

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

Supplementary statement of evidence of Geraint Bermingham

17 March 2026

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Supplementary statement of Geraint Bermingham

Introduction

- 1 My full name is Geraint Bermingham.
- 2 The Applicant has asked me to prepare this supplementary statement of evidence to assist the Panel by responding to recent material filed on behalf of Airways New Zealand (**Airways**) and Christchurch International Airport Limited (**CIAL**), and to clarify the technical basis on which I have concluded that aviation effects are acceptable in aviation risk terms.
- 3 This statement will address:
 - (a) The Statement of Evidence of Robert Henry Grimm, on behalf of Airways, dated 12 March 2026.
 - (b) The Statement of Evidence of Ford Robertson, on behalf of CIAL, dated 12 March 2026.
 - (c) The Statement of Evidence of John Clifford Kyle, on behalf of CIAL, dated 12 March 2026.
 - (d) The scale and significance of the effects that I have assessed as being 'acceptable' and what 'acceptable' means in aviation terms.

Code of practice for expert witnesses

- 4 I have prepared this statement of evidence in my capacity as an expert, and I acknowledge that I have read and understand the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it when preparing this statement of evidence. Other than where I state that I am relying on the evidence of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Mr Grimm's Evidence

- 5 I have reviewed Mr Grimm's evidence and set out my responses below to each key aspect that he raises and in the same order.
- 6 With regard to his comments regarding aviation safety, the aviation sector is by necessity risk adverse and so the general sentiments he sets out are

not unexpected. However, I do note that CGL engaged the UK based specialists Cyrrus, a company I understand Airways recommended, to undertake advanced modelling of the potential interaction between a 'worst case' model of the development and Airway's and CIAL's CNS equipment. Cyrrus has concluded and remain of the view that any impacts will not materially affect the performance of the CNS equipment and systems. I do not see what else can reasonably be expected to be done by CGL or any other party to assess the impact ahead of actual individual building design or construction.

- 7 I also note that the performance of CNS systems are routinely tested and confirmed by a range of measures including in-flight-testing using a specialized calibration aircraft flying precise approach paths to verify signal accuracy, ensuring safe guidance for aircraft landing. Given the Part 77 requirements that will almost certainly require a developer of each lot to coordinate with CIAL, the timing of calibration flights could reasonably be planned to match the construction of buildings and so determine precisely if and to what extent an impact on performance is observable. Putting aside that Cyrrus' worst-case modelling determined that there would not be an unacceptable effect, if there was found to be an effect, temporary operational measures could be put in place to assure aviation safety ahead of permeant mitigations – such as I touch on next - being devised and put in place.
- 8 In relation to Mr Grimm's comments at paragraph 4.6(d) concerning my earlier observation that, should any radar-related issues later emerge, "further viable mitigations are available to Airways and potentially building owners" that he considers this to be a "blanket statement". This was not intended as a blanket statement as I do consider that even if the buildings were built and the effect on surveillance and navigation signals was found to be greater than the "worst case" as modelled by Cyrrus, further physical mitigations are credible. My view on this is in part based upon my military background where radar cross-section mitigations were employed as well as more recent research.
- 9 I note his statement that the capability to "code remove" buildings is not available for the Christchurch radar system and would not, in any case, be appropriate. For completeness, while I am not in a position to debate this precise point, as I state above, I do consider other credible mitigations are available and so Mr Grimm's comments do not alter the conclusions reached in my earlier evidence with regards to the acceptability of potential effects.

- 10 Mr Grimm's discussion of DME does not clearly explain what operational issues, effects or concerns exist with the proposal. For the reasons set out in my statement of 12 March 2026, I remain of the view that any reflected signal as modelled will not have an impact on the use of the DME by pilots at the final stage of an ILS/DME approach to RWY02.
- 11 I also observe that conditions 21C-E recently proposed by the Applicant offer an added layer of protection and directly respond to any residual concerns raised by Mr Grimm, including his comments regarding potential DME reflections.

Mr Robertson's Evidence

- 12 Mr Robertson's evidence suggests that a "full" or "structured" aeronautical study is always undertaken for all and any development near to an aerodrome. Putting aside that his evidence does not identify any specific deficiencies in the safeguarding studies or other technical assessments of aviation effects provided on behalf of the applicant, in my time in the aviation sector, I cannot think of any case where a developer not related to an aerodrome operator, has instigated such a study except in cases where either the planning rules or the aviation regulatory system required engagement with the aerodrome operator or the CAA¹.
- 13 While Mr Robertson sets out, at a high level, what he would ordinarily expect an aeronautical study (of the type required of and prepared by CIAL as aerodrome operator²) to include, he does not explain how any aspect of the Navigatus assessment (or other expert assessment) are wrong, incomplete, or unreliable, nor does he identify any error in methodology, assumptions, inputs, or conclusions.
- 14 Further, Mr Robertson does not identify any specific adverse effect, quantified safety risk, or defined operational constraint that is likely to arise as a result of the proposal. His concerns are framed in terms of hypothetical scenarios and the absence of further assessment, rather than specifying demonstrated failings in the assessments that have been undertaken.
- 15 I also note that the conditions proposed by the Applicant (principally proposed condition 21D(C)) provide an additional safeguard and serve to address any remaining concerns, including those raised by Mr Robertson.

¹ See evidence of For Robertson, 12 March 2026, paragraphs 11-12

² Paras 37-38 of Mr Robertson's evidence notes that "the statutory obligation to undertake an aeronautical study rests with CIAL as aerodrome operator" and the study "is undertaken prior to [a] significant change occurring, or if that is not practicable, as soon as practicable after the change".

