Memorandum

To: Jennifer Caldwell – Panel convener for the purpose of the Fast-track Approvals Act 2024

From: Fraser McNutt and Briar Belgrave – Barker & Associates Limited

Date: 2 November 2026

Re: Response to – MINUTE 1 of the Panel Convener – Brymer [FTAA-2608-1284]

1.0 Introduction

This memorandum is submitted on behalf of Brymer Farms Ltd in response to Minute 1 of the Panel Convener, dated 16 October 2026, concerning the Brymer Farms application (FTAA-2608-1284). It addresses the matters identified in the Minute and Schedule 1, in accordance with the directions set out in Minute Item [17].

The memorandum is structured to follow the relevant item references in the Minute and Schedule 1. It outlines the approvals sought, the complexity of the application, consultation and engagement undertaken, key issues arising, amendments and updates to the application, proposed conditions, and procedural matters relevant to its efficient consideration. Supporting information and technical material are identified under the relevant items.

The purpose of this memorandum is to assist the Panel Convener in determining an appropriate timeframe for the application's consideration and identifying the expertise required for the Panel. Consistent with paragraph [7] of the Minute, the responses focus on identifying the relevant issues and outlining an efficient process for addressing them, rather than undertaking a detailed assessment of the application's merits at this stage.

Where matters raised in the Minute overlap with or duplicate those addressed in Schedule 1, the responses refer to the relevant Schedule 1 item to avoid unnecessary repetition and maintain a clear, consolidated account of the matters raised.

2.0 MINUTE 1 Items Response

Response Matter	Response
Participants at the panel convener's conference [4] The following persons are invited to attend the conference: a) The authorised person or applicant – Brymer Farms Ltd; b) The relevant iwi authorities and relevant Treaty settlement entity (see Schedule 2). Relevant local authorities – Waikato Regional Council, Waikato District Council and Hamilton City Council.	Brymer Farms Ltd proposes that a small group of representatives attend the Panel Convener's Conference on behalf of the Applicant. The proposed attendees are: • **Fraser McNutt** – Barker & Associates, Project Lead / Planning Lead; • **Briar Belgrave** - Barker & Associates, Planning and Policy Lead; • **Rebecca Shaw** – Senior Planner B&A.

	• **Sanjil Mistry** – Applicant Representative, Brymer Farms Ltd; • **Dean Morris** – Maven, Three Waters Engineering Lead; and • **Judith Makinson** – CKL, Transport Lead. These representatives have been selected to ensure that the Applicant is appropriately represented and that relevant planning and technical matters can be addressed during the conference, while keeping attendance to a manageable number.
Timeframe for a decision [5] The Panel Convener decides the appropriate timeframe for release of the decision on the application. The Convener does so having had regard to the scale, nature, and complexity of the approvals sought (among other matters). Complexity is in part a function of the issues that arise on this application.	The Applicant acknowledges that the timeframe for issuing a decision is a matter for the Panel Convener, having regard to the scale, nature and complexity of the application. The Applicant is supportive of an efficient and timely decision making process and is committed to working proactively with the Panel and other parties to assist in achieving this.
Matters relevant to timeframe [6] At the conference participants are invited to: a) Identify any significant gaps in information provided with the Application; b) Comment on the extent of engagement by the Applicant both before and following lodgement of the Application; c) Describe the complexity of the Application; d) Identify the principal environmental effects and the principal issues likely to be in contention or other disputed matters relevant to the Application and the panel's decision; e) Propose, or record where agreed, efficient processes to enable the panel to understand, resolve or narrow/reduce the scope of any such issues and indicate how these processes may be accounted for in the decision timeframe; f) State whether the drafting of proposed conditions for the approvals sought (including any draft management plan filed) is accepted and, to the extent that it is not accepted, indicate the areas of dispute and the likely effort and time needed to resolve those matters;	While this will be discussed in detail during the conference, by way of assisting the Panel Convenor, we provide detail in relation to these matters in **Section 2.1** below.

