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## MINUTE 10 OF THE EXPERT PANEL

Conference Follow-up

Ayrburn Screen Hub

FTAA-2508-1093

(30 January 2026)

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[1] There are a number of matters we need to address following this morning's conference.

[2] First, we record that counsel for the applicant has leave to file a memorandum identifying for us the sections of the application describing the location, design, height and density of the fence proposed on the southern side of the application site. We also asked that as part of that memorandum, counsel advise if Mr Osborne's rough estimate of the effect on his assessed NPV values if screen hub operation were delayed to 2032 proved to be materially inaccurate once he has time to properly calculate the correct figures.

[3] Commissioner O'Callaghan asked Mr Osborne during the conference how the assessed value-add of the project compared with other Fast Track projects he was aware of. Mr Osborne gave us a qualitative answer. We request that he now supply further details of the assessed NPV value-add of Fast Track applications he is working or has worked on and which are in the public domain.

[4] We request that counsel's memorandum on these matters be filed not later than 9am on 3 February.

[5] We note counsel for the applicant's advice that a revised set of draft conditions will be ready to file by 5pm today. We discussed with Mr Bell (for ORC) the fact that this would not allow ORC (and QLDC) time to review and

provide feedback on matters of disagreement.

[6] Rather than file the draft conditions today, as directed in Minute 8, we request that the applicant confer with the councils with a view to presenting a set of conditions that represents a consensus view on the **technical** issues the Panel identified in the set attached to Minute 8 if possible. The revised date for filing same is 5pm on 4 February. Council memoranda detailing the reasons for any disagreement should be filed by 5 pm the following day.

[7] In the conference, we discussed the legal argument developed at paragraphs 107-118 of counsel for the applicant's legal memorandum in response to comments. The concern expressed by the Panel was that introduction of this argument without reference to any comment at this point of the process raised natural justice issues. Ms Hill for the applicant sought to persuade us that this was not the case, noting that the substantive point, the impact of development in accordance with the Structure Plan, was clearly flagged in Mr Milne's report.

[8] For her part, Ms Scott for QLDC raised the fact that this legal argument was not raised in response to any comment and therefore ought to be disregarded.

[9] Ms Hill noted in response the fact that Ms Hadley had raised the comparison in her comment.

[10] That may be so, but we are concerned that the natural reading of counsel for the applicant's 18 November response to Minute 2 was that Mr Milne had made an error, and the applicant was not relying on a Permitted Baseline position. That was certainly how the Panel read it. Interested parties in our view could reasonably have disregarded that aspect of Mr Milne's report.

[11] The applicant is not, as we read it, seeking to resile entirely from that position, but the end result is something akin to a Permitted Baseline position.

[12] We have considered Ms Scott's suggestion that we simply disregard this line

of argument. This is easier said than done. This is not a piece of evidence the Panel could put to one side, but rather a legal argument that the Panel is aware of and would be duty bound to consider.

[13] We therefore consider that the fairest outcome is to permit any commenting party to comment on the legal argument counsel for the applicant has made. The deadline for providing same is noon on 5 February. We will consider if the applicant should have a further right of reply when we have any material commenting parties wish to provide.

A handwritten signature in blue ink, appearing to read 'Trevor Robinson', with a large, stylized flourish extending downwards and to the right.

Trevor Robinson  
Expert Panel Chair