

8 December 2025

New Zealand Transport Agency
c/- Sarah Ho
Private Bag 106602
Auckland Central
AUCKLAND 1143

[REDACTED]

Kia ora Sarah,

Subject: Response to Notification under Section 30 of the Fast-track Approvals Act 2024

Thank you for notifying Auckland Council regarding your intention to lodge a Substantive Application for the 'NW Rapid Transit' project under the Fast-track Approvals Act 2024 (FTAA).

I note that the requirements of Section 30 FTAA are relevant where a person intends to make an application for a resource consent to undertake an activity under any of Sections 12, 13, 14, and 15 of the Resource Management Act 1991 (RMA) involving the use of a natural resource. For the avoidance of doubt, Section 30 FTAA requests do not relate to Section 9 land use or s11 subdivision consents.

In accordance with Section 30(3) FTAA, Auckland Council has reviewed its records and hereby advises that, in accordance with Section 30(3)(b) FTAA, there are no existing resource consents to which Section 30(3)(a) FTAA clearly applies.

For completeness we note within the project footprint the existence of 26x Section 15 RMA consents, 7x Section 14 RMA consents and 1x Section 13 RMA consent, as highlighted in the attached spreadsheet.

We note NZTA's response (20 & 27Nov25 – Attachments 1 & 2) that these consents are not likely to trigger Section 30(3)(a) FTAA for the following reasons:

Section 15 – “the stormwater discharge from the Project will have very low pre-treatment contaminant levels (as explained in the Stormwater and Flooding Assessment) and while it is not required, stormwater from new impervious surfaces will be treated. Therefore, the theoretical possibility that an existing s15 permit may contain conditions that limit contaminant levels discharged to the receiving environment, putting that consent into non-compliance, is highly unlikely;”

Section 14 – “our draft Groundwater Report has not identified any impacts on existing groundwater users;”

Section 13 – no Project works are proposed that are likely to affect the culvert and outfall structures located on Tihema Station that were installed under LUS60273336 (Attachment 3).

Auckland Council agrees with NZTA that these consents are not likely to trigger Section 30(3)(a) FTAAs.

If you have any questions or require further clarification please do not hesitate to contact me.

Yours sincerely



Warwick Pascoe
Principal Project Lead
Premium Resource Consents Unit
Auckland Council



From: [Sarah Ho](#)
To: [Warwick Pascoe](#)
Cc: [Celia Wong](#); [Hicks, Helen](#)
Subject: RE: NW Rapid Transit - Section 30 review
Date: Thursday, 20 November 2025 2:00:22 pm

Hi Warwick,
I have sought some advice and provide the following:

s30 FTAA requirements

The intent of s30 FTAA is to identify any existing resource consents that could conflict with consents being sought under the FTAA because they use the same natural resource and therefore there is potential competition for that resource.

Section 30(3) of the FTAA requires that Council advise NZTA (as relevant to the Project):

- a. *of any existing resource consent to which section 124C(1)(c) ... of the Resource Management Act 1991 (RMA) would apply if the approval were to be applied for as a resource consent under that Act; or*
- b. *that there are no existing resource consents of that kind.*

Section 124C(1) applies when a s12-15 consent is sought and it could not be fully exercised until the expiry of an existing s12-15 consent. It preserves existing use rights where there are finite resources that cannot be allocated to a new consent prior to the surrender/expiry of an existing resource consent relating to the same resource.

Accordingly, the test is not whether the existing s12-15 consent could be affected by the Project. The test is whether NZTA could not exercise any of the s12-15 consents it seeks before the expiry of the existing s12-15 consent.

We consider s30(5) of the FTAA does not create a separate task. It applies only if s30(3) is triggered.

Approach for NWRT

In our view, you could approach the 34 consents you have identified as 'live' or 'potentially live' as follows:

- NZTA is seeking a s13 permit for works in streams/rivers. Given there is only one existing s13 permit, could you advise what it authorises and in what area? It is theoretically possible that an existing s13 consent to, say, erect a structure that has not been exercised could conflict spatially with the works in streams/rivers that NZTA proposes. It is more likely it relates to, say, an existing culvert that will be relocated as part of enabling works and would not trigger s30(3).
- NZTA is seeking a s14 permit for dewatering and diversion of groundwater and diversion of stormwater. Given groundwater is a finite resource, it is possible that the existing s14 permits you have identified could trigger s30(3) FTAA. However, our draft Groundwater Report has not identified any impacts on existing groundwater users,

so we cannot see how any of the existing s14 permits would trigger s30(3) in this case.

- NZTA is seeking a s15 permit for the discharge of stormwater. It is theoretically possible that an existing s15 permit might contain limits on contaminant levels discharged to the receiving environment, and the permit sought could put the first activity into non-compliance. However, we cannot see how stormwater discharges of the type proposed by NZTA could result in that outcome. Accordingly, none of the existing s15 consents should trigger s30(3).

I hope that helps,

Sarah

From: Warwick Pascoe [REDACTED]
Sent: Tuesday, 18 November 2025 10:41 am
To: Sarah Ho [REDACTED]
Cc: Celia Wong [REDACTED]
Subject: NW Rapid Transit - Section 30 review
Importance: High

Kia ora Sarah,

Celia and I have now trawled through the 1,050 RCs within the NoR footprint to work out if Section 30 applies to any of them.

