BEFORE THE EXPERT PANEL

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: 20 October 2026

Counsel:
RACHAEL JONES
BANKSIDE CHAMBERS
[redacted]

MEMORANDUM OF COUNSEL FOR TE RŪNANGA O NGĀTI WHĀTUA

1 This memorandum of counsel is filed by Te Rūnanga o Ngāti Whātua (**Te Rūnanga**). This memorandum:

1.1 is filed in accordance with Minute 12 of the Panel; and

1.2 forms the comments for Te Rūnanga on the Project in accordance with s 53 of the Fast-track Approvals Act 2024 (**FTAA**).

Background

2 Te Rūnanga is an iwi authority representing the interests of Ngāti Whātua hapū including in parts of the area to which the Project relates.

3 Te Rūnanga has engaged with the Panel since it commenced on 30 June 2026, and filed previous memoranda of counsel with the Panel Convenor on 26 June[1] and the Panel on 12 August.[2]

4 In its memorandum of 26 June, Te Rūnanga indicated that it intended to provide its own cultural impact assessment (**CIA**) within the timeframe provided for s 53 comment. The panel convenor directed the same on 26 June 2026.[3]

5 Having reviewed the CIA documents provided by Te Uri o Hau, Patuharakeke and Te Parawhau, Te Rūnanga now wishes to record its support for the CIA provided by Te Uri o Hau.[4]

6 Te Uri O Hau is a hapū of Ngāti Whātua. Their CIA was included as Appendix H to the Application. Te Rūnanga considers that the Te Uri o Hau CIA is comprehensive and provides the Applicant (NZTA) and the Panel with relevant information from a Ngāti Whātua perspective. Te Rūnanga

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1 In response to Minutes 3 and 4 of the Panel Convenor, dated 15 and 16 July 2026 respectively.

2 In response to Minutes 5 and 7 of the Expert Panel, dated 4 and 11 August 2026 respectively.

3 Minute 5 of Panel Convenor, dated 26 June 2026, at [13].

4 Te Uri O Hau (Environs Holdings Ltd) *Cultural Values and Impacts Assessment Report*, dated April 2026.

accordingly respectfully suggests the Te Uri o Hau CIA should be closely adhered to by the Panel as it progresses its consideration of the Project.

Additional comments by Te Rūnanga

7 The proposed route of the Project passes through a landscape that includes the maunga Pukearenga, Pukekaroro and Pukepōhatu. The proposed route accordingly fragments the landscape that Te Rūnanga considers is a living and indivisible whole as a matter of tikanga.

8 The proposed route will sever connections between Ngāti Whātua and its wāhi tapu, maunga and awa. This will have effects on the mauri of the landscape and the natural environment which will need to be managed and mitigated if the Project is to go ahead.

9 To manage these effects, Te Rūnanga supports the consent conditions proposed by Te Uri o Hau on pp 54–62 of its CIA.

10 In particular, Te Rūnanga:

10.1 Te Rūnanga supports any work on a Cultural Connectivity and Pathways Map to recognise and provide for the fragmentation of the cultural landscape during the extended anticipated construction.[5]

10.2 It is of utmost importance to Te Rūnanga that the proposed plan for a bus crash memorial is implemented.[6]

10.3 Te Rūnanga supports the proposed plan for the Piroa Stream and Brynderwyns waterfall.[7]

[5] At p 66.

[6] At p 63.

[7] At pp 63–65.

10.4 Te Rūnanga supports the development of a Cultural Redress and Offset Framework.[8]

10.5 Te Rūnanga has strong expectations that the accidental discovery protocol is robust, and adhered to.[9]

Conclusion

11 Te Rūnanga remains closely connected to, and invested in, the Project. Te Rūnanga wishes to continue to be provided with all documents filed by the Applicant and other parties making comment on the Project.

12 For the avoidance of doubt, Te Rūnanga anticipates it will be invited to and involved in any further site visits.

Dated: 20 October 2026

R. Jones

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

[8] At pp 66–70.

[9] As discussed at [1.3] on p 57.