Before an Expert Panel appointed under the Fast-track Approvals Act 2024

I mua i te roopu tohunga

Under	The Fast-track Approvals Act 2024
In the matter of	A substantive application for notices of requirement, resource consents, a wildlife approval, archaeological authorities, and approvals for complex freshwater fisheries activities to construct, maintain, and operate the Tauriko West – Tupenga Project
By	**New Zealand Transport Agency Waka Kotahi** Applicant

Memorandum of Counsel for the New Zealand Transport Agency Waka Kotahi in relation to the Panel Convener's Conference

Dated 23 September 2026

DENTONS

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Introduction

1 This memorandum is filed on behalf of the New Zealand Transport Agency Waka Kotahi ('**NZTA**') in response to Minute 2 of the Panel Convener dated 16 September 2026 ('**Minute 2**') in relation to NZTA's application for approvals ('**Application**') to construct, operate and maintain the Tauriko West – Tupenga Project ('**Project**).

2 The matters set out in Schedules 1 and 2 of Minute 2 are addressed below and in **Appendix A**.

Approvals

3 The Application seeks the following approvals to enable construction, operation and maintenance of the Project:

a Resource consents that would otherwise be applied for under the Resource Management Act ('**RMA**');

b A notice of requirement for a designation for the Project that would otherwise be lodged under the RMA;

c A wildlife approval for an act or omission that would otherwise be an offence under the Wildlife Act 1953;

d An approval or dispensation that would otherwise be applied for under the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity; and

e Archaeological authorities that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014.

Complexity

4 The Application does not raise any complex or novel legal, evidential or factual issues. Although the Application seeks multiple approvals and is supported by a range of technical reports, the Project itself is straightforward, with effects and proposed mitigation measures typical of a regionally or nationally significant linear infrastructure project. The Project site does not include Māori land, the coastal environment, significant natural areas, or outstanding natural features and landscapes.

5 We therefore submit that the Application is neither unusual nor complex. The Project has been in the public domain for some time and is generally supported by commuters, commercial transport, and the local communities. NZTA is continuing to work with the relevant local authorities, relevant administering agencies and hapū in relation to any significant remaining differences in view.

Issues

6 As noted above, the Application is not complex and NZTA does not consider that any challenging issues arise for determination by the Panel. The issues that have been addressed during consultation and engagement are consistent with those normally associated with an infrastructure project of this scale and nature and include:

a Construction-related effects such as noise, traffic and dust;

b Stormwater treatment and flooding management;

c Effects on freshwater and terrestrial ecology;

d Cultural matters; and

e Processes for managing potentially contaminated sites.

7 As set out in the Substantive Application Report, these effects are all able to be managed to a ‘less than minor’ level through the suite of conditions and proposed management plans.

Panel membership

8 NZTA considers a three-person panel is appropriate, given the nature and scale of the Application. There are no factors that warrant the appointment of more than three panel members.

9 NZTA suggests that the following panel members would have the knowledge, skills and expertise to decide the Application:

a A senior resource management lawyer;

b A suitably experienced planner; and

c A civil engineer with experience dealing with stormwater, flooding and earthworks issues.

10 NZTA considers that a civil engineer with the above expertise would hold the skills necessary to advise across a broad range of matters that will be relevant to the project. As an experienced designer and manager of the state highway network, NTZA does not consider that the Project raises any complicated or technical transportation issues that would warrant the appointment of a transport expert. The potential freshwater effects associated with the Project are not significant and are addressed via a comprehensive offsetting and compensation package.

11 NZTA recognises that Tupenga, the mana whenua working group established for the Project, may prefer one or more panel members to be experienced working in their takiwā and have knowledge of cultural considerations. NZTA suggests that one of the panel members listed above could also fulfil this role.

Procedural requirements

12 NZTA confirms that:

a It is willing to engage directly with the Panel as necessary to advance progress of the application efficiently (briefings, meetings and conferencing);

b If expert conferencing is considered necessary, it should be timed to occur after NZTA's response to comments is lodged;

c Mediation may be a more effective way to narrow disagreement and/or produce agreement on matters of note; and

d It considers it unlikely that a hearing would be required.

NZTA's proposed timeframe

13 NZTA considers that a decision-making timeframe of **60 working days** (from when comments are required to be received) is reasonable and appropriate, given:

a There are no contentious legal, evidential or factual disputes or complexities associated with the Application. The matters likely to be addressed in comments relate to effects categories that will be familiar to the Panel members, and are no different from those which could be expected as part of any regionally or nationally significant infrastructure project processed under FTAA;

b The Application has not previously been declined;

c NZTA has undertaken extensive evaluative work and consultation prior to lodging the Application, and consultation is continuing; and

d The Project site does not include Māori land, the coastal environment, or significant natural areas.

14 We have completed the estimated timeframe in Schedule 1 of Minute 2 which is attached as **Appendix A**. NZTA respectfully requests that the Panel commences earlier than 19 October 2026 if at all feasible. NZTA is keen to receive a decision as soon as possible and Counsel for NZTA has a conflicting commitment on 7 and 8 December 2026. Moving forward the commencement date to 12 October 2026 would enable NZTA's response to comments to be filed in the week before 7 December 2026.

15 Based on a commencement date of 12 October 2026 A decision-making timeframe of 60 working days would result in a decision by 26 January 2027.

16 Our estimated timeframes in **Appendix A** would allow the Panel five weeks to write a decision from when comments have closed and provide roughly a week for each procedural step once a draft decision has been issued.

17 The timeframes in **Appendix A** assume that the process to invite comments on draft conditions from participants under section 70 and from Ministers under section 72 can take place at the same time for efficiency.

Dated 23 September 2026



Christina Sheard / Liam Pearce
Counsel for the New Zealand Transport Agency Waka Kotahi

Appendix A: Applicant's estimated timeframes

Task	Working days	Date
Panel commencement	N/A	12 October 2026
Invite comment from relevant parties	10 W/D later	27 October 2026
Comments close (ss 53 & 54)	20 W/D later	24 November 2026
Comments close for applicants (s 55)	5 W/D later	1 December 2026
Any other procedural steps, evaluation and decision writing	25 W/D	26 January 2027
Draft decision and conditions to Ministers (s 72) and participants (s 70)[1]	1 W/D	27 January 2027
Response from Ministers (s 72) and participants (s 70(2))[2]	10 W/D	11 February 2027
Applicant response to Ministers and participants comments (s 70(4))[3]	5 W/D	18 February 2027
If not agreed, procedural step in relation to draft conditions	5 W/D	25 February 2027
Evaluate and finalise decision	7 W/D	8 March 2027
Decision release	7 W/D (Assumes 60 W/D from the close of comments)	17 March 2027

[1] These two processes have been combined for efficiency.
[2] These two processes have been combined for efficiency.
[3] These two processes have been combined for efficiency.