

IN THE MATTER of the Fast-track Approvals Act 2024 (“**FTAA**”)

AND

IN THE MATTER approvals sought for resource consents, 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 the ‘North West Rapid Transit’ Project

MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 2 June 2026

SECTION A: INTRODUCTION

Overview

1. This memorandum sets out Auckland Council’s Planning-led comments on the substantive application for the ‘North West Rapid Transit’ project (‘Application’) lodged by the New Zealand Transport Agency Waka Kotahi (‘the Applicant’) under the FTAA. This Memorandum is provided in response to the invitation to comment issued by the Expert Panel (Panel) under s53(2) of the FTAA.
2. This covering memorandum has been principally prepared by the Auckland Council Project Team (‘the Council Project Team’) for the North West Rapid Transit fast-track application comprising a Project Lead and Planners covering the notices of requirement and resource consent approvals sought, respectively:
 - Warwick Pascoe, Principal Project Lead.
 - Jo Hart, Senior Policy Planner for the notices of requirement.
 - Louise Barclay, Senior Policy Planner for the notices of requirement.
 - Celia Wong, Senior Planner for the resource consents.
3. The assessment in this report considers the reviews and advice from the following technical specialists engaged by the council:
 - o Healthy Waters (Region Wide Network Discharge Consent and Flooding) - Hillary

Johnston (**Appendix 4**)

- o Development Engineering – Greg Hall (**Appendix 5**)
- o Transport Specialist – Mat Collins (Consultant on behalf of Council) (**Appendix 6**)
- o Urban Design – Frank Pierard (Consultant on behalf of Council) (**Appendix 7**)
- o Landscape and Visual – Peter Kensington (Consultant on behalf of Council) (**Appendix 8**)
- o Built Heritage – Mahshid Kakouei Ezbarami (**Appendix 9**)
- o Parks and Community Facilities – Douglas Sadlier (Addendum prepared by Lesley Wolfensberger-Betts) (**Appendix 10**)
- o Archaeology - Mica Plowman (**Appendix 11**)
- o Arboricultural Specialist – Regine Leung (**Appendix 12**)
- o Heritage Arborist – West Fynn (**Appendix 13**)
- o Natural Features ONF – Dr Kate Lewis (Geological) (**Appendix 14**)
- o Noise and Vibration – Peter Runcie (Consultant on behalf of Council) (**Appendix 15**)
- o Terrestrial Ecology – Rue Statham (**Appendix 16**)
- o Streamworks and Freshwater Ecology – Dr Naz Tavasoli (**Appendix 17**)
- o Coastal processes and Marine Ecology – Dr Kala Sivaguru (**Appendix 18**)
- o Groundwater - Richard Simonds (Consultant on behalf of Council) (**Appendix 19**)
- o Contaminated Land – Duffy Visser (**Appendix 20**)
- o Regional Earthworks – Matthew Bryne (Consultant on behalf of Council) (**Appendix 21**)
- o Stormwater and Industrial Trade Activities – Martin Meyer (**Appendix 22**)
- o Environmental Monitoring - Christian Greff Turza (**Appendix 23**)

4. The following Council Controlled Organisations have been directly invited for comments under s53(2) of the FTAA:

- o Watercare (**Appendix 3**) - Watercare have elected to provide their comments as part of this Council Group response.
- o Auckland Transport (**AT**)¹ has advised the council Project Team that AT will not provide separate comment on this application to the Panel, given they have been closely involved in the design with NZTA.

Elected officials and representatives

5. As part of the council’s established process, certain elected officials and representatives (namely ward councillors, local board members, Houkura, and committee chairs) were made aware of the request for comment and provided with material to make comment or seek further clarification.
6. Each local board has a responsibility to communicate the interests and preferences of people in its area on Auckland Council policy documents, including Notices of Requirements. A local board can present local views and preferences on a notice of requirements when expressed by the whole local board. In this respect, Jo Hart and Louise Barclay sought views on the

¹ Confirmed by Matthew Richards (Group Manager Network Operations Planning (acting) Network Operations Planning), email dated 17 March 2026. Auckland Transport have provided a letter in support of the application, supplied as part of the application material.

Notices of Requirement from the following Local Boards, to be included as part of this Council group response (**Appendix 2**):

- Waitemata Local Board
- Albert-Eden Local Board
- Whau Local Board
- Henderson-Massey Local Board
- Upper Harbour Local Board
- Rodney Local Board – confirmed they do not wish to comment on the fast-track application.

7. The views on the 12 Notices of Requirement were adopted by formal resolution of each local board at business meetings held in April and May 2026. A summary of key themes across these views is provided in Table 1 below, with the full resolutions included in **Appendix 2** and referenced in this report where relevant.

8. Key issues raised are summarised by local board below:

Table 1. Summary of Local Board Views on Notices of Requirement

Local Board	Key Issues Summary (Refer to Appendix 2 for full LB Views)
Upper Harbour	<ul style="list-style-type: none"> • Transport & staging: Supports SH16 rapid transit but concerned about overall cost and long delivery timeframe; seeks earlier delivery and simpler interim designs. • Network connections (Whenuapai / SH16–SH18): Requests concurrent delivery of SH16–SH18 connection to enable bypass of Whenuapai township and reduce local congestion. • Access & active modes (Brigham Creek / Whenuapai): Significant concern about lack of safe walking/cycling access across SH16 to Brigham Creek Rarawaru Park & Ride, particularly from Whenuapai. • Cycleway integration: Requests extension of Northwestern Cycleway to Brigham Creek station and provision of separated active mode links. • Future-proofing (Trig Rd): Seeks design allowance for future connections including Trig Road.
Whau	<ul style="list-style-type: none"> • Station provision (Rosebank Peninsula): Key concern that no station serves the Rosebank industrial area (500+ businesses, 9,000+ workers); strong advocacy for additional station. • Transport & construction impacts (Patiki Rd / Rosebank Rd): Requests mitigation for traffic impacts on key freight and commuter routes accessing SH16 • Environmental protection (Whau River / Rangimatariki / Motu Manawa): Seeks robust measures to avoid ecological impacts on sensitive coastal and estuarine environments • Active transport (Northwestern Shared Path): Requires path to remain open; any diversions to be temporary and high-quality • Iwi engagement & funding: Emphasises iwi partnership and requests local reinvestment of any land acquisition funding

Albert-Eden	<ul style="list-style-type: none"> • Station integration & urban design (Point Chevalier): Concern that Point Chev station is poorly integrated with town centre; seeks over-station development and enhanced public realm upgrades along Great North Road. • Land acquisition & heritage (Great North Rd / Western Springs): Strong opposition to loss of heritage buildings, community facilities and parkland (e.g. Ambassador Theatre, Western Springs Gardens halls, Eric Armishaw Reserve area). • Additional station (Rosebank Peninsula): Supports new station to service major employment area and reduce emissions. • Noise & community impacts (Point Chevalier / Western Springs / Sutherland Rd): Extensive mitigation sought including relocation options, noise walls, and protection of sensitive sites (e.g. Kāinga Ora housing, health facilities). • Active transport & connectivity (Carrington Rd / SH16 crossings): Requests upgraded cycleway alignment, safer crossings, and improved links (e.g. Haslett St bridge, Northwestern Cycleway). • Lapse periods & process: Opposes long (25-year) lapse periods and raises concerns about limited public participation under fast-track process.
Henderson-Massey	<ul style="list-style-type: none"> • Community impacts (Massey / Te Atatū / Royal Rd): Concern about construction effects on established residential areas and schools; seeks strong mitigation and communication. • Environmental & waterways (Henderson Creek / Huruhuru Creek): Requires avoidance-first approach and strict sediment and ecological controls for key waterways • Active transport (Northwestern Shared Path / Te Whau Pathway): Emphasises maintaining continuous access and integrating upgrades into station design. • Construction traffic (local road network): Seeks management to avoid heavy vehicles on residential streets and protect school routes • Cultural partnership: Supports strong iwi involvement (Te Kawerau ā Maki, Ngāti Whātua groups, Te Ākitai Waiohua) and embedding mātauranga Māori in design. • Lapse periods & station quality: Opposes long lapse periods; seeks high-quality, safe, well-integrated station precincts
Waitematā	<ul style="list-style-type: none"> • City centre alignment (Newton Rd / Ian McKinnon Dr / Western Springs): Seeks review of alignment to prioritise direct, cost-effective routes and avoid constraining future corridors (e.g. City–Māngere) • Urban amenity & design (Arch Hill / Western Springs): Concern about elevated busway impacts, loss of green buffer space, and need for detailed visual assessment and mitigation • Environmental & construction effects: Seeks strong controls on noise, sediment and construction impacts • Network integration (Great North Rd corridor / cycleway): Supports multimodal integration including improvements around Western Springs and connections to Northwestern Cycleway

	<ul style="list-style-type: none"> • Governance & engagement: Requests establishment of Community and Working Liaison Groups throughout design and construction.
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9. Local boards were also given the opportunity to comment on resource consent applications via their Recourse Consent Delegates on resource consents. To this end, notice of the Project and the regional consents sought was provided to the Resource Consent Delegates and their Alternates of the above-mentioned Local Boards. Comments were received from Albert-Eden Local Board – (Appendix 2) and have been forwarded to the Applicant in their entirety.
10. Primarily the range of topics discussed by Ms Watson of the Albert-Eden Local Board related to NoR matters which have been replicated within the resolutions provided by the AC Planners. The exception to this relates to item 5(g) relating to ecological matters. These comments are discussed in this report, where appropriate.

Qualifications, Experience and Code of Code Conduct

Warwick Pascoe

11. Warwick Pascoe is a Principal Project Lead in the Premium Resource Consents Unit of Auckland Council. Warwick holds a Bachelor of Science (Hons) in geology and has 29 years Resource Management experience as a planner, team leader and project lead in Local Government, and as a company director / environmental consultant in private practice. Warwick is project lead on five other Fast Track applications.

Jo Hart

12. Jo Hart is a Senior Policy Planner at Auckland Council within the Planning – Regional, North, West, and Islands Unit (Planning and Resource Consents Department). Jo holds the qualifications of Bachelor of Science and Master of Planning Practice (University of Auckland) and has nineteen years of planning experience. Jo is an Associate member of the NZPI and has prepared expert evidence and technical assessments for notices of requirement and plan changes, including the Board of Inquiry process for the Northern Corridor Improvements Project, the Proposed Auckland Unitary Plan, Plan Change 78 (PC78) (Intensification Plan Change, and Plan Change 120 (Auckland Council’s replacement plan change for PC78), and was one of the reporting planners for the nineteen notices of requirement for the Supporting Growth (NZTA/AT) roading projects for growth in the north-west).
13. Jo’s experience that is relevant to this application includes processing notices of requirement for designations and other Part 8 processes, including alterations, uplifts, and extensions to lapse dates, to existing designations, across the Auckland region.

Louise Barclay

14. Louise Barclay is a Senior Policy Planner at Auckland Council within the Planning – Central South Unit (Planning and Resource Consents Department) and is an Intermediate member of the NZPI. Louise holds the qualification of Bachelor of Urban Planning (First Class Honours) (University of Auckland) and has 8 years of statutory planning experience spanning complex resource consent applications across the urban, future urban and rural environments,

processing of Outline Plan of Works and technical assessments for Plan Change 120 (Auckland Council's replacement plan change for PC78).

Celia Wong

15. Celia Wong is a Senior Planner in the Planning and Resource Consents Department at Auckland Council. Celia holds the qualifications of Bachelor of Engineering and Master of Planning Practice (Honours) (University of Auckland) and has 21 years of experience in planning practice in private practice and Council. Celia is an intermediate member of the New Zealand Planning Institute. Celia has experience in preparing technical assessments and providing expert evidence for complex resource consent and private plan change applications.
16. Celia's experience that is relevant to this application includes processing the four substantive resource consent applications relating to the establishment of the Eastern Busway stages from Pakuranga Town Centre to Botany Town Centre.

Code of Conduct

17. Warwick, Jo, Louise and Celia confirm that they have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (Code) and have complied with it in the preparation of this assessment. They also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. They confirm that the opinions they have expressed are within their area of expertise and are their own, except where they have stated that they are relying on the work or evidence of others, which they have specified.

Application information

18. The following information has been reviewed, and forms the context for our comments:
 - Project Benefits (PDF, 683KB)
 - HNZPT Archaeological Authority application
 - Attachment 6.1 Indicative Design West (PDF, 40 MB)
 - Attachment 6.2 Indicative Design East (PDF, 20 MB)
 - Attachment 6.3 Indicative Cross Section (PDF, 760 KB)
 - Attachment 6.4 Designation Plans (PDF, 11 MB)
 - Attachment 6.5 Property Schedule Land within the designation (PDF, 10 MB)
 - Attachment 6.6 Property Schedule Land Adjacent to the designation (PDF, 1 MB)
 - Attachment 6.7 Auckland System Management Compliance Summary (PDF, 3 MB)
 - Attachment 6.8 Section 29 response letter from MfE (PDF, 150 KB)
 - Attachment 6.9 Section 30 letter from Auckland Council (PDF, 833 KB)
 - Attachment 6.11 Assessment of Built Heritage Effects (PDF, 3 MB)
 - Attachment 6.12 Arboricultural Management of Pōhutukawa and Notable Trees (PDF, 16 MB)
 - Attachment 6.13 Assessment of Construction Noise and Vibration Effects (PDF, 26 MB)
 - Attachment 6.14 Assessment of Construction Stormwater Effects (PDF, 859 KB)
 - Attachment 6.16 Assessment of Groundwater and Settlement Effects (PDF, 14 MB)

- Attachment 6.17 Landscape and Visual Assessment (PDF, 3 MB)
- Attachment 6.18 Assessment of Operational Noise and Vibration Effects (PDF, 8 MB)
- Attachment 6.19 Assessment of Stormwater and Flooding Effects (PDF, 20 MB)
- Attachment 6.20 Assessment of Transport Effects (PDF, 3 MB)
- Attachment 6.21 Contaminated Land Preliminary Site Investigation (PDF, 23 MB)
- Attachment 6.10 CONFIDENTIAL Te Ākitai Waiohua Cultural Values Assessment
- Letter from Auckland Transport (PDF, 158KB)
- Letter from Te Kawerau ā Maki (PDF, 117KB)

Updated information received 28 April 2026

- Memorandum of counsel on behalf of NZTA Waka Kotahi (PDF, 241KB)
- Assessment of Ecological Effects (PDF, 27.6MB)
- Terrestrial Vegetation Ecology Assessment (PDF, 28.5MB)
- Freshwater Ecology Assessment (PDF, 23.1MB)
- Part 4 - Appendix A - Proposed Designation Conditions (PDF, 11.8MB)
- Part 4 - Appendix B - Proposed Consent Conditions (PDF, 8.8KB)
- Part 4 - RMA 1991 Approvals - Updated (PDF, 7.2MB)

Updated information received 17 February 2026

- North West Rapid Transit – The Project (Part 2) (PDF, 4.7MB)

Additional Information

19. At the time of preparing these comments, the council Project Team are aware of the following Minutes issued by the expert panel regarding requests for further information from the Applicant.
 - Minute 3 (5 May 2026) relating to NZTA's approach to condition 1 and clarification of mitigation of effects.
 - Minute 5 (7 May 2026): relating to lapse dates, resource consents, ecological assessments, assessments for landscape and visual effects, and transport.
 - Minute 7 (19 May 2026): relating to consideration of alternatives under the FTAA.
 - Minute 8 (19 May 2026): relating to the Minister of Defence designation (Whenuapai Airbase).

20. Any information provided in response to the above requests for information (with the exception of the response provided to Minute 3) does not form part of this response. We will await confirmation from the Panel as to whether Council comments are sought/requested on any updated information.

21. We acknowledge the matters raised by the expert panel in the above requests for further information. With particular regard to the matters raised in Minute 3, AC Planners note that NZTA's no "condition 1" approach, coupled with the "streamlined" approach to conditions is

one which has proved challenging in being able to determine adequate mitigation of effects as well as a clear understanding of the proposed “effects envelope” This is critical for future administration of the approvals (should they be granted). NZTA provided a response to Minute 3 of the Panel on the 19 May 2026. This response was circulated to council specialists to advise whether there are any changes to their conclusions as a result.

- 22. The Panel will find, the majority of comments from Auckland Council technical specialists make reference to this and generally recommend a strengthened package of conditions for both the notice of requirement and designations.

Background

- 23. The Council Project Team acknowledges the NZTA Application Team’s willingness to continue active engagement in parallel with the fast-track process. Since lodgement of the application, NZTA has participated in fortnightly project meetings with the Auckland Council Project Team.
- 24. Pre-lodgement engagement with the Project Team commenced in October 2025, at which time a limited number of technical reports were available for initial feedback and comment. Indicative plans were not available during these early discussions. Draft designation and resource consent conditions were provided for comment in late November, ahead of the application lodgement in mid-December
- 25. Where possible, the Project Team has shared draft technical assessments with the applicant in advance of finalising its formal comments to the Panel, to provide additional time for response, noting the compressed timeframes involved. Many of the matters raised by specialists in this memorandum have previously been brought to the applicant’s attention.

The notice(s) of requirement

- 26. Pursuant to section 42(4)(d) (designation) of the FTAA, the requiring authority has lodged notice(s) of requirement (NoRs) for twelve designations for Northwest Rapid Transit Project. The NoRs comprise seven bus stations and five busway corridor designations, which also overlap with the land required for the seven bus stations.
- 27. The alignment covers an 18km route along State Highway 16 from Brigham Creek to the City Centre. The NoRs and associated receiving environment are summarised in Part 2: The Project of the application and is not repeated here.
- 28. The package of 12 NoRs is as follows:

NOR number	Description
NoR 1	Busway between Brigham Creek Rarawaru station and north of Westgate Te Waiarohia station (including stations, Park and Ride and all local road connections)
NoR 2	Busway between north of Westgate Te Waiarohia station and north of Royal Road Mānutewhau station (including stations, Park and Ride and all local road connections)

NoR 3	Busway between Royal Road Mānutewhau Station and Te Whau River (including all stations and local road connections)
NoR 4	Brigham Creek Rarawaru station including Park and Ride
NoR 5	Westgate Te Waiarohia station
NoR 6	Royal Road Mānutewhau station
NoR 7	Lincoln Road Wai o Pareira station
NoR 8	Te Atatū Ōrangihina station
NoR 9	Busway between Waterview interchange and west of Ivanhoe Road (including all stations and local road connections)
NoR 10	Busway between Ivanhoe Road and Ian McKinnon Drive (including all stations and local road connections)
NoR 11	Point Chevalier station
NoR 12	Western Springs station

Resource consent site and planning context

29. Section 8 Receiving Environment within Part 2 – The Project, dated 15 December 2025 sets out the AUP Zoning, Overlays, Controls, Precincts and Designations together with a description of the key features (natural and built) along the proposed route.
30. The following geographical features and/or AUP definitions and overlays are pertinent to the consideration of regional consents within this application:
- *Significant Ecological Area (SEA) Overlays*: where the following SEA have been identified within Conditions by the Applicant:
 - SEA_T_2040: Across from the Westgate Drive stormwater ponds along Mānutewhau Stream;
 - SEA_T_5124: Triangle Road, Rarawaru Stream,
 - SEA_T_4938 and SEA_T_3262: Henderson Creek, together with
 - additional SEAs are located within the designation boundaries in Te Atatu Peninsula, and Point Chevalier as identified in the Receiving Environment,
 - *Wetlands*: have been identified within Schedule A of the Assessment of Ecological Effects, dated 15 December 2025 within the designation boundaries at 74 Northside Drive, Westgate and Eric Armistead Park, Point Chevalier, and adjacent to the designation boundary at 4-6 Hobsonville Road West Harbour. A construction area is located within the designation adjacent to the Hobsonville Road wetland,
 - *Streams*: as identified within Hydrogeological features in the Receiving Environment,
 - *Riparian Areas*: Resource consent is required for vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake, and within 10m of urban streams. This is different to the definition of riparian margin of within 20m of the centreline of a permanent or intermittent watercourse set out in the Proposed Resource Conditions (28 April 2026),
 - *Coastal Areas (beyond the CMA)*: Resource consent is required for vegetation alteration or removal of greater than 25m² of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height within 150m of mean high water springs.

