Before the Expert Panel

FTAA-2504-1054

Under	**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

Memorandum of counsel for Carter Group Limited

18 March 2026

Applicant's solicitors:

J M Appleyard | M E Davidson

Anderson Lloyd

Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011

PO Box 13831, Armagh, Christchurch 8141

DX Box WX10009

[redacted]

anderson lloyd.

May it please the Panel:

1 This memorandum is filed on behalf of Carter Group Limited (**Carter Group** or **Applicant**), the applicant for the substantive application for the Ryans Road Industrial Development (**Application**) under the Fast-track Approvals Act 2024 (**FTAA**).

2 On 13 March 2026, the Panel granted the Applicant's request for a suspension that was sought to allow the Applicant to either:

(a) confirm that it does not wish to reply to the statement of evidence and submissions of Christchurch International Airport Limited (**CIAL**) and Airways Corporation of New Zealand (**Airways**) in response to Minute 13 of the Expert Panel (**Panel**); or

(b) provide updated conditions and its response strictly in reply to the information filed by CIAL and Airways in response to Minute 13.

3 In Minute 14, the Panel granted a suspension of five working days following the filing of any reply, to allow the Panel time to consider that material. In Minute 15, the Panel confirmed that CIAL had clarified that it no longer sought to file additional material, and that the Panel would allow the Applicant to file a reply. The Panel directed the Applicant to confirm whether it wished to reply by 18 March 2026 and, if so, to file any reply no later than 20 March 2026.

4 Having now reviewed and discussed the material filed by CIAL and Airways on 12 March 2026 with its experts, the Applicant files the following supplementary statements of evidence that are in reply to the matters raised by CIAL and Airways:

(a) Supplementary statement of evidence of **Mr Simon McPherson** dated 17 March 2026;

(b) Supplementary statement of evidence of **Mr Geraint Bermingham** dated 17 March 2026;

(c) Supplementary statement of evidence of **Mr Ben Hargreaves** dated 17 March 2026;

(d) Supplementary statement of evidence of **Dr Andrew Shelley** dated 17 March 2026;

(e) Supplementary statement of evidence of **Mr Greg Akehurst** dated 17 March 2026; and

(f) Supplementary statement of evidence of **Mr Jeremy Phillips** dated 18 March 2026.

5 The supplementary statements of evidence confirm the appropriateness of the proposed conditions (including the new proffered conditions set out in the supplementary statement of evidence of Mr Jeremy Phillips dated 9 March 2026). On this basis, the Applicant considers that no further refinement of the proposed conditions (including the new proffered conditions) is necessary.

6 The Applicant is mindful of the significant time pressures the Panel is operating under. Accordingly, the Applicant and its experts have kept their reply material as focused and concise as possible, including with respect to the legal matters raised in CIAL and Airways' submissions dated 12 March 2026.

7 To further assist the Panel, **Appendix 1** contains a table summarising the Applicant's responses to the matters raised by CIAL and Airways in both their evidence and submissions, and identifies where the Panel may locate the detailed technical responses within the Applicant's evidence and/or the legal submissions.

8 The issues raised in the evidence and submissions filed by CIAL and Airways largely revisit matters advanced by their legal counsel in previous submissions. As the Applicant's experts have each confirmed that their original conclusions remain unaffected, the Applicant maintains the legal position set in its legal submissions dated 23 February 2026, including the framework within which the Panel is required to make its decision.

9 The new legal issues raised by counsel for CIAL and Airways in their 12 March 2026 submissions are addressed in Appendix 1 to this memorandum, including the Applicant's analysis of the authorities relied upon and the framing of "acceptable adverse effects" in the context of avoid policies.[1] These matters are not traversed in further detail here because they do not alter the conclusions or legal analysis set out in the Applicant's submissions dated 23 February 2026.

[1] See in particular, point 2, point 6 and point 42 of **Appendix 1**.

Directions sought

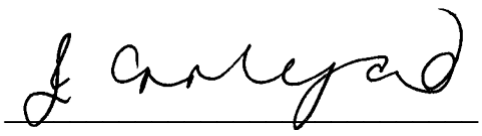
10 In accordance with Minutes 14 and 15, the Applicant therefore respectfully requests that processing of the Application resume on 26 March 2026, being five working days after the filing of its reply.

11 The Applicant also records its agreement that, consistent with Minute 14, the Panel may progress its decision-making during the suspension period, and this now includes matters relating to aviation safety.

12 For the avoidance of doubt, the Applicant does not agree to this suspension period being used by other parties to file any further material as the FTAA does not provide for further comments, and provision of such material runs the risk of again compressing the Panel's already limited timeframe in circumstances where a further suspension is unlikely to be available.

13 The Applicant thanks the Panel for its assistance on this matter and remains available to provide any further clarification the Panel may require.

Dated this 18th day of March 2026



J M Appleyard / M E Davidson

APPENDIX 1 - APPLICANT'S RESPONSE TO INFORMATION FILED ON 12 MARCH 2026

	DOCUMENT	MATTER	RESPONSE	APPLICANT'S EVIDENCE
CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED				
Legal submissions				
1.	Memorandum of Counsel for Christchurch International Airport Limited dated 12 March 2026	**Does the Panel have sufficient information?** CIAL's case is not one on "expert disagreement about the type and extent of safety risks or operational constraints that may arise. CIAL's case is that the Panel does not have adequate information to decide" stating at [15] that: "To be clear from the outset, neither CIAL nor Airways have engaged with this application on the basis of competing conclusions about aviation safety. Rather, their consistent position has been that the Panel does not presently have sufficient information to determine what the potential aviation safety effects of the proposal may be, or how any such effects might appropriately be managed. In those circumstances, the adverse aviation impacts of the proposal cannot presently be identified (and therefore quantified) with any confidence. Nor does the process or timeframe available allow for the necessary information to be obtained before the Panel is required to determine the application."	**Appropriateness of the information provided** The Applicant relies on the advice of its technical aviation safety experts, **Mr McPherson**, **Mr Bermingham**, **Mr Hargreaves** and **Dr Shelley**, as to the level of detail appropriate and sufficient for this process. Their evidence confirms that the information provided is appropriate for the Panel to assess potential aviation safety effects. In particular, both Mr Shelley and Mr Bermingham state that the level of detail meets, and in Dr Shelley's view exceeds, what would typically be expected in an RMA process and, by analogy, an FTAA process. In addition, the proffered conditions provide a further opportunity for any residual effects to be assessed and appropriately addressed. Neither CIAL nor Airways has provided evidence from technical aviation safety experts responding to, or engaging with, those conditions. It therefore cannot be known whether the proposed conditions would alter their position. By contrast, Mr McPherson, Mr Bermingham, Mr Hargreaves and Dr Shelley each confirm that, while not necessary, the conditions are a suitably precautionary response to the matters raised by CIAL and Airways within their respective expertise, as set out in their evidence. Specific responses to the matters that CIAL and Airways contend require further assessment are addressed in more detail at **points 29 and 46** below.	Statement of evidence of **Simon McPherson** dated 17 March 2026 Statement of evidence of **Geraint Bermingham** dated 17 March 2026 Statement of evidence of **Ben Hargreaves** dated 17 March 2026 Statement of evidence of **Andrew Shelley** dated 17 March 2026 Statement of evidence of **Jeremy Phillips** dated 18 March 2026 Supplementary statement of **Simon McPherson** dated 17 February 2026 at [8]-[11]. Supplementary statement of evidence of **Geraint Bermingham** dated 23 February 2026 at [75] and [92]. Supplementary statement of evidence of **Benjamin Hargreaves** dated 20 February 2026 at [14]-[15] and [19]. Statement of evidence of **Andrew Shelley** dated 23 February 2026 at [6.22] and [10]. Cyrrus, Technical Safeguarding Assessment of Air Navigation Equipment (18 November 2025) (**Appendix 18** to the Applicant's s 55 response) Navigatus, Aviation Safeguarding Assessment (28 November 2025)

				(**Appendix 19** to the Applicant's s 55 response) L&R Airport Consulting, Christchurch International Airport Safeguarding Assessment (28 November 2025) (Appendix 17 to the Applicant's s 55 response)
2.	Memorandum of counsel for Christchurch International Airport Limited dated 12 March 2026	**What constitutes evidence?** [18]-[26] CIAL argues that it would be unfair for the Panel to treat the Applicant's expert evidence as decisive simply because other parties have not had the same opportunity to present fully developed expert evidence in response. Noting that s 58(3) (which sets out how a panel may receive evidence when it conducts a hearing) is framed more expansively than s 276 of the RMA.	The Applicant does not accept that s 58(3) is framed more expansively than s 276 of the RMA, particularly given s 276(2), which likewise provides that the Environment Court is not bound by the rules of evidence applying to judicial proceedings. Section 58(3) does not permit the Panel to disregard established principles concerning evidential weight and the caselaw cited at paragraphs [17]–[29] of the Applicant's legal submissions dated 23 February 2026 applies with equal force to decisions made under the FTAA. In any case, this issue is now largely academic, as both CIAL and Airways have filed technical evidence relating to aviation safety albeit the evidence is from employees not from independent experts. It is that evidence which the Panel must assess against the Applicant's evidence in determining the application.	Legal submissions for Carter Group Limited dated 23 February 2026, at [17]-[29].
3.	Memorandum of counsel for Christchurch International Airport Limited dated 12 March 2026	**What is the evidence dispute?** [27]-[29] The case for CIAL and Airways is not that the Applicant's have reached the wrong conclusions, it is that the evidential record does not enable the Panel to "identify and assess the potential aviation implications with sufficient confidence".	See **point 1** above on the appropriateness of information before the Panel	
4.	Memorandum of counsel for Christchurch International Airport Limited dated 12 March 2026	**Acceptability of adverse effects** Planning documents [30]-[36] Relying on the evidence of Mr John Kyle, CIAL's submits that the higher-order CRPS provisions use explicit 'avoidance' directive and that "[the evidence does not indicate what this means and with respect, the terms 'avoid' and 'acceptable' represent distinct thresholds and operate at different levels." What are acceptable effects? [37]-[39] Relying on the evidence of Mr John Kyle, CIAL submits that "Acceptable" is a difficult term for the panel to evaluate. District Plan framework [40]-[42] Relying on the evidence of Mr John Kyle, CIAL submits that "reliance on rules designed for different land-use assumptions does not	**"Acceptable" adverse effects and avoid policies** Each of the Applicant's aviation experts has also clarified that, in an aviation-safety context, the term "acceptable" is a conservative risk threshold used internationally in aviation guidance and regulation. To assist the Panel who are familiar with RMA type assessments, the Applicant's aviation experts have each been asked to clarify where their conclusions on the significance of aviation related effects sit within the effects classification framework in Table 1 of the AEE: ▪ **Mr McPherson** concludes that effects will be less than minor insofar that they were discernible but too small to have any meaningful impact; ▪ **Mr Hargreaves** concludes that accounting for the mitigation or remediation achieved by way of the proposed consent conditions, that any potential adverse effects related to aviation matters will be either 'minor', insofar as they 'are noticeable but not at a concerning level, and mitigation or remediation may not be necessary' or 'less than minor' insofar that they 'are discernible but too small to have any meaningful impact'. ▪ **Dr Shelley** concludes that any potential adverse effects related to aviation matters will be 'minor', insofar they 'are noticeable but not at a concerning level, and mitigation or remediation may not be necessary'. Dr Shelley considers that effects may be less than minor, but states that he cannot be certain of this so his conclusion is conservative.	Supplementary statement of evidence of **Simon McPherson** dated 17 March 2026 [18]-[21]. Supplementary statement of evidence of **Geraint Bermingham** dated 17 March 2026 at [23]-[28]. Supplementary statement of evidence of **Ben Hargreaves** dated 17 March 2026 at [17]-[20]. Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [33]-[36]. Supplementary statement of evidence of **Jeremy Phillips** dated 18 March 2026 at [27]-[35].

		demonstrate that the potential aviation effects of this development are adequately understood or managed."	Based on the scale of effects developed by Navigatus that **Mr Bermingham** confirms have been accepted during consenting processes, Mr Bermingham concludes that given the additional, and what he views as "effective, protections afforded by proposed Conditions 21D and 21E (in regard to GCH operations and CNS performance)". Mr Bermingham considers that potential effects will be "minor" meaning "[a]n effect that needs to be considered during planning for change and may influence design of procedures but **having no material effect** on the ability to undertake safe air-navigation."
			
