

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: 3 June 2026

Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
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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 a conflict issue, which NZTA considers requires active management by, and assurances from the Panel and/or Panel Convener. The conflict arises from:
 - 2.1 The comment from Westgate Properties (2017) Limited and NZRPG Management 2017 Limited (*NZRPG*) relating to proposed development projects;
 - 2.2 The ongoing involvement of Panel Member Todd Langwell in those projects.
- 3 The comment from NZRPG raises (among other matters) impacts on its proposed development projects:¹
 - 4.9. [NWRT] will have its principal impact on NZRPG's current development projects, which have reached a construction-ready stage following many years of planning and preparation. These projects include:
 - 4.9.1. a proposed private hospital development; and
 - 4.9.2. a major Outlet and Entertainment Centre development.
- 4 The Panel's Register of Members' Interests (24 April 2026) discloses that Panel Member Todd Langwell has the following interests (among others):

Matter	Applicant/ Requiring Authority	Parties	Role	Period
Westgate Zone 00 – 17-35 Maki Street, Westgate RC application for entertainment and retail activities	NZ Retail Property Group	Non-notified	I prepare [sic] a transport assessment to support the RC application for the Applicant. I am providing ongoing	2025- ongoing

¹ Comment 36 – NZRPG, page 9.

Matter	Applicant/ Requiring Authority	Parties	Role	Period
			advice to NZRPG for the building consent for the same proposal.	
13 Westgate Drive, Westgate RC application for private hospital	NZ Retail Property Group	NA	I prepare [sic] a transport assessment to support the RC application for the Applicant.	2025 - ongoing

- 5 The Register of Members' Interests also identifies other interests at Westgate that are ongoing, although not specifically raised by NZRPG or other comments received to date to our knowledge.
- 6 NZTA acknowledges that all of the Panel members have been involved in a range of matters in and around the Project Area. One of those matters was addressed in Minute 4 of the Panel Convener, which stated there was no "*actual or potential conflict which goes to the substance of the proceedings before the Panel*" at that time.²
- 7 The Panel Convener's Minute 4 also recorded that:
- [12] ... due to the spatial extent of the Project, the parties invited to comment will likely be extensive. I would expect that there will likely be other relationships or connections which will require active management.
- 8 NZTA considers the conflict raised above requires active management for the following reasons:
- 8.1 The proposed development projects relate to land that is directly affected and adjacent to the Proposed Designation;
- 8.2 The NZRPG comment puts potential impacts of the Project on the proposed development projects directly in issue, and particularly transport impacts that are squarely within Panel Member Todd Langwell's expertise;
- 8.3 Other commenters, including Stride Holdings Limited and Costco Wholesale New Zealand Limited, have also raised concerns with transport impacts at Westgate; and

² Panel Convener Minute 4, paragraph 9.

- 8.4 Panel Member Todd Langwell has an ongoing role in relation to the proposed development projects for NZRPG.
- 9 NZTA requests that the Panel and Panel Convener consider this memorandum and confirm that, and specify how, the conflict is being and will be managed to ensure that it does not compromise the Panel's decision.
- 10 NZTA considers this matter needs to be addressed with haste and in advance of the Panel considering NZTA's response to the comments received on 26 May.

Dated 3 June 2026



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