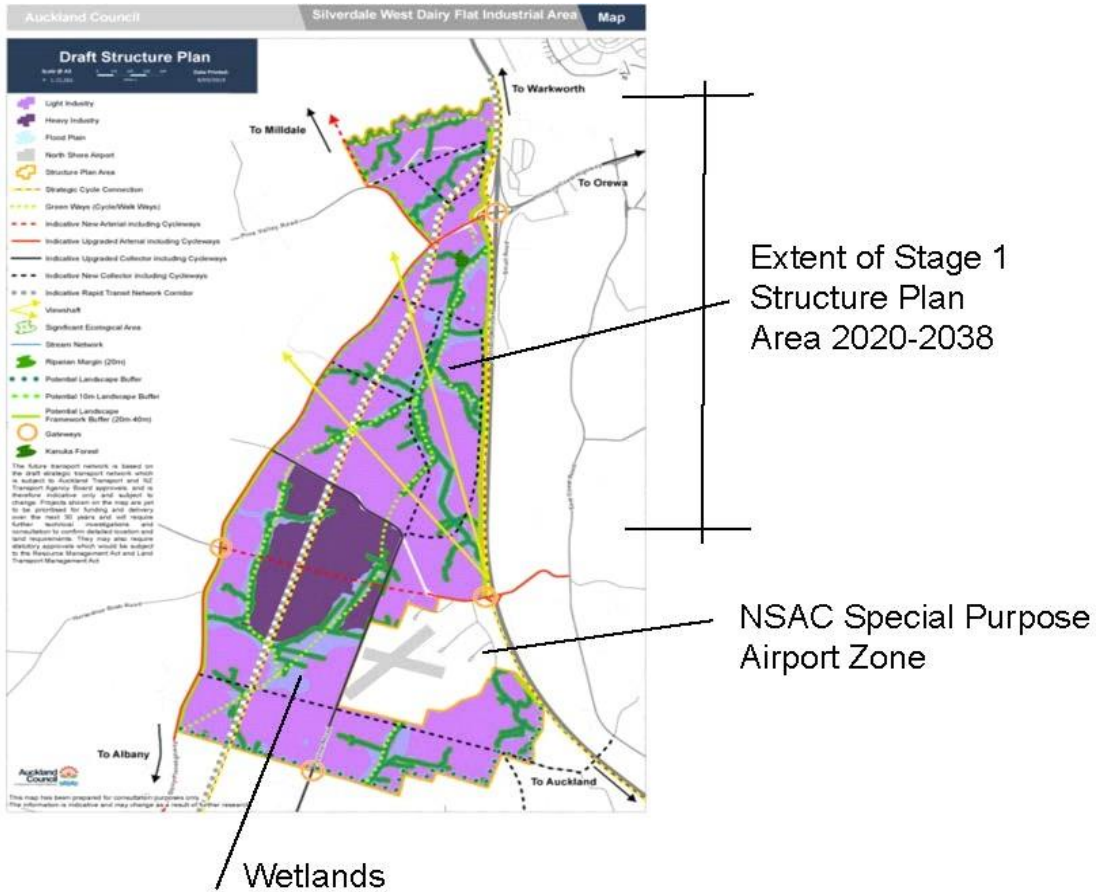


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

We would anticipate that Council, as consistent with any other commercial development, will require full and proper environmental planning, including the costs to be borne by the developer, of all servicing requirements including connection to its core network. These costs need to be appropriately identified and supported in the Business Plan and financial feasibility.



Fig 5 Example of significant safety hazard due to lack of parking
On Postman Road outside airfield office

Postman Road is currently a rural road with an 80km speed limit. Carparking is extremely dangerous already and with growth projections set to get a lot worse according to the Masterplan. Commercial developments are generally required to accommodate their own needs on their own land. Another example of very poor governance and lack of commitment to provide adequate on site facilities.

The levels of passenger growth indicated suggest that significant demand may be generated as soon as 2024, so the pressure to quickly move from an Airport Authority to a Requiring Authority would be immediate. Once again, this step **has NO mandate from the Aeroclub members and as confirmed in the meeting with Club executives and Vice Captain, 19/11/20**, in part probably due to the significant financial burden it will place upon them.

Based upon the Club's actions to date and its current built environment, strong performance requirements are required to ensure that the Club meets adequate statutory standards from both an environmental , built environment and health and safety.

Relief Sought: It would be inappropriate to look to use the deemed powers of the Act, particularly Requiring Authority status, to avoid the Club's environmental responsibilities in this area, and overriding the public good. We request that the Ministry of Transport hereby reject the application for both Airport Authority status and subsequent Requiring Authority status.

Is the applicant a suitable body to receive Airport Authority and/or Requiring Authority status?

No. The North Shore Aeroclub is a not for profit Incorporated Society.

