

BEFORE THE EXPERT PANEL

FTAA-2504-1054

Under

the Fast-track Approvals Act 2024

In the matter of

an application for approvals in relation to
the Ryans Road Industrial Development

By

Carter Group Limited
Applicant

**STATEMENT OF EVIDENCE OF JOHN CLIFFORD KYLE ON BEHALF OF
CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED
(PLANNING)**

Dated 12 March 2026

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STATEMENT OF EVIDENCE OF JOHN CLIFFORD KYLE

Introduction

- 1 My full name is John Clifford Kyle.
- 2 I am a founding director of the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.
- 3 I hold an honours degree in Regional Planning from Massey University, obtained in 1987.
- 4 I have been engaged in the field of resource and environmental management for more than 35 years. My experience includes a mix of local authority and consultancy resource management work. For the past 30 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management, and environmental effects assessment. This includes extensive experience with large-scale, and often nationally significant projects involving inputs from a multidisciplinary team. I have been extensively involved in consenting nationally and regionally significant projects under the Fast Track Approvals Act since it was enacted late in 2024.
- 5 My work has me involved with projects in the renewable energy generation sector (hydro, wind, solar and recently green hydrogen), extractives (quarrying and mining), infrastructure (ports, airports, network utilities), industrial processing (fertiliser, meat, forestry), aquaculture, land development (urban expansion, new town development), government facilities (regional prisons, youth justice facilities), health and aged care (hospitals and retirement villages) and water (irrigation, water storage, wastewater treatment).
- 6 My experience with airports extends over two decades in which time I have worked with Wellington, Queenstown, Wanaka, Invercargill and Christchurch Airports on a wide range of projects including designations, plan changes and applications made under the Fast Track Approvals Act (2024) ("**FTAA**").
- 7 Christchurch International Airport Ltd (**CIAL**) has asked me to prepare this evidence as part of its response to the Panel's Minute 13.

Code of conduct

- 8 I confirm that in preparing this affidavit I have read the Environment Court's Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this affidavit are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 9 I have been engaged by CIAL to provide evidence in relation to the proposed subdivision and development ("the **Application**") by Carter Group Limited ("**CGL**" or "the **applicant**") under the FTAA. Specifically, I have been asked to review and comment on the Brief of Evidence of Mr Jeremy Phillips dated 23 June 2025 ("**Brief A**") and his Supplementary Statement dated 9 March 2026 ("**Brief B**"), insofar as they address matters within the scope of my expertise, including planning assessment, environmental risk evaluation, and the interface between land-use planning and aviation operations.

Overview

- 10 I understand CIAL's primary concern that the FTAA Application proposed by CGL lacks a fulsome, quantified aeronautical risk assessment and therefore contains inadequate information upon which safety and operational impacts can be evaluated. This does not necessarily mean that the proposal presents a high aviation risk. However, if CIAL and Airways are correct about the inadequacy of information, this would mean the scale, nature, and likelihood of risk cannot be properly determined. It is my view that the evidence of Mr. Phillips (which relies on a range of technical statements insofar as aviation matters are concerned) does not provide sufficient assurance that matters relating to aviation safety and efficiency have been fully addressed. As such it is my opinion that any assertion at this stage that effects on aviation safety and efficiency are adequately identified or addressed lacks sufficient certainty.
- 11 Christchurch International Airport is New Zealand's second-largest international airport. Even low-likelihood risks can have high-consequential outcomes, including material economic disruption and safety impacts. Given Christchurch Airport's

national and international role in providing connectivity, even marginal operational constraints may result in significant regional or national costs.