			Avoid policies
			
			Mr Kyle raises concerns about the use of the term “acceptable” alongside planning provisions that direct decision-makers to avoid adverse effects on aviation safety and the operation of regionally significant infrastructure.
			
			The specific objectives and policies referred to by Mr Kyle are addressed in the supplementary statement of evidence of **Mr Phillips** dated 18 March 2026. In summary, Mr Phillips considers that:
			
			▪ *Policy* 5.3.9 of the CRPS does not apply.
			▪ Policy 6.3.5.5 of the CRPS is concerned with managing the effects of activities. While it refers to "avoiding activities" that is only one way effects can be "managed" within the policy framework.
			▪ Objective 6.7.2.1 of the CDP does not have any avoidance directive.
			▪ Policy 6.7.2.1.2 expressly envisages *mitigation* of effects (rather than an outright direction to avoid activities).
			
			In the event that the Panel considers that these policies do contain an avoidance directive, we note that the Supreme Court in *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112 reaffirmed the principle from *King Salmon* that “avoid” carries its ordinary meaning of “not allowing” or “preventing the occurrence of” the thing that follows. The Court emphasised that the words accompanying “avoid” are critical to determining the degree of direction and the extent of flexibility conferred on decision-makers. The language and structure of an “avoid” policy matter: some policies are highly prescriptive, while others allow for more evaluative judgment depending on how the effects are framed.
			
			In this sense, there are different types of ‘avoid’ activities:
			
			▪ Where an avoid policy relates to the avoidance of a specific activity, are framed in a prescriptive, specific, and unqualified way and are therefore directive.
			▪ Where an avoid policy relates to the avoidance of certain adverse effects total prohibition would not likely be necessary in all circumstances if effects can be dealt with. In such cases, decision makers must either be satisfied there will be no material harm or alternatively, be satisfied that conditions can be imposed that mean:
			  ○ material harm will be avoided;
			  ○ any harm will be mitigated so that the harm is no longer material; or
			  ○ any harm will be remedied within a reasonable timeframe so that overall, it is not material.
			
			For provisions that require decision-makers to "avoid-activities", the *Port Otago* rationale regarding the avoidance of material harm is directly relevant. In those circumstances, a proposal can still be consistent with an “avoid adverse effects” directive where the decision-maker is satisfied that the effects will not result in	

			material harm, including because they can be mitigated to the point that they are no longer material. The aviation safety assessments undertaken for the Applicant are acceptable in aviation language and minor or less than minor in terms of the effects classification framework in Table 1 of the AEE. Accordingly, the proposal does not give rise to material harm that those policies direct decision-makers to avoid, and there is therefore no inconsistency with the relevant policy framework. In any case, even if the Panel were to consider that there is some inconsistency with the "avoid" policies, that cannot, in itself, be a reason to decline the Application. As set out in more detail in the legal submissions for the Applicant dated 9 March 2026, s 85(4) and cls 17(4) and (5) of Schedule 5 of the FTAA provide that even if the Panel were to consider that there is some level of inconsistency with the "avoid" policies, that cannot, in itself, be a reason to decline the Application See also **points 8 to 19** below in relation to the evidence of Mr Kyle.	
5.	Memorandum of counsel for Christchurch International Airport Limited dated 12 March 2026	**Significance of effects** [43] question of whether the project would remain "regionally significant" based on Mr Balchin's evidence	This is addressed at points 34 to 28 below in relation to the evidence of Mr Balchin.	
6.	Memorandum of counsel for Christchurch International Airport Limited dated 12 March 2026	**Consent conditions** [44]-[51] "CIAL does not respond to the detail of the updated draft condition package. Instead, it reiterates its concerns with the underlying philosophy of the conditions advanced by the Applicant – in particular, the premise consent can be granted now and crucial safety assessments undertaken later." Taheke and *Smooth Hill Landfill* are of "no real assistance" because they were further away from the affected airports. Reliance on *Taranaki VTM* regarding the importance of not leaving substantive decisions to be decided after a project is granted.	***Taheke, Smooth Hill* and *Taranaki VTM*** CIAL's dismissal of *Taheke* and *Smooth Hill* on the basis that those proposals were further away from the relevant airports is not persuasive. Those cases were used to illustrate how conditions precedent requiring further study or assessment post-commencement were used in analogous consenting processes and were simply chosen as examples because they deal with aviation safety. They were not relied on for their factual similarities. Distance is not a principled basis to disregard those authorities, and CIAL offers no coherent threshold for when such cases become "relevant" or "irrelevant." It is not suggested where, in its view, that line might lie. What matters (and what those decisions address) is the legal framework for managing potential aviation safety effects through conditions, including in circumstances where the CAA has been involved and where identified aviation related risks required management. That point remains directly applicable irrespective of physical distance. The Applicant's proposal is supported by detailed and uncontested expert evidence from aviation experts confirming that the proposed conditions are capable of managing aviation safety effects. Those conditions represent a lawful and orthodox approach to ensuring any potential remaining technical matters are addressed through subsequent assessment within a controlled framework, the very approach upheld in *Taheke*, *Smooth Hill*, and many comparable authorities in the RMA context. *Taranaki VTM:* At [181] of the draft decision, the Panel for the *Taranaki VTM* project describes the obligation under the EEZ Act to "favour caution and environmental	Statement of evidence of **Simon McPherson** dated 17 March 2026 at [13]-[17]. Statement of evidence of **Geraint Bermingham** dated 17 March 2026 at [17]-[22]. Statement of evidence of **Ben Hargreaves** dated 17 March 2026 at [11]-[16]. Statement of evidence of **Andrew Shelley** dated 17 March 2026 at [27]-[32]. Statement of evidence of **Jeremy Phillips** dated 17 March 2026 [6]-[17] and [36]-[41]. Legal submissions for Carter Group Limited dated 23 February 2026, at [113]-[126] and Appendix 1 [42]-[44].

			protection" where information is uncertain or inadequate, noting expressly that this requirement is "a statutory implementation of the precautionary principle." That framework is not applicable here. This is not a case involving the EEZ Act information principles, nor one invoking the precautionary principle in the way relied upon in *Taranaki VTM*. As discussed in the legal submissions for the Applicant dated 23 February 2026, aviation safety effects sit in a completely different statutory context, and the precautionary principle simply does not arise in the context of this application. Even if one were to assume (as Airways suggests) that a general notion of "favouring caution" has some relevance, that obligation can plainly be met through the conditions offered by the Applicant. The inadequacy of information concerns described in *Taranaki VTM* cannot be analogised to this case. In *Taranaki VTM*, the Panel was dealing with fundamental, system-wide information failures across multiple environmental domains (i.e. sediment plume, underwater noise, benthic recovery, seabirds, marine mammals, cultural effects, and others). Critically, the Panel found it could not even determine what the effects were, and therefore could not draft conditions capable of managing them. That is a wholly different situation. By contrast, at Ryans Road, the aviation safety assessments have been undertaken by the Applicant's qualified technical experts (**Mr McPherson**, **Mr Bermingham**, **Mr Hargreaves** and **Dr Shelley**) each of whom confirms that the level of detail provided is appropriate for this stage and for this statutory process, with Dr Shelley noting that the assessment exceeds what is typically expected under an RMA or analogous FTAA process. Further, unlike the *Taranaki* context, CIAL and Airways are not the decision-makers on aviation safety. They are parties who themselves acknowledge they each have their own independent statutory obligations (outside the RMA/FTAA) to maintain safe aviation operations regardless of land use decisions. In other words, any aviation safety effects (to the extent that there are any) will be addressed and must be addressed under a separate and specialist legal framework. Moreover, CIAL and Airways' own evidence confirms that, adjustments required to accommodate the proposal would be operational in nature, and there is no evidence that such operational responses would not be feasible and/or would impose significant or disproportionate costs. In any event, the Applicant has proffered conditions that allow any necessary mitigation to be identified and implemented prior to construction. A further and important distinction is that, in *Taranaki*, the missing information was so fundamental that the Panel stated it could not even define the effects envelope (that is, it could not determine the spatial extent, intensity, duration, or likelihood of the core effects in dispute (sediment plume, underwater noise, benthic recovery, seabird and marine mammal impacts)) because the underlying modelling and baseline data were incomplete or unreliable. In those circumstances, the Panel found that no conditions could be drafted that would lawfully or effectively manage those effects, because the conditions themselves had no definable effects envelope within which to operate. Here, the position is the complete opposite. Conditions have been drafted with the assistance of the Applicant's aviation safety experts to ensure that any aspects of the development that could potentially affect CIAL or Airways are identified, assessed, and addressed prior to construction. Accordingly, the analogy to *Taranaki VTM* does not assist. This is not a situation involving fundamental information failures, nor a statutory requirement to apply the EEZ Act information principles or the precautionary principle. The effects	

