

**BEFORE THE EXPERT PANEL**

**FTAA-2504-1054**

**Under** the Fast-track Approvals Act 2024

**In the matter of** an application for approvals in relation to the Ryans Road Industrial Development

**By** **Carter Group Limited**  
Applicant

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**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH INTERNATIONAL  
AIRPORT LIMITED REGARDING MINUTE 7**

**Dated 26 January 2026**

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## **MAY IT PLEASE THE PANEL**

- 1 This Memorandum is filed on behalf of Christchurch International Airport Limited (**CIAL**) in respect of Fast-Track Approvals Application FTAA-2504-1054, being the Ryans Road Industrial Development project (**Application**). Carter Group Limited is the **Applicant**.
- 2 CIAL files this memorandum in accordance with paragraph [11](b) of Minute 7<sup>1</sup>.

### **Introduction**

- 3 CIAL acknowledges:
  - (a) the position in which the Expert Panel finds itself, including the decision deadline referred to in Minute 7<sup>2</sup> and also the prevailing need for a robust decision; and
  - (b) the Panel's immediate focus as to appropriate process from this point<sup>3</sup>.
- 4 CIAL's December memorandum, by necessity, included comment on both merit and procedural issues. In this memorandum, CIAL seeks to assist the Panel to the greatest extent possible by focusing on the pressing question of "where to from here?".
- 5 Paragraphs 18 to 23 of CIAL's 18 December 2025 Memorandum describe what CIAL says the Applicant needs to do. To avoid doubt, CIAL is not suggesting the Applicant needs to do more than any other third party seeking to undertake the same development on the same site. The work that remains outstanding is critical and orthodox and, particularly given the timing constraints of the FTAA, is known foundational work that could reasonably be expected to have been undertaken before the Application was lodged.

### **Summary of CIAL's position on the appropriate process from here**

- 6 The procedural predicament now confronting the Panel arises from:
  - (a) The absence of foundational aviation safety work being done before the Application was filed;

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<sup>1</sup> For clarity, this Memorandum is filed in accordance with the Direction in Minute 7. CIAL did not seek to extend this timeframe and files this Memorandum in compliance with it.

<sup>2</sup> Minute 7 of the Expert Panel (22 December 2025) at [9].

<sup>3</sup> Minute 7 of the Expert Panel (22 December 2025) at [8] and [12].

- (b) The Applicant's subsequent attempt/s to address foundational aviation safety questions, retrospectively and without any consultation with all affected aviation system participants; and
- (c) The Applicant's persistence in advancing the Application, despite it knowing the foundational work required to inform the Panel's decision had not been undertaken.

7 Summarily, CIAL's position is:

- (a) The Panel does not have a sufficient evidential foundation upon which to determine the Application;
- (b) The work required to obtain that evidential foundation, if it can be obtained at all, will take at least 6 to 9 months;
- (c) Even with the additional 50 working days referred to in Minute 7, there is insufficient time for that work to be completed and integrated into the decision-making process for this Application; and
- (d) In these circumstances the only procedural options now available appear to be:
  - (i) Withdrawal of the Application; or
  - (ii) Decline of the Application.

### **The standard of safety required**

8 CIAL's interest in this proposal arises from its statutory obligations to safeguard the operating environment at Christchurch International Airport and to maintain aviation safety to a high and internationally aligned standard. These regulatory obligations apply irrespective of the statutory pathway by which the Applicant seeks approval.

9 It follows the Panel cannot apply a lesser level of scrutiny, or accept a reduced evidential foundation, simply because the FTAA process is time-limited: CIAL's regulatory exposure (and those of other aviation system participants operating at Christchurch International Airport) does not change and nor, CIAL says, can the rigour of the Panel's assessment. To the extent the Applicant's memorandum suggests aviation safety issues at Christchurch International Airport can be assessed or resolved differently by reason of the truncated nature of this process, CIAL does not accept that proposition.

### **The evidential foundation remains inadequate**

- 10 The Applicant's proposed procedural steps cannot address the fundamental concerns identified by CIAL because:
- (a) The steps proposed cannot transform a series of discrete safeguarding assessments into the aeronautical study required. The deficiency is not one of form, timing or sequencing, but of substance;
  - (b) Even if the Applicant's proposed process were followed, the Panel would still lack a complete and reliable evidential basis on which to decide whether the proposal can be safely accommodated at all; and
  - (c) As noted in CIAL's earlier memorandum, CIAL cannot responsibly or constructively engage in discussions about conditions in the absence of an appropriately comprehensive aeronautical study.

### **Inadequate time to cure the evidential deficiency**

- 11 The December memoranda from CIAL and Airways describe the nature and scale of the work that is needed. Airways' memorandum notes a typical time requirement of six to nine months for such work to be undertaken. The Applicant's response to Minute 7 has not engaged with that evidence.
- 12 With or without the additional 50 working days referred to in Minute 7, there is insufficient time within the FTAA framework for, firstly, the necessary work to be undertaken and, secondly, that work to be integrated into the Panel's decision-making process. The further procedural steps proposed:
- (a) Would not address the underlying deficiency;
  - (b) Therefore, would not place the Panel in any better position to determine the Application, than it is today; and, consequently
  - (c) Would not be an efficient use of Panel or party resources.

### **Exclusion of Relevant Parties and Procedural Adequacy**

- 13 There are aviation system participants, in addition to CIAL and Airways, who hold independent certification obligations under the Civil Aviation Rules and would ordinarily be engaged to inform hazard identification, operational assumptions, and the

assessment of potential effects on aircraft performance, procedures, and safety margins. These include aircraft operators operating into Christchurch International Airport, flight crew and helicopter operators<sup>4</sup>.

- 14 The pathway proposed by the Applicant does not provide for the involvement of the relevant participants, or their industry representatives. It instead proposes discussions between CIAL and Airways which, inevitably, cannot deliver the system-wide assessment of aviation safety risk consistent with the civil aviation regulatory framework – rendering the discussions futile.
- 15 Further, at this stage of the process and given the timeframes applying, there is no realistic opportunity for the level of engagement needed, to occur

### **Engagement of experts**

- 16 The Applicant notes CIAL and Airways have not engaged experts at this stage. CIAL holds internal technical and operational capability sufficient to discharge its responsibilities as a certificated aerodrome operator, including the identification of when a proposal raises aviation safety issues requiring further assessment. However, aviation safety is a highly technical field and CIAL does not hold specialist technical expertise across all of the discrete disciplines that may be engaged by a proposal of this nature.
- 17 For this application, CIAL would engage an external aeronautical expert to assist it in providing input into the required aeronautical study and to advise CIAL whether the conclusions reached represent an acceptable means of regulatory compliance. The reviews undertaken by CIAL to-date have necessarily focused on identifying what information is missing and what risks remain unassessed. They do not, and cannot, substitute for a properly prepared aeronautical study.
- 18 The compressed timeframes now applying to this Application — whether or not an additional 50 working days are made available — make meaningful expert participation impracticable. Even if a suitably qualified expert could be identified and engaged urgently, that person would still require time to familiarise themselves with the application and associated material, familiarise themselves with the operational context, engage with affected aviation system participants and undertake the necessary analysis. In practice, such work would need to be scheduled alongside

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<sup>4</sup> Including under Parts 91, 121 and 135.

existing professional commitments. In combination, it is unrealistic to expect expert input of the kind required could be delivered within the time available.

Dated this 26th day of January 2026

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**A C Limmer KC**  
Counsel for Christchurch International Airport Limited