g) Identify any changes made since lodgement or in the process of being made to the Application since lodgement, including any new or supplementary reports and draft conditions; h) Indicate the number of working days, following receipt of comments, that the participant considers should be allowed for the panel to make its decision. [7] It is anticipated that the local authorities will obtain input from planning and technical advisors to identify the likely issues. However, an assessment of merits is not required at this stage. For information about cost recovery, please refer to the EPA's cost-recovery policy (details below).	
Composition of the Panel [8] I will be seeking the participants' views on the skills, knowledge, and expertise required for persons to be appointed to the panel. [9] However, participants should note that, by virtue of clause 5, Schedule 3 of the FTAA and the Joint Management Agreement in place between Waikato-Tainui and the relevant local authorities under the Waikato River settlement legislation6 , the Waikato River Authority and the Waikato Regional Council have equal panel appointment rights in respect of this Application. They must also jointly appoint a chair to the panel in addition to their own appointees. [10] In light of these arrangements, the panel convener has no ability to appoint additional panel members. I will, however, be facilitating the appointment process and offering some observations on the expertise required. Following the conference, I will make a formal request to both the WRA and WRC for their nominations/appointees	Noted. Please refer to Section 3.0 below.
Cost recovery [15] Cost recovery for participation in fast-track processes is determined by the FTAA and the Fast-track Approvals (Cost Recovery) Regulations 2025.	The Applicant acknowledges and accepts that costs associated with participation in the fast-track process are recoverable in accordance with the Fast-track Approvals Act 2024 and the Fast-track Approvals (Cost Recovery) Regulations 2025. The Applicant notes that a cost recovery agreement was entered into with the relevant Council in December 2025. Through this agreement, the Applicant has already incurred considerable costs

	associated with engagement with the relevant councils, both prior to and following lodgement of the Application. While the Applicant acknowledges its obligations in respect of cost recovery, it considers that any costs recovered should be fair and reasonable, consistent with the requirements of the legislation.

2.1 Matters Relevant to Timeframes

Significant gaps in information

The Applicant does not consider that there are any significant gaps in the information provided with the Application. The Application is supported by a comprehensive suite of technical assessments addressing the relevant environmental effects and statutory requirements.

The Applicant notes that the proposed consent conditions will continue to be refined through ongoing engagement with IAWAI and the relevant Councils. An updated Integrated Transport Assessment (ITA), including proposed transport conditions, is also being prepared with input from a new transport engineer.

These matters are considered part of the ongoing refinement of the Application rather than significant information gaps.

Extent of engagement

The Applicant has undertaken extensive engagement (including with Ngaati Mahanga and Waikato Tainui) with relevant stakeholders, both prior to and following lodgement of the Application. This engagement is comprehensively documented in the **Overview Report – Planning Volume 1** and the **Consultation Summary Report – Planning Attachment 2** submitted as part of the Application.

Pre-Lodgement Engagement

In particular, the Applicant has worked closely with Hamilton City Council (HCC), Waikato District Council (WDC), NZTA and Waikato Regional Council (WRC), alongside relevant iwi/hapu authorities and other stakeholders, to identify and address key matters associated with the Proposal. Engagement has included numerous meetings, technical workshops and ongoing correspondence, with a particular focus on infrastructure servicing, transport connectivity, stormwater management, ecological matters and the integration of the Proposal with the surrounding environment.

The extent of this engagement is reflected in correspondence from HCC and WDC, which acknowledges the significant engagement undertaken with the Applicant over a period exceeding 18 months. This demonstrates the Applicant's proactive and collaborative approach to working with the relevant councils to identify and resolve matters in advance of the substantive application process.

The Applicant considers that this extensive engagement has been valuable in identifying and addressing key issues at an early stage and has assisted in progressing the Application to its current position. The Applicant remains committed to continuing this collaborative approach throughout the Panel's consideration of the Application, with a view to resolving any outstanding matters efficiently and constructively.

Post Lodgement Engagement

Engagement has continued following lodgement of the Application, including ongoing discussions with councils and relevant technical specialists to further refine technical matters and proposed conditions of consent.

Specifically there are ongoing monthly meetings with Waikato District Council, ongoing discussions with the stakeholders with regards to terms and DC agreement, ongoing IAWAI meetings held to discuss and agree water and wastewater reticulation/conditions.