- 12 The Application site is zoned Rural Urban Fringe in the Christchurch District Plan (“CDP”), under which the proposed subdivision and development is a non-complying activity. The CDP does not anticipate this level of development in this location including the likely resultant built form.
- 13 Under an ordinary RMA pathway (i.e. plan change supported by a s32 evaluation) a proposal of this scale and nature would in my experience necessitate early and substantive engagement with potentially affected parties (including in this case CIAL, Airways, Garden City Helicopters, and other airport operators).
- 14 The applicant has chosen not to undertake meaningful engagement prior to lodging its application and has advised it did not have time to do this during the FTAA process. As a result, CIAL and Airways have said there may be unidentified safety risks and unknown costs brought about on CIAL and Airways, because it is those two organisations who will need to make changes if consent is granted and safety concerns arise.
- 15 The necessary work has therefore not been completed and instead the Applicant relies on desktop analysis and an extensive suite of consent conditions, to reverse-engineer a suitable risk management approach. In my opinion, the Applicant’s approach fails to properly address the potential risk to aviation operations and safety.
- 16 Mr Phillips’ latest Brief B includes an array of new and refined conditions of consent which in his opinion address the inadequacies of the Application. He also states that the proposal is consistent and compliant with the aviation-safety related provisions in the CDP (Brief A: 39). I have some difficulty with these assertions which I elaborate on as follows.

Issues Arising from Mr Phillips’ Proposed Approach

Issue 1: Over-reliance on Conditions in Place of a Risk Assessment

- 15 In my opinion, the proposed aviation related conditions included in Mr Phillips’ Brief B:
 - (a) Take effect only as risks materialise and therefore are not suitably proactive given the potential of a risk to aviation operations and safety. This risk is of

such moment that it should be properly assessed prior to a decision being made on the application.

- (b) Deferring risk assessment until after consent is granted may result in adverse consequences for aviation operations without an ability to properly remedy this risk; By the time the risk manifests it may be too late to address it;
- (c) Were not developed in a collaborative, technical framework, and therefore cannot reliably anticipate all aviation risks. The evidence of Mr Ford Robertson sets out that risk assessment processes in the aviation sector are by necessity highly collaborative processes designed to ensure that key stakeholders contribute to the identification of sources of risk, quantify the magnitude of risk and work to avoid or effectively manage those risks that are present;
- (d) Are extensive and complex and now include a dispute resolution requirement, which signals to me that there are serious information gaps in terms of risk to aviation operations and safety. Moreover, the conditions are highly likely to result in practical regulatory complexity and require the Christchurch City Council (Council) to regulate matters well outside of its technical expertise; and
- (e) Implicitly acknowledge a fundamental concern as such lengthy and complex conditions are typically indicative of the site or activity being unsuitable in the first instance.

17 I understand that a full aeronautical assessment is a structured, collaborative evaluation of the operational implications arising from a proposed change to land use activities (in this case). It typically includes detailed modelling of obstacle limitation surfaces, instrument flight procedures, navigation aid performance, airspace design, lighting and visual cues, helicopter operations, and cumulative effects. It requires engagement and collaboration with aerodrome operators, Airways, and users to ensure operational data, aircraft performance, and system interactions are accurately understood. The desktop analysis undertaken by the aviation experts engaged by the applicant is materially narrower than this and does not provide the depth or specificity required to understand aviation risks near an operating aerodrome.

18 In place of the assessment explained above, Mr Phillips asserts that analysis conducted on behalf of the applicant thus far is “appropriate, complete and fit for

purpose” (Brief B: 10). I note that, in Brief A, Mr Phillips accepts that there is a material difference between aeronautical assessments associated with the CAR Part 77 process and the full aeronautical studies typically undertaken by aerodrome operators (17). Based on discussions with aviation safety and compliance specialists at CIAL I understand that the two processes serve different functions, and the CAR Part 77 assessment is not an equivalent substitute for a comprehensive aeronautical study. Mr Phillips also describes the “brief, desktop” assessment undertaken for CGL as being “distinct in scale and purpose from the aeronautical study being sought by CIAL and Airways” (Brief A: 18). I agree with that characterisation. A desktop assessment of this nature is not comparable to a full aeronautical study and does not address the level of detail sought by the operators who would bear the operational and safety impacts associated with the risk.

