

Before the Expert Consenting Panel

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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**  
*Requiring Authority and Applicant*

Statement of Evidence of Helen Hicks for New Zealand Transport Agency Waka Kotahi

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**STATEMENT OF EVIDENCE OF HELEN HICKS FOR NEW ZEALAND  
TRANSPORT AGENCY WAKA KOTAHI**

- 1 My full name is Helen Hicks. I am the co-author of Part 4 - Resource Management Act 1991 Approvals (*Part 4*) and the author of Part 5 – Heritage New Zealand Pouhere Taonga - Archaeological Authorities (*Part 5*).
- 2 My qualifications and experience are set out in Part 4 and Part 5. I repeat the Code of Conduct statements set out in those documents.
- 3 My evidence has been prepared to support the New Zealand Transport Agency Waka Kotahi's (NZTA) response to the Panel's request for information in Minute 5 (RFI#2) on NZTA's notices of requirement (*NoRs*) and applications for resource consents and archaeological authorities (together, *Application*) for the North West Rapid Transit Project (*NWRT Project or Project or NWRT*).

**SCOPE OF EVIDENCE**

- 4 My evidence relates to the following aspects of RFI#2:
  - (a) Paragraphs 4 and 5 in relation to the Supporting Growth Alliance (*SGA*) *NoRs*;
  - (b) Paragraph 7 with regard to:
    - (i) Paragraph 7(d): The impacts of a 25-year lapse period on landowners and occupiers of land affected by the proposed designations; and
    - (ii) Paragraph 7 (e): Whether further conditions are necessary and capable of appropriately managing effects arising from the proposed extent of the lapse period.
- 5 My evidence focuses on the factual differences between the *SGA* programme and the *NWRT* Project and the reasons why those differences support NZTA's proposed lapse dates. The legal and policy reasons that support NZTA's approach are addressed elsewhere in the NZTA's response to RFI#2.

**INTRODUCTION**

- 6 In RFI#2, the Panel states that lapse dates were a "significant issue" for the *SGA* *NoRs*, and notes that ultimately various conditions responded to the lapse dates for those designations. The Panel goes on to note that NZTA's proposed conditions for this Project contrast with those developed through the *SGA* hearing processes.
- 7 The Panel is correct that there is a difference and I will set out the different contexts of *SGA* and the *NWRT* Project.

- 8 SGA is an alliance<sup>1</sup> between NZTA, Auckland Transport (AT), and their technical consultants and legal advisers. SGA was established to plan and protect future transport networks to support Auckland's future urban growth in greenfield areas. Auckland Transport was the requiring authority for the majority of the SGA NoRs (51 AT NoRs and 15 NZTA NoRs). These NoRs were sought under the RMA processes through lodging with Auckland Council (*Council*), a request for public notification by the requiring authorities, followed by Council hearings and subject to appeals to the Environment Court.
- 9 The conditions relating to lapse that the Panel refers to in RFI#2 generally applied to the AT designations only, not those of the NZTA.
- 10 I was the planning lead for two packages of transport projects in the SGA:
- (a) The Drury Arterial Network: This package consisted of one NZTA alteration to designation and four new AT designations with 15 and 20-year lapses sought for the new designations; and
  - (b) The Pukekohe Transport Network: This package consisted of three NZTA NoRs and six AT NoRs with 20-year lapse dates sought for the new designations.
- 11 I prepared and presented planning evidence on lapse dates during the Council hearings for both of those packages. My evidence addressed the rationale for the lapse dates, the potential effects of the lapse dates and measures to manage those effects. I responded to submissions, Council's s42A reports and the Commissioners' queries during the hearings on matters relating to the proposed lapse dates.
- 12 This evidence draws on my experience in the SGA and the SGA projects I was involved in.