Complexity of the Application

The complexity of the application is discussed in Section 3.2 below. Notwithstanding that, while the proposal is of a significant scale, it is not unusually complex for a comprehensive urban development of this nature.

The proposal is based on connections to existing water and wastewater networks and the surrounding transport network, rather than requiring entirely new standalone infrastructure systems. All necessary regional and district resource consents have been sought as part of the substantive application, and the separate surface water take consent has already been obtained. This would be transferred to IAWAI to support the connection to the town water supply.

The application is supported by a comprehensive suite of technical assessments addressing the relevant environmental effects. Extensive engagement has also been undertaken with the relevant Councils and iwi, particularly Ngaati Mahanga, who have been closely involved in the development of the proposal (CIA completed).

While there are technical and planning matters requiring consideration, the Applicant considers that these are well understood and capable of being addressed through the Panel process, supported by ongoing engagement and early expert conferencing where appropriate. Overall, the application is not considered to present any unusual legal, evidentiary or factual complexities beyond those typically anticipated for a fast-track application of this scale.

Principal environmental effects and issues

The Applicant considers that the principal environmental effects associated with the Proposal are well understood and have been comprehensively assessed through the technical reporting submitted with the Application.

Significant work has been undertaken over the past 18 months to develop and refine the Proposal, including extensive engagement with HCC, WDC, WRC, iwi authorities and relevant technical specialists. This engagement has enabled the Applicant to identify and respond to key environmental effects and matters raised by stakeholders, with refinements made to the Proposal throughout this process.

Through consultation with HCC and WDC, transport and stormwater management have been identified as the principal areas of concern for these councils. In particular, the Applicant anticipates that transport and stormwater related matters will require further discussion and resolution during the Panel's consideration of the Application.

Other environmental effects, including ecological effects, earthworks, infrastructure servicing and landscape and visual effects, have also been assessed as part of the comprehensive Application. While these matters may require further discussion or refinement of conditions, the Applicant does not presently anticipate that they will be principal areas of contention.

The Applicant considers that the significant technical work and engagement undertaken to date has assisted in narrowing the matters potentially in dispute. The Applicant remains committed to working collaboratively with the relevant councils and other parties to resolve any outstanding matters, including through expert conferencing and refinement of proposed conditions where appropriate.

Processes to narrow issues

The Applicant strongly supports early expert conferencing to identify, narrow and resolve any outstanding matters. The Applicant is willing to agree to a suspension of working days, where appropriate, to enable the Panel and relevant parties to establish a realistic timeframe for these processes.

The Applicant has also agreed a process with the relevant councils to continue meeting regularly throughout the substantive application to work towards agreement on outstanding technical matters and proposed conditions of consent. Where appropriate, the Applicant is supportive of meeting with councils following the release of Panel minutes or directions to align positions and, where possible, provide coordinated responses to the Panel.

The Applicant considers that these processes will assist in narrowing the matters requiring determination by the Panel and enable agreed positions and conditions to be reflected in the Panel's decision.

Proposed conditions

The Applicant has been, and continues to be, working collaboratively with the relevant Councils and IAWAI on the proposed consent conditions. At this stage, the proposed conditions have not been formally accepted by the Councils or IAWAI. Engagement with IAWAI on the conditions has been ongoing, with the latest version circulated to IAWAI for comment on 15 October 2026.

The Applicant remains committed to working constructively with all parties to resolve any outstanding matters. While the extent of any disagreement is yet to be confirmed, the Applicant anticipates that these matters can be progressed efficiently through ongoing engagement and, where necessary, expert conferencing early in the process. Progress has been made to date through ongoing engagement with IAWAI and the applicant supports this type of forum to continue to narrow in on any other matters of contention, should they arise.

Post lodgement changes

Two key areas of change have occurred post lodgement. These relate to a different transportation engineer being employed and updated ITA as well as refined conditions of consent that relate to the supply and conveyance of potable water and wastewater to the development. The updated ITA builds on and refines the ITA submitted with the application. We are happy to elaborate at the Conference on this point specifically through our expert Judith Makinson.

