
UNDER THE RESOURCE MANAGEMENT ACT, 1991.

BETWEEN

**ROBIN MAX McCARTHY a tour operator of 23A
Fraser Crescent, Twizel 7901**

APPELLANT

AND

**MACKENZIE DISTRICT COUNCIL a Territorial
Authority of 53 Main Street, Fairlie 7925**

RESPONDENT

**IN THE MATTER OF AN APPEAL UNDER SECTION 357 OF THE RESOURCE
MANAGEMENT ACT TO A DECISION OF THE RESPONDENT TO FILE A
SUBMISSION TO THE INDEPENDENT HEARINGS PANEL**

NOTICE OF APPEAL

Filed by,

R. M. McCarthy

.....
Robin Max McCarthy

On this *22nd* day of May, 2025.

Whose address for service is,

23A Fraser Crescent,
Twizel 7901.

Tel: 027 560 9618

E: robin.mccarthy@xtra.co.nz

1.



To the Registrar of the Environment Court,

1. The respondent is conducting a review of its District Plan and is at stage four of its four stage review. The respondent appointed an independent commissioner/hearings panel to conduct the review.
2. The appellants submission addressed the planning impacts of deletion of the District Plan's Aviation Strategy compared to that of a Special Airport Purposes Zone at Tekapo.
3. The respondent filed a submission to the independent commissioner by way of a memorandum from its legal counsel on 14 April, 2025.
4. The filing of the respondent's submission fell well outside the period for receipt of formal submissions as set by the respondent. It is also an abuse of process.
5. The respondent's submission was intended to influence and interfere in the independent review process of the District Plan. The appellants submission should have been left entirely to the independent hearings panel. Furthermore, the respondent should have discussed it with the appellant in the first instance.
6. The appellant voluntarily amended his submission to ensure that it did not fall outside of scope. Councils legal counsel only referred to the relief sought, and not the appellants full substantive submission and its context in relation to the District Plan and its review. Seeking relief is a suggestion to assist the planning process. It will not necessarily be given, but it could lead to a better outcome, nonetheless. Afterall, that is what the process is all about.
7. The commissioner ruled on 5 May, 2025 that the appellants submission be struck out thus, eroding the democratic process for the appellant.
8. The decision of the commissioner should have been made with full panel input after hearing the appellant and consideration of the appellants stage 4 submission. That is what happened when the appellant submitted on, and was heard on his submission to stage 3 of the review. There has been an inconsistency.
9. By the commissioner striking out the appellants submission has denied the appellant the right of a full appeal on the subject matter if the commissioner/hearings panel was to reject the appellants submission after having heard him.
10. The appellant had also filed an objection to the decision of the commissioner, but that was returned to the appellant by council's legal counsel on May 16, 2025. The appellant was not heard and disagrees with the respondent's legal counsel's actions.
11. The respondent seems to dislike the subject that the appellant has submitted on, and its actions to have it struck out avoids a responsibility to address the District Plans provision for appropriate zoning for all aviation operators to operate from Tekapo.
11. The appellant waited for a response to his objection before filing this appeal.

The appellant seeks the following relief and orders,

2.

12. Restoration of his submission to be heard by the Hearings Panel without prejudice,

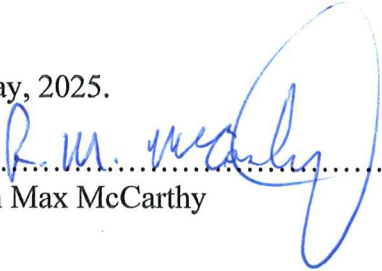
In the alternative,

13. That the respondent resolves the ongoing issue where the appellant has been kept out of the aviation market at Tekapo for 29 years.

14. That the respondent negotiates with Air Safaris to secure access for the appellant to have his own freehold area on Tekapo Airport from which he can operate commercial fixed wing and rotary wing aircraft.

15. Costs of, and incidental to this application.

22 May, 2025.


.....
Robin Max McCarthy

UNDER THE RESOURCE MANAGEMENT ACT, 1991.

BETWEEN

**ROBIN MAX McCARTHY a tour operator of 23A
Fraser Crescent, Twizel 7901**

APPELLANT

AND

**MACKENZIE DISTRICT COUNCIL a Territorial
Authority of 53 Main Street, Fairlie 7925**

RESPONDENT

**IN THE MATTER OF AN APPEAL UNDER SECTION 357 OF THE RESOURCE
MANAGEMENT ACT TO A DECISION OF THE RESPONDENT TO FILE A
SUBMISSION TO THE INDEPENDENT HEARINGS PANEL**

AFFIDAVIT OF APPELLANT

Filed by,

R. M. McCarthy
.....
Robin Max McCarthy

On this *22nd* day of May, 2025.

Whose address for service is,

23A Fraser Crescent,
Twizel 7901.

Tel: 027 560 9618

E: robin.mccarthy@xtra.co.nz

*K.M.
R.M.M.*

I, **Robin Max McCarthy** a tour operator of 23A Fraser Crescent, Twizel 7901, solemnly declare and affirm that the content of my affidavit is true and correct and say,

1. The documents attached hereto and enumerated from 1 to 46 are my exhibits in support of this proceeding before the Environment Court.

.....
Robin Max McCarthy

R. M. McCarthy

Affirmed at Wellington
this 22nd day of May 2025 before me
Koron MacDiarmid #JP 21141 *KMac*
Justice of the Peace





EXHIBIT NOTE

This is the annexure marked 27^{RM} referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

SUBMISSION ON PLAN CHANGE 30 – SPECIAL PURPOSE ZONES, VARIATION 2 TO PLAN CHANGE 23, VARIATION 3 TO PLAN CHANGE 26 AND VARIATION 3 TO PLAN CHANGE 27

FORM 5
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

Please note all information provided in this submission will be made publicly available

Details of Submitter

Full Name: <i>(Required)</i>	Robin Max McCarthy
Contact Person: <i>(If different from above)</i>	Robin McCarthy
Email Address: <i>(Required)</i>	robin.mccarthy@xtra.co.nz
Postal Address: <i>(Optional)</i>	23A Fraser Crescent, Twizel 7901.
Telephone Number: <i>(Required)</i>	027 560 9618

Trade Competition

~~I could~~ / I could not (*delete one*) gain an advantage in trade competition through this submission.

If you have selected could, please answer the question below:

I am / I am not (*delete one*) directly affected by an effect of the subject matter that:

- a. adversely affect the environment; and
- b. does not relate to trade competition or the effects of trade competition.

Submission Details

The specific provisions of the proposal that my submission relates to are as follows:

Replacement of existing Aviation Strategy with Special Purpose Zones/Special Purpose Airport Zones.

RM

EXHIBIT NOTE

This is the annexure marked 2 referred to within the affidavit of Robin Max McCarthy and sworn/affirmed at Twizel.

this 22 day of May 2025 before me

Signature [Signature]

I support/oppose these provisions:
(include whether you support or oppose in full or in part)

Oppose.

The reason(s) for my submission are:
(state in summary your reasons, and whether you seek any amendments)

The proposed Special Airport Purpose Zone does not address the long-standing problem where council has granted one aviation operator a monopoly in perpetuity to operate both both fixed wing and rotary wing aircraft from Tekapo.

I seek the following decision from the Mackenzie District Council:
(give precise details)

1. Provision in the District Plan for the submitter being able to operate competing fixed wing and rotary wing aviation services from Tekapo.
2. Council acquisition of Tekapo Airport as a requiring authority under the Public Works Act for infrastructure as required for both the current Aviation Strategy and the proposed Tekapo SPAZ
3. Prosecution of Richard Hayward.
4. Compensation in the sum of \$20,000,000
5. Public Apology

R.M.M.

- I wish to be heard in support of my submission.
 I do not wish to be heard in support of my submission.
(Tick one box)

EXHIBIT NOTE	
This is the annexure marked <u>3</u> referred to within the affidavit of <u>Robin Max McCaffy</u> and sworn/affirmed at <u>Twizel</u>	
this <u>22</u> day of <u>May</u> <u>2025</u> before me	
Signature <u>R. Max</u>	

If others make a similar submission I ~~would~~ / would not (circle one) be prepared to consider presenting a joint case with them at any hearing.

R. M. McCaffy

Signature of submitter or person authorised to sign on behalf of submitter
(A signature is not required if you make your submission by electronic means)

January 22nd, 2025.

Date:

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language; or
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Once the closing date for submissions has passed, Council will publicly notify all submissions received, prepare a summary of submissions, and will allow a period for further submissions in support of, or in opposition to, those submissions already made.

Council hearings for the plan changes will then be arranged to consider all submissions. Anyone who has made a submission and indicated that they wish to be heard will have the right to attend the hearings and present their submission.

