Before the Expert Consenting Panel

under: the Fast-track Approvals Act 2024 (*FTAA*)

in the matter of: notices of requirement and applications for resource consents, wildlife approvals and archaeological authorities by the NZ Transport Agency Waka Kotahi to develop the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills Project, a state highway from the intersection of State Highway 1 and Baldrock Road in the south, through the Brynderwyn Hills to Waipū in the north.

applicant: **NZ Transport Agency Waka Kotahi**

Requiring Authority and Applicant

Statement of Evidence of Hannah Thompson for NZ Transport Agency Waka Kotahi

Dated: 28 October 2026

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STATEMENT OF EVIDENCE OF HANNAH THOMPSON

INTRODUCTION

1 My full name is Hannah Thompson.

2 I am a Principal Environmental Planner at NZ Transport Agency Waka Kotahi (*NZTA*).

3 While I am not giving expert evidence, for completeness I note the following qualifications of relevance to my evidence. I hold a Bachelor of Resource and Environmental Planning (Honours) from Massey University. I also hold a Master of Legal Studies, Environmental Law (Honours) from the University of Auckland. I have over 13 years' experience in the field of planning.

4 I have been involved in the delivery of consents and other environmental approvals on projects requiring engagement with external stakeholders, including:

- Penlink – State Highway 19
- Whangārei to Port Marsden Highway (former NZ Upgrade Programme)
- Hawke's Bay Expressway Road of National Significance
- Whangārei to Wellsford - Safety Improvement Programme
- State Highway 4 – Te Oreore Slip

5 My evidence has been prepared as part of the NZ Transport Agency Waka Kotahi's *(NZTA)* notices of requirement and applications for resource consents, wildlife approvals and archaeological authorities (together, the *Application*) to develop the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills (*Project*), a state highway from the intersection of SH1 and Baldrock Road in the south, through the Brynderwyn Hills to Waipū in the north.

6 I have been involved in the Project since April 2025 as lead planner for the Northland Corridor programme (comprising three Roads of National Significance, including the Project, from Te Hana to Whangārei). In this role, I have managed engagement with key stakeholders (including iwi and hapū, councils, administering agencies and landowners) in relation to NZTA's applications for approvals for all parts of the Northland Corridor. As part of this role, I have been responsible for supporting the management and co-ordination of engagement with iwi and hapū in relation to the Project, working closely with NZTA's cultural advisors. This includes building and maintaining relationships with iwi and hapū representatives, ensuring cultural values and interests are appropriately considered, and liaising with the broader Project team

to ensure feedback and outcomes from engagement are integrated into Project planning, design, consenting, and delivery.

7 I have personal knowledge and experience in the matters set out in this evidence and its contents are true to the best of my knowledge and belief. I am authorised to give this evidence on behalf of NZTA.

SCOPE OF EVIDENCE

8 My evidence addresses the following matters:

8.1 Engagement that has been undertaken with iwi and hapū with interests in the Project area;

8.2 How this engagement has informed the development of the Project, including the development of conditions and agreements that will inform ongoing involvement of iwi and hapū throughout the lifecycle of the Project; and

8.3 Responses to comments from:

(a) Te Uri o Hau Settlement Trust on behalf of Te Uri o Hau hapū (*Te Uri o Hau*);

(b) Te Parawhāu (representing Te Parawhau and Te Pouwhenua o Tiakiriri Kukupa Trust) (*Te Parawhau*);

(c) Patuharakeke Iwi Trust Board (*Patuharakeke*);

(d) Te Rūnanga o Ngāti Whātua on behalf of Ngāti Whātua (*Te Rūnanga*); and

(e) Kōwhai Te Awhina Hapū o Te Parawhau Hapū Incorporation (*Te Parawhau Incorporated*).

SUMMARY OF ENGAGEMENT

9 In this section I will provide a summary of engagement that NZTA has undertaken with iwi and hapū in relation to the Project to date. In particular, I will address:

9.1 NZTA's principles for engagement, for stakeholders generally and iwi and hapū specifically;

9.2 How NZTA determined the relevant iwi and hapū to engage with for the purposes of the Project;

9.3 Engagement undertaken with iwi and hapū for the purposes of the Application to date, including those who have made comments in relation to it (ie Te Uri o Hau, Patuharakeke, Te Parawhau, Te Rūnanga and Te Parawhau Incorporation).

NZTA's principles for engagement

10 NZTA recognises and respects Te Tiriti o Waitangi as Te Tūāpapa (foundation) from which to work with Māori, to build strong, meaningful and enduring relationships that achieve mutually beneficial outcomes. Te Ara Kotahi, the Māori Strategy for NZTA, provides strategic direction on how to work with and respond to Māori as the Crown's Treaty partner.

