

BEFORE THE PANEL CONVENER

FTAA-2603-1178

UNDER THE

Fast-track Approvals Act 2024

IN THE MATTER OF

ALTERNATIVE TO THE BRYNDERWYN HILLS

---

MEMORANDUM OF COUNSEL FOR TE RŪNANGA O NGĀTI WHĀTUA

---

**Dated:** 12 August 2026

---

**Counsel:**

RACHAEL JONES

**BANKSIDE** CHAMBERS

e: rachael@rachaeljones.co.nz

m: +64 21 809 598

Level 22, 88 Shortland Street, Auckland 1010,  
New Zealand

PO Box 1571, Shortland Street, Auckland 1140

## MEMORANDUM OF COUNSEL FOR TE RŪNANGA O NGĀTI WHĀTUA

- 1 This memorandum of counsel is filed by Te Rūnanga o Ngāti Whātua (**Te Rūnanga**) and responds to Minutes 5 and 7 of the Panel, dated 4 and 11 August 2026 respectively.

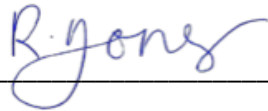
### Site visit

- 2 Te Rūnanga expresses its concern that the Panel, working with its specialist tikanga advisor, undertook a site visit without reasonable notification to tangata whenua and without seeking appropriate guidance as to the tikanga of such a site visit.
- 3 Respectfully, the implication at [6] of Minute 5, that tangata whenua, would not be capable of distinguishing between any kōrero at the visit and its formal participation in the statutory fast track process, undermines the very responsibility of Te Rūnanga and whanaunga iwi and hapū as tangata whenua. Te Rūnanga routinely guides non-Māori groups on visits throughout its rohe. It is customary and appropriate for those seeking to conduct a site visit to first engage with tangata whenua to ensure the correct protocols are observed.
- 4 Te Rūnanga acknowledges the compressed timeframes imposed by the FTAA. The Panel and Applicant could have approached tangata whenua much earlier about the site visit. Alternatively, it would have been open to the Applicant to request a suspension to accommodate further engagement with tangata whenua, prior to conducting its site visit.
- 5 In the circumstances, Te Rūnanga suggests a further site visit would be appropriate and that any further visit be arranged transparently with tangata whenua. Te Rūnanga would seek to confer with the other tangata whenua who are participating in the process and seek to reach consensus as to how a further site visit would best accommodate the tikanga of all tangata whenua.
- 6 In the meantime, Te Rūnanga requests that the Panel and Applicant make available the information and advice they considered in reaching its decision to carry out the site visit in the manner described at [3]-[6] of Minute 5.

### Further hui

- 7 Te Rūnanga additionally suggests that further hui are likely to be necessary following the site visit and the provision of comments to the Panel by tangata whenua, and that further hui are likely to assist the Panel.
- 8 Te Rūnanga suggests it is potentially premature to provide comments on how the engagement prior to further hui should be undertaken. The engagement is likely to depend on any further site visit and the completion of comments on the application, but would again seek to liaise with other participating tangata whenua groups.
- 9 Te Rūnanga indicates at this stage that it is amenable in principle to the Panel convening a cultural issues hearing.

Dated: 12 August 2026



---

Rachael Jones / Sophie Dixon  
Counsel for Te Rūnanga o Ngāti Whātua