If you have any questions regarding Plan Change 30 and the variations, or the submission process, please do not hesitate to contact the Planning Department at 03 685 9010 or via email districtplan@mackenzie.govt.nz

Mackenzie District Council – District Plan Change 30

EXHIBIT NOTE

Submission of Robin McCarthy on Aviation Strategy

This is the annexure marked 4 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
on this 22 day of May 2024 before me
Signature [Signature]

1. The submitter repurposes his earlier submission dated August 29th, 2023 on which he attaches it hereto as being part of this submission.
2. The public notification document for Plan Change 30, dated 5 November 2024 (page 15) gives a brief of the Aviation Strategy history. This was implemented in 1997. Initially, provision was made for a heliport to the east of Tekapo but was withdrawn without notification or reason. Richard Rayward of Air Safaris was appointed by the Council to formulate the Aviation Strategy. It also draws to the reader's attention that some elements of the strategy would have been amended through the District Plan development process. This was the case with the Tekapo B helipad at the Mt Cook Salmon farm on the Tekapo hydro canal which had operated, but no longer does due to public vehicle access along the canal road having been extinguished. Mr Rick Ramsay was the former deputy mayor and planning committee chairman at the time and also manager of Mt Cook Salmon.
3. The significance of the Mt Cook Salmon farm heliport was its location as being the first heliport in the Mackenzie District for tour coaches travelling south from Christchurch. At the time most South Island International flights arrived in Christchurch. A heliport at Tekapo would have been first, thus negating the need for coaches to go down to the canal for passenger alpine helicopter flights. It would also have meant less sales of Salmon and products for Mt Cook Salmon. Coaches would simply have gone to the competing salmon farm in Twizel. As it was, Council objected to the submitters resource consent application just over the border in the Waitaki District on the shore of Lake Ruataniwha. The Waitaki District Council objected to the Mackenzie District Councils objection. This site was opposite High Country Salmon. Rick Ramsay wanted the submitter to establish at Pukaki Airport, but again Council did not own the airport at that time and didn't for a long time afterwards. This would have taken the submitter away from the competing salmon farm. Vested interests have always dogged the Council, who themselves have been complicit.
4. The purpose and principles of Part 2 of the Resource Management Act, is to provide for the sustainable management of natural and physical resources which enables people and communities to provide for their social, economic and cultural well-being. This is highlighted in referenced comments on pages 11, 12, 13, 30 and 59 of the notification paper of 5 November 2024. Council is selective in these principles.
5. The current Aviation Strategy is proposed to be replaced by the "Special Purpose Airport Zones" [SPAZs] encompassing the three individual existing airports of Tekapo, Glentanner and Pukaki.
6. The Special Purpose Zones (SPZs) are intended to provide "direction, tourism, recreation, activities and social benefits" related to aviation. Reference pages 11, 12, 30 and 59 of the notification paper.
7. The Council sought public feedback on proposed District Plan Changes in which the submitter engaged. It also consulted with the landowners of SPZ's incorporating future SPAZ owners. The Council will hold a SPAZ designation in being the owner of Pukaki Airport. The benefits being attributed to SPAZ owners are benefits to only those owners themselves. It is of no benefit to the submitter.

8. The council considers that the introduction of an "Other District Plan" (ODP) process will reduce the risk of fragmentation and uncoordinated development to occur. This was the original goal of the Aviation Strategy, but it failed to take account of those who did not own an existing airport. The assumption was that all airports would have available access to all operators. It was not to be the case. Referencing the notification paper, it is stated that management of the built form rather than through a consenting pathway is also a common approach taken in other ODP's. That makes sense, but other ODP's relate to public use airports, unlike Tekapo Airport which has gone from being State owned to a private airport.
9. The submitter does not own any of the airports in the district. He has been consistently denied access to the Tekapo aviation tourism market through the District Plan's Aviation Strategy, the Council refusing to grant resource consent and upholding objections from the proprietor of Tekapo Airport who also owns Air Safaris. Air Safaris is both a fixed wing and rotary wing operator. The change from the Aviation Strategy to the SPAZ brings no relief to the submitter.
10. The submitter has gone far beyond what any other person might be expected to with Council public hearings, Environment Court Appeals and District Court proceedings, consistent engagement with the District Plan process, the submission process and speaking in person to all those proceedings. He has also personally appealed to respective CEOs (Beban, Barlow, Bartlett, van Aswegen and Oosthuizen) and numerous councillors (including Mayors) to resolve the monopoly position which the incumbent Tekapo Airport owner and aircraft operator has been granted by the Council contrary to their original planning consent approval. During an earlier hearing on the District Plan review held last year, Council's legal counsel asked the submitter for copies of his documents on Tekapo Airport, then said he would get back to him. He hasn't to date.
11. More recently, the submitter has appealed to the current Council CEO, Ms Angela Oosthuizen to resolve the matter of a lack of access to Tekapo Airport under the Aviation Strategy. He has also proposed a solution to the Council to purchase Tekapo Airport for \$1 as a 'requiring authority' under the Local Government Act and the Public Works Act.
12. Ms Oosthuizen advises that Council has again been unable to locate the Tekapo Airport and related documents. History repeats. The submitter had a chance meeting with Mr Rick Ramsay a few months ago and advised him that he had written a book. Mr Ramsay said, "I know what that is about". The submitter asked him "what". He said "Tekapo". The submitter confirmed that he was right. He said that he had kept all the documents. The submitter advised Ms Oosthuizen of this and after a while of no further response, he asked her if she had obtained the records from Mr Ramsay. She said she had not. The submitter then made a public appeal on Twizel Community facebook for Mr Ramsay to return the Tekapo Airport documents back to the Council, which incidentally he should never have had. A Mr Tim Rayward, son of Richard Rayward posted a "like" to the submitters posting (now deleted). It is not known what his motive was, whether he supported Mr Ramsay retaining the documents or for some other reason. The submitter has heard nothing from Mr Ramsay. Ms Oosthuizen's update advises that she has asked Mr Ramsay and he now says that he has not got any documents.
13. The injustice to the submitter in not being able to go about his legitimate business in his chosen vocation at Tekapo in the Mackenzie District (where he was born and grew up), has consumed half his working life. Richard Rayward of Air Safaris originally came from Wellington. Air Safaris were allowed to operate illegally without either a resource or planning consent for 24 years. Air Safaris secured additional resource consents for infrastructure without holding any primary consents for the

EXHIBIT NOTE

This is the annexure marked 5 referred to within the affidavit of Robin Max McCauley and sworn/affirmed at Twizel this 22 day of May 2025 before me

Signature K. M. M.

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R.M.M.
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airport.

14. Richard Rayward filed fraudulent submissions to the submitters company's resource consent applications. The Council never intervened, thus engaging in complicity with Air Safaris. Council's conflicts of interest also extended to legal representation. Air Safaris engaged solicitors Timpany, Mayman and More. Councils legal counsel at the submitters Environment Court appeal was Adrian More, the same former Air Safaris lawyer. It is also a matter of record that Councils former office for Tekapo over many years was the office of Air Safaris. A clear case of a conflict of interest. The submitter has asked Council to prosecute Richard Rayward, but they refuse to do so. Historically, even James Mackenzie, the sheep stealer was held to account for wrongful doings and incarcerated in Lyttelton Jail on conviction.
15. Through the process of the recent District Plan reviews, Air Safaris sought additional bunding to be placed at Tekapo Airport. That aspect of the District Plan was adopted. Whatever they want they get. The submitter accepts that they had a legal right to do this, rather than seek a resource consent. The submitter also has a legal right to choose to operate at Tekapo in the expectation that the Council will not prevent him from doing so. But the Council prevents him from obtaining additional infrastructure for his own purposes through the same method. Council has no right to protect Air Safaris from competition for just short of 50 years. It would be morally repugnant and offensive to all fair-minded people of the Mackenzie District if they all knew the full story as this submission now exposes.
16. The Council has consistently failed in both its management and governance in respect to aviation at Tekapo to "grow the pot" through innovation and competition. Having got it right at the outset in respecting Air Safaris publicly stated wishes of providing a public use airport at Tekapo, it regressed into a monopolistic protectionist command economy. The Council is also in breach of the Commerce Act in granting an absolute monopoly to Air Safaris as the only operator permitted to provide both fixed and rotary winged services at Tekapo. Indeed, the RMA also prevents such a Council policy.
17. The submitter seeks the following relief: -
 1. Provision in the District Plan for the submitter being able to operate competing fixed wing and rotary wing aviation services from Tekapo.
 2. Council acquisition of Tekapo Airport as a requiring authority under the Public Works Act for infrastructure as required for both the current Aviation Strategy and the proposed Tekapo SPAZ.
 3. Prosecution of Richard Rayward.
 4. Compensation in the sum of \$20,000,000 (see below).
 5. A public apology.
18. The submitter has been subjected to enormous costs, had his good reputation destroyed and his lifetime career progression in aviation destroyed by Air Safaris, and Council acting in complicity. At all times the Council had the power to resolve matters (as it still has today) but has chosen not to.
19. The submitter should not still be having to pursue to correct this injustice at his age, when most others have now retired. Those others have not been excluded from their chosen vocation. He is firmly of the opinion that the Councils continuing pushback on resolving the impasse is that they are mindful of both exposing Council to considerable liability and public opprobrium for the problem they created.

EXHIBIT NOTE	
This is the annexure marked <u>6</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>27</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

3.

RMM

07

20. For all the above reasons, the submitter seeks further relief in compensation for costs, damages, stress, loss of reputation, ongoing societal ostracism amongst a percentage of the district's population, lost opportunity costs and containment of past and future career prospects in the sum of \$20,000,000. The submitter is of the belief that Air Safaris must be required to meet an equal portion of this compensation as sought.

21. The submitter is aware that the Council had a recent meeting to discuss the issue of the submitters historical concerns and being locked out of the aviation market in Tekapo for decades. He has not been advised of any outcome. Neither did the Council provide any minutes of this meeting. One must presume that the Council has no wish to rectify matters for the submitter, or any other person who may wish to operate at Tekapo in the future. It continues with monopolistic command economy policy at Tekapo.

22. In mitigation, the submitter has recently corresponded with the lessee proprietor of Sawdon Station and Land Information New Zealand to renew the Recreation Permit which the submitter's company previously held, but this has not succeeded as permission was not forthcoming. For the record, the earlier permission to use Sawdon Station was with-drawn before the long-reserved Environment Court decision was released. At that point the submitter had nowhere to go after incurring substantial costs for no outcome. He had to leave the District at even more cost to rebuild his business career.