The Act states; " An airport company means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority...."

The NSAC is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company. It's inappropriate to give NSAC the powers of an airport authority because they're not the right sort of body to hold them and this means that having airport authority status is inappropriate because, not being an airport company, they won't be subject to the protections afforded by the Act.

From: Cees Breuseker [REDACTED]
Sent: Wednesday, 16 December 2020 8:30 AM
To: Airports <airports@transport.govt.nz>
Subject: CB Aeroclub Submission 2020 (1).docx

Attachment

29 November 2020

Ministry of Transport
PO Box 3175
Wellington, 6140

By email: airports@transport.govt.nz

NORTH SHORE AIRPORT PROPOSAL FOR AIRPORT AUTHORITY STATUS

I have reviewed the application by North Shore Airport (“**Airport**”), (owned by North Shore Aero Club Incorporated) to the Ministry of Transport to become an airport authority.

I have lived in Postman Road for nearly 20 years and strongly opposed to the proposed redevelopment of a recreational airfield into a full commercial regional airport for the reasons set out below.

My request is for the Ministry of Transport to decline the application by North Shore Aero Club for Airport Authority status.

In the event that the Minister of Transport does not decline the application outright, I seek an alternative relief whereby in any Order in Council establishing the Airport as an airport authority be specific that acquisition powers have not been conferred and that any development program is contained within its existing Special Purpose Airport zoning.

The reasons for my submission are:

1. The application does not meet the requirements of the Airport Authorities Act 1966 nor is it a suitable body to receive Airport Authority and/or Requiring Authority status. The Applicant, the North Shore Aeroclub is a not for profit Incorporated Society and the Act states; “ *An **airport company** means a company registered under the Companies Act 1993 that is for the time being authorised under section 3(3) to exercise the functions of a local authority....*”

The North Shore Aero Club is not a Registered Company and requires a complete restructure from an Incorporated Society to become a Registered Company.

This is a very significant undertaking for the Aeroclub and their Constitution cl 20.2 states:

POWERS OF COMMITTEE

Cl 20.1 The Committee shall exercise the entire governance, administration and management of the Club and the control of its property and funds and is hereby empowered on behalf of the Club to do execute and carry out all the matters and things which the Club is authorised to do, execute and carry out except such as are expressly by these rules or by any statute for the time being in force required to be exercised or done by the Club in General Meeting.

Cl 20.2 Notwithstanding the provisions of rule 20.1 the power to sell, transfer or otherwise dispose of the whole or any part of the Aerodrome in any manner which would substantially reduce the Club's use and occupation of the Aerodrome shall be exercised by Special Resolution of Members at a General Meeting of the Club.

Furthermore:

26.2 The Quorum at an Annual or Special General Meeting shall be 25 Members eligible to vote except: 26.2.1 at an Annual or Special General Meeting where a motion is to be considered for the sale, transfer or other disposition of the Aerodrome in any manner which would have the effect of substantially reducing the Club's use and occupation of the Aerodrome, in which case the quorum shall be 20% or 100 of the Members eligible to vote, whichever is the lesser.

The disestablishment of the Incorporated Society and the required change to a registered Company is a major undertaking which will include transfer of all assets into the new company.

The Club Executive confirmed at a meeting to the local community on Thursday 19 November that there has been no AGM or SGM held to pass such a Special Resolution.

Relief sought: The Club Executive are therefore operating outside of their own Constitution and have no mandate from its own membership to support this application. The application for Airport Authority status does not meet these requirements as the Applicant does not meet the definition of the Act of an Airport Company and should be rejected accordingly.

2. The Club has not shown good governance or acted responsibly.

The Club Executive have confirmed that there has been no business case established for the expansion program including financial feasibility modelling to confirm the projects financial viability and performance.

Clause 9A.1.(b) of the Act requires an Airport Company to fully disclose its financial statements and forecasts and make the same publicly available. They have declined to release such information to the public, albeit not required to as yet.

While not needing to be publicly transparent as yet, it would seem prudent before embarking on such a major multi-million dollar enterprise, which will have significant detrimental impact on the entire surrounding area, that any aspiring developer (which is what the NSAC is), would in the first instance question the viability financially through extensive Business Modelling. Anything less, particularly when directly affecting other parts of the Community can hardly be seen as good governance and showing some sort of moral compass.

Relief sought: The Club has proven very clearly it's driven by a perceived profit motive to utilise an Act that was first established in 1966, as its platform to directly financially benefit through the demise of its surrounding Community. Due to the lack of transparency and good governance, I request that the application be rejected.

3. The Club has avoided the RMA Process. The application clearly identifies the various stages of redevelopment and acknowledges that :

“Stage One will require an AUP plan change to change the zoning of Lot 9 to Special Purposes -Airports and Airfields Zone...”pg 38 Masterplan.

