

Response ID ANON-URZ4-5F1S-M

Submitted to Fast-track approval applications  
Submitted on 2024-05-03 10:51:51

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:  
New Zealand Transport Agency Waka Kotahi (NZTA)

2 Contact person

Contact person name:  
s 9(2)(a)

3 What is your job title

Job title:  
Manager Environmental Planning

4 What is your contact email address?

Email:  
FastTrackApprovals@nzta.govt.nz

5 What is your phone number?

Phone number:  
s 9(2)(a)

6 What is your postal address?

Postal address:

7 Is your address for service different from your postal address?

Not Answered

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

The project's location is yet to be determined, but will likely fall within the Brynderwyns section of SH1 between Kaiwaka and Waipu. This project will also likely impact or cut across the SH1/SH12 intersection.

File upload:  
No file uploaded

Upload file here:  
No file uploaded

Do you have a current copy of the relevant Record(s) of Title?

No

upload file:

No file uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

This project, like many projects delivered by NZTA is linear and traverses a large number of properties. At this time, it is not practicable to provide details of the registered landowners. This will be provided at time of application and anything provided now would be out-of-date at time of application

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Where NZTA does not already have an interest in the land, it works with accredited suppliers and Land Information New Zealand to acquire property interests in line with processes under the Public Works Act 1981.

## Section 2: Project details

What is the project name?

Please write your answer here:

Alternative to the Brynderwyns Hills

What is the project summary?

Please write your answer here:

The Alternative to the Brynderwyn Hills project involves planning, design and delivery of an alternative to the current SH1 Brynderwyn Hills route. It includes associated infrastructure, activities and works.

What are the project details?

Please write your answer here:

The Alternative to the Brynderwyn Hills project will reduce travel times, improve safety, boost capacity and economic growth and build greater resilience to this important connection between Auckland and Northland.

A Brynderwyn Hills Strategic Resilience Response (SRR) was completed in 2023 and recommended long-term options to achieve appropriate future levels of service and resilience for the roading network between Whangārei and Warkworth. This work built on the 2016 Programme Business Case (PBC) for Whangārei to Te Hana 2016, which included a bypass of the Brynderwyn Hills in the recommended programme.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

This project is one of many NZTA will be delivering. The staging and timing is yet to be determined and cannot be provided at this stage.

What are the details of the regime under which approval is being sought?

Please write your answer here:

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Northland Regional Council  
Whangārei District Council  
Kaipara District Council  
Potentially Auckland Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

On the assumption the question is asking about pending applications at the time of listing there are no pending applications that would need to be withdrawn under schedule 4 Clause 31 (3)

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

We aren't entirely clear what this question is asking, however, NZTA works closely with other infrastructure providers if its projects affect their assets.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

There are a number of factors that will determine when construction activities begin. These include government priorities, funding availability and other approvals/processes not covered by this bill. We anticipate construction activities could begin in the 2027-30 NLTP period.

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

At this stage, we anticipate that the following groups may have an interest in the project. This list is not exhaustive and may have changed by the time the Bill is enacted and/or approvals are sought for the project:

Northland Regional Council, Kaipara District Council and Whangārei District Council. Also, potentially Auckland Council.

Te Uri o Hau, Patuharakeke, Ngātiwai, Te Parawhau

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Upload file here:

No file uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

This project will require land not currently held for road purposes which NZTA will need to acquire pursuant to the Public Works Act.

### Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

As a Crown entity with enduring relationships with mana whenua around Aotearoa, we take engagement and consultation very seriously. When NZTA engages on this project, we would engage with relevant iwi/hapū, use the list found on the Te Arawhiti website as well as expert advice to help inform us of relevant settlements, statutory acknowledgement areas and the provisions of those settlements. This information will be provided at the time of application.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

Yes

If yes, what are they?:

This project, like many projects delivered by NZTA is linear and traverses a large number of properties. Further assessment is required to determine the classification of land and whether this includes any Māori land as defined in the Bill. The definition of identified Māori land in the Bill includes some types

that will require extensive research (where now General land but was once held as Māori Land). Due to this it is not possible to conclude the extent of Māori land there may be within the project area. For that reason we are answering this as a 'yes' as it is a possibility there may be Māori land. At the time of application we will be able to provide this information.

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

Yes

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

We understand that High Court Marine and Coastal Area (Takutai Moana) Act hearings are progressing around Aotearoa with decisions being released from time to time. From our understanding at this stage, the project does not impact any customary marine title areas. If this changes by the time of an application to the EPA, we would address any requirements as part of the process.

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

## Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Upload file:

No file uploaded

## Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

If this project is progressed through the FTA, an appropriate assessment against relevant national direction will be provided at the application stage for the expert panel's consideration.

