

Before the Expert Panel

**FTAA-2505-1057**

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| Under            | Fast-track Approvals Act 2024 ( <b>FTAA</b> ) |
| In the matter of | Pound Road Industrial Development             |
| Between          | <b>NTP DEVELOPMENT HOLDINGS LIMITED</b>       |
|                  | Applicant                                     |

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**Memorandum to the Panel regarding technical assistance**

Date: 28 October 2025

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**anderson  
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## May it please the Panel

- 1 On 6 October 2025, the Expert Panel issued Minute 2 on the Pound Road Industrial Development [FTAA-2505-1057]. Paragraphs [30] – [33] address the appointment of Special & Technical Advisors. Regarding technical assistance in the assessment of transport effects Minute 2 stated as follows:

[32] Mindful of the procedural principles at s 10 FTAA, the Panel has identified that it would benefit from:

...

- c. Technical assistance to assist with the assessment of the transport effects, including at the Pound Road/Waterloo Road intersection and Pound Road/Main Road South intersection (including the rail corridor) and the proposed entry points to the subdivision, this may include a peer review as described at 14.11 – 14.13 of the Guidance Note. The Panel have not yet confirmed who it proposes to appoint but seeks comments from the parties in the meantime on that appointment in principle. The Panel notes the Applicant has suggested an advisor the Panel may wish to appoint.
- 2 At the briefing, the Applicant suggested Mat Collins (Flow) as a technical adviser understanding that his involvement would be limited to unresolved transport matters between the Applicant, Christchurch City Council (**CCC**), and New Zealand Transport Agency (**NZTA**) and/or otherwise where specific information had not been provided by the parties.
- 3 Subsequently, Andrew Metherell (Stantec) has been appointed and, following an initial meeting with him on 22 October 2025, between the relevant experts concerns have been raised as there appears to be no clear scope for his work at this stage particularly given formal feedback from CCC and NZTA has not been provided; nor has the Applicant been given a formal opportunity to respond.
- 4 Based on the Applicants initial meeting with Andrew Metherell, it also appears he is acting beyond the originally proposed 'technical assistance' outlined in Minute 2, raising multiple queries that have not been raised by either CCC or NZTA.
- 5 The scope of Mr Metherell's role needs to be properly clarified.

## **Fast-track Approvals Act 2024 (FTAA)**

- 6 Section 10 of the Fast Track Approvals Act 2024 (**FTAA** or **Act**) sets out the procedural principles and requires every person performing functions and duties and exercising powers under this Act to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised.
- 7 Clause 10 of Schedule 3 sets out further procedures for the Panel. Under cl 10(3) the Panel may, at any time, appoint technical advisors, including from a department, Crown entity, or relevant local authority, as it thinks appropriate. Clause 10(6) of Schedule 3 states that this is subject to section 57 and any other provisions of the FTAA that are relevant to the procedure of a panel.
- 8 Notably, Mr Metherell has not been invited for comment under section 53 of the FTAA. He therefore is excluded from providing information under section 67 or from participating in any hearing on the substantive application under section 57. Additionally, as detailed in section 81, his report / any advice he gives to the panel is not required to be considered by the Panel in making a decision.
- 9 In contemplation of the above, Mr Metherell's role is to provide advice directly to the Panel. He's not part of the substantive process and won't be involved in hearings or decision-making. The Guidance Note gives more detail on how and when his input might be used.

## **Panel Conveners Practice Procedure and Guidance Note**

- 10 Clause 14 of the Fast-track Approvals Act 2024: Panel Conveners Practice Procedure Guidance Note (**Guidance Note**) outlines the procedure to commissioning specialist and technical advisors, advice and reports:
  - 14.2 At any time before making its decision, a panel may also appoint:
    - (a) a special adviser to assist the panel with a substantive application in relation to any matters the panel may determine; and
    - (b) technical advisers, including from a department, Crown entity, or relevant local authority, as it thinks appropriate.
  - 14.3 The applicant pays the fees and expenses of the special and technical advisers.