11 Te Ara Kotahi is structured around five strategic pou (pillars) which guide how NZTA develops and strengthens its relationship with Māori. These pou establish priorities and actions to improve engagement, partnership, capability and outcomes for Māori. While the specific actions evolve over time through implementation plans, the overarching focus is on:

11.1 Strong partnerships and relationships.

11.2 Effective participation of Māori in transport decision-making.

11.3 Integration of Māori values, knowledge and aspirations.

11.4 Building organisational capability.

11.5 Delivering positive transport outcomes for Māori communities.

12 For a project such as the Northland Corridor, Te Ara Kotahi essentially provides the strategic foundation for:

12.1 Early and meaningful engagement with iwi and hapū.

12.2 Working in partnership rather than taking a consultation only approach.

12.3 Recognising cultural values and mātauranga Māori in project development.

12.4 Seeking opportunities for Māori participation and benefit.

12.5 Building enduring relationships that continue beyond consenting processes.

13 To support implementation of this strategy, NZTA engaged two Iwi Engagement Specialists to foster meaningful partnerships with hapū and to uplift and enhance these partnerships.

14 Terms of Reference were also entered into with each hapū in early 2025, reflecting a mutual commitment by both NZTA and the respective hapū to engage with one another in a meaningful, collaborative, and constructive manner throughout the Project.

15 To give effect to these principles, the Project undertook engagement with hapū from the early stages of project development. This

engagement commenced during the investment case phase in late 2024 and continued throughout the alternatives assessment process, multi-criteria analysis process, and the development of the application under the FTAA, which included NZTA supporting the resourcing of Cultural Values Assessments to inform the application.

16 NZTA is committed to an ongoing relationship with the relevant hapū beyond the consenting process. This commitment is foreshadowed in the proposed conditions, and other agreements made between NZTA and hapū which sit outside the FTAA process.

Process for determining relevant iwi and hapū for the purposes of engagement

17 NZTA has existing relationships with hapū holding mana whenua along State Highway 1 between Whangārei and Te Hana. These relationships have been established through various kaupapa including earlier infrastructure projects (such as Whangārei to Port Marsden Highway, W2W Safety Improvement Programme, Loop Road Improvements and the Brynderwyn Hills Emergency Recovery project and resilience works) maintenance activities, and ongoing engagement associated with NZTA's wider work across the corridor. This history of partnership, in part, informed how NZTA determined the relevant hapū for purpose of engagement of the Project.

18 Against this background, NZTA undertook a comprehensive process to determine the iwi authorities, hapū and Treaty settlement entities with an interest in the Project. This process included engagement with key iwi partners already involved in the Project, review of relevant statutory and government information sources, consideration of Treaty settlement documentation, assessment of Mana Whakahono ā Rohe arrangements, and identification of customary fisheries interests within the Project area. This approach was designed to identify, as comprehensively as possible, iwi and hapū with potential interests in the Project and provide them with opportunities to participate in Project development.

19 The existing partnerships held with NZTA, coupled with the process outlined above, resulted in the following hapū being identified as relevant to the Project area:

19.1 Te Uri o Hau;

19.2 Patuharakeke Te Iwi Trust Board; and

19.3 Te Parawhau.

20 I note that both Te Rūnanga and Te Parawhau Incorporation have provided comments on the Application at the invitation of the Panel. While these groups were not initially identified by NZTA as having an interest in the Project area, NZTA has subsequently engaged with them on the Project. I will briefly discuss the nature of that

engagement and / or provide a response to any comment received from them later in my evidence.

Engagement with iwi and hapū on the Application

21 NZTA's engagement with iwi and hapū commenced with identifying and establishing contact with the relevant mana whenua groups affected by the wider Northland Corridor Project, namely Te Uri o Hau, Te Parawhau, and Patuharakeke. As noted above, these groups were identified through past engagement on the corridor and knowledge from the project's cultural advisors. Engagement was undertaken through direct correspondence and ongoing liaison with recognised representatives, hapū environmental entities (such as Te Uri o Hau Environs), and appointed technical advisors for hapū.

22 Engagement in relation to the Project as a specific component of the wider corridor commenced with an introductory hui to present the Project, and explain its purpose, scope, programme and decision-making processes. These initial project briefings were held with Te Parawhau and Patuharakeke in November 2024, and separately with Te Uri o Hau in November 2024.

23 Regular hui, both in person and online, continued throughout project development. These included monthly meetings, technical workshops, design workshops and project update sessions. Provision of project presentations, plans, technical information and optioneering updates supported informed participation in project development.

24 The engagement was iterative and continued through investment case development, corridor investigations, optioneering, route refinement, environmental investigations, preparation of cultural impact assessments and development of proposed conditions.

