
MINUTE 14 OF THE EXPERT PANEL
Suspension of Application under section 64 FTAA
Ryans Road Industrial Area [FTAA-2504-1054]
(13 March 2026)

[1] This Minute addresses the Panel’s decision on the Applicant’s request to suspend the application.

[2] By Memorandum dated 13 March the Applicant requested that the processing of the application be suspended pursuant to section 64 FTAA.

[3] The basis of the Applicant’s request is that it wishes to confirm with its experts whether any further refinement of conditions is required as a result of matters raised in the evidence filed yesterday (12 March 2026) by CIAL and Airways in response to Minute 13, as follows:

- (a) Mr Ford Scott Robertson for CIAL;
- (b) Mr Jeffery Balchin for CIAL;
- (c) Mr John Kyle for CIAL; and
- (d) Mr Robert Grimm for Airways.

[4] The Applicant considers that the suspension sought will address the timing constraints identified in Minute 13 and will ensure procedural fairness to the Applicant.

[5] The Applicant is also mindful that the Panel will require some additional time after the lodging of any further material to finalise its draft decision beyond the 1 working day currently available.

[6] On this basis, the Applicant requests:

- (a) processing of the Application be suspended pursuant to s 64; and
- (b) if the Applicant considers that any further material is required, following discussion with its experts, it will advise the Panel early next week of the likely date on which that material will be provided, along with a suggested date for processing to resume, with the intention of ensuring the Panel has additional time after receipt of any additional material.

Decision on Applicant's request to suspend the Application

[7] The Panel refers to our Minute 9 which discusses the discretion available to a Panel whether to grant or decline a request to suspend processing of an application (s.64 FTAA) and the various factors that the Panel should take into account when considering an Applicant's request for suspension.¹ We confirm that we have considered these matters when making our decision on the Applicant's request.

[8] As all parties are aware, the Panel is now critically short of time to complete its draft decision under the existing timeframe. This includes that the decision is currently due on the next statutory working day and, given that the next two days are weekend, that the Panel was intending to use those non-statutory days to complete the draft decision.

[9] On that basis, the Panel is constrained to the extent that it has the following options available:

- (a) Refuse the request for suspension and issue the draft decision on Monday 16 March 2026; or

¹ Minute 9 at [12] –[14]

(b) Agree to the request for suspension on the basis that the Applicant agrees to amend its request to provide an additional five working days after the Applicant either:

- i confirms that it does not wish to reply to the statement of evidence and submissions presented to the Panel by Airways and CIAL in their 13 March 2026 Minute 13 responses; or
- ii provides updated conditions and its response strictly in reply to the Airways and CIAL Minute 13 responses.

[10] We record that the Applicant has agreed to amend the request for suspension as detailed above.

[11] The Panel considers that continuation of the following work should occur during the suspension period: decision writing by the Panel except for its findings on matters related to air safety, including any administrative work by EPA staff required to assist the panel with this work. We record that the Applicant has agreed to this.

[12] The Panel has considered the practical limitations to CIAL's response discussed in the Memorandum of Counsel for CIAL filed yesterday (12 March 2026).² CIAL also records its understanding that the Applicant is considering whether to seek a further suspension of time and that if such an application is made after the present material is filed, CIAL respectfully requests the opportunity to be heard on that request.³

[13] Further, CIAL states that:⁴

If the Panel were inclined to grant a further suspension, CIAL would likely seek additional time to supplement and further develop its reply material, rather than having

² Memorandum of Counsel for CIAL dated 12 March 2026 at [5]-[9]

³ Ibid at [9]

⁴ Ibid at [10]

the suspension period used (wholly or in part) for the filing of further evidence or submissions by the Applicant. CIAL would respectfully submit the purpose of any suspension should be to enable existing material to be properly addressed, rather than to facilitate further expansion of the evidential record.

[14] The Panel has carefully considered the above requests.

[15] Given the time constraints noted above, we are unable to provide an opportunity for CIAL to be heard on the question of suspension because, for the reasons outlined above, a decision needs to be made by the Panel today.

[16] Regarding CIAL's request for additional time to supplement and further develop its reply material, we note the following matters:

(a) The Panel has been assisted by the material filed by CIAL and is unclear what, if any, additional reply material might be filed by CIAL;

(b) The Panel is unable to enlarge or extend time under the FTAA; we can only respond to a request for a suspension from the Applicant;

(c) Given CIAL's request, we would invite the Applicant to consider amending its request for suspension to enable CIAL an opportunity (say 4 working days) to file additional material in response, which the Applicant could then address in its reply. We record that we would respond favourably to such a request from the Applicant but, as mentioned, we cannot compel the Applicant to make such a request.

[17] We consider that suspending the Application on the basis set out below would be consistent with the purpose of the FTAA and the procedural principles at s10 FTAA

[18] Having considered the reasons for the requested suspension, and the matters noted above, the Panel grants the requested suspension as follows:

(a) The Application is suspended until five working days after the Applicant either:

i confirms that it does not wish to reply to the statement of evidence and submissions filed by Airways and CIAL on 12 March 2026; or

ii provides updated conditions and its response strictly in reply to evidence and submissions filed by Airways and CIAL on 12 March 2026.

(b) The following work is to occur with the Applicant's agreement during the suspension period; decision writing by the Panel except for its findings on matters related to air safety, including any administrative work by EPA staff required to assist the panel with this work.



Chris Fowler
Expert Panel Chair