Lot 9 is a small parcel of land that was used to connect both stages of the Aeropark Residential estate and is subject to a legal challenge by Aeropark Owners, as I understand it. It is owned by the Club at present.

It is contained within the land area hatched in green below at the northern end of the runway fronting Wilks Road. It requires rezoning and is subject to an existing legal challenge.

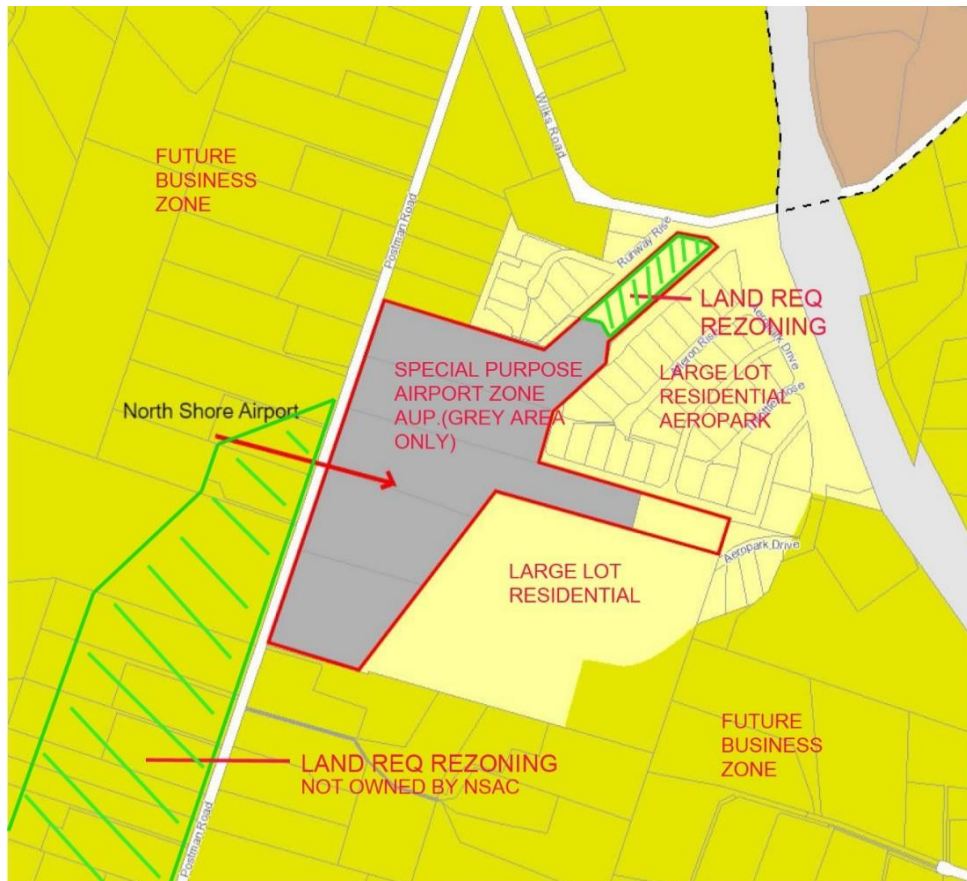


Figure 2: AUP(OP) Zoning Map of North Shore Airport (2019)

The application neglects to identify that all of the subsequent proposed development stages will also require a further Plan Change for land at the Southern end of the runway also. This area will be subject to Compulsory Acquisition most probably, if the Masterplan is to be relied upon.

Over the last 3 years two significant parcels of land contained within this Southern extension zone and required for the development program have been advertised (signs on site) for sale. The Club have had the opportunity to purchase these titles and have chosen NOT to do so.

This makes their intent very clear as to how they wish to use the Act's powers for personal gain.

The Club does not own any land required outside of its current boundaries and requires a major acquisition program and states:

“Establishment of land use precincts surrounding the airport.....would also enhance the ability for NSA to grow its footprint and attain ownership of immediately adjoining land. By being a more significant title owner in the immediate area, many reverse sensitivity issues facing the airport are mitigated. The establishment of a sound investment portfolio in developing adjoining land will help underwrite the costs of airport development and should be seen as a primary means of financing the airport development.”

The requirement for the direct purchase of a number of properties required for the expansion program should be the applicant's first step prior to making application for the required Plan Changes to secure the areas as described. This will also require a Special Resolution under its Constitution.

Relief sought: This approach is an extreme abuse of the Public Works Act to directly acquire land for commercial gain by a private property development company and should not have the support of the Airport Authorities Act in any shape or form and accordingly I request that this application be forthwith rejected.

4. During the AUP process, Auckland Transport confirmed that NSAC does NOT form part of its strategic transport infrastructure. Refer pg 16 Masterplan which includes Auckland Transport (AT) Indicative Strategic Transport Network which makes no reference to the airfield or demonstrates its integration into a network.