Panel decision timeframes

The Applicant considers that a timeframe of 90 working days following receipt of comments is appropriate for the Panel to make its decision, having regard to the nature and scale of the application and the range of matters requiring consideration.

3.0 Schedule 1 Items Response

Response Matter	Response
Approvals [1] The number and range of approvals sought	The specific approvals sought are detailed in **Attachment 9, Section 9.0** of the Overview Report and **Section 5.0** of the Assessment of Environmental Effects. In summary, the application seeks approvals under the following statutory planning instruments: • National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) – 1 consent trigger. • National Environmental Standards for Freshwater (NES-F) – 5 consent triggers. • Waikato Regional Plan – 13 consent triggers. • Waikato District Plan – Operative in Part – 23 consent triggers. • Hamilton City District Plan – 3 consent triggers. The application therefore involves 45 identified consent triggers across five statutory planning instruments, with an overall prohibited activity status identified in the application. The number and range of approvals sought are considered generally consistent with those anticipated for a development of this nature and scale, involving the establishment of a new urban area on land currently zoned and used for rural purposes. Refer to **Section 3.1** below for more detail.
Complexity [2] The level of complexity will have a bearing on the appropriate frame for decision making and may include: a) Legal Complexity: novel or difficult legal issues – (i) involve untested law or interpretation of statute; (ii) involve application for multiple approvals;	The Brymer Farms application does not raise any unusual legal, constitutional, evidentiary or factual complexities beyond those typically associated with a fast-track application of this scale and nature, particularly given the extensive technical assessments and engagement undertaken with iwi, councils and other stakeholders. Refer to **Section 3.2** below for more detail.

(iii) interface with two or more statutes; and (iv) engage constitutional law and public law. b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence – (i) includes challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and (ii) often involve technical or scientific analysis. c) Factual Complexity: arises from the volume and nature of evidence – (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and (ii) necessitates analysis of technical, scientific, or highly specialised subject matter are involved.	
Issues [3] In addition to the matters noted in the Minute, describe: a) the issues that have arisen during pre-lodgement and post-lodgement consultation and engagement. b) if the application concerns an activity the same or similar to one previously lodged with a consent authority, state how requests for information pursuant to section 92 of the RMA have been addressed in this application. c) any statutory process that coincides with the 30-working day period (if proposed).	The principal environmental issues relate to transport and stormwater management. Refer to **Section 3.3** below for more detail.
Mātauranga and tikanga [5] Iwi authorities and Treaty settlement entities are invited to discuss: a) advise whether tikanga is relevant to the application, how the panel might receive assistance on those matters, and the time required for this to occur; b) seek guidance on any requirement to protect sensitive information	Engagement with Mana Whenua has occurred throughout the preparation of the substantive application, including through email and telephone correspondence, in-person hui and workshops. Consultation has included engagement with Waikato-Tainui (Kahurimu Flavell) and Ngāti Mahanga (Jo Kukutai) in relation to the Brymer substantive application. In addition, B&A established a wider tangata whenua working group to support the various Fast-track applications and provide a forum for discussing project updates, programme and timing. Further detail on the engagement undertaken to date is provided in

