

Before an Expert Consenting Panel

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: 11 June 2026

Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
Rebecca Tompkins (rebecca.tompkins@chapmantripp.com)

chapmantripp.com
T +64 9 357 9000
F +64 9 357 9099

PO Box 2206
Auckland 1140
New Zealand

Auckland
Wellington
Christchurch



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 the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project (*Project*). In particular, it addresses the indicative decision-making timeframes discussed at the Panel Convener's conference on 10 June 2026.
- 2 NZTA acknowledges and appreciates the Convenor's careful consideration of potential decision-making timeframes and Panel composition for the Project. The following comments relate to the potential timeframes discussed at the conference.
- 3 As the Convenor will be aware, NZTA is using the FTAA approvals pathway because it provides an expedited decision-making process for nationally significant infrastructure projects. As explained at the conference, NZTA is endeavouring to obtain a decision for the Project before the end of this year. This timeframe is not arbitrary, but instead seeks to mitigate delays to procurement and construction, thereby limiting future resilience risks.
- 4 The Brynderwyn Hills section of State Highway 1 between Auckland and Whangārei presents a significant resilience risk, with frequent closures caused by slips from ongoing weather events. Recent emergency works have mitigated this risk, but only temporarily. Those works are expected to last 7-10 years, reaching the end of their useful life before 2034. After this point, resilience risks will substantially increase.
- 5 NZTA needs a decision on approvals before it can begin procurement. To complete construction before 2034, NZTA must begin procurement in the first quarter of 2027, with the procurement process being structured around the earthworks seasons.
- 6 At the conference, the Convener indicated she was considering a decision-making timeframe longer than the 50 working day period requested by NZTA. However, NZTA appreciates the Convenor's acknowledgement that the timeframes she was considering would enable a decision on the approvals before Christmas (unless the process was otherwise suspended by NZTA).
- 7 NZTA has undertaken its own calculations of potential decision-making timeframes, as outlined in **Appendix A**. Assuming a panel commences work on 26 June 2026, and there are no suspensions during the process, a 60 working day decision-making period would require a decision to be made on or before 3 November 2026.

- 8 NZTA acknowledges that decision-making timeframes are ultimately at the discretion of the Panel Convener. However, NZTA appreciates the Convenor's consideration of its position on the decision-making timeframes.

Dated 11 June 2026

A handwritten signature in blue ink, appearing to be 'Paula Brosnahan', written in a cursive style.

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

APPENDIX – 60WD DECISION-MAKING TIMEFRAME

Indicative date/timing	Process step	Comments
19 June	Panel Appointment	
26 June	Panel Commencement	
26 June – 13 July	Panel considering application RFIs and responses (as required)	<i>Accounting for Matariki on Friday, 10 July</i>
13 July	Panel request for comments	
13 July – 10 August	Comments period RFIs and responses (as required)	Decision 60WD after this point
10 - 17 August	Response to comments period	
3 November	Final Panel decision released	60WD after comments closes