

Before the Expert Panel

under: the Fast-track Approvals Act 2024 (*FTAA*)

in the matter of: applications for resource consents, notices of requirement, wildlife approvals and archaeological authorities by the New Zealand Transport Agency Waka Kotahi to develop a section of a road (being SH1) and associated infrastructure between Te Hana and State Highway 15 (Port Marsden Highway).

applicant: **NZ Transport Agency**
Requiring Authority and Applicant

Memorandum of counsel on behalf of the NZ Transport Agency
Waka Kotahi

Dated: 28 August 2026

Reference: Paula Brosnahan [REDACTED]
Rebecca Tompkins ([REDACTED])

**MEMORANDUM OF COUNSEL ON BEHALF OF NEW ZEALAND
TRANSPORT AGENCY WAKA KOTAHI**

- 1 This memorandum is filed on behalf of the NZ Transport Agency Waka Kotahi (*NZTA*) in relation to its substantive application for notices of requirement, resource consents, archaeological authorities, and wildlife approvals (collectively, the *Application*) for the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project (*Project*).
- 2 NZTA sought a suspension of processing of the Application to allow time to engage with other parties.¹ The Panel accepted NZTA's request and directed NZTA to provide an update on or before 28 August 2026 in relation to whether processing will resume or a further suspension is requested.²
- 3 In accordance with the Panel's direction, NZTA confirms it wishes to remain on suspension to allow engagement with other parties to continue.
- 4 NZTA's intention is for the suspension to end on 11 September 2026. However, NZTA will provide confirmation of the end date for the suspension on or before 3 September 2026.
- 5 In terms of implications of the ongoing suspension, NZTA retains its position as outlined in paragraphs of 9–11 of the memorandum of counsel lodged on 10 August 2026 (allowing EPA cost recovery, the Panel to continue evaluation of the Application (provided no new procedural steps are initiated) and the EPA to continue supporting the Panel during the suspension period).

Dated: 28 August 2026



Paula Brosnahan / Rebecca Tompkins
Counsel for the NZ Transport Agency Waka Kotahi

¹ Memorandum of Counsel on behalf of NZTA, 10 August 2026.

² Minute 7 of the Expert Panel, 11 August 2026.