25 Post-lodgement, including throughout the suspension period, NZTA has continued to engage closely with hapū on the development and refinement of proposed conditions and other agreements. This engagement included providing updates on the status of the suspension, discussing ongoing project matters, involving kaitiaki from all three hapū in ongoing field investigations (eg additional Pepeketua (Hochstetter's Frog) survey), and outlining changes to the proposed mitigation package arising from discussions with other stakeholders.

26 NZTA is committed to maintaining and strengthening its partnership with hapū throughout the Project lifecycle, including during construction. This commitment is reflected in NZTA's proposed conditions and is also being committed to through the development of other agreements with hapū.

27 A summary of engagement undertaken to date with each of the iwi and hapū commenters is outlined in turn below.

Engagement with Te Uri o Hau

28 NZTA undertook a series of dedicated meetings with Te Uri o Hau which started in November 2024, and these have continued throughout post lodgement. These meetings, at a high level, have focused on:

- Emerging preferred corridor options;
- Review of corridor investment case findings;
- Input into route refinement and alignment workshops;
- Design share workshops;
- Input into Multi Criteria Analysis (MCA) workshops;
- Technical expert workshops;
- FTAA process briefings;
- Cultural impact assessment discussions and preparation;
- Conditions and mitigation development; and
- Other agreement development.

29 In addition to these meetings, Te Uri o Hau representatives and kaitiaki participated in numerous site visits and field investigations, including vegetation surveys, freshwater assessments, archaeological walkovers, bat monitoring, terrestrial ecological investigations, stream ecological value assessments and Pepeketua (Hochstetter's Frog) survey.

Engagement with Patuharakeke

30 NZTA similarly maintained a dedicated programme of monthly hui and technical engagement with Patuharakeke throughout project development. Particular focus was placed on:

- Emerging preferred corridor options;
- Review of corridor investment case findings;
- Input into route refinement and alignment workshops;
- Design share workshops;
- Input into MCA workshops;
- Technical expert workshops;
- FTAA process briefings;

- Cultural impact assessment discussions and preparation;
- Conditions and mitigation development; and
- Development of other agreements between NZTA and Patuharakeke.

31 Patuharakeke also participated in field investigations, including archaeological walkovers, vegetation surveys, freshwater assessments, bat monitoring programmes, stream ecological value surveys, terrestrial ecological investigations and Pepeketua (Hochstetter's Frog) survey. In some instances, site visits were undertaken at the request of Patuharakeke to further understand site-specific cultural and environmental values.

Engagement with Te Parawhau

32 NZTA established a programme of monthly hui, briefing sessions and technical workshops with Te Parawhau from late 2024 onwards. These workshops included:

- Emerging preferred corridor options;
- Review of corridor investment case findings;
- Input into route refinement and alignment workshops;
- Design share workshops;
- Input into MCA;
- Technical expert workshops;
- FTAA process briefings;
- Cultural impact assessment discussions and preparation;
- Conditions and mitigation development; and
- Development of other agreements between NZTA and Te Parawhau.

33 Te Parawhau representatives and their appointed technical experts also participated in numerous field investigations and site visits, including archaeological assessments, freshwater surveys, ecological investigations and wetland-focused fieldwork. This involvement allowed for direct input from Te Parawhau into MCA workshops and route refinement. Most recently, kaitiaki have been involved in Pepeketua (Hochstetter's Frog) field survey work.

Engagement with Te Rūnanga

34 Te Rūnanga requested a hui with NZTA in late 2025 to discuss the wider Northland Corridor programme. A hui was held on 14

November 2025, where NZTA presented an overview of the programme and the Project specifically. Te Rūnanga confirmed through hui that they would like to receive updates regarding the Project through the normal NZTA communication channels (eg Project newsletters).

35 Since that meeting, NZTA understands that there have been continuing discussions between Te Rūnanga and Te Uri o Hau as to their respective roles within the Project corridor. It is noted that Te Rūnanga records, in its memorandum of counsel dated 20 October 2026, that it supports the cultural impact assessment provided by Te Uri o Hau.

Engagement with Te Parawhau Incorporation

36 Te Parawhau Incorporation has lodged a separate comment to that lodged by Te Parawhau. As part of NZTA's working history and the comprehensive identification process outlined earlier in my evidence, Te Parawhau Incorporation did not appear as an entity or authority in NZTA's records or in databases used to identify iwi and hapū groups.

37 Following the Panel's invitation to Te Parawhau Incorporation to comment on the Project, NZTA sought to better understand the relationship between Te Parawhau Incorporation and groups with whom NZTA had previously engaged, specifically Te Parawhau. Te Parawhau advised NZTA that in its view it is the appropriate entity with strength of interest in the Project area and that NZTA should continue its engagement directly with them. Following the guidance of Te Parawhau, NZTA has not engaged directly with Te Parawhau Incorporation in relation to the Project.

