

Before the Expert Panel

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*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

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Dated: 19 August 2026

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**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 requirements, 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 This memorandum responds to the:
  - 2.1 Panel's Minute 5 dated 4 August 2026 seeking comment on whether further hui and/or a site visit would be of assistance, and if so, how such engagement might be undertaken;<sup>1</sup> and
  - 2.2 Subsequent responses received from Te Uri o Hau,<sup>2</sup> Te Rūnanga o Ngāti Whātua,<sup>3</sup> Te Pouwhenua o Tiakiriri Kūkupa Trust on behalf of Te Parawhau Hapū<sup>4</sup> and Te Patukarakeke Te Iwi Trust Board.<sup>5</sup>

**Process for cultural issues hui and site visit**

- 3 NZTA acknowledges the parties' support for a cultural issues hui and site visit as expressed in the various memoranda filed in response to the Panel's Minute.
- 4 NZTA has no objection to a cultural issues hui and site visit and will abide by the Panel's direction on the structure and content of these processes should it be of a mind to direct them.
- 5 NZTA notes there are likely to be some practical limitations on the site visit. NZTA recommends the Panel and attendees have four-wheel drive vehicles available and that consideration be given to potential hazards, including traffic safety concerns if multiple vehicles are pulling to the side of, or directly off the state highway.
- 6 NZTA anticipates the various parties involved in the site visit will wish to identify locations they consider to be of importance to them. If any of the sites to be visited are located on private land, NZTA will use its best endeavours to facilitate access to such sites for the Panel via discussions with landowners, noting that in some locations, landowner permission is unlikely to be forthcoming. NZTA respectfully requests that the Panel provide sufficient notice of any

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<sup>1</sup> Minute 5 of the Expert Panel dated 4 August 2026, paragraph 10.

<sup>2</sup> Te Uri o Hau Response to Minute 5.

<sup>3</sup> Memorandum of counsel for Te Rūnanga o Ngāti Whātua dated 12 August 2026.

<sup>4</sup> Comments of Te Pouwhenua o Tiakiriri Kūkupa Trust on behalf of Te Parawhau Hapū dated August 2026, paragraph 13.13.

<sup>5</sup> Memorandum of counsel for Te Patukarakeke Te Iwi Trust Board dated 12 August 2026, paragraphs 2 and 3.

site visit and relevant locations for NZTA to discuss access arrangements with landowners.

- 7 NZTA does not anticipate it will have any active involvement in the cultural site visit(s). However, if of assistance to the Panel, NZTA can make a representative available to be on standby to help with any administrative issues that might arise on the day.

#### **Details of previous Panel site visit**

- 1 In terms of the previous site visit undertaken by the Panel and comments made in the memoranda of counsel for Te Patukaraheke Te Iwi Trust Board<sup>6</sup> and Te Rūnanga o Ngāti Whātua<sup>7</sup> in relation to it, NZTA wishes to clarify that:
  - 7.1 NZTA did not determine which sites were of importance for the Panel to visit. Rather, via an email exchange between the EPA and NZTA on the logistics for the site visit,<sup>8</sup> the Panel put forward a list of suggested sites that it wished to visit. NZTA suggested two additional sites be added to the Panel's list, namely the proposed wetland enhancement area and the northern mitigation site. The Panel agreed it wished to add those areas to the site visit.
  - 7.2 NZTA's expert advisors did not attend the site visit, with the exception of its geotechnical expert, who attended at the request of the Panel.
  - 7.3 The attendees and arrangements for the mihi whakatau (as described at paragraphs 3 – 6 of the Panel's Minute 5) were determined by the Panel. NZTA had no role in those decisions.

**Dated:** 19 August 2026



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

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<sup>6</sup> Memorandum of counsel for Te Patuharakeke Te Iwi Trust Board, 12 August 2026, paragraph 3.

<sup>7</sup> Memorandum of counsel for Te Rūnanga o Ngāti Whātua, 12 August 2026, paragraph 6.

<sup>8</sup> Emails between Jessie Richardson, EPA Application Lead and Sonya McCall, NZTA Principal Planner, dated 20, 21 and 22 July 2026.