			here are well defined, supported by uncontradicted independent expert evidence that they are capable of being effectively managed through the proposed conditions. The *Taranaki* decision therefore provides no basis for asserting that the Panel lacks sufficient information to determine this application.	
7.	Memorandum of counsel for Christchurch International Airport Limited dated 12 March 2026	**Conclusion** CIAL submit that whilst the RMA may not be a "zero-risk" regime, nor is it a "one size fits all" statute. In this particular case the level of tolerance is very low because it involves: ▪ Safety of people; and ▪ Constraints on nationally significant infrastructure.	The Applicant agrees that safety effects and any potential constraints on nationally significant infrastructure are important considerations. Those matters have been fully assessed in the Applicant's evidence, and any potential effects are appropriately addressed through the proposed conditions of consent. These issues must also be considered within the framework of the FTAA, which requires the Panel to give the greatest weight to the purpose of the Act when making its decision.	
John Kyle (Planning)				
8.	Statement of evidence of John Kyle dated 12 March 2026	**Issue 1: Over-reliance on Conditions in Place of a Risk Assessment** [15]-[30]	Key themes addressed at points 9-14 below.	
9.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 1: Over-reliance on Conditions in Place of a Risk Assessment** [15]-[30]	**Conditions are reactive, not proactive** Mr Kyle states that the conditions "take effect only as risks materialise", meaning they fail to proactively prevent safety issues. He emphasises that aviation risks are "of such moment that [they] should be properly assessed prior to a decision being made." He states that deferring assessment until later "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."	In his supplementary statement of evidence dated 18 March 2026, **Mr Phillips** explains that the presence of consent conditions does not indicate that effects have been left unassessed. Rather, the conditions "give effect to and implement the conclusions and recommendations of the aviation experts" and "dictate the parameters for development… prior to the commencement of construction." In that sense, they operate proactively, not reactively, contrary to Mr Kyle's suggestion.	Statement of evidence of **Jeremy Phillips** dated 18 March 2026 at [9]-[17].
10.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 1: Over-reliance on Conditions in Place of a Risk Assessment** [15]-[30]	**Conditions developed without consultation** Mr Kyle notes the conditions "were not developed in a collaborative, technical framework," which is essential for aviation risk assessments. He relies on Mr Ford Robertson's evidence that proper risk assessment requires "highly collaborative processes… to ensure key stakeholders contribute to the identification of sources of risk, quantify the magnitude of risk and… manage those risks." Because the conditions were drafted unilaterally, Mr Kyle concludes they "cannot reliably anticipate all aviation risks."	See **point 17** below regarding consultation. In relation to the drafting of the conditions now proposed by the Applicant, it is noted that the Applicant sought to consult with both CIAL and Airways on the wording and structure of those conditions. That offer was declined. It is therefore unfortunate that the Applicant is now criticised for having drafted the conditions "unilaterally". In any event, CIAL has since had a further opportunity to comment on the proposed conditions through the exchange of evidence in this process, and will have another opportunity to do so under s 70.	
11.	Statement of evidence of John Kyle dated 12 March 2026	**Complex conditions demonstrate uncertainty / inadequate information** Mr Kyle describes the proposed conditions as "extensive and complex" and draws attention to the new dispute resolution clause,	In his supplementary statement of evidence dated 18 March 2026, **Mr Phillips** rejects the suggestion that the conditions are "extensive and complex" or that this reflects uncertainty or inadequate information. He explains that the core conditions, clearly drafted, and consistent with conditions regularly imposed on comparable developments. While 21C and 21D are detailed, their length simply reflects the subject matter covered by the conditions and are not materially	Supplementary statement of evidence of **Jeremy Phillips** dated 18 March 2026 at [12]-[14].

	Issue 1: Over-reliance on Conditions in Place of a Risk Assessment [15]-[30]	saying this "signals… serious information gaps" about aviation safety. He states they are "highly likely to result in practical regulatory complexity" and require Council to regulate matters "well outside of its technical expertise." Further he says this complexity "implicitly acknowledge[s] a fundamental concern," because such conditions usually indicate the site or activity is unsuitable in the first instance.	different from conditions imposed on other large or complex developments including other FTAA approvals. Mr Phillips does not consider the conditions to be "complex" given that they "contemplate aviation expert input and do not require the Council to have aviation-related expertise when administering the conditions." He notes that Councils also have experience in administering conditions in many technical areas where they do not have inhouse expertise.	
12.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 1: Over-reliance on Conditions in Place of a Risk Assessment** [15]-[30]	**Conditions constructed around missing information** Mr Kyle argues the conditions "attempt to construct a framework around missing information, rather than addressing the significant assessment gap." He refers specifically to Condition 21C (post-approval risk assessment) and Condition 21D, noting that the expanding list of detailed subclauses "demonstrates how as more knowledge is gained… more management becomes necessary."	In his statement of evidence dated 18 March 2026, Mr Phillips confirms that he does not agree that the conditions "attempt to construct a framework around missing information." Mr Phillips confirms the proposal is not relying on conditions instead of assessment, noting it is supported by "*multiple aviation assessments… by highly qualified and experienced experts*" that already identify effects and conclude they are acceptable. He explains that Conditions 21C and 21D do not reflect any "*assessment gap*"; rather, they "*go beyond what the aviation experts consider to be strictly necessary*" and were proffered only in response to CIAL and Airways' preference for more time and engagement. They provide a specified purpose and enable further engagement with CIAL and Airways, including the consultation pathway they seek. See **point 1** above on the sufficiency of information before the Panel.	Supplementary statement of evidence of **Jeremy Phillips** dated 18 March 2026 at [9], [11] and [17].
13.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 1: Over-reliance on Conditions in Place of a Risk Assessment** [15]-[30]	**Condition 21E** Mr Kyle states that Condition 21E "is fundamentally antithetical to the collaborative process encapsulated in a true aeronautical study." In a real aeronautical study, issues are collaboratively examined to find "the best possible solution, which in some cases is not to proceed." By contrast, Mr Kyle says that Condition 21E forces disputes into binary outcomes (being "upheld or disregarded") where "disregarded matters may be critically important to ensuring safety."	Mr Phillips confirms in his statement of evidence dated 18 March 2026 that he does not agree with Mr Kyle's assessment of Condition 21E. Condition 21E provides a "*clear and defined*" dispute resolution process, including independent expert recommendation/condition was drafted to reflect the Panel's comments at the conference held on 4 March 2026 regarding how any future disagreement between the parties might be addressed. He states that in drafting condition 21E, he was assisted by the conditions for the Takahe Geothermal Project.	Supplementary statement of evidence of **Jeremy Phillips** dated 18 March 2026 at [15].
14.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 1: Over-reliance on Conditions in Place of a Risk Assessment** [15]-[30]	**Reliance on CAA as a backstop for safety** Mr Kyle challenges Mr Phillips' assertion that the CAAct and CARs "ultimately ensure aviation safety outcomes… including through Part 77." He states that this reliance risks being "too little too late", because the risk may not be discovered until after "a high-consequence event has already occurred." He notes that this approach: ▪ "does not address the lack of upfront information", ▪ is inconsistent with a "precautionary approach", and ▪ forces Airways/CIAL to "shoulder the economic burden" of fixing risks the applicant caused.	Mr Kyle's criticism appears to overlook what the Applicant has already made expressly clear in its material filed on 23 September 2026 that aviation safety (where it bears on effects arising from the use and development of land) is a relevant consideration for this Panel to "take into account" under the FTAA. Those effects have been assessed by the Applicant's independent aviation-safety experts, and the Applicant has relied on those expert assessments in the drafting of conditions. In any case, **Dr Shelley's** evidence dated 23 February 2026 confirms that any residual aviation-safety effects raised by CIAL and Airways fall to be managed under the established statutory regime of the Civil Aviation Act 2023 (**CAAct**) and the Civil Aviation Rules (**CARs**). That regime allocates responsibility for aviation-safety oversight to the CAA and the Director, and requires aviation participants (including CIAL and Airways) to manage safety risks within the scope of their own statutory obligations, subject to ongoing regulatory oversight.	Statement of evidence of **Andrew Shelley** dated 23 February 2026 at [4.1]-[5.6].

		Further, he notes there is "no way for CAA… to effectively reverse" development once consent is granted.	The civil aviation regime also provides specific mechanisms for assessing off-aerodrome activities, including mandatory notification and hazard-assessment processes under Part 77. Consistent with Dr Shelley's evidence, any remaining aviation-safety matters associated with the proposal will be, and must be, addressed through that regulatory framework. This is also consistent with the legal submissions filed on behalf of CIAL on 18 September. CIAL itself emphasised that the CAA is the independent statutory regulator responsible for civil-aviation safety and security, exercising specialist expertise and independent judgment to determine whether proposed activities or changes to the operating environment are compatible with acceptable safety margins. This Panel is not being asked to (and does not have the power to) make aviation-safety determinations under the civil-aviation regime. Matters such as Part 77 hazard assessments, obstacle-treatment requirements, and operational aviation-safety controls fall within the CAA's jurisdiction and the Director's statutory powers. That allocation of responsibility is deliberate and practical given the technical complexity of aviation safety and the fact that aviation-risk management often depends on system-wide operational considerations extending beyond land-use effects. For these reasons, the Applicant does not accept Mr Kyle's suggestion that reliance on the civil-aviation regime is "too little too late". The evidence and the statutory framework confirm that the appropriate and expert regulatory mechanisms are already in place and will continue to operate to manage any residual aviation-safety risks.	
15.	Statement of evidence of John Kyle dated 12 March 2026	**Issue 2: Overlapping District Plan framework** [31]-[35]	Key themes addressed at **points 16-19** below	
16.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 2: Overlapping District Plan framework** [31]-[35]	**Reliance on District Plan controls** Mr Kyle suggests that Mr Phillips overstates the value of the CDP and in particular the provisions relating to aviation safety (i.e. Chapter 6.7), noting that the activity is non-complying in the Rural Urban Fringe Zone. In Mr Kyle's opinion, the "Rural Urban Fringe Zone provides for a very different array of land uses than an industrial subdivision" and that "reliance on rules designed for different land use assumptions does not demonstrate that the potential aviation effects of this development are adequately managed." In Mr Kyle's opinion, compliance with general plan objectives "is not a proxy for a full understanding of risks" arising from development directly adjacent to an operational airport. The CDP's general aviation-protection policies "were not developed on the assumption that development of this scale would occur in this location" and therefore cannot act as confirmation of aviation safety where the effects remain "unidentified and/or unquantified."	This is addressed in the supplementary statement of evidence of **Mr Phillips** dated 18 March 2026. Mr Phillips undertakes a detailed permitted baseline which shows that largescale, enclosed farm buildings and greenhouses (up to 12 metres in height and with extensive building coverage) could lawfully occur on the site without triggering any aviation specific assessment beyond the standards in subchapter 6.7. Mr Phillips considers that, in his opinion, this demonstrates importance of the CDP and CRPS planning, and in particular, subchapter 6.7 in managing aviation risk to an acceptable level, from built form of a potentially significant scale in this specific location.	Supplementary statement of evidence of **Jeremey Phillips** dated 18 March 2026 at [18]-[26].
17.	Statement of evidence of John Kyle	**Missing information due to lack of "meaningful consultative effort"**	**Consultation** The history of consultation in this process has already been canvassed at length, and we do not repeat it here except to note, as set out **in Mr Phillips'** statement	Statement of evidence of Jeremy Phillips dated 9 March 2026 at [5]-[11].

