
MINUTE 6 OF THE EXPERT PANEL
Determination on late comments
188 Beaumont Street FTAA-2604-1205
14 August 2026

[1] The primary invitation to comment on this Application was issued on 29 June 2026 and required comments to be provided by 28 July 2026. Subsequently the Panel issued Minute 3, clarifying that due to an administrative error, some specific parties were not sent an invitation to comment until 16 July 2026. Those parties were required to provide their comments by 13 August.

[2] No comments were received from the specified parties invited in Minute 3.

[3] Minute 4 recorded that eight late comments had been received, two of which the Panel had exercised its discretion to accept, and directed the Applicant to provide a memorandum confirming:

- (a) Whether it had any objection to the Panel accepting and considering a further six late comments that came from parties that were not specified in Minute 3, namely residents of 30 Madden Apartments; and
- (b) Indicating its view on whether any further late comments that might be received prior to 13 August should be similarly accepted and considered.

[4] The Panel received a memorandum from the Applicant on 13 August, which will shortly be available online. In summary, the Applicant will abide by the Panel's decision as to the six late comments specified in Minute 4 but considers that the

Panel should not exercise its discretion to accept any further late comments received after 4 August 2026 from parties not included in Minute 3.

[5] After consideration, the Panel has decided to exercise its discretion to accept the six late comments under section 81(6) of the Act. Those comments are from the following parties:

- (a) Helen MacDonald and David Bassett
- (b) Philip Chapman
- (c) Jane McDougall
- (d) Peter Gordon
- (e) David Vial and Richard Reid
- (f) Peter Jacobs

[6] The Panel has exercised its discretion on the basis that there is no obvious prejudice to the Applicant in accepting these comments provided it has an opportunity to respond.

[7] The Panel has exercised its discretion to **not** accept and consider late comments that were received on or after 5 August 2026 from the following parties:

- (a) Matthew Young and Michael Verwey
- (b) Mark and Andrea Peterson
- (c) Ray and Billie Barker
- (d) 30 Madden Body Corporate c/- First Street Body Corp Management Ltd

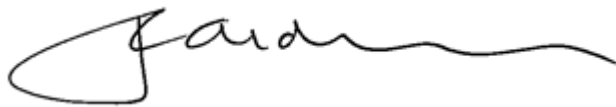
[8] The Panel has exercised its discretion in respect of these submissions on the basis that:

- (a) the invitation to comment issued to the 30 Madden apartment owners gave a clear deadline of 28 July 2026;
- (b) some late comments from 30 Madden have been accepted and raise

the same or similar issues to those raised by the six late submissions that have been accepted; and

- (c) the four comments above were received by the EPA on 5 August 2026, ie after receipt of the Applicant's comprehensive response to comments on 4 August 2026. The fast-track process is time-constrained and challenging, and the Applicant was entitled to assume that it was responding to all relevant comments when it prepared its response in only 5 working days after invited parties had had 20 working days.

[9] The Panel directs that the Applicant provide any response to the six accepted late comments by 20 August 2026.

A handwritten signature in dark ink, appearing to read 'J. Caldwell', with a long, horizontal, wavy line extending to the right.

Jennifer Caldwell

Expert Panel Chair