23. The submitter advises the Council that he has always been willing to engage in negotiations with them and any other party including Air Safaris to arrive at a resolution. At all times previously, Air Safaris has been an unco-operative party. If that is their continuing stance, then that is their problem, not the submitters.

24. The submitter firmly believes that the Council had earlier waged a personal vendetta against the submitter for challenging vested interests and exposing illegal activities which took place over many years. It is long overdue for any residual persecution and market protectionism to stop. The submitter considers that this may be the last chance that he will ever have to obtain justice, and for this reason, he yet again seeks a resolution. He notifies the Council that if relief is not forthcoming, then he will appeal any inadequate decision to the Environment Court, and any higher Court thereafter.

The submitter wishes to be heard.

.....
Robin McCarthy

January 15th, 2025.

EXHIBIT NOTE	
This is the annexure marked	<u>7</u> referred to within
the affidavit of	<u>Robin Max McCarthy</u>
and sworn/affirmed at	<u>Twizel</u>
this	<u>22</u> day of <u>May</u> 20 <u>25</u> before me
Signature	<u>R.M.C.</u>

R.M.C.

08

23A Fraser Crescent,
Twizel 7901.

Angela Oosthuizen,
Chief Executive Officer,
Mackenzie District Council,
53 Main Street,
Fairlie.

8th September, 2023.

Dear Ms Oosthuizen,

District Plan Review – Aviation Strategy

I attach my submission to the Mackenzie District Councils District Plan review.

I wish to be heard at the hearing on this review.

Please acknowledge receipt.

Thankyou.

Regards,

R. McCarthy
Robin McCarthy.

Email: robin.mccarthy@xtra.co.nz

Tel: 027 560 9618.

EXHIBIT NOTE	
This is the annexure marked <u>8</u>	referred to within
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>22</u> day of <u>May</u>	20 <u>23</u> before me
Signature <u>R. McCarthy</u>	

R. McCarthy

robin.mccarthy@xtra.co.nz

From: letstalk@mackenzie.govt.nz <notifications@engagementhq.com>
Sent: Friday, November 10, 2023 4:56 PM
To: jsygrove@rationale.co.nz; Charmaine Duffell
Subject: Anonymous User completed Submission Form - Plan Change 27: Earthworks, Subdivision, Public Access and Transport.

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside Mackenzie District Council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Anonymous User just submitted the survey Submission Form - Plan Change 27: Earthworks, Subdivision, Public Access and Transport. with the responses below.

Full Name

Robin McCarthy

Contact person (if different from above)

Robin McCarthy

Email address

robin.mccarthy@xtra.co.nz

Postal Address

23A Fraser Crescent, Twizel 7901.

Phone number

0275609618

<p align="center">EXHIBIT NOTE</p> <p>This is the annexure marked <u>9</u> referred to within the affidavit of <u>Robin Max McCarthy</u> and sworn/affirmed at <u>Twizel</u> this <u>22</u> day of <u>May</u> 20<u>25</u> before me Signature <u>[Signature]</u></p>

R-M-M

Do you believe you could gain an advantage in trade competition through this submission?

Yes

The specific provisions of the proposal that my submission relates to are as follows:

Transport - Aviation Strategy

**I support/oppose these provisions:
(include whether you support or oppose in full or in part)**

I support a multi - commercial operator use of Tekapo Airport in accordance with Councils original resolution of 1975 and its current Aviation Strategy.

**The reason(s) for my submission are:
(state in summary your reasons, and whether you seek any amendments)**

The Council in 1975 sought to ensure that Tekapo Airport was made a public use airport for all operators. This was also in accordance with Air Safaris publicly stated wishes at the time. There is nowhere else at Tekapo for other operators to offer competing (and consumer choice) in fixed wing and helicopter aviation services.

I seek the following decision from the Mackenzie District Council: (give precise details)

As council is a "requiring authority" for infrastructure under the Local Government Act, then I request that the Council acquires Tekapo Airport in order to ensure compliance with its Aviation Strategy and ensure competition in aviation services under the Commerce Act. I have attached a history of Tekapo Airport and earlier applications for resource consents to operate helicopters at Tekapo. Please note that this submission is a submission to find a way forward for the future, and not a re-litigation of the past. However, I believe it is important to understand the history in order to go forward.

Do you wish to be heard in support of your submission?

I do

If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

I would

EXHIBIT NOTE	
This is the annexure marked <u>10</u> referred to within	
the affidavit of <u>Robin Max Mc Carthy</u>	
and sworn/affirmed at <u>10:22</u>	
this <u>22</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

Rum

If you have any additional supporting information as part of this submission please attach it here.

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/0b4ef28953b876a3ba414bc610a362a828c508a0/original/1699587078/42e081552efb27f8b7184dc6a3c6d3a9_Scan2023-11-05_133615.pdf?1699587078

EXHIBIT NOTE
This is the annexure marked 11 referred to within
the affidavit of Robin Max McCarty
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature R. Max

R. Max

Mackenzie District Council – District Plan Review
Submission of Robin McCarthy on the Aviation Strategy

Tekapo Airport

EXHIBIT NOTE	
This is the annexure marked <u>12</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>22</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

History and Planning Status

Air Safaris and Services (N.Z.) Limited (Air Safaris) were granted planning consent under the Town and Country Planning Act on August 5th, 1975 to establish, construct and operate an Airport on Mt John Station, Lake Tekapo to the west of Tekapo township on the southern side of State Highway 8. A copy of that planning consent is attached hereto.

The planning consent contained a condition “e” that the airport be made available to other aviation operators subject to Air Safaris being able to charge a reasonable fee. Air Safaris filed an appeal to the Planning Tribunal seeking to remove condition “e”. This appeal sat on the record unheard for nearly 24 years.

Air Safaris' Richard Rayward was appointed by the Council to put together the Councils Avaiton Strategy.

Legislation

All planning consents granted under the Town and Country Planning Act were subsumed under the Resource Management Act, 1992.

No planning consent/resource consent comes into force until such time as all appeals are disposed of.

Tekapo Airport was built and operated illegally by Air Safaris from 1975 up until the 11th June, 1998 without any lawful status.

Resource Consent Applications

Prior to lodging applications for resource consent, I visited Tekapo Airport along with Mr Tom Trevor (helicopter pilot) and sought initial permission from Richard Rayward (Air Safaris) to uplift fuel from an external fuel company owned facility. When asked as to whether it would be for commercial purposes to which I said yes, permission was declined. He made it clear that I would not be able to operate any commercial aviation from Tekapo Airport. I accepted this in good faith, assuming that he had the authority to do so. Richard Rayward went on to deny that this conversation ever took place. Tom Trevor swore an affidavit that it did.

Air Safaris Director, Mr Richard Rayward, went on to fraudulently misrepresent Tekapo Airports legal status in submissions of objection he made to Aviation Activities Limited (AAL) resource consents to operate a helicopter business, initially on Cowans Hill (West) and then on Cowans Hill (East).

The objections raised by Air Safaris forced a public hearing on both Cowans Hill (West)

I.

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EXHIBIT NOTE

This is the annexure marked 13 referred to within
 the affidavit of Robin Max McCordby
 and sworn/affirmed at Twizel
 this 22 day of May 2025 before me
 Signature: [Handwritten Signature]

and Cowans Hill (East). Environment Court appeals followed on from the Councils' hearings outcome for both applications, but during the first hearing of Cowans Hill (West), the appeal was withdrawn in favour of the Cowans Hill (East)

Air Safaris (Richard Rayward) gave evidence in opposition to the applications for resource consent at the Environment Court appeals. At no time did Richard Rayward disclose at the public hearings or the Environment Court appeals, that Tekapo Airport/Air Safaris had no lawful planning status, and was therefore unable to make submissions or give any evidence.

Implications of Air Safaris operations/submissions

Air Safaris unlawful submissions resulted in unnecessary costs, work and time wasting for AAL and myself as its (Director/Shareholder) as well as the ratepayers of the Mackenzie District.

Air Safaris made numerous resource consent applications for further development at Tekapo Airport predicated on their lawful legitimacy when that was not the case. All resource consents granted up to and into 1998 were obtained unlawfully.

Land ownership changes at Tekapo Airport

Mt John Station was transferred to the New Zealand Defence Force (NZDF). Owning Tekapo Airport allowed the RNZAF's Andover aircraft to use it.

I became aware that Air Safaris had no tenure of occupation on Defence Force land. Only following on from my inquiries, was Air Safaris granted a licence to occupy over the area of 4 hectares in accordance with the area of the original Crown recreation permit. Air Safaris paid rates to the council on this 4 hectares only.

On an approach to the Rt Hon Jenny Shipley (Prime Minister), she brought to the attention of the Hon Max Bradford (Minister of Defence) that there was no reason why another operator could not be on Defence Force land (no different to Woodbourne). Mr Bradford instructed the NZDF to make provision for AAL to occupy part of the enlarged (120 hectares) Council designation for Tekapo Airport. This resulted in me being asked to provide an operating site plan to the NZDF, which was duly forwarded.

The NZDF then claimed that Air Safaris had a licence to occupy 40 hectares and the 4 hectares was a mistake. This enlarged area then meant that AAL had to be a sub-licensee of Air Safaris. This was not what was agreed. Furthermore, their licence required that they abide by all statutory planning instruments. They didn't.

