

**TO:**

The Directors of the Board of Christchurch International Airport Ltd (CIAL)

Christchurch International Airport Ltd

PO BOX 14001

CHRISTCHURCH 8544

**FROM:**

David Wilson

298 Russley RD

CHRISTCHURCH 8042

*Without Prejudice*  
**Formal Complaint**

Dear Directors

As Directors you all hold a collective responsibility to ensure ethical Governance of the business enterprises under your stewardship.

With regards to CIAL I remind you of your legal duty to reevaluate the air noise contours in accordance with the agreement arising from Annette FOSTERS land rezoning action and resulting "Expert's Agreement". I formally request an explanation as to why this requirement has not been carried out in the timeline required and when it is intended to actually be carried out.

I also wish to formally complain about the actions of Rhys BOSWELL General Manager of Strategy and Sustainability for CIAL, specifically with regards to his preparation of an email and Encumbrance Instrument which in my view simply epitomizes the Bullying culture that has been the subject of numerous articles bringing CIAL into disrepute. I have been subjected to this culture first hand.

Since 2009 I have been involved in protracted legal action, involving Mr BOSWELL along with several neighbours that can be briefly summarized down into 4 distinct actions.

- 1) In 2009 CIAL advised in accordance with the REPA that they wanted to take land from us ranging from 1 to 5 acres and that no compensation would be forthcoming. In the legal case resulting in considerable emotional and legal cost the unreasonableness of this lack of compensation was found in our favour. Several days after this finding Rhys BOSWELL contacted me asking that I submit in writing, the evidence I had given at the hearing, he then proceeded to tell me that although we had won this round that we wouldn't win the WAR!
- 2) In January 2009 new DBA boundaries created the harshest land building activity avoidance rules, set at 50DbA, in the world come into effect over my land.

- 3) In the LURP my land and again the same neighbours had been recommended for rezoning to commercial. Bizarrely we were even required to pay commercial rates before this rezoning took place. At the same time CIAL was developing its own commercial development but on leasehold land which was called Dakota Park. From all observations this was not achieving a fast take up especially as our land when rezoned was to offer freehold commercial opportunities. CIAL, their major shareholder Christchurch City Council (CCC) and NZTA take on the matter and the proposed rezoning of our land is overturned. Mr BOSWELL'S assertion that we would not win the war had certainly come to fruition yet we remained actually paying commercial rates until Councilor intervention.
- 4) I then became aware that NZTA intended widening Russley Road and to build an underground pass giving access to Dakota Park that would necessitate the taking of some of my land including a house and 730sqM of land. The question of why NZTA has funded access to a private company's leasehold commercial land remains of interest to many. It became obvious that another boundary change would be required. I meet with Rhys BOSWELL and Ken MC ANERNY about this matter it was made clear to me that they would require subdivision plans for their approval. Plans were subsequently drawn up and delivered to Mr. BOSWELL, who contacted me indicating that he wanted to discuss the plan. I meet with him in his office however *I was not prepared for what I would describe as his bullying manner and decided to leave. On the 9/5/2016 I received an email from Mr. BOSWELL a copy of which I have attached. I found this email to be totally unprofessional, bullying and unacceptable. He was demanding from me a wide range of information which frankly was of no concern to CIAL. He indicated that if my replies were satisfactory to CIAL that in order to gain agreement myself and any other registered owners would be required to sign an Encumbrance Instrument prepared by Mr. BOSWELL that contained draconian, one sided requirement's that were simply inappropriate. The proposed Boundary change (subdivision) had no effect on Airport Operations and had arisen due to CIAL and LTSA developments not mine. I have attached this Encumbrance Instrument which I submit is very clearly an abuse of power and inappropriate. The subdivision should have been approved in a few months but took two years as a direct result of Mr. BOSWELL's insistence on signing this Encumbrance, which for the purpose of clarity I never did. In my view he has abused his position. It is my understanding that similar Encumbrance documentation has been used on many occasions by Mr. BOSWELL. Legal advice indicates that it is so one sided and overbearing as to be unenforceable.*

I believe that it is this type of Bullying that has brought CIAL into disrepute with its neighbours. There should be accountability with regards to the tone and content of the email and the Encumbrance documents contents and tone. It needs to be made clear to Mr. BOSWELL that both are unacceptable and I seek a written apology and some indication that this type of all-encompassing Encumbrance letter will no longer be used by CIAL to bully persons. I should not have been treated in this manner in the course of seeking a simple subdivision that was actually necessitated by CIAL and LTSA development objectives.