	Section 3.0 of Attachment 2 – Engagement & Consultation Summary Report. A Cultural Values Assessment (Appendix 24) has been prepared by Jo Kukutai of the Ngā Uri o Mahanga Trust Board on behalf of Ngāti Mahanga. The Applicant acknowledges that mātauranga Māori and tikanga may inform the Panel's consideration of the application, including in relation to cultural values, the mauri of whenua and wai, the protection of culturally significant places and resources, and the implementation of effective mitigation and restoration measures. The Applicant welcomes further guidance from Mana Whenua regarding the relevance of tikanga to the application, how the Panel may best be assisted in considering these matters, and any additional time or process that may be required to facilitate this. The Applicant also recognises that some mātauranga Māori and cultural information may be sensitive or subject to tikanga-specific protocols governing its use, disclosure and protection. Guidance from Mana Whenua on any requirements for protecting such information is welcomed, so that appropriate arrangements can be considered in consultation with the Panel.
Panel membership [4] Consider: a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.8 b) whether there are factors that warrant the appointment of more than four panel members, such as: (i) the circumstances unique to a particular district or region; or (ii) the number of applications that have to be considered in that particular district or region; or (iii) the nature and scale of the application under consideration; or (iv) matters unique to any relevant iwi participation legislation.	The Applicant considers that the application would benefit from a Panel comprising an experienced legal practitioner as Chair, an experienced resource management planner with particular expertise in drafting consent conditions, and expertise in transport and three waters engineering. Relevant experience in large-scale urban development and infrastructure would also be beneficial. Given the nature and scale of the proposal, and noting that the application is not considered to raise any unusual legal or constitutional complexities, the Applicant does not consider that there are circumstances warranting the appointment of more than four Panel members.
Procedural requirements [6] Consider and prepare to indicate: a) willingness to engage directly with the panel as necessary to advance progress of	The Applicant is committed to working proactively and collaboratively with the Panel to facilitate the efficient progression of the application, including through early engagement, meetings, expert

the application efficiently (briefings, meetings, conferencing). b) the timing of expert conferencing or wānanga; c) the referral of two or more participants or topics to mediation; d) the requirement for any form of hearing process including: (i) disputed facts or opinions; (ii) proposed conditions; or (iii) legal issues.	conferencing or other processes as appropriate. The Applicant supports early identification and resolution of outstanding matters and would welcome ongoing communication with the Panel to ensure matters are being satisfactorily addressed. Refer to **Section 3.3** below for further details.
Anything else? [7] Is there any other information needed to decide time frames or panel composition	Please refer to **Section 3.4** below.

3.1 Approvals

The specific approvals sought for the Brymer Farms development are detailed in Attachment 9, Section 9.0 of the Overview Report and Section 5.0 of the Assessment of Environmental Effects (AEE).

The application involves a range of resource consent approvals under the relevant National Environmental Standards, Waikato Regional Plan, Waikato District Plan – Operative in Part and Hamilton City District Plan. These approvals reflect the scale and nature of the proposal, which involves the comprehensive development of land currently zoned and used for rural purposes to establish a new urban area, including residential development, supporting commercial activities, infrastructure, transport connections and open space.

The application identifies 45 consent triggers across five statutory planning instruments, as outlined below.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

One consent trigger has been identified under the NES-CS, relating to a restricted discretionary activity under Regulation 10.

National Environmental Standards for Freshwater (NES-F)

Five consent triggers have been identified under the NES-F, comprising:

- Restricted discretionary activity under Regulation 39.
- Non-complying activity under Regulation 52.
- Non-complying activity under Regulation 54(a) and (b).
- Non-complying activity under Regulation 54(c).
- Non-complying activity under Regulation 54(d).

These approvals principally relate to activities affecting freshwater environments, including wetlands and associated works.

Waikato Regional Plan

The application identifies 13 consent triggers under the Waikato Regional Plan, involving a combination of controlled and discretionary activities. These include:

- Discretionary activities under Rules 3.3.4.24, 3.5.4.5, 3.5.11.8 and 3.6.4.13.
- Controlled activity under Rule 3.8.4.7.
- Discretionary activity under Rule 4.2.4.4.
- Controlled activity under Rule 4.2.8.2.
- Controlled and/or discretionary activities under Rules 4.2.9.2 and 4.2.9.3.
- Activities that do not comply with the permitted activity provisions of Rule 4.2.15.
- Discretionary activity under Rule 4.3.4.4.
- Vegetation clearance within the beds of modified natural watercourses.
- Discretionary activities under the applicable Rule 5.1.4 provisions.
- Placement of imported cleanfill requiring consent under Rules 5.2.5.2 and 5.2.5.

These approvals relate to regional matters associated with the development, including earthworks, stormwater management, discharges, works within watercourses and other activities regulated under the Waikato Regional Plan.

