

Before an 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 Waka Kotahi**  
*Requiring Authority and Applicant*

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

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Dated: 1 May 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*) in relation to its substantive application for resource consents and archaeological authorities, and notices of requirement (*NORs*) (collectively, the *Application*) for the North West Rapid Transit project (*Project*).
- 2 During the Project Overview Conference held on 22 April 2026, we noted that the National Policy Statement for Infrastructure 2025 (*NPS-I*) was published shortly after the Application was lodged, and that NZTA intended to provide an update to the Application to address the NPS-I. Panel Member Blakey requested that the update also address the National Policy Statement for Natural Hazards 2025 (*NPS-NH*).
- 3 Accordingly, we **attach** NZTA's addendum to Section 22.3 of Part 4 of the Application dated 29 April 2026 (**Attachment A**). The addendum addresses the NPS-I as well as other new or amended national direction released in December 2025 (including the NPS-NH, which does not apply to infrastructure).

**Dated 1 May 2026**



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

**ATTACHMENT A – PART 4 ADDENDUM REPORT**

## Addendum to section 22.3 of Part 4 – Resource Management Act 1991 Approvals

This addendum report has been prepared by Karyn Sinclair, author of Section 22 of Part 4 of the Substantive Application. It addresses the relevant provisions of new and amended national direction that has come into effect since the lodgement of the Substantive Application on 15 December 2025.

In December 2025 the Government notified the release of three new National Policy Statements (**NPS**), one new National Environmental Standard (**NES**) and amendments to one NES and seven existing NPS. The new and updated national direction came into force on 15 January 2026.

### National Policy Statement for Infrastructure

The National Policy Statement for Infrastructure 2025 (**NPS-I**) came into effect on 15 January 2026. Decision makers must give effect to the NPS-I from that date (clause 3.1(3)).

The NPS-I applies to the Project as it consists of “infrastructure activities” and “infrastructure supporting activities” (clause 1.3(1)).

The objective of the NPS-I is to:

- (a). *ensure the national, regional and local benefits of infrastructure are provided for;*
- (b). *enable infrastructure to support social, economic and cultural wellbeing of people and communities and their health and safety;*
- (c). *enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;*
- (d). *ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and*
- (e). *ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.*

In my opinion, the Project will provide infrastructure with national, regional and local benefits (see Part 3 of the Substantive Application). In providing these benefits, the Project will support the social, economic and cultural wellbeing of people and communities and their health and safety. The Project will provide enduring, reliable travel choices for growing communities in Auckland in an area currently poorly served by public transport choice. The Project has been designed to allow flexible delivery, and will be well-functioning and resilient.

I also note that the Auckland Unitary Plan (**AUP**) has existing policy direction explicitly related to infrastructure, as I describe in section 22 of Part 4 of the Application. I consider that the Project is consistent with the objectives and policies of the AUP regarding the provision of infrastructure. The NPS-I provides additional, national-level direction that records in its objective the importance of enabling infrastructure. The NPS-I therefore reinforces my conclusion that the Project is consistent with and indeed supported by both the regional and national policy framework.

With respect to the NPS-I policies:

- *Policy 1 - Providing for the benefits of infrastructure:* The Project will have clear national and regional benefits, as set out in Part 3 of the Application. In particular, the Project will support planned urban growth. In contrast, the identified adverse effects of the Project on the environment are localised and minor or moderate at worst post-mitigation;
- *Policy 2 – Operational need or functional need of infrastructure to be in particular locations and environments, Policy 4 – Enabling the efficient and timely operation and delivery of infrastructure activities:* There is a clear functional and operational need for the proposed location of the

Project. As described in section 3.3.1 of Part 4 of the Application, a comprehensive, robust and consistent option development process was used to develop the Indicative Design;