	dated 12 March 2026 **Issue 2: Overlapping District Plan framework** [31]-[35]	Mr Kyle states that Mr Phillips' assessment "misses the point… CIAL and Airways are not alleging a specific Plan rule contravention." Instead, these entities are highlighting "missing information necessary to properly understand risk to aviation operations and safety." He adds that given the site's proximity to the airport, he is "surprised that potential aviation related issues… were not properly accounted for" during preparation of the application. Mr Kyle notes that "a meaningful consultative effort with CIAL and Airways would have assisted" the applicant to understand the issues and concludes that " because the applicant proceeded into FTAA without resolving aviation matters, "the substantial risk issues identified by CIAL and Airways remain unexamined in sufficient depth by the arbiters of such matters."	of evidence dated 9 March 2026, that the Applicant did consult with both CIAL and Airways prior to lodging the application. Neither entity raised the need for a "full aeronautical study" to be completed prior to lodging the application, and it is difficult to see how the Applicant could have anticipated such issues that were not identified at the time. CIAL's concern now appears to have shifted to the absence of consultation during the preparation of the safeguarding assessments (Cyrrus, Navigatus, and L&R). As CIAL and Airways themselves acknowledge, the constraints of the FTAA process meant that such consultation could not occur prior to those reports being finalised. Had either party raised the need for additional assessment before the FTAA process commenced, the Applicant may well have prepared those assessments in consultation with them. In any case, the experts who prepared those assessments have each confirmed that the information available to them, and the scope of assessment undertaken, is appropriate and sufficient for the purposes of this application. Moreover, the conditions proposed by the Applicant provide for further assessment to be undertaken in consultation with CIAL and Airways in direct response to the concerns they have now raised.	Assessment of Environmental Effects for the Ryans Road Industrial Development at [204]-[235]. Appendix 24 to the Assessment of Environment Effects for the Ryans Road Industrial Development, Tabs 1 and 7.
18.	Statement of evidence of John Kyle dated 12 March 2026 **Issue 2: Overlapping District Plan framework** [31]-[35]	**AC139-15** Mr Kyle notes that Mr Phillips states AC139-15 applies only to aerodrome operators, not developers. In Mr Kyle's opinion, "It does not follow that such a study is unnecessary or irrelevant." Because the proposal is non-complying, he notes that "in any ordinary RMA process, fulsome engagement with operators would be expected", and he stresses that "substantial information remains missing."	**Mr Phillips'** evidence on the relevance of AC139-15 was informed by the expert evidence of **Dr Shelley** and **Mr Bermingham**, as well as discussions with the CAA. Each confirmed that AC139-15 applies to aerodrome operators, not to landowners who are not aerodrome operators.	Statement of evidence of Andrew Shelley dated 23 February 2026 at 6.14]-[6.22]. Statement of evidence of Geraint Bermingham dated 23 February 2026 at [64]-[75]. Statement of evidence of Jeremy Phillips dated 23 February 2026 at [36].
19.	Statement of evidence of John Kyle dated 12 March 2026	**Adopting "acceptable" when directed to "avoid"** [36]-[40] Mr Kyle notes that Mr Phillips reasserts his earlier conclusion that all aviation effects will be "minor and acceptable." He states this conclusion depends entirely on untested technical work, emphasising that it "has not been informed or tested by those entities responsible for ensuring aviation safety and efficiency in New Zealand." He was asked whether such a conclusion aligns with relevant planning objectives and policies. In his view, it does not. He cites the Canterbury Regional Policy Statement, including Objective 5.3.9, which directs decision-makers to "avoid development which constrains the ability of [regionally significant infrastructure] to be developed and used without… operational constraints… relating to… safety." He also highlights Policy 6.3.5, which requires "avoiding activities that have the potential to limit the efficient and effective… operation… of strategic infrastructure."	See **point 4** above "acceptable" adverse effects, avoid policies and Port Otago	

		He also refers to the CDP's aviation-specific provisions, including Objective 6.7.2.1 that "aircraft are able to safely and efficiently approach, land, take-off and depart," and Policy 6.7.2.1.2, which requires "avoid[ing] or mitigate[ing] the potential effects of activities that could interfere with the safe navigation and control of aircraft." Mr Kyle states that this policy direction is "prudently cautious given the significant impact that could accrue if safe navigation and… control of aircraft is compromised." In his opinion, "avoidance is the appropriate course where there remains doubt" about the effects on safe navigation. He concludes that describing the proposal's aviation effects as "acceptable" is "at odds with the directive language" of the relevant policies and "do not guarantee collaborative engagement with the agencies charged with managing and being responsible for such risk".		
Ford Robertson (Manager – Aviation Safety & Security)				
20.	Statement of evidence of Ford Robertson dated 12 March 2026	[11] In summary, Mr Robertson's view that "[h]aving considered the material collectively, I remain of the view that the proposal is not supported by the kind of detailed, quantitative aeronautical risk analysis that would ordinarily be undertaken for development of this scale and proximity to an operational international airport. The absence of that analysis does not, in itself, establish that the proposal gives rise to a high aviation safety risk. However, it does mean that the extent, characteristics and probability of any such risk cannot presently be assessed with confidence"	See **point 1** above on the sufficiency of information before the Panel. The additional information that Mr Robertson considers necessary, and the limitations he asserts in the Applicant's assessments, are addressed in more detail at **point 29** below. In summary, the Applicant's aviation experts confirm that the assessments undertaken contain the level of detail appropriate for this process and provide a reliable basis for the Panel's decision-making.	
21.	Statement of evidence of Ford Robertson dated 12 March 2026	Paragraph [12] sets out Mr Robertson's opinion of what is usually required: [12] "In my experience, where a proposal has the potential to affect aviation operations in the vicinity of an aerodrome or heliport, it would ordinarily be supported by a structured aviation risk assessment before any decision is made. This is particularly important where the change may alter the operational environment relied upon by pilots of both fixed wing aircraft and helicopters. **For example, if CIAL were considering a change to the built environment around airport operations that could affect aviation safety margins, it would typically require a structured assessment of potential aviation risks before proceeding.** Such an assessment would ordinarily be undertaken to inform the decision-making process and ensure that any residual risks are understood and appropriately managed" [**our emphasis**]	Mr Robertson's description of the type of assessment that would "ordinarily" be required by CIAL is consistent with the evidence already before the Panel. However, there is no evidence that such a study is ordinarily undertaken in a resource consenting context. The evidence of CIAL, Airways, and the Applicant is aligned in confirming that CIAL and Airways each hold statutory responsibilities under Part 139 and Parts 171/172 respectively. As set out in Dr Shelley's evidence of 23 February 2026, there is no dispute that CIAL may itself be required (under its Part 139 obligations) to undertake the structured aviation risk assessment of the kind described by Mr Robertson when carrying out activities within or near the aerodrome. In that context, stretching those responsibilities to say they are expected of a landowner who is not an aerodrome operator or aviation participant are incorrect. Notwithstanding that position, **Dr Shelley** confirms that Applicant has nevertheless provided an assessment that goes well beyond what would ordinarily be expected of a landowner in a comparable RMA consenting context.	Statement of evidence of Andrew Shelley dated 23 February 2026 at [6.14]-[6.22]. Statement of evidence of Geraint Bermingham dated 23 February 2026 at [64]-[75].
22.	Statement of evidence of Ford Robertson dated 12 March 2026	**Changes to helicopter operations** [26]-[33]	Key themes addressed below at **points 23-26** below.	

23.	Statement of evidence of Ford Robertson dated 12 March 2026 **Changes to helicopter operations** [26]-[33]	**GCH as an emergency service operator** Mr Robertson states that GCH is a "major provider and operator of critical lifeline 24/7 air rescue and helicopter ambulance operations" and not merely a tourism or charter operator. GCH operates from a $20 million purpose-built facility, integrating into the 111 emergency network, with "intensive care paramedics and other crew" based on site for rapid dispatch. He notes that in 2025, GCH mobilised 1,081 rescue flights in Canterbury and the West Coast. Mr Robertson explains that while the heliport itself is not a separately regulated facility, it is part of Christchurch Airport, which is "nationally significant infrastructure" and classified as a lifeline utility under the CDEM Act. Helicopter emergency services are recognised as critical emergency response capability under CDEM planning.	It was acknowledged in the assessment of Dr Shelley dated 23 February 2026 "GCH does provide and operate professional air rescue and air ambulance operations for the Canterbury region".	
24.	Statement of evidence of Ford Robertson dated 12 March 2026 **Changes to helicopter operations** [26]-[33]	**Changes to flight paths** Responding to Mr Bermingham's opinion that alternative procedures could be developed with only "some limited operational efficiency or utility costs," Mr Robertson considers that "changes to helicopter flight paths are not straightforward", requiring analysis of wind, interaction with the Runway 02 approach path, and required separation from fixed wing traffic. Any change would need detailed assessment involving GCH pilots and Airways before it could be considered viable.	**Mr Bermingham** and **Dr Shelley** respond to this and confirm that the proposed conditions provide an additional safeguard by requiring further assessment and consultation with Airways and CIAL on these matters, notwithstanding their respective opinions that such conditions were not strictly necessary.	Statement of evidence of **Geraint Bermingham** dated 17 March 2026 at [15]-[16]. Statement of evidence of **Andrew Shelley** dated 17 March 2026 at [25]-16] and [32].
25.	Statement of evidence of Ford Robertson dated 12 March 2026 **Changes to helicopter operations** [26]-[33]	**Reduction in forced landing areas** Mr Robertson states that reductions in emergency landing zones is "a clear signal there will be an adverse impact" as "availability of suitable landing areas… is an important safety consideration" and that changes reducing these options "may reduce the operational safety margins available to helicopter pilots."	**Mr Bermingham**, **Mr Hargreaves**, and **Dr Shelley** each respond to this point and confirm that they maintain the conclusions set out in their previously submitted evidence. Notwithstanding that, the Applicant's proposed conditions provide a further safeguard, including in relation to the concern raised by Mr Robertson regarding potential reductions in forced landing areas. It is also noted that Mr Robertson does not go so far as to conclude that there would be a significant adverse impact, let alone an impact of a scale that could outweigh the substantial benefits of the project. Nor has CIAL provided any economic evidence describing, either qualitatively or quantitatively, such effects.	Statement of evidence of **Geraint Bermingham** dated 17 March 2026 at [15]. Statement of evidence of **Ben Hargreaves** dated 17 March 2026 at [8]. Statement of evidence of **Andrew Shelley** dated 17 March 2026 at [24].
26.	Statement of evidence of Ford Robertson dated 12 March 2026 **Changes to helicopter operations** [26]-[33]	**Aeronautical study** Mr Robertson agrees with Mr Bermingham that reduced forced-landing areas would require an aeronautical study under AC139-15 to assess alternative procedures. However, because "the applicant has not done and does not propose to do the necessary study," this burden shifts to CIAL and GCH. He notes the civil aviation regulatory framework provides no mechanism to require the adjacent landowner to bear the cost of operational changes triggered by their development.	The responsibilities of aerodrome operators under Part 139 have already been addressed in detail in the Applicant's previously submitted evidence.	
27.	Statement of evidence of Ford Robertson	**Civil Aviation Regulatory Framework** [34]-[41]	The differences between the Part 77 and Part 139 frameworks were traversed in the evidence of **Dr Shelley** and **Mr Bermingham** dated 23 February 2026 and	Statement of evidence of **Andrew Shelley** dated 23

