

**BEFORE THE FAST-TRACK APPROVALS  
EXPERT PANEL**

**FTAA-2504-1054**

**UNDER** the Fast-track Approvals Act 2024 ("**FTAA**")

**AND**

**IN THE MATTER** of an application for approvals by Carter Group Limited ("**CGL**") in relation to the proposed Ryans Road Industrial Development ("**Application**")

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**MEMORANDUM OF COUNSEL ON BEHALF OF AIRWAYS CORPORATION OF  
NEW ZEALAND**

**28 JANUARY 2026**

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**Russell  
McAugh**

L J E Rapley | L C Espin  
P +64 9 367 8000  
F +64 9 367 8163  
PO Box 8  
DX CX10085  
Auckland

**MAY IT PLEASE THE PANEL:****Summary**

1. This memorandum is filed on behalf of Airways Corporation of New Zealand ("**Airways**") in response to the procedural directions in the Panel's Minute 7 requiring Airways (and Christchurch International Airport Limited ("**CIAL**")) to respond to Carter Group Limited's ("**CGL**") memorandum of counsel dated 19 January 2026 regarding proposed next steps for the Application.<sup>1</sup>
2. Airways acknowledges and appreciates the extension for filing this response until 28 January 2026.<sup>2</sup>
3. This memorandum is provided further to, and should be read in the context of, Airways' supplementary submission on 18 December 2025, which outlined its significant concerns regarding the risk of the Application to aviation safety.
4. In summary, Airways' position is that the aviation safety risks posed by the Application have not been adequately assessed and further technical work is essential before engagement on conditions can occur. While Airways wishes to engage constructively in this process and acknowledges the challenging position the Panel now finds itself in, Airways cannot support CGL's proposed approach at this very late stage of the process in the absence of an adequate evidential basis on aviation safety risks.
5. Counsel has reviewed the memorandum of counsel filed by CIAL on 26 January 2026. In the absence of full due diligence being completed by CGL to ensure the residual risk to aviation safety is as low as reasonably practicable, Airways agrees with CIAL's position that the only procedural options now available appear to be for CGL to withdraw the Application, or for the Panel to decline the Application.

**Airways' reply to CGL's proposed approach**

6. As outlined in Minute 7, Airways (and CIAL) have significant concerns regarding the adequacy of consultation by CGL, and the sufficiency of CGL's safeguarding assessment.<sup>3</sup> The Panel went on to state that these matters raise questions about the most appropriate way to progress this Application,

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<sup>1</sup> Minute 7 of the Expert Panel dated 22 December 2025.

<sup>2</sup> Minute 8 of the Expert Panel dated 23 January 2026.

<sup>3</sup> Minute 7 of the Expert Panel dated 22 December 2025 at [8].

and directed CGL to first provide its proposed approach, followed by Airways and CIAL providing their responses to that proposal.<sup>4</sup>

7. CGL's proposed next step is for:<sup>5</sup>

[...] informal technical discussions [to] occur **in relation to the draft conditions** between the Applicant's aeronautical experts (with planning input on any drafting), together with such representatives from CIAL and Airways who are best able to speak **to the technical aeronautical matters raised in their respective Further Comments.**

[Emphasis added]

8. CGL's proposed approach fundamentally fails to take into account Airways (and CIAL's) detailed comments on 18 December 2025. Airways made it abundantly clear in its comments to the Panel that it is not possible to engage on conditions until further work is done by CGL in collaboration with Airways to demonstrate how the Application can proceed without compromising the safety, regularity or resilience of aviation services.<sup>6</sup>

9. Airways maintains its position as set out in its comments on 15 September 2025 and in its supplementary comments on 18 December 2025 that:

- (a) Based on the evidence currently before the Panel, Airways does not consider CGL has sufficiently investigated the aviation safety risks associated with the Application.
- (b) The safeguarding assessments prepared on behalf of CGL were undertaken as an initial step, and further work is required as a next step to address critical aviation safety questions and concerns. Airways entirely agrees with CIAL that this work is critical, forms a standard part of the process for an application of this nature, and is work that can reasonably be expected to have been undertaken prior to lodgement of the Application.
- (c) The further work is likely to take upwards of 6-9 months (and further, it is noted that with or without CGL utilising the additional 50 Working Days to suspend the processing there is insufficient time within the current FTAA process for the necessary further work to be undertaken).