14.4 While advisers are not members of the panel, and are not involved in decision-making, they may sit with it and provide assistance as determined by the panel

...

14.9 The panel may consider appointing a technical adviser or mātanga to:

(a) facilitate the conferencing of expert witnesses or wānanga;

(b) report to the panel on selected issues of disputed fact or opinion and methodology;

(c) question a participant or witness on behalf of a panel; and

(d) review or assist with drafting the proposed conditions of an approval.

- 11 While clause 10 of Schedule 3 of the FTAA permits the appointment of special and technical advisers, the scope of their role is deliberately narrow as outlined in [14] of the Guidance Note. Advisers are not decision-makers and may only assist the panel in specific, defined ways—such as facilitating expert conferencing, reporting on discrete issues, questioning participants, or assisting with drafting conditions. Their involvement is limited to supporting the panel’s deliberations, not expanding or directing them.
- 12 [14.10] to [14.14] of the Guidance Note further outlines that a panel may appoint a technical adviser to undertake a *peer review*, which is a focused evaluation of the methods and conclusions in a piece of work. The purpose is to provide an impartial assessment of quality and rigour—not to offer a contrary opinion or introduce new evidence. A peer review may highlight the need for further information, but any new material must be sought from those parties detailed in section 67 of the FTAA.<sup>1</sup>
- 13 Importantly [14.13] states the Panel may only consider a peer review if:
- (a) there is no other comment, report or information on the subject area; and
  - (b) the panel members do not have the knowledge, skills or expertise to undertake an assessment of methodology.

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<sup>1</sup> The Applicant; the relevant local authority; the relevant administering agency; or any person who provided comments under 53.

- 14 The Guidance Note is reflective of a narrow and clearly defined scope for technical advisers, whose role is supportive and limited to specific tasks, rather than contributing new evidence or influencing the panel's decision-making.

*Seeking participants views on appointment or advisors*

- 15 [14.15] to [14.18] of the Guidance Note further detail how the panel is required to appoint a technical advisor noting that they do not have a decision-making role. Except when assisting with non-evaluative or administrative aspects of a decision, all communications between the panel and advisers must be recorded and made available to participants to ensure procedural fairness. Additionally, panels should also consider whether participants should be given an opportunity to respond to any advice provided.
- 16 Notably, before appointing an adviser or commissioning a peer review, the panel must seek participants' views and issue a minute outlining the purpose, scope, and rationale for the advice, as well as the process for responding to it. The Guidance Note states that typically, participants' views are sought via memoranda, and the panel may determine next steps without holding a further hearing.

**Request from the Applicant to the Panel**

- 17 While Minute 2 indicates the Panel's intention to engage a technical adviser to assist with the assessment of transport effects, this was expressed only on a preliminary basis. To date, there has been no subsequent correspondence from the Panel confirming the appointment or clarifying the exact scope of the adviser's role.
- 18 Given the limited and defined functions of technical advisers under the FTAA and the Guidance Note, it is important that any engagement is clearly scoped and procedurally compliant. In particular, the Guidance Note emphasises that technical advisers should only be appointed where there is a lack of existing expert input or unresolved disagreement on technical matters. At this stage neither of these situations have emerged in this particular process.
- 19 In light of the above, and in alignment with section 10 of the FTAA, the Applicant requests that the Panel clarify the purpose, scope, and rationale for Mr Metherell's engagement—particularly whether he is undertaking a peer review and, if so why that is necessary and the specific terms of that review. This is especially important given that expert input on transport matters has already been provided by the Applicant, NZTA, and CCC. The

Applicant also considers it appropriate, in line with the Guidance Note, to be given an opportunity to respond to any advice Mr Metherell provides.

- 20 The Applicant further requests that, once the scope of the technical adviser's role is defined, the Panel seek the Applicant's views on that scope by way of memorandum.

Dated this 28 October 2025

A handwritten signature in blue ink, appearing to read 'Jo Appleyard', is positioned above a horizontal line.

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Jo Appleyard / Tallulah Parker  
Counsel for NTP Development Holdings Limited