This includes his comments at [42]–[49] regarding the potential reduction in forced-landing area availability, and his view that changes to helicopter flight paths are “not straightforward” and would require detailed assessment involving GCH pilots and Airways before they could be considered viable. While I maintain my view that any such alternative procedures could be developed albeit with *some limited operational efficiency or utility costs*, I nevertheless consider that the proposed conditions provide a further safeguard by way of a mechanism for a detailed assessment involving GCH pilots and Airways to occur and satisfactory flight procedures to be developed.

- 16 In summary, I do not consider that Mr Robertson’s evidence demonstrates any shortcoming in the aviation safety assessments undertaken by Navigatus, alongside the highly specialised work by Cyrrus, or in my earlier statements. The relevant effects and their potential scale have been appropriately identified, and the conclusion that those effects are acceptable remains sound.

Mr Kyle’s Evidence

- 17 Mr Kyle’s evidence repeatedly asserts that the aviation-safety assessments and information provided to date are insufficient, and that it is therefore “not plausible to conclude that aviation risks are negligible or have been adequately identified or addressed.”
- 18 However, Mr Kyle does not point to any specific aviation safety effect arising from the proposal that CIAL or Airways have identified, nor does he identify any deficiency in the assessment methodology, assumptions, inputs, or conclusions relied upon by the applicant’s aviation experts.
- 19 I understand Mr Kyle’s concern to be that the Applicant has not provided sufficient information to provide certainty at the consenting stage.
- 20 As stated in this brief of evidence and in the evidence I have provided to date, the methodology adopted, and assessments undertaken by Navigatus are consistent with industry and international aviation practice in comparable contexts and consistent with the scope of assessment recommended by the airports association (NZ Airports NZ).
- 21 I maintain my opinion set out in my supplementary statement of evidence dated 23 February 2026 that:

the safeguarding assessments prepared for the proposal are appropriate in scope and depth, has identified the aviation-safety implications relevant to development in this location...

- 22 Finally, I consider that neither the proposed conditions, nor the existence of further processes that may need to be undertaken by Airways or CIAL under their own regulatory requirements indicate that aviation safety risk has not been properly considered, nor does it imply that development approval at this stage will lead to a condition that is unsafe.

Significance of Effects

- 23 I understand that CIAL and Airways question the *significance* of potential aviation safety effects, insofar that the Navigatus assessment of 28 November 2025 and evidence to date has concluded that given the mitigations identified to date and the protection offered by the proposed conditions such effects will be 'acceptable'.
- 24 'Acceptable' is a defined risk threshold used internationally in aviation regulation, and it is materially different from a planning judgement about whether an effect is merely tolerable. In the aviation context, and as explained in AC139-15, the term 'acceptable' means that risk is "As Low As Reasonably Practicable" (ALARP) and does not exceed defined levels of risk or safety targets established by international aviation bodies (e.g., ICAO, FAA, JAA, etc). I stand by my conclusion that the mitigations identified will lead to a level of effects that will be acceptable, in that context.
- 25 In terms of this (Fast Track approvals) process, I understand that the assessment of effects on the environment (AEE) included with the application as originally filed, concluded in its executive summary that the proposal would have '**no more than minor and acceptable actual or potential adverse effects on the environment**³.
- 26 The need to try to align terminology used in AEE and that used for operational risk within high-hazard sectors is something that Navigatus has previously needed to consider in a number of expert reports considering maritime safety. As a result Navigatus developed and used a set of scales that have subsequently been accepted during consenting processes.
- 27 Based upon that prior work, I consider the following to be a reasonable translation of the terms for use with the aviation sector:

³ Para 17 of AEE, dated 15 April 2025 (See: https://www.fasttrack.govt.nz/__data/assets/pdf_file/0025/4858/CT-Ryans-Road-FT-AEE-20250320-AMENDED-FINAL_Redacted.pdf)

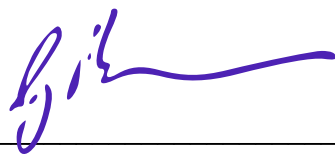
- (a) Less than minor: Can be expected to be routinely considered during operational planning or the planning for change but having no effect on the management and safe conduct of air-navigation.
- (b) Minor: An effect that needs to be considered during planning for change and may influence design of procedures but having no material effect on the ability to undertake safe air-navigation.
- (c) More than minor: An effect that would have to be considered during planning for change and that influences the conduct of air-navigation or aviation activity. Normal aviation processes would however assure safe air-navigation or aircraft handling could continue, albeit with some potential impact on efficiency.
- (d) Moderate: An effect that would have to be considered during planning for change and that influences the conduct of air-navigation or aviation activity. Aviation risk assessment and management processes would however identify unacceptable risk and put in place mitigations and controls to assure ongoing safe air-navigation, albeit with an impact on efficiency and operability.

28 Based upon the above scales, and given the additional, and what I view as effective, protections afforded by proposed Conditions 21D and 21E (in regard to GCH operations and CNS performance), I consider that the proposal's actual effects will be '**minor**'.

Conclusion

29 This further statement reaffirms the conclusions in the assessments and evidence I have provided to date. I remain of the view that given the additional protections afforded by proposed Conditions 21D and 21E any potential effects related to aviation matters will be **acceptable** in an aviation safety context and so the resulting managed effects will be **minor**. Accordingly, in my opinion, the Panel has sufficient, reliable technical information and proposed Conditions before it to identify, evaluate, and weigh the potential aviation safety effects for the purposes of its decision.

Dated 17 March 2026



Geraint Bermingham