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<sup>4</sup> At [9] and [11].

<sup>5</sup> Memorandum of counsel for CGL responding to Minute 7 dated 19 January 2026 at [10].

<sup>6</sup> Airways Ryans Road Industrial Development Fast Track Application Submission Supplementary at [3.6] and [5].

10. Since 18 December 2025:
  - (a) to our knowledge, CGL has not taken any steps to undertake any additional work in respect of aviation safety and therefore this critical and necessary work remains outstanding; and
  - (b) CGL has not responded to Airways' position that the additional work is required, or provided any evidence to the contrary.
11. Airways does not consider it is reasonable for CGL to suggest the parties should engage in discussions on conditions (in a significantly truncated timeframe) before undertaking the work that is necessary to determine whether the Application can safely proceed in this location in the first place.
12. CGL's proposed timetable suggests it will be able to, after discussing the application with Airways and CIAL, make further refinements to the proposal and / or explain how any remaining concerns regarding aviation safety will be addressed.<sup>7</sup> This suggests CGL is of the opinion that amending the conditions for the Application will result in a situation where all parties are comfortable with the Application and development proceeding in this location. This overly simplistic suggestion ignores Airways clear and consistent position that it cannot engage on proposed conditions until the full range of risks to its operations in Christchurch are understood following the completion of further technical studies.
13. Importantly, Airways has statutory obligations under the Civil Aviation Act 2023, specifically Civil Aviation Rule Parts 171 and 172 (expositions dated 27 Nov 2025) to ensure there are no safety issues associated with the Air Traffic Control services to all aircraft throughout New Zealand.
14. Airways acknowledges the 'faster' nature of the process under the FTAA (once an applicant has lodged a substantive application), but with respect, a faster process does not lessen Airways' statutory obligations nor does it displace the need for robust technical evidence demonstrating the Application can safely proceed in this location without affecting critical aviation infrastructure. That is work CGL should have undertaken upfront, prior to lodging the substantive application.
15. Finally, although Airways acknowledges CGL's suggested approach is intended to be "constructive" in order to move the Application forward, that needs to be viewed in light of the following:

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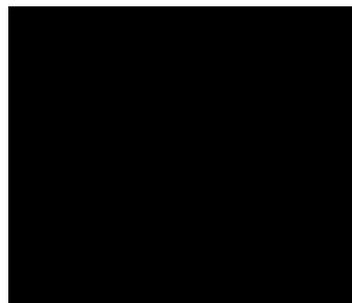
Memorandum of Counsel for Carter Group Limited, 19 January 2026 at [13].

- (a) CGL did not sufficiently engage with Airways to jointly work toward properly investigating the situation prior to the lodgement of the Application, and only acknowledged Airways' interest in the Application once comments were received following invitation by the Minister.
- (b) Airways requested in its comments that it have the opportunity to review and comment on the safeguarding assessments prior to them being provided to the Panel,<sup>8</sup> which CGL failed to do.
- (c) At no stage in this process has CGL been proactive or constructive with engaging with Airways. CGL's attempt to engage with Airways and CIAL on its terms (at the back end of the process) cannot address the fundamental failings of the Application at this late stage.

**Options available**

16. Respectfully, from Airways' perspective, the only two options available are:
- (a) for the Panel to decline to grant the Application in accordance with section 85(3) of the FTAA on the basis that the adverse impacts to aviation are sufficiently significant and out of proportion to any proposed regional or national benefits; or
  - (b) for CGL to withdraw the Application in order to undertake the further work required in collaboration with Airways and CIAL.

**DATED** 28 January 2026



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Lauren Rapley / Louise Espin  
**Counsel for Airways Corporation of New Zealand**

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<sup>8</sup> Airways Submission, 15 September 2025 at [5.1] and [6].