

Before the Expert Panel

under: the Fast-track Approvals Act 2024

in the matter of: an application for resource consents, approvals and a notice of requirement to alter a designation, to construct a four-lane, median divided highway to replace existing State Highway 2 corridor between Te Puna and Ōmokoroa, known as 'Takitimu North Link - Stage 2'

applicant: **NZ Transport Agency Waka Kotahi**
Requiring Authority and Applicant

Memorandum of counsel on behalf of the NZ Transport Agency
Waka Kotahi

Dated: 23 January 2026

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MEMORANDUM OF COUNSEL ON BEHALF OF NZ TRANSPORT AGENCY

- 1 This memorandum is filed on behalf of the NZ Transport Agency Waka Kotahi (*NZTA*) in relation to NZTA's application for resource consents, approvals and notice of requirement to alter a designation (together, the *Application*) to replace the existing State Highway 2 corridor between Te Puna and Ōmokoroa, known as 'Takitimu North Link - Stage 2' (the *Project*).
- 2 As requested by the Panel on 22 January 2026, this memorandum sets out NZTA's proposed next steps following the ecological expert conferencing and conditions workshop on 20 and 21 January 2026.

Update to conditions

Ecology-related conditions

- 3 At expert conferencing on 20 January 2026, the freshwater ecologists for NZTA, the Department of Conservation (*DOC*) and Bay of Plenty Regional Council (*BOPRC*), and the Pirirākau and Ngāti Taka representatives agreed to work together to amend the Stream Management and Monitoring Plan (*SMMP*) condition in the proposed resource consent conditions.
- 4 NZTA will circulate proposed amendments to the SMMP condition (and the wetland / planting / lizard habitat conditions, which were also discussed at conferencing) to the other parties early next week, and asks that the other parties provide any comments on the proposed amendments by 3 February 2026. We would appreciate confirmation from the Panel as to whether NZTA should circulate its proposed amendments to the Panel's advisor for comment.

Structure of regional resource consents

- 5 Further to the conditions workshop on Wednesday 21 January, NZTA is preparing a restructured version of its proposed regional resource consent conditions to better align with BOPRC's proposed condition structure. NZTA has arranged to meet with BOPRC on 27 January to discuss the restructure and on 29 January to discuss substantive matters.

Further potential amendments to conditions

- 6 NZTA is also:
 - 6.1 preparing amendments to conditions for the other approvals to reflect the joint statement from the conditions workshop on 21 January 2026; and
 - 6.2 considering further changes to the conditions to address the concerns raised by other parties at the conditions workshop.

NZTA's closing submissions

- 7 As set out in our memorandum of counsel dated 7 November 2025, NZTA intends to provide closing legal submissions to the Panel prior to the release of the Panel's draft decision (*Closing*). As part of its Closing, NZTA will provide an updated set of all conditions incorporating any amendments that have arisen from conferencing, the conditions workshop and from the other parties' comments. The Closing will also set out the matters agreed with the other parties, and the matters that remain areas of disagreement.

Next steps and timeframes

- 8 NZTA does not consider formal directions as to next steps are necessary at this stage. However, NZTA would welcome any indication of timing of the Panel's draft decision, to ensure NZTA's Closing is provided to the Panel appropriately in advance of that date. NZTA is currently looking to submit its Closing on 9 February.
- 9 NZTA will continue to consider whether a brief suspension of the Application is appropriate to provide more time for the parties to discuss conditions. At this stage, NZTA is not seeking a suspension.
- 10 NZTA wishes to extend its thanks to the Panel for the opportunity to provide suggestions as to proposed next steps.

Dated 23 January 2026

Paula Brosnahan / Alice Hall
Counsel for NZ Transport Agency Waka Kotahi