Waikato District Plan – Operative in Part

The application identifies 23 consent triggers under the Waikato District Plan – Operative in Part. These encompass a range of restricted discretionary, discretionary and non-complying activities, including:

- Restricted discretionary activity under Rule AINF-R8 and discretionary activity under Rule AINF-R17.
- Restricted discretionary activities under Rules TRPT-R2, TRPT-R4, TRPT-R6 and TRPT-R8.
- Restricted discretionary activity under Rule WWS-R7 and discretionary activity under Rule WWS-R20.
- Restricted discretionary activity under Rule NH-R9 and discretionary activity under Rule NH-R10.
- Removal or disturbance of indigenous vegetation outside mapped Significant Natural Areas under the applicable ECO provisions.
- Comprehensive subdivision of the site for urban development within the General Rural Zone under the applicable SUB provisions.
- Restricted discretionary activities under Rules EW-R21 and EW-R22.
- Restricted discretionary activity under Rule GRUZ-R37.
- Non-complying activity under Rule GRUZ-R60.
- Restricted discretionary activities under the applicable GRUZ development standards.
- Discretionary activity under Rule 25.10.2.
- Discretionary activities under the applicable transport, noise and earthworks provisions.
- Restricted discretionary activities under the applicable indigenous vegetation provisions.

- Discretionary and/or non-complying activities under the applicable Rural Zone and subdivision provisions.

These approvals primarily arise from the proposed comprehensive urban development and subdivision of land currently zoned General Rural, together with associated infrastructure, transport, earthworks, ecological and development-related activities.

Hamilton City District Plan

Three consent triggers have been identified under the Hamilton City District Plan, comprising:

- Restricted discretionary activities under Rules 25.2.3 and 25.2.4.1.
- Restricted discretionary activity under Rule 25.14.3.
- Restricted discretionary activity under Table 23.3a(iv).

These approvals relate to components of the development that engage the Hamilton City District Plan, including infrastructure and transport-related matters.

The overall activity status of the application is prohibited. While the application involves a range of approvals, these are considered consistent with a development of this nature and scale. The comprehensive technical assessments and engagement undertaken to date have helped identify and address key matters, and that the approvals sought do not present any unusual complexities beyond those typically anticipated for a substantive fast-track application.

3.2 Complexity

The Brymer Farms application does not raise any significant legal or constitutional complexities, particularly given the extensive engagement undertaken with iwi and the fact that no approvals are sought under the Coastal Marine Area provisions. While the application involves multiple approvals across different legislation, this is not considered unusual for a fast-track application.

In terms of evidentiary and factual complexity, the application is supported by a comprehensive suite of technical assessments addressing the relevant environmental effects. While the proposal is of a significant scale and involves a range of technical matters, these are not considered unusually complex for a development of this nature. The Applicant has also undertaken extensive engagement with relevant councils, iwi and other stakeholders to identify and address key issues in advance of lodgement.

Overall, the Applicant considers that the application is of a level of complexity generally anticipated for a substantive fast-track application and does not warrant an extended decision-making timeframe.

3.3 Issues

Through ongoing consultation with WDC and HCC in particular, it has been raised that there are concerns in relation to 'Stormwater and Transportation matters'. The full extent of these is unknown to the applicant at this time. We do acknowledge however that there will need to be more alignment between the parties to close out the management of any potential environmental impacts that relate to these two key issues which we are confident can occur.

3.4 Procedural requirements

Brymer Farms welcomes the opportunity to engage proactively and collaboratively with the Panel to facilitate the efficient and timely progression of the substantive application. The Applicant is committed to working constructively with the Panel and other relevant parties to identify, narrow and resolve outstanding matters as early as practicable.

In response to the matters raised in paragraph [6] of Minute 1, the Applicant provides the following comments:

a) Engagement with the Panel

The Applicant is very willing to engage directly with the Panel through briefings, meetings, expert conferencing, wānanga or other processes considered appropriate by the Panel. The Applicant would support early engagement where this would assist in clarifying technical matters, identifying any areas of concern and ensuring that the Panel has the information necessary to progress its consideration of the application efficiently.

