

Fast-track Approvals Act 2024

MINUTE 5 OF THE EXPERT PANEL Suspension of Application Processing

Pound Road Industrial Development [FTAA-2505-1057]

11 November 2025

[1] By a memorandum dated 10 November 2025 the Applicant requested a suspension of the processing of the Application under s 64 FTAA. The suspension was sought to:

allow sufficient time to respond to the comments on the Application provided by invited parties under section 53 of the FTAA.

[2] The suspension of an application halts the timeframes for releasing a decision and the steps leading up to that release. It also suspends the processing of an application, subject to a panel obtaining the consent of an applicant to continue to work during the suspension.

[3] Section 64(3) FTAA gives a broad discretion to expert panels to determine the application. As has been noted by other Panels, while broadly framed, the discretion must be exercised in a principled way, including by reference to the purpose of the FTAA.

[4] Additionally, the Panel Conveners have released a memorandum, dated 24 October 2025, providing further guidance on the exercise of the discretion and obtaining an applicant's consent for a panel to continue to process an application during a suspension.

[5] In their memorandum the Panel Conveners suggested some matters a panel could consider when exercising the discretion:

- a. Whether all tasks and workstreams that comprise "processing" need to be suspended.
- b. Whether there are previously scheduled tasks or procedural steps (for example, expert conferencing) that should be permitted to proceed regardless of a suspension that the Panel may be minded to grant, or that might be allowed to proceed prior to a suspension taking effect.
- c. What the cost recovery implications are of permitting some processing tasks or steps to proceed during a suspension.
- d. Whether the Panel wishes to continue with its evaluation or decision-making work during a suspension.
- e. Whether the EPA administration staff are able to continue supporting the Panel with administrative tasks that do not constitute "processing" during the suspension.

[6] The Panel confirms it has turned its mind to the matters suggested by the Panel Conveners as set out in the preceding paragraph. We address the matters of relevance to this application below.

[7] Additionally, at the request of the Chair, the EPA sought the Applicant's views on the Panel continuing its evaluation of the application during any period of suspension. The Applicant advised:

We confirm the applicant is happy for the panel to continue evaluation or decision-making work during the suspension, including proceeding with the 17 November workshop.

We do, however, caution against the Panel spending significant time or cost in

relation to Transport, Infrastructure, and Urban Design matters, as the suspension is intended to allow the NTP [Ngai Tahu Property] to work through submission-related issues in these areas.

[8] Firstly, the Panel notes the second paragraph of the email and understand working through the issues may include engagement with parties that have commented on those topics. It will treat that intention “to work through submission related issues” as allowing for the possibility of engaging with the commenting parties and as an additional ground for seeking the suspension.

[9] In terms of the ‘caution’ against expending significant effort and cost on the matters identified by the Applicant, the Panel acknowledges the same. It considers the balance of the matters it is considering, including under Schedules 5 and 7 FTAA, can still be usefully advanced during the suspension period. It considers this would be a practicable step to ensure the timely and efficient processing of the application in a cost-effective fashion.

[10] Having considered the reasons for the requested suspension, the Panel considers that granting the suspension sought is consistent with the purpose of the FTAA on the basis:

- a. It will allow the Applicant to consider, address comments received in a thorough manner and may allow it to work with parties to resolve issues raised in the comments.
- b. The Panel will continue to consider and advance the processing and consideration of the Application during the period of the suspension, subject to the caution expressed by the Applicant with respect to Transport, Infrastructure and Urban design matters.

[11] The Applicant has not formally sought a timeframe for the suspension, although the Panel understands an indication of four weeks has been given to the EPA. Nonetheless, the Panel does not understand the FTAA to require a timeframe to be sought. Instead, under s 65 the processing recommences when the Applicant

requests the resumption, subject to s 66 FTAA, which requires the Panel to either resume processing or to return the Application if that request is not made within 50 working days.

[12] Because the suspension was sought before the due date for the Applicant to respond to comments, the date by which comments are to be responded to will be extended. The date is unknown and will not be known until the processing of the application resumes.

[13] Under s 64 FTAA the Panel grants the suspension of the processing of the application at the date of receiving the applicant's request for suspension. Processing of the application ceased at 11:59pm on 10th of November 2025, with day 1 of the suspension recorded as 11 November 2025.



Chris Thomsen

Pound Road Industrial Development Expert Panel Chair