HOW ENGAGEMENT HAS INFORMED PROJECT DEVELOPMENT

38 In this section, I will address how iwi and hapū engagement has informed development of the Project to date, including:

38.1 The location of the Proposed Designation and Indicative Alignment through the alternatives process;

38.2 Development of effects management measures (including the proposed conditions of the approvals); and

38.3 Opportunities for ongoing involvement of iwi and hapū throughout implementation of the Project, both through the conditions and as part of separate agreements between iwi / hapū and NZTA.

39 Through hui, workshops, site visits, field investigations and Cultural Values Assessments, hapū identified cultural values, culturally significant landscapes, wāhi tapu and wāhi tūpuna, freshwater environments, ecological values, and other matters requiring consideration during Project development. NZTA considered this

feedback alongside environmental, engineering, transport and planning considerations when assessing alternatives and refining the Proposed Designation and Indicative Alignment.

40 The engagement process provided NZTA with a greater understanding of the cultural landscape within the Project area and the relationship of hapū with the land, waterways and natural resources affected by the Project. This understanding, in turn, informed the assessment of alternatives process and, where reasonably practicable, assisted in avoiding or reducing impacts on identified cultural values. Cultural Values Assessments prepared by Te Uri o Hau, Te Parawhau and Patuharakeke also assisted in the identification of areas requiring specific mitigation or management responses. Some examples of how this work has substantially shaped Project development include:

40.1 The alignment avoiding identified Pā sites;

40.2 Cultural values being a key criterion in the MCA and alternatives processes;

40.3 Avoidance of culturally sensitive vegetation (for example kahikatea in the vicinity of Waipū);

40.4 Conditions relating to the Bus Crash Memorial site;

40.5 Conditions relating to ecological matters including the requirement to consider rohe specific boundaries and culturally appropriate methods for measuring relocation success;

40.6 Conditions relating to archaeological matters (including the avoidance of Pā sites);

40.7 Conditions relating to cultural matters including the provision of a Cultural Values Management Plan; and

40.8 A condition requiring a Hapū Steering Group.

41 I elaborate further on these matters later in my evidence.

42 Finally, I note that further engagement with hapū is scheduled for 11 November to continue discussions on the form of conditions, including the Cultural Values Management Plan (*CVMP*). This scheduled hui demonstrates NZTA's ongoing commitment to work collaboratively with iwi and hapū and to ensure that the interests, values, and perspectives of relevant iwi and hapū with connections to the Project area are appropriately considered in the development of the Project and its associated conditions.

Proposed Designation and Indicative Alignment

43 As outlined in the Substantive Application[1], comprehensive alternatives assessment processes were undertaken for the Project using a robust multi-criteria analysis (*MCA*), informed by independent technical specialists. The Alternatives process started during the development of the Te Hana to Whangārei Long Term Route Protection Investment Case which identified an emerging preferred corridor. This corridor was then further refined through localised alternatives assessments to ultimately identify the Proposed Designation and Indicative Alignment. Key assessment criteria for all stages includes cultural values being a main criterion of the constraints and critical issues. The Statement of Evidence of Mr Tony Innes describes the alternatives process, including findings, in greater detail.

44 Overall, iwi and hapū involvement throughout the alternatives assessment processes has informed and enabled NZTA to confirm a robust Indicative Alignment and Proposed Designation, and to the extent reasonably practicable has enabled the Project to recognise cultural interests and values.

45 An example of how feedback informed the Project, through engagement, Te Uri o Hau expressed a preference that, should the Project traverse the Outstanding Natural Landscape (*ONL*), it should be located as close as practicable to the western edge of the ONL. This position reflected their view that the central and eastern portions of the ONL are of greater cultural significance. In response to that feedback, the Indicative Alignment within the ONL has been located toward the western edge, thereby seeking to avoid or minimise effects on those areas identified by Te Uri o Hau as having higher cultural value.

Ongoing involvement throughout implementation of the Project

46 NZTA anticipates that iwi and hapū will continue to have an important role throughout the implementation of the Project, including during detailed design, construction, and ongoing operational phases. NZTA intends to maintain and strengthen the relationships it has developed with iwi and hapū throughout the life of the Project. Consistent with NZTA's broader approach to partnering with Māori, opportunities for ongoing involvement are proposed through both the conditions of the approvals and through separate agreements and relationship arrangements developed with iwi and hapū.

47 It is important to distinguish between those matters that are appropriately addressed through conditions of the approvals and those that are more appropriately addressed through separate agreements between NZTA and iwi and hapū. Conditions proposed by NZTA are focused on managing the actual and potential effects of

[1] Volume B, Section C5.2.

the Project on the environment and provide mechanisms for iwi and hapū involvement where this assists in identifying, avoiding, remedying, mitigating or monitoring those effects. The conditions include opportunities for input into management plans relevant to particular technical disciplines, cultural monitoring where appropriate, and the preparation and implementation of a Cultural Values Management Plan to guide the management of cultural values, sites and interests identified through the Cultural Values Assessments and ongoing engagement.