This differs from the definition of coastal margin of within 20m of mean high water springs set out in the Proposed Resource Conditions (28 April 2026),

- *Sediment Control Protection Area* – Subject to land gradient and area thresholds, resource consent is required for earthworks:
 - a. 100m landward of the coastal marine area (CMA) (whichever is the more landward of mean high water springs); or
 - b. 50m landward of the edge of a lake, river or stream, or the edge of a wetland of 1,000m² or greater.

Resource consent application details and consent status

31. Section 1.2 of Part 4 detailed the types of resource consent (land use, coastal consents, water permits and discharges permits sought²).
32. By way of further information (10 February 2026), the Applicant has provided an assessment of Unitary Plan (AUP) and National Environmental Standards (NES) provisions, where consent is sought with regard to:
 - o Chapter E26 Infrastructure (AUP) relating to regional earthworks and vegetation alteration and removal,
 - o Chapter E9 Stormwater quality (AUP),
 - o Chapter E10 Stormwater management area (AUP),
 - o Chapter E8 Stormwater – Discharge and diversion (AUP),
 - o Chapter F2 Coastal – General Coastal Marine Zone (AUP),
 - o Chapter E3 Lakes, rivers, streams and wetlands (AUP),
 - o Chapter E30 Contaminated land (AUP),
 - o Chapter E4 Other discharges of contaminants (AUP), and
 - o National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS).
33. Consent has also been sought for the diversion of groundwater and dewatering, where its AUP assessment has been submitted within the Applicant’s Assessment of Groundwater and Settlement Effects:
 - o Chapter E7 Taking, using, damming and diversion of water and drilling (AUP),
34. Consent is explicitly not sought under regulation 45 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 relating to wetlands.
35. This assessment does not identify the specific locations of the elements of the proposal which require consent, nor where permitted thresholds have exceeded the extent to which consent is required.

² Council Resource Consent References: BUN60461580, LUC60461581 (land use), DIS60461582 (contamination), DIS60466273 (stormwater), CST60461583 (structures), CST60461584 (disturbance of seabed (other)), CST60461585 (veg removal), WAT60461586 (groundwater), LUS60461587 (structure), LUS60461588 (works)

36. The following planning comments set out where additional reasons for consent could also be required.
37. Overall, the consents are sought as discretionary activities.

SECTION B: PLANNING COMMENTS

B.1 Consideration of the resource consent applications and notices of requirement under the FTAA

Notices of requirement under the FTAA - Effects on the environment

38. For the purposes of making a decision for an approval described in section 42(4)(d) (designation) the panel must apply the clauses 24 and 25 of Schedule 5:
- *the purpose of this Act the purpose of this Act; an*
 - *(ii) the provisions of [Part 8](#) of the Resource Management Act 1991 that direct decision making on an application for a designation (except [section 170](#)); and*
 - *(iii) the relevant provisions of any other legislation that directs decision making under the [Resource Management Act 1991](#); and*
39. For the information of the Panel, the AC NoR Planners (**AC Planners**) have conducted a review of the application material with respect to Part 8 of the RMA³, as relevant under [Clause 24](#) of Schedule 5 of the FTAA (complying with [section 81\(2\)](#)), which must be considered by the Panel for any approval relating to Designations.
40. In preparing the following comments on the notices of requirement, we (Jo Hart, Louise Barclay), acknowledge the Applicant has not sought, as part of this application, a waiver of the requirement for an Outline Plan for any stage of works.

Archaeology

Application

41. Effects on archaeology are addressed in Part 5 Attachment A of the substantive application in relation to the archaeological authorities required under the Heritage New Zealand Pouhere Act 2014 (**HNZPTA**)⁴. The conclusion in Section 8 of the AEE states the following:

This assessment addresses the actual and potential archaeological and historic heritage effects arising from the Indicative Design as well as potential amendments to the Indicative Design within the Proposed Designation.

The Proposed Designation was subject to desktop research and field survey, which identified two known archaeological sites: R11/2832 and R11/3567, both Midden

³ Acknowledging that any reference in Part 8 of the RMA to Part 2 of the RMA 1991 is read as a reference to sections 5, 6, and 7 of that Act.

⁴ Part 5: Heritage New Zealand Pouhere Taonga – Archaeological Authorities. Appendix A. Assessment of Archaeological Effects. Arden Cruickshank. 15 December 2025.

associated with pre-European Māori land use around Meola Creek which will be affected by works. These two sites have previously been modified through works associated with SH16, which has affected their condition and potential information value. Although these values have been affected, any in situ features associated with them could, through archaeological investigation, provide information about the timing of occupation and subsistence patterns associated with the use of Meola Creek.

Elsewhere along the Proposed Designation, it is possible that additional previously unrecorded pre-European Māori sites, most likely represented by midden/oven may exist in the proximity of waterways. There is also the potential for 19th century structures associated with domestic, commercial or industrial landscape use to be encountered, either near waterways or in council reserves where there hasn't been extensive ground modification. The values of these potential sites are not known but would be able to provide information about the timing of occupation and settlement in the area.

Because any archaeological sites encountered within the proposed area of works (either known or unknown) are likely to be destroyed, the effects of the Project ahead of mitigation can be considered more than minor. If the mitigation and management measures discussed above are implemented, the Project will likely have less than minor effects on archaeological values. The mitigation measures will enable the delivery of the Project and meet the matters set out in section 59(1)(a) of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).

AC Specialist review

42. The council's archaeology specialist, Ms Mica Plowman has reviewed the application information. Plowman's review is included in **Appendix 11**. A summary of Ms Plowman's review states that she:

- agrees with and supports the CFG Heritage assessment of the potential risk to previously unidentified archaeological/historic heritage features within the project area
- agrees that it is appropriate to secure an Authority under section 43 of the FTAA
- notes that the mitigation proposed and the proposed conditions are framed solely for the provisions of the Heritage New Zealand Pouhere Taonga Act (pre-1900 archaeological sites)
- recommends that the provisions provided in the Archaeological Management Plans for early 20th century historic heritage, *which are outside of the jurisdiction of the HNZPT Act (2014)*, should be carried over to the proposed NoR and the resource consent conditions sets.
- Recommends the following amendment:

That any modification to significant post 1900 historic heritage is undertaken in accordance with the methodologies outlined in the projects Archaeological Management Plans.

Council comment:

43. The AC Planners rely on the expertise of Ms Mica Plowman as the Council's specialist for archaeology and agree with Ms Plowman's recommendation for an amendment to the conditions. The condition proposed (or similar wording of a condition as recommended below) will assist in providing a clear and robust process for the management of potential archaeological effects, not otherwise covered by another statutory authority, and to ensure that these are minimised as far as practicable.

44. The AC Planners recommend that the methodologies outlined in the Archaeological Management Plan for the Archaeology Authority⁵ be incorporated into a condition in full on the designations and resource consent. The designation conditions need to stand alone i.e. not refer to another statutory process/document which may not be able to be found at the time the works provided for by the designations occur.
45. The AC Planners recommend the following condition/amendment to the AC specialist's condition (or similar wording) as shown below:

Archaeology

If any of the works uncover in-ground historic heritage material/in-ground post-1900 historic heritage material, not otherwise covered by another statutory authority, within the Project Area, the Requiring Authority must shall ensure that this material is recorded and analysed as per standard best practice, which includes:

- *limiting or preventing contractor access to the area while the archaeologist is undertaking their works. This might include the provision of temporary fencing or setting up an exclusion zone if necessary*
- *cleaning down any features or finds with hand tools as required*
- *photography*
- *detailed survey (total station) as required*
- *removal of any portable heritage items for curation and analysis*
- *recording of any historical information collected because of on-site works.*

Transport Effects

Application

46. The assessment of transport effects (ATE) is addressed in Part 6.20 of the substantive application.⁶ The ATE makes the following conclusions:

Construction effects (Section 3.7 of the ATE)

The construction of the Project will result in a range of temporary traffic effects. Overall, we consider these will be able to be appropriately managed through the future CTMPs, mitigating effects such that the level of effect after implementing the CTMP will be minor.

Operational effects (Section 4.5 of the ATE)

In conclusion, we consider the Project will deliver significant positive transport outcomes. This Project has been delivered in collaboration with AT to enhance PT performance without compromising the operation of SH16 or the local network. Potential operational effects have been mitigated through the design of the Project and any remaining adverse effects are negligible. Overall, the Project will deliver significant transport benefits.

⁵ Part 5: Te Ara Hauāuru Northwest Rapid Transit Heritage New Zealand Pouhere Taonga – Archaeological Authorities. Appendix D, E.2.5.7 Methods for recording in-ground post-1900 historic heritage material.

⁶ Part 6 Te Ara Hauāuru Northwest Rapid Transit Assessment of Transport Effects. Meredith Bates, Brian Andrew Foy, and Matthew Hoyle. 15 December 2025.

47. In conclusion (within the Executive Summary of the ATE), the following statement is made:

In summary, the Project is anticipated to deliver significant positive transport outcomes for the northwest. The Indicative Design has been developed in collaboration with Auckland Transport (AT) to enhance PT performance without compromising the operation of SH16 or the local road network. Temporary construction effects are expected to be adequately managed through measures specified in future CTMPs. Potential operational effects have been mitigated through the design of the Project and any remaining adverse effects are negligible.

AC Specialist review

48. Mr Mat Collins (consultant traffic specialist for Auckland Council) has reviewed the transport related documents of the substantive application⁷ and Minutes 3 and 5 issued by the Expert Panel (refer to **Appendix 6**). Mr Collins has also reviewed the NZTA's responses to Auckland Council's requests for information prior to the substantive application being lodged with the EPA. Mr Collins overall findings are as follows:

- the transport effects of the Project are generally well understood and appropriately assessed at the designations stage
- the envelope-of-effects approach, with construction effects managed through the Construction Traffic Management Plan (CTMPs), is appropriate for the scale, duration, and current level of design detail
- Auckland Transport's letter of support confirms that effects on the wider operation performance of the transport network do not require further Council assessment
- In his view, Council's remaining transport interest is appropriately linked to temporary and permanent effects on process access, servicing, and Council assets.
- Mr Collins considers that targeted refinements to the CTMP condition framework are required to ensure that the management measures relied upon in the Assessment of Traffic Effects are clearly secured.
- Mr Collins also recommends that a specific Existing Property Access condition is included to provide certainty where the designation affects existing accesses, including where the designation extends across local roads or property frontages.
- Subject to these recommended amendments, Mr Collin supports the Project from a transport effects perspective.
- Mr Collins further suggests the following:

⁷ Part 2 – The Project; Part 4 – Resource Management Act 1991 Approvals; Parts 6. 1 and 6.2 Indicative Design; Part 6.3 – Indicative Cross Section; Part 644 – Designation Plans; Part ./20 – Assessment of Transport Effects (ATE); and Auckland Transport Letter of Support.

- an advice note is considered regarding vehicle crossings, particularly where these may be on to arterial roads (Section 8 of **Appendix 6** Proposed Conditions (Resource Consent))
- That Council satisfy itself that asset owner matters, such as the loss of Council car parks, can be appropriately addressed through the Public Works Act (PWA).
- Mr Collins has also reviewed NZTA’s response⁸, dated 19 May 2026 to the first request for further information (Minute 3 of the Panel). The following comments was provided from Mr Collins:
 - *The Proposed Designation Conditions “Purpose” section does not reference the shared use path, so Council may want to request this be included?*
 - *I note that NZTA has indicated that they are making amendments to Condition 16 to address construction staging and cumulative construction effects, which is positive.*
 - *However, I consider other amendments/additions are still required per my previous review (attached for easy reference).*

Council’s comment:

49. The AC Planners rely on the expertise of Mr Collins as Council’s traffic specialist and agree with Mr Collins’ proposed amendments to the designation conditions as set out in his review (**Appendix 6**, Section 9 Proposed Conditions (Notices of Requirement) and in **Appendix 1: AC recommended amendments to Designation Conditions**. The recommended amendments to the conditions will ensure that the potential traffic effects of the works provided for by the designations will be avoided, remedied, or mitigated.
50. Regarding the effect on Council car parks, the specialist memo from Parks and Community Facilities (refer to **Appendix 10**), provides additional commentary on this matter.
51. The AC Planners acknowledge that the matter around the loss of carparks could equally apply to directly affected landowners. While it is acknowledged that there is no longer a minimum requirement for car parks, there may be landowners who were required to provide a certain number of car parks as part of older resource consents.
52. The AC Planners note that the AC specialist recommended ULDMP condition does include a reference to car parks in business-zoned land and the interface with the Project as shown in Attachment 1 and below:

...(e)(v) Interfaces with operational areas of commercial premises within business-zoned land, including loading areas, internal circulation and car parking where practicable;...
53. Regarding car parks on private land, an amendment to either the CTMP condition (16(b)) or the AC specialist recommended Existing Property Access condition (TRAFc1) could be made to include how the loss of any private car parking will be mitigated through alternative car

⁸ Memorandum of counsel on behalf of the New Zealand Transport Agency Waka Kotahi, dated 19 May 2026.

parking arrangements. As suggested in paragraph 115 below regarding effects on landowners and/or occupiers, a range of conditions have been utilised in the past on designations including site specific conditions.

54. AC Planners also acknowledge the comment made in relation to “purpose” description for the designations. In lieu of ‘condition 1’ a clearer “purpose” description for each designation (where applicable) may be necessary to avoid dispute over ancillary activities which were anticipated as part of this assessment.

Noise and vibration effects (Construction and Operational)

Application

55. The assessment of construction noise and vibration effects is addressed in Part 6 Attachment 6.13⁹ and operational noise and vibration effects in Attachment 6.18¹⁰ of the substantive application.

Construction noise and vibration effects

56. Section 6 Conclusion of the AEE states the following:

The Project will be constructed adjacent to the existing SH16, a major transport corridor. The busway will be constructed in a manner similar to other large scale transport projects, using large earthmoving and construction machinery that will cause high levels of noise and, potentially, vibration when immediately adjacent to a building.

Both construction noise and vibration criteria can generally be complied with for most works. When construction occurs within approximately 50m of buildings, there is a risk of noise criteria being infringed. Some high noise activities such as rock excavation (in the Western Springs area) or vibratory piling extend this area of influence to about 85m. Where effective noise barriers can be employed, the noise envelope reduces to about 1/3 of these distances, i.e. 16m and 28m respectively.

Construction will move along the alignment and therefore, works will only be close to each building for a few days or weeks. Station construction will be somewhat more contained in one location. High vibration activities will be limited to vibratory rolling for the compaction of the busway when at grade, or where vibratory piling is employed. I recommend that all piling should be bored piling, avoiding high vibration generation.

Overall, any residual noise and vibration effects will be managed through a CNVMP and, where there is a risk of infringement of the noise or vibration criteria, Schedules to the CNVMP. With these documents, proactive and responsive management and mitigation of noise and vibration effects will result in appropriate outcomes that are similar to those of other large infrastructure projects across Auckland and New Zealand.

⁹ Te Ara Hauāuru Northwest Busway, Part 6 Drawings and Attachments. Attachment 6.13 Assessment of Construction Noise and Vibration Effects. Siri Wilkening. 15 December 2025.

¹⁰ Te Ara Hauāuru Northwest Busway, Part 6 Drawings and Attachments. Attachment 6.18 Assessment of Operational Noise and Vibration Effects. Siri Wilkening. 15 December 2025.

Operational noise and vibration effects

57. Section 5 Conclusion of the AEE states the following:

The Project itself will not result in any change in traffic noise levels received at any of the PPFs. Any changes to noise levels will be due to the loss of shielding when buildings and existing noise barriers inside the Proposed Designation are removed to allow for the construction of the Project, and houses are now exposed to traffic noise from SH16. This change to noise levels is an indirect result of the Project.

I have predicted traffic noise levels from the operation of the busway and, to address the indirect effect of building removal, recommended upgrades to existing noise barriers (where they can be retained) and some new noise barriers, to achieve similar outcomes for PPFs as if the Project was not to go ahead. For a small number of PPFs, building modification mitigation may need to be investigated since there appear to be no practicable options to provide effective barriers. This is the case where noise levels would increase by 1 dB or more and noise levels would be in Category C.

Overall, the predicted changes in road traffic noise due to the Project implementation are small, ranging from +2 to -2 dB for the vast majority of PPFs.

Stations can be designed and operated to not cause adverse additional noise effects on neighbouring sensitive receivers.

AC Specialist review

58. Mr Peter Runcie (consultant noise and vibration specialist for Auckland Council) has reviewed the substantive documents as they relate to construction and operational noise and vibration (refer to **Appendix 15**). A summary of Mr Runcie's review and the issues that he has identified are stated as below; Mr Runcie:

- considers the proposed approach and the conditions to manage construction noise and vibration effects to be reasonable
- concurs that the existing environment is already dominated by SH16 traffic and the noise modelling approach is appropriate. He agrees that the noise from buses is not a major noise contributor, noise increases along the alignment mainly arise from removal of existing screening (from buildings/barriers) exposing receivers to increased SH16 traffic noise. How this is managed is critical to the outcome of the Project.
- agrees that all mitigation identified at this stage (especially barriers) must be re-valuated and confirmed during design, and considers that clear performance criteria is critical to ensure best practicable outcomes (BPO)
- recommends changes to the wording of conditions which aim to ensure clear and transparent performance criteria and so that mitigation measures consider all properties present at detailed design stage (not just those that exist today).
- also recommends condition wording which aims to ensure the outcome matches the assessment of potential vibration effects and to ensure the outcome matches the assessment of potential station noise effects.

Council Comment

59. The AC Planners rely on the expertise of Mr Runcie as Council's noise and vibration specialist, and agree with the recommended amendments (refer to Section 7: Proposed Conditions (Notices of Requirement) of Mr Runcie's memo, Appendix 15) and as shown in Appendix 1: *AC recommended amendments to Designation Conditions*. The recommended amendments to the conditions will ensure that the potential noise and vibration effects of the works provided for by the designations will be avoided, remedied, or mitigated.
60. The AC Planners consider that an amendment could be made to Mr Runcie's recommended condition (amendment to Condition 29 of Proposed Conditions lodged with the updated substantive application documents 28 April 2026) as follows (or similar wording):

As part of the detailed design of the project, a SQP must shall determine the BPO for mitigating noise effects on PPF's.

Any BPO measures for mitigating noise must shall ensure ongoing compliance with Condition 12 of Designation 6738 (applicable to SH16 between Te Atatu and Henderson/Lincoln Road. The Requiring Authority must shall manage and maintain the Detailed Mitigation Options to ensure that those mitigation works are maintained to retain their noise attenuation performance indefinitely.

61. Alternatively, this could be an advice note or sit within a network integration and/or land use integration process-type condition which requires the Requiring Authority to consider how the Project integrates with other developments. This would apply to either other roading works/development within the roading network, or with private developments that may have resource consents granted which could be made non-complying by the Project e.g., resource consent conditions which require the landowner to provide certain infrastructure as part of their development.
62. The AC Planners consider that the same approach as recommended above for Condition 29 should also be taken for the new condition recommended by Mr Runcie as shown below and in Appendix 1: AC recommended amendments to Designation Conditions:

All mechanical and electrical services (including public address systems) at Stations must shall be designed to comply with the noise rating levels and maximum noise levels set out in Chapter E25 of the Auckland Unitary Plan.