*NZTA.*

Yours Sincerely David WILSON

## Kimberley Wilson

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**From:** Rhys Boswell [Rhys.Boswell@cial.co.nz]  
**Sent:** Monday, 9 May 2016 9:20 a.m.  
**To:** kimberley20@clear.net.nz  
**Cc:** Michael Singleton; Kate McKenzie  
**Subject:** RE: RE: 298 Russley Road Subdivision

David,

I have given our discussion further thought and still believe we will be able to find a way of providing affected party approval provided that:

- i. you can provide more written detail outlining the history of the sites and the reasons for seeking boundary adjustment
- ii. you provide detail around the fact that there have always been 2 dwellings on the 2 titles (until recent demolition of Russley Rd adjacent dwelling)

Subject to being satisfied with these responses CIAL would want yourself and any other registered owners to execute and Encumbrance Instrument, on their land, on a form prepared by us (prior to providing the consent) that includes at least the following:

(1) a restriction the carrying on of Noise sensitive activities (which includes residential housing) on all or any other part of the land other than the construction and use of a total of two residential dwellings on the land, each to accommodate one household unit, and any associated garage, carport, garden shed, boundary fence or other structure usually associated with a residential dwelling and not capable of separate habitation.

(2) an acknowledgement the landowner and any occupier will not, either directly or indirectly, in any capacity:

(a) Object to any application by CIAL in relation to a designation, plan change, rule, approval, concession, consent (including any Resource Consent), licence, permit, statutory or regulatory enactment variation or repeal, or other authority whatsoever, for or in relation to the Airport or the development or operations of the Airport;

(b) appeal or become a party to or encourage or fund or support an appeal against the whole or any part of any decision by any Authority or Court on, or in relation to, any application;

(c) complain to any authority about, or otherwise object to, any lawful activity pursuant to any consent granted as a result of any application;

(d) bring any proceedings (whether in contract, tort (including negligence), equity, nuisance, public nuisance, under any statute or otherwise, and whether seeking damages or injunctive or other relief or orders) in respect of, or in any other way object to, the development or Operations of the Airport including any Noise resulting from the Operations of the Airport; or

(e) encourage or fund or support any other person to do any such action.

Regards

Rhys Boswell  
General Manager Strategy and Sustainability

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3 December 2019

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Mr David Wilson  
298 Russley Road  
Avonhead  
**CHRISTCHURCH 8042**

*condone Bullying Tactics*

Dear Mr Wilson

**CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED ("CIAL") -  
CORRESPONDENCE**

Your correspondence of 1 October 2019 to the Board of Directors of Christchurch International Airport Limited was considered at their meeting of 4 November 2019.

Having considered the matters raised in your letter and received a report from management I have been asked to write on behalf of the Board recording it is satisfied in each of the instances you have referred to Mr Boswell acted entirely appropriately.

We recognise you may not have achieved the outcomes that you may have sought in those matters however the actions of CIAL and its representatives were subject to consideration by third parties and on each occasion found to be appropriate.

CIAL takes a principled approach when conducting itself in matters in relation to its airport operations and relationships with those who live and carry on business in its vicinity. By this we mean our actions are consistent, taking into account the need to protect the Christchurch Airport's strategic role in the community, now and into the future. We understand from time to time that may leave individuals disappointed when their personal objectives have not been met, however that does not mean the outcomes are inappropriate or wrong.

You raise an issue in respect to CIAL's form of encumbrance. The instrument you refer to has been prepared by CIAL's external legal advisors and been in use for some time. We are satisfied it is both fully enforceable from a legal perspective and appropriate in the circumstances which it is used.

*We trust this clarifies our position*  
*Michael Sengler*