### **RATIONALE FOR THE NWRT LAPSE DATES**

- 13 As set out in Part 2 of the Application<sup>2</sup>, the need for the Project is clear. The Project is required to serve the population growth expected in Auckland's northwest - in existing urban areas as well as already developing (formerly) greenfield areas such as Redhills,

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<sup>1</sup> An alliance model is a collaborative procurement and delivery method primarily used for large-scale, complex infrastructure projects. It brings together a client (such as NZTA or a local council) and private sector specialists (designers and contractors) into a single integrated team.

<sup>2</sup> Part 2 – The Project, Section 1.2..

Whenuapai and Kumeu-Huapai. An additional 100,000 people are expected to live in Auckland's northwest by 2051.<sup>3</sup>

- 14 While the need for the Project, and NZTA's intention to implement it are clear, funding to construct the Project will be confirmed in stages. The indicative construction staging identified in the Application is dependent on funding confirmation, procurement, and property acquisition.<sup>4</sup> I also note that the staging is indicative - it is subject to changes in priority, funding thresholds and sequencing along the corridor, as well as construction resource availability.
- 15 NZTA presently anticipates that the Project will be delivered over an approximately 20-year period with staged construction. The busway can be delivered in incremental stages (building on the existing WX1 service) to continually improve travel times, reliability and customer service. Constructing in stages means that the Project will meet funding availability thresholds and funding can be spread over multiple funding periods.
- 16 Therefore, as set out in Section 5 of Part 2 of the Application<sup>5</sup>, given the estimated period for delivery of the full Project (over 20 years) and the need for flexibility in the timing and sequencing of each stage, NZTA seeks a 25-year lapse for the NWRT designations and resource consents. In my opinion, that approach is appropriate and realistic for the construction of major infrastructure projects.
- 17 NZTA is seeking five primary designations for the busway (three NoRs to the west of the causeway and two to the east of the causeway) and seven designations for the stations that overlap the primary busway designations. A 25-year lapse is necessary for all of the NoRs to ensure the entire Project can be constructed and to avoid the risk of designations for later stages lapsing before construction in those areas can commence.
- 18 Additionally:
- (a) A lapse date is not a target, it is a limit. When funding is confirmed for a stage, NZTA will commence property acquisition – and from that time it is generally around 2-3 years before construction commences and the designation will be given effect to.
  - (b) I consider a lapse timeframe shorter than 25 years would risk one or more of the designations and/or consents lapsing prior to being implemented. That outcome would lead to additional,

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<sup>3</sup> Figure 1-2 in Part 3 sets out the predicted growth between 2018 – 2051 by Local Board area along the Project corridor.

<sup>4</sup> Part 2 – The Project, Section 4.2.1.

<sup>5</sup> Part 2 – The Project, Section 5.

unnecessary and repeated RMA approval processes, which would be an inefficient use of time, resources and public funds. This would also subject the affected landowners and occupiers (as well as neighbouring landowners and the wider community) to additional separate statutory approvals processes, increasing uncertainty and effort for them.

## **THE DIFFERENT CONTEXTS OF SGA AND NWRT**

### **Rationale for 20-year lapse periods for SGA projects**

- 19 My experience during the SGA hearings was that the lapse dates were a topic of discussion and of submitter concern. However, the context of SGA is very different to NWRT.
- 20 The SGA designations were sought on a route-protection basis. Due to the forward planning nature of the SGA programme, only NoRs were lodged – no resource consents were sought. A number of the NoRs were also relatively broad. And, the majority of them traversed greenfields areas within which, for many, growth is anticipated decades into the future. The lapse dates necessarily reflected those features of the SGA programme of work.
- 21 The lapse dates sought for the majority of the SGA designations were therefore based on the unknown timing and form of urbanisation in Future Urban Zone (*FUZ*) areas, and the consequential uncertainty in terms of seeking funding for the transport projects. The rate of development in the FUZ is influenced by market attractiveness, regional growth trends, the policy environment and the willingness of developers to develop the land.
- 22 The uncertainty for those landowners whose properties were within the SGA NoRs therefore derived from two sources:
- (a) the uncertain timing of rezoning, either privately or by Auckland Council, and development of land (i.e. the change from rural to urban land use); and
  - (b) when the transport projects would be required to support that growth coupled with the timeframes to confirm funding to implement those projects.
- 23 Many of the landowners that submitted on the NoRs had development interests in the FUZ and were seeking more certainty and information to inform their future decision making (whether it be to develop, sell or retain their land). Many developers with active plans submitted on (through public notification) and attended the hearings for the NoRs and wanted further information and certainty so that they could time their proposed development with the transport projects. Those submitters that did not have development interests and resided in the predominantly rural areas were

concerned more about the change from rural to urban land use and also wanted information to inform decisions about their future.

