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**MINUTE 7 OF THE EXPERT PANEL**  
**Suspension of processing of Application**

**Alternative to Brynderwyn Hills [FTAA-2603-1178]**

**[11 August 2026]**

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[1] By memorandum of counsel dated 10 August 2026, the Applicant (NZ Transport Agency Waka Kotahi) has requested that the Panel grant a suspension of the processing of its Application pursuant to section 64 of the Fast-track Approvals Act 2024 (**FTAA**), to enable the Applicant to “continue engagement with other parties in relation to the Application.” The Applicant’s memorandum is **attached** to this Minute.

[2] The Applicant seeks that the suspension be effective from 11.59 p.m. on Tuesday 11 August 2026. It anticipates a suspension of approximately three weeks and will update the Panel on its position on or before 28 August 2026.

[3] The Applicant proposes that certain aspects of the Panel’s processing of the Application are not suspended, specifically, the Panel’s previous directions (contained in Minute 5) that:

- Mana whenua, iwi and hapū entities invited to comment on the Application provide comments on whether further hui and/or a site visit involving mana whenua, iwi and hapū representatives would be of assistance and, if so, how such engagement might best be undertaken (due by Wednesday 12 August); and
- The Applicant to provide a response to any comments from mana whenua, iwi and hapū entities on engagement (due by Wednesday 19 August); and

- The Applicant to provide a response to the request for further information requested by the Panel in Minute 6 (due by Monday 24 August).

[4] The Applicant agrees that the Panel may continue with its evaluation of the Application during the suspension, provided that the Panel does not initiate any new procedural steps such as issuing further information requests, arranging the hui and / or site visit with mana whenua, iwi and hapū, or directing expert conferencing or mediation. The Panel wishes to clarify that this enables the Panel's technical advisers to finalise their draft technical reports which are close to being finalised. The Panel invites comments from the Applicant as to whether it would be helpful for the Panel to publish these reports for the Applicant's and parties' information during the suspension period, provided that no information requests will be made in relation to matters raised in those reports during the suspension period, or whether the Applicant would prefer that publication of these reports be delayed until after processing resumes. Those reports relate to hydrological, freshwater ecology, and stormwater matters. The Panel's directions below provide for the Applicant to address the Panel on this issue.

[5] The Panel has a discretion under section 64(3) of the FTAA to suspend the processing of a substantive application when a request is made by an applicant under section 64(1), provided it is made before the Panel makes its decision on the Application. The request meets that criterion.

[6] The Panel has considered the Applicant's request, including the request that the Panel's directions set out in paragraph [3] of this Minute should be excluded from the suspension and that the Panel should continue with its evaluation of the Application provided that no procedural directions are issued.

[7] The Panel has exercised its discretion to grant the suspension on the terms sought by the Applicant. The Panel considers that granting the suspension on those terms is consistent with the procedural principles of the FTAA set out in section 10 of the FTAA, and with the Panel Convenors' guidance on consideration

of requests for suspensions under the FTAA dated 24 October 2025. In summary, the Panel considers that a request for around three weeks is reasonable in the circumstances and that the exclusion of the directions contained in paragraph [3] from the suspension will allow engagement relating to the cultural hui to continue (provided no directions are made to require any hui or site visit during the suspension period), as well as provision of the geotechnical information requested by the Panel.

[8] For the avoidance of doubt, the Panel has not suspended its ability to seek responses from parties invited to comment in relation to the geotechnical information provided by the Applicant, given that information was not provided with the Application material and parties have been unable to comment on it as part of their responses to comment pursuant to section 54 of the FTAA, which are due by Wednesday 12 August.

[9] The Panel will resume processing of the Application when the Applicant requests that processing resume, pursuant to section 65 of the FTAA, noting that the Applicant intends to provide an update on or before 28 August 2026.

[10] Accordingly, the Panel makes the following directions:

- To grant the suspension requested by the Applicant of the processing of the Application pursuant to section 64(3) of the FTAA until the Applicant requests that processing be resumed pursuant to section 65 of the FTAA<sup>1</sup>;
- Requiring the Applicant to provide an update to the Panel regarding its position on the suspension of the Application on or before **28 August 2026**, specifically whether processing should resume or whether a further suspension period is requested.

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<sup>1</sup> Subject to section 66 of the FTAA which enables the Panel to resume processing or return the Application if 50 working days have elapsed since processing was suspended.