- 19 In my opinion, the conditions proposed by Mr Phillips attempt to construct a framework around missing information, rather than addressing the significant assessment gap. This was indicated in Brief A (52 to 54) with a post-approval aviation risk assessment being a feature of Condition 21C which is compounded by in the conditions included with Brief B (26 & 27) with the addition of condition 21D. The additional specificity added by subclauses (a) through (d) demonstrates how as more knowledge is gained with further consultation, more management becomes necessary to encapsulate possible risks. As stated above, it is not reasonable to assume that the Council has the resource or expertise to adequately administer and enforce compliance with such technical matters.
- 20 In Brief B (28 to 31), Mr Phillips sets out newly proposed condition 21E which is intended to provide a process for resolution between the consent holders and relevant aviation participants, should disputes arise that cannot be resolved through consultation. It is my view that this condition is fundamentally antithetical to the collaborative process encapsulated in a true aeronautical study. As I understand the aeronautical study process the collaboration requirement requires all issues to be brought to the table and examined to find the best possible solution, which in some cases is not to proceed. In comparison, the very nature of Condition 21E means that when disputes over whether a condition has been satisfied arise, the issue is either upheld or disregarded. Disregarded matters may be critically important to ensuring safety.
- 21 In addition to the proposed conditions, Mr Phillips suggests that the CAA regulatory framework operates as a “fail-safe” capable of ensuring aviation safety

outcomes as issues emerge (Brief A: 22). I agree that while the framework provides safeguards, reliance on post-development responses:

- (a) Risks being “too little too late”, because risk may not be identified before a high-consequence event has already occurred; and
- (b) Does not address the lack of upfront information and risk assessment rigour and thus is inconsistent with a precautionary approach, which I consider is necessary here because potential impacts are significant; and
- (c) Forces CIAL and/or Airways to shoulder the economic burden of making whatever adjustments are needed to avoid risk to human safety, because the applicant has no regulatory responsibility to do anything once consent is granted; and
- (d) Assumes any risk that is identified post-consent is able to be suitably obviated; that is not certain, but I understand there is no way for CAA or any other authority to effectively reverse any activity undertaken pursuant to the consent or stop development pursuant to the consent.

22 Building upon this position, Mr Phillips reports that Mr Jackson considered that “meaningful engagement” with CIAL and Airways had not occurred to date, and that this reflected the constraints of the fast-track process (Brief A: 26). Whilst it is true that timeframes are compressed under this system of approvals, engagement could have been undertaken with the key aviation related stakeholders during the preparatory phase of the application and prior to lodgement. By failing to properly engage with the key stakeholders on aviation related issues, it is my opinion that the applicant has erred and has placed all participants in this process, including the Panel, in the invidious position of having to address significant uncertainty.

23 Mr Phillips also suggests that the CAA Act and CARs “ultimately ensure aviation safety outcomes... including through Part 77 and, if necessary, operational constraints” (Brief A: 27(d)). In my opinion this statement demonstrates a lack of understanding about the broader significance of airport operations having to be constrained, if safety risks identified later have not been addressed prior to consent being granted. I have not seen any evidence that properly identifies what those constraints might comprise, nor which quantifies the costs associated with those operational constraints only that any effects from the proposal should be “acceptable”. This is not surprising given there is a lack of information as to what the safety effects might be and therefore what may need to be done in response.

- 24 Mr Phillips also refers to a post approval risk assessment (which is what the new condition 21C provides for) being intended to identify and manage residual safety proposed risks “early” (Brief A: 53). This assessment would occur prior to construction but after consent has been granted. In my view, this defers key components of risk identification and is not a sufficiently proactive approach. It does not negate the need for a comprehensive, collaborative aeronautical study prior to a decision being made on this application.
- 25 Mr Phillips concludes that CAA engagement has confirmed that “the absence of a completed aeronautical study at the consent stage does not equate to unmanaged or unresolved aviation safety risk” (Brief A: 29). Whilst this may be correct, it is my view that the inverse must also apply: the absence of a study does not demonstrate that aviation risks are adequately understood or addressed.
- 26 Mr Phillips relies on the applicant’s technical evidence and proposed conditions to maintain his view no significant adverse aviation safety effects will arise and that identified risks will be managed to an acceptable level (Brief A: 43). The assurance can only ever be limited to identified risks. If there is an absence of appropriate, quantified, independent aviation risk analysis, it is my opinion that sufficient confidence that all relevant risks are identified is not available.
- 27 Mr Phillips also relies on a post approval risk assessment (which is what the new condition 21C provides for) being intended to identify and manage residual safety proposed risks “early” (53). This assessment is proposed to occur prior to construction of buildings but after consent has been granted. In my view, this defers the key component of risk identification for a later stage and to a non-transparent process that avoid the scrutiny of this Panel. It is neither a fair, appropriate or sufficiently proactive approach given the potential for adverse safety and/or economic consequences. It does not negate the need for a comprehensive, collaborative aeronautical study prior to a decision being made on this application.
- 28 Against this backdrop, Mr Phillips suggests that the updated conditions are “clear, enforceable, and proportionate,” and that they constitute an “appropriate and robust planning response” by limiting development to parameters assessed, requiring reassessment if those parameters are exceeded, and aligning implementation with CAAAct processes (Brief A: 59). While I agree that these conditions impose procedural steps, they do not resolve the underlying and foundational information gaps regarding risk. Moreover, the conditions rely on the