	dated 12 March 2026	Mr Robertson explains that Christchurch Airport is a "certificated aerodrome under CAR Part 139." Under CAR 139.125, CIAL must "restrict or prohibit" aircraft operations if unsafe conditions arise. Under CAR 139.131, any "significant change" that may affect safety requires CIAL to "conduct an aeronautical study," "review the operation of the aerodrome," amend its exposition if needed, and report the study to the CAA. He notes that CAR Part 77 is primarily a notification regime for structures like cranes, and similarly does not shift operational consequences onto neighbouring landowners. He concludes that references to Part 77 "do not materially assist" the assessment of aviation effects.	12 March 2026 who have specific expertise in aviation safety and the documents referred to by Mr Robertson.	February 2026 at [6.14]-[6.22]. Statement of evidence of Geraint Bermingham dated 23 February 2026 at [64]-[75].
28.	Statement of evidence of Ford Robertson dated 12 March 2026	**Significant change and the proposal** [42]-[49]. Mr Robertson states that if the proposal alters helicopter approach or departure paths, removes or constrains emergency landing areas, or otherwise affects helicopter operations, this would likely constitute a "significant change" under CAR 139.131, triggering a mandatory aeronautical study by CIAL. Responding to Mr Hargreaves, he notes that in his Supplementary Statement (23 February 2026), Mr Hargreaves says that "nothing has been raised that causes me to modify or reconsider" the conclusions of the L+R Airport Safeguarding Assessment. Mr Robertson interprets this as meaning the identified risk of "some reduction in forced landing area availability" still remains an unquantified risk. Mr Robertson states that Mr Hargreaves' own August assessment states it was "a desktop assessment only based only on information provided by Carter Group", and says such a desktop exercise is "not an adequate substitute for a detailed aeronautical study." Because a risk has been identified, Mr Robertson says more detailed analysis is required to understand it and identify mitigations, noting that even low likelihood events like forced landings must be treated as high consequence under aviation safety systems. At [42] Mr Robertson concludes that "[o]n the material presently available, there is insufficient quantified aeronautical assessment to determine with certainty whether a significant change would arise. That absence means the scale, nature and likelihood of aeronautical safety risk or operational constraint cannot presently be determined with confidence and, as a result, neither can anyone be sure about how and at what cost CIAL and/or GCH will have to modify operations to reduce safety risk"	The responsibilities of aerodrome operators under Part 139, including the triggers for aeronautical studies under CAR 139.131, have been addressed in detail in the Applicant's previously submitted evidence. **Mr Hargreaves** has directly responded to Mr Robertson's comments. He confirms that the information and technical assessments provided by the Applicant (including the L+R Airport Safeguarding Assessment and the additional reports) are sufficient to enable a robust evaluation of aviation safety effects. Having reviewed all material, he remains satisfied that the proposal will not give rise to unacceptable aviation safety effects and that the conditions proposed by the Applicant appropriately manage any residual risks. Mr Hargreaves also considers that the proposed conditions also provide an additional safeguard, requiring further assessment and consultation with CIAL and Airways should any operational matters arise, including those raised by Mr Robertson regarding potential reductions in forced landing areas. Finally, we note that Mr Robertson does not conclude that any impact would be significant, let alone of a scale capable of outweighing the project's substantial benefits. Nor has CIAL provided any evidence quantifying such effects. Also see **point 1** above on the sufficiency of information before the Panel	Supplementary statement of evidence of **Mr Hargreaves** dated 17 March 2026 at [5]-[10].
29.	Statement of evidence of Ford Robertson dated 12 March 2026	**Limitations of Desktop Assessments** [51]-[52] Mr Robertson states that even if the applicant is not legally required to undertake a full aeronautical safety assessment, "I would still expect an adjoining landowner or developer… to undertake a detailed assessment and work closely with the aerodrome operator	The sufficiency of the information provided by the Applicant is generally addressed at **point 1** above. It is further noted that Mr Robertson does not identify any specific safety effect or operational consequence that is likely to arise from the proposal. Rather than pointing to any actual deficiency in the assessments undertaken, his concerns rely on hypothetical scenarios and the suggestion that further analysis could be undertaken. This is a view that is not shared by the Applicant's experts, who	Statement of evidence of Dr **Andrew Shelley** dated 17 March 2026 at [7] and [21].

		to ensure all risks are properly identified, understood and able to be responded to."	consider the existing assessments appropriate and the proposed conditions to provide an additional precautionary safeguard in any event. In his supplementary statement of evidence dated 17 March 2026, **Dr Shelley** further notes that while CIAL and Airways each express a preference for empirical testing, the evidence does not explain how such testing could occur for a structure that has not yet been built. As Dr Shelley confirms, the Cyrrus modelling already adopts deliberately conservative, worst-case assumptions, such that real world effects would be expected to be materially lower. In relation to the matters raised by Mr Robertson, Dr Shelley considers that the central theme of Mr Robertson's evidence (that the absence of a "full" or "structured" aeronautical study is itself a proxy for risk) is not supported by any analysis of the assessments actually undertaken for this proposal.	
30.	Statement of evidence of Ford Robertson dated 12 March 2026	**What is Missing** [52]-[53] Summary of what information Mr Robertson considers is missing.	See **point 1** and **point 29** above on the sufficiency of information before the Panel	
31.	Statement of evidence of Ford Robertson dated 12 March 2026	**Consultation** [54]-[56] Mr Robertson states that the Civil Aviation framework requires "collaborative and proactive aviation safety risk management", noting that early engagement is "integral to aviation safety risk identification" under a safety management system. He notes that CIAL raised this in its 15 September 2025 comments, noting "concern that the timing of the Application has not allowed for genuine engagement with CIAL and other key aviation stakeholders." Despite this, "we still have not been consulted."	See **point 17** above regarding consultation. It is also noted that further consultation of the kind sought by CIAL will inevitably occur through the implementation of conditions and the CAA processes.	Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [17].
32.	Statement of evidence of Ford Robertson dated 12 March 2026	**Relevance of and assessment against Advisory Circular 139-8** [57]-[58] Mr Robertson considers that Advisory Circular 1398 provides the relevant "acceptable means of compliance" for heliport design, setting a minimum standard that emphasises the need for "suitable forced landing areas" and "unobstructed approach and departure paths." In his view, the potential reduction in forced landing area availability identified in the Applicant's material suggests these considerations "may be affected," and he therefore regards AC139-8 as relevant to assessing the proposal.	AC139-8 is addressed in detail in the statements of evidence of **Dr Shelley** and **Mr Bermingham** dated 12 March 2026. As Dr Shelley explains, AC139-8 is directed at aerodrome operators, as it provides guidance for heliport design rather than imposing requirements on third-party landowners. He distinguishes the mandatory Civil Aviation Rules from Advisory Circulars, "which may specify an acceptable means of compliance… and provide general guidance," and notes that while compliance with AC139-8 should be given significant weight, "limited weight" should be placed on any non-compliance because the Circular itself "explicitly recognises that there are other methods of achieving compliance." Notwithstanding this, Dr Shelley assesses the proposal against AC139-8, and his assessment confirms that the proposal meets the relevant requirements of the AC139-8. Mr Bermingham agrees with Dr Shelley's assessment of the relevant requirements of AC139-8, and both experts consider that the conditions proposed by the Applicant provide an additional safeguard in relation to the matters raised by Mr Robertson.	Supplementary statement of evidence of **Andrew Shelley** dated 12 March 2026 at [11]-[17]. Supplementary statement of evidence of **Geraint Bermingham** dated 12 March 2026 at [7]-[10].
33.	Statement of evidence of Ford Robertson dated 12 March 2026	**Relevance of NAS-F Guidelines H** [60]-[69] Mr Robertson states that NASF Guideline H reflects "recognised aviation safeguarding practice", including "protection of approach	The relevance of NAS-F Guideline H is addressed in the evidence of **Dr Shelley** (23 February 2026 and 12 March 2026) and **Mr Bermingham** (23 February 2026 and 12 March 2026). As Dr Shelley notes, his assessment expressly recognises that GCH provides professional air rescue and air ambulance services, and this formed part of his consideration of whether Guideline H applies.	Supplementary statement of evidence of **Andrew Shelley** dated 12 March 2026 at [22].

		and departure paths" and the need for early consultation. He notes that Mr Hargreaves initially said his assessment "utilises the NASF guidelines as a framework" and relied on them where there is an absence of New Zealand regulations he later states that it is "not applicable nor necessary", which Mr Robertson describes as "contradictory." Mr Robertson's opinion, also states that there is an inconsistency with Dr Shelley, who says GCH is not strategic "because it is not associated with a hospital," without explaining how this differs from Mr Hargreaves' earlier use of Guideline H. Mr Robertson states plainly that "Guideline H ought to be considered here because": (a) GCH "exhibits the characteristics of a strategically important helicopter landing site"; (b) the proposal is "within the operational environment of that heliport, including beneath established helicopter approach and departure paths"; and (c) GCH is investigating instrument approaches, "which would further increase the importance of safeguarding". He notes that Guideline H "emphasises the protection of helicopter approach and departure paths, preservation of suitable emergency and forced landing areas, and early engagement with heliport operators." Yet "it is unclear whether those matters have been comprehensively evaluated in the applicant's assessment."	Dr Shelley's supplementary statement of evidence dated 12 March 2026 (together with the supplementary statement of evidence of Mr Bermingham dated 12 March 2026) responds directly to the Panel's questions on Guideline H. Having taken into account the nature of GCH's emergency service operations, Dr Shelley and Mr Bermingham conclude that the GCH heliport does not meet the definition of a strategically important heliport under Guideline H. Notwithstanding their conclusion that Guideline H is not applicable, Dr Shelley assessed the relevant requirements of Guideline H, and his evidence confirms that the matters it addresses are appropriately managed under the proposed conditions. Mr Bermingham agrees with Dr Shelley's assessment, and both experts consider that the conditions (including new condition 21D) provide an additional safeguard in relation to those matters. With respect to **Mr Hargreaves**, his position that Guideline H is not applicable was reached following consideration of the evidence of Dr Shelley. Mr Hargreaves also further clarifies that nothing in Dr Shelley's assessment alters the outcome of his safeguarding assessment or any of the conclusions he reached in subsequent evidence.	Supplementary statement of evidence of Geraint Bermingham dated 12 March 2026 at [11]-[13]. Supplementary statement of evidence of **Ben Hargreaves** dated 17 March 2026 at [9].
Jeffrey Balchin (Economics)				
34.	Statement of evidence of Jeffrey Balchin dated 12 March 2026	***Technique that Market Economics has applied*** [13]-[16]. **Mr Balchin** alleges that the economic assessment prepared by Market Economics relies on standard input–output modelling, which he says has inherent limitations and may overstate economic benefits. He claims the approach uses aggregated data, assumes sectoral expansion without accounting for displacement effects, and may not reliably capture regional level impacts. He also suggests that the modelling may include activity that is not genuinely additional, and therefore may overestimate the economic contribution of the proposal.	The matters raised by Mr Balchin are addressed in the supplementary statement of evidence of **Mr Akehurst** dated 17 March 2026. Mr Akehurst confirms that the technique applied by Market Economics is appropriate, stating that "the approach adopted by ME is consistent with well established practice for regional economic assessment. He clarifies that the modelling is intended to measure economic contribution, not to undertake a full cost-benefit analysis, noting that this distinction is "deliberate and appropriate in the present context," and consistent with the way economic evidence has been treated in recent FTAA decisions. In response to Mr Balchin's suggestion that the modelling may overstate impacts or fail to account for displacement, Mr Akehurst explains that the concern raised in paragraph 16(b) of Mr Balchin's evidence "is correct in a generic sense – but does not apply in this instance." He states that the construction component of the project is "small when compared against the scale of the Canterbury Region Construction Sector," meaning displacement effects would be limited no adverse effects. He further clarifies that the activity likely to locate at Ryans Road is "a subset of anticipated growth within the Canterbury regional economy," and that the development "helps facilitate that growth" rather than shifting activity from other sectors.	Supplementary statement of evidence of Mr Akehurst dated 17 March 2026 at [8]-[14].