As a Director of AAL, I came under a sustained personal credibility attack resulting in intense lobbying of NZDF officials in Wellington and Burnham by Air Safaris. Despite a meeting with Burnham's commanding officer (Col. W. Whiting) at Burnham, I was unable to head off the ongoing personal attack which also involved two lower ranked Defence Force employees who answered to Col Gray at Burnham at the time. Col. Gray subsequently left the Defence Force for conduct unbecoming of an officer. One of these lower ranked employees also had his employment terminated. The NZDF never

   Robin

honoured the Prime Ministers assurance or the Minister of Defences directive.

NZDF decided that Tekapo Airport was surplus to their requirements and transferred it to Ngai Tahu, who on-sold it to Air Safaris despite giving me an assurance beforehand (following on from a meeting with their CEO Mr Tony Sewell in Christchurch) that it would contact me if they decided to sell the land.

Outcome of Environment Court appeal on Cowans Hill (East)

AAL won its appeal against the Council for Cowans Hill (East), but was not awarded costs. Appealing this decision would have further delayed any operation from the site, and could have come at even greater cost in Councils fees if not successful. A condition was that flight path procedures had to be negotiated with Air Safaris. In other words, this brought to an end one aspect of Air Safaris continual objections using "safety" on commercial grounds to stop the competition.

Cowans Hill (East) was on the pastoral lease of Sawdon Station. AAL was granted a Crown recreation permit.

Unexpectedly, and without prior warning, Rob Allan of Sawdon Station withdrew permission for AAL to be on Sawdon Station. He gave no reason. Although I noted subsequently, that a meeting was held amongst a number of organisations concerning the future of Sawdon Station, which may have been a precursor to a proposed tenure review.

Tekapo Aviation Demand

Air Safaris has secured a long-time ongoing monopoly in operating fixed wing aircraft at Tekapo through unlawful means.

I am locally born and brought up, and still wish to operate commercial fixed wing aircraft from Tekapo. I qualified as a commercial pilot in 1976 and had extensive operating experience as an Air Operator Certificate holder in the United Kingdom.

New aviation operators offering competition are required at Tekapo in order to develop new services to enhance Tekapo's economic growth. This is unlikely to come from Air Safaris as they have shown little innovation other than introducing helicopters despite Richard Rayward giving hypocritical evidence in the Environment Court of his distaste for them.

There is no other suitable (or available) land to establish a second airport at Lake Tekapo. It would also be wasteful of resources to have duplication. Furthermore, neither does the aviation strategy of the District Plan permit it without a resource consent. Air Safaris on past form will likely file submissions of objections to any initiative. They even objected to the resource consent applications by Glacier Southern Lakes Helicopters on Ferintosh Station.

As it was, Air Safaris refused permission for Tekapo Helicopters (successor to AAL) to operate from Tekapo Airport, stringing negotiations out for over a year. This outcome was precisely as I stated would happen. Those negotiations involved a well known Tekapo

EXHIBIT NOTE
This is the annexure marked 14 referred to within
the affidavit of Robin Max MacCarthy
and sworn/affirmed at Twizel
this 27 day of May 20 25 before me
Signature [Signature]

3.

R. Max
12

resident who acted as an independent intermediary. His comments to me many years later were that you can't negotiate with Richard Rayward. The final outcome was yet another heliport facility in the Tekapo area which the Aviation Strategy has always sought to prevent.

Going forward

Through their unlawful actions, Air Safaris/Richard Rayward have lost their social licence as good citizens.

Air Safaris had initial access to Mt John Station under a Crown "recreation permit" to the pastoral lessee. The Council got it right initially in attaching condition "e" to the original planning consent of 1975. That is what Air Safaris publicly stated as being needed and what they wanted.

At one stage I stood my ground on Tekapo Airport in accordance with the Councils original resolution where the Council was refusing to do anything about it. At that stage, I was not made aware that condition "e" had been appealed and that the Airport had no planning status whatsoever. I was arrested, expecting the Council to then support me. It didn't.

An attempt was then made to have me committed on the further complaints of Richard Rayward. A psychiatrist was brought in whilst I was being held in custody to examine me. After a few questions he suddenly stopped and said; "there is nothing wrong with you, and I don't know why I am here". I was then subjected to further substantial legal costs in a successful defence against any conviction.

I brought the matter back to the Environment Court. The Council unexpectedly withdrew condition "e" in 1998 creating the ongoing monopolistic problem which still exists to this day, rather than standing by their original decision. Council would have won, if they had sought my support. It was a short-sighted and disastrous decision. Earlier Council members were entirely complicit in granting Air Safaris an inter-generational undeserved monopoly.

I filed an application into the Environment Court for an enforcement order to close Tekapo Airport as it had no planning status. Judge Jon Jackson said in a written minute that I had made out a legitimate case. I had faith at that point (and at long last), that the Council would act in the public good. It didn't.

I then sought a further order in the Environment Court that the Council, as a "Requiring Authority" purchases Tekapo Airport in accordance with its Aviation Strategy and again as a public good. The Court ruled that as I was was not the Council, it did not have the statutory authority to grant the order as sought.

However, the Council now has the opportunity through the District Plan review process to make good its Aviation Strategy of having aviation of all kinds concentrated on Tekapo Airport. It can do so by using its powers to acquire Tekapo Airport and making it a public use airport for all operators.

EXHIBIT NOTE	
Council acquired Pukaki Airport by initially purchasing the land under Pukaki Airports runway and waited until the lease with Mt Cook Airlines expired. Acquiring Tekapo Airport	
This is the annexure marked <u>15</u> referred to within the affidavit of <u>Robin Hazel McCarthy</u>	
and sworn/affirmed at <u>Tweizel</u>	
this <u>22</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

R. M. M.
13

would not be a foreign concept to the Council.

The cost to the Council in acquiring Tekapo Airport is not likely to be great as it has less value as a one incumbent commercial operator. Further discounts can be argued on the acquisition price due to the costs imposed on ratepayers and others by Air Safaris/Richard Rayward's actions as offset compensation. .

I am prepared to raise the money myself and gift it to the Council in order to alleviate any cost to the ratepayers.

Conclusions

Council has a hand to play in ensuring economic development and fostering investment and competition. Competition gives the greatest incentive for driving new products and services.

I urge the Council to use its powers as a requiring authority to acquire Tekapo Airport and bring to an end a situation which should never have been allowed to happen, and will never go away if the status of Tekapo Airport's ownership is allowed to stay as it is.

Furthermore, this will also bring to an end a gross injustice to myself and others who were subjected to enormous costs, stress, lost opportunities and in my case having my reputation falsely destroyed as being unjustly labelled the antagonist at the time. The problem has always been Richard Rayward, not me.

I have acted lawfully at all stages within the knowledge I had or was given by the Council, whereas Air Safaris and Richard Rayward have consistently and knowingly acted dishonestly and unlawfully.

I wish to be heard.

Robin McCarthy.

robin.mccarthy@xtra.co.nz

Tel: 027 560 9618.

8th September, 2023.

EXHIBIT NOTE	
This is the annexure marked <u>16</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>22</u> day of <u>May</u> 20 <u>23</u> before me	
Signature <u>R.M.C.</u>	

Attachments:

1. Press coverage of proposed Tekapo Airport
2. Mackenzie County Council Planning Consent
3. Mackenzie County Councils response to Air Safaris appeal.

Any other document is available on request.



Scenic flights firm seeks to develop Tekapo airfield

Air Safaris, an air charter company based at Mesopotamia Station, would like to have the Lake Tekapo airfield enlarged so its scenic flight operations could be based in the Mackenzie Country.

In a letter to the Mackenzie County Council yesterday, the company said it had used its Cessna 185 to service Tekapo on a trial run in January, and sees potential for transferring operations to the area.

But the company wants to add a second aircraft, and an improved and longer airstrip would be necessary for that expansion.

Mr M. G. H. Murray, the

county chairman, said it is "highly unlikely" the county would put substantial funds into the airport development, but could possibly act as an administrative agency for a Tekapo airport authority.

Air Safaris have indicated it is willing to develop the airfield itself, but feels it would serve all commercial and private pilots wishing to use it.

Cr D. W. Moyes, Tekapo riding, said there is little the

council can do at this stage since the company is involved in private land negotiations with Mr H. Hunter-Weston, owner of the airfield property.

If Air Safaris were operating commercially off the airfield, it would be required to pay the council 3 per cent of gross operating revenue from flights originating at the airfield.

Air Safaris representatives indicated some urgency in arriving at a decision so they could construct a hangar and fuel installation at the airfield.

seen by [unclear]

EXHIBIT NOTE

This is the annexure marked 17 referred to within the affidavit of Robin Max McCarty and sworn/affirmed at Twizel this 22 day of May 2025 before me

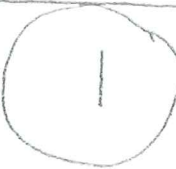
Signature [Signature]

NATIONAL ARCHIVES OF NEW ZEALAND

Archives Reference CH 136 202

NOT TO BE USED IN PUBLICATIONS WITHOUT PRIOR PERMISSION FROM THE DIRECTOR OF NATIONAL ARCHIVES.

Rum
15



Mackenzie County Council

Fairlie, South Canterbury, N.Z.
4 August 1975

Ref.

Messrs Petrie, Mayman, Timpany and More,
P.O. Box 240,
TIMARU.