File upload:

No file uploaded

## Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

NZTA anticipates there are likely to be time saving benefits in applying under the fast-track process compared to other processes available.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

NZTA has no way of knowing the impact on the fast-track process (as this requires information on all projects seeking to be referred at a particular time). All it can say is its projects are regionally and nationally significant and provide significant public benefit. The efficient delivery of the projects we are seeking to list are recognised government priorities (refer to the draft GPS for land transport) including via this fast-track process. So NZTA's expectation

is that the operation of the fast-track process will be well resourced.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

This project is prioritised in the draft GPS on Land Transport and forms part of the draft State Highway Investment Proposal (SHIP) which when finalised becomes part of the NLTP.

GPS: <https://www.transport.govt.nz/assets/Uploads/GPS-on-land-transport-2024-Consultation-4-March-2023-.pdf>

SHIP: <https://www.nzta.govt.nz/assets/resources/state-highway-investment-proposal-2024-34/state-highway-investment-proposal-2024-34.pdf>

Will the project deliver regionally or nationally significant infrastructure?

National significant infrastructure

Please explain your answer here:

This project is listed in the draft Government Policy Statement on Land Transport

Will the project:

Please explain your answer here:

NZTA supports promoting transport projects in a way that connects with wider land use and transport planning. This will ensure that any staging, sequencing, and design of these projects supports housing growth and well-functioning urban environments while considering other interdependencies such as the delivery of other infrastructure.

Will the project deliver significant economic benefits?

Not Answered

Please explain your answer here:

Will the project support primary industries, including aquaculture?

Not Answered

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Not Answered

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Not Answered

Please explain your answer here:

Will the project support adaptation, resilience, and recovery from natural hazards?

Not Answered

Please explain your answer here:

Will the project address significant environmental issues?

Not Answered

Please explain your answer here:

Is the project consistent with local or regional planning documents, including spatial strategies?

Not Answered

Please explain your answer here:

Anything else?

Please write your answer here:

This project is prioritised in the draft GPS on Land Transport and forms part of the draft SHIP which when finalised becomes part of the NLTP.

Ministers expect NZTA projects to be delivered quickly and efficiently and listing projects helps ensure this. In particular, the draft GPS notes that the fast-track consenting processes in this bill are expected to support the major transport projects in the GPS (see page 9 of the GPS).

As a general comment, it appears that the information requirements are more targeted at site specific developments, and less considerate of linear infrastructure. As an example, a 20km road will traverse a large number of land holdings. Whereas a site-specific development will have significantly fewer affected titles. Meaning the ease with which this information can be provided is vastly different. While we have tried our best to supply all the information and to be as helpful as possible, we haven't always been able to do so.

The description of projects needs to be flexible enough to include ancillary works for the project (e.g. local road connection to a state highway improvement project) and also other infrastructure provider works associated with the project (e.g. transmission tower moved to accommodate state highway improvement project). If the description is constrained, this may limit the assessment of options (and alternatives) which are statutory requirements and the efficiency of the project (including all works needed).

At the time that NZTA makes its application to the EPA for approvals, it will have significantly more certainty about the effects of the project, including effects on private property. NZTA has a proven track record of having high quality applications which carefully consider the environmental effects with appropriate conditions that meet RMA and other requirements.

NZTA will engage with affected land owners, communities, iwi, hapū, mana whenua and any other stakeholders during development of the project before lodging any application with the EPA.

In the Bill, a project is ineligible for fast-track if it involves activities that would occur on land as described in the range of situations in clause 18 of the Bill and written approval has not been obtained from the landowner. For NZTA, it will be challenging to meet this requirement to have written approval (particularly at the time of project listing) due to the large number of property often involved in linear infrastructure projects.

Does the project includes an activity which would make it ineligible?

Yes

If yes, please explain:

Due to the inability to confirm whether "identified Māori land" as defined in the Bill is affected, NZTA is cautiously assuming that its projects may be ineligible.

## Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

All linear infrastructure is at risk of the effects of climate change and natural hazards in New Zealand. NZTA designs projects with this in mind to ensure our infrastructure is resilient and fit for purpose into the future.

## Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

NZTA is a national delivery agent, which has an exemplary delivery record. As a Crown Entity it takes its environmental and social responsibility seriously. Because NZTA is linear and traverses over 11,000km of network, it isn't practical to provide this information. While there have been incidents, NZTA takes steps to address (and avoid future), cooperates with the process and these are always resolved satisfactorily.

Load your file here:

No file uploaded

## Declaration

Do you acknowledge your submission will be published on [environment.govt.nz](https://environment.govt.nz) if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

s 9(2)(a)

Important notes