48 Separate agreements with iwi and hapū serve a different purpose. These agreements provide a framework for the ongoing relationship between the parties and may address matters such as participation arrangements, resourcing of agreed services, including kaitiaki monitoring and review of management plans required under the approval conditions, communication protocols, capacity-building initiatives, and other matters that extend beyond the management of environmental effects. Such agreements enable the parties to address relationship and implementation matters that are not appropriately secured through statutory conditions.

49 In my experience, this approach is consistent with NZTA's established practice on major infrastructure projects. NZTA commonly provides for iwi and hapū involvement through a combination of project conditions addressing environmental effects and separate relationship-based agreements that recognise the ongoing role of mana whenua throughout project delivery. This enables environmental effects to be managed within the statutory framework while also providing flexibility for NZTA and iwi and hapū to develop enduring working relationships and arrangements that can evolve over the life of the Project.

RESPONSE TO COMMENTS ON THE APPLICATION

50 In this section, I will provide a response to the comments received on the Application from Te Uri o Hau, Patuharakeke, Te Parawhau, Te Rūnanga and Te Parawhau Incorporation.

51 At the outset, I note that these groups have acknowledged the importance and need for a safe and resilient land transport network between Te Tai Tokerau and Auckland, consistent with the objectives for the Project.

52 I also note that some of these groups have made comments on the overarching legislative and policy framework of relevance to the Project, which are matters I do not address here. In addition, I acknowledge that each of these groups has provided comments on various matters of a technical nature (particularly terrestrial and freshwater ecology). These comments, to the extent they relate to technical matters specifically, have been addressed in the statements of evidence from NZTA's independent experts as follows:

52.1 Dr Leigh Bull for avifauna ecology;

52.2 Mr Simon Chapman for terrestrial ecology (specifically lizards and bats);

52.3 Mr Dylan Van Winkel for terrestrial ecology (specifically frogs);

52.4 Dr Lisa Denmand for terrestrial ecology (specifically invertebrates);

52.5 Dr Vaughan Keesing for freshwater and wetland ecology;

52.6 Mr Nicholas Singers for indigenous vegetation and wetland ecology;

52.7 Mr Jeremy Garrett-Walker for freshwater ecology;

52.8 Mr Tom Ireland for construction and delivery;

52.9 Mr Warren Bird for flooding and operational stormwater; and

52.10 Mr Tony Innes for alternatives.

53 In respect of cultural effects, I consider that the Application appropriately balances the Project's resilience and safety objectives with the protection of environmental and cultural values through the proposed effects management measures, including the proposed conditions. The Substantive Application lodged by NZTA assesses environmental effects on a range of matters that contribute to interconnected cultural values that comprise relationships of hapū with the environment, including effects on whenua, wai, indigenous biodiversity, taonga species, sites of significance, wāhi tapu, and other taonga. While NZTA's technical assessments necessarily address these matters under their respective technical disciplines, NZTA acknowledges that for the Project's iwi and hapū, these matters are interconnected and must be considered together.

54 For remaining comments, I note that there are some matters that have been raised by multiple iwi and hapū, including:

54.1 Involvement in implementation of the Project;

54.2 CVMP;

54.3 Brynderwyn Hills Bus Crash Memorial;

54.4 Conditions related to RMA Approvals;

54.5 Hapū Steering Group; and

54.6 Conditions applying to the Archaeological Authority.

55 I outline NZTA's position on these matters in turn below.

Involvement in implementation of the Project

56 The CVMP is the proposed framework through which iwi and hapū detail how cultural values will be identified and confirmed and how monitoring is designed and implemented.

57 It is important to note at the outset that the CVMP is intended to be prepared by NZTA having regard to the cultural values hapū have expressed in the cultural impact assessments prepared for the Project to date and which will be further developed through ongoing collaboration in future stages of the Project. I consider that as the Requiring Authority / Consent Holder, NZTA must retain overall responsibility for the preparation, implementation, and ownership of the CVMP to enable it to comply with relevant condition(s).

58 I note that the CVMP condition (D10) provides for measures to manage effects on cultural sites and values, and for tikanga to be implemented during Project Works, to be developed in conjunction with engagement with iwi and hapū[2]. Further description of the CVMP framework is provided at paragraphs 64-72 of my statement of evidence.

59 Condition RC9A operates alongside the Designation Conditions and confirms that, once a CVMP has been prepared and finalised, it must be implemented for the duration of the Project Works as it relates to activities authorised by the Consents. RC9A is purposefully implementation focussed, as the Resource Consents could not otherwise be exercised without joint recourse to satisfying the conditions applied to the Project's Designation.

