

Before the Expert Consenting Panel

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: 23 June 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 the North West Rapid Transit Project (NWRT or *Project*). It responds to Minute 12 addressing the conflict issue regarding Panel member Langwell raised in our memorandum of counsel dated 3 June 2026.
- 2 NZTA appreciates that the Panel has carefully considered that memorandum, including by obtaining its own legal advice from Mr Philip Maw on the issue.
- 3 However, NZTA considers the approach set out in Minute 12 does not address the issue satisfactorily, and does not resolve it, for the following reasons:
 - 3.1 Mr Langwell's additional disclosure¹ indicates that he continues to have a role² in relation to an ongoing development that is potentially impacted by NOR2.³ That disclosure also does not confirm that his firm (of which he is a director) will not have any further role in relation to another development impacted by NOR2.⁴
 - 3.2 Minute 12 says the issue can be managed by "*the EPA [engaging] an independent transport expert to provide technical advice to the Panel in relation to transportation related issues*" (paragraph 5). This approach suggests that Panel member Langwell has been appointed to the Panel to provide expert transportation advice. However, Mr Langwell has been appointed to the Panel as a decision-maker, not as an independent expert advisor. Minute 12 does not explain how the issue will be managed in relation to Mr Langwell's decision-making role on NOR2, including in relation to NZRPG's comments.

¹ Appendix 1 to the advice from Philip Maw dated 11 June 2026.

² Additional Disclosure, paragraphs 6 and 7.

³ We note that the Additional Disclosure in relation to the Proposed Private Hospital Development conflicts with the comments from Westgate Properties (2017) Limited and NZRPG Management 2017 Limited (NZRPG). Mr Langwell says the site "is not adjacent to the proposed designation" (paragraph 1). The NZRPG comment says "[s]tructured parking is required... which is affected by NOR2" (paragraph 4.16).

⁴ Additional Disclosure, paragraphs 11-12 and 14.

- 4 NZTA wishes to note the above matters for the record, and to reserve its rights with respect to the Panel's decision. It does not request reconsideration of the issues, but Counsel are available to attend a conference with the Panel to discuss them (as suggested in paragraph 7 of Minute 12) if the Panel sees advantage in doing so.

Dated 23 June 2026

A handwritten signature in blue ink, appearing to read 'P. Brosnahan' or 'N. de Wit', with a stylized, cursive script.

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