

BEFORE THE PANEL CONVENER

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: 26 June 2026

Counsel:

RACHAEL JONES

BANKSIDE CHAMBERS

e: rachael@rachaeljones.co.nz

m: +64 21 809 598

Level 22, 88 Shortland Street, Auckland 1010,
New Zealand

PO Box 1571, Shortland Street, Auckland 1140

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 Provides an update on matters relating to Te Rūnanga arising from Minutes No 3 and 4 of the Panel Convenor;
 - 1.2 Confirms that Te Rūnanga will prepare and provide a cultural impact assessment (CIA) in relation to the Project; and
 - 1.3 Seeks further direction from the Panel Convenor and/or expert panel in relation to the provision of its CIA.

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 Counsel for Te Rūnanga attended the Panel Convenor's conference on 10 June 2026, and indicated that on the information available to Te Rūnanga, Te Rūnanga had not yet given instructions in relation to preparing a CIA. Te Rūnanga's preference was to review the CIA's prepared for Te Uri o Hau and Patuharakeke, such that:
 - 3.1 Te Rūnanga could identify whether it was necessary to provide a CIA at all (or whether it would indicate its support for the CIA of whanaunga and neighbouring iwi and hapū); or
 - 3.2 If Te Rūnanga were to provide a CIA, it would not provide duplicative material already before the Panel.
- 4 Minute No 3 of the Panel Convenor, dated 12 June 2026, directed Te Rūnanga to provide its CIA and any comments on the other CIAs by 26 June 2026.
- 5 Minute No 4 of the Panel Convenor, dated 25 June 2026, confirmed the Convenor had sufficient information to direct that the expert panel be set up. The Convenor observed that any matters raised by Te Rūnanga can be considered by the expert panel.

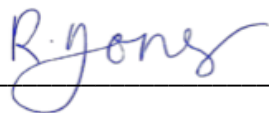
Matters addressed since 12 June conference

- 6 Te Rūnanga has sought, but has not yet received, copies of the CIAs for Te Uri o Hau and Patuharakeke. Counsel understands Te Uri o Hau will provide its CIA imminently.
- 7 In these circumstances, Te Rūnanga:
 - 7.1 Is not able to provide comments on the CIAs of others by 26 June 2026 (today); and
 - 7.2 Confirms that it will provide a CIA in relation to the Project.
- 8 Te Rūnanga will endeavour to provide its CIA promptly. Given the expert panel will be set up very soon, Te Rūnanga anticipates that the most appropriate juncture for its CIA to be provided is within the timeframe provided for in s 53 of the Fast Track Approvals Act 2024.

Directions sought

- 9 To the extent a direction is required given the terms of Minute No 4, Te Rūnanga respectfully seeks a directions that:
 - 9.1 Te Rūnanga is excused from providing comments on the CIAs of others by 26 June 2026;
 - 9.2 Te Rūnanga may provide a CIA for the consideration of the expert panel in accordance with the decision timeframe the Panel Convenor determines.

Dated: 26 June 2026



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