

Before the Panel

under: the Fast-track Approvals Act 2024

in the matter of: an application for resource consents, approvals and a notice of requirement to alter a designation, to construct a four-lane, median divided highway to replace existing State Highway 2 corridor between Te Puna and Ōmokoroa, known as 'Takitimu North Link - Stage 2'

applicant: **NZ Transport Agency Waka Kotahi**
Requiring Authority and Applicant

Memorandum of counsel on behalf of NZ Transport Agency Waka Kotahi

Dated: 19 January 2026

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MEMORANDUM OF COUNSEL ON BEHALF OF NZ TRANSPORT AGENCY WAKA KOTAHI

- 1 On 12 January 2026, the Expert Panel (*Panel*) issued a request for information (*RFI4*)¹ in relation to the NZ Transport Agency Waka Kotahi (*NZTA*) application for resource consents, approvals and a notice of requirement to alter a designation (together, the *Application*), to construct a four-lane, median divided highway to replace existing State Highway 2 corridor between Te Puna and Ōmokoroa, known as 'Takitimu North Link - Stage 2' (*Project*).
- 2 Specifically, the Panel requested a memorandum:
 - 2.1 Confirming the extent to which any of the new or amended national direction instruments raise additional matters for assessment of the resource consent approvals sought under the Fast-track Approvals Act 2024 (*FTAA*) which do not form part of the assessment provided with the Application; and
 - 2.2 Setting out the Applicant's position on the implications of any such additional matters for the Panel's evaluation task under the FTAA.

New and amended national direction

- 3 On 15 January 2026, three new national direction instruments and seven amended instruments under the Resource Management Act 1991 (*RMA*) came into force. One of the reasons the Government introduced the amendments / instruments, was to make it easier for councils to plan and deliver infrastructure.²
- 4 The only instrument relevant to the Project is the new National Policy Statement for Infrastructure 2025 (*NPS-I*).
- 5 The NPS-I introduces a more enabling and benefits-focused framework for the assessment of nationally significant infrastructure proposals such as the Project. The substance of the matters raised in the NPS-I have already generally been addressed in the Substantive Application. However the NPS-I provides additional policy support for approval of the Application.
- 6 The NPS-I is intended to enable infrastructure developments. As set out in its explanatory note, the NPS-I recognises infrastructure as a matter of national significance under the RMA, and provides national direction to support the development, maintenance and upgrade of infrastructure across New Zealand. It applies to all infrastructure activities and infrastructure supporting activities.³

¹ Note that the RFI has been labelled by the EPA as RFI3, however as the RFI is the fourth that the Applicant has received, this memorandum refers to it as 'RFI4'.

² Ministry for the Environment, [RMA National Direction updated](#), 15 January 2026.

³ Except for certain electricity activities (as set out in Section 1.3).

- 7 'Infrastructure activities' are defined in the NPS-I as:⁴

The construction, operation, maintenance, upgrade and removal of infrastructure and all ancillary infrastructure activities, unless otherwise specified, and include all physical components and assets associated with the infrastructure activity.

- 8 Accordingly, the NPS-I directly applies to the Project.

The NPS-I's Objective

- 9 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 the 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.

- 10 The Project is directly aligned with all elements of the NPS-I objective:

- 10.1 The Project will deliver national, regional and local benefits, as set out at Sections 1.2 and 2.8 of the Substantive Application.
- 10.2 In delivering those benefits, the Project will support the social, economic and cultural wellbeing of people and communities and their health and safety. See Sections 1.2, 2.8 and 4.3.16 (page 133) of the Substantive Application.
- 10.3 The Project will support the development and change of urban and rural environments, to meet the needs of present and future generations. See Sections 2.4, 2.6.1, 2.8 and 4.3.5 of the Substantive Application.

⁴ National Policy Statement for Infrastructure 2025 (December 2025) (*NPS-I*), Section 1.5 – Interpretation. Note also that the NPS-I defines 'infrastructure' as including all infrastructure as defined by the RMA. 'Infrastructure' under the RMA explicitly includes, as in s2, "structures for transport on land by cycleways, rail, roads, walkways, or any other means".

- 10.4 The Project will be well-functioning and resilient, as set out at Sections 1.2 and 2.4 of the Substantive Application.
- 10.5 The Project will be compatible with other activities, as far as practicable. Compatibility (as far as practicable) has been achieved through engagement and coordination with local authorities, utility providers and directly affected landowners, as detailed in Part Three: Engagement and Consultation of the Substantive Application, and Appendix 9.3. The Project design has been refined to accommodate local road realignments, potential utility relocations, and land use planning. Technical reports have been used to evaluate how the Project might affect existing activities and the surrounding environment. The Project will of course have some adverse effects on other activities, as described in the Substantive Application, but those effects have been carefully assessed and will be addressed through the measures proposed by NZTA and set out in the proposed conditions.
- 10.6 Granting the approvals sought for the Project, on the conditions proposed by NZTA, will facilitate the Project's timely and efficient delivery. Again, the effects management measures proposed by NZTA will appropriately manage the actual and potential adverse effects of the Project.

Policies of the NPS-I

- 11 Policy 1(1) of the NPS-I requires decision-makers to:
- ...ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for.
- 12 As set out in the Substantive Application⁵ the benefits of the Project are significant. Accordingly, the NPS-I requires those benefits to be recognised.
- 13 Other policies of the NPS-I⁶ require decision-makers to:
- 13.1 recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments. (Policy 2);
- 13.2 enable the efficient and timely delivery of infrastructure activities (Policy 4); and

⁵ At Sections 1.2 and 2.8.