60 As I have concluded further below within my statement of evidence, I agree that the cultural sites and values, tikanga and kaitiakitanga responsibilities of Te Uri o Hau, Patuharakeke Te Iwi Trust Board and Te Parawhau may differ, and should be appropriately represented in the CVMP, however I consider this outcome can be achieved via structural amendments during development of the CVMP through direct engagement under Conditions D10B and D10E.

61 While I acknowledge that Te Uri o Hau has requested specific involvement in physical activities including freshwater monitoring and restoration works, I do not consider these matters need to be explicitly recorded in the proposed consent conditions. The CVMP must identify the cultural sites and values all iwi and hapū consider may be impacted by the final design, measures to manage effects on those values during Project Works, roles and responsibilities for Iwi Representatives, procedures for communication, and tikanga to be implemented during specific Project Works (Conditions D10A-D10I).

[2] Conditions D10A – D10I.

62 Iwi and hapū will also have the opportunity to input into freshwater management through the requirement for the Erosion and Sediment Control Plan, Wetland Management Plan and Stormwater Detailed Design Report to be prepared in consultation with Te Uri o Hau (Conditions RC6(d), RC26, RC40 and RC50–RC51).

63 Beyond the broad scope of the CVMP, I note that NZTA has offered further roles for iwi representatives during implementation, as part of further engagement towards a side relationship agreement.

Cultural Values Management Plan

64 As I have identified earlier, the CVMP is the principal mechanism adopted by NZTA to identify and, where practicable, manage cultural effects through the final design and Project Works. NZTA does not hold mātauranga Māori and is therefore not in a position to assess cultural values in the same way as iwi and hapū. The proposed CVMP conditions provide a mechanism to identify and, where reasonably practicable, manage effects on identified cultural values through the final design and Project Works (ie the management plan's purpose and objectives). NZTA understands that, while hapū seek changes to the specifics of the proposed CVMP conditions, in principle, hapū all support the inclusion of the CVMP.

65 The CVMP is intended to apply to the duration of the construction, operation, maintenance, monitoring and ecological restoration activities that are captured within the scope of the designation and resource consent conditions.

66 Commencing preparation of the CVMP is required prior to the appointment of any constructor in order for NZTA to directly advise that party of specific cultural requirements, protocols and agreements, informing final design and ensuring implementation of cultural effects management measures during Project Works.

67 I acknowledge that the iwi and hapū who have prepared cultural values assessments have commented that the proposed consent conditions should be expanded to include rangatiratanga, mana whakahaere and kaitiakitanga responsibilities. I consider that the proposed CVMP and conditions provide for these. I also consider that having separate Management Plans for the various iwi and hapū groups would not be appropriate, with the potential for such plans to contain conflicting requirements, and no clear pathway for NZTA to resolve disputes on competing requirements. I acknowledge that cultural sites and values, tikanga and kaitiakitanga responsibilities of Te Uri o Hau, Patuharakeke Te Iwi Trust Board and Te Parawhau may differ and should be appropriately represented in the CVMP. I consider that direct engagement with iwi and hapū on the content and structure of the CVMP through creation of the plan can accommodate any differences and provide a mechanism for NZTA to record where feedback has been accepted, or reasons as to why elements have not been incorporated into the Management Plan.

68 I note that NZTA supports progressing independent relationship agreements with iwi and hapū, a further mechanism for iwi and hapū to exercise rangatiratanga, mana whakahaere and kaitiakitanga responsibilities throughout the Project Works.

69 Te Uri o Hau has expressed that the CVMP must not be finalised until written input has been sought from all iwi and hapū[3]. While recognising the objectives / purpose and importance of the CVMP in stating cultural values expressed by iwi and hapū, I do not support the exclusion of a working day-based timeline for the plan to be finalised. This requirement imposes an unreasonable risk of indefinite delay to the Project, in particular where written input is not provided or is withheld by one party. Any delay would be contrary to facilitating the delivery of Project (further acknowledged in the evidence of Mr Ireland), the importance of establishing a safer, more resilient state highway network and the significant benefits of the Project to the Northland Region. Therefore, I strongly support the retention of the 15 working day timeframe for written feedback as sought by NZTA.

70 As noted, as the Applicant, Consent Holder, and Requiring Authority, NZTA must retain overall responsibility for the preparation, implementation, and ownership of the CVMP. The conditions must provide sufficient certainty as to the outcomes required, and must be clear, enforceable, and capable of implementation. For that reason, I do not consider it appropriate for the final content of the CVMP to be subject to approval by any individual iwi or hapū. Requiring third-party approval will create uncertainty as to the operation of the condition and will affect its enforceability and NZTA's ability to implement the Project in accordance with the approved conditions, notwithstanding the condition being *ultra vires*.