Noise must shall be measured in accordance with New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise".

63. One solution could be to amend the recommended condition as follows:

All mechanical and electrical services (including public address systems) at Stations must shall be designed to comply with the noise rating levels and maximum noise levels set out in Chapter E25 of the Auckland Unitary Plan or any subsequent provisions of the operative Auckland Unitary Plan at the time of works.

Noise must shall be measured in accordance with New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of environmental sound" and assessed in accordance with New Zealand Standard NZS 6802:2008 "Acoustics – Environmental Noise".

64. An alternative solution is for each designation to have a condition which reflects the Table 1-3: AUP noise limits for station locations¹¹. An example is shown below:

All mechanical and electrical services (including public address systems) at Stations must ~~shall~~ be designed to comply with the noise rating levels and maximum noise levels set out in the table below ~~Chapter E25 of the Auckland Unitary Plan~~.

Station	Receiving Zone (optional as the AUP zone could also be subject to change)	Assessment Location	Noise Limit	
Royal Road Mānutewhau Station	Residential – Mixed Housing Urban	Receiving building facade	Mon-Sat 7am – 10pm	50 dB L _{Aeq}
			Sun 9am - 6pm	50 dB L _{Aeq}
			At all other times	40 dB L _{Aeq} 75 dB L _{AFmax}

Noise must ~~shall~~ be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with New Zealand Standard NZS 6802:2008 “Acoustics – Environmental Noise”.

Built Heritage

Application

65. Effects on built heritage is included in section 5 of Part 4 of the application which references the technical assessment of built heritage effects prepared by Carolyn O’Neil included as Attachment 6.11 to the application.

AC Specialist review

66. The council’s Senior Built Heritage Specialist, Ms Mahshid Kakouei Ezbarami has reviewed the Application and provided a response included in Appendix 9.
67. Ms Ezbarami’s review is limited to the built heritage areas located within, and adjacent to, the Pt Chevalier Station (NoR 9 and 11), the former Chamberlain Park Clubhouse located at 990 Great North Road, Western Springs (NoR 9), and affected Special Character Properties (NoR 10).

¹¹ Part 6 Drawings and Attachments. Attachment 6.18 Assessment of Operational Noise and Vibration Effects (Table 1-3: AUP noise limits for station locations).

68. The following is concluded from Ms Ezbarami's review:

- Ms Ezbarami does not support the application from a built heritage perspective. The proposed range/hierarchy of options (as demonstrated through conditions 12-14), from total demolition to potential adaptive reuse, lacks certainty and is concluded by Ms Ezbarami to present an unacceptable risk to significant heritage buildings.
- *“While the Point Chevalier town centre is not scheduled as a historic heritage area under Schedule 14.1 of the AUP, the Point Chevalier Historic Heritage Survey ([Auckland Council, 2014](#)) establishes that the area holds considerable historical, physical, aesthetic, and contextual significance. The group of commercial buildings, comprising both scheduled and unscheduled heritage places, collectively defines the heritage and townscape values of the Point Chevalier centre”*
- Ms Ezbarami has provided a site-by-site assessment for each affected building/extent of place, considering where partial demolition could be accepted as compromise - refer to section 4 of technical report, Appendix 9.
- To address the concerns raised and provide assurance that historic heritage and special character values are appropriately considered and protected, Ms Ezbarami has recommended specific conditions to replace Conditions 12-14 proposed by the Requiring Authority.

Council Comment

69. The AC Planners rely on the expertise of Ms Ezbarami as Council's Built Heritage specialist and agree with the recommended conditions (refer to Section 7: Proposed Conditions (Notices of Requirement) of Ms Ezbarami's memo) and as shown in Appendix 1: AC recommended amendments to Designation Conditions. The recommended amendments to the conditions will ensure that historic heritage and special character values are protected, particularly with respect to the recommendations made in relation to the scheduled heritage buildings, as a recognised matter of importance under Section 6(f) of the RMA 1991.

70. The contributing value of the heritage buildings and commercial buildings which are of importance to the historical context of the Pt Chevalier's town centre is strongly recognised by the Albert-Eden Local Board, as expressed in their views (Appendix 2: Local board Views).

Urban Design

Application

71. The application material does not include a separate urban design technical assessment and does not contain a specific urban design-related assessment in Part 4 (RMA approvals) or within the designation conditions. The application does, however, include a technical

Landscape and Visual Effects Assessment¹² prepared by Matthew Jones (of Isthmus Group Ltd on behalf of NZTA).

72. Section 4 of Part 2 – The Project, describes the approach to the indicative design, which includes the following:

“...The Indicative Design was prepared by a team that included urban design and station design experts. This approach has ensured that the Indicative Design addressed the urban design outcomes sought by the Project, such as promoting ease of use, connectivity and integration with walking, cycling and bus connections within the Proposed Designation.”

“The final design of the Project will be refined and confirmed at the detailed design stage. The final design will include:

- *Final form of structures such as bridges, ramps, retaining walls;*
- *Stormwater infrastructure locations;*
- *Final earthwork extents, soil disposal sites;*
- *Signage;*
- *Lighting;*
- *Final form of local access roads and pedestrian infrastructure; and*
- *Final form of station facilities, operational and maintenance facilities.*

The detailed design for the Project will be undertaken before construction. Outline Plan/s will be submitted where relevant to Auckland Council as set out in s176A of the RMA in stages.”

73. Section 6 of Part 2 - The Project relating to key stakeholder engagement describes engagement with the Urban Integration Working Group, a strategic-focussed group with representatives from NZTA, Auckland Transport, Auckland Council. This working group held regular meetings during 2024-2025 to discuss design developments with a particular focus on stations and urban design opportunities.

AC Specialist review

74. The council’s Urban Design Specialist, Frank Pierard (Pierard Design Consultants Ltd on behalf of Tāmaki Makaurau Design Ope Auckland Council) has reviewed the FTAA substantive application. Mr Pierard’s review focuses on urban design matters relevant to the Notices of Requirement, including station and corridor integration, interfaces with adjacent land uses, accessibility, legibility, Crime Prevention Through Environmental Design (CPTED), amenity, station environment quality, and the adequacy of the proposed designation condition framework. The full memo is included in **Appendix 7** of this report.

75. The following is summarised from Mr Pierard’s review:

- Mr Pierard supports the NoRs in principle, recognising the project’s strong strategic transport benefits for access, mode choice and connectivity.

¹² Landscape and Visual Assessment, prepared by landscape architect Matthew Jones, dated 15 December 2025 (Te Ara Hauāuru Northwest Rapid Transit – NWRT application Document 17 at Part 6).

- The key issue is the condition framework whereby substantial urban design detail is deferred to later stages, creating a risk that outcomes are not well coordinated. Mr Pierard notes the following:

“The application’s reliance on an indicative design and outcomes-based conditions reinforces the importance of a clear condition framework. From an urban design perspective, where the final design may differ from the indicative design relied on for assessment, the conditions need to provide sufficient direction on the urban design outcomes to be addressed through later Outline Plan stages”
- Mr Pierard accepts reliance on Outline Plans of Works (**OPW**), but only if designation conditions clearly direct the urban design outcomes to be achieved. Otherwise, there is a risk of fragmented or lower-quality design responses.
- Mr Pierard recommends strengthening designation conditions, particularly through requiring an Urban and Landscape Design Management Plan (ULDMP) (or equivalent) to accompany OPWs. The ULDMP should ensure later design stages address core urban design outcomes, including:
 - station and corridor integration with surrounding areas
 - safe, legible pedestrian and cycling access
 - accessibility and universal design
 - CPTED (safety, lighting, surveillance)
 - public realm quality and amenity
 - treatment of edges, retaining structures and level changes
 - integration with landscape, stormwater and ecological elements
 - management of residual or interim spaces
 - sensitive interfaces (e.g. town centres, schools, residential areas, open space, heritage contexts).
- Existing conditions put forward by the applicant (e.g. landscape planting, construction traffic or noise and vibration management plans) do not adequately secure broader urban design outcomes.
- No section 67 information gaps identified – key issue is with how outcomes are secured, rather than a lack of information.
- Emphasises a need for focused attention at key locations (e.g. major stations, town centres, school interfaces, constrained corridors), where integration, legibility, safety and public realm quality are most critical.
- Mr Pierard concludes that, subject to strengthened conditions (particularly a ULDMP), the project can achieve appropriate urban design outcomes through later detailed design stages.

Council Comment

76. The AC Planners rely on the expertise of Mr Frank Pierard as the Council’s specialist for Urban Design and agree with Mr Pierard’s recommendation for inclusion of a ULDMP condition. It is agreed that by stating the urban design matters to be addressed at the time of OPW review by way of a designation condition will ensure less uncertainty with respect to urban design outcomes to be achieved.

Landscape and visual effects

Application

77. Landscape and visual effects of the proposed designations are addressed in section 14 of the Part 4 Report, which refers to the requiring authority's technical report Landscape and Visual Assessment (LVA) by Matthew Jones.

Specialist review

78. The council's consultant landscape architect, Peter Kensington, has reviewed the application documents and provided a memo which is included in **Appendix 8**. The following is summarised from Mr Kensington's review:

- Mr Kensington generally concurs with the applicant's landscape and visual assessment, finding the proposal to be appropriate within the context of an existing infrastructure corridor, but considers that the recommendations do not adequately address the management of potential adverse effects.
- A primary concern relates to the high level of design flexibility sought, with insufficient detail provided to define the parameters of the "effects envelope", including the scale, height, bulk and location of structures, limiting the ability to assess and manage effects with certainty.
- Mr Kensington agrees with the information requested via Minute 5, dated 7 May 2026 seeking further information that relates to assisting with an understanding of the actual and potential landscape and visual effects of various aspects of the proposal,

"I agree that this further information and assessment will be helpful to inform my review advice and, if possible, it would be preferable to provide comment on this additional information when it is available – noting that this may not be until after the council's formal comments under section 53 of the FTAA have been provided."
- The assessment confirms that no adverse effects are anticipated on protected volcanic viewshafts, and that construction-related effects are expected to be localised and temporary within the existing modified environment.
- Notwithstanding overall support, several location-specific issues are identified, including insufficient design detail for bridge structures (particularly within the CMA), potential dominance and visual prominence of elevated structures such as ramps and flyovers, and uncertainty regarding integration of stations with adjacent land uses – refer to **Appendix 8**, including the Designation matrix table, where designation-by-designation summary is made.
- Additional concerns include potential adverse effects on open space amenity and landform, particularly at Harbourview Park, and the visual impact of prominent structures in sensitive local contexts where alternative design responses may be more appropriate.

- Mr Kensington identifies that the proposed landscape planting condition is inadequate to manage effects for a project of this scale and complexity and is not supported.
- An Urban and Landscape Design Management Plan condition is recommended to replace the existing condition 26: Landscape planting, to provide a more robust and comprehensive framework for managing urban design, landscape integration and visual effects through subsequent outline plan stages. The recommended ULDMP condition has been drafted by both Mr Pierard and Mr Kensington.
- To address the uncertainty associated with the effects envelope, it is recommended that the scale of final constructed elements be constrained so as not to exceed the parameters indicated in the preliminary design, while enabling refinement to achieve improved outcomes.

Council Comment

79. The AC Planners rely on the expertise of Mr Kensington as Council’s consultant Landscape Architect, and agree with the recommended inclusion of the ULDMP condition (included in section 7 of **Appendix 8: Landscape memo**) and as shown in **Appendix 1: AC recommended amendments to Designation Conditions**. The proposed condition will provide a more robust framework to achieve the recommendations of the Landscape assessment and manage landscape and visual effects.
80. With regard to Mr Kensington’s recommendation for parameters on bulk, height, and location of structures, the AC Planners welcome a clearer understanding of the “envelope” through more defined parameters in the condition.

Arboricultural Effects

Application

81. The effects on trees have been assessed in relation to specific trees and notable trees in Part 6. Section 6 of the AEE. The AEE concludes that:

...provided the recommended tree protection methodology is adhered to, the following trees can be retained during construction of the Project:

- *Trees adjacent to Great North Road shown in orange, blue, and yellow in Figure 6-1, Figure 6-2, and Figure 6-3 above;*
- *Both notable trees identified in Grey Lynn/Arch hill shown in Figure 6-4; and*
- *Trees 80-84 at St Francis School as shown in Figure 6-5.*

Therefore, any potential adverse effects on the trees to be retained will be appropriately managed through the preparation of a tree protection methodology by an arborist. I have recommended a condition on the Proposed Designations to this effect.

The pōhutukawa trees in open space on Great North Road are assets of Auckland Council. The removal of any trees within public land will require tree asset owner

approval. Any replacement specimen trees will be subject to agreement with the tree asset owner at the time approval is needed.

I consider that the potential effects on the trees subject to the proposed tree protection methodology are negligible – low.

82. In relation to the NoRs, the effects on vegetation have also been addressed in Part 6 Section 16 Landscape and visual. The Requiring Authority has proposed a Landscape Planting condition (Condition 26) that specifies the landscaping to be undertaken following the construction of the Project.

AC Specialist review

83. Ms Regine Leung, Senior Arborist, Auckland Council, has undertaken a review of the substantive application and supporting documents, including Part 6.12 Arboricultural Management of Pōhutukawa and Notable Trees. Ms Leung's memo is included as Appendix 12. Ms Leung's memo identifies:
- o that the arboricultural assessment within the project site is limited to trees between Great North Road and the Northwestern Motorway/State Highway 16 (SH16) opposite Western Springs Park and a group of pōhutukawa trees at St Francis School, Point Chevalier within NoR 9
 - o effects on trees in other NoRs are covered in general as vegetation clearance within Significant Ecological Areas (SEAs) and riparian margins as part of the ecological assessment
 - o an assessment on the effects on trees within coastal areas within 150m of the MHWS is missing.
84. Overall, Ms Leung supports the substantive application based on the available information, subject to her recommendation that there is arboricultural input by a qualified arborist for proposed tree works, and that mature trees are retained in the first instance. Ms Leung also seeks the provision of mitigation planting within different habitats (SEAs, riparian margins, coastal area within 150m MHWS, road berm and open space zoned land) to ensure that there is no net loss of canopy coverage in each habitat (refer to **Appendix 12**, Section 9.0 Proposed Conditions (Notices of Requirement)).
85. Mr Rue Statham, Senior Ecologist, Auckland Council, has also undertaken a review of the terrestrial ecology assessment (refer to **Appendix 16**). This review is largely focussed on the resource consents. However, Mr Statham has recommended amendments to the Requiring Authority's proposed landscape planting condition (Condition 26) and Arch Hill Scenic Reserve condition (Condition 26A).
86. Mr Statham acknowledges that the provisions triggered are matters of regional consent. However, Mr Statham recommends that ecological issues be a consideration of the NoRs especially as they relate to restoration/revegetation planting. Mr Statham considers that the NoR conditions as written are not detailed enough and are subjective in their wording.

87. Mr Statham’s opinion is that landscape planting should be additional to that of any remediation or planting required by the resource consent, and the Arch Hill Scenic Reserve habitat loss is fully accounted for and appropriate planting ensues. However, it may not be possible or appropriate (noting land use and/or recreational constraints) to plant within the Reserve, in which case offsetting will be required.

Notable Trees

88. Mr West Fynn, Senior Heritage Arborist, Auckland Council, has reviewed the substantive application and relevant technical documents in relation to the scheduled trees in the within the designation boundary (root zone of Scheduled tree 837 (Tree 67 on Figure 6-4) and/or vicinity (Scheduled tree 129 (Tree 66 on Figure 6-4) of the Project area (refer to **Appendix 13**).

89. Mr Fynn’s comments are as below:

...my comments relate only to the notable trees and not to those other trees within the proposed designation and works area and in this case, there is only one notable tree being:

837	<i>Metrosiaeros excelsa</i>	Pohutukawa	1	Kirk Street 21	Arch Hill	SBRS OF Auckland
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I am comfortable that the works are well distanced from the notable Pohutukawa tree which is on a high point above the road on the other side to those works so I am comfortable that any adverse effects on the health or growing conditions for the subject tree will be de minimus, in that regard.

There will also be the need for some minimal canopy pruning on the roadside of the subject tree, to laterally reduce it away from the works. This will not overtly affect the shape and form of the subject tree, either.

Of particular importance, was discussions with the author of the arborist report supporting the proposal and the review of their report, being: Te Ara Haurauru Northwest Rapid Transport – Arboricultural Management of Pohutukawa and Notable Trees by Leon Saxon for New Zealand Transport Agency, 15th April 2025.

There is a supporting arboricultural report with the package, and I generally concur with the observations and recommendations, contained in that report.

It appears that the draft conditions are well aligned with that report in terms of conditions and methodologies

Therefore, overall, I am supportive of the proposed works, as currently worded, in terms of the recommended conditions and being in accordance with the supporting arborist report.

As such, I do not have any recommendations for change or alterations at this point, relative to the notable tree aspect.

Of greatest importance will be Works Arborist supervision to guide works methodologies and implementing control measures.

Council Comment

90. The AC Planners rely on the expertise of Ms Leung, as Council’s arboricultural specialist, in that a condition is required on the NoRs. The AC Planners also rely on the expertise of Mr Statham, as Council’s ecological specialist, in that amendments are required to Conditions 26 and 26A. The new condition/amended conditions will ensure that the potential effects on trees from the works provided for by the designations will be avoided, remedied, or mitigated.
91. Mr Statham’s recommended amendments to Condition 26A have been included in **Appendix 1: AC recommended amendments to Designation Conditions**. Mr Statham’s recommended amendments to Condition 26 have not been included as there is a conflicting recommendation from the AC landscape specialist that this condition be deleted and replaced with the wording in the ULDMP. The AC Planners acknowledge that further work on the conditions is required to ensure that there are no conflicts between, or duplications of, the conditions.
92. Ms Leung’s recommended condition has been included in **Appendix 1: AC recommended amendments to Designation Conditions**. However, the AC Planners consider that the intent of the condition could be incorporated into either the recommended ULDMP condition or the landscaping planting condition (Condition 26) and/or the proposed tree condition (Condition 29). For example:

...

(g) The ULDMP must also include the following planting details and maintenance requirements:

(i) planting design details including:

- a. identification of existing trees and vegetation that will be retained with reference to the [reference – tbc (any related tree management condition)]. Where practicable, mature trees and native vegetation should be retained or where not practicable, mitigation/off-set planting is provided to ensure that there is no net loss of canopy coverage within the Project area;*
- b. street trees, shrubs and ground cover suitable for the location;*

...

93. The AC Planners acknowledge that the Requiring Authority will need to seek landowner approval for any trees located in open space and road reserves. Tree Owner Approvals (**TOA/s**) are a separate approval process to the FTAA/Part 8 of the RMA for designations. The TOA does not allow an applicant to proceed until all the relevant planning consent approvals have been given. Therefore, an assessment of the effects on trees against the district plan provisions of the AUP¹³ can be considered for, and conditions imposed on, the NoRs.
94. Mr Fynn has not recommended any amendments to the conditions. The AC Planners have no further comments to add to the matter of the scheduled trees.

¹³ D13 Notable Trees Overlay; E15 Vegetation management and biodiversity; E16 Trees in open space zones; E17 Trees in Roads; E26 Infrastructure (E26.3.5.3, E26.3.5.4).