			Mr Akehurst concludes that "the techniques applied by ME represent a conventional and appropriate framework" for assessing the regional economic contribution of the proposal.	
35.	Statement of evidence of Jeffrey Balchin dated 12 March 2026	***No account taken for the potential that activity will merely shift location*** [17]-[23] Mr Balchin argues that the ME analysis fails to account for the possibility that activity will "simply be displaced" from elsewhere, saying the proposal reflects a "build it and they will come" approach. He claims there is a "strong chance" that businesses would have located in Christchurch anyway and that displacement "cannot increase economic activity in the Canterbury Region." He also says ME "assumes that the entirety" of future activity is new, calling that assumption "extreme and not justified."	In his supplementary statement evidence dated 17 March 2026 **Mr Akehurst** confirms that while displacement is a theoretical consideration, it does not apply in this context, explaining that the scenario Mr Balchin describes is one that occurs only in a "static, unchanging economy." By contrast, Christchurch is a "growth economy that has a shortfall of capacity to cater for growth," and in such an environment "businesses moving are irrelevant, as they free up land for new businesses to occupy." He further states that the activity likely to occur at Ryans Road is "a subset of anticipated growth within the Canterbury regional economy," and that the proposal "helps facilitate that growth" rather than displacing activity from elsewhere. Accordingly, Mr Akehurst considers that ME's assumption of predominantly net additional effects is "reasonable and appropriate." Overall, Mr Akehurst concludes that: *… while some limited transfer effects within Christchurch may occur, ME considers that the economic activity associated with the proposal can reasonably be interpreted as predominantly net additional at the regional level, and fully additional within the Airport-environs industrial submarket. The development both expands the supply of industrial capacity and enables more efficient operation of logistics and distribution activities, contributing positively to the performance and resilience of the regional economy.*	Supplementary statement of evidence of Mr Akehurst dated 17 March 2026 at [15]-[20].
36.	Statement of evidence of Jeffrey Balchin dated 12 March 2026	***Ultimate operations are speculative*** [24]-[29] Mr Balchin argues that ME's estimates of operational economic effects rely on "very high-level assumptions" about future activities and are therefore "speculative," given that "there are… no actual activities that are as yet planned." He states that ME's projected impacts ($320.7m per annum and 3,267 jobs) depend on assumptions about the "size" and "nature" of activities that may ultimately occur, and that these assumptions "will have a material effect" on the results.	In his supplementary statement evidence dated 17 March 2026 **Mr Akehurst** confirms that while "the precise identity of future tenants cannot be known," this uncertainty is "typical for developments of this nature" and that ME's assumptions are "realistic and appropriately conservative," providing an "order-of-magnitude estimate" of likely economic activity. He also confirms that Condition 21D "does not materially alter the overall development capacity assumed in the modelling."	Supplementary statement of evidence of Mr Akehurst dated 17 March 2026 at [21]-[26].
37.	Statement of evidence of Jeffrey Balchin dated 12 March 2026	**Regional Significance** [30] Mr Balchin argues there are "strong grounds to be sceptical" that the proposal is regionally significant. He says using ME's previous CIAL work as a benchmark would produce benefits that are "only marginally regionally significant," and claims ME's estimates "almost certainly" overstate benefits because they do not allow for staging or delayed occupancy. He also suggests there is a "real potential" that activity would be diverted from elsewhere in the Region, reducing the net benefit.	This is addressed in the supplementary statement of Mr **Akehurst** dated 17 March 2026. Mr Akehurst confirms that the development is capable of generating "substantial economic activity" during both construction and operation, with ongoing logistics and industrial activity providing a "long-term contribution to regional GDP and employment." Regarding aviation-related constraints, Mr Akehurst notes that Condition 21D applies to only "approximately 6.7 hectares" out of the "approximately 50 hectares" of developable land (around 13%), and that even if those lots were constrained, "the large majority of the site would remain unaffected." He concludes that Condition 21D "does not materially alter" the ME assessment and that the proposal remains a project of "clear regional economic significance."	Supplementary statement of evidence of Mr Akehurst dated 17 March 2026 at [27]-[33].
38.	Statement of evidence of Jeffrey Balchin	**Costs of the Proposal**	In his supplementary statement evidence dated 17 March 2026 **Mr Akehurst** notes that while aviation stakeholders have raised potential costs, these are "largely conceptual" and "have not been quantified in a manner that would	Supplementary statement of evidence of Mr Akehurst

	dated 12 March 2026	[31]-[34] Mr Balchin claims ME has "mischaracterised" the positions of CIAL and Airways, stating that both organisations say impacts "cannot be known with any certainty yet" and require further study.	enable them to be directly incorporated" into an economic assessment. He explains that many of the matters raised are "operational or safety considerations" that are dealt with through planning and regulatory processes rather than economic modelling, and that there is "no evidence" of costs of a magnitude that would "materially offset" the project's benefits. In conclusion, Mr Akehurst confirms that none of the matters raised "materially alter the conclusions" of the ME assessment, that ME's assumptions are "reasonable and appropriately conservative," and that the proposal will make a "meaningful contribution to regional employment and growth."	dated 17 March 2026 at [27]-[45].
AIRWAYS CORPORATION OF NEW ZEALAND				
Legal submissions				
39.	Legal submissions for Airways Corporation of New Zealand dated 12 March 2026	**Caselaw on the adequacy of the information** [7]-[15] Airways' submissions argue that a decision-maker must have "adequate information" before making a decision, relying on RMA case law such as *Westfield*, where the Supreme Court held this is a "prior step" to determining whether a decision was reasonably open. Courts have since treated adequate information as a "basic requirement of reasonable and procedurally fair decision making," requiring information that is "adequate and reliable" and "sufficient to properly inform" the decision-maker about the issues raised. They also cite *RJ Davidson*, which says an applicant must supply information of "adequate quality and sufficient detail" so the consent authority can "identify the relevant stressors and their effects." The submissions say that under both the RMA and FTAA, inadequate information can justify declining an application, and that "insufficient information in itself is an adverse impact." They conclude that in a "front-loaded regime" like the FTAA, adequate information "should be provided at the time of lodgement," and contend that CGL has instead "plug[ged] gaps in a piecemeal way," leaving the Panel with "insufficient information" to determine the application.	The Applicant's legal submissions dated 23 February 2026, and the authorities relied on in those submissions, acknowledge that an applicant bears the initial obligation to provide an adequate assessment of effects. Those submissions are not repeated here, except to emphasise that Airways' submissions do not address the principle that the evidentiary burden of establishing an alleged adverse effect rests, in the first instance, with the party making the allegation in this case CIAL and Airways. As recognised in *Shirley Primary School* ENC C136/98, 14 December 1998, this operates as a "swinging evidential burden", shifting as each issue is evaluated. Once expert evidence demonstrates that effects are acceptable or can be appropriately managed, the evidential burden shifts to the party challenging the proposal to provide cogent evidence to the contrary. It is common in RMA processes, and as we have seen in other FTAA cases, for issues to emerge through submissions or evidence rather than at lodgement. That does not preclude a consent being granted, provided those matters are ultimately addressed through the evidence before the decision-maker. That must particularly be so here, where consultation was undertaken, yet neither CIAL nor Airways identified any need for a full aeronautical study prior to lodgement (see **point 17** on consultation). Airways' submissions also do not address that the FTAA contains a separate statutory completeness step under s 46. That step has already occurred, and the Panel has determined the application to be complete, confirming that it contained the information required for lodgement under the FTAA framework. Notwithstanding that, the evidence confirms that the relevant assessment was provided from the outset. As **Dr Shelley** explained in his evidence dated 23 February 2026 , the proposal complies with the applicable District Plan provisions and the Civil Aviation Rules governing development by third-party landowners. He confirms that compliance with the District Plan protection surfaces and applicable CARs means the proposal "will be safe and appropriate from an aviation safety perspective", and further that "the information and technical assessment provided by the Applicant are more than sufficient for this process, and go well beyond what would typically be expected in an RMA process, particularly given the proposal's compliance with the District Plan protection surfaces and the applicable CARs." The evidence of Dr Shelley establishes that the level of assessment required for this process was met at the time of lodgement, and that the subsequent expert evidence before the Panel provides additional support for that conclusion. Also see **point 1** above on the sufficiency of information before the Panel.	Legal submissions for Carter Group Limited dated 23 February 2026 at [24]. Statement of evidence of **Andrew Shelley** dated 23 February 2026 at [10.1] Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [31].

40.	Legal submissions for Airways Corporation of New Zealand dated 12 March 2026	*The Application contains inadequate information on aviation safety effects* [14]-[18] Summary of Mr Grimm's evidence	See **point 1** above on the sufficiency of information before the Panel and **point 17** regarding consultation and specific responses below.	
41.	Legal submissions for Airways Corporation of New Zealand dated 12 March 2026	*Aviation safety effects cannot be left to a subsequent process* [19]-[21] Airways' submit that CGL's submission significantly downplays both the importance of aviation safety and the major gaps in information provided by CGL. The Panel must address aviation-related effects now, as part of its obligations under the FTAA and the RMA, not defer them to a separate process. Under the RMA, particularly s104, which requires consideration of actual and potential environmental effects, the decision-maker must be satisfied that all land-use effects, including aviation safety risks, have been properly identified and assessed. Airways and CIAL have also pointed out that the CAA regime may *not even apply* to this proposal; and even if it did, it is not a substitute for the RMA/FTAA decision-making duties.	CIAL and Airways submit that aviation safety effects cannot be left to any subsequent process. However, as set out in the Applicant's legal submissions dated 23 February 2026: > "For the avoidance of doubt, the Applicant acknowledges that safety where it bears on effects arising from the use and development of land is a relevant consideration under the RMA and therefore is a relevant matter for this Panel to take into account within the framework of the FTAA." The reference to the Civil Aviation regime was raised initially by CIAL and Airways themselves in the context of their own statutory obligations to ensure aviation safety. It remains relevant that the CAAct and CARs provide the primary regulatory framework for aviation safety, including obligations on aviation participants and, in some cases, landowners. Those matters, however, sit with the CAA and the Director of Civil Aviation, although the Panel can take notice of the fact that a separate specialist regime exists. The Panel must assess aviation safety as a land-use effect, under the FTAA/RMA. In that regard, aviation safety effects arising from the proposal have been fully assessed by the Applicant's experts, each of whom concludes that the effects are acceptable.	Legal submissions for Carter Group Limited dated 23 February 2026 at [135].