- 24 While some of the SGA projects were located in existing urban areas, those projects were part of wider transport packages predominantly in the FUZ and were part of submission and hearing processes for the whole package of transport projects. Therefore, the lapse dates for those NoRs in the existing urban environment were the same as for those in the FUZ.

**The context for 25-year lapse periods for NWRT**

- 25 The context for NWRT is very different from the SGA context outlined above. The vast majority of the NWRT Project is within Auckland's existing built-up urban environment – along an existing transport corridor and within predominantly residential areas and some business areas. Only a small part of the Project (at the very northwestern extent around the proposed Brigham Creek Station) is within FUZ. People impacted by the Project are generally those who own or reside in residential or business areas, in contrast to the SGA context.

- 26 I acknowledge that owners of land directly impacted by the Project NoRs may be uncomfortable with the lack of certainty during the period before the Project is implemented. However, such discomfort is not of itself an effect.

- 27 The way to manage uncertainty for directly impacted landowners and occupiers is through communication and having information that is easily accessible. In my experience, NZTA is well-practiced in keeping its communities and stakeholders up to date. NZTA also has a very experienced property team and consultant advisors that are able to promptly respond to enquiries about property purchase and property matters.

**WHETHER THERE IS AN EFFECT ARISING FROM THE PROPOSED EXTENT OF THE LAPSE PERIOD THAT REQUIRES MANAGEMENT THROUGH CONDITIONS**

- 28 In my experience during the SGA hearing processes, conditions were developed to require AT and/or NZTA to communicate with parties before the projects were implemented. Those conditions addressed:

- (a) A project website or equivalent information source;
- (b) A land use integration process – AT NoRs only; and
- (c) Section 176 approval exemption – AT NoRs only.

- 29 I briefly describe the intent of these conditions and why I do not consider them appropriate for the NWRT Project in the following sections.

**A requirement to have a project website**

- 30 This SGA condition required the establishment of a project website (or equivalent virtual information source) for each NoR (or package of NoRs) within six months of the designation(s) being confirmed. Information to be put on the website under this condition includes:
- (a) The status of the project and anticipated construction timeframes;
  - (b) Contact details for enquiries;
  - (c) A subscription service to enable receipt of project updates by email;
  - (d) An explanation of the implications of a designation on property; and
  - (e) Details of when and how to apply for RMA s176(1)(b) approval.
- 31 In my opinion, a project information website is an efficient and accessible way to keep people informed of a project's status, as is the ability to sign up for project updates via email.
- 32 At the time of lodging the SGA NoRs, only the SGA website was set up as the source of information and there was no project specific website hosted by the requiring authorities. This condition was useful for the SGA projects as the Alliance will be completed and disestablished this year meaning the SGA website will be disabled and the information it contains will no longer be available.
- 33 NZTA already has a project-specific website<sup>6</sup> set up for the NWRT Project. This website has information on the Project – including its status and timing, recent updates, contact details (email and phone) for enquiries as well as a subscription service for receiving updates. I understand that the website will remain live and will be regularly updated as the Project progresses.
- 34 The NZTA website<sup>7</sup> also already includes information on what a designation is under the RMA, the implications of a designation, what activities do not require written consent from NZTA, and if required, how to apply for written consent under s176 of the RMA from NZTA.
- 35 NZTA is already providing all of the information that is required by the SGA project website condition, as well as having existing teams

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<sup>6</sup> <https://nzta.govt.nz/projects/northwest-busway-te-ara-hauauru>

<sup>7</sup> <https://nzta.govt.nz/roads-and-rail/maintenance-and-operations/land-use-development-and-the-state-highway-network/approvals-under-sections-176178-resource-management-act-for-works-in-waka-kotahi-designations>

to respond promptly to property purchase matters and s176 requests.