- Confirming that the suspension does not apply to the following existing directions of the Panel, which must still be complied with:
  - Mana whenua, iwi and hapū entities invited to comment on the Application may provide comments on whether further hui and/or a site visit involving mana whenua, iwi and hapū representatives would be of assistance and, if so, how such engagement might best be undertaken, by **5 p.m. pm Wednesday 12 August 2026**; and
  - The Applicant to provide a response to any comments from mana whenua, iwi and hapū entities on engagement by **5 p.m. on Wednesday 19 August 2026**; and
  - The Applicant to provide a response to the request for further information requested by the Panel in Minute 6 relating to geotechnical matters by **5 p.m. on Monday 24 August**.
  - The Panel may invite comments from parties invited to comment in response to the geotechnical information received by the Applicant during the suspension period.
- Confirming that the Panel may continue with its evaluation of the Application during the suspension period provided no procedural directions are made. For the avoidance of doubt, this will enable the Panel's technical advisers to finalise their draft technical reports which are close to being finalised.
- Inviting the Applicant to address the Panel, by written memorandum including reasons for its position, on the issue of whether the Panel should publish its technical reports in relation to hydrogeological, freshwater ecology and stormwater matters during the suspension period for information purposes, provided that no further information requests or

other procedural directions are made in relation to the issues raised in those reports. Any such memorandum should be filed no later than **midday on Friday 14 August**.

[11] For the avoidance of doubt, with the exception of the specific comments from mana whenua, iwi and hapū entities in relation to the proposed cultural hui set out at paragraph [3] of this Minute, which are still due on 12 August, the due date for all other comments on the Application (including general comments on the Application from mana whenua, iwi and hapū entities) has been suspended. The Panel will confirm the revised date on which those comments (and the Applicant's response) fall due once the Applicant requests that processing of the Application be resumed.<sup>2</sup>



Mary Hill  
Alternative to Brynderwyn Hills Expert Panel Chair

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<sup>2</sup> Or if the Panel decides that processing should resume after 50 working days pursuant to section 66 FTAA.

*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: 10 August 2026

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Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)  
Rebecca Tompkins (rebecca.tompkins@chapmantripp.com)

**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 NZTA wishes to continue engagement with other parties in relation to the Application. Accordingly, NZTA respectfully requests that the Panel suspend processing of the Application in accordance with s64 FTAA.
- 3 NZTA seeks that the suspension be effective from 11.59pm on Tuesday 11 August 2026. NZTA anticipates a suspension of approximately three weeks and will update the Panel on its position on or before 28 August 2026.

**Implications of suspension**

- 4 The Panel Conveners' guidance on FTAA suspensions directs Panels to consider the implications of any suspension that may be granted, and sets out matters that should be addressed in a suspension request.<sup>1</sup>
- 5 These matters are addressed below.

*Whether all tasks and workstreams that comprise "processing" need to be suspended:*

- 6 NZTA's position is that not all tasks and workstreams need to be suspended, as set out below.

*Whether there are previously scheduled tasks or procedural steps that should be permitted to proceed:*

- 7 NZTA considers the suspension should not impact the deadline for:

7.1 Mana whenua, iwi and hapū entities invited to comment on the Application to provide comments on:

- (a) whether further hui and/or a site visit involving mana whenua, iwi and hapū representatives would be of assistance; and
- (b) if so, how such engagement might best be undertaken; and

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<sup>1</sup> Panel Conveners' guidance on suspensions under the Fast-track Approvals Act 2024, dated 24 October 2025, available [here](#).

- 7.2 NZTA to provide a response to any comments from mana whenua, iwi and hapū entities on engagement; and
- 7.3 NZTA to provide a response to the request for further information requested by the Panel in Minute 6.

8 NZTA considers that:

- 8.1 Any comments from mana whenua, iwi and hapū entities on future engagement should continue to be required by 12 August (as per Minute 5 of the Panel);
- 8.2 The deadline for NZTA to provide a response to any comments received on future engagement, should remain as 19 August (as per Minute 5 of the Panel); and
- 8.3 The deadline for NZTA to provide any response to the Panel's request for further information should remain as 24 August (as per Minute 6 of the Panel).

*What the cost recovery implications are of permitting some processing tasks or steps to proceed during a suspension:*

- 9 NZTA agrees that reasonable costs can continue to be recovered by the EPA (in relation to the Panel's decision-making role and EPA's administrative role) during the suspension.

*Whether the Panel wishes to continue with its evaluation or decision-making work during a suspension:*

- 10 NZTA agrees to the Panel continuing with its evaluation of the Application during the suspension. However, we consider it would not be appropriate for the Panel to initiate any new procedural steps during the suspension (eg issuing a new request for information, directing a further hui or site visit with mana whenua, iwi and hapū or directing expert conferencing or mediation).

*Whether the EPA administration staff are able to continue supporting the Panel with administrative tasks:*

- 11 NZTA agrees to the EPA continuing to support the Panel with administrative tasks during the suspension.

### **Implications for commenters**

- 12 NZTA acknowledges the suspension may create some timing uncertainty for third parties who have been invited to comment.
- 13 For this reason, when NZTA reports back to the Panel, it will ensure any suspension end point or future suspension period allows third parties to be given advance warning of the date by which their comments need to be provided to the Panel.

**Request for directions**

- 14 Accordingly, NZTA respectfully requests that the Panel direct:
- 14.1 processing of the Application be suspended in accordance with s64 FTAA from 11.59pm on Tuesday 11 August 2026; and
  - 14.2 NZTA file a memorandum on or before 28 August requesting either a further suspension or that processing be resumed in accordance with s65 FTAA.

**Dated:** 10 August 2026



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