Outstanding Natural Features

Application

95. Effects on Outstanding Natural Features are addressed in section 15 of Part 4 RMA 1991 Approvals. A technical report has not been provided with the application material, however as part of pre-lodgement discussions, a draft technical report which covered works relative to Harbour View Pleistocene terraces and Waititiko/Meola Creek was provided to Auckland Council.
96. The following is summarised from Schedule A of NZTA's response to Request for further information (Minute 3)
- *Section 15 of Part 4 – RMA 1991 Approvals assesses the actual and potential effects of the Indicative Design on Outstanding Natural Features (ONFs). This assessment is based on the following envelope of effects:*
 - *Harbour View Pleistocene terraces: The Proposed Designation includes approximately 8900m² of this 770,000m² ONF. The assessment is based on Project works occurring across that small area (eg part of the busway, a fill embankment, etc). The effects are assessed as minor given the limited area impacted.*
 - *Waititiko/Meola Creek: The Proposed Designation includes approximately 1300m² of this 92,180m² ONF. The assessment is based on the ONF being bridged to retain the geological feature, with only one set of piles/piers in the ONF. The effects are assessed as low.*
 - *North-west motorway lava flow: The assessment is based on the Project not impacting the visible cuttings of the basalt features. The effects are assessed as negligible.*

AC Specialist review

97. The council's Geologist / Natural Features Specialist, Dr Kate Lewis has reviewed the application, specifically the designations sought and effects on Outstanding Natural Features (Harbour View Pleistocene terraces (ONF ID 40); Meola Creek and Estuary (ONF ID 95); and North-west motorway lava flow, Western Springs (ONF ID 132)). Dr Lewis' assessment is included in **Appendix 14** of this memorandum.
98. The following is summarised from Dr Lewis' Assessment:
- Dr Lewis agrees works are likely to have a minor effect on the values of the Harbour View Pleistocene terraces (ONF ID 40) however she considers a condition should still be included in the designation to ensure works are minimised to only those necessary for permanent structures, that earthworks will not damage the ONF surface outside of the area of the proposed works, including the condition that if damage occurs, the surface will be reinstated.

- With regard to Meola Creek and Estuary (ONF ID 95) Dr Lewis notes, “*Values associated with the feature may extend beyond the mapped overlay, so we consider the extent of the feature must still be protected from inappropriate use, development or subdivision in accordance with section 6(b) of the RMA 1991, and in accordance with the objectives and policies of the Regional Policy Statement B4.2. We consider the assessment should be based on the qualities and values of the feature, not merely its mapped extent*”
- In addition, while Dr Lewis acknowledges a bridge is proposed over Meola Creek to minimise effects on the ONF, she notes proposed designation condition 24 does not restrict piers within the ONF. Dr Lewis notes, “...*The effect on the stream depends on the location and size of the bridge piers, which have the potential to destroy both existing lava flow exposures and affect the stream itself.*”
- With regard to North-west motorway lava flow, Western Springs (ONF ID 132), while the Part 4 assessment explains that bridge piers can be suitable setback from the feature, Dr Lewis considers the proximity of the works to the visible face of the flows may mean that rock breaking and vibration could affect the face of the flows. Accordingly, a condition ensuring suitable information it to be submitted at the time of Outline Plan to demonstrate effects are avoided.
- Dr Lewis emphasises that ONFs are highly sensitive and cannot be mitigated or replaced and therefore require an avoidance-based approach rather than mitigation. She also notes that assessments should consider the full extent and values of the feature (not just the mapped overlay), and that insufficient design detail (e.g. bridge pier locations, earthworks, and vibration effects) limits the ability to confirm effects at this stage.
- To address these issues, Dr Lewis recommends stronger, more prescriptive, designation conditions, including requirements for detailed Construction Management Plans, specialist input, and clear controls to ensure works are confined to the construction footprint and do not damage the integrity of ONFs.

Council Comment

99. The AC Planners rely on the expertise of as the council’s Outstanding Natural Features – Geology specialist. AC Planners adopt Dr Lewis’ recommended inclusion of designation conditions (Appendix 14 Section 4 Proposed Conditions (Notices of Requirement) and in Appendix 1: AC recommended amendments to Designation Conditions). The recommended amendments to the conditions will ensure the values of these Outstanding Natural Features are retained.
100. At the time of receipt of Dr Lewis’ assessment and recommended conditions, we were unable to resolve a recommended condition wording internally. In lieu of this, and noting Council are open to further discussion on conditions with the applicant or as directed by the Panel, the following planning comments are made:

- Recommend retaining that part of condition 24 which requires the Requiring Authority to design and construct a bridge structure to cross Waitītiko / Meola Creek.

Reason: Dr Lewis has recommended full deletion of NZTA proposed designation condition 24. With no “condition 1” it is the AC Planners’ view that condition 24 was the only condition which “locked in” bridging over Waitītiko / Meola Creek, Western Springs.

- Dr Lewis’ recommended condition for Waitītiko / Meola Creek (listed as ONFc1 in Appendix 1) makes note that the extent of scheduled Outstanding Natural Feature is not limited to the overlay area. In this respect, AC Planners recognise values associated with the same feature may extend beyond the mapped overlay, we consider this must still be protected from inappropriate use, development or subdivision in accordance with section 6(b) of the RMA 1991, and in accordance with the objectives and policies of the Regional Policy Statement B2.4. We consider the assessment should be based on the qualities and values of the feature, not limited to its mapped extent. Accordingly, Dr Lewis has integrated the need for a supporting assessment, undertaken by a suitably qualified geological or geotechnical specialist to identify the full extent of the feature.
- Dr Lewis’ recommendation for a designation condition relative to the Harbour View Pleistocene terraces is recognised and adopted. The condition is intentionally simple compared to the other management plan conditions, reflecting assessment completed and level of risk.

Open space, parks and community facilities

Application

101. Effects on Open space, Parks and Community Facilities are addressed in the following parts of the Application:

- Section 7 of Part 4 - RMA 1991 Approvals speaks to community effects, with section 7.2 and providing a summary of intended works within each park, open space or community facility affected by the proposal (refer Table 7-1, Part 4 RMA 1991 Approvals), and recommended measures to avoid, remedy or mitigate adverse effects. This assessment in Part 4 is concluded by Ms Hicks as follows:

“Overall, I consider that the potential adverse effects on parks and open spaces is low to moderate and can be adequately managed through proposed CTMP condition where relevant to construction effects, and the PWA. I also consider that the Project will provide public infrastructure that will greatly benefit the communities it is located within”

- From the NZTA response to the first request for information (Minute 3 of the Panel):

“NZTA is not proposing conditions to address the effects of the Project on parks, open spaces and community facilities as they are either not needed or will be appropriately managed through other mechanisms:

- *Temporary effects: NZTA will require landowner approval from Auckland Council in order to undertake construction works in parks and open spaces. This process will enable Council to impose requirements relating to management of access during construction and remediation of the park/open space following construction. There is no reasonable basis for conditions to duplicate that existing process (which is entirely subject to the Council’s discretion).*
- *Permanent effects: NZTA considers the potential effects of the Indicative Design and any realistic design changes will be minimal, and that the ‘envelope of effects’ is secured as set out above. Council will be compensated for any land acquired permanently in accordance with the PWA, and is free to apply the funds from those acquisitions to community facilities at its discretion.”*

AC Specialist review

102. The council’s Senior Planner, Parks & Community Facilities Specialist Mr Douglas Sadlier has reviewed the application documents and provided an assessment included in **Appendix 10**. An addendum to this memo has been prepared by Ms Lesley Wolfensberger-Betts (Parks Planner, Parks & Community Facilities), which includes the final recommended conditions. This assessment covers adverse effects on parks, open spaces and community facilities (such as recreational amenity, effects on urban ngahere), as well as comments from the perspective of asset-owner in consultation with Land Advisory.
103. The following is summarised from Mr Sadlier’s review and the addendum prepared by Ms Wolfensberger-Betts:
- The proposed designations will affect land owned by Auckland Council and managed by Parks and Community Facilities (PCF) and which provide wellbeing amenity, green space (recreational, environmental and ecological) and community infrastructure allowing for both passive and active activities for the neighbourhoods that connect and live in close (and not so close) proximity to them.
 - Mr Sadlier notes: *Auckland Council has purchased specific listed open space areas within Northwest Rapid Transit – Notice of Requirement(s) 1-12 locations on behalf of the public and as such there is an expectation that these areas can still be utilised for open space community passive and recreation use and not be excluded from this use because of the Notice of Requirement (NOR) designations”*

- Section 4 of Mr Sadlier’s memo summarises the reasons for specific parks designation conditions.
- PCF and Land and Property Advisory support the application based on the information available and subject to the applicant NZTA (the Requiring Authority) agreeing and including the recommended amended terms and conditions into the resource consent and designation consent conditions process.

The following is noted from Ms Wolfensberger-Betts addendum to Mr Sadlier’s memo and includes the final recommended conditions from PCF.

- In relation to the recommended conditions; All references to Park Management and Mitigation Plans (PMMP) within Mr Sadlier’s memo have been changed to Open Space Construction Management Plan (OSCMP) and Open Space Mitigation Plan (OSMP).
- PCF conclude that the Public Works Act 1981 (PWA)... *“does not regulate land use or authorise works; it simply transfers land and ensures the owner is appropriately compensated. Any requirements for tree retention, replacement planting, landscape mitigation, or open-space outcomes must therefore be secured through other statutory tools, most critically conditions on designations or resource consents under the Resource Management Act 1991 and must be settled before PWA acquisition commences”*
- The lead in time for engagement with PCF on the management plans (as per recommended conditions) prior to detailed design is of particular importance to PCF, ... *“Early engagement enables proactive identification and resolution that reduces the risk of costly redesigns, ensures compliance with statutory and policy requirements, and supports coordinated outcomes between transport infrastructure and surrounding open space networks, ultimately enabling the detailed design phase to proceed efficiently with clear direction and agreed objectives for the management and protection of open space assets”*

Council Comment

104. The AC Planners rely on the expertise of Mr Sadlier and Ms Wolfensberger-Betts as Council’s Parks Planning specialists. AC Planners agree with PCF’s recommended inclusion of designation conditions (Appendix 10, Section 9 Proposed Conditions (Notices of Requirement) and in Appendix 1: AC recommended amendments to Designation Conditions, PCF condition 1-10). The recommended amendments to the conditions will help minimise adverse effects on recreation, amenity, connectivity, ecological values and the ongoing functionality of affected open space areas.
105. At the time of preparing this memorandum the Parks Specialist was on extended leave (returning early June). The AC Planners recognise and support the intent behind the conditions recommended by Parks and Community Facilities, however, recognise additional refinement of wording is necessary.

Social and Community Effects

Application

106. The substantive application does not include a Social Impact Assessment (SIA). Community effects are considered, Section 7 of Part 4 - RMA 1991 Approvals, and includes:
- o 7.2 Parks, Open Spaces and Council facilities (addressed above)
 - o 7.3 Schools
 - o 7.4 Early childcare centres
 - o 7.5 Other public facilities
 - o 7.6 Navigation of Huruhuru and Henderson Creeks.
107. The Requiring Authority considers that the effects on the community can be managed through either conditions which relate to specific effects e.g. disruption to pedestrian and cyclist use of the Northwest Shared Path through the preparation of a Construction and Traffic Management Plan or through the Public Works Act 1981 processes e.g. acquisition, and/or lease agreements and compensation, or other agreements outside of the FTAA process.
108. Section 8 “Property and land use” of Part 4 RMA 1991 Approvals (updated 28 April 2026) of the substantive application addresses the potential adverse effects on property and land use. The Requiring Authority states that the potential adverse effects on existing private properties have been reduced where practicable. Conditions are proposed in relation to the potential effects on two supermarkets (one located at 1136 Great North Road, Point Chevalier and one in Westgate) (Conditions 10-12 and 13 to 15 of the updated Part 4 – Appendix A Proposed Designation Conditions).
109. The Requiring Authority considers that the Public Works Act 1981 (**PWA**) is the appropriate process for property acquisition, reinstatement and compensation either for permanent loss of land or for temporary leasing of land.

Council Comment

110. The AC Planners acknowledge that the PWA is the process by which to acquire and compensate either for permanent loss of land or for temporary leasing of the land. However, the extent of the designations and an extended lapse date period have the potential to create uncertainty for directly affected parties, particularly given that the PWA process is not likely to occur until in the period 2-3 years leading up to main construction of the Project¹⁴.
111. The Requiring Authority has determined that the extent of the designations, and the extended lapse periods, are required to enable it to meet the objectives of the Project and to provide flexibility to facilitate the final design and delivery of the Project as funding becomes available. The Requiring Authority has proposed conditions in relation to some of the potential adverse effects on property/land use associated with the works including the following conditions:
- o Conditions 10 to 12: Supermarket Access – 1136 Great North Road, Point Chevalier

¹⁴ Section 8.2 Part 4 RMA 1991 Approvals (updated 28 April 2026).

- o Conditions 13 to 15: Supermarket Access – Woolworths Westgate Shopping Centre
- o Condition 16(b)(vii) Construction Traffic Management Plan – maintenance of access to and from properties and/or private roads
- o Conditions 17 to 20 – Construction noise and vibration
- o Conditions 28 to 37 – Operational noise.

112. The AC Planners acknowledge that an extended lapse period is a practicable approach as this will provide the required statutory protection of the land within the designation boundary. However, we consider that there needs to be a balance between the practical needs of the Requiring Authority to protect and secure the busway sections and connections, and station sites, and the effects of the extent of the designations, and the extended lapse period, on property owners and occupiers whose land is subject to a designation.

113. The AC Planners note that NoRs for route protection which seek extended lapse dates are becoming a common request from requiring authorities. Recent Auckland projects with extended lapse periods include the Drury Arterials (Auckland Transport and Waka Kotahi)¹³ and the recent Supporting Growth Alliance (Auckland Transport and NZTA) roading designations in the Northwest¹⁴, the North Harbour Watermain, and the Northern Interceptor Wastewater Pipeline (Watercare)¹⁵.

114. The AC Planners also note that Sections 184 and 184A of the RMA were amended in 2025 from the statutory lapse date of ‘5 years’ to ‘10 years’ after the date on which it is included in a district plan. The amendments recognised the potential complexity associated with infrastructure e.g. funding, construction timeframes, acquisition and compensation processes. The amendments provide infrastructure providers and requiring authorities with more time to ‘give effect’ to their designations before the designations lapse.

115. Without knowledge of what feedback is being received, and the matters raised in the feedback from directly affected or adjacent parties, the Expert Panel may wish to consider whether additional conditions are required that would address the matters raised in the feedback to avoid, remedy or mitigate potential adverse effects of the works provided for by the designations on private and/or public land. This could include the following types of conditions:

- o Stakeholder communication and engagement management plan / communication and consultation plan
- o Project information
- o Complaints register;
- o Other site-specific conditions.

Cultural values

Application

116. Section 16 of Part 4: RMA 1991 Approvals (updated 28 April 2026) addresses the process for engagement with iwi representatives during the development of the Indicative design and explains the influence they have had within the Project as it progressed.

117. Appendix A of Part 5: Heritage New Zealand Pouhere Taonga – Archaeological Authorities

addresses the potential adverse effects on archaeology.

Council Comment

118. The AC Planners agree with the Requiring Authority that only iwi/hapu can speak to the potential effects on cultural values that may arise from the works provided for by the designations. The AC Planners note that there is a letter of support from Te Kawerau ā Maki and a Cultural Values Assessment by Te Ākitai Waiohua¹⁵ which have been provided with the substantive application.
119. The AC Planners note that there are no scheduled Sites of Significance to Māori identified in the AUP located within the land subject to the proposed designations. However, the objectives and Policies of Chapters E11: Land Disturbance – Regional and E12: Land disturbance – District of the AUP(OP) apply in addition to the activity status and standards in Chapter E26 Infrastructure.
120. Chapters E11 and E12 of the AUP relate to the management of the adverse effects of land disturbance, such as the amount of sediment generated through erosion and discharged into water bodies during earthworks. The management of land disturbance during earthworks extends to the effects on historic heritage, special character and Mana Whenua cultural heritage. Policies 11.2(a) and 12.3(2)(b) require the avoidance, remediation or mitigation of adverse effects on accidentally discovered sensitive material. Policies 11.3(3) and 12.3(4) require the management of earthworks on Mana Whenua cultural heritage that is discovered during land disturbance.
121. Earthworks, beyond that provided for by the NoRs, are subject to the regional consent provisions of the AUP, including Chapter E11 Land Disturbance – Regional, and has been assessed by AC's resource consent planner for the resource consents sought in the substantive application.
122. The AC Planners acknowledge that the substantive application also includes requests for archaeological authorities under the HNZPTA, and that these approvals are separate to the designation process under the FTAA and Part 8 of the RMA.

Development Engineering (District Earthworks and Infrastructure)

Application

123. In relation to effects which may occur as a result of earthworks required for construction yards and the construction of the busway is it noted the Part 4 – RMA 1991 Approvals of the Application largely cover regional land disturbance matters such as:

- Interact with groundwater
- Disturb contaminated soils
- Generate discharge of sediment-laden water during construction

¹⁵ Attachment 6.10 CONFIDENTIAL Te Ākitai Waiohua Cultural Values Assessment.

- Earthworks within riparian margins and in proximity to the coast are also covered by the regional permits (ecological assessments)

124. There is no geotechnical assessment provided with the application documents; however, the following is noted from Section 22.4.2 of Part 4 states the following with respect to land instability;

“...Other natural hazard risks, such as land instability, have been considered through geotechnical investigations undertaken for the Project.”

AC Specialist review

125. Mr Greg Hall, council’s Senior Development Engineer, has reviewed the application documents and provided an assessment of the proposed works in relation to land disturbance (district) as controlled by Chapter E12 of the AUP(OP); land instability, and landslides as managed by Chapter E36 of the AUP(OP) and as amended by Proposed Plan Change 120. Mr Hall’s assessment is included in **Appendix 5** of this report.

126. The following is summarised from Mr Hall’s Assessment:

- Mr Hall supports the application overall, provided appropriate conditions are added to ensure all potential effects are properly managed. Based on the length of lapse dates sought, Mr Hall also supports the formulation of conditions to enable flexibility in design solutions, noting that provision of reports, management plans or similar are likely to be required at the detailed design & construction phase of each project stage.
- Mr Hall notes that regional consent conditions encapsulate the requirement for provision of Erosion and Sediment Control Plans (ESCP) to be prepared for each section of the project works, however he considers it pertinent this is also included in the designation condition set and has recommended a designation condition for inclusion.
- Mr Hall notes.. *“...in some locations such as at the Waterview interchange and in the vicinity of the Arch Hill Scenic Reserve (see Figure 2 below) [see **Appendix 5**] there are areas of steep land above the motorway alignment which may require detailed geotechnical investigation and design to ensure potential effects on both the project and on other land and property outside the project area are suitably managed. While I expect that NZTA will ensure the effects on their works are robustly managed, I believe it is also important to explicitly require that effects on neighbouring land, infrastructure and buildings be managed to avoid damage to adjacent property”*
- Mr Hall’s recommended condition seeks to include a requirement for a Geotechnical Investigation Report from a suitably qualified and experienced geo-professional to be provided at each stage to discuss potential effects of the temporary and permanent works on adjacent land, infrastructure and buildings, and to provide recommendations on how to avoid these effects.

- Mr Hall supports the application overall, with respect to the Notice of Requirement land Disturbance and Geotechnical Hazards considerations, provided the conditions recommended within Section 7 of Mr Hall’s assessment (**Appendix 5**) are included.

Council Comment

127. The AC Planners rely on the expertise of Mr Hall as Council’s Senior Development Engineer. AC planners agree with the recommendation to include geotechnical-related designation condition (**Appendix 5**, Proposed Conditions (Notices of Requirement) and in **Appendix 1**: AC recommended amendments to Designation Conditions), noting that this aspect will not be covered by regional consent conditions.
128. In the AC Planners’ view, the recommendation to include erosion and sediment control information should be clarified to specify that such information is to be provided at the OPW stage. However, duplicating an ESCP requirement within the designation conditions may create confusion regarding the respective roles and scope of assessment at the OPW stage.