The Applicant's preference is for an open, collaborative and solutions focused approach, with opportunities for engagement throughout the process where these would assist in resolving matters and avoiding unnecessary delays.

b) Timing of expert conferencing or wānanga

The Applicant supports expert conferencing or wānanga being undertaken early in the process, particularly where there are unresolved technical matters or differences of professional opinion that would benefit from direct discussion between the relevant parties.

The Applicant is currently engaging with the relevant Councils and their technical advisers to clarify and narrow outstanding matters. The Applicant considers that this engagement has value and would welcome its continuation alongside the Panel's consideration of the application.

In particular, the Applicant would like to respectfully request that early conferencing be facilitated on the following two matters:

- Highly Productive Land: The application of the National Policy Statement for Highly Productive Land (NPS-HPL) to the proposal.
- Vesting of parks and open space: The proposed vesting of parks and open space with the relevant Council, including any associated requirements and arrangements.

The Applicant considers that early conferencing on these matters would be beneficial in clarifying the respective positions of the parties, narrowing any areas of disagreement and identifying potential pathways to resolution.

More generally, the Applicant's preference is for any necessary expert conferencing to occur as soon as the relevant matters have been sufficiently identified, rather than later in the process. This would provide an opportunity to resolve differences, agree on appropriate mitigation measures or conditions, and minimise the need for more formal processes.

c) Referral to mediation

The Applicant is open to mediation where the Panel considers that this would be an appropriate and effective mechanism for resolving outstanding matters between participants.

However, the Applicant's preference would be to first seek resolution through direct engagement, technical discussions and expert conferencing, where practicable. The Applicant considers that these processes may provide a more efficient means of resolving technical differences and narrowing the matters requiring determination by the Panel.

d) Requirement for a hearing process

At this stage, the Applicant does not consider it necessary to request a hearing and would prefer that matters relating to disputed facts or opinions, proposed conditions and any legal issues be addressed through written responses, direct engagement and expert conferencing where appropriate.

The Applicant acknowledges, however, that the need for a hearing will depend on the nature and extent of any outstanding matters as the application progresses. Should material differences of opinion, conditions or legal issues remain unresolved, the Applicant would be willing to participate in a hearing, including a focused hearing on specific matters, if the Panel considers this necessary or beneficial.

More generally, the Applicant would welcome regular communication and opportunities for engagement with the Panel directly as the application progresses, particularly following the provision of responses to requests for further information. This would assist the Applicant in understanding whether the information provided has satisfactorily addressed the matters raised, or whether further clarification, technical discussions or additional information may be required.

The Applicant considers that early identification of outstanding matters, coupled with ongoing communication and targeted engagement, will provide the most effective means of progressing the application. The Applicant is committed to assisting the Panel in this regard and remains flexible and responsive to any procedural arrangements the Panel considers appropriate to facilitate an efficient and well-informed decision-making process.

e) Panel minutes and further information requests

The Applicant acknowledges the scale of the Application and the volume of material requiring consideration by the Panel. In the interests of procedural efficiency, the Applicant respectfully requests that, where practicable, requests for further information be consolidated and issued following the Panel having had a reasonable opportunity to review the Application documentation in its entirety, rather than being issued incrementally as the review progresses, particularly over the Christmas break period. The Applicant considers that this approach would assist in providing coordinated and comprehensive responses, avoiding duplication of effort and supporting an efficient decision making process.

3.5 Anything Else

We wish to bring to the attention of the Panel Convener and the Panel a clarification regarding the application documentation currently available online.

An error has been identified on page 48 of the Overview Report, within Section 14.5, which states that "*Ongoing consultation has occurred, including providing all potentially affected landowners with a consultation package to aid discussion*."

This statement was included in error and should be disregarded. Correspondence was sent to relevant owners and occupiers to inform them of the application, provide high-level context on the proposal, direct them to the Fast-track website for further information on the statutory process, and confirm ownership, occupancy and contact details as required under the FTAA.

For clarity, this correspondence was intended to be informative and administrative in nature, rather than a formal consultation exercise involving the provision of consultation packages.

The Applicant wishes to ensure that the Panel Convener and Panel have an accurate understanding of the engagement undertaken and respectfully requests that this clarification be noted when considering the application.