

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 Waka Kotahi**  
*Requiring Authority and Applicant*

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

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Dated: 26 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 responds to the Panel's Minute 9, dated 22 May 2026. It addresses the Panel's decision to grant Auckland Council (*Council*) a five working day extension to the deadline for submitting comments on the *Application*.<sup>1</sup>
- 3 The Panel's jurisdiction to grant such an extension is not clear to us. The Fast-track Approvals Act 2024 (FTAA) does not appear to provide the Panel with any power to extend the deadline by which comments must be received by the EPA.<sup>2</sup> We acknowledge the Panel has a discretion to accept late comments,<sup>3</sup> however the FTAA does not include either an express or general discretionary power authorising the Panel to grant an extension prior to the deadline.
- 4 Minute 9 provides limited reasons for the Panel's granting of the extension. It does not attach a copy of Council's request, and simply records Council's view that "*information ... provided by the Applicant in response to the Panel's requests for information may necessitate amendments to [its] comments*". That reference does not explain why the Panel considers there are exceptional circumstances that justify an extension to the deadline for Council. Accordingly, NZTA respectfully requests:
  - 4.1 a copy of the Council's letter to the Panel dated 20 May 2026 requesting an extension; and
  - 4.2 the Panel expand on its reasons for granting the extension, including the unique factors that justify such an extension for the Council.
- 5 NZTA acknowledges that the Panel has granted the Council's request for an extension, and notes its surprise at that request given the engagement and information shared by NZTA with Council over the previous months. NZTA trusts the additional time will enable Council to provide comments that are focused on key matters relevant under

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<sup>1</sup> Minute 9, paragraphs 9-11.

<sup>2</sup> FTAA, s54(1) and (4).

<sup>3</sup> FTAA, s81(6)(b).

the FTAA. NZTA remains committed to working constructively with Council throughout the process.

**Dated 26 May 2026**

A handwritten signature in blue ink, appearing to be 'P. Brosnahan' or similar, written in a cursive style.

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