42.	Legal submissions for Airways Corporation of New Zealand dated 12 March 2026	***Re Queenstown Airport Corporation Ltd*** *[2017] NZEnvC 46*
		
		[22]-[24]
		
		Airways' submissions note that the Environment Court decision of *Queenstown Airport cited* in the Applicants legal submission dated 23 February 2026 related to a notice of requirement (**NoR**) by Queenstown Airport Corporation (**QAC**) for an extension to the aerodrome. A key issue for the Court to determine was whether QAC had to support its NoR with specific CAA safety cases, or whether this could be provided as part of a subsequent outline plan of works process.
		
		Airways submits that this case cannot be relied on by the Panel to support the Applicant's submission that subsequent processes, including the CAA regime, "can be used to deal with aviation effects post-grant of resource consent. The facts of this case (relating to a NoR by QAC) are very different to a resource consent application by a developer seeking to locate a development near airport infrastructure" and "NoR stage can be at a higher-level than a resource consent application, as it includes the ability for an outline plan upon which further detail of the project is confirmed".
			Airways' submissions mischaracterise the purpose for which *Re Queenstown Airport Corporation Ltd* was cited in the Applicant's submissions of 23 February 2026. The authority was **not** relied on to suggest that aviation safety effects could simply be left to the CAA or addressed only through subsequent regulatory processes. Rather, it was cited for the proposition that:
			
			- the RMA/FTAA decision-maker cannot simply abdicate or delegate its decision-making functions to the CAA; but
			- there is a clear distinction between:
			  - safety effects (which the Panel must assess now, on the expert evidence before it), and
			  - micro-level operational risk management (which appropriately sits with the Director of Civil Aviation under the CAAct).
			
			In *Queenstown Airport*, the Environment Court confirmed that it must confront aviation safety effects insofar as they arise from land use, yet may properly recognise the separate and ongoing statutory role of the CAA in operational oversight. As the Court put it, the Director's function is one of "oversight responsibility" rather than day to day operational decision making.
			
			The Applicant's submissions do not contend that the Panel may defer its decision-making obligations. Rather, they recognise the lawful boundary between the respective statutory regimes and the permissibility of including conditions that require compliance with the requirements of the separate civil aviation regime requirements without that recognition amounting to unlawful delegation.
				Legal submissions for the Applicant dated 23 February 2026 at [135]-[148].

			Airways' criticism also fails to engage with the other authorities relied on by the Applicant, namely: • ZJV (NZ) Ltd v Queenstown Lakes District Council [2015] NZEnvC 205; and • *Southern Alps Air Ltd v Queenstown Lakes District Council* [2008] NZRMA 47, [2007] ELHNZ 281. Both authorities support the approach advanced in the Applicant's legal submissions that: • The Panel must assess aviation safety effects to the extent they are effects of the use and development of land, on the basis of the expert evidence before it. • The absence of a CAA determination or aeronautical study is not determinative of an RMA/FTAA decision; and • The Panel may lawfully include conditions that require later compliance with applicable specialist regulatory processes and requirements, without unlawfully delegating its function, provided the Panel has confronted the safety issues relevant under the FTAA/RMA and acknowledged the interface with the separate specialist regime. In this case, the safety issues have been assessed by the Applicant's appropriately qualified experts, whose evidence establishes that aviation-safety effects are acceptable • In doing so, the Panel may properly recognise that residual operational risk mitigation is addressed through post-consent ongoing specialist oversight, rather than being fully resolved within the FTAA/RMA approval and may reflect that in conditions. .	
43.	Legal submissions for Airways Corporation of New Zealand dated 12 March 2026	**Internalisation of effects** [26] Airways' submits that while the Applicant's submission that the RMA does not require internalisation of "all" effects and is not a "no effects" statute, meaning some residual effects can remain if managed by conditions.is true in principle, the degree of internalisation required depends on the specific context and planning framework, especially where activities are proposed near critical infrastructure. Aviation-related effects are highlighted as particularly serious because, as Airways submits, "the aviation industry cannot operate at the margins of risk" and the system must rely on limits that are "known… tested… and confirmed."	See **point 1** above on the appropriateness of information before the Panel.	
44.	Legal submissions for Airways Corporation of New Zealand	**Avoidance policies and acceptability of effects** [27]-[28] Airways also notes that relevant planning documents contain "avoidance" policies requiring decision-makers to avoid or mitigate	See **point 4** above "acceptable" adverse effects and avoid policies and *Port Otago*.	

	dated 12 March 2026	activities that may interfere with the safe navigation and control of aircraft. In that context, Airways argues that the aviation-safety effects of the proposal cannot, "in the absence of further work and verification," be treated as "acceptable," as CGL and its experts contend. Airways says those effects should not be left to be confirmed or addressed through consent conditions or subsequent processes.		
45.	Legal submissions for Airways Corporation of New Zealand dated 12 March 2026	**Assessment under the FTAA** [29]-[33] Airways relies on the *Taranaki VTM* draft decision to submit that inadequate or uncertain information can itself constitute an "adverse impact" under s 85 FTAA, and that such an information gap may justify declining the application if it prevents a proper proportionality assessment. Airways also submits that the alleged information gaps here could have potentially severe consequences, including the risk that navigation equipment may be compromised, leading to aviation-safety risks or disruption to operations at "one of New Zealand's busiest airports." They argue these impacts must be treated as significant for the purposes of s 85(3).	A response to Airways' reliance on *Taranaki VTM* is set out at **point 6** above, and the appropriateness of information provided by the Applicant is addressed at **point 1** above. That analysis is not repeated here. However, it is noted that, on CIAL's and Airways' own evidence, if the development were approved and subsequently resulted in any aviation-safety effects, they each have responsibilities under their respective Parts of the Civil Aviation Rules to ensure safe aviation operations. Any operational constraints, adjustments, or mitigations would therefore be matters for CIAL and Airways to implement within the Civil Aviation regulatory framework. Airways has produced no quantified evidence of the scale of any such constraints, only assertions that they must be treated as "significant". That assertion is not supported by any technical or economic evidence, nor is it consistent with the Applicant's technical or economic assessment. Further, the proposed conditions provide an additional safeguard directed precisely at the aviation-safety matters Airways identifies. Airways has not substantively engaged with those conditions nor explained why they would not appropriately address any residual issues. For these reasons, the assessment required of this Panel is the one outlined in the Applicant's legal submissions dated 23 February 2026: a proper evaluation of the aviation-safety effects on the basis of the expert evidence before it, within the statutory framework of the FTAA.	Legal submissions for the Applicant dated 23 February 2026 at [150]-[171].
Robert Grimm (Manager National Operations and Maintenance)				
46.	Statement of evidence of Robert Grimm dated 12 March 2026	**Safeguarding process** *Section 3* Mr Grimm provides a summary of regulatory and technical processes Airways must follow to ensure aviation safety when developments occur near its navigation and surveillance infrastructure. Mr Grimm states that, as New Zealand's airspace operator, it is legally obligated under CAR Parts 171 and 172 to ensure its systems operate safely and that "any changes to operational systems… are subject to rigorous internal processes" to protect public safety. Because the proposed Ryans Road development sits very close to key navigation facilities (as close as *180m*), Mr Grimm considers that a full safeguarding process is required. Mr Grimm states that process includes seven steps, from initial meetings to on-site electromagnetic testing and flight inspections. To date, Airways says "only Steps 1 to 3 have been undertaken." Mr Grimm also states that the internationally recognised assessment framework (ICAO EUR Doc 015) requires detailed testing for developments near critical navigation aids. He considers that further	The sufficiency of the information provided by the Applicant is generally addressed at **point 1** above. In addition, in his supplementary statement of evidence dated 17 March 2026 **Dr Shelley** responds directly to the seven-step process Mr Grimm asserts is required and again confirms that the information and technical assessments supplied by the Applicant are sufficient for this process and exceed what would ordinarily be expected in an RMA process, including through the additional expert material now before the Panel. **Dr Shelley** further notes that while Mr Grimm expresses a preference for empirical testing, he does not explain how such testing could practically occur for a structure that has not yet been built. As Dr Shelley confirms, the Cyrrus modelling already adopts deliberately conservative, worst-case assumptions, such that real world effects would be expected to be materially lower. **Mr McPherson** likewise confirms that he disagrees with the conclusions advanced by Mr Grimm. Mr McPherson also notes that the remaining steps identified by Mr Grimm cannot be undertaken prior to construction and would only involve further refinement of modelling once final design details are known. He reiterates that:	Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [7] and [16]-[17]. Supplementary statement of evidence of **Simon McPherson** dated 17 March 2026 at [5]-[8].

		analysis is essential to verify whether modelling assumptions are correct, stating that the later steps and that flight testing, materials analysis, and mitigation planning are "standard requirements" applied to all developments close to Airways' systems. Mr Grimm further notes that the Applicant did not follow through on an agreement to consult with Airways on the final safeguarding assessment, which "was provided to the Panel without Airways input or acceptance." Mr Grimm concludes that the additional analysis it seeks is not excessive, countering criticisms by Applicant's experts. It states: "The further work that Airways is asking CGL to undertake is a standard requirement… for all proposed developments in close proximity to Airways infrastructure."	• routine navaid flight checks already occur and show no deficiencies or inaccuracies relevant to the modelling; • pre-development assessments necessarily rely on modelling because physical testing is not possible until built form exists; • no methodological deficiency has been identified that would justify expecting a materially different result; and • the modelling uses a "perfect reflector" and maximum built form (impossible worst-case) scenario and thus the actual development outcome will be inherently safer. With respect to Mr Grimm's comments regarding consultation, see **point 17** above.	
47.	Statement of evidence of Robert Grimm dated 12 March 2026	**Level of risk appropriate for aviation safety matters** Section 4 [4.1]-[4.4]. Mr Grimm states that the aviation system cannot operate near safety limits, stating that "the system must work within clearly defined parameters where the limits are known not claimed, tested not assumed, and confirmed not inferred." This includes ensuring all navigation and surveillance equipment operates with risk "As Low As Reasonably Possible." Responding directly to Mr McPherson, who asserts that modelling demonstrates minimal impacts, Mr Grimm says this is wrong. He states he "cannot find precedent anywhere that the use of software alone [can] supplant ground and flight inspection testing."	See **point 1** and **point 46** above on the appropriateness and sufficiency of information before the Panel	Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [7]. Supplementary statement of evidence of **Simon McPherson** dated 17 March 2026 at [5]-[8].
48.	Statement of evidence of Robert Grimm dated 12 March 2026	**Operational impacts** **[4.3]** Mr Grimm challenges Mr McPherson, Dr Hong, and Mr Akehurst, who claim no significant impacts are expected. He notes that until full testing is completed, "it cannot possibly be concluded that no significant operational impacts… may arise." He also confirms, based on consultation with the Christchurch approach procedure designer, that operational changes would be required if the development proceeded as currently proposed.	As outlined in the Applicant's legal submissions dated 23 February 2026, neither CIAL nor Airways has advanced any expert economic evidence identifying or quantifying the operational costs or economic effects they allege. The evidential burden lies with the party asserting such effects. As Ms Hong and Mr Akehurst have explained in previous evidence, CIAL and Airways, being both the operator and the primary data holder, would necessarily need to play a central role in providing any evidence capable of substantiating the alleged operational constraints or costs. No such evidence has been provided. Aside from the Applicant's aviation experts, who have comprehensively assessed aviation safety effects and confirm that such effects are acceptable and can be appropriately managed within the existing regulatory framework, neither CIAL nor Airways have produced expert evidence quantifying the alleged effects that demonstrates any operational or economic constraint of a magnitude capable of outweighing the regional benefits of the Project." **Dr Shelley** further observes that if the Procedure Designer were genuinely certain that procedural changes were necessary, then in the approximately 15 weeks since the Cyrrus safeguarding assessment was filed with the Panel, one would reasonably expect at least some explanation of why a change is required, the nature of that change, and a high-level indication of its operational impact. No such information has been provided. Instead, the Panel is presented only with an unsupported assertion, which does not assist in assessing the actual likelihood or magnitude of any operational effect.	Legal submissions for Carter Group Limited dated 23 February 2026 at [179]-[189]. Statement of evidence of **Maggie Hong** and **Greg Akehurst** dated 20 February 2026 at pages 5 - 6. Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [9].