71 Hapū have requested that the CVMP (and any progressive updates made to the plan) be submitted to the relevant authority for the purpose of compliance monitoring.[4] I do not support the amendment sought, principally as the role of the monitoring authority is not to manage matters of any disagreement between NZTA and iwi/hapū in relation to decisions made in respect of feedback received on the CVMP. Maintaining a register to the CVMP recording where specific information has not been incorporated provides the necessary level of transparency to NZTA's decision-making, recognising its role as both Requiring Authority and Consent Holder.

72 Overall, it is my opinion the CVMP conditions proposed by NZTA will provide the framework for the expression of rangatiratanga, mana whakahaere and kaitiakitanga responsibilities in a manner that will

[3] Comments from Te Uri o Hau Settlement Trust on behalf of Te Uri o Hau hapū *(Te Uri o Hau Comment*s) and Te Parawhāu (representing Te Parawhau and Te Pouwhenua o Tiakiriri Kukupa Trust) *(Te Parawhau Comment*s).

[4] Te Uri o Hau Comments.

ensure, where reasonably practicable, effects on identified cultural values are appropriately managed in the final design and through the Project Works.

Brynderwyn Hills Bus Crash Memorial Site

73 In relation to the Brynderwyn Hills Bus Crash Memorial Site, Te Uri o Hau supports the proposed Avoid Area and notification requirements proposed by NZTA, however considers that these measures do not fully provide for the site's cultural, historical, spiritual and intergenerational significance. Te Uri o Hau is seeking stronger requirements for engagement with Te Uri o Hau and affected whānau, confirmation of cultural protocols and access arrangements, cultural monitoring, and protective measures before works are undertaken within or adjacent to the Memorial Site Area.

74 NZTA acknowledges the support of Te Uri o Hau for the establishment of the Avoid Area and the cultural, historical and spiritual significance of the Memorial Site.

75 Reflecting on the comments received from Te Uri o Hau, it is my opinion that the Avoid Area and the related conditions specifying the requirements of the CVMP provide for the protection of the Memorial Site during Project Works, and the exercise of cultural protocols in relation to the commencement of Project Works within a buffer area surrounding the Memorial Site.

76 Specifically, I have made the following observations:

76.1 The CVMP establishes a mechanism for identifying measures to manage effects of the Project Works on cultural sites and values, including through specifying roles and responsibilities for hapū, notification requirements and applicable tikanga, to be developed in consultation with hapū.

76.2 Tikanga processes including karakia, waerea, blessing and whakanoa should be undertaken by iwi representatives in relation to works adjacent to the Memorial Site through the mechanism in the conditions.

76.3 Measures to avoid or thereafter mitigate the effects of the Project Works, including but not limited to installing setbacks or fencing must be undertaken by NZTA prior to the commencement of Project Works.

77 NZTA is supportive of working with Te Uri o Hau and whānau / descendants of the crash victims through the CVMP consultation process to identify specific cultural protocols, including karakia, prior to any Project Works commencing adjacent to the Memorial Site Avoid Area.

78 Overall, NZTA considers that cultural monitoring and any additional protection measures are sufficiently addressed through the CVMP rather than through a separate Memorial Preservation Plan.

Conditions related to RMA Approvals

79 In their section 53 Responses to the Panel, Te Parawhau and Patuharakeke Te Iwi Trust Board have provided tracked-change amendments to draft RMA approval conditions for the Project, including reasoning for the amendments sought. NZTA has considered these comments as part of its next version of the conditions, and will be meeting with all of these hapū to discuss on 11 November (as outlined above).

Hapū Steering Group

80 Patuharakeke in its comment has requested the inclusion of a Hapū Steering Group. NZTA supports the concept of a Hapū Steering Group as sought by Patuharakeke. In my opinion, a steering group could provide a valuable forum for ongoing consultation between NZTA, the design team, the construction team and participating hapū throughout the detailed design and construction phases of the Project. NZTA agrees that such a group could assist by providing direction, guidance and advice on cultural matters relevant to the implementation of the Project such as tikanga, co-ordinating hapū engagement, implementation of relevant hapū consent conditions and undertaking karakia, and could support the effective delivery of cultural outcomes contemplated by the proposed conditions. However, it is important that the implementation of the approvals is not reliant on any action of the Hapū Steering Group to occur.

Conditions applying to Archaeological Authority

81 Te Uri o Hau and Te Parawhau state in their comments[5] that archaeological management should recognise archaeological sites not only as physical or technical heritage resources, but as expressions of whakapapa, cultural identity, tikanga, mana whakahaere and kaitiakitanga. While Te Uri o Hau and Te Parawhau generally support the required archaeological authority, they seek a more direct and continuing role in the preparation of the Historic Heritage Management Plan (*HHMP*), archaeological monitoring, accidental discovery procedures and receipt of archaeological information and reports.