EXHIBIT NOTE	
This is the annexure marked	18 referred to within
the affidavit of	Robin Max McCarthy
and sworn/affirmed at	Twizel
this	22 day of May 20 25 before me
Signature	[Signature]

Dear Sir,

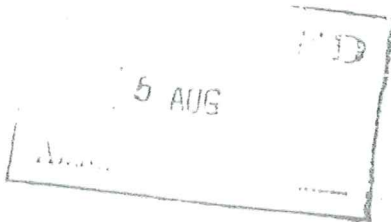
Re: Application Under Sec. 35 of the Town and Country
Planning Act 1953 by Air Safaris and Services(N.Z.)Ltd.

By resolution dated the 1st of August 1975 the Mackenzie County Council resolved that the above application be approved subject to the following conditions:

- (a) That the access be relocated and designed to the satisfaction of Council so as to cause no conflict with traffic using the State Highway.
- (b) That both the ground and air operations of the airfield are to be controlled by the operators so as to cause a minimum of distraction to traffic using the State Highway, and no noise level above 75 dbA measurement at any point within the urban zonings of Tekapo Village.
- (c) That no aspect of either ground or air operations detrimental to the operation of the Mt John facilities be allowed and specifically that no artificial lighting shall be installed unless the type of such lighting is first approved by the Superintendent of the Mt John University Observatory nor shall any such lighting be used unless the same is screened or shaded in a manner approved by the Superintendent of the said Observatory. In particular lighting systems such as sodium or mercury vapour lighting shall not be installed or used.
- (d) That any signs proposed be in accordance with the provisions of Council's operative Scheme and By-laws, and shall be approved by Council prior to erection.
- (e) That as the Council considers that use of the airstrip for the applicants purposes only would be contrary to the public interest, the strip and facilities must be available to other air users generally, but that the applicant be entitled to charge an appropriate fee for such use.

Yours faithfully,

[Signature]
B.J. DWYER,
COUNTY CLERK.



CERTIFIED :

[Signature]

R.M.M.
16

THE TOWN AND COUNTRY PLANNING APPEAL BOARD

In the Matter of the Town and Country Planning Act, 1953

and

In the Matter of a appeal under Section 35 (5) of the Act by Ai Safaris and Services (M) Ltd against the Decision of the Mackenzie County Council.

EXHIBIT NOTE	
This is the annexure marked <u>19</u> referred to within the affidavit of <u>Robert Max McCarthy</u> and sworn/affirmed at <u>Twizel</u>	
this <u>29</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

Respondents Reply

The Mackenzie County Council by its Town and Country Planning Consultants, Davie, Lovell-Smith & Partners says

1. This appeal arises from the decision of the Council allowing the appellants application under Section 35 of the Act.
2. The appellant sought permission to construct an airfield together with ancillary and accessory buildings.
3. The land in question is controlled as to land useage by the operative Tekapo Section of the Mackenzie County District Scheme, and is zoned Rural in that scheme. Copies of the relative ordinance are attached to this reply.
4. Copies of the Council's approval and conditions are attached as annexure 'A' to the Appeal documents.
5. The Council denies grounds a, b, c, e and f, of the appeal saying that
 - (i) ground (a) is incorrect as the imposition of conditions on an approval is intra vires, Council's powers being given by the Town and Country Planning Act, 1953.
 - (ii) grounds b, c, and e may be true from the appellants point of view but are in Council's view not true when considered in the light of the wider public interest.
 - (iii) ground f is meaningless.
6. The Council further says that without the conditions as imposed it would have considered itself to have no jurisdiction to deal with the application in terms of Section 35 (2) a of the Town and Country Planning Act, 1953.
7. The Respondent therefore respectfully prays that the appeal be disallowed.

Dated at Christchurch this _____ day of October 1975.

DAVIE, LOVELL-SMITH & PARTNERS

Town Planning Consultants to the Mackenzie County Council

per M. H. Barker



R.M.M.

Hi Angela,

Thank-you.

However, that is not what I was advised when I made inquiries. I was invited to make a submission.

I have copied my submission and your response to all the elected members. They have a right to know.

It is a matter of record that Council condoned an illegal operation (Tekapo Airport) for just short of 24 years. And I was put through two resource consent applications and appeals when Tekapo Airport had no bona-fides. All those submissions had no weight whatsoever, yet the Council allowed them knowing full well that they were null and void.

My submission refrained from my experience into my attempts to obtain a copy of the original planning consent for Tekapo Airport.

But this is what happened;

I met with John McKenzie (Manger of planning) and asked for a copy of the planning consent for Tekapo Airport. He advised that they didn't keep records back then like they do today. I disagreed with him and said as such. My response was that New Zealand was, and has been very well documented. We now know why he said what he did. Council was hiding the fact that Tekapo Airport had no planning consent and was putting me through public hearings and Environment Court appeals when it should never been the case.

In the meantime, I was back and forth to the Council seeking the planning consent for Tekapo Airport. I met with Paddy Bevan (CEO) and he resorted to shouting at me for all to hear as his office door was open. It was most embarrassing.

But not to be deterred, I went back again and told reception that I would find the file myself. They didn't resist. I headed off to the Council library records to the right of the corridor leading down towards Justin Rileys office (Finance manager). I spotted the Tekapo Airport file and was intent on securing it when Justin Riley physically intervened, preventing me from obtaining it. He then advised that he would call the Police and trespass me. He asked me to leave the Council, which I did.

I telephoned Brian Dwyer, former County Clerk and asked him if he knew anything about the Tekapo Airport planning consent. At that stage he had been retired for many years. His first response "was why can't you get it? I said "you tell me"? He then quoted the file reference number off the top of his head. He then advised that he was going to the Council that afternoon and would get back to me.

Just before 5.00 p.m., he phoned me and told me that it would be on the desk at the Council if I got down there before 5.00 p.m.. I then went down and collected it.

The only document was the planning consent document. There was no documentation relating to the Planning Tribunal appeal. I obtained the other documents from Archives New Zealand in Christchurch.

How do you think I feel?

Regards,

Robin McCarthy.

EXHIBIT NOTE	
This is the annexure marked <u>20</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>27</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

18 R.M.M.

From: robin.mccarthy@xtra.co.nz
Sent: Monday, May 5, 2025 11:46 AM
To: 'angela.oosthuizen@mackenzie.govt.nz'
Subject: Objection under Section 357, Resource Management Act
Attachments: Scan2025-05-05_112822.pdf; Scan2025-05-05_113319.pdf

Dear Angela,

District Plan Review

Please find attached my objection under Section 357 of the Resource Management Act, to the independent commissioner's decision.

Please acknowledge receipt.

Thankyou.

Regards,

Robin McCarthy.

EXHIBIT NOTE	
This is the annexure marked <u>21</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>27</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

Rm m

To the Mackenzie District Council

Under The Resource Management Act, 1991 (RMA)

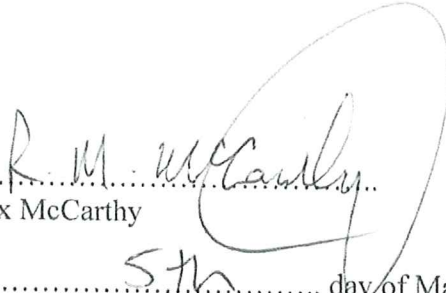
In the matter of Proposed Plan changes 28 to 30 to the Mackenzie District Plan

**In the matter of an objection under section 357 to a decision by the Commissioner
to strike out the objectors' submission to the District Plan Review.**

EXHIBIT NOTE

This is the annexure marked 22 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature R.M.C.

Filed by,


.....
Robin Max McCarthy

On this 5th day of May, 2025 whose address for service is,

23A Fraser Crescent,
Twizel 7901.

Tel: 027 560 9618

E: robin.mccarthy@xtra.co.nz

R.M.M.

EXHIBIT NOTE	
This is the annexure marked	<u>23</u> referred to within
the affidavit of	<u>Robin Max McCarthy</u>
and sworn/affirmed at	<u>Twizel</u>
this	<u>22</u> day of <u>May</u> 20 <u>25</u> before me
Signature	<u>R. Max</u>

To the Council,

1. On May 5th, 2025 the Commissioner of the Hearings Panel struck out the objector's submission to Mackenzie District Council's District Plan review following on from an originating memorandum from Councils legal counsel.
2. There followed both responses and rebuttals from the objector and Councils legal counsel (attached hereto) before the commissioner's decision was communicated to the respective parties.
3. The commissioner's decision was predicated on the basis that the objector's submission was entirely that of a commercial nature, when it was that of a planning matter by way of zoning for the provision of an activity allowing both fixed wing and rotary wing aircraft to operate at Tekapo by other operators (including himself) than just Air Safaris.
4. The objector seeks the following relief,
 - a.) Council to admit the objector's submission and allows the objector to be heard, or in the alternative,
 - b.) Resolves the issue of other operators being unable to operate both fixed wing and rotary wing aircraft from the same place at Tekapo (not necessarily Tekapo Airport) under a District Plan zoning.
5. The objector seeks a commissioner independent of the hearings commissioner to hear the objector's objection.
6. The objector wishes to be heard.
7. The objector relies upon his evidence as bound by his original submission and the further documents attached hereto.

.....R. M. McCarthy.....
 Robin Max McCarthy
 Objector.

R-M-M

EXHIBIT NOTE

This is the annexure marked 24 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 27 day of May 2025 before me
Signature K. Mac

robin.mccarthy@xtra.co.nz

From: District Plan <districtplan@mackenzie.govt.nz>
Sent: Monday, May 5, 2025 10:13 AM
To: Robin McCarthy; Frank Hocken; Kelvin Duncan
Subject: DIRECTIONS OF THE HEARINGS PANEL- Minute 5- PLAN CHANGES 28 – 30 (AND ASSOCIATED VARIATIONS) AND DESIGNATIONS - Out of Scope Submissions
Attachments: MDC - Minute 5 PC28-30 DES - 2 May 2025.pdf

Good morning,

Please find attached Minute 5 – Directions of the Hearing Panel in response to Out-of-Scope Submissions.

