

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 YUE DONG
A [REDACTED]
[REDACTED]
E [REDACTED]

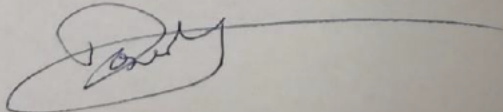
I am landowner and own property at the above address, part of the North Shore Aeropark Country Estate. I hereby make the following submission in respect to the application by North Shore Aeroclub Incorporated and request the following relief in respect to its submission.

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


YUE DONG

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.

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

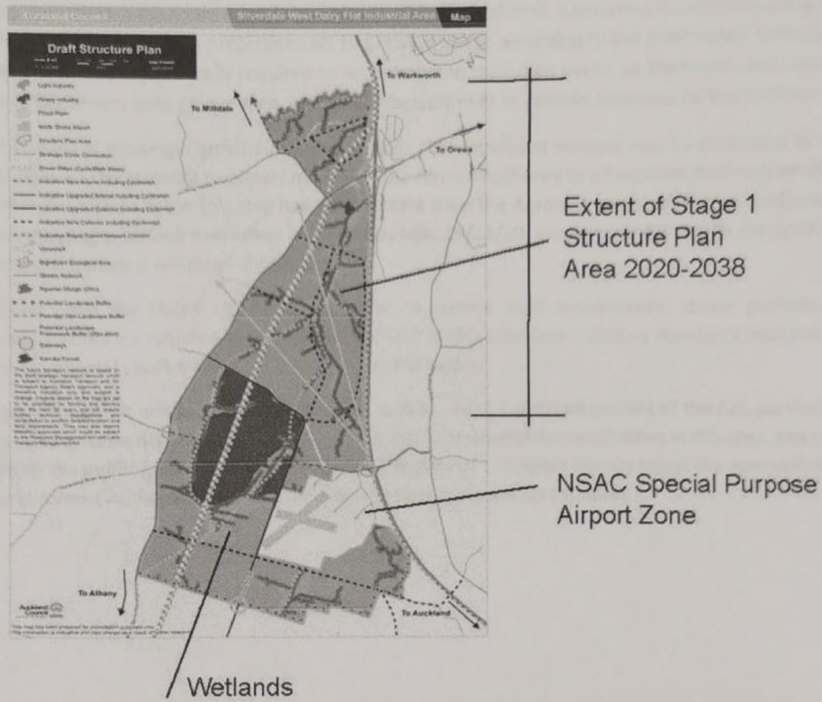


fig 4 Stage 1 Structure Plan Stg2 & Stg 3 yet to be determined

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.