
MINUTE 3 OF THE PANEL CONVENER

Post-conference directions

Alternative to the Brynderwyn Hills [FTAA-2603-1178]

12 June 2026

[1] On 25 May 2026, I held a convener conference in respect of this application.

The conference was attended by representatives of:

- a. The Applicant (New Zealand Transport Agency Waka Kotahi);
- b. The relevant local authorities: Northland Regional Council, Whangarei District Council and Kaipara District Council.
- c. The Department of Conservation as a relevant administering agency.
- d. Relevant Māori groups: Te Uri o Hau Settlement Trust, Patuharakeke Te Iwi Trust Board, Te Parawhau ki Tai and Te Rūnanga o Ngāti Whātua.

[2] In advance of the conference, I received written memoranda or correspondence from most participants. Heritage New Zealand Pouhere Taonga was not in attendance, however, sent apologies and filed written memoranda. All written memoranda will be made available on the fast-track website.

[3] I record my thanks to the conference participants for their attendance and thoughtful participation.

[4] The purpose of this minute is to:

- a. Briefly summarise the views expressed by conference participants on the matters of panel composition and the timeframe required for the expert panel to deliver its decision; and
- b. Set out my thoughts and directions on those two matters and my directions on matters raised by DOC and Te Rūnanga o Ngāti Whātua.

Decision timeframe

[5] Turning firstly to the issue of decision timeframe:

- a. As set out in its memoranda, the Applicant considers that a 50 working day timeframe from the close of comments is satisfactory, given the clearly defined scope of issues to be resolved, the quality of the substantive application material, and the purpose of the Fast-track Approvals Act 2024, to enable timely delivery of nationally and regionally significant infrastructure.
- b. Other attendees, including the DOC, Northland Regional Council, Whangarei District Council and Te Uri o Hau Settlement Trust, consider the application to be of medium or high complexity, supporting a longer decision timeframe with Whangarei District Council and Te Parawhau ki Tai both requesting no less than 60 working days.
- c. After considering the comments made by the participants it is my view that a 90 working day period from the close of comments is more appropriate. This would see a decision being issued before Christmas - which the Applicant indicated was desirable.

Panel expertise

[6] On the matter of expertise required for the members of the expert panel:

[7] the Applicant considers that a 3-member panel is appropriate but considers a senior level civil engineer or persons experienced in earthworks / construction desirable. The Applicant also noted that an understanding of te ao Māori is appropriate and suggested that a four-person panel would not be opposed, if necessary, to ensure the panel comprised the necessary skills and expertise;

[8] Iwi participants generally concurred that there should be at least one panel member that specialised in te ao Māori, with a preference expressed that this person sits on the panel rather than as a special advisor to the panel.

[9] DOC expressed that the panel should contain expertise in both terrestrial and freshwater ecology.

[10] As I indicated at the conference I received the separate nominations from the Councils.

[11] I also indicated that the panel is likely to be a lawyer (chair), a planner and an ecologist. I noted that there have been difficulties getting a specialist in te ao Māori and a civil engineer to be a panel member but I noted that the panel does have the option of appointing technical advisors and is more than likely to do this, particularly in relation to the specialist in te ao Māori.

DOC concerns

[12] Within its filed memoranda, and during the conference, DOC raised numerous concerns regarding:

- a. the principal environmental effects at issue and the lack of detail about these;

- b. the complexity of the applications including a number of evidential deficiencies and lack of sufficient detail;
- c. potential legal issues particularly in relation to the overall envelope approach taken by the Applicant and the impact that this has on the robustness of the application; and
- d. the deficiency of the conditions.

[13] I note that counsel for DOC did indicate that the memorandum does not go into significant detail about these matters. I therefore consider it important to give DOC the opportunity to provide more detail about the matters raised and to give the Applicant an opportunity to respond to these.

[14] I ask DOC and the Applicant to note that in relation to the completeness assessment undertaken by the EPA (which is noted at paragraph 12 of the DOC memorandum) I do not have jurisdiction to reconsider this matter nor does the panel. I therefore urge DOC to consider how the matters raised at the completeness assessment phase can and should be addressed by the panel once it is set up to determine the application.

Cultural impact assessment

[15] Te Rūnanga o Ngāti Whātua noted that it had not yet prepared a Cultural Impact Assessment (CIA), or reviewed the CIA prepared by Patuharakeke Te Iwi Trust Board or Te Uri o Hau Settlement Trust, and noted a preference for this work to get underway prior to the appointment of the panel.

Directions

[16] In light of the comments made at the conference I direct:

- a. DOC to set out its concerns in more detail by 5pm 19 June 2026 being mindful of the matters raised in paragraph [14];

- b. the Applicant to respond to DOC by 5pm 26 June 2026;
- c. Te Rūnanga o Ngāti Whātua to provide its CIA and any comments on the other CIAs by 26 June 2026.

[17] The panel will not commence its work (in terms of section 53) until 30 June 2026 and I intend to indicate my decision about both the panel membership and the decision timeframes by 26 June 2026.



Helen Atkins

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024