We draw your attention to Clause 14 that no further correspondence will be entered into regarding this matter.

Kind regards

R. M. M.
3

EXHIBIT NOTE

This is the annexure marked 25 referred to within
the affidavit of Robin Max McCarty
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature K. Mac

Mackenzie District Council

Mackenzie District Plan Review

DIRECTIONS OF THE HEARINGS PANEL

MINUTE 5

PLAN CHANGES 28 – 30 (AND ASSOCIATED VARIATIONS) AND DESIGNATIONS OUT OF SCOPE SUBMISSIONS

1 Introduction

- [1] On 14 April 2025 we received a Memorandum from Michael Garbett (counsel for the Mackenzie District Council) addressing three submissions and one further submission that were considered by counsel to be 'out of scope':
- Kelvin Winston Duncan PC28.25;
 - Frank Hocken PC29.07; and his own further submission supporting this submission but made on PC30 (FS29.09);
 - Robin McCarthy PC30.18.

2 Our Preliminary Determination

- [2] Having viewed the above submissions, and having considered the case law outlined by Mr Garbett (which accorded with our own understanding of relevant matters to consider when deciding whether or not a submission was 'out of scope'), we made a preliminary determination that the submissions were 'out of scope' with regard to Plan Changes 28 – 30 (and Associated Variations) and Designations.
- [3] Our preliminary determination was set out in our Minute 2 and we provided an opportunity for the three submitters to respond to it.

3 Mr McCarthy's Response

- [4] Mr McCarthy submitted a response to our Minute 2 on 23 April 2025.
- [5] Mr McCarthy withdrew matters of relief (c) to (d) of his submission which related respectively to:
- *Prosecution of Richard Raywood;*
 - *Compensation in the sum of \$20 million; and*
 - *Public apology.*
- [6] Mr McCarthy retained the relief set out in (a) and (b) of his submission as follows:
- (a) *Provision in the District Plan for the submitter being able to operate competing fixed wing and rotary wing aviation services from Tekapo;*
 - (b) *Council acquisition of Tekapo Airport as requiring authority under the Public Works Act for infrastructure as required for both the current Aviation Strategy and the proposed Tekapo AIRPZ;*

4 Council's Response to Mr McCarthy

- [7] As required by our Minute 2, Mr Garbett filed a further Memorandum dated 1 May 2025 addressing Mr McCarthy's 23 April 2025 response. Mr Garbett submitted that the retained relief sought by Mr McCarthy remained out of scope.
- [8] In response to other matters raised in Mr McCarthy's response Mr Garbett advised that:
- He was fully aware of the extent and content of Mr McCarthy's submission and had worked from the version on the Mackenzie District Council's website. That content ran to 146 pages, and
 - Mr McCarthy raised an allegation that Air Safaris are running a monopoly at the airport. That is a commercial arrangement or dispute and not a matter appropriately dealt with through the plan change process. That is because the Resource Management Act process currently engaged by Plan Change 30 does not regulate or determine which individual operators may utilise the airport or on what

R.M.M

EXHIBIT NOTE

This is the annexure marked 26 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

Mackenzie District Council

Mackenzie District Plan Review

commercial terms. The Hearing Panel has no authority to determine who is to be an airport operator/lessor/lessee.

5 Other Out of Scope Submissions

[9] We did not receive a response from either Kelvin Watson Duncan or Frank Hocken by the 30 April 2025 deadline we imposed in Minute 2.

6 Our Final Determinations

[10] We have carefully considered Mr McCarthy's 23 April 2025 response and Mr Garbett's 1 May 2025 Memorandum.

[11] Having done that, we confirm our preliminary determination (as set out in Minute 2) that the following submissions are 'out of scope' with regard to Plan Changes 28 – 30 (and Associated Variations) and Designations:

- Kelvin Winston Duncan PC28.25;
- Frank Hocken PC29.07; and his own further submission supporting this submission but made on PC30 (FS29.09); and
- Robin McCarthy PC30.18.

[12] Consequently we:

- Decline to hear these submissions;
- Decline to consider the submissions and the matters raised therein as part of the Plan Changes 28 – 30 (and Associated Variations) and Designations process; and
- Direct the Council to advise the three submitters accordingly.


Rob van Voorthuysen
Independent Commissioner – Chair - on behalf of the MDPR Hearings Panel members
2 May 2025

R.M.M.

EXHIBIT NOTE

This is the annexure marked 27 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature RM

robin.mccarthy@xtra.co.nz

From: robin.mccarthy@xtra.co.nz
Sent: Monday, May 5, 2025 9:59 AM
To: 'districtplan@mackenzie.govt.nz'; 'angela.oosthuizen@mackenzie.govt.nz';
'michael.garbett@al.nz'
Subject: District Plan Review
Attachments: Scan2025-05-05_095716.pdf

Dear Sir/Madam,

District Plan Review

Please find attached my second further response to Councils memoranda seeking to strike out my submission to the District Plan review.

Please forward this urgently to the Commissioner of the Hearings Panel and acknowledge that it has been done.

Thankyou.

Regards,

Robin McCarthy.

RM

Before the Independent Hearing Panel
Appointed by the Mackenzie District Council

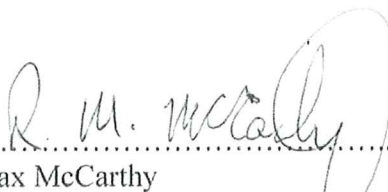
EXHIBIT NOTE	
This is the annexure marked	<u>28</u> referred to within
the affidavit of	<u>Robin Max McCarthy</u>
and sworn/affirmed at	<u>Twizel</u>
this	<u>22</u> day of <u>May</u> 20 <u>25</u> before me
Signature	<u>R. McCarthy</u>

Under The Resource Management Act, 1991 (RMA)

In the matter of Proposed Plan changes 28 to 30 to the Mackenzie District Plan

**Second further response of submitter Robin McCarthy to Councils memoranda
to the Hearings Panel**

Filed by,


.....
Robin Max McCarthy

On this5th..... day of May, 2025 whose address for service is,

23A Fraser Crescent,
Twizel 7901.

Tel: 027 560 9618

E: robin.mccarthy@xtra.co.nz



EXHIBIT NOTE

This is the annexure marked 29 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

To the Commissioner of the hearings panel,

1. The Mackenzie District Council (Council) owns Pukaki Airport at Twizel.
2. Counsel for the Council, Mr Michael Garbutt has not brought this to the attention of the Hearings Panel in his memoranda.
3. Council has a conflict of interest in any matter regarding zoning for aviation under the District Plan and its review.
4. Council, by filing memoranda to have the submitters submission struck out is ultra-vires the District Plan review process.

R. W. McCarthy
.....
Robin Max McCarthy

R.M.M

EXHIBIT NOTE	
This is the annexure marked <u>31</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>22</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	

- 1 This memorandum of Counsel is filed in response to the submissions by Robin McCarthy, as required in Minute 2 dated 15th April 2025.
- 2 Mr McCarthy questions whether Counsel was aware of the full extent of Mr McCarthy's submission prior to seeking directions, that the submission is out of scope. Counsel was fully aware of the extent and content of his submission and worked from the version on the Mackenzie District Council's website. This content runs to 146 pages. Much of the content is historical documents and correspondence purportedly relied on by Mr McCarthy in support of the specific relief he seeks on Plan Change 30. It is maintained the specific relief and all "supporting" material is out of scope of Plan Change 30.
- 3 Counsel acknowledge that Mr McCarthy has now withdrawn the relief he sought which is summarised in my memorandum of Counsel dated 14th April 2025 in paragraphs 14(c)-(e). This sought:
 - (c) Prosecution of Richard Raywood;
 - (d) Compensation in the sum of \$20 million; and
 - (e) Public apology.
- 4 Mr McCarthy though maintains the relief sought that is set out in paragraphs 14(a) and 14(b) of my memorandum, which still remains out of scope.
- 5 Finally, Mr McCarthy raises an allegation that Air Safaris are running a monopoly at the airport. This is a commercial arrangement or dispute and not a matter appropriately dealt with through the plan change process. This is because the Resource Management Act process currently engaged by Plan Change 30 does not regulate or determine which individual operators may utilise the airport or on what commercial terms. The Hearing Panel has no authority to determine who is to be an airport operator/lessor/lessee as part of this process.
- 6 Overall, it is submitted this submission being sought should be found out of scope and not addressed further as part of this process.

Dated this 1st day of May 2025



Michael Garbett, Counsel for Mackenzie District Council

EXHIBIT NOTE

This is the annexure marked 32 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

Before the Independent Hearing Panel
Appointed by the Mackenzie District Council

Under The Resource Management Act, 1991 (RMA)

In the matter of Proposed Plan changes 28 to 30 to the Mackenzie District Plan

**Rebuttal of submitter Robin McCarthy to Councils second memorandum to the
Hearings Panel dated 1st May, 2025**

Filed by,

[Signature]
.....
Robin Max McCarthy

On this 2nd day of May, 2025 whose address for service is,

23A Fraser Crescent,
Twizel 7901.

