

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER
APPOINTED BY THE INVERCARGILL CITY COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of Part 8 of the Act

BY **SPACE OPERATIONS NEW ZEALAND
LIMITED**

Requestor

STATEMENT OF EVIDENCE OF JOHN KYLE

Dated: 15 September 2026

Todd Walker

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Statement of evidence of John Kyle

Introduction

- [1] My full name is John Clifford Kyle.
- [2] I am a founding director of the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.
- [3] I hold an honours degree in Regional Planning from Massey University, obtained in 1987.
- [4] I have been engaged in the field of resource and environmental management for more than 35 years. My experience includes a mix of local authority and consultancy resource management work. For the past 30 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management, and environmental effects assessment. This includes extensive experience with large-scale, and often nationally significant projects involving inputs from a multidisciplinary team. I have been extensively involved in consenting nationally and regionally significant projects under the Fast Track Approvals Act since it was enacted late in 2024.
- [5] My work has me involved with projects in the renewable energy generation sector (hydro, wind, solar and recently green hydrogen), extractives (quarrying and mining), infrastructure (ports, airports, network utilities), industrial processing (fertiliser, meat, forestry), aquaculture, land development (urban expansion, new town development), government facilities (regional prisons, youth justice facilities), health and aged care (hospitals and retirement villages) and water (irrigation, water storage, wastewater treatment).

Code of Conduct

- [6] Whilst I appreciate that this is a matter before the Invercargill City Council, I confirm that in preparing this evidence I have read the Environment Court's Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and agree to comply with

it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this evidence are 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.

Scope of evidence

- [7] I have been asked to provide a brief statement of evidence in relation to a notice of requirement by Space Operations New Zealand Limited (**Space Ops / Requestor**) for a designation in respect of airspace and land surrounding the Awarua Satellite Ground Station (**Ground Station**). The land and airspace surrounding Lot 1 Deposited Plan 483454 and Lot 1 DP 524692 held in Record of Title 837915, located at 781 Colyer Road, and Lot 2 DP 524692 held in Record of Title 1134415, located at 721 Colyer Road (together, the **Site**) are the subject of the notice. In particular, I have been asked to review and comment on the Brief of Evidence of Mr Alex Dunn dated 14 September 2026, insofar as it addresses matters within the scope of my expertise.
- [8] In terms of my expertise, I have extensive experience with designations relating to airspace through my work with a number of New Zealand airports. Most major airports in New Zealand have put in place designations to provide for obstacle limitation surfaces (**OLS**). is a system of defined, three-dimensional surfaces within the airspace surrounding an airport that sets the maximum height limits for buildings, trees, and other objects. These surfaces protect aircraft during critical phases of flight, including takeoff, landing, and low-altitude maneuvering near the aerodrome. A designation for an OLS is intended to avoid objects piercing these planes, in order to protect the safe and efficient functioning of the airport. I have been involved with such designations at Wellington, Christchurch, Queenstown, Wanaka and Invercargill airports over recent years.
- [9] I have read the evidence of Mr Dunn. I have also read the notice of requirement, the submissions lodged with respect to the notice, the Council section 42A report, and the technical evidence prepared on

behalf of the Requestor by Mr McNeill. At the time of writing, I have not seen the evidence prepared by Mr Hulston.

Opinion

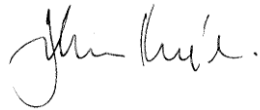
[10] The evidence prepared by Mr Dunn with respect to the notice of requirement is extensive and comprehensive. Mr Dunn evaluates the notice in terms of the relevant matters with section 171 of the RMA. He considers and evaluates matters raised with submissions and the council section 42A report.

[11] Having considered the material referred to in paragraph 9 above I agree with Mr Dunn that:

- (a) Subject to the proposed revised conditions, that the notice of requirement is an appropriate and proportionate means of protecting the ongoing efficient operation of the Awarua Satellite Ground Station from EMI and physical obstruction within the surrounding airspace. I note the importance of the Ground Station as described by Mr McNeill.
- (b) Both the EMI and the Airspace Limitation Surface are appropriate over the surrounding Rural Zone land. Where the latter affects land within the Industrial 4 Zone, I too note the concerns raised by submitters and within the section 42A report that the designation will impose an additional development constraint on land within that zone, particularly for very tall structures. Notwithstanding these concerns, I agree with Mr Dunn that the effects of the designation on this land are acceptable on the basis that any proposed penetration of the surface on this land comprises an assessment trigger rather than an absolute prohibition, allowing development to proceed if it can be demonstrated that it is compatible with the operational requirements of the Ground Station.
- (c) Adequate consideration has been given to alternative sites and methods.

- (d) Having considered the effects of the requirement, the relevant national and regional policy direction, the Invercargill City District Plan, and alternatives, that the notice of requirement is generally aligned with the relevant planning framework. In particular, it accords with the strong direction in the NPS-I and SRPS to provide for the efficient operation of established significant infrastructure.
- (e) The notice of requirement is reasonably necessary to meet the objectives of the requiring authority.

Dated: 15 September 2026



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John Kyle