

under: the Fast-track Approvals Act 2024

in the matter of: applications for resource consents and archaeological authorities and notices of requirement by the New Zealand Transport Agency Waka Kotahi to develop a rapid transit link and associated infrastructure and connections between Brigham Creek and Auckland City centre, alongside State Highway 16, known as 'North West Rapid Transit'

applicant: **New Zealand Transport Agency Waka Kotahi**
Requiring Authority and Applicant

Memorandum of counsel on behalf of the New Zealand Transport Agency Waka Kotahi

Dated: 3 June 2026

Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
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**MEMORANDUM OF COUNSEL ON BEHALF OF NEW ZEALAND
TRANSPORT AGENCY WAKA KOTAHI**

- 1 This memorandum is filed on behalf of the New Zealand Transport Agency Waka Kotahi (*NZTA*) in relation to its notices of requirement (*NORs*) and applications for resource consents and archaeological authorities (together, *Application*) for the North West Rapid Transit Project (*NWRT* or *Project*).
- 2 This memorandum introduces NZTA's response to:
 - 2.1 The Panel's third request for information (*RFI#3*) set out in Minute 7 dated 19 May 2026; and
 - 2.2 The first tranche of comments on the Application that were received by the EPA by 26 May 2026.

Response to RFI#3

- 3 NZTA's response to RFI#3 consists of:
 - 3.1 A statement of evidence from Karyn Sinclair (planning and alternatives assessment) (**Appendix K**); and
 - 3.2 Legal submissions in response to RFI#3 dated 3 June 2026 (**Appendix C**).

Response to comments

- 4 NZTA's responses to the first tranche of comments that were received by the EPA by 26 May 2026 consists of:
 - 4.1 **Appendix A**: a table that directly responds to certain comments on the Application.¹
 - 4.2 **Appendix B**: a table that responds to themes raised in comments from residential landowners,² and to certain specific issues raised by those landowners.

Both tables use the defined terms as set out in the Application.

- 4.3 Statements of evidence from:
 - (a) Greg Sheppard (groundwater) (**Appendix D**);
 - (b) Siiri Wilkening (construction noise and vibration) (**Appendix E**);
 - (c) Jeremy Garrett-Walker (freshwater streams) (**Appendix F**);

¹ Comments 09, 11, 15, 19, 23, 27, 28, 32-39, 41 and 42.

² Comments 01-06, 12-14, 16-18, 20-22, 24-26, 29-31 and 40.

- (d) Paul May (stormwater) (**Appendix G**);
- (e) Ida Dowling (transport) (**Appendix H**);
- (f) Meredith Bates (construction traffic effects). Ms Bates' evidence also responds to the Panel's request in paragraph 16(d) of Minute 5 (*RFI#2*) regarding transport modelling results (**Appendix I**);
- (g) Emma Fisk (corporate) (**Appendix J**); and
- (h) Karyn Sinclair (planning and alternatives assessment) (**Appendix K**).

5 As noted in NZTA's legal submissions lodged with the Application, throughout NZTA's extensive engagement with iwi, stakeholders, directly affected landowners, and the community, the feedback has been generally positive with high levels of support for the Project.

6 The first tranche of comments on the Application reflect this broad support:

6.1 Although several thousand directly affected and adjacent landowners and occupiers were invited to comment, only a very small number (37) lodged a comment.³ We submit this low number reflects the extensive engagement undertaken by NZTA with the communities that the Project will affect.

6.2 Most of the businesses that lodged a comment on the Application support the Project 'in principle' and seek that the Panel impose additional conditions.

6.3 In addition, both the Minister of Transport and Infrastructure and the Associate Minister of Transport have submitted comments in support of the Project. Those comments outline the importance of the Project in delivering regionally significant infrastructure that will drive economic and urban growth, support urban development and provide for greater diversity of transport options.⁴

7 NZTA submits that this general support for the Project demonstrates that there is a broad understanding that, notwithstanding concerns individual commenters have about Project effects, the Project will deliver substantial regional and national benefits.

³ This number excludes the following comments: Te Ākitai Waiohū; Minister of Transport / Minister for Infrastructure; Department of Conservation; and Heritage New Zealand Pouhere Taonga.

⁴ Comment 7 – Minister of Transport / Minister for Infrastructure, Hon Chris Bishop; Comment 8 – Associate Minister of Transport, Hon James Meagre.