49.	Statement of evidence of Robert Grimm dated 12 March 2026	**ILS glidepath scalloping** [4.6(a)] conditions Mr Grimm disagrees with Mr McPherson, stating unvalidated modelling cannot demonstrate that such disturbances would be acceptable. He says simulated disturbances on runway 02 could produce real world scalloping unless verified by the required engineering, ground, and flight tests.	**Mr McPherson**'s supplementary statement of evidence confirms that in his view, Mr Grimm overstates the significance of potential glidepath effects. As his modelling demonstrates, once the building is rotated in accordance with the proposed conditions, any disturbance to the ILS glidepath is negligible and does not affect flyability. Mr McPherson's conclusions remain unchanged, and the conditions now proposed by the Applicant provide an additional safeguard, notwithstanding that he does not consider such conditions to be necessary.	Supplementary statement of evidence of **Simon McPherson** dated 17 March 2026 at [10].
50.		**DME Reflections** [4.6(b)] Mr McPherson states that pilots "will not be relying on DME information" within the last 0.5 NM and therefore reflections are irrelevant. Mr Grimm states that pilots "will be relying on DME to the threshold and beyond" and notes that the published procedure requires continuous IFR navigation, not the shift to visual flying that Mr McPherson suggests.	See below **point 54** below regarding DME reflections.	
51.		**Comments on radar and ADS-B** [4.6(c)] Dr Shelley states that ADS-B was adopted because radar was "cheaper" and "end-of-life." Mr Grimm says this is incorrect: ADS-B supplements, not replaces, primary radar, and the New Southern Sky agreement requires primary radar to remain in place at major airports like Christchurch.	**Dr Shelley** confirms that he agrees with the benefits of ADS-B identified by Mr Grimm. His reference to cost simply reflects Airways' and CAA's own public material explaining the rationale for the ADS-B transition. As noted in a May 2020 Ministry of Transport Cabinet Paper, replacing the existing radar system with ADS-B would require approximately $18.1 million less capital expenditure than renewing the radar system.	Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [10].
52.		**Radar Mitigation** [4.6(d)] Mr Bermingham asserts that if radar issues are later discovered, "further viable mitigations are available" and that buildings could simply be "code removed." Mr Grimm states that "[t]his capability does not exist for the Christchurch radar equipment, nor would it be helpful as reducing sensitivity to local buildings would also reduce sensitivity to aircraft, thereby compromising the principle reason for its use"	**Mr Bermingham's** supplementary statement of evidence notes Mr Grimm's view that the "code removal" functionality is not available for the Christchurch radar system and would not be appropriate in any event. He confirms that these comments do not alter the conclusions in his earlier evidence regarding the acceptability of potential radar related effects. As he explains, his previous reference to "further viable mitigations" was made in general terms, and Mr Grimm's response does not identify any effect that would change his assessment. Mr Bermingham also observes that the conditions now proposed by the Applicant provide an additional safeguard and directly respond to any residual issues raised by Mr Grimm.	Supplementary statement of evidence of **Geraint Bermingham** dated 17 March 2026 at [8]-[11].
53.		**Part 77 Process** Section 5 [5.1]–[5.4] Mr Grimm notes that Dr Shelley describes how the Part 77 process works and when notification to the CAA may be required. He records that Dr Shelley considers some elements of the proposal may breach the thresholds and therefore require notification, and that the "CAA process ensures that where possible any adverse aviation safety impact is managed for to ensure safe outcomes", and that "if the	The different responsibilities and roles under the Civil Aviation Rules (including Parts 77, 139, and 171/172) have already been addressed in detail in the Applicant's evidence, in particular the statements of **Dr Shelley** and **Mr Bermingham**, each dated 23 February 2026. Mr Grimm's description of the CAR framework and the respective obligations of aerodrome operators, navigation-service providers, and landowners is not inconsistent with the Applicant's evidence or a plain reading of the civil aviation legislation.	Legal submissions for Carter Group Limited dated 23 February 2026 at [53]-[86]. Statement of evidence of Andrew Shelley dated 23 February 2026 at [4.1]-[4.30].

		proposed development will be a hazard in navigable airspace then the Part 77 study will consider appropriate mitigations." In response, Mr Grimm states that the Part 77 process "may not be triggered at all for this Application", and emphasises that "'not triggering' the Part 77 process is not equivalent to establishing safety for CNS performance governed by Parts 171 / 172 of the Act." He notes that Part 77 is "one component of safeguarding", but "does not, of itself, answer whether nearby conductive / reflective structures will degrade navaid or radar performance to an unacceptable level." Mr Grimm also responds to Dr Shelley's assertion that the Director of Civil Aviation is the decision-maker on aviation safety matters. He states that "Part 77 does not confer on the Director a direct administrative power to compel a private landowner to stop construction, modify a building, or remove an obstacle." Instead, if risks later emerge, "the burden would be on Airways / CIAL to make operational changes to their infrastructure" to maintain safety. He notes that this approach means "the developer may not bear the full cost of incompatibility at approval stage, while aviation participants and the public may bear the operational, safety, and litigation consequences later."		Statement of evidence of Geraint Bermingham dated 23 February 2026 at [11]-[63]. Statement of evidence of Jeremy Phillips dated 23 February 2026 at [30]-[41].
54.		**DME Approach – Response to Panel's questions** Section 6 [6.1]–[6.7] Mr Grimm states that the Cyrrus safeguarding assessment identifies a "loss of DME range information for up to 18 seconds in the final 0.5 NM of the approach", and that CGL states this will have "no effect on operations… with the exception of the last 0.5nm", which they describe as an acceptable condition for aircraft operations. The Panel asked Airways for its response, including whether this applies to all aircraft using Christchurch Airport. Mr Grimm considers that "this does not apply to all aircraft", noting that many aircraft expect the DME signal throughout the entire approach, as required by the published AIP procedure for Christchurch. Responding to Mr McPherson, Mr Grimm states that a planned loss of DME signal is "unacceptable" and is "against the approach procedures contained in the AIP." He also notes that the "velocity memory" feature referenced by CGL is only an emergency fallback in some aircraft and "is therefore not an acceptable design mitigation." Mr Grimm further states that loss of DME within 0.5 NM will be a problem for some aircraft, particularly during an IFR missed approach, because the published approach requires continuous DME use, not the switch to VFR that Mr McPherson suggests. Mr Grimm states that pilots must continue under IFR because switching to visual means they cannot immediately revert to IFR if they re-enter cloud.	A technical response to these matters is provided in the supplementary statements of evidence of **Dr Shelley**, **Mr Bermingham** and **Mr McPherson**. Dr Shelley confirms that Mr Grimm's statements regarding the AIP are not supported by reference to any specific provision. As he notes, while Mr Grimm asserts that "many aircraft are expecting the DME signal through the entire approach, as published in the [AIP]", he does not identify where in the AIP this is published. Dr Shelley also explains that the passage Mr Grimm relies on in relation to "a planned loss of navigation signal during approach" simply paraphrases Civil Aviation Rule 91.413 and does not support the conclusions Mr Grimm seeks to draw, as it makes no comment on which instruments a pilot relies upon after commencing a missed approach. Dr Shelley's detailed analysis of the actual approaches to RWY 02 that utilise the DME (Attachments 1–7 to his evidence) shows that "there is no point at which an aircraft would be relying on the DME and flying through the area of interference." He further confirms that the conditions now proposed by the Applicant provide an additional safeguard addressing any residual matters relating to DME, although he does not consider such conditions to be necessary. Mr Bermingham likewise observes that Mr Grimm's evidence raises a range of hypothetical risks but does not substantiate those concerns with any specific or quantified effects arising from the proposal as modelled by Cyrrus or assessed by Navigatus. He further notes that Mr Grimm's discussion of DME does not clearly identify any operational issue, and that "any reflected signal as modelled will not have an impact on the use of the DME." Mr Bermingham also confirms that the points raised do not alter the conclusions in his earlier evidence regarding the acceptability of potential effects and that the conditions offer an added layer of protection and directly respond to any residual issues raised by Mr Grimm. Mr McPherson's supplementary evidence reaches the same conclusion. He confirms that DME is not relied upon at the missed approach point and is otherwise "unaffected by the proposal". His evidence also notes that in all cases,	Supplementary statement of evidence of **Simon McPherson** dated 17 March 2026 at [11]-[12]. Supplementary statement of evidence of **Geraint Bermingham** dated 17 March 2026 at [10]-[11]. Supplementary statement of evidence of **Andrew Shelley** dated 17 March 2026 at [11]-[18]. *… The 17 March 2026 supplementary statements reaffirm the conclusions in*: Supplementary statement of evidence of Simon McPherson dated 5 March 2026 Supplementary Statement of evidence of **Simon McPherson** dated 12 March 2026. Supplementary statement of evidence of **Geraint Bermingham** dated 12 March 2026 at [14].

			"aircraft safety and procedural integrity is unaffected by the proposal", irrespective of aircraft category. As previously indicated, while neither expert considers additional conditions necessary, the conditions now proposed by the Applicant nonetheless provide further reassurance and address any remaining matters raised by Mr Grimm.	Supplementary statement of evidence of **Andrew Shelley** dated 12 March 2026 at [24].
55.		**Conclusion** Section 7 [7.1]-7.2] Mr Grimm states that what CGL may view as a "protective approach" is in fact essential to preventing aviation accidents. He explains that modern aviation safety has been built on "expensive errors and lessons from the past," including accidents involving non precision navigation aids such as VOR/DME. He cites the **Korean Airlines Flight 801 crash at Guam** and **New Zealand's DHC8 crash at Palmerston North** as examples of preventable accidents linked to navigation aid related factors.	As **Dr Shelle**y explains, the historical accidents referred to by Mr Grimm involved "bad decision making and failure to follow published instrument procedures", not failures of VOR/DME systems of the kind relevant here. Those events therefore have no relevance to the current matter.	Supplementary statement of evidence of **Mr Andrew Shelley** dated 17 March 2026 at [19]-[20].