Flooding and overland flow paths

Application

129. In relation to effects on areas subject to flooding and overland flow paths, an assessment is provided in section 13 of Part 4 – RMA 1991 Approvals report, which references the technical [Assessment of Stormwater and Flooding Effects](#) (Attachment 6.19 to the application) prepared by Mr Paul May, dated 15 November 2025.
130. Mr May’s technical assessment (in relation to flooding) covers the following matters:
- Flooding and overland flow paths and assesses the potential effects of the Project on people and property outside of the Proposed Designation.
 - Section 2.4.4 Mr May’s assessment covers the criteria adopted for assessing flooding effects.
 - Section 5.3 provides a summary of effects for each of the five catchments (Whenuapai; Massey; Henderson; Meola; Motions).
 - The following conclusion is reached with regard to flood effects:
“In most locations, I consider the Project is likely to reduce flood depths and therefore have a positive impact. Some localised areas may experience slight increases in flood depth, but I consider the flooding effects to be negligible or minor in those locations” – section 5.3
 - Mr May has recommended a framework for the designation conditions ensuring outcomes are consistent with that assessed as part of his assessment.

131. The planning assessment in section 13 of Part 4, Ms Hicks concludes:

- *“The Project is not predicted to create any new inundation of floor levels; and minimise damage to properties that are already inundated by flooding at present (without the Project).*
- *Mr Mays assessment concludes that at most locations, the Project is likely to reduce flood levels and therefore have a positive impact. Some localised areas may experience small increases in flood depth, but these increases are considered minor or negligible”*

132. NZTA’s response, dated 19 May 2026 to the first RFI from the Panel (Minute 3) includes an analysis of effects assessment and proposed conditions to support the ‘no condition 1’ approach. The following is noted in relation to flood hazards:

- Conditions 8 – 9: Apply the same flood assessment criteria used in the assessment for the Indicative Design to the final design. Importantly, the conditions prevent any increase in Danger Rating, which ensures no buildings will be subject to new floor level flooding because of the Project. Within a Danger Rating, any increase in flooding must be minimal (maximum 50mm or 100mm).

AC Specialist review

133. Ms Hillary Johnston, the council’s specialist on behalf of Healthy Waters Flood Resilience (HWFR), , with technical input from Danny Curtis has reviewed the application documents, including the Assessment of Stormwater and Flooding Effects (Attachment 6.19 to the application) prepared by Mr Paul May, dated 15 November 2025 and provided comments, included in Attachment 4 to this memorandum.

134. The following is summarised from this assessment:

- The scope of the HWFR review includes a general assessment of the flood management methodology and effects on flood catchments, as well as a review of the application in respect to public stormwater reticulation and the Region Wide Network Discharge Consent (RWNDC or “NDC”).
- HWFR holds a RWNDC which authorises the diversion into, and discharge from, public stormwater networks within the Auckland Region. These public stormwater networks are separate to those owned, operated, and maintained by the NZTA. The RWNDC includes provision for runoff from NZTA assets that is diverted into the HWFR public stormwater network under *‘Development of new/ redevelopment of impervious area for: existing high use roads – that includes new impervious area greater than 1,000m², other roads that includes new impervious area greater than 5,000m², rail corridor projects with new impervious area greater than 1,000m²’*

- In order for the diversion and discharge of stormwater runoff from NZTA assets that enter the HWFR public stormwater network to be authorised under the RWNDC, the Applicant would need to provide HWFR with an assessment that outlines how the ‘general performance requirements’ for NZTA projects under Schedule 4 of the RWNDC have been met, or otherwise provide a Stormwater Management Plan (SMP) which demonstrates how the stormwater management proposed meets Schedule 2 of the RWNDC and is the Best Practicable Option (BPO) for the project.
- HWFR note that the majority of concerns raised during pre-lodgement phase have been addressed, and there are no substantive matters to recommend in terms of section 67. However, HWFR make the following key observations to assist the Panel in its consideration of the proposal. HWFR note, these comments are intended to offer additional context, and highlight matters that may be relevant to the Panel’s overall assessment, rather than to indicate any fundamental opposition to the Application:

- Model tolerances:

“The flood modelling and associated effects assessment exclude changes in flood depths of 10 mm or less. It may assist the Panel to be aware that the modelling outputs and assessment do not identify or discuss changes below this threshold.”

From a consistency and transparency perspective, HWFR generally considers it preferable that any changes in modelled flood depths are reported and assessed on their merits, even where those changes are small. As the Applicant’s models are being relied upon to assess the effects of the proposed development, identifying and briefly explaining why changes occur, and whether they have any practical effect, can assist decision makers in understanding the full extent of the modelling outcomes”

HWFR note that this has been raised with NZTA’s specialists who clarified that the outcome of the flood assessments would not likely change if the modelled flood depth decreases and increases of less than or equal to 10 mm were included.

- Use of Danger Rating (Auckland Flood Recovery Office) vs Hazard Classification (Plan Change 120):

“...The Assessment of Stormwater and Flooding Effects applies a Danger Rating methodology consistent with that used by the Auckland Flood Recovery Office. HWFR acknowledge that the Application has adopted a measurable method and framework to assess flood related effects and does not fundamentally object to this method.”

This approach differs from the flood hazard classification framework applied under Plan Change 120 (PC120), which is now used to assess flood risk and effects.

This matter has been discussed with the Applicant's Agent, and they have confirmed preference for use of the Danger Rating methodology."

- Piping of OLFP: The *Assessment of Stormwater and Flooding Effects* indicatively proposes piping of overland flow paths (OLFP) in some locations. While HWFR understands the intent of this approach, reliance on piped solutions to manage extreme storm events is not generally aligned with best practice or Council's infrastructure codes of practice for land development. This may reduce overall network resilience and may introduce future risks that have not been fully considered.
- HWFR note agreement to continue to work with the applicant's engineers on possible solutions at later stages of detailed design.
- HWFR remain available to continue points of discussion with the Applicant or assist the Panel on matters outlined within this assessment as needed.

Council Comment

135. The AC Planners rely on the expertise of Ms Johnston as the council's HWFR specialist. AC planners agree with Ms Johnston's recommended inclusion of designation conditions (Attachment 4 Section 8 Proposed Conditions (Notices of Requirement) and in Attachment 1: AC recommended amendments to Designation Conditions). The recommended amendments to the conditions will help minimise adverse effects on persons and property affected by flooding and overland flow paths.
136. In addition to the matters raised by HWFR, AC Planners note the following for the Panel's awareness:
- a) The flooding and overland flow path assessment is focussed on changes and effects on properties beyond the designation. The application does not provide an assessment of flood hazard effects within the designation boundaries, including residual land which may be returned following completion of construction.
 - b) Where works within a particular flood catchment are staged and or submitted via separate Outline Plans: The flood model must account for any previous model (for the project) submitted to the council for a previous stage of work within the same catchment, regardless of whether the works have been completed. This is to capture any cumulative effects on a catchment.

- c) Under PC120 the classifications of flood hazard areas include “flood prone areas”¹⁶. It is not clear whether flood prone areas have been considered within the assessment, either the creation of new flood prone areas, or the inclusion of flood prone areas as “flood hazard areas”.
- d) Further to Table 2-1: Flood effects categories within Mr May’s technical Flooding and Stormwater report. Effects are concluded to be “low” where there is no building present and where the flood depth increase is up to 100mm. In the opinion of AC Planners “No building present” taken by its ordinary meaning, would not require confirmation of whether a relevant building consent or resource consent, issued prior to lodgement of any OPW applied to the current vacant site.
- e) The applicant’s flood assessment and methodology do not explicitly discuss increased frequency or duration of flooding on land adjacent to the designation. Increases in frequency or duration of flooding on subject properties, noting increases in frequency of flooding at lower scale but more frequent rain events are also relevant to the consideration of effects on persons and property. AC Planners note that Condition 9(a)(iii)(a) recommended by HWFR seeks ‘No new/additional habitable floor affected by flooding in 1% AEP event and no increase in frequency of existing flooding’. This is wording directly taken from the Region Wide Network Discharge Consent connection requirements.
- f) A modelling assumption is adopted to set floor levels at 150mm above ground level, where exact survey levels cannot be obtained¹⁷. The AC Planners observe that this *may* conservatively increase the number of houses modelled to have floor levels already inundated during a 1% AEP flood event, noting the 100mm increase in flood depth would apply to these properties.

137. Notwithstanding the matters outlined above, AC Planners note that HWFR does not fundamentally oppose the methodology and framework adopted by the Applicant to assess flood-related effects. However, a number of technical nuances and assumptions underpinning that assessment have been identified, and HWFR has recommended amendments to the designation conditions to address these matters. In this context, AC Planners consider that it would be appropriate for the Panel to carefully consider these issues, the recommended conditions, and the evidence before it in determining whether the proposed framework and associated conditions are sufficient to appropriately manage potential flooding and overland flow path effects.

Wastewater and Water Supply

Application

¹⁶ Defined as “An area of land within a topographical depression where water will pond in a 1 per cent AEP rainfall event if soakage is restricted or the primary drainage outlet is blocked.” (Chapter J – Definitions of the AUP, as amended by PC120)

¹⁷ Page 5 of Appendix 6.19 Assessment of Stormwater and flooding Effects.

138. Section 20 of the AEE addresses the effects on Network Utilities. Section 20.1.1 discusses Watercare Services Limited (Watercare). The key interfaces between Watercare's assets and the Project are identified in Table 20-2.
139. The AEE states that the Project will be managed so it does not cause unplanned or undue disruption to Watercare's network and users.
140. NZTA have engaged with Watercare prior to the lodgement of the substantive application. NZTA will continue to engage with Watercare as detailed design for the Projects progresses, to make arrangements in relation to Project works in accordance with the Government Roadway Powers Act and relevant utilities legislation including the Utilities Access Act 2010 and National Code of Practice for Utility Operators Access to Transport Corridors.
141. NZTA will seek written approval from Watercare where the Project works intersect with land subject to Watercare's designations in the AUP, in accordance with section 177 of the RMA 1991 prior to works commencing.

Watercare specialist response

142. Ms Anna Jennings, from Watercare, has undertaken a review of the substantive application (refer to **Appendix 3**). In summary, Ms Jennings' review includes discussion around the following points:
- Watercare welcomes the opportunity to provide comments on the application
 - It's recognised that there are a range of overlapping infrastructure interests (including interests held by Watercare) in the proposed Project area
 - Watercare's interest in the Project is centred around ensuring that essential water and wastewater services are protected, access is maintained, and delivery of upgrades and new infrastructure is both enabled and able to be coordinated in the future.
 - Watercare acknowledges that the applicant has engaged with Watercare early in relation to this Project to inform identification of potential interface points with existing and future Watercare assets within the Project Area (and ongoing engagement is proposed)
 - Watercare seeks some targeted amendments to the proposed designation conditions which it considers will enable the Project to proceed as proposed, while safeguarding Watercare's existing assets and authorised future works.
 - the amendments Watercare seek will also provide an opportunity for the parties to coordinate the design and delivery of infrastructure works in the future.
143. Watercare recommends the inclusion of a Water and Wastewater Management Plan condition in each designation to ensure the Project is coordinated efficiently and effectively with existing and planned Watercare assets and works (refer to paragraphs 19 and 20 of **Appendix 3** and as shown in **Appendix 1: AC specialist recommended amendments to Designation Conditions**). Watercare will proactively engage with NZTA to discuss this proposed condition.
144. A subsequent amendment to proposed condition 3(b) Outline Plan(s) and Management Plans

would also be required.

Council comments

145. The AC Planners rely on the expertise of the Watercare specialist(s) in that the recommended condition is required to ensure that the Project is coordinated efficiently and effectively with existing and planned Watercare assets and works.
146. The AC Planners note that a similar approach was taken in the recent designations for roading projects to enable growth in the northwest. In that case, several conditions were included that related to network utilities:
- Network Integration Management Plan (NIMP): this condition required the Requiring Authority to prepare a NIMP in collaboration with other relevant road controlling authorities. The objective of the NIMP is to identify how the Project will be integrated with the planned transport network in the North West growth area to achieve an effective, efficient and safe land transport system.
 - Network Utility Management Plan (NUMP): this condition required the Requiring Authority to prepare a NUMP which sets out the framework for protecting, relocating and working in proximity to existing network utilities.

Other infrastructure utilities providers:

Council comments

147. In addition to comments received from Watercare Services Limited (Appendix 3) relating to water and wastewater services; and Healthy Waters and Flood Resilience (Appendix 4) relating to stormwater, it is noted the following infrastructure providers are invited to comment on the proposal;
- Transpower
 - Vector Limited.
148. Relocation of Network Utilities – Transpower, Electricity Substations, which serve purposes beyond the activities for which the designation related, is not authorised within the purpose of the designation.
149. Land use, subdivision and development in proximity to overhead transmission lines and network distribution are currently managed in the AUP by way of D26 National Grid Corridor Overlay; E26 Infrastructure, designation and by national direction, where relevant the National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities. Location of transmission lines/ can result in effects on (but not limited to) amenity, safety and viability of land use, development and subdivision in proximity to; and potential reverse sensitivity effects.
150. The proposed NoR will interact with overhead national grid transmission lines in the following manner (but not limited to):

- **NoR 3:** Busway corridor, 242 Triangle Road Massey 0614 (overhead line clearance may require replacement of towers with poles). Works in proximity to Henderson Substation.
- **Lincoln Road station (NoR 7 Lincoln Road Wai o Pareira Station; NoR 3);** potential relocation of towers/ or replacement with monopole and or increased clearance required from overhead lines. Relocation of lines may cause reverse sensitivity effects/limitations on use, subdivision and development of adjoining land uses.
- **NoR 8:** Proposed Te Atatū Ōrangihina Station (NoR 8).

151. Separate resource consents may be required for the relocation of transmission lines or the replacement of electricity distribution infrastructure. This is not uncommon and was, for example, required for the Eastern Busway Project, where detailed design identified insufficient clearance between overhead transmission lines and the Rā Hihi flyover, necessitating the replacement of towers with monopoles and a minor realignment of the overhead network.

152. Notwithstanding any submissions or input from Transpower, AC Planners consider that any future consents for the relocation of above-ground infrastructure should not undermine ecological offsetting, mitigation measures, or other outcomes established for the busway corridor. In particular, any proposal to relocate infrastructure should not conflict with designation or regional resource consent conditions. Where such consents are required, the effects of the relocation works would need to be appropriately assessed with regard to the receiving environment.

Other Matters:

153. The indicative design plans show a bus charging station area accessory to the Brigham Creek Station (Park and ride). It could be considered that this is a necessary accessory activity/infrastructure to the function and operation of the busway. While no further assessment has been provided in the application documents it is considered this use may benefit from the recent amendments to the National Environmental Standards for Electricity Transmission Activities¹⁸ to include Electric Vehicle Charging Infrastructure Activities.

154. AC Planners note the same designation purpose has been proposed for each designation. In lieu of condition 1, it is the view of the AC Planners that additional consideration is given to whether the designation purpose captures all uses and activities. This was also noted under the “Transport effects” summary of Part B, where it was noted the “purpose” section of the proposed designation conditions does not reference the shared use path.

Necessity for works and designations

155. Section 3.3.2 of Part 4 of the substantive application addresses the requirements of clause 12(1)(g) of Schedule 5 of the FTAA and Section 168(3B)(b)(ii) of the RMA.

156. The Requiring Authority states in Section 3.3.2 that the objective for the Project is:

¹⁸ [Resource Management \(National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities\) Amendment Regulations 2026 \(New Zealand Legislation website\).](#)

Provide bus rapid transit facilities alongside State Highway 16/Brigham Creek Road intersection and Ian McKinnon Drive, including stations that integrate with the surrounding network.

157. Section 3.3.2 also states the following reasons as to why the Project is considered reasonably necessary to achieve the Requiring Authority's objective as follows:

- the Project will deliver enduring transport choices to the existing and future planned population of Auckland's northwest. In doing so, it will secure the benefits as outlined in Part 3 of this Application
- the Project includes the development of stations and facilities that are integrated with the surrounding transport network (including local roads, local bus services and the Shared Use Path).

158. The Requiring Authority also considers that the Proposed Designations are necessary to achieve the Project objective as they will:

- protect the land from development that might prevent or hinder the construction and operation of the Project
- provide for flexibility in procurement, construction staging and implementation that may assist with the delivery of the Project in a timely and cost-effective manner
- enable the land uses required to construct the Project as well as maintain and operate the Project efficiently in the future
- provide certainty to the community in relation to the nature of the works and the location of the Project.

Council comments

159. Schedule 5 cl.12(1)(g) of the FTAA requires an assessment of whether the project or work and the designations sought are reasonably necessary for achieving the objectives of the requiring authority.

160. Section 168(3B)(b)(ii) of the RMA requires an explanation of how the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

161. The AC Planners agree that the Project and the proposed designations are necessary to achieve the objectives of the Requiring Authority for the reasons listed above in paragraphs 157 and 158.

Consideration of alternatives sites, routes and methods

162. Section 3.3.1 of Part 4 of the substantive application AEE addresses the requirements of Schedule 5 clause 12(1)(h) of the FTAA and Section 168(3B)(b)(i) of the RMA.

163. Section 3.3.1 states that the Project has been subject to site specific refinement through to the lodgement of the substantive application, in response to new information gathered through technical environmental assessments, engagement with stakeholders, or constraints emerging (e.g. more information about utilities. The refinements have followed the process set out in

Section 3.3.1.

164. The Requiring Authority considers that the Project has been selected following a comprehensive, robust, replicable and transparent process of option development, evaluation and refinement.

Council comment

165. Schedule 5 cl.12(1)(h) requires consideration of alternative sites, routes, or methods of undertaking the project or work as part of the information required in a notice of requirement.
166. Section 168(3B)(b)(i) of the RMA requires that adequate consideration is given to any alternative sites, routes or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the works.
167. The AC Planners understand that the issue is whether the Requiring Authority has adequately considered alternatives, and not whether the 'best' option has been chosen, or that all possible alternatives have been considered. Therefore, the option chosen by the Requiring Authority is the one that it considers meets the objectives of the requiring authority and the Project. However, the Requiring Authority does need to ensure that it has considered all reasonable options and has not 'acted arbitrarily or given cursory consideration to the alternatives'.¹⁹
168. The AC Planners acknowledge the positive benefits of the Project and the Requiring Authority's need to protect the land for the busway sections and stations with designations as the proposed method. The designation process provides certainty to the Requiring Authority that the land can be used for the purpose of the designation while specifying the boundaries of the land within which the proposed works will be undertaken and to where the proposed designation conditions apply.
169. The AC Planners consider that the designation process is preferable to other potential consenting methods as it provides more certainty to the Requiring Authority that the proposed works can be carried out in an integrated way. Alternative methods, such as district plan resource consents by themselves, where there are multiple landowners across multiple zones, has the potential to be lengthier and more costly. The Outline Plan process also allows for greater flexibility into the future by allowing final design details of the Project to be left until this stage. This allows the Requiring Authority to amend its design to include new technology or to alter the construction methods/locations within the boundary of the designation if required without having to apply for a variation to a resource consent.
170. The AC Planners acknowledge that the designation process, along with the extent of the designation boundaries and extended lapse periods, does have the potential to create uncertainty for directly affected landowners and occupiers.

