

28 September 2020

To Whom It May Concern,

### **North Shore Airport - proposal for airport authority status**

The North Shore Airport, wholly owned by North Shore Aero Club Incorporated, has made an application to the Ministry of Transport (the Ministry) to become an airport authority.

The powers and responsibilities the airport has under legislation will change should the application be granted.

The Ministry would like to hear the views from your community about this application through a public consultation process. We are inviting submissions on the proposal from North Shore Airport, and you are also welcome to attend a public meeting on this application on Thursday 29 October 2020, 7:00pm at the Dairy Flat Community Hall, 6 Postman Road, Auckland.

North Shore Airport is a small regional airport located at 270/284 Postman Road, Dairy Flat. The Airport is predominately used for private general aviation operations, flight training and light commercial airline services.

North Shore Airport has indicated that their interest in airport authority status is to help protect its longstanding position and status as an airport, while supporting the future business and industrial urbanisation of the surrounding area in accordance with the Auckland Unitary Plan.

It views airport authority status as a way to keep pace with the changing operational environment and as an important step for its development as an airport, such as expanding the runway to allow small regional turboprop aircraft to operate and to improve safety margins for existing aircraft types.

Airport Authority Status would allow the airport to set its own bylaws with approval from central government. It would also allow the airport to apply to the Minister for the Environment for requiring authority status, which would give the airport greater autonomy from the Auckland Council to protect land and airspace under the Resource Management Act.

Airport authority status is not required to run an airport. However the powers which come with airport authority status are useful in supporting an airport's operation and development. Airport authority status does not change the airport's obligations to comply with Resource Management Act (RMA) processes. Should the airport continue with its development plans, approvals are likely to be required under the RMA, which would likely involve community consultation.

The Ministry of Transport is currently reviewing the application from North Shore Airport, and the views of your community form an important part of the decision making process. Following the public consultation period and the review of all submissions, the Ministry will make a recommendation to government.

### Your submission

There are a number of ways you can provide feedback on the application. The deadline for all submissions is **9 November 2020** at 11:59pm.

1. Share your views via an online survey. The survey can be accessed at [www.transport.govt.nz/air/airport-authority-status/](http://www.transport.govt.nz/air/airport-authority-status/) ; or
2. Email the Ministry of Transport at [airports@transport.govt.nz](mailto:airports@transport.govt.nz); or
3. Write to the Ministry of Transport at:

North Shore Airport Consultation  
Ministry of Transport  
PO Box 3175  
Wellington  
6140

Please remember to include your full name and contact address.

**Note 1:** Your submission is public information and the Ministry of Transport will publish a summary of submissions. If you do not want your name or any identifying information to be included in anything we publish (including because you believe your comments are commercially sensitive) please indicate this clearly in your submission.

Please note that your submission is also subject to the Official Information Act 1982 (OIA). This means that other people will be able to obtain copies of submissions by making a request under the OIA. If you think there are grounds for your information to be withheld under the OIA, please note this in your submission. We will take your reasons into account and may consult with you when responding to requests under the OIA.

**Note 2:** If you are planning to email submissions through an automated process or online platform please first inform the airports team via email to ensure your submissions are correctly recognised and considered.

We have attached a list of frequently asked questions which we hope will give you further information on this application.

If you have any additional queries regarding this application, feel free to email us at: [airports@transport.govt.nz](mailto:airports@transport.govt.nz).

Sincerely,

**Tom Forster**  
Manager, Economic Regulation, Ministry of Transport

## Questions and Answers

### 1. *What does airport authority status mean?*

Airport authority status provides for a range of powers and responsibilities under New Zealand legislation. Of particular note, it allows:

- The Airport to make its own bylaws (which must be approved by government)
- 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.

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.

### 2. *What is the decision making process?*

After consulting with affected stakeholders, the Ministry of Transport will provide advice to the Minister of Transport regarding the proposal. If the Minister decides to take the proposal forward, the final decision is made by Cabinet (government Ministers).

### 3. *What does requiring authority status mean?*

The granting of airport authority status does not necessarily mean that the Airport will be granted requiring authority status.

If requiring authority status is granted, the Airport could seek that the Auckland Unitary Plan make particular provision for the Airport and its protection through the notice of requirement/designation process under the Resource Management Act 1991. It could, for example, seek to have noise controls imposed through the Plan on land surrounding the Airport to restrict some noise sensitive activities (such as residential housing) from being readily established near the Airport. Through the same process, it could also seek to impose controls on the height of trees or structures built near the Airport.

Under the notice of requirement process, a requiring authority serves a notice on the Council for a particular work, and the Council makes a recommendation back to the requiring authority. The requiring authority then decides whether to accept that recommendation or not. If the Council or any submitter is not happy with the decision of the requiring authority, they have the opportunity to appeal to the Environment Court. This is different from the resource consent process where the Council makes the decision and if the applicant or a submitter is unhappy they have the right to appeal to the Environment Court.

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**4. *What are the airport's development plans?***

The airport wants to expand its runway to provide for improved safety margins for existing aircraft types and account for more flexible flight operations. *More information on the development plans for the North Shore Airport is on our website at [www.transport.govt.nz/air/airport-authority-status/](http://www.transport.govt.nz/air/airport-authority-status/)*

**5. *Will this mean larger aircraft, and more airport noise?***

On its own, airport authority status does not change the number or size of aircraft permitted to use the Airport and surrounding airspace. However, airport authority status may support further development of the Airport, which could have the effect of attracting more aircraft.

Should noise become an issue, the Council may impose noise controls restricting activities at the airport.

**6. *Will the community be consulted on any future development plans if Airport Authority status is granted?***

Any significant development that may cause adverse effects are likely to be publicly notified, so that those affected by the proposal can make submissions. The decision to publicly notify is made by the Council on a case-by-case basis.

## Powers and responsibilities of Airport Authorities under New Zealand Legislation

Below is a non-exhaustive summary of the main powers and responsibilities conferred on airport authorities by New Zealand legislation.

Legislation	Powers	Responsibilities
<p>Airport Authorities Act 1966</p>	<p>Make bylaws (subject to central government approval).</p> <p>An airport authority (that is not a local authority/Council) is deemed a Government Work under the Public Works Act.</p>	<p>Must consult with substantial customers regarding airport charges.</p> <p>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.</p>
<p>Resource Management Act 1991</p>	<p>An airport authority is a network utility operator for the purposes of operating an airport as defined by the Airport Authorities Act 1966.</p> <p>A network utility operator may seek approval from the Minister for the Environment to become a requiring authority.</p> <p>A requiring authority can:</p> <ul style="list-style-type: none"> <li>• apply to the local authority to designate land. (A designation is a provision in a district plan that gives notice to the community that a requiring authority intends to use land in the future for a particular work or project)</li> <li>• undertake works in an emergency and get resource consents after the work has been done</li> <li>• apply to the Minister of Land Information to use the compulsory acquisition powers in the Public Works Act 1981</li> <li>• go on to private land (after giving notice) to undertake investigations under the Public Works Act 1981.</li> </ul>	

Public Works Act 1981	An airport authority (that is not a local authority/Council) can have land compulsorily taken for a public work, but only through, and with approval from, the Minister of Lands.	
Land Transport Act 1998	Powers to make and enforce bylaws (subject to central government approval).	
Litter Act 1979	An airport authority is a public authority for purposes of the Litter Act, and can appoint litter control officers and wardens.	
Public Audit Act 2001		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.
Ombudsmen Act 1975		Airport authorities are 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.