- *Policy 3 - Considering spatial planning:* The Project has been identified in the Auckland Regional Land Transport Plan and the Auckland Rapid Transit Pathway as set out in section 4 of Part 3 of the Application;
- *Policy 4 – Enabling the efficient and timely operation and delivery of infrastructure activities:* The Project and the proposed conditions have been developed to enable timely and efficient delivery, by providing appropriate flexibility for future design processes and the ability to deliver Project components in a staged manner. The proposed “no traditional Condition 1” approach will provide flexibility for NZTA to use new or innovative technologies and methods when delivering the Project. Furthermore, the proposed lapse dates will enable the efficient and timely delivery of infrastructure by providing for staged construction of the Project and a potential long-term delivery period. The Project will encourage a mode shift for many commuters, freeing up capacity within the network for the movement of freight and services, thus making the network more efficient. An Investment Case for the Project was prepared in accordance with Treasury guidelines, and has been endorsed by the NZTA Board.
- *Policy 5 - Recognising and providing for infrastructure supporting activities:* Activities required to support the Project, including local road modifications, are identified in the Project description, and can be undertaken as part of the Project;
- *Policy 6 - Recognising and providing for Māori interests:* As described in Part 2 of the Application, the Project has been developed in partnership with Ngāti Whātua Ōrakei, Te Kawerau ā Maki and Te Ākitai Waiohū. The Project values were developed in collaboration with iwi partners, and will continue to guide the delivery of the Project. Several conditions have been offered by NZTA on an *Augier* basis as an outcome of this long-term partnership;
- *Policy 7 – Assessing and managing the effects of proposed infrastructure activities, Policy 8 - Operation, maintenance and minor upgrade of existing infrastructure:* The actual and potential effects of the Project have been assessed and mitigation appropriately considered by Ms Hicks, as set out in Part 4 of the Application. I note that the majority of potential effects identified are minor and/or limited to discrete and site-specific areas. Many of the construction-related effects identified will also be temporary in nature. The proposed conditions recommended by Ms Hicks respond proportionally to the scale of those effects;
- *Policy 9 - Managing the effects of new infrastructure and major upgrades:* This policy directs how the NPS-I should be read together with other NPS, regional policy statements and regional and district plans (**planning documents**) addressing the management of adverse environmental effects. It requires the NPS-I to be read alongside other planning documents in relation to effects on environments and values provided for in section 6 of the RMA. I provide an assessment of the Project against section 6 RMA matters of national importance and the relevant provisions of the AUP in section 22 of Part 4 of the Application. It is my view that the Project is generally consistent with the objectives and policies of the AUP and the section 6 RMA matters. Policy 9 also requires other adverse effects to be avoided, remedied or mitigated where practicable, which means that more directive policies in other planning documents do not apply. Nevertheless, as noted in Section 22.3 of Part 4 of the Application, I consider the Project is generally consistent with other relevant planning documents;
- *Policy 10 - Planning for and managing the interface and compatibility of infrastructure with other activities:* The Project has been developed to ensure that existing infrastructure assets can be maintained and, if necessary, appropriately relocated. As set out in section 6.6.1 of Part 2 of the Application, operators of network utilities have been engaged throughout development of the Indicative Design. NZTA will continue to engage with utility operators through future design

stages regarding interfaces with the Project and will use existing and well-established processes as set out by Ms Hicks in section 20 of Part 4 of the Application. Overall, the Project can be constructed and operated within the Proposed Designation without compromising existing and planned infrastructure assets; and

- *Policy 11 - Assessing and managing the interface between infrastructure and other activities:* The Project will give rise to some construction-related effects including noise, vibration, visual and amenity effects. Policy 11 of the NPS-I acknowledges these effects are typical of infrastructure projects and are usually unavoidable but can be managed. NZTA has proposed conditions to manage potential construction effects of this nature, including the Construction Noise and Vibration Management Plan. I note that Policy 11 also acknowledges that changes in amenity values from infrastructure activities can be necessary to achieve a well-functioning urban environment. The Project may change the amenity values of a number of areas throughout the Project Area. However, being located immediately adjacent to SH16 and other infrastructure, such as high-voltage electricity lines, other energy infrastructure, wastewater pump stations, telecommunications infrastructure and stormwater ponds, the corridor already has a distinct 'infrastructure oriented' character and associated amenity values. Any potential changes to amenity values are also necessary to achieve the objectives of the Project and provide an important, reliable rapid transit link for current and future communities of Auckland.

Overall, it is my opinion that the Project supports the objective and policies of the NPS-I.

I consider the above NPS-I assessment can be read in conjunction with, and does not contradict, the policy support for the Project set out in section 22 of Part 4 of the Substantive Application.

## **Other new or amended national direction**

The National Policy Statement for Natural Hazards 2025 came into effect on 15 January 2026. Clause 1.3(2) notes that this NPS does not apply to infrastructure, and therefore is not relevant to the Project.

In my opinion, the amendments to the New Zealand Coastal Policy Statement, NPS for Indigenous Biodiversity and the NPS for Freshwater Management do not materially alter the statutory evaluation as set out in Section 22.3 of Part 4.

The amendments to the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025 relate primarily to mining and quarrying activity and do not impose any new consent requirements on the Project.