Tel: 027 560 9618

E: robin.mccarthy@xtra.co.nz

[Signature]

EXHIBIT NOTE

This is the annexure marked 33 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Tewitai
this 22 day of May 2025 before me
Signature Mr Michael Garbett

To the Commissioner of the hearings panel,

1. Legal counsel for the Mackenzie District Council (Council) is confusing the District Plan provisions with the commercial effects of the Councils planning policies.
2. The Aviation Strategy of the District Plan was a planning provision formulated by the Council through an initial District Plan review. To claim on the one hand that the Aviation Strategy was a change to the "District Plan, and on the other it is not (now), is disingenuous, inconsistent and a tactic to bury the problem from being rightfully addressed.
3. For the record, provision was made in the draft Aviation Strategy for a heliport on Cowans Hill to be incorporated into the District Plan, but when the Aviation Strategy appeared in the District Plan it had been deleted.
3. It is an irrefutable fact that the Council's District Plan has granted a monopoly to Air Safaris to operate both fixed wing and rotary wing aircraft at Lake Tekapo. Neither did Air Safaris have any Planning or Resource Consent when the Aviation Strategy was being formulated.
4. During hearings into plan change 22 – 27, Mr Garbett asked the submitter for documents relating to Tekapo Airport. The submitter provided those documents and Mr Garbett told him he would be contacted. Mr Garbett did not.
5. About a month ago at a public forum of the Council's General meeting, the CEO Ms Angela Oosthuizen requested of the submitter to put a proposal to the Council concerning access to the aviation market at Tekapo, which he did. He has not received either an acknowledgement of receipt, or a response to date.
6. On Tuesday April 29th, 2025 the submitter visited the Council offices in Fairlie and by chance spoke to the Councils Mr Murray Dickson (General Manager) and raised the matter of the submitters proposal to the CEO which had not been responded to. He also pointed that this issue would not need to come before the Hearings Panel, if a satisfactory outcome was arrived at in the meantime. Nothing further has happened.
7. It is quite apparent that the Council is doing all it can to avoid rectifying the District Plan so other aviation operators can operate from Tekapo.
8. The submitters submission is a genuine submission seeking to have the District Plan provide for other operators to be able to operate from Tekapo, no different to Timaru Airport or any other airport in New Zealand.
9. The submitter disagrees with the content of both memoranda of Councils external legal counsel Mr Garbett.
10. It must be asked of the Council, why are they trying so hard to strike the submitters submission out, and yet on the other hand making no apparent tangible effort to resolve a long-standing problem.

11. The submitter attaches a screen shot of the Fairlie Ratepayers facebook post on "Fairlie Uncensored" where the Fairlie Ratepayers are speaking to their submissions covering various matters which Council has not sought to strike out.

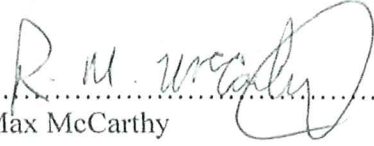

.....
Robin Max McCarthy

EXHIBIT NOTE
This is the annexure marked 34 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 20 25 before me
Signature RMax





Fairlie Uncensored

Elizabeth McKenzie · 1h ·

EXHIBIT NOTE
 This is the annexure marked 35 referred to within
 the affidavit of Robin Max McCordly
 and sworn/affirmed at Twizel
 this 22 day of May 2025 before me
 Signature [Signature]

Decisions from the Fairlie Ratepayers April meeting:

- We will write to ministers advocating for a rates cap;
- We will issue a press release responding to the proposed annual rates rise;
- Our Chair will present our submission on the District Plan Review Hearing on 29 May;
- We will find out what the Community Board is doing with our village green fees petition;
- We will advocate to Govt for charitable organisations like the RSA to have the \$5000 fee for parading on the main highway waived;
- We will investigate why Council plantations are being felled well before maturity.

17

2 shares

R.M.M.

EXHIBIT NOTE

This is the annexure marked 37 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

- 1 This memorandum of Counsel is filed in response to the submissions by Robin McCarthy, as required in Minute 2 dated 15th April 2025.
- 2 Mr McCarthy questions whether Counsel was aware of the full extent of Mr McCarthy's submission prior to seeking directions, that the submission is out of scope. Counsel was fully aware of the extent and content of his submission and worked from the version on the Mackenzie District Council's website. This content runs to 146 pages. Much of the content is historical documents and correspondence purportedly relied on by Mr McCarthy in support of the specific relief he seeks on Plan Change 30. It is maintained the specific relief and all "supporting" material is out of scope of Plan Change 30.
- 3 Counsel acknowledge that Mr McCarthy has now withdrawn the relief he sought which is summarised in my memorandum of Counsel dated 14th April 2025 in paragraphs 14(c)-(e). This sought:
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 - (d) Compensation in the sum of \$20 million; and
 - (e) Public apology.
- 4 Mr McCarthy though maintains the relief sought that is set out in paragraphs 14(a) and 14(b) of my memorandum, which still remains out of scope.
- 5 Finally, Mr McCarthy raises an allegation that Air Safaris are running a monopoly at the airport. This is a commercial arrangement or dispute and not a matter appropriately dealt with through the plan change process. This is because the Resource Management Act process currently engaged by Plan Change 30 does not regulate or determine which individual operators may utilise the airport or on what commercial terms. The Hearing Panel has no authority to determine who is to be an airport operator/lessor/lessee as part of this process.
- 6 Overall, it is submitted this submission being sought should be found out of scope and not addressed further as part of this process.

Dated this 1st day of May 2025



Michael Garbett, Counsel for Mackenzie District Council



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From: robin.mccarthy@xtra.co.nz <robin.mccarthy@xtra.co.nz>
Sent: Tuesday, 6 May 2025 9:41 AM
To: Michael Garbett <michael.garbett@al.nz>
Subject: Fiona

EXHIBIT NOTE
This is the annexure marked 38 referred to within
the affidavit of Robin Max McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature R.M.C.

Dear Mr Garbett,

Who is "Fiona"?

Regards,

Robin McCarthy.

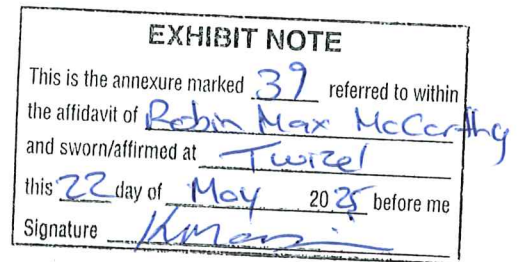
From: Robin McCarthy <robin.mccarthy@xtra.co.nz>
Sent: Tuesday, May 6, 2025 3:51 PM
To: Michael Garbett
Subject: RE: Fiona

Dear Mr Garbett,

Thankyou.

Regards,

Robin McCarthy.



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On 6 May 2025, at 9:51 am, Michael Garbett <michael.garbett@al.nz> wrote:

Hi Mr McCarthy,

Fiona Hardie is the hearing administrator helping with paperwork for the Hearing Panel on the District Plan review. She manages the hearing administrator email for the plan.

Kind regards,

Michael Garbett (he/him) | | Anderson Lloyd | d +64 3 467 7173 | m +64 27 668 9752

From: robin.mccarthy@xtra.co.nz <robin.mccarthy@xtra.co.nz>
Sent: Tuesday, 6 May 2025 9:41 AM
To: Michael Garbett <michael.garbett@al.nz>
Subject: Fiona

Dear Mr Garbett,

Who is "Fiona"?

Regards,

Robin McCarthy.
Hi Mr McCarthy,

Fiona Hardie is the hearing administrator helping with paperwork for the Hearing Panel on the District Plan review. She manages the hearing administrator email for the plan.

Kind regards,

Michael Garbett (he/him)
Partner

Anderson Lloyd
d +64 3 467 7173 | m +64 27 668 9752 | al.nz

R.M.M

robin.mccarthy@xtra.co.nz

From: Robin McCarthy <robin.mccarthy@xtra.co.nz>
Sent: Wednesday, May 7, 2025 10:45 AM
To: Angela Oosthuizen; karen.morgan@mackenzie.govt.nz; robin.mccarthy@xtra.co.nz; miles.anderson@parliament.govt.nz
Subject: Tekapo Aviation

EXHIBIT NOTE
This is the annexure marked 40 referred to within
the affidavit of Robin Maxx McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

Dear Angela,

Tekapo Aviation

Following on from your decision of yesterday, I wish to formally put it on the record that Council has opposed every attempt I have made to offer competing aviation services at Tekapo over the past 29 years. And it is ongoing.

That opposition has included opposition to two resource consent applications, Environment Court appeals, requests to assist, deleting provision for a heliport under the Aviation Strategy of an earlier District Plan review, opposition to Environment Court orders I have sought to rectify matters and now opposition to my submission to the latest District Plan review.

Why does the Council continue with its policy of opposition and not want to see competition in aviation services at Tekapo? There is a reason, and I will get to the bottom of it. I am not going away.

I look forward to receiving your response.

Regards,

Robin McCarthy.

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R. McCarthy

robin.mccarthy@xtra.co.nz

From: robin.mccarthy@xtra.co.nz
Sent: Friday, May 16, 2025 8:47 AM
To: michael.garbett@al.nz
Subject: FW: Objection under Section 357, Resource Management Act
Attachments: Scan2025-05-05_112822.pdf; Scan2025-05-05_113319.pdf

Dear Mr Garbett,

Please find attached my notice of objection to the commissioner's decision as requested.

I have not had any acknowledgement from the council, and next step will be an application to the Environment Court once 15 days has elapsed where I will seek a stay of the District Plan review until the matter is resolved.

