

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 Dr Andrew Shelley

28 April 2026

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lloyd.**

SUPPLEMENTARY STATEMENT OF EVIDENCE OF DR ANDREW SHELLEY REGARDING CONDITIONS

Introduction

- 1 My name is Dr Andrew Shelley.
- 2 I have been asked by the Applicant to prepare this supplementary statement of evidence in relation to aspects of the draft decision and draft conditions for the Ryans Road Industrial Development that concern aviation safety. This includes comments received on the draft conditions relating to aviation safety, in particular comments from Airways Corporation of New Zealand Limited (**Airways**), Christchurch International Airport Limited (**CIAL**), and Christchurch City Council (**CCC**).
- 3 I confirm that I have read the comments provided by Airways, CIAL, and CCC.
- 4 The purpose of this statement is to respond to specific matters raised in those comments, including (where relevant) explaining amendments made to the proposed conditions in response, or outlining the reasons for maintaining the conclusions reached in my previous evidence in respect of those conditions.

Code of practice for expert witnesses

- 5 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.

Proposed replacement aviation safety condition

- 6 CIAL and Airways propose to replace draft condition 6(a)(ii)-(iv), condition 7B(c)-(e) and Conditions 21C, 21D and 21E with a singular condition that applies to all lots. I do not consider the proposed replacement condition, or the amendments sought by CIAL and Airways, to be necessary or appropriate. The reasons for that position are set out under the headings below.

A condition that applies to all lots

- 7 In my opinion, it is not necessary or appropriate for such a condition to apply to all lots within the site. The technical assessments and evidence prepared to date clearly identify the geographic extent within which aviation safety effects could arise and where specific controls may be warranted. Those assessments have adequately and appropriately defined the relevant risk envelope and these are reflected in the Panel's draft decision.
- 8 Applying the proposed condition across all lots would extend controls beyond the area of potential effect and would, in my view (noting that the current proposed conditions are already precautionary), be overly onerous and disproportionate.

Reference to AC139-15

- 9 I do not consider it appropriate to require compliance with AC139-15 in the conditions. AC139-15 is an advisory circular that sets out an acceptable means of compliance with requirements under Part 139 relating to the undertaking of aeronautical studies. The purpose of Part 139 is to establish standards, specifications, restrictions, and requirements for the issue and exercise of an aerodrome certificate under the Civil Aviation Act 2023, and to ensure that New Zealand meets and maintains applicable ICAO safety and security requirements for the certification, operation, and use of aerodromes. Importantly, Part 139 applies to aerodrome operators, such as CIAL. AC 139-15 is therefore intended only to guide aerodrome operators and regulators in the aerodrome certification and operational context.
- 10 As explained in my previous evidence the Ryans Road development is located close to, but not within, an aerodrome. Accordingly, there is no expectation or requirement under the Civil Aviation Act for the Applicant, as a non-aerodrome operator, to prepare an aeronautical study in accordance with AC 139-15. In my opinion, requiring a landowner or developer who is not an aerodrome operator to prepare an aeronautical study that complies with AC 139-15 would be practically impossible for a third party to achieve particularly where the aviation participants had relevant information and may be unconstructive in assisting with the preparation of such study. In summary, AC 139-15 is intended to apply in aerodrome certification and would be impracticable, for private landowners or developers to comply with particularly where there are competing commercial interests with an aerodrome operator, limited timeframes, or practical constraints on access to the information necessary to prepare a "consensus" aeronautical study in accordance with that framework.

Requirement for endorsement or agreement of CIAL and Airways

- 11 It is neither necessary nor appropriate to require the consent holder or Council to obtain the agreement of CIAL or Airways in the manner proposed by CIAL and Airways and confirm to Council that agreement has been obtained.
- 12 As noted in my previous evidence, both entities have commercial interests that extend beyond the management of aviation safety effects arising from this proposal. In those circumstances where matters extend beyond pure technical compliance and into broader considerations, it is appropriate to recognise that those entities may hold institutional or commercial interests that are not aligned with agreeing with the Applicant.
- 13 I consider the conditions as drafted to be appropriate, as it provides for a suitable level of consultation with CIAL and Airways. Any amendment that would make fulfilment of the conditions relating to aviation safety contingent on obtaining the agreement of CIAL or Airways would, in my view, be unnecessary and impracticable and overly onerous as this would give a third party with potentially competing commercial interests a practical veto over the project. In addition, in circumstances where a difference of opinion may arise, I consider it preferable that compliance with the condition be assessed by an independent and appropriately qualified person.
- 14 Overall, in my view, the conditions provide an appropriate framework for safety.
- 15 I note that CIAL and Airways want the proffered dispute resolution condition deleted. If that is the outcome then I don't consider that makes any difference to the appropriateness of the conditions to manage the risk because I consider the proffered conditions to be overly precautionary in any event.