Council to enforce them. Aviation risk matters are well outside Council assessment capabilities and ultimately such as approach runs the risk of conferring substantial decision-making power to a Council when such decisions should in fact lie with this Panel.

- 29 In summary, the proposed conditions attempt to defer material elements of risk assessment until after consent is granted. They are narrow in scope, do not prescribe the systems to be assessed, do not require a structured risk analysis, do not guarantee collaborative engagement with the agencies charged with managing and being responsible for such risk, and do not address cumulative effects.
- 30 In my opinion the proposed conditions effectively establish a secondary risk-assessment process after consent is granted. This reverses the normal sequence of environmental assessment, where risks are identified and evaluated before a decision is made. In the absence of a full aeronautical study, it is my opinion that these conditions do not adequately address the information gaps that remain and cannot “ensure” against safety risks.

Issue 2: Overplaying of the District Plan Framework

- 31 Mr Phillips states the activity is consistent with aviation safety related CDP provisions, particularly the Special Airport Zone, Runway End Protection Area (“REPA”) restrictions, and sub chapter 6.7 aircraft protection provisions (Brief A: 39). The site itself lies within the Rural Urban Fringe Zone. The planning instruments do not expressly anticipate the proposed activity (which is non-complying) in the Rural Urban Fringe Zone. In my opinion, reliance on rules designed for different land use assumptions does not demonstrate that the potential aviation effects of this development are adequately managed, especially where those effects remain unidentified and/or unquantified. There are some circumstances where Plan provisions cannot safeguard against unforeseen risks and that is why the consenting regime exists.
- 32 Mr Phillips suggests that neither CIAL nor Airways identify CDP breaches by CGL nor do they explain why the planning framework is inadequate (Brief A: 41). In my opinion this misses the point that CIAL and Airways are not alleging a specific Plan rule contravention, these entities are simply highlighting that there is missing information necessary to properly understand risk to aviation operations and safety from an application for a non-complying activity. Given the close proximity of the application site to the airport operational area, I am surprised that potential

aviation related issues now highlighted by both CIAL and Airways were not properly accounted for in preparing the application. A meaningful consultative effort with CIAL and Airways would have assisted CGL's understanding of these issues and ability to respond to them.

- 33 The fact that the application was prepared without this proper understanding of aviation related issues and then entered into the FTAA process has meant that the substantial risk issues identified by CIAL and Airways remain unexamined in sufficient depth by the arbiters of such matters.
- 34 Mr Phillips notes CIAL's requests for an AC139-15 study prior to resource consent being granted, and that AC139-15 applies to aerodrome operators and within the aerodrome boundary (Brief A: 36). While it does not impose a legal requirement on private developers, it does not follow that such a study is unnecessary or irrelevant to this process. The proposed development is non-complying under the CDP and in any ordinary RMA process, fulsome engagement with operators would be expected before such a proposal could proceed. In this case, substantial information remains missing.
- 35 Mr Phillips asserts that aircraft protection and aviation safety are managed by CDP objectives, policies, and methods, and that the proposal and conditions adhere to these provisions (Brief A: 44(a)). In my opinion, compliance with general plan provisions is not a proxy for a full understanding of risks arising from a non-complying activity in a sensitive, operationally complex environment. In my opinion, reliance on general aviation-protection provisions in the CDP does not resolve the planning issues associated with a large-scale non-complying activity in close proximity to a major international airport. Those provisions were not developed on the assumption that development of this scale would occur in this location. The Rural Urban Fringe Zone provides for a very different array of land uses than an industrial subdivision.