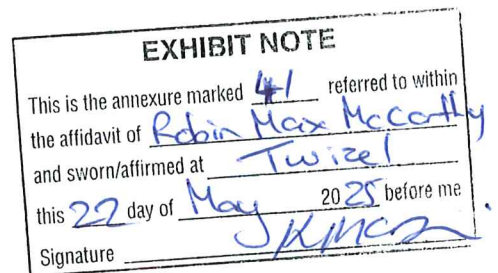
Has your law firm had anything to do with the Rayward family of Air Safaris or the Murray family when Graeme Murray was involved?

Please acknowledge receipt.

Regards,

Robin McCarthy.

Tel: 027 560 9618.



From: robin.mccarthy@xtra.co.nz <robin.mccarthy@xtra.co.nz>
Sent: Monday, May 5, 2025 11:46 AM
To: 'angela.oosthuizen@mackenzie.govt.nz' <angela.oosthuizen@mackenzie.govt.nz>
Subject: Objection under Section 357, Resource Management Act

Dear Angela,

District Plan Review

Please find attached my objection under Section 357 of the Resource Management Act, to the independent commissioner's decision.

Please acknowledge receipt.

Thankyou.

Regards,

Robin McCarthy.

Rm m

From: Robin McCarthy <robin.mccarthy@xtra.co.nz>
Sent: Friday, May 16, 2025 10:04 PM
To: Michael Garbett; Robin McCarthy
Subject: RE: Objection under Section 357, Resource Management Act

EXHIBIT NOTE	
This is the annexure marked <u>42</u> referred to within	<u>Robin Max McCarthy</u>
and sworn/affirmed at	<u>Twicel</u>
this <u>22</u> day of <u>May</u> 20 <u>25</u> before me	
Signature	<u>[Signature]</u>

Dear Mr Garbett,

Thankyou.

The precedent you used in filing your memorandum to the Hearings Panel is a matter for the Court to decide upon.

I note your comment in respect to myself seeking legal advice. I will now likely pursue an appeal.

I also wish to suggest that you advise your client (council) that rather than continue with lawfare, they might wish to resolve the long-standing matter to avoid ongoing costs to the ratepayers. You know what the problem is, and it has to be (and will be) resolved eventually.

Mr Murray Dickson wrote to me quite some time before your email was sent to me. My inquiries of council in the absence of any response from them was entirely justified.

No doubt we will exchange courtesy's in the Environment Court.

Regards,

Robin McCarthy.

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On 16 May 2025, at 5:03 pm, Michael Garbett <michael.garbett@al.nz> wrote:

Dear Mr McCarthy,

Attached is a letter to you on behalf of the Mackenzie District Council. In accordance with the contents of that letter your purported objection is also returned to you with this email.

As solicitors we are not in a position to confirm to you whether or not we have "had anything to do" with the persons you name below, and we decline to answer that question you raise.

Kind regards,

Michael Garbett (he/him)
Partner

[Handwritten Signature]

robin.mccarthy@xtra.co.nz

From: Michael Garbett <michael.garbett@al.nz>
Sent: Friday, May 16, 2025 5:04 PM
To: robin.mccarthy@xtra.co.nz
Subject: RE: Objection under Section 357, Resource Management Act
Attachments: Letter - Mr McCarthy's Objection under Section 357 Resource Management Act 3437-8725-5354 v.1.pdf; Scan2025-05-05_112822.pdf; Scan2025-05-05_113319.pdf

Dear Mr McCarthy,

Attached is a letter to you on behalf of the Mackenzie District Council. In accordance with the contents of that letter your purported objection is also returned to you with this email.

As solicitors we are not in a position to confirm to you whether or not we have "had anything to do" with the persons you name below, and we decline to answer that question you raise.

Kind regards,

Michael Garbett (he/him)
Partner

Anderson Lloyd
d +64 3 467 7173 | m +64 27 668 9752 | al.nz

EXHIBIT NOTE	
This is the annexure marked <u>43</u> referred to within	
the affidavit of <u>Robin Max McCarthy</u>	
and sworn/affirmed at <u>Twizel</u>	
this <u>22</u> day of <u>May</u> 20 <u>25</u> before me	
Signature <u>[Signature]</u>	



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From: robin.mccarthy@xtra.co.nz <robin.mccarthy@xtra.co.nz>
Sent: Friday, 16 May 2025 8:47 AM
To: Michael Garbett <michael.garbett@al.nz>
Subject: FW: Objection under Section 357, Resource Management Act

Dear Mr Garbett,

Please find attached my notice of objection to the commissioner's decision as requested.

I have not had any acknowledgement from the council, and next step will be an application to the Environment Court once 15 days has elapsed where I will seek a stay of the District Plan review until the matter is resolved.

R. M. M.

EXHIBIT NOTE

This is the annexure marked 44 referred to within
the affidavit of Robin Alex McCarthy
and sworn/affirmed at Twizel
this 22 day of May 2025 before me
Signature [Signature]

16 May 2025

Robin McCarthy
23A Fraser Crescent
Twizel 7901

robin.mccarthy@xtra.co.nz

Level 12
Otago House
477 Moray Place
Dunedin 9016

Private Bag 1959
Dunedin 9054
New Zealand

al.nz

Dear Mr McCarthy

Objection under section 357 of the Resource Management Act 1991 (RMA)

- 1 We act for Mackenzie District Council and acknowledge receipt of your notice of objection under section 357 of the RMA dated 5th May 2025. This is in relation to the independent Hearing Panel's decision that your submission on the District Plan review is out of scope and will not be considered further.
- 2 We note that your objection refers to the "strike out" of your submission. It is important to clarify that your submission was not formally struck out. Rather, it was determined to be out of scope and therefore not further considered. These are different concepts under the RMA. Being out of scope does not equate to being struck out. These different concepts and their differing consequences were explained in detail in my Memorandum dated 14th April 2025, which you responded to – see paragraphs 7, and 16-18 of that Memorandum.
- 3 Because of this, there is no right of objection under section 357 RMA to this decision of the independent Hearing Panel. Your purported objection is returned to you because it can not be acted on by the Council.
- 4 We can point out though, if you still seek to challenge the independent Hearing Panels' decision, your remedy is to appeal to the Environment Court. You are obviously entitled to (and should) seek legal advice on that option.

Kind regards
Anderson Lloyd



Michael Garbett
Partner
d +64 3 467 7173
m +64 27 668 9752
e michael.garbett@al.nz

necessarily the official view of Mackenzie District Council.

Kia ora Robyn

I understand this week you both visited and phoned our planning team members in relation to your submissions on the District Plan - Plan Changes 28-30.

I am aware of your communications previously on this matter with the Independent Hearings Panel and their ceasing of further correspondence with you on that matter.

Our planning team members are not representatives of the Hearings Panel, and nor can they give you advice regarding your position. Please kindly refrain from contacting them on this matter – so that they may concentrate on their work (as ratepayers expect).

EXHIBIT NOTE	
This is the annexure marked	<u>45</u> referred to within
the affidavit of	<u>Robin Max McCarthy</u>
and sworn/affirmed at	<u>Twizel</u>
this	<u>27</u> day of <u>May</u> 20 <u>25</u> before me
Signature	<u>[Signature]</u>

Neku noa, ne / Yours sincerely,

Murray Dickson
GM Corporate, Commercial and
Planning

T:(03) 685 9010
M:027 467 7579
53 Main Street, Fairlie 7925
mackenzie.govt.nz

Our Community. Our Place. Our Future.

This message and attached files may contain confidential information, and may be subject to legal professional privilege. If you are not the intended recipient, please delete this message. Any views expressed are not necessarily the official view of Mackenzie District Council.

robin.mccarthy@xtra.co.nz

From: Robin McCarthy <robin.mccarthy@xtra.co.nz>
Sent: Saturday, May 17, 2025 5:06 PM
To: Murray Dickson
Subject: Re: Your calls and reception visits to MDC Planning Team re District Plan submissions

Hi Murray,

I had every right to inquire when I had lodged an objection. Council had an obligation to at least acknowledge receipt of my statutory objection.

Now that I have received a response from Mr Garbett, I no longer have a need to contact Council about the matter.

I ask that Council communicates and treats it's resident's with respect in future.

Regards,

Robin McCarthy.

EXHIBIT NOTE	
This is the annexure marked	<u>46</u> referred to within
the affidavit of	<u>Robin Max McCarthy</u>
and sworn/affirmed at	<u>Twizel</u>
this	<u>22</u> day of <u>May</u> 20 <u>25</u> before me
Signature	<u>[Signature]</u>

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On 16 May 2025, at 4:38 pm, Murray Dickson <murray.dickson@mackenzie.govt.nz> wrote:

Kia ora Robyn

I understand this week you both visited and phoned our planning team members in relation to your submissions on the District Plan - Plan Changes 28-30.

I am aware of your communications previously on this matter with the Independent Hearings Panel and their ceasing of further correspondence with you on that matter.

Our planning team members are not representatives of the Hearings Panel, and nor can they give you advice regarding your position. Please kindly refrain from contacting them on this matter - so that they may concentrate on their work (as ratepayers expect).

N?ku noa, n? / Yours sincerely,

[cid:mdc_logoround-transparent_80e71991-f9bc-4894-92ba-7b63b84e0401.png]

Murray Dickson

GM Corporate, Commercial and Planning

[cid:mdc_landscapelogo_transparent_5c3ae9b6-40dc-4994-ae19-b9a8932cacea.png]

T: (03) 685 9010

M: 027 467 7579

53 Main Street, Fairlie 7925

mackenzie.govt.nz <<https://www.mackenzie.govt.nz/>>

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<<https://letstalk.mackenzie.govt.nz/te-manahuna-ki-uta>>

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R. McCarthy