Part 1: Condition 4: Activity conditions on Lots 1-126 and Built Form Standards for Lots 1-58 and 61-126

- 16 CIAL and Airways recommend that Condition 4, which serves to alert the consent holder to activities that are not permitted within CIAL's designation, be applied beyond the designation area and across the entire site.
- 17 I do not consider there any evidential basis to support such an extension of the prohibited activities.
- 18 Condition 4 is specifically directed at those activities which are prohibited within the designation, and applying it to areas outside that designation

would go beyond its intended purpose and regulatory scope. There is no evidence before the panel to demonstrate that activities outside the designation would give rise to aviation safety effects requiring such an extension of the District Plan restrictions.

Part 1: Condition 6: Lot Specific Building Controls

- 19 CIAL and Airways raise a number of matters in relation to Condition 6, which addresses lot-specific building controls. In particular, they contend that the condition should not be limited to selected lots identified through the Applicant's technical assessments, which they consider to be insufficiently robust. CIAL and Airways instead propose that the condition apply to all lots, supported by a single, comprehensive engineering and radio-frequency study to verify the Applicant's modelling. For the reasons set out in my earlier evidence, I do not agree with that position. In my view, the scope and extent of Condition 6(a) remain appropriate, and there is no evidential basis to justify extending those controls across all lots within the site.
- 20 I have reviewed the amendments proposed by the Applicant to Condition 6 in response to the comments received and confirm that I support those amendments. In my opinion, the amended condition appropriately reflects the conclusions of the technical assessments and provides a proportionate and effects-based response to the matters raised by CIAL and Airways.

Part 1: Condition 7: Building Heights

- 21 In response to CIAL and Airways comments, the Applicant has proposed amendments to Condition 7 relating to building heights: to:
- (a) ensure the condition applies to both *buildings* and *structures*;
 - (b) draw attention to the requirements of section 176 of the RMA for CIAL's approval to be given to any activities in the REPA (designation);
 - (c) clarify that no building or structure may be located within the Runway End Protection Area (REPA); and
 - (d) clarify that only temporary buildings ancillary to an approved building, construction, land subdivision, or demolition project (which are a permitted activity under the Christchurch District Plan (CDP) and which have obtained all relevant authorisations under the Civil Aviation Act (including Civil Aviation Rule Part 77)) may penetrate

Christchurch International Airport's Protection Surfaces as specified in the CDP.

- 22 In relation to any temporary penetration of Airport Protection Surfaces (as defined), I note that such penetrations would almost invariably trigger the requirement for a Part 77 approval, ensuring that despite permitted activity status any potential aviation safety effects are also assessed through the appropriate statutory aviation safety framework.
- 23 Temporary construction plant, such as cranes, can be safely established in locations that penetrate aircraft protection surfaces (including obstacle limitation surfaces and notification surfaces), and the Part 77 authorisation process appropriately provides for the evaluation and management of such proposals on a case-by-case basis.
- 24 In practical terms, temporary plant or cranes that penetrate protection surfaces but are located at a height or in a position sufficiently clear of aircraft flight paths can, and routinely are, managed through Part 77 determinations and associated management responses, such as Notices to Airmen (NOTAMs) and aviation lighting. Accordingly, retaining the ability for such temporary structures to be established is appropriate and consistent with established aviation safety practice.
- 25 Overall, I consider the amendments proposed by the Applicant to be appropriate and adequately address the matters raised by CIAL and Airways.

Part 1: Conditions 21A-21D Aviation Safety Conditions

- 26 The substance of the concerns raised by CIAL and Airways in relation to Conditions 21A–21D has been addressed above. Those matters are not repeated here. This section addresses only the additional points raised by CIAL and Airways in respect of Conditions 21A–21D as currently drafted, and confirms the Applicant's position on those conditions and any amendments made to them.

