
MINUTE 19 OF THE EXPERT PANEL

Response to Memorandum of Counsel for the Applicant dated 19 August

2026 North West Rapid Transit [FTAA-2511-1146]

20 August 2026

[1] On 12 August 2026 the Panel released its draft decision and draft conditions under s 70 of the FTAA. The Panel fixed 19 August 2026 as the date for comments on draft conditions to be received. Those comments are available on the FTAA website at: <https://www.fasttrack.govt.nz/projects/north-west-rapid-transit>.

[2] The comments received from the Applicant included a memorandum of counsel dated 19 August 2026 (**memorandum**). The memorandum addresses issues relating to draft condition 1A and records at [22] that from the Applicant's perspective, "*the exact nature of the panel's concern is not clear*". The memorandum goes on to state:

23. NZTA has carefully considered ways to address the Panel's discomfort. However, given the exact nature of the Panel's concern is unclear, we have been unable to develop an alternative Condition 1A at this time.

24. Accordingly, we respectfully request that the Panel issue a request for further information that clarifies the nature of the Panel's concern and requests that NZTA provide an update to

this response.

[3] Rather than issue a request for further information, the Panel provides the following ‘restatement of the issue’ in relation to condition 1A which may assist the Applicant in formulating its response to comments (some of which address condition 1A), including any proposed alternative wording.

[4] **Restatement of the issue:** The Panel refers to paragraphs 667 to 688 of the draft decision which articulates the Panel’s consideration of the ‘no condition 1’ approach. It is not repeated. The intention of draft condition 1A is to create a tangible link between the designation and consent conditions and the Indicative Design Drawings, so that, subject to the inbuilt flexibility of the ‘effects envelope’ approach, there is a real world comparison available to ensure a connection between what was applied for and what is ultimately delivered. To simply apply the ‘effects envelope’ approach within the constraints of the designation footprint could enable an outcome very different (albeit with no greater adverse effects) to what was commented on by stakeholders, and assessed by the Panel. Draft condition 1A is intended to strike the necessary balance between flexibility and no material surprises.

[5] In the formulation of the Applicant’s response to comments, which may include condition drafting suggestions, the Panel encourages the Applicant to consider this restatement of the issue alongside other comments received on draft condition 1A. The Panel will be giving careful consideration to all comments, including proposed edits to condition 1A. While the Applicant may remain opposed to the inclusion of condition 1A, the Panel welcomes any suggested alternative drafting from the Applicant.

A handwritten signature in dark ink, appearing to read 'Lachlan Muldowney', with a long horizontal stroke extending to the right.

Lachlan Muldowney

North West Rapid Transit Expert Panel Chair