Adopting “acceptable” when directed to “avoid”

- 36 In Brief A (43), Mr Phillips references his statement dated 28 November 2025, reasserting his previous conclusion that, based on the independent technical work commissioned by CGL, all impacts on aviation safety matters will be "minor and acceptable". This conclusion depends on the reliability of the technical work referred to, which has not been informed or tested by those entities responsible for ensuring aviation safety and efficiency in New Zealand.

37 I have been asked to comment on whether a conclusion that such effects are “acceptable” aligns with relevant objectives from the relevant policy statements and plans.

38 Relevant provisions include Objective 5. 3.9 of the Canterbury Regional Policy Statement which states:

5.3.9 Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs):

1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety

and

6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

5. Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision operation, maintenance or upgrade of strategic infrastructure and freight hubs.

39 Furthermore, the CDP includes:

6.7.2.1 Objective – Safe and efficient aircraft operation

- a. Aircraft are able to safely and efficiently approach, land, take-off and depart from airports, airfields or helipads.

and

6.7.2.1.2 Policy – Avoidance or mitigation of navigational or operational impediments

- a. Avoid or mitigate the potential effects of activities that could interfere with the safe navigation and control of aircraft, including activities that could interfere with visibility or increase the possibility of birdstrike.

40 In my opinion, this policy approach is prudently cautious given the significant impact that could accrue if safe navigation and the control of aircraft is somehow compromised. As would be expected relevant policy seeks to avoid or mitigate

effects that may comprise an impediment to safe navigation and control of aircraft. In my opinion, avoidance is the appropriate course where there remains doubt about the effect of this proposal on the cited matters. Stating that the effects of the proposal are “acceptable” is at odds with the directive language within the relevant District Plan policies above, particularly where the technical evidence that underpins such a conclusion are untested by the assigned arbiters of aviation safety.

National Policy Statement for Infrastructure

41 I, along with Ms O’Sullivan have already provided comment to the Panel on the relevance and effect of the NPS-I. Nothing in Mr Phillips subsequent statement has caused me to resile from anything said in that document. For completeness I note that Mr Phillips considers Policies 10 and 11 of the NPS-I not relevant to consent decisions (Brief A: 60). While directed at planning instruments, they reflect an expectation that nationally and regionally significant infrastructure be protected from incompatible land uses. In my opinion, that context is relevant when considering potential effects on Christchurch International Airport and particularly at this point in time when the NPS-I has only recently come into effect and no planning instruments have been prepared in light of it.

Conclusion

42 The application does not contain a full aeronautical study/ quantified third-party aviation risk assessment. Without that information, it is in my view, not plausible to conclude that aviation risks are negligible, or even that they have been adequately identified or addressed.

43 Based on experience and the technical advice from CIAL, I understand a lack of quantified risk assessment does not prove safety. Mr Phillips concludes that identified risks are able to be managed to an acceptable level; however, these conclusions rely on desktop analysis and an assessment of plan-based compliance rather than a comprehensive, collaborative risk assessment. In an aviation context where consequences can be significant, even low-likelihood risks warrant extensive upfront evaluation and verification by those assigned with the responsibility of ensuring safety.

44 The absence of a study does not eliminate risk. The proposed reliance on post-consent conditions and responsive measures defers risk identification and shifts the onus to aviation operators and a private Council process where the risk

of making poorly informed decisions is high. In my opinion, this approach does not substitute for a structured analysis conducted in collaboration with CIAL, Airways, and other affected parties prior to consent.

- 45 In my view, perceived regulatory safeguards do not remove the need for the proper evaluation of risk now. CAA processes and plan provisions provide important guardrails, but they do not “ensure” safety in the absence of adequate information. Given the potential operational and economic consequences (including impacts on navigation aids, runway performance, and airline decision-making) risk assessment should occur before consent is granted, not after. Such an approach better aligns with relevant CDP policy.

John Kyle

12 March 2026