

Before the Panel Convener

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

Dated: 20 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 notices of requirement (NORs) and applications for resource consents and archaeological authorities (together, *Application*) for the North West Rapid Transit Project (NWRT or *Project*).
- 2 This memorandum addresses the Panel’s Minute 6 dated 18 May 2026 (*Minute 6*). It covers:
 - 2.1 The timeframe within which the additional parties identified in Minute 6 are to lodge any comments; and
 - 2.2 A request to delay publication on the fast-track website of NZTA’s initial response to comments, which is due on 3 June.
- 3 This memorandum also addresses the Panel’s Minute 8 dated 19 May 2026 (*Minute 8*) regarding the Minister of Defence’s Designation 4311.

Timeframe for additional parties to comment

- 4 NZTA acknowledges the Panel’s decision in Minute 6 to invite additional parties to comment on the Application, and the Panel’s direction that those additional parties must lodge any comments by 2 June.
- 5 As Minute 6 was issued on 18 May, we expect the time period to 2 June allows those additional parties around 12 working days to comment. The NZTA is concerned that this time period does not comply with the Fast-track Approvals Act 2024 (FTAA).
- 6 The FTAA sets a 20 working day period in which any comments are to be lodged.¹ We are not aware of any FTAA power that enables the Panel to reduce that timeframe.
- 7 On that basis, NZTA respectfully requests that the Panel direct the Environmental Protection Agency (EPA) to specify in the invitation to comment to the additional parties identified in Minute 6 that any comments must be received within an appropriate 20 working day timeframe.

Publication of NZTA’s response to comments

- 8 NZTA notes that the Panel has now invited three groups of parties to comment on the Application. The first group of parties must lodge their comments by 26 May, and NZTA’s response to those comments

¹ FTAA, s54(1), which requires the EPA to specify in its invitation for comments that “the comments must be received by the EPA on behalf of the panel on a specified date that is 20 working days after the date on which the invitation is given”.

is due by 3 June. Ordinarily, NZTA's response would normally be published on the fast-track website shortly after it is filed.

- 9 However, if the Panel accepts our request in paragraph 7 above, the third group of parties would not be required to lodge their comments until after NZTA's first response to comments is due.
- 10 In the interests of procedural fairness, NZTA respectfully requests that its response to the first group of comments be provided to the Panel, but not published on the fast-track website until the expiry of the third response timeframe. In our submission, this approach will ensure that no commenting party is advantaged or disadvantaged by the timing of the invitations to comment, but would also ensure there is no delay to the Panel's decision-making process. Accordingly, NZTA respectfully requests that the Panel directs the EPA to delay the publication of NZTA's initial response to comments on the fast-track website, and issues a Minute recording that direction.

Minister of Defence

- 11 In response to Minute 8, NZTA requests that the Panel invite the Minister of Defence to comment on the Application as part of the third group of commenters. NZTA will provide further information on any potential interface between the Project and Designation 4311 at the same time as its response to comments, but does not wish to delay any additional invitation to comment.

Dated 20 May 2026



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