- 36 I do not consider a project website condition is required for the management of an effect of the NWRT Project.

**Land use integration condition**

- 37 This condition was proposed by AT for its SGA NoRs only. The purpose of the condition was to establish a process to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the AT designations.

- 38 AT agreed to include this condition to inform development that may occur ahead of the proposed transport projects in the FUZ, and to provide opportunity to co-ordinate and integrate local road infrastructure connecting directly with that development. For the majority of the AT SGA projects, the intent was that future development and transport projects should be integrated – i.e. arterial roads with development up to the edge of the road reserve. This is not the case for the Project where most adjacent land is already developed and the busway needs to be separated from development for operational and safety reasons.

- 39 NZTA did not propose this condition for its SGA designation as NZTA has a well-established process for considering third party land use development proposals. Further, as I set out earlier, the majority of the SGA NoRs were AT's and their projects had the greater interface with future development.

- 40 In my view, this SGA condition is not necessary for the NWRT Project as it has no effect that requires such mitigation.

**Section 176 approval exemption condition**

- 41 The purpose of this SGA condition was to identify certain activities on properties zoned rural or FUZ that did not require s176 consent from AT (e.g. small extensions to houses, rainwater tanks and associated irrigation systems, and farm accessory buildings).

- 42 This condition was developed for the AT NoRs as it reflected the generally rural activities occurring on the land subject to the NoRs within rural or FUZ areas. AT were also lodging over 50 NoRs through SGA and would receive an increased number of s176 requests than they had experienced in the past.

- 43 Also, at the time of lodgement of the NoRs, AT did not have the s176 approval processes that NZTA has been successfully operating for many years. NZTA has information on its website setting out what activities do and do not need s176 approvals, and it also has a national team to promptly process s176 requests.

44 Additionally, due to the urban context of the NWRT Project and that generally residential properties have been designated in their entirety, I consider it highly likely that NZTA will receive fewer requests for s176 approvals for this Project. In contrast, many of the SGA projects designated large greenfield areas, and partial properties within those areas, for road widening with development on the horizon. As I set out above, the s176 exemption condition for the AT designations also included rural activities that did not require s176 approvals – reflecting the ongoing rural activities that could occur before urbanisation occurred.

45 I consider that an approval condition of the kind proposed by AT for its SGA designations is not required nor relevant for the Project. I do not consider there is an effect that requires mitigation for the NWRT Project.

### **CONCLUSION**

46 NZTA's rationale for seeking 25-year lapse dates for the designations and consents for NWRT reflects:

47 the expectation that the Project will be staged over 20 years;

(a) the unknown timing of funding; and

(b) the potential for change within the stages and/or sequencing of the stages within the NoRs sought.

48 I acknowledge that a longer lapse period means that owners of land within the proposed designations do not have certainty about the Project's implementation timing. However, I do not consider this to be an effect requiring a condition for the NWRT Project. Instead, I consider the way to manage this uncertainty is through communication and providing information, which NZTA is familiar with.

49 NZTA has already established a Project website, with contact details available for inquiries (through a variety of channels i.e. phone and email) and an ability to subscribe to information updated via email.

50 Other SGA designation conditions relevant to lapse were proposed by AT because of the unique context of its projects. Those conditions are not appropriate for the NWRT context.

51 I consider a shorter lapse for the Project would risk one or more of the designations lapsing prior to being implemented. That outcome would lead to additional, unnecessary and repeated RMA approval processes which would be an inefficient use of time, resources and public funds.

- 52 I further consider there would be additional uncertainty for affected landowners, neighbours and the wider community if an unrealistically short lapse date were imposed.

**Helen Hicks**

**21 May 2026**