
MINUTE 13 OF THE EXPERT PANEL

Permitted Baseline and Conditions

Ayrburn Screen Hub

FTAA-2508-1093

(5 February 2026)

[1] The Panel has received three responses to the leave provided in Minute 10 for commenting parties to address a legal argument contained in the applicant's response to comments¹.

[2] The first two responses, from Ms MacDonald on behalf of Mr Kidd and from Ms Scott on behalf of QLDC, present legal submissions contradicting the argument the applicant has made. The applicant has until 5 pm on 10 February to provide us with any reply it wishes to make to those submissions.

[3] The third response, from Mr Neil Green and Ms Suzie Bognar does not directly address the merits of the applicant's legal argument, but rather notes the potential application of our findings on that argument to the assessment of noise effects. The balance of the response from Mr Green and Ms Bognar critiques the expert noise evidence and legal commentary on noise issues the applicant has provided as part of its response to comments and attaches an extensive chain of correspondence between them and QLDC. It also reiterates a request that the Panel obtain an independent peer review of the applicant's noise evidence.

[4] We note that as advised to parties participating in the conference discussing landscape issues on 3 February, the Panel is meeting on 12 February to determine, among other things, whether it has all the evidence it requires to make a decision.

¹ Paragraphs 107-118 of counsel for the applicant's legal memorandum.

As part of the Panel's consideration of that question, it will determine whether it should direct the EPA to obtain an independent peer review on noise issues.

[5] Although purporting to respond to our invitation to comment in Minute 10, Mr Green and Ms Bognar have not done that. Rather, they seek to reply to the applicant's response to comments and bolster a position already put to us on noise issues. In Minute 12 we explained why we would not accept the unsolicited commentary Ms Hadley provided to us on landscape issues. We decline to receive the material Mr Green and Ms Bognar have provided for similar reasons.

[6] Lastly, we note Ms Cook's response on behalf of the applicant to Minute 11 in relation to condition issues. It appears to the Panel that good progress has been made by Mr Cook, Mr Langman and Mr Bell on the technical issues the Panel sought feedback on. To the limited extent matters remain unresolved as between the applicant and QLDC, the most efficient way forward is (as Mr Cook suggests might be the case) for the Panel to pick up those matters as part of its review of the substantive merits of the conditions.



Trevor Robinson
Expert Panel Chair