Project Benefits

171. Part 3 of the substantive application addresses the benefits of the Project. In summary, the

¹⁹ Waimairi District Council v Christchurch City Council C30/1982

Requiring Authority/applicant considers that the Project meets the overarching purpose of the FTAA by facilitating the delivery of an infrastructure project with significant regional and national benefits. As stated in Section 1 of Part 3, the Project:

- o will deliver significant economic benefits
- o will deliver new regionally and nationally significant infrastructure and associated social benefits by providing rapid transit to one of Auckland's largest growth areas. It will improve the accessibility, attractiveness and efficiency of public transport to the northwest and will support Auckland's forecast growth and development
- o has been identified as a priority project in the Government Policy Statement on Land Transport 2024-34, the Auckland Regional Land Transport Plan (RLTP) and in the Auckland Rapid Transit Pathway (ARTP).

Council comment

172. A specialist review of the assessment of the benefits/positive effects has not been undertaken. However, the AC Planners acknowledge the benefits of the Project as listed above and that the benefits/positive effects of the Project must be considered when balancing any adverse effects on the environment. We also agree that the Project will deliver new regionally and nationally significant infrastructure in accordance with the purpose of the FTAA.

173. The AC Planners note that the North West Rapid Transit Project is also listed in the recent Auckland Deal in Schedule 1 – Summary of Commitments where both Auckland Council and Central Government agree that one of the Deal transport priorities is progressing the delivery of Auckland's Rapid Transit Network, including as initial priorities the Northwest Busway and Botany-to Airport.²⁰

Resource consents under the FTAA - Effects on the environment

For an approval described in [section 42\(4\)\(a\)](#) (resource consent), [clauses 17 to 22](#) of Schedule 5:

174. The following section outlines the statutory planning assessment drawing on the various inputs provided by experts who have reviewed the application documents. To provide context, a brief summary of the assessment provided by the applicant is also included. The Panel is also directed to the detailed analysis provided by the various technical experts at the various attachments to this document.

Terrestrial Ecology effects

Application

175. Consideration of the effects of the proposal on Terrestrial Ecology have been assessed within the Assessment of Ecological Effects prepared by Mr Ian Bredin, with a further Terrestrial Vegetation Ecology Assessment prepared by Mr Andrew Blayney.

176. Relative to terrestrial fauna, following a combination of desktop review and site investigations by way of condition management measures are proposed by Mr Bredin during construction

²⁰ [https://www.dia.govt.nz/diawebsite.nsf/Files/Regional-Deals/\\$file/Auckland-Deal-Schedule-April-2026.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Regional-Deals/$file/Auckland-Deal-Schedule-April-2026.pdf)

relative to:

- o Kauri dieback management,
- o Bat management measures including avoidance of suitable bat habitat (where practicable) and the implementation of Bat Roost Protocols (BRPs) for the removal of the stand of Pine trees,
- o Bird management during construction including the consideration of the timing of vegetation removal to avoid the key nesting season and pre-clearance nest checks prior to vegetation removal during the nesting season.
- o Lizard management including the avoidance of suitable lizard habitat (where practicable), timing of vegetation clearance (between October-April, inclusive), and a LMP to guide lizard salvage, relocation, and management.

177. Relative to terrestrial vegetation and the estimated 1.9 hectares of vegetation removal proposed, Mr Blayney has recommended a 1:1 “area for area” native vegetation loss to replacement planting, applied within similar areas of the Proposed Designation or within 1.5 km of the Proposed Designation boundary. Replacement planting may be delivered through a combination of reestablishment on temporarily disturbed construction areas where loss has occurred and establishment of new native planting in suitable locations. This approach represents a hybrid of remedy and offsetting within the mitigation hierarchy.

AC Specialist review

178. Mr Rue Statham, Council’s Senior Ecologist, has reviewed these aspects of the proposal (Appendix 16). While generally supportive of the application, Mr Statham notes that: *“Principal issues arising from the proposal are the inconsistency with wildlife management during construction and the proposed conditions of consent; namely the quantum of ‘mitigation’ for the loss of terrestrial biodiversity values.”*

179. In this regard, changes are recommended to the Proposed Conditions that primarily:
- o Clarify the Suitably Qualified and Experienced Practitioner (Biodiversity) involved in implementation of conditions,
 - o Address vegetation removal as a whole rather than the limitation to native vegetation,
 - o Implement the use of a Biodiversity Offset Accountancy Model (BOAM) to determine replacement planting as opposed to a 1:1 replacement,
 - o Require an evaluation of the impact using the Stream Ecological Valuation (SEV) methodology to determine any required riparian planting,
 - o Update the bird management condition to recognise avifauna that may be encountered and to include residential properties,
 - o Update the bat management condition to provide for any survey result monitoring reports, recognise habitat alterations, detail timing or seasonal restrictions, provide for the specific competencies necessary to undertake the work required, and be Auckland-specific,
 - o Introduce a lizard management condition, and
 - o Overall, recognise the staging of construction.

Council Comment

180. I rely on Mr Statham's expertise and adopt his recommended amendments and new condition relating to lizard management, noting the intention of the applicant to implement a lizard management plan. I do not consider that adverse effects on terrestrial flora and fauna will be limited to native vegetation, and given the extent of vegetation removal proposed I consider that the use of a Biodiversity Offset Accountancy Model (BOAM) to be a more nuanced and suitable methodology to assess the associated impact and offsetting metrics of these works. In this regard, I also support the use of the Stream Ecological Valuation (SEV) methodology to mitigate any adverse impacts on riparian planting.
181. The Albert-Eden Local Board has expressed concerns in this regard, particularly with regard to the minimisation of any impacts on the ecosystem (and habitats), and the management of replanting. I consider Mr Statham's revised conditions address these matters relative to accepted methodologies.

Streamworks and Freshwater Ecology effects

Application

182. The proposed works associated with the ten streams located within the proposed route have been assessed in the first instance within the Assessment of Ecological Effects prepared by Mr Ian Bredin and subsequently superseded by the Freshwater Ecology Assessment prepared by Mr Jeremy Garrett-Walker. Whereby Mr Garrett-Walker's assessment reached the following conclusion:

"The Project will result in small, discrete areas of streambed enclosure and limited riparian vegetation removal across several degraded urban watercourses. The construction effects are assessed as Very Low to Low. Operational effects are assessed as Very Low.

Under the EIANZ Ecological Impact Assessment Guidelines, effects assessed as Low or Very Low typically do not require mitigation. However, I have recommended precautionary riparian restoration and planting that is commensurate with the modified nature of the receiving environment and limited extent of Project effects. I have also recommended standard fish salvage and relocation protocols and construction water quality controls.

With the implementation of these measures, I consider the Project will maintain, and in places incrementally improve, the overall freshwater ecological condition of the streams in the Project Area compared to the existing baseline"

AC Specialist review

183. Dr Naz Tavasoli, Council's Specialist (Earth and Stream Works) has reviewed this aspect of the Proposal, considering both the Bredin and Garrett-Walker Ecological Assessments. In summary, Dr Tavasoli has assessed:

"Approximately 38 m of stream length across three stream reaches is expected to be directly impacted by culvert and pipe extensions. No bridge piers are proposed within streambeds. Overall, the application provides an assessment of freshwater ecological features and associated effects, with impacts considered low to very low due to the highly modified urban

context. Permanent loss of instream and riparian habitat associated with bridge and culvert footprints is proposed to be offset through riparian restoration. With these measures in place, residual freshwater ecological effects are expected to be no more than low.

However, the application does not clearly demonstrate compliance with relevant regulatory standards and consent requirements. In addition, the absence of detailed culvert, outfall, and bridge designs specific to each stream creates uncertainty regarding fish passage provision, hydraulic performance, and the long-term functionality of the stream network. While mitigation planting is proposed, it does not adequately address the permanent loss of stream extent and ecological values through a robust offsetting or compensation framework.

Overall, the application does not yet provide certainty regarding the potential effects on freshwater environments due to a lack of detailed design drawings. As a result, key information gaps remain and should be addressed. These matters can, however, be managed through consent conditions as I deem the potential effects to be low to very low. On this basis, the proposal is generally supported from a freshwater ecology perspective.”

184. Dr Tavasoli has recommended the replacement of Conditions 12 and 13 proposed by the Applicant, and two new conditions are recommended regarding a finalised streamworks management plan and bridge design.

Council Comment

185. I rely on Dr Tavasoli’s assessment and adopt her recommended conditions, albeit noting that the link between the certification of the streamworks management plan (StMP) and its implementation will need to be strengthened. I note that Dr Tavasoli’s comments on conditions are limited to those under the banner of ‘Works within Watercourses’. In this regard, I do not consider that the absence of comment on condition 15 relating to ecological management of Works within Watercourses negates Mr Statham’s above-mentioned recommendations.
186. Overall, on the basis that the stream works identified with the application documentation can be relied upon, I conclude that with the implementation of Dr Tavasoli’s conditions, the proposed streamworks can be appropriately managed.

Coastal processes and Marine Ecology effects

Application

187. The coastal elements of the Proposal relate to the construction works (disturbance, piling, temporary structures) and installation of structures within the CMA, together with the removal of native vegetation and mangroves. Works are proposed to occur within two distinct coastal areas relating to Huruhuru and Henderson Creeks as identified within Schedule A of the Proposed Conditions.

In particular, two bridges are proposed to cross Huruhuru and Henderson Creeks, where bridge construction will require the installation of temporary staging from both ends to provide

access for piling, piers, and crosshead construction, and one bridge pier may be located within the Henderson Creek channel due to the length of the bridge. This new bridge will be adjacent to the existing SH16 bridge that also has piers located in the CMA.

188. Expert advice in relation to these works relates to the marine component of the Ecological Assessment prepared by Mr Ian Bredin (section 10.1.4 and 10.3.1), construction noise (section 17.2.2) and construction stormwater (section 12.1.1), whereby:
- erosion and sediment control measures, and good practice for removing mangroves during construction in the CMA, together with general construction management in the form of a Coastal Construction Management Plan (CCMP) are proposed to ensure that the effects on the marine environment as a result of the Project are very low,
 - The absence of marine mammals in the area, together with the limited noise effects on other marine fauna (ie, fish, invertebrates or birds), are such that construction noise and vibration effects on marine fauna in the CMA are considered low, with no specific mitigation is required, and
 - works in or near the CMA, or streams and watercourses, have a potentially higher risk of elevated sediment yields, but can be managed effectively and are not unusual or high-risk.
189. Comment is also provided in section 7.6 as part of community effects, where the access and navigability of Henderson Creek and Huruhuru Creek may be restricted during construction. To this end, conditions are recommended where:
- a. The proposed Coastal Works Management Plan requires methods to be included in the plan to maintain safe navigation passage past the works site, and details of how any potential restrictions to navigation (e.g. when bridge beams are being installed) will be communicated to users of the waterway.
 - b. The bridges crossing the Huruhuru and Henderson Creeks in the CMA are designed to be, at a minimum, the same clearance above mean high water springs as the existing downstream SH16 bridges.

AC Specialist review

190. Dr Kala Sivaguru, Council’s Senior Coastal Specialist, has reviewed the coastal aspects of this proposal (Appendix 18). Dr Sivaguru has identified, under the provisions of the Unitary Plan and Plan Change 120, an additional reason for consent relating to the coastal outfall’s location within coastal erosion hazard area adjacent to Henderson Creek.
191. Relative to the ecological values of the CMA, Dr Sivaguru concurs with the assessment made by Mr Bredin of the quality of the benthic ecology, mangroves and sediment quality of the areas associated with the Project.
192. While Dr Sivaguru also generally agrees with the magnitude of effects on marine ecology, the following additional comments are made, where conditions have been recommended to manage these additional adverse effects accordingly:
- the extent of mangrove removal should be minimised as far as practicable,
 - measures to demonstrate how potential adverse effects on Threatened and At Risk (TAR) bird species including effects on banded rail population arising from mangrove removal would be avoided need to be demonstrated,

- effects on benthic fauna would be temporary and localised,
- the SEA-M2 values are primarily associated with the Creeks' function as bird feeding habitat; however, there are no known bird breeding or nesting sites within the CMA at the subject Creeks. Birds and fish species are therefore expected to continue to utilise the area once the proposed works are completed,
- while some sediment contaminants, including zinc and copper, have been identified at concentrations exceeding sediment quality guideline values within the subject creeks, the associated effects on water and sediment quality are anticipated to be localised to the vicinity of the works and limited to the duration of the construction period,
- while the temporary staging structures are proposed to be removed following construction, the indicative construction methodology does not describe the methods for removal of these structures, but can be managed by way of a standard condition requiring the submission of a Construction Management Plan for the proposed bridge works, and
- an Underwater Noise Management Plan (UNMP) is required for both impact and vibratory piling to manage the potential effects of piling activities on marine fauna.

193. Dr Sivaguru has also identified that further information is required with regard to the location of piles within the creek to adequately assess potential effects on coastal processes.

194. In conclusion, Dr Sivaguru states that:

“In summary, any potential adverse effects arising from the proposed works are considered to be less than minor, subject to the provision of additional information identified through the recommended conditions and adherence to the proposed conditions of consent and good practice measures.

On the basis that the identified information gaps would be addressed through the relevant consent conditions, I support the proposed works within the Coastal Marine Area and the Coastal Erosion Hazard Area.”

Council Comment

195. I rely on Dr Sivaguru's assessment and adopt her recommended conditions. While Dr Sivaguru has not reviewed the three coastal permit conditions offered by the Applicant, I defer to the suite of standard conditions recommended by Dr Sivaguru noting their comprehensive nature in addressing additional potential effects relating to the minimisation of mangrove, underwater noise management, and coastal processes.

196. While from a planning perspective, information on the bridge structures to determine their effect on coastal processes is preferred at this stage, particularly when information on the extent of piles is known and relied upon within the application material. However, given the limited extent of the CMA associated with this Proposal I defer to Dr Sivaguru's recommended approach to manage this by way of conditions.

197. The recommended condition relating to avoiding effects on banded rail population arising from mangrove removal is not entirely clear within Dr Sivaguru's recommended condition set, nor are the recommended conditions relating to piles and coastal processes, and the effects on

coastal erosion on the proposed coastal outfall. In this regard, further feedback on additional or amended conditions may be required.

Arboricultural effects (Regional)

Application

198. As set out in the Legal Submission of 19 May 2026, no assessment of arboricultural effects has been provided with the Arboricultural Management of Pohutukawa and Notable Trees report to understand the feasibility for their retention if practicable. The applicant acknowledges that the proposal will require the removal of ‘other’ mature trees within the Proposed Designation. The removal of trees within the open space-zoned land and street trees will require tree asset owner approval, where any tree replacement will be addressed through this process.

AC Specialist review]

199. As discussed in the NOR assessment, Ms Regine Leung, Senior Arborist, Auckland Council, has reviewed this aspect of the proposal (Appendix 12). As set out in her memo, arboricultural matters considered under the regional consent (RC) process relate to:

- o Vegetation alteration or removal within Significant Ecological Areas (SEAs), riparian margins (10 streams), and coastal areas, and
- o The management of Kauri dieback disease.

200. Having reviewed the Ecological Assessment (in part redacted), where the removal of trees has been considered as part of general vegetation alteration and removal within the SEAs and riparian margin, Ms Leung supports the proposed measures to ensure no net loss of protected vegetation.

201. That said, Ms Leung identifies that the existing environment and tree impacts for trees located on coastal area within 150m of MHWS of the overall project site (in particular for the works near to Waterview and Henderson Creek) have not been assessed. This is identified as an information gap, where a condition requiring the provision of arboricultural input in assessing tree impacts in all habitats and the subsequent provision of for mitigation or offset planting to ensure no net loss of canopy coverage is proposed accordingly. This recommended condition relates to both the NORs and RCs.

202. Ms Leung notes that a kauri tree located within SEA_T_4938 at Henderson Creek will be impacted due to the proposed works in the vicinity, where Kauri Dieback Management Protocol will be implemented within the Kauri Hygiene zone to prevent the spread of Kauri Dieback disease²¹.

Council Comment

203. I rely on Ms Leung’s expertise. While specifics of the condition can be further negotiated in

²¹ The prevention of the spread of kauri dieback is set out in Standard E11.6.2(6) in Chapter E11 Land disturbance – Regional

relation to the staged provision of such arboricultural input relative to the proximity of works and the timing of implementation (at present the commencement of construction is dependent on certification of planting), I agree, in principle, that with the mechanisms for mitigation and offset planting canopy cover is maintained.

This approach is not ideal from a planning perspective as the actual assessment of tree alteration or removal within coastal areas in particular is deferred to the enforcement of conditions stage. However I accept this approach on the basis of the limited coastal areas that relate to the proposal, and acknowledging that, if the suite of arboricultural input and works is aligned with the distinct stages of works, such an approach appropriately recognises the maturing of tree habitat over the duration of the consent.

204. Further to Ms Leung’s comments on Kauri Dieback Management Protocol, I note that condition 19 of the Proposed Conditions does not match all of the referenced documents in section 5.2 of the Ecological Assessment, where the Kauri Hygiene Standard Operating Procedures (Auckland Council, 2021) has been omitted. Given the other documents, being Management Plans are conceptual in nature, rather than the instructions set out in the Kauri Hygiene Standard Operating Procedures, I recommend any condition relating Kauri Die-Back Management references all three documents²² or their updated versions.
205. Ms Leung has identified the 150m distance to mean high water springs as constituting a coastal area under the provisions of the Unitary Plan. I have also noted earlier that the Applicant’s definition of riparian margin also differs from the Unitary Plan. For the avoidance of doubt, I recommend that the definitions of these areas in any Conditions set aligns with the Unitary Plan definitions.

Regional Earthworks effects

Application

206. As set out in section 12 of Part 4, the total earthworks area for the Project covers approximately 35 hectares of land, with 25 hectares of earthworks required west of the causeway, and 10 hectares to the east. Estimated earthworks consist of 500,000m³ of cut, and 450,000m³ of fill. Consent is sought for earthworks beyond the permitted area thresholds within and outside the Sediment Control Protection Areas and within a SEA.
207. Details of the proposed cut and fill are limited to the Indicative Design Plans. No draft or indicative Erosion and Sediment Control Plan has been provided. As set out in the Legal Submission of 19 May 2026, in the absence of a Condition 1, the envelope of effects are proposed to be secured through:
- o the Proposed Designation boundary and extent of the Coastal Permits sought,
 - o Condition 5, relating to the provision of Erosion and Sediment Control Plan (ESCP),
 - o Condition 6, relating to the stabilisation of earthworks, and

²² The Biosecurity (National Pest Management Plan for *Phytophthora agathidicida*) Order 2022, the Auckland Regional Pest Management Plan 2020 – 2030 (Auckland Council, 2021), and the Kauri Hygiene Standard Operating Procedures (Auckland Council, 2021)

- o Condition 20, relating to the provision of Coastal Construction Management Plan (CCMP).

AC Specialist review

208. Mr Matthew Byrne, Council's Erosion & Sediment Control Consultant, has reviewed this aspect of the proposal. Given the technical nature of his assessment (Appendix 21), his executive summary is provided below:

"While the application acknowledges the potential for sediment generation and relies on compliance with Auckland Council Guideline Document 2016/005 (GD05) and future preparation of Erosion and Sediment Control Plans (ESCPs), it provides insufficient information at the application stage to enable a robust assessment of effects. In particular, no indicative or site-specific ESCPs have been provided, no locations of erosion and sediment controls are identified, and no earthworks staging plans, indicative or otherwise, have been submitted despite staging being relied upon as a key mitigation measure. The lack of staging detail is significant, given the scale and linear nature of the project and the likelihood of multiple concurrent work fronts being exposed at any given time. The effectiveness of erosion and sediment controls is directly dependent on staging details.

The application relies on generic, high-level commitments and defers critical matters to future plans, rather than demonstrating how GD05 compliant measures will be practically and effectively implemented, particularly in high-risk areas adjacent to streams and the coastal marine area.

