

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: 10 August 2026

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.¹
- 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

¹ 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



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