⁶ Noting that this Memorandum addresses the key policies of relevance to this Application, and does not provide a comprehensive or exhaustive list of all the policies in the NPS-I.

- 13.3 enable new infrastructure or major upgrades of existing infrastructure activities in all environments (Policy 9).

These policies provide further support for approving the Project.

- 14 Policy 6 requires decision-makers to recognise and provide for Māori interests. The Project has been developed with inputs from hapū over several years. See Section 3.4 of the Substantive Application. The Project is therefore aligned with Policy 6.
- 15 Policy 7 requires that, when assessing and managing the effects of infrastructure activities, decision-makers must:
- (a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;
 - (b) consider the technical and operational requirements and constraints of infrastructure activities;
 - (c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;
 - (d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and
 - (e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity.
- 16 Relevant to the Panel's consideration of the Project's potential effects:
- 16.1 NZTA has looked to avoid, remedy and minimise adverse effects throughout all phases of the Project, including through selection of the route, sites and construction methods. See Section 4.3.14 of the Substantive Application, and the technical reports.
- 16.2 As is inherent with all state highways, the Project is constrained by technical and operational requirements, for example road geometry and driver safety.
- 16.3 The Integrated Transport Assessment (Appendix 9.4.1) included in the Substantive Application considers and assesses the Project's transport effects noting changes in scale and also noting the Project's significant safety benefits, as compared to the existing two-lane State Highway 2.

- 16.4 NZTA has applied appropriate standards and methodologies to assess and manage the Project's effects, as discussed in the various technical assessments prepared and included with the Substantive Application.
- 16.5 NZTA's proposed conditions and mitigation for the Project are tailored to the actual effects identified, are reasonable, are no more onerous than necessary, and are proportionate to the scale of adverse effects generated by the Project.
- 17 Policy 9(1) is a strong direction, reiterating the national importance of enabling new / major upgrades to infrastructure, like the Project. As per Policy 7, the overarching direction is that the effects of the Project can be managed, while enabling the Project and granting the approvals sought.

Extent to which the NPS-I raises additional matters for consideration by the Panel

- 18 The NPS-I introduces additional objectives and policies, as set out above, for the Panel to consider when assessing the Project.
- 19 The NPS-I also includes a more flexible and enabling approach to effects management, requiring management of adverse effects, rather than strict avoidance or remediation.⁷ The NPS-I also provides a clear directive that national, regional and local benefits are to be recognised and provided for by decision-makers, relative to any localised adverse effects.⁸
- 20 The Project advances the NPS-I's objective. We submit the NPS-I strengthens the national policy support for the Project and should be considered positively by the Panel.

Other national direction instruments (new or amended) are not relevant to the Project

- 21 The remaining new/amended national direction instruments⁹ do not raise any new matters for consideration by the Panel because they:

⁷ Noting, as per the NPS-I Explanatory Note: "*No national policy statement overrides another. Each national policy statement must be applied to the relevant decision-making process.*" The Explanatory Note also states that the NPS-I must be read alongside other national direction and local authority planning documents that govern s6 environments and values of the RMA.

⁸ Policy 1(1).

⁹ Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025, National Policy Statement for Natural Hazards 2025, National Policy Statement for Highly Productive Land Amendment 2025, New Zealand Coastal Policy Statement Amendment 2025, National Policy Statement for Indigenous Biodiversity Amendment 2025, National Policy Statement for Freshwater Management Amendment 2025, Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025, National Policy Statement for Renewable Electricity Generation Amendment 2025, National Policy Statement for Electricity Networks Amendment 2025.

- 21.1 do not apply to or address transport infrastructure; and / or
 - 21.2 have limited scope that is not relevant to the Project
(eg relating to quarrying / mining activities).
- 22 A table outlining why the remaining national direction instruments are not relevant is provided in the **Appendix**.

Dated 19 January 2026

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Counsel for NZ Transport Agency Waka Kotahi

APPENDIX

Instrument	Why the instrument / amendment is not relevant to the Project
Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025	Reduces regulatory requirements for detached minor residential units (granny flats).
National Policy Statement for Natural Hazards 2025	Expressly excludes 'infrastructure' from its scope.
National Policy Statement for Highly Productive Land Amendment 2025	Amendments relate to quarrying, mining and urban rezoning. Exemptions for specified infrastructure remain in place.
New Zealand Coastal Policy Statement Amendment 2025	Amendments better enable the Government's priority activities (including infrastructure) to locate in the coastal environment. The Project includes wetland restoration works within the coastal environment. NZTA's assessment of the NZCPS in the Substantive Application does not require update following the amendment.
National Policy Statement for Indigenous Biodiversity Amendment 2025	Amendments reduce restrictions for quarrying and mining activities affecting significant natural areas.
National Policy Statement for Freshwater Management Amendment 2025	Amendments reduce restrictions for quarrying and mining activities affecting natural inland wetlands.
Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025	
National Policy Statement for Renewable Electricity Generation Amendment 2025	Amendments enable an increase in renewable electricity generation.
National Policy Statement for Electricity Networks Amendment 2025	Amendments enable electricity networks to support electrification of the economy and transition to renewable electricity.