

22 September 2023

Simon Nyhof

Email: c/-fyi-request-23961-0422a028@requests.fyi.org.nz

Dear Mr Nyhof,

OFFICIAL INFORMATION ACT 1982 (OIA) – REQUEST FOR INFORMATION - CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED (CIAL)

1. We write further to our email of 28 August 2023, acknowledging receipt of your email of 26 August 2023 (via the third party public platform fyi.org.nz) in which you requested the following information pursuant to the OIA:

“Please confirm the list of restrictions which are imposed upon people living and businesses based near CHC airport currently.”

(the “**Request**”).

2. From the outset, we consider your Request to be extremely broad in scope and not made with due particularity. We note that:
 - a. Your request does not limit either (i) the party which might “impose” restrictions (and therefore, may include a list of restrictions imposed by *any* party (including central government, regional, city or district councils)); or (ii) the nature of the restrictions (and therefore may include all laws or rules of any nature and imposed by any instrument).
 - b. Further, there is no clear geographical boundary to which your Request relates - the reference to *near* Christchurch airport is not defined or limited.
3. Responding to the Request as currently drafted would involve the diversion of personnel for a substantial period of time to go through and collate the information you are requesting and, as discussed further below, we caution that much of this information is either publicly available or alternatively is contained in the terms of commercial leases that CIAL has entered into and is therefore confidential.
4. Notwithstanding the above, we’d like to provide you with some general information relating to your Request:
 - a. There are a number of planning and land use restrictions which apply to people living and businesses based near Christchurch Airport (as is the case for residents or businesses based in any area) through New Zealand’s planning law framework. This framework contains a number of planning instruments, including district plans (developed and administered by city and district councils), regional plans and regional policy statements (developed and

administered by regional councils), national environmental standards and national policy statements (set and developed by central government). In particular, for people living and businesses based near Christchurch Airport, the District Plans of one of the three Greater Christchurch territorial authorities (Christchurch City Council, Waimakariri District Council and Selwyn District Council) will guide what activities can be undertaken on the relevant land (and which activities require a resource consent) as well as setting out rules or standards that apply. The District Plans are publicly available at:

- a. Christchurch District Plan: <https://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan>
 - b. Waimakariri District Plan: <https://www.waimakariri.govt.nz/council/district-development/district-plan>
 - c. Selwyn District Plan: <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan>
- b. Titles to certain properties near Christchurch Airport may also have specific encumbrances registered against them (including easements and/or covenants). These encumbrances have been agreed (but not imposed) as a result of private negotiations between CIAL and the relevant landowner, including in connection with the resolution of resource consent applications made by such landowner. Property titles (including the encumbrances registered on such) are publicly available through Land Information New Zealand.
 - c. Further, CIAL has an extensive investment property portfolio and is party to a large number of lease arrangements entered into with businesses operating across its campus. These leases will generally contain various restrictions on the relevant tenant's activities (for example, these may include restrictions on the tenant undertaking alterations or additions to the premises, erecting signage/advertising and/or the permitted use by the tenant of the premises). However, again these restrictions are not "imposed" by CIAL – they are agreed as a result of commercial negotiations between the parties to the lease. In any event, the terms of lease arrangements which CIAL enters into are confidential and the withholding of such information is necessary for CIAL to carry out its commercial activities or negotiations without prejudice or disadvantage (s 9(2)(i) and s9(2)(j) OIA).
5. Taking the above into account, in order to best assist you, we ask that you refine or clarify your Request. If you are unable to do so, your Request shall be refused under Section 18(f) of the OIA.
 6. If you require any further information or we have in some way misinterpreted your requests, please let us know.
 7. You have the right to seek an investigation and review by the Ombudsman of the decisions contained in this letter. Information about how to contact the Ombudsman or make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

CIAL LEGAL TEAM

Email: legal@cial.co.nz