Although the scale of the proposed earthworks is such that an Adaptive Management Plan (AMP) could be appropriate in principle, the AMP guidance is clear that adaptive management is intended to address residual uncertainty only after a application stage envelope of effects has been established under demonstrated GD05 compliance. That prerequisite is not met in this case.

Overall, the application does not provide sufficient certainty to conclude that earthworks effects will be adequately avoided or mitigated, and key information gaps remain that must be addressed before a meaningful consent stage assessment can be completed."

Mr Byrne concludes that: *"In summary, I consider that critical information has been deferred to future plans rather than being used to inform the current effects assessment. Accordingly, whilst I acknowledge that ESC measures and construction staging may be achievable, the application does not provide a sufficient basis to conclude with certainty that the effects of earthworks will be less than minor in the absence of ESCPs and earthworks staging plans, indicative or otherwise."*

Mr Byrne has also provided feedback on the conditions proposed, whereby he concludes that: *"Overall, I consider that a standard suite of earthworks related conditions must be included if consent is granted, however, those conditions must be based on an appropriate assessment of effects of the proposed earthworks activities, which, for the reasons stated in Section 8 above, has not been provided."*

Council Comment

209. I rely on Mr Byrne's expertise and conclude that, fundamentally, in the absence of any draft or indicative Erosion and Sediment Control Plans, Council is unable to assess this aspect of the proposal in a meaningful way. I also note such plans are a special information requirement under rule E11.9(1) of Chapter E11 Land disturbance – Regional. These Erosion and Sediment Control Plans, together with the remaining information detailed by Mr Byrne in section 8 of his assessment, are sought in the first instance.
210. Mr Byrne has identified additional reasons for consent. While Rule E26.5.3.2(A107) has been identified by the Applicant as part of further information provided in February 2026, Rule E26.5.3.2(A106) for earthworks greater than 2,500m² where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading has not been assessed.
211. The absence of a Condition 1, and in particular the ability to link the approximate location of earthworks within the Indicative Design, is compounded with the requirement to provide Management Plans, but there's no mechanism for their implementation or reporting. As will be discussed separately in the section specifically relating to Environmental Monitoring, our Environment Monitoring Specialist has also identified issues with the timing of such plans where the term "construction" can be interpreted as relating to structures, not land disturbance.
212. Mr Byrne recommend that a standard suite of earthworks related conditions should be included, should consent be granted. To assist, a copy of the consent decisions for the Eastern Busway stages 3C and 4L is provided, where Mr Byrne was one of the three Hearings Commissioners for these applications. Noting that Draft Erosion and Sediment Control Plans had been provided as part of the applications, a suite of standard earthworks conditions²³ was imposed accordingly.

Groundwater and Settlement effects

Application

213. The application incorporated an Assessment of Groundwater and Settlement Effects prepared by Greg Sheppard. Having undertaken a desktop study of existing groundwater conditions across the Project Area, project specific groundwater investigations, and analytic and numerical modelling, Mr Sheppard concluded that:
- There is no recorded abstractive groundwater use within the areas of excavation and predicted drawdown. During construction, I consider there will be no impacts on groundwater users.
 - *...there will be no impacts on surface water bodies or wetlands resulting from groundwater drawdown, on account of there being no surface water bodies or wetlands within close proximity to the areas of substantial excavation and predicted groundwater drawdown.*
 - *... potential building damage due to settlement resulting from groundwater drawdown*

²³ BUN60423907 – EB3C (Conditions 13 to 32) and BUN60423878 – EB4L (Conditions 11 to 30)

outside of the Proposed Designation boundary is in the negligible to very slight categories. Further, it is noted that the assessment of settlement due to groundwater drawdown assumes unrestricted groundwater seepage to excavations. In reality, the excavation will be retained by secant pilings or similar that will act to restrict groundwater seepage and drawdown resulting in settlement. Accordingly, in my opinion, potential settlement effects resulting from groundwater drawdown will be less than minor to negligible.

- *While there may be some ongoing groundwater seepage to drainage layers during Project operation, I consider there will be no further or additional effects, over and above those already assessed for the construction period.”*

214. No conditions are proposed where Mr Sheppard notes that: *“I consider the effects associated with groundwater dewatering and associated ground settlement will be less than minor to negligible. As noted earlier, my assessment is conservative, and in reality I expect the design of the excavations will include the use of preinstalled secant piling or diaphragm wall retaining walls, which will act to limit groundwater seepage and drawdown, and further reduce potential for ground settlement resulting from dewatering.”*

AC Specialist review

215. Mr Richard Simonds, Council’s consultant Groundwater Specialist, has reviewed the groundwater aspects of this application (Appendix 19). Given the technical nature of Mr Simonds’ comments and concerns, his executive summary and principal issues are set out in full below:

*“It is my opinion that the proposed works **may not meet** AUP (OP) Standard E7.6.1.10 (3) at the location of the proposed Point Chevalier station, as the maximum unmitigated drawdown at the proposed Designation Boundary is predicted to be greater than 2.0 m. It is also my opinion that the proposed works **may not meet** AUP (OP) Standard E7.6.1.10 (3) at the location of the proposed Fred Taylor Drive underpass.*

*It is also my opinion that the proposed works **do not meet** AUP (OP) Standard E7.6.1.10 (5a) because the distance to any existing building or structure (excluding timber fences and small structures on the boundary) on any adjoining site from the edge of any trench or open excavation that extends below the natural groundwater level, must be at least equal to the depth of the excavation.*

The Application does not include the above reasons for consent, which I consider to be significant omissions.

I also note that an indicative cut/fill plans or information relating to the depth and extent of proposed excavations have not been provided; and therefore, I am not able to confirm whether the assessment of groundwater drawdown has been undertaken at the critical sections.

It is my opinion that the assessment of groundwater drawdown at the proposed Fred Taylor Drive underpass, undertaken by the Applicant’s Hydrogeologist – Greg Sheppard from Jacobs New Zealand, is invalid, because it is not informed by measured groundwater levels in a standpipe piezometer in an appropriately located borehole.

Furthermore, it is my opinion that the entire assessment of the settlement effects, undertaken by Jacobs, is incomplete, because the assessment only relates to the effects of consolidation settlement and no assessment of mechanical settlement has been undertaken.

For these reasons above, it is my opinion that the assessment of effects on third party assets (such as buildings, structures and public and private services), undertaken by Jacobs, is invalid.

In addition, I note that no conditions have been proposed in relation to the Water Permit, nor a draft Ground Settlement Monitoring and Contingency Plan (GSMCP) prepared, which I consider to be significant omissions.”

216. Mr Simonds also identifies that:

- *“...the proposed works do not meet AUP (OP) Standard E7.6.1.10 (5a) because the distance to any existing building or structure (excluding timber fences and small structures on the boundary) on any adjoining site from the edge of any trench or open excavation that extends below the natural groundwater level must be at least equal to the depth of the excavation.”, and*
- *“...the Applicant is not applying a consent in relation to NES:FW 45 (4a to 4c) on the basis that the indicative alignment is not located within close proximity to the identified natural inland wetlands. I do however note that, as the indicative alignment may be altered within the Proposed Designation Boundary, a consent in relation to NES:FW 45 (4a to 4c) may be required if the indicative alignment is revised.”*

217. A comprehensive list of further information is detailed within section 6.0 of Mr Simonds' assessment; these include the provision of draft conditions, as no conditions were provided for the (ground)water permit.

218. Overall, Mr Simonds concludes that:

“It therefore remains my opinion that, without assessing the potential mechanical settlement associated with any retaining wall deflection, the assessment of settlement effects is incomplete and hence the assessment of effects on 3rd party assets, i.e. buildings, structures and infrastructure, is invalid.

Based on information provided with the Application and subsequently by NZTA/Greg Shepherd, I am still not able to confirm whether or not the settlement effects, associated with the proposed activity on neighbouring buildings, structures, infrastructure and services adjacent to, or in close proximity to, the designation boundary, where excavations and retaining walls are proposed, are less than minor.”

Council Comment

219. I rely on Mr Simonds' expertise and recommendations for further information, concluding that fundamentally Council is not in a position to be able to assess the groundwater and settlement effects at this point.

220. Having regard to the Assessment of Groundwater and Settlement Effects which sets out six major cut areas with groundwater where cuts of up to 9.7m are proposed, together with the proximity of works to buildings, structures and infrastructure, I find the deliberate decision not to impose construction consent conditions addressing the construction methodology for cuts that have the potential to intercept groundwater (ie to ensure pre-installed secant pile walls or diaphragm walls are incorporated where necessary) curious, particularly in the light of such conditions imposed for similar infrastructure projects within an urban setting²⁴.
221. Acknowledging the exchange of information before and since the application was lodged, there is a clear difference of professional opinions and approaches between Mr Sheppard and Mr Simonds. In addition to considering requesting the provision of further information sought by Mr Simonds, I recommend that the Panel seriously consider seeking their own peer review of this aspect of the proposal.

Contaminated Land effects

Application

222. A Contaminated Land Preliminary Site Investigation (PSI) prepared by Terry Widdowson forms part of the application. Through the review of project information, publicly available environmental information (geology, hydrogeology, etc.), Auckland Council information (site contamination, closed landfills), and historical aerial images (supplied by Auckland Council), together with a 'high level' site walkover, Mr Widdowson has identified potential Hazardous Activities and Industries List (HAIL) sites along the designation route.
223. In this regard, Mr Widdowson has recommended that:
- *"In areas where I have found no evidence of HAIL activities, I consider it unlikely that proposed earthworks will pose a risk to human health or the environment.*
 - *In areas where I have identified potential HAIL activities within the Proposed Designation, and where soil disturbance is proposed on that land, I recommend the preparation of a Detailed Site Investigation (DSI) before earthworks commence to characterise and delineate any contamination in soils."*

A Contaminated Land Management Plan (CLMP) should be prepared incorporating the findings of the DSIs, and implemented so that any contaminated land effects on human health and the environment can be managed or mitigated appropriately. Condition 7 has been recommended accordingly.

AC Specialist review

224. Ms Duffy Visser, Council Specialist Contamination, Air & Noise, has reviewed this component of the application in Appendix 20, reaching the following conclusions:

²⁴ BUN60423907 – EB3C (Conditions 81 to 91)

- *“I find the information provided in the PSI report to be adequate and I consider the PSI report to have been prepared by a suitably qualified and experienced contaminated land practitioner, as defined in the ‘Users’ Guide to the NES:CS’, Ministry for the Environment (2012).*
- *I agree with the PSI that any contaminated land effects can be managed or mitigated by implementation of the CLMP.*
- *The Project requires consent under Regulation 11 of the NES:CS as a Discretionary Activity, as no Detail Site Investigations (DSIs) have been carried out.*
- *A discharge consent under Chapter E30 of the AUP(OP) may be required depending on the outcome of the DSI.”*

225. Ms Visser has also recommended a suite of Contaminated Soil (CS) conditions to apply to both the land-use consent and discharge consent to mitigate potential effects to human health and the environment.

Council Comment

226. I rely on Ms Visser’s expertise, and support her recommended conditions. These conditions, which are standard to contaminated soil applications, are preferred over the single condition proposed by the Applicant insofar as they provide clear direction and milestones for the provision and, implementation, of, and reporting on, the above-mentioned Detail Site Investigations and Contamination Site Management Plan (CSMP) throughout the duration of consent.

227. The provision of a Review Condition also acknowledges the potential for any significant adverse effect on the environment that may not have been apparent during the processing of this consent, and enables the requirement for the best practicable option to remove or reduce any adverse effect on the environment as knowledge, monitoring and performance standards may change over the course of the consent.

The only ‘additional’ recommendation relating to Ms Visser’s conditions is the provision of an Advice Note to condition CS.2, which sets out that: *“A discharge consent under Chapter E30 of the AUP(OP) may also be required depending on the results of the DSI. In the event, such a discharge consent is required, works cannot commence until the consent has been granted.”*

228. Overall, I conclude that, with the implementation of Council’s recommended conditions, that contaminated soil can be appropriately identified and managed through the course of the proposal.

Stormwater effects

Application

229. The consideration of stormwater is assessed within the application by Mr Paul May’s Assessment of Stormwater and Flood Effects, which in turn are summarised in sections 13.2 (water quality and stormwater discharge) and 13.3 (stream channel erosion) and correspondingly within sections 13.4.2, 13.4.3, and 13.4.4 relating to the corresponding

measures to avoid, remedy or mitigate effects.

230. In summary, the proposal involves 25 stormwater discharge points (Table 13-1) comprising a mixture of new and existing culverts and outfalls. Of these, 10 discharge points are proposed to discharge via the existing Auckland Council public stormwater network under the Regional Stormwater Network Discharge Consent. These discharge points will be managed by Healthy Waters and are considered by Healthy Waters and Council's Development Engineer under the NOR.
231. Regional consent to discharge stormwater on a private basis is required for the remaining 15 discharge points (TA 12, TA 14, TA 1, TA 6 – TA 9, TA 2, TA 3, CMA TA 11, CMA TA 10, TA 4, TA 5, TA 15, TA 16). These culverts and outfalls will be operated and maintained by the applicant. The Applicant has committed to treating all stormwater runoff (although the type of treatment is not specified), and Condition 8 is proposed accordingly.
232. The increased impervious area will lead to higher flows and velocities at these water treatment areas, and correspondingly may impact stream stability. While all but one treatment area will result in negligible effects on stream channel erosion. TA1 (Brigham Creek) may receive a moderate increase in stream channel erosion without mitigation. Installation of attenuation devices are proposed by way of Condition 9 where required to ensure that effects on stream channel erosion as a result of the Project will be low to negligible.
233. All new and upgraded stormwater outfalls and culverts proposed for the Project are proposed to have energy dissipation and scour protection installed (Condition 12).

AC Specialist review

234. Mr Martin Meyer, Council's Senior Specialist Stormwater, has reviewed this aspect of the proposal (Appendix 22), and, in general, supports the application with the following recommendations:
- A geomorphic assessment is undertaken as part of Proposed Condition 9 to ensure that stream erosion at the point of discharge or downstream will not be exacerbated by a 5% or greater increase in stream velocities, and that
 - An assessment of the hydrological effects on the wetlands within 100m of the Project Area is undertaken to determine whether consent is required under the National Environmental Standards for Freshwater. Mr Meyer notes that while: *"The applicant states they do not expect to trigger NES-F 45(4) and 45(5), however further information on the wetlands within the bounds of these clauses should be provided along with their indicative catchments to show that they are not linked hydrologically or that the effects will not alter the hydrological function/water level of these wetlands from the proposed works."*
235. Recommendations have been made to amend Condition 9, and additional conditions relating to the construction, operation and maintenance of the private stormwater management systems

Council Comment

236. I rely on Mr Meyer's expertise and adopt his recommended conditions. In particular, the requirement to make the distinction between stormwater infrastructure subject to the Network Discharge Consent and private infrastructure is critical in ensuring the ongoing monitoring and maintenance obligations by the Applicant and Healthy Waters. While I recognise the Applicant's desire for design flexibility, I consider such flexibility to be enabled through either the In Accordance or section 127 RMA processes.
237. Mr Meyer's request for an assessment of the hydrological effects on the wetlands within 100m of the Project Area is also supported. Although consent is explicitly not sought under the National Environmental Standards for Freshwater, it is unknown whether the proposed works (particularly given the absence of a Condition 1) will trigger the requirements for consent regardless.

Industrial Trade Activities effects

Application

238. The rules of Chapter E33 Industrial and trade activities which address stormwater quality aspects of the discharge of contaminants from an industrial or trade activity area have not been referenced as part of the application.

AC Specialist review

239. Mr Martin Meyer, Council's Senior Specialist Stormwater, has reviewed this aspect of the proposal (Appendix 22), and has identified that the proposed construction laydown spaces which may exist in excess of 6 months, can be considered as Industrial and trade activities and have the potential to discharge contaminants *"without appropriate management of stockpiles, storage of vehicles/machinery and other activities associated with these areas."*
240. To determine that these areas are managed in a manner that will minimise the risks to the receiving environment, provide treatment where necessary, and prevent high-risk activities such as machinery/vehicle servicing, Mr Meyer has recommended that information on proposed laydown areas is provided, including activities to take place, start and end dates where able or estimated length of activity, and the necessary evaluation of these areas per the requirements of Chapter E33. In principle, the application can be supported with the provision of such information.

Council Comment

241. I adopt Mr Meyer's assessment, and note the identification of 'construction areas' within Appendix A: Habitat Areas of Mr Bredin's Assessment of Ecological Effects. The proximity of such construction areas to watercourses both within the Project Area and adjacent to the Project Area (4-6 Hobsonville Road) is such that compliance with the Chapter E33 provisions needs to be demonstrated.

Environmental Monitoring

Application

242. As set out in Paragraph 10 of the Legal Submission on behalf of the New Zealand Transport Agency Waka Kotahi, dated 15 December 2025, most impacts associated with the Project are considered to be temporary in nature, where *“all can be effectively managed using familiar and tested measures, which are set out in NZTA’s proposed conditions (Proposed Conditions).”*
243. Paragraph 11 goes on to note that in line with large scale infrastructure projects, the Proposed Conditions do not include a traditional ‘Condition 1’ requiring the Project to be undertaken “in general accordance with” the application documents reasoning that: *“the final design and construction methodology will not be developed until some time in the future, with construction of the Project expected to be staged over approximately 20 years.”*
244. Further, reflecting the nature of the existing environment, the limited environmental effects of the Project, and the FTAA legal framework, those conditions proposed are more streamlined than those imposed on some recent NZTA projects under the RMA. Nonetheless, *“In our submission, the Proposed Conditions have been designed to appropriately manage the Project’s impacts and, in some cases, go beyond what is required via Augier conditions.”*
245. Further to this, Legal Submissions have also been provided (19 May 2026) in response to the Panel’s queries associated with the ‘no Condition 1’ approach.

AC Specialist review

246. Mr Christian Greff Turza, Council’s Senior Environmental Monitoring Officer, has provided initial feedback as Appendix 23 to the Proposed Conditions provided as part of the substantive application and updated as part of further information. In addition to providing updates to terminology, feedback on consistency with references to Council and administrative matters such the provision of a monitoring deposit, Mr Greff Truza makes the following key comments:
- *“It’s recommended that conditions adopt standard Council formatting, this will ensure the effectiveness of monitoring the consent and assist with administration associated with the consent. In general, the wording of the proposed conditions is very difficult to enforce against.*
 - *Environmental Monitoring does not support the omission of Condition 1. Including the relevant plans and supporting documentation is important because it fixes the precise scope of what has been approved, ensuring that the activity carried out on the ground aligns with the proposal and the effects that were assessed and relied upon in granting the approval.*
 - *One main concern relates to incorrect triggers for the submission of management plans are not correct. If the condition remains unchanged, we will not be able to request, for example, an Erosion and Sediment Control Plan until after the earthworks are completed and before construction begins.”*
247. The legal submission relating to the ‘no Condition 1’ approach was circulated to Council specialists as a whole to understand whether the information provided resolved any issues relating to the provision of information. Their responses have been appended to their respective memos.

While Ms Fiona Harte, Team Leader - Earth, Streams & Trees, noted that: *“For the streamworks we condition for final design details and streamworks management - as the application plans were very high level, missing or only indicative.”*, many specialists noted that the further information sought as part of their memos would still need to be provided.