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In its own words *“The resulting North Shore Airport Precinct offers certainty....”* which it confirms that Airport Authority status is not required to maintain its existing operations within its own boundaries, however is fully required along with Requiring Authority status, for implementation of its Masterplan.

5. During the Proposed AUP and subsequent hearings, the NSAC expert witness, Mr D Park concluded :

“Pt 48 I have briefly reviewed the proposal and confirm that in concept it appears to be feasible. However it would be precluded if the proposed Dairy Flat and Postman Rd RUB, as depicted in Figure 1 of Mr Paul's evidence, extended up to Postman Road at the south west end of the runway.”

Auckland Council in fact confirmed extension of the Rural Urban Boundary up to Postman Road and adjacent to the airfield, effectively surrounding the airfield by way of Future Business Zoning Precinct. This would then suggest his view would now be that the development of the airfield would no longer be feasible.

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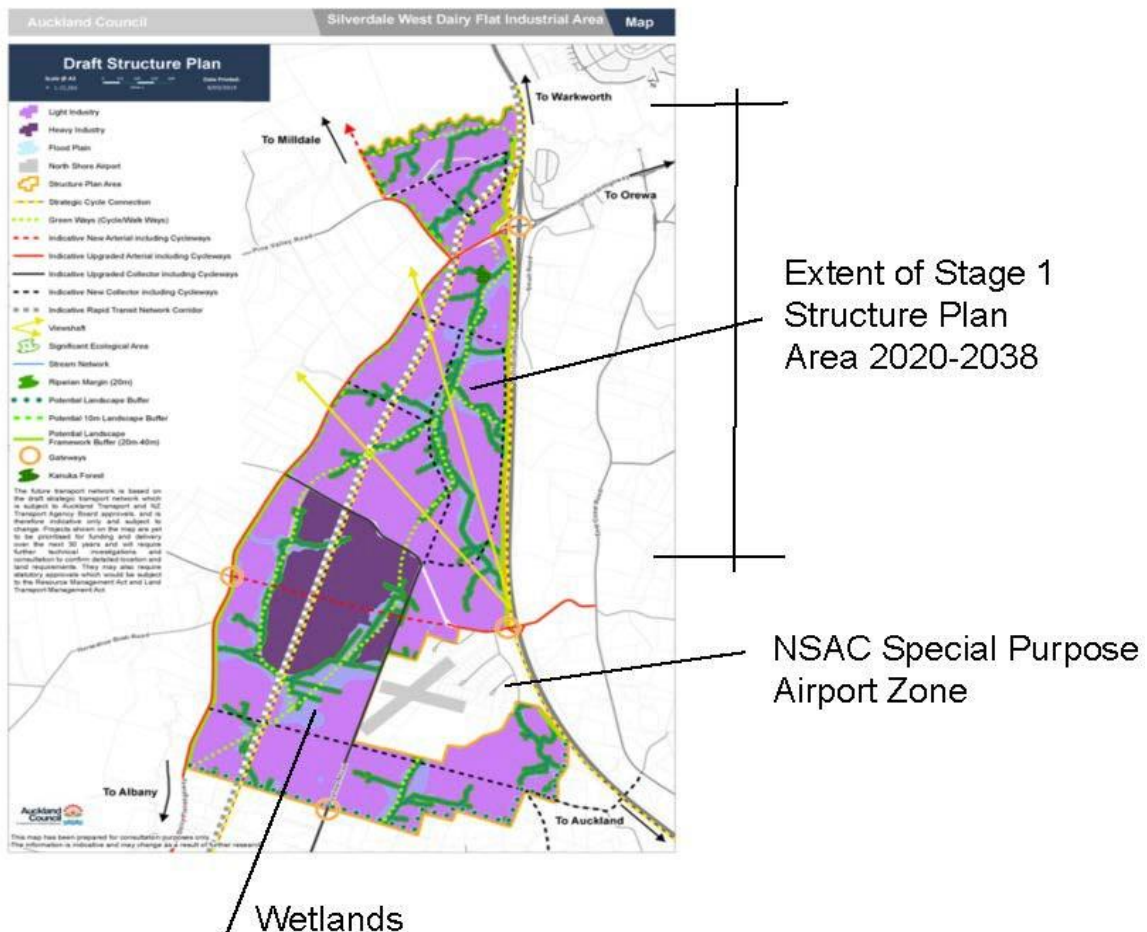


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Cees Breuseker

From: Yue D [REDACTED]
Sent: Tuesday, 22 December 2020 12:57 AM
To: Airports <airports@transport.govt.nz>
Subject: Sturdy Opposition to become an airport

Dear Officer,

I am writing to submit my sturdy opposition to the application of Auckland North Shore Aeroclub to become an airport.

Please find my attached the submission against this application.

Yours faithfully

Yue Dong

Attachment