

**From:** [letstalk@mackenzie.govt.nz](mailto:letstalk@mackenzie.govt.nz)  
**To:** [jsygrove@rationale.co.nz](mailto:jsygrove@rationale.co.nz); Charmaine Duffell  
**Subject:** Anonymous User completed Submission Form - Plan Change 27: Earthworks, Subdivision, Public Access and Transport.  
**Date:** Friday, 10 November 2023 4:56:02 pm

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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

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**Contact person (if different from above)**

Robin McCarthy

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**Email address**

robin.mccarthy@xtra.co.nz

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**Postal Address**

**Phone number**

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

Yes

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

Transport - Aviation Strategy

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**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.

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**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.

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**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.

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

I do

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

I would

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

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

8<sup>th</sup> 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,

Robin McCarthy.

Email: robin.mccarthy@xtra.co.nz

Tel: 027 560 9618.

## **Mackenzie District Council – District Plan Review**

### **Submission of Robin McCarthy on the Aviation Strategy**

#### **Tekapo Airport**

##### **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 5<sup>th</sup>, 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 Aviation 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 11<sup>th</sup> 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)



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

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



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

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 Council's 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 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.

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



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**

8th September, 2023.

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 hanger and fuel installation at the airfield.

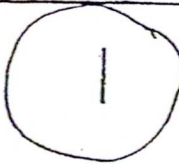
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# Mackenzie County Council

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

Ref.

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

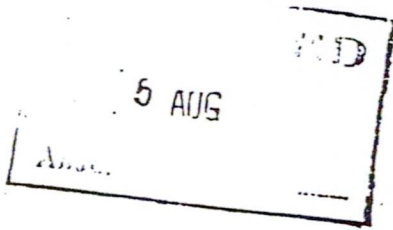
Dear Sir,

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,



B.J. DWYER,  
COUNTY CLERK.

CERTIFIED :

*[Signature]*



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 Secti  
35 (5) of the Act by Ai  
Safaris and Services (N  
Ltd against the decisio  
of the Mackenzie County  
Council.

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 appellant's 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 W. H. Barker

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.