

Before the Panel Convener

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*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

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Dated: 25 March 2026

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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). It addresses the Panel Convener’s minute dated 16 March 2026 (*Minute*) in relation to the North West Rapid Transit (*the Project*), including the matters listed in Schedules 1 and 2.

**SCHEDULE 1 – PARTICIPANTS’ ESTIMATED TIMEFRAME**

- 2 NZTA proposes a decision-making timeframe (from close of comments) of 40 working days. NZTA considers that timeframe to be reasonable and appropriate, taking into account:
- 2.1 The relative lack of complexity in this case (see details below);
  - 2.2 The narrow scope of unresolved issues (see details below);
  - 2.3 The quality of the substantive application material, including the proposed consent conditions; and
  - 2.4 The purpose of the Fast-track Approvals Act 2024 (*FTAA*), to enable timely delivery of nationally and regionally significant infrastructure.

**SCHEDULE 2 – MATTERS TO CONSIDER WHEN PREPARING  
FOR CONFERENCE**

**Approvals**

- 3 NZTA’s substantive application for resource consents, archaeological authorities and notices of requirement (*NORs*) (collectively, the *Application*) seeks a suite of approvals to authorise and enable construction and operation of the Project.
- 4 The approvals sought are summarised at Section 1 of Part 4 and Section 1 of Part 5 of the Application. In summary, they are for:<sup>1</sup>
- 4.1 Twelve designations, being:
    - (a) Five primary designations to enable staged construction of the Project (three to the west of the State Highway 16 causeway and two to the east); and
    - (b) Seven secondary and partly overlapping designations covering the station footprints to enable future transfer of these designations to the rapid transit operator.

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<sup>1</sup> The approvals sought are described in further detail under their respective headings in Part 4 and Part 5 of the Application (15 December 2025).

- 4.2 All resource consents required to construct, operate and maintain the Project in accordance with sections 9(1), 9(2), 12, 13, 14 and 15 of the Resource Management Act 1991.<sup>2</sup> The overall activity status is discretionary.
- 4.3 Two archaeological authorities covering all land owned by the Crown or Auckland Council within the Project Area<sup>3</sup> (one to the west of the causeway and one to the east) and approval of the Project Archaeologist.
- 5 A proposed set of conditions has been provided with the Application.<sup>4</sup>
- 6 NZTA is not seeking a wildlife permit for the Project. NZTA will comply with the Wildlife Act 1953 (or subsequent legislation) when undertaking Project works.
- Complexity**
- 7 The Application does not raise any complex or novel legal, evidential, or factual issues.
- 8 NZTA seeks multiple approvals (as outlined above), however that is not novel or difficult for an NZTA project or within the FTAA context.
- 9 The Project itself is technically complex as it involves the construction and operation of significant infrastructure within a highly constrained and developed urban corridor. However, the Project's impacts are limited, for two reasons:
- 9.1 First, the Project will be located adjacent to and, in some locations, within the existing SH16 corridor. The Project's impacts are therefore akin to a road widening project, as contrasted with one creating a new road corridor.
- 9.2 Secondly, the Project is situated in a highly modified urban environment (ie a 'brownfields' location). The Project Area has been subject to significant and ongoing built form and landform modification over many decades– any remaining natural values are very limited.
- 10 Impacts of the Project that do require management (such as construction noise) are of a nature that is well understood and already experienced in a developed, and growing, urban catchment.

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<sup>2</sup> The Consents include those required under the Auckland Unitary Plan operative in part (*AUP*), the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (*NES-F*), and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (*NES-CS*).

<sup>3</sup> The Proposed Designation and the extent of the coastal occupation permits sought.

<sup>4</sup> Application, Part 4, Appendices A – B; Application, Part 5, Appendices D – E.

Most impacts are temporary in nature, and all can be effectively managed using familiar and tested measures.

- 11 One point of potential administrative, but not substantive, complexity is the number of persons that will be invited to comment on the Project, which may occasion a large number of comments. NZTA considers that, if and to the extent that eventuates, it will predominately impact NZTA (given the five working day timeframe to respond to comments), and not the Panel or other participants. Accordingly, we do not consider it is relevant for the purpose of setting the decision-making timeframe.

### **Issues**

- 12 NZTA expects that many of the concerns that may be raised by commentators will relate to impacts the Project will have on their property values or business. Those matters will be addressed under the Public Works Act 1981, not this consenting process.
- 13 More broadly, the Project is not contentious. Based on NZTA's public engagement to date, it is clear there is a strong level of community support for the Project.
- 14 NZTA has consulted with Heritage NZ and understands that there are no material issues in contention.
- 15 NZTA is continuing to engage with Auckland Council to discuss and narrow remaining areas of contention.

### **Panel membership**

- 16 NZTA considers the appointment of three panel members (including the chair) is appropriate for the Application. NZTA does not consider there are any factors that warrant the appointment of more than three panel members.
- 17 Based on the statutory requirements<sup>5</sup> and the knowledge, skills and expertise NZTA considers are required to decide the Application, NZTA recommends the Panel be comprised of:
- 17.1 A senior resource management lawyer;
- 17.2 A senior planner; and
- 17.3 A senior transport or civil engineer.
- 18 We note that, while one member must have an appropriate understanding of te ao Māori, that may be one of the members noted above.

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<sup>5</sup> FTAA, Schedule 3, Clause 7.

- 19 NZTA does not consider this Project raises any issues that would require appointment of a panel member with technical knowledge or expertise in any particular environmental field. However, we consider it important that the Panel members be familiar with the infrastructure / transport sector (which would reflect the amended Schedule 3, clause 7(1)(a)(i) of the FTAA that enters into force on 31 March 2026).

**Procedural requirements**

- 20 NZTA is willing to engage directly with the Panel as necessary to advance progress of the Application, including in relation to any procedural steps the Panel may consider proposing. Following the Panel's appointment, NZTA intends to provide a memorandum addressing procedural steps in more detail (including the importance of a Panel overview conference, arrangements for a site visit, the timing of further information requests, the role of alternative dispute resolution, and the filing of NZTA's closing submissions) to facilitate timely and quality decision-making on the Application.
- 21 NZTA considers a hearing is unlikely to be required given the straightforward nature of the Application.
- 22 Similarly, NZTA considers:
- 22.1 Any matters in respect of which the Panel requires clarification can be addressed through requests for further information; and
- 22.2 Any matters relating to conditions can be addressed through the statutory process of providing comments on draft conditions.

**CONCLUSION**

- 23 NZTA thanks the Panel Convener for the opportunity to attend the conference and provide comment on the above matters.

**Dated 25 March 2026**



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