After selecting all of the 'live,' or potentially live, ss12, 13, 14 & 15 consents, we ended up with a more manageable 34 that, arguably, could be affected the NW Rapid Transit proposal

This select group comprised 26x s15 consents (mostly stormwater, also some for discharging contaminants), 7x s14 consents and 1 x s13

However here we hit a snag, as most, if not all, could be affected by the proposed works to some extent, however it seems fanciful that any would need to be notified under Section 30(4) FTAA in case they'd like to lodge their own Fast Track consent to build a busway!

Obviously Section 30 was primarily included to cover situations where there is potential competition for a natural resource, such as a mineral or water resource, or space in the CMA for a marine farm.

However Section 30 also appears to provide an opportunity for an existing consent

holder to notify the Council if they're planning to apply for a replacement consent (Section 30(5)).

In this case we'd need to dig into the details of each consent to confirm they haven't lapsed or expired, and if not, confirm whether they could be affected by the proposed works.

Alternatively, we could just write to all of them, although that would result in a delay to lodgement under Section 30(6)

Do you/NZTA have a view on this?

Celia and I were thinking that we should seek comment from the EPA before spending a heap of time digging through the files, or placing your intended lodgement in peril

Mā te wā

Warwick Pascoe | Principal Project Lead
Auckland Council | Premium Resource Consents
Level 6 (North), 135 Albert Street

Mobile [REDACTED]

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From: [Sarah Ho](#)
To: [Warwick Pascoe](#)
Cc: [Hicks, Helen](#); [Celia Wong](#)
Subject: RE: NW Rapid Transit - Section 30 review
Date: Thursday, 27 November 2025 12:10:40 pm
Attachments: [image001.png](#)
[image002.png](#)

Hi Warwick

Thanks for providing the information on the s13 consent. Based on the information provided we agree with Council that there is no reason why the NWRT consent "could not be fully exercised until the expiry of that consent" s124C(1)(c) RMA.

In addition to my previous email, regarding s15 consents and why we do not believe this could trigger s30(3)(a) of the FTA, the stormwater discharge from the Project will have very low pre-treatment contaminant levels (as explained in the Stormwater and Flooding Assessment) and while it is not required, stormwater from new impervious surfaces will be treated. Therefore, the theoretical possibility that an existing s15 permit may contain conditions that limit contaminant levels discharged to the receiving environment, putting that consent into non-compliance, is highly unlikely.

Thanks
Sarah

From: Warwick Pascoe [REDACTED]
Sent: Monday, 24 November 2025 12:13 pm
To: Sarah Ho [REDACTED]
Cc: Hicks, Helen [REDACTED]; Celia Wong [REDACTED]
Subject: RE: NW Rapid Transit - Section 30 review
Importance: High

Ahiahi mārie Sarah,

Please find attached a spreadsheet with all of the consents within the project area.

Celia has gone through this and colour coded them for ease of reference.

The yellow ones could, in theory, be affected by the proposed works in the global sense.

In terms of Section 30 requirements, we note your comments below regarding s13, 14 & 15 consents.

We would welcome your comments on the specific s13 & 15 consents ahead of Council issuing its formal s30 letter, given that you've already stated that no s14 consents will be affected.

Finally, please see below further details on the s13 consent, as requested

Kia pai tō rā
Warwick Pascoe | Principal Project Lead
Auckland Council | Premium Resource Consents
Level 6 (North), 135 Albert Street

Mobile [REDACTED]

The details for the stream works consent (being granted by the ARC on 27/08/2007) are extremely limited as below:
LUS60273336 48 Westgate Drive Massey to undertake works within a watercourse associated with the installation of a culvert and stormwater outfalls and the installation of stormwater outlets.

There are no substantive details other than the address on file, however GeoMaps identifies that the culvert and stormwater outfalls are located in Tihema Stream.

From: Celia Wong
To: Warwick Pascoe
Subject: RE: NW Rapid Transit - Section 30 review
Date: Friday, 21 November 2025 7:22:19 am
Attachments: image002.png
image003.png

Hi Warwick,

The details for the stream works consent (being granted by the ARC on 27/08/2007) are extremely limited as below:
LUS60273336 48 Westgate Drive Massey to undertake works within a watercourse associated with the installation of a culvert and stormwater outfalls and the installation of stormwater outlets.

There are no substantive details other than the address on file, however GeoMaps identifies that the culvert and stormwater outfalls are located in Tihema Stream.



Based on Figure 4-1 in the Stormwater Assessment, this is likely to be proximate to TA 7. This is a discharge to Mānutehau Stream via an existing NZTA motorway culvert, where no modifications to existing outfall are proposed as part of NW Busway.



On this basis, it is likely that these works can continue to co-exist.

I'll doublecheck the locations of the coastal permits now.

Ngā mihi | Kind regards

Celia Wong | Senior Planner
Planning and Resource Consents Department

Mobile [REDACTED]
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Visit our website: www.aucklandcouncil.govt.nz

From: Celia Wong
Sent: Friday, 21 November 2025 6:50 am
To: Warwick Pascoe [REDACTED]
Subject: RE: NW Rapid Transit - Section 30 review

Hi Warwick,

I do agree that the streamworks is the most likely to apply under s30, with the intention of our initial email to discount the other consents.