8 NZTA provides the following overarching comments on the key themes raised by commenters so far:

8.1 *Construction traffic:* Several business owners and operators with properties within or adjacent to the Project at Westgate have raised concerns regarding the impact of construction traffic on access to their business and the surrounding area. These comments largely focus on the potential impact on private vehicle access to businesses, and potential exacerbation of current traffic problems within this part of the local transport network.

NZTA reiterates that these impacts will be short-term in nature, associated with staged construction, and they will be appropriately managed through preparation and implementation of a Construction Traffic Management Plan.⁵ The commenters' emphasis on these short-term traffic impacts undervalues the substantial, long-term transport and traffic improvements and benefits the finished Project will bring to northwest Auckland, and the broader Auckland region. NZTA addresses each of these concerns at relevant points within **Appendix A**.

8.2 *Directly impacted and adjacent residential landowners:* A relatively small number of residential landowner commenters have raised concerns regarding the potential impacts of the Project on their properties. Their concerns primarily relate to noise and vibration, construction traffic and access, landscaping and neighbourhood security. NZTA and its contractors are experienced in managing these potential effects. NZTA will address these concerns through standard, proven measures. NZTA has robust, established processes in place through its implementation of many transport projects it constructs and operates. NZTA's response to these comments is in **Appendix B**.

8.3 *Te Ākitai Waiohū:* Te Ākitai Waiohū has submitted a comment addressing (among other things) impacts on the Arch Hill Scenic Reserve and NZTA's proposed cultural conditions. NZTA notes that Te Ākitai Waiohū is an Iwi Project Partner, with whom it has worked proactively throughout the pre-design and consenting stages. NZTA reiterates its commitment to fostering whanaungatanga and the spirit of partnership between itself and Te Ākitai Waiohū throughout the Project's life. NZTA's responses to the Te Ākitai Waiohū comments are in **Appendix A**.

8.4 *Department of Conservation (DOC):* The comment from DOC ignores the limited natural values of the Project's existing environment and the limited effects of the Project on that

⁵ See Evidence of Meredith Bates and Ida Dowling.

environment. DOC seeks conditions that are out of proportion to those effects and fails to account for the FTAA legal framework. **Appendix A** addresses DOC's comments.

8.5 *Heritage New Zealand Pouhere Taonga (HNZPT)*: NZTA and HNZPT have resolved all but one issue and are continuing discussions to resolve that issue. NZTA and HNZPT will update the Panel prior to the release of its draft decision. **Appendix A** addresses HNZPT's comments.

9 As set out in NZTA's memorandum of counsel dated 29 May 2026 and affirmed in the Panel's Minute 10 dated 29 May 2026, NZTA will:

9.1 respond to any comments lodged by subsequent invitees within five working days of the respective deadlines for those comments (which were clarified in Minute 10); and

9.2 file legal submissions addressing legal issues that have arisen since lodgement together with updated versions of the designation and resource consent conditions by 22 June.

Dated 3 June 2026



Paula Brosnahan / Nicola de Wit
Counsel for New Zealand Transport Agency Waka Kotahi

APPENDIX A – NZTA RESPONSE TO COMMENTS TABLE – BY COMMENTER

APPENDIX B – NZTA RESPONSE TO COMMENTS TABLE – RESIDENTIAL LANDOWNERS

APPENDIX C – LEGAL SUBMISSIONS IN RESPONSE TO RFI#3

APPENDIX D – STATEMENT OF EVIDENCE OF GREG SHEPPARD (GROUNDWATER)

APPENDIX E – STATEMENT OF EVIDENCE OF SIIRI WILKENING (NOISE AND VIBRATION)

APPENDIX F – STATEMENT OF EVIDENCE OF JEREMY GARRETT-WALKER (FRESHWATER STREAMS)

APPENDIX G – STATEMENT OF EVIDENCE OF PAUL MAY (STORMWATER)

APPENDIX H – STATEMENT OF EVIDENCE OF IDA DOWLING (TRANSPORT)

APPENDIX I – STATEMENT OF EVIDENCE OF MEREDITH BATES (CONSTRUCTION TRANSPORT)

APPENDIX J – STATEMENT OF EVIDENCE OF EMMA FISK (CORPORATE)

APPENDIX K – STATEMENT OF EVIDENCE OF KARYN SINCLAIR (PLANNING AND ALTERNATIVES ASSESSMENT)