Condition 21A

- 27 In relation to draft condition 21A, I note that the intent of this condition was simply to alert future landowners and leaseholders to the separate requirements of the Civil Aviation Rules. There is no intent that this condition in any way provides a pathway to legitimise a breach, and I fail to see how it might possibly achieve that. A favourable Part 77 determination does not remove the requirement to comply with the other conditions of the consent, nor does it remove or override other statutory responsibilities such

as obtaining a building consent. The condition merely clarifies that the consent holder must also comply with any constraints imposed through a Part 77 determination, which would be a legal requirement in any event.

- 28 Part 77 conditions are limited to addressing matters arising from intrusions into the notification surfaces for which approval is sought. If anything, such conditions are likely to impose obligations on the Applicant that sit in addition to the conditions of consent authorising the development. For these reasons, it is difficult to identify the concern raised, and I consider the condition appropriate as drafted. As noted elsewhere in my evidence, the conditions proposed by the Applicant are an overly precautionary response to address the matters raised by CIAL and Airways in its respective comments.

Condition 21C and the comments made in the Joint Memorandum (Paragraphs 18-25)

- 29 In relation to condition 21C:
- (a) I agree with paragraph 2 that it is reasonable to require the risk assessment to be completed prior to the construction of any structures. Once those structures have been erected then the required mitigation may be to remove or change those structures, so it makes sense to complete the risk assessment first.
 - (b) As noted above, I do not consider it reasonable nor necessary to require endorsement or agreement Airways and CIAL
 - (c) I consider that it is reasonable and appropriate that CCC be given written notice that an aviation risk assessment has commenced, in addition to being provided with a copy of the completed assessment.
 - (d) I consider that the scope of the aviation risk assessment as proposed by the Applicant is appropriate and proportionate response to the matters raised by CIAL and Airways.

Condition 21D

- 30 In relation to condition 21D, CIAL and Airways state that effects on Helicopters are not confined to Lot 121 (or other lots listed in the condition), and that a 'Helicopter Operations Protection plan' should be developed in consultation with CIAL. The extent to which safe landing options are available was assessed in the Navigatus Aviation Safeguarding Assessment of 28 November 2025. I do not consider that a helicopter

operations protection plan is necessary beyond the mitigations proposed by the applicant. The reasons for my view are as follows:

- (a) The condition as drafted already requires a lot specific aviation assessment to be undertaken prior to the construction of any building or structure on the relevant lots. Importantly, the condition requires the consent holder to ensure safe emergency landing capability for all helicopters using the Garden City Helicopters facility and implement all mitigation measures it is legally able to implement before construction of any building or construction.
- (b) A separate management plan would largely duplicate matters already required to be addressed through the condition framework. In my view, such a plan would be unnecessarily onerous and would not result in any additional or meaningful aviation safety outcomes, given that the same issues must be resolved through the required assessments and any mitigation measures that are required to be implemented in any event.
- (c) It would also be inappropriate for the consent holder to be required to prepare a Helicopter Operations Protection Plan that extends to identifying helicopter approach and departure paths, manoeuvring areas, or operational procedures more generally. These matters sit outside the applicant's control and operational responsibility and are properly the domain of the aviation operators.

Changes to aviation safety conditions

- 31 I have reviewed the changes proposed by the Applicant in response to the matters raised by CIAL, Airways, and CCC (including the new enduring management condition (condition 1AA).
- 32 I confirm that I support those changes and that they do not alter the assessment, findings, or conclusions reached in my earlier evidence

Conclusion

- 33 Overall, I have reviewed the amendments to the conditions proposed by the Applicant in response to the comments received on the draft conditions. I confirm that I support the final draft conditions. In my opinion, they comprehensively address the potential for aviation safety effects associated with the Project and, while not strictly necessary on the basis of the technical evidence, represent an appropriately precautionary response to the matters raised.

- 34 For the reasons set out above, I do not consider the changes sought by CIAL and Airways (particularly the proposed replacement aviation safety condition) to be necessary or appropriate. The technical evidence does not identify aviation safety effects that would warrant the broader and more onerous approach proposed by CIAL and Airways, nor does it support the introduction of additional controls that would extend beyond the defined area of potential effect or introduce dependency on third-party agreement.
- 35 I therefore maintain the conclusions expressed in my previous evidence in relation to the proposed aviation-related conditions.

Dated 28 April 2026

A handwritten signature in black ink, appearing to read "A Shelley", written in a cursive style. The signature is positioned above a horizontal line.

Andrew Shelley