82 I recognise and acknowledge that the disturbance of archaeological sites may affect the cultural connections between these sites and hapū. However, I consider NZTA has appropriately recognised and provided for cultural values expression and engagement in the implementation of the Project Works through both the proposed Designation Conditions and Resource Consent Conditions.[6] In that

[5] Te Uri o Hau Comments and Te Parawhau Comments.

[6] See Conditions RC6(d) and D10A-G, in addition to the proposed Archaeological Authority conditions AA1 – AA12, Vol. D Appendix C of the Substantive Application.

regard, I note that NZTA has specifically provided for the following activities:

82.1 The HHMP must identify the individual roles, responsibilities and contact details for personnel involved in implementation of the Archaeological Authority (*the Authority*), including those of Iwi Representatives (Condition AA3(f)).

82.2 In addition, Condition AA3 requires:

(a) the HHMP to include a map and description of known archaeological sites and associated values (AA3(a));

(b) measures to protect pā sites excluded from the authority (AA3(d)); and

(c) accidental discovery protocols (AA3(e)).

82.3 The HHMP is to be prepared in consultation with hapū. This extends to including knowledge and advice of the iwi representatives in setting accidental discovery protocols, measures to prevent effects on cultural sites outside of the scope of the Authority, setting site research objectives and training of the iwi representatives (Condition AA4).

82.4 Notification of iwi representatives following the accidental discovery of koiwi during the Project Works and hapū involvement in the investigation, reporting, handling and/or management of those discoveries in accordance with the agreed protocol (Condition AA15(b)).

82.5 Provision of all final archaeological reports provided to hapū no later than 24 months following the completion of Project Works (Condition AA21).

83 I acknowledge that Te Uri o Hau and Te Parawhau seek to maintain responsibilities for the co-development of the HHMP and accidental discovery protocol. I note that the Heritage New Zealand Pouhere Taonga Act 2014 requires archaeological work to be carried out by a person approved under section 45 of the Act. That person must have sufficient skill and competency, be fully capable of ensuring that the proposed activity is carried out to the satisfaction of Heritage New Zealand Pouhere Taonga and have access to appropriate institutional and professional support and resources. For sites of interest to Māori, the approved person must also have the requisite competencies for recognising and respecting Māori values and have access to appropriate cultural support. The approved person holds statutory responsibility for current archaeological practice in respect of the archaeological authority.

84 While this framework means NZTA cannot delegate decision-making responsibility for archaeological investigations to hapū, the proposed

Authority conditions provide for meaningful participation in these processes.

85 In my opinion, the consultation required in the development of the HHMP will provide sufficient opportunity for tikanga and cultural elements reflecting kaitiakitanga responsibilities of each hapū to be incorporated into the Project Works, to the extent these relate to the effects of the Project.

CONCLUSIONS

86 NZTA has undertaken extensive engagement with iwi and hapū throughout the development of the Project, from the investment case phase through to the preparation of the Application and subsequent post-lodgement engagement. This engagement has included regular hui, workshops, site visits, field investigations, cultural values assessments, technical discussions, and ongoing collaboration on conditions and other agreements.

87 The engagement undertaken has provided NZTA with a detailed understanding of the cultural values, interests and aspirations of Te Uri o Hau, Patuharakeke Te Iwi Trust Board, and Te Parawhau, and has informed the development and refinement of the Project, including the alternatives assessment process, the Proposed Designation, Indicative Alignment, effects management measures, and proposed conditions.

88 In my opinion, NZTA has made a genuine effort to identify and engage with iwi and hapū with interests in the Project area and has sought to provide meaningful opportunities for participation throughout Project development.

89 I consider that the proposed conditions, including the CVMP framework and requirements for ongoing engagement, provide appropriate mechanisms for iwi and hapū to continue to participate in the Project and for cultural values, tikanga, rangatiratanga, mana whakahaere and kaitiakitanga responsibilities to be recognised and reflected during implementation of the Project, where reasonably practicable.

90 While I acknowledge that iwi and hapū have sought a range of amendments to the proposed conditions, it is my opinion that NZTA's recommended approach appropriately balances meaningful ongoing involvement of iwi and hapū with the need for conditions to remain clear, certain, implementable and enforceable.

91 Overall, I am satisfied that NZTA's engagement approach and the proposed conditions provide an appropriate framework for maintaining and strengthening relationships with iwi and hapū throughout the Project lifecycle while recognising and providing for cultural values and interests alongside the significant resilience,

safety and connectivity benefits that the Project will deliver for Northland.

Hannah Thompson
28 October 2026