Further Mr Greff Turza reiterated that: *“The absence of Condition 1 will significantly limit our ability to monitor the site and undertake enforcement actions if required. Without approved plans and methodologies, we will not be able to verify whether the extent of works complies with the consent, and assessing compliance against permitted activity standards may be complex for projects of this scale; especially considering the different locations.”*

Council Comment

248. I rely on Mr Greff Turza’s expertise and experience. Further to Mr Greff Turza’s comments on Management Plans, I note that there is a general disconnect between the certification and implementation of Management Plans. On multiple levels, work is required to amend the Proposed Conditions into a format that creates an envelope of effects as envisaged by the Applicant.

249. By contrast, I note the general approach taken by the respective Council specialists where not only are their assessments premised on the Indicative Design together with Part 4 - RMA 1991 Approvals and one or more specialist Assessment of Effects, but a suite of Council standard conditions are recommended in favour of the Proposed Conditions. Having regard to the 25 year lapse date sought by the Applicant, I consider the imposition of Council conditions including review conditions as a more pragmatic approach whereby both Council Environmental Monitoring officers and the development community are familiar with the obligations associated with the implementation and monitoring of these conditions.

250. As set out in the following ‘Key Information Gaps’ section, although further information is required at this point and will also be required by way of condition (for more detailed design), the absence of a Condition 1 is not supported. The plans and assessments traditionally referenced within Condition 1 form the basis of the Applicant’s assessments and Council’s peer reviews, as well as forming a key tool in enabling Council’s Environmental Monitoring officers to monitor the site(s) and undertake enforcement actions if required.

Key Information Gaps (Resource Consents)

251. The Council has identified information gaps within the application material that are included in the table below.

252. The Panel is referred to the relevant Appendices referenced within the table.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Terrestrial Ecology (Mr Statham, Appendix 16)	The ECIA on refers to mitigation whereas the TVEA states “that all	Cannot accurately assess the associated impact and offsetting metrics.	Potentially High: Potential for inadequate assessment of ecological

Biodiversity Offset model	replacement planting be undertaken within the Proposed Designation or within 1.5km of the Proposed Designation Boundary” Mitigation has specific meaning, as does offsetting and compensation.		value and appropriate offsetting of biodiversity values.
Terrestrial Ecology (Mr Statham, Appendix 16) Draft fauna management plans.	No fauna management plans, notably lizard management.	Obligations under the RMA and regulatory considerations are uncertain and may not be achievable; including whether additional landowner approvals are necessary and or there is suitable habitat available as a receiver location (including pest management necessary for the success of relocations.	Potentially High: Impacts to wildlife is unknown and could have a high impact. It is unclear how the effects will be appropriately managed and mitigated. For expediency and completeness it is advised that the applicant provide draft management plans.
Streamworks and Freshwater Ecology (Dr Tavasoli, Appendix 17) Compliance with relevant standards The applicant provides a list of activities related to proposed work	The applicant has listed the proposed activities; however, the application does not clearly demonstrate whether, and how, the proposed works comply with relevant regulatory requirements, standards, and consent criteria.	Inability to verify compliance, which may affect consent decisions or conditions.	Risk of non-compliance, potential legal or regulatory challenges, and uncertainty regarding the appropriateness of proposed mitigation or management measures.
Streamworks and Freshwater Ecology (Dr Tavasoli, Appendix 17) Culvert and Bridge designs	Detailed designs and specifications for the proposed culverts and bridges have not been provided.	Prevents a full assessment of potential freshwater ecological effects and the effectiveness of proposed mitigation measures.	Uncertainty regarding the scale of stream disturbance, fish passage outcomes, hydrological effects, and long-term stream function.
Streamworks and Freshwater Ecology (Dr Tavasoli, Appendix 17) Recommended mitigation ratio	The proposal relies primarily on mitigation planting recommendations, while the permanent loss of stream extent and ecological values has not been clearly addressed through an offsetting or	Limits the ability to determine whether the proposed measures are sufficient to address residual adverse effects and achieve an appropriate ecological outcome.	Risk that stream loss and associated ecological values are not adequately compensated for, creating uncertainty regarding overall ecological effects and policy alignment.

	compensation framework.		
<p>Coastal Processes and Marine Ecology (Dr Sivagaru, Appendix 18)</p> <p>Consent required for coastal outfall in relation to coastal hazard area</p>	<p>No assessment has been undertaken with regard to the PC120 and coastal erosion provisions</p>	<p>Limits ability to understand risk management (should infrastructure be required to be relocated)</p>	<p>Able to be addressed by consent conditions</p>
<p>Coastal Processes and Marine Ecology (Dr Sivagaru, Appendix 18)</p> <p>Information required regarding coastal processes</p>	<p>Information regarding the proposed alignment and spacing of piles for temporary staging, including their relationship to existing piles or piers, has not been provided.</p>	<p>This information is important to understand the potential for changes to local hydrodynamics, sediment transport, and erosion or deposition patterns arising from the proposal.</p>	<p>Able to be addressed by consent conditions</p>
<p>Arboriculture (R Leung, Appendix 12)</p> <p>Protected trees within coastal areas</p>	<p>No information about trees located within 150m of MHWS and their associated impacts from the proposed development, which is a Restricted Discretionary Activity under E26.3.3.1 (A77).</p>	<p>Tree impacts will need to be reviewed at the Detailed Design stage with specialist input from a qualified arborist to avoid, minimise and reduce the tree impacts by retaining mature specimens and provide mitigation replanting to ensure no net loss of canopy coverage within 150m of MHWS.</p>	<p>Low risk as the works areas are mainly in the envelope of State Highway 16</p>
<p>Regional Earthworks (Mr Byrne, Appendix 21)</p> <p>No Earthworks Plans or Erosion Sediment Control Plans (ESCP) provided</p>	<p>No indicative plans, diagrams, or mapped layouts are provided to show the location of sediment retention devices, clean-water diversions, stabilised flow paths, or controls in proximity to streams, estuaries, or other sensitive receiving environments have been provided.</p> <p>High likely the nominated earthworks contractor will encounter situations where it is not practicable to install ESC measures</p>	<p>Application does not demonstrate how sediment-laden runoff will actually be intercepted or treated before entering 'high-risk' downstream freshwater or marine receiving environments.</p> <p>Assessment is limited to acceptance that the applicant will adhere to best practice ESC measures, with no guidance as to alternative measures.</p>	<p>High uncertainty, potential high impact – Applicant is proposing to effectively defer the application stage assessment of the proposed earthworks and ESC matters, to a later date following issue of consent.</p>

	in accordance with GD05, where alternative controls will need to be implemented		
<p>Regional Earthworks (Mr Byrne, Appendix 21)</p> <p>No staging plans provided</p>	<p>Construction staging is relied upon as a key mitigation measure, however no staging plans provided.</p> <p>High likelihood that multiple stages of earthworks will occur concurrently and the effects of this have not been adequately assessed.</p>	<p>Effectiveness of erosion and sediment controls is directly dependent on the size, location, and sequencing of exposed areas at any given time. In the absence of staging plans, it is not possible to assess the application's reliance on staging to justify its conclusions that the earthworks' potential effects will be limited, temporary, or less than minor.</p>	<p>High uncertainty, potential high impact – staging may not be sufficient as an effective mitigation measure.</p>
<p>Regional Earthworks (Mr Byrne, Appendix 21)</p> <p>No comment provided regarding the potential for implementing an Adaptive Management Plan (AMP)</p>	<p>Application does not demonstrate that the potential effects of the earthworks will be maintained within an acceptable envelope.</p> <p>Not currently practical or appropriate to develop and implement an AMP based on the information provided.</p>	<p>Lack of defined staging, of any indicative ESC locations, and a clear application stage envelope of effects means that an AMP could not function as intended and would risk substituting for, rather than supplementing, best practice ESC management.</p>	<p>High uncertainty, potential high impact – the functionality of a AMP has not been determined</p>
<p>Groundwater and Settlement (Mr Simonds, Appendix 19)</p> <p>An indicative cut/fill plan or information relating to the depth and extent of proposed excavations has not been provided.</p>	<p>The extent and depth of significant cut earthworks is unknown.</p>	<p>Unable to assess whether or not the settlement effects of dewatering and groundwater diversion are potentially adverse.</p>	<p>High/Potential for significant/critical excavations to occur within close proximity to the Proposed Designation Boundary for which the effects of the groundwater -related activity have not been assessed.</p>
<p>Groundwater and Settlement (Mr Simonds, Appendix 19)</p> <p>Identification of all potentially affected buildings, structures and</p>	<p>Buildings, structures and services that may be affected have not been identified.</p>	<p>Unable to assess the effects on potentially affected buildings, structures and services as they have not been identified.</p>	<p>Moderate Potential for buildings, structures and services to be affected by the proposed</p>

services.			
<p>Groundwater and Settlement (Mr Simonds, Appendix 19)</p> <p>Appropriate groundwater monitoring levels for the proposed underpass excavation at Fred Taylor Drive have not been provided.</p>	<p>Borehole BH012, adopted for the assessment is located circa. 260 m from the proposed excavation and approximately 12 m lower than the ground level at the location of the Fred Taylor Drive underpass.</p> <p>The assessment of groundwater drawdown undertaken by the Applicant's Engineer – Jacobs, is invalid, because it is not informed by measured groundwater levels in standpipe piezometers in appropriately located boreholes. Hence the assessment of potential consolidation settlement on third party assets (such as buildings, structures and public and private services) undertaken by Jacobs is also invalid.</p>	<p>Assessment is invalid and therefore unable to assess whether or not the effects of dewatering and groundwater diversion are potentially adverse.</p>	<p>High/Potential for the Groundwater levels at the cut location to vary from the assessed groundwater levels, resulting in potentially adverse effects. No monitoring is proposed to confirm the assumptions during construction.</p>
<p>Groundwater and Settlement (Mr Simonds, Appendix 19)</p> <p>An assessment of the effects of total settlement (i.e. consolidation settlement plus mechanical settlement) and differential settlement on buildings, structures and public and private services outside the Designation boundary.</p>	<p>The assessment of effects of the proposed activity is incomplete because no assessment of mechanical settlement has been provided.</p>	<p>Unable to assess whether or not the total and differential settlement effects of dewatering and groundwater diversion are potentially adverse.</p>	<p>High /Potential for significant effect on structures located within close proximity to the retaining works outside the Designation boundary.</p>
<p>Groundwater and Settlement (Mr Simonds, Appendix 19)</p>	<p>No conditions relating to the Water Permit have been provided.</p>	<p>Unable to review the proposed consent conditions with respect to the proposed</p>	<p>High /Potentially significant as the effects on third - party assets must be managed via</p>

Absence of Proposed conditions relating to the (Ground)Water Permit.		groundwater -related activity.	conditions, which must include a Groundwater Settlement Monitoring and Contingency Plan (GSMCP), which has not been provided with the application.
Groundwater and Settlement (Mr Simonds, Appendix 19) Absence of a Groundwater Monitoring and Settlement Contingency Plan (GSMCP).	Application information is incomplete	Unable to review the draft GSMCP document to confirm that adequate monitoring provisions and contingency measures will be adopted .	High/Potentially significant as the effects on third - party assets must be managed via conditions , which include a Groundwater Settlement Monitoring and Contingency Plan (GSMCP), which has not been provided with the application.
Contaminated Land (Ms Visser, Annexure 19)	N/A	N/A	N/A
Stormwater and Industrial Trade Activities (Mr Meyer, Appendix 22) Assessment required against Chapter E33 Industrial and Trade Activities	No assessment of laydown areas which are considered industrial or trade activity areas, for aggregate, machinery, equipment and potential areas used for various associated activities may present a risk for the discharge of contaminants.	The need for a consent for the discharge of contaminants may be required where the activity does not meet E33.6.1.2 and the provision of an environmental management plan.	Medium Risk – discharge of contaminants to receiving environment
Stormwater and Industrial Trade Activities (Mr Meyer, Appendix 22) Assessment of Hydrological Effects on Wetlands within 100m of Proposal required	Wetlands within 100m of the project area have been identified, but assessment on the hydrological effects on these wetlands were not provided.	Determine whether triggers for NES-F 45(4) and 45(5) for restricted discretionary activity occur.	Medium Risk – loss of wetland habitat
Stormwater and Industrial Trade Activities (Mr Meyer, Appendix 22) Geomorphic Assessment required	Detailed assessment of the effects of additional flows on the streams within the proposal area to determine erosion risks from the changes in flow.	Cannot determine if the proposal meets the assessment criteria required E8.6.1(2) or if the activity meets the requirements of E10.8.2(1)(b).	Medium Risk - Potential for ongoing erosion of streams once impervious areas are established

253. While some specialists have identified that this information can be provided by way of a condition, fundamentally Messrs Byrne and Simonds have identified that the above-mentioned further information is critical for their assessment of regional earthworks and groundwater and settlement effects.
254. Similarly, the assessment required against Chapter E33 Industrial Trade Activities and assessment of Hydrological Effects on Wetlands within 100m of Proposal sought by Mr Meyer, is required to determine compliance with the National Environmental Standards for Freshwater and Chapter E33 Industrial and Trade Activities.

B.2 Lapsing of designations and resource consents

255. The requiring authority/applicant has requested a 25-year lapse period for the NoRs and a 35-year lapse period for the resource consents. The requiring authorities' reasons for this request are summarised in the legal submissions on behalf of NZTA Waka Kotahi (paragraphs 111 and 112) as follows:

- delivery of the Project is expected to be staged over 20 years
- the designation and resource consent lapse periods sought by NZTA are consistent with the FTAA statutory requirements²⁵ and its purpose
- the extended lapse periods will facilitate delivery of the Project, and its significant benefits, as funding becomes available
- the resource consent durations sought by NZTA are consistent with the maximum available in section 123 of the RMA.

Notices of requirement

256. Regarding the NoRs, the matter of the lapse date has been discussed in paragraphs 110 to 115 above in this memo. In summary, the AC Planners recognise the need for an extended lapse date. However, we consider that there needs to be a balance between the practical needs of the Requiring Authority to protect and secure the busway sections and connections and station sites, and the effects of the extent of the designations, and the extended lapse period, on property owners and occupiers whose land is subject to a designation.

SECTION C: RECOMMENDATION AND CONCLUSION

257. Subject to new or contrary evidence provided by way of any response to requests for further information from the Panel, or matters raised by other parties who have been invited to comment, we submit the following conclusions and comments on the Proposal for the Panel's consideration.

²⁵ FTAA, Schedule 5 cl.26

Recommendation and conditions for the notice(s) of requirement

258. In relation to conditions, we are aware the following must be complied with:

- [Section 83](#) in setting conditions (*When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion*);
- may impose conditions under [section 84](#) (relating to Treaty settlements and recognised customary rights);
- [Clause 25](#) of Schedule 5 relating to Conditions on a designation.

259. In recommending conditions for the Panel's consideration under the FTAA, we (Jo Hart, Louise Barclay) have considered the limits on the Panel by section 83 of the Act, which require a condition not to be more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

260. In this respect we consider the recommended conditions are traceable to adverse effects resulting from the proposed designation. Accordingly, we have turned our mind to whether there is discretion to include such a condition.

261. In terms of staging, we note that designation conditions which include timeframes for engagement may not align with indicated timeframes for commencement of construction. As an example, Brigham Creek station and Park and ride signalled to commence construction in 2026/2027. We recognise flexibility may be required for any timeframes stipulated in management plans relative to some designation areas, where this does not undermine the purpose of the respective condition for the stage of works.

262. Subject to new or contrary evidence provided by way of any response to requests for further information from the Panel, or matters raised by other parties who have been invited to comment, the proposal as put forward under the designations is supportable subject to the following being addressed:

- o Amendments and additional conditions suggested within **Appendix 1**: AC recommended amendments to Designation Conditions and Section B of this memo*. In addition to Appendix 1, the AC Planners have suggested amendments and additions within Section B: Planning Comments, in relation to the following effects:
 - Archaeology
 - Transport
 - noise and vibration
 - Arboricultural
 - Outstanding Natural Features
 - Social and Community Effects
 - Engineering
 - Other minor amendments:
 - a. Amend 'shall' to 'must' throughout the condition set for consistency with the FTAA

and reduce ambiguity

- b. Inclusion of additional acronyms in the definition table.

*Note: Appendix 1 is the outcome and response to the AC specialist assessments and Section B includes a summary of the AC specialist's assessments and the AC Planners response. Appendix 1 and the AC Planners responses in Section B, have been put forward to assist the Panel, Requiring Authority and the FTAA process.

263. In principle the AC Planners do not oppose the “no condition 1” approach, where designation conditions are strengthened to ensure that the potential adverse effects of the Project can be avoided, remedied or mitigated.
264. We consider that if the Panel is minded to progress the substantive application following receipt and consideration of these comments under S53, a condition conference with parties would be beneficial on these matters.
265. On balance, having regard to the purpose of the FTAA, the relevant provisions of Part 8 of the RMA, and the significant benefits of the Project, the AC Planners consider that the Notices of Requirement can be supported, subject to the recommended conditions and amendments set out in this memorandum.

Recommendations and conclusion for the resource consents

266. Notwithstanding the requirement for further information together with the imposition of standard conditions familiar to Council (and correspondingly the Auckland development community), and the requirement for a clear demonstrable link to the information including the specialist assessments and Indicative Design that has formed the basis of their assessment (that is, a Condition 1 or similar), the following aspects of the proposal are supported by Council's specialists:
- Arboriculture,
 - Terrestrial Ecology,
 - Streamworks and Freshwater Ecology,
 - Coastal processes and Marine Ecology,
 - Contaminated Land, and
 - Stormwater.
267. However, the information presented as part of the substantive application and further information provided to date is insufficient for Council's specialists to assess the adverse effects (or otherwise) of the regional earthworks, and groundwater and settlement aspects, of the proposal. Council continues to recommend that this information be provided as part of the processing of this application rather than by way of conditions. Given earthworks are intrinsic to the other aspects of the Proposal, the separation of these consents/permits from the other consents sought is considered problematic.
268. Further information is also sought to determine compliance with the National Environmental Standards for Freshwater in relation to the wetlands located within and proximate to the Project

Area, and Chapter E33 Industrial and trade activities concerning the management of construction and laydown areas.

269. Fundamentally, the absence of Condition 1 is not supported. As noted above, Council support of the proposal (albeit partial at this time) is reliant on the Indicative Design and the Specialist Assessments provided as part of the application. This is reflected in the 70+ references to the Indicative Design and the 80+ references to Specialist Assessments within the legal submissions of 19 May 2026. Divorcing this link to this information to enable design flexibility when the current planning framework allows for such variation through the In Accordance and Consent Variation (section 127 of the RMA) processes appears unwarranted, and unduly challenging in terms of Council's Environmental Monitoring officers' ability to ensure the adverse effects generated over the 25 year lapse date of the consent sought are commensurate with those assessed today.
270. As discussed, the bespoke nature of the Proposed Conditions is not supported where Council's Environmental Monitoring Specialist has concluded that such conditions will be difficult to enforce, and where specialist feedback throughout has recommended a suite of standard conditions that are familiar to both Council officers and correspondingly to those involved undertaking the proposed works.
271. The lack of a clear preparation, certification, implementation, reporting and review sequence for the proposed Management Plans, creates the potential for confusion between terms such as 'construction' and 'land disturbance', and unfamiliarity as to the objectives for some bespoke conditions at this stage. This highlights the need for standard conditions so all parties can clearly now, and over the up to 25-year course of a consent, understand their respective obligations.
272. Therefore, a consolidated set of resource consent conditions has not been appended to this report, as this would require a substantial amount of drafting which may not be warranted, should the Panel accept NZTA's approach to conditions. However, Council is ready and willing to work with NZTA to create such a set of conditions upon the Panel's directions.

SECTION D: APPENDICES

Following pages include:

- **Appendix 1** - Auckland Council recommended designation conditions
- **Appendix 2** - Local Board Views on Notices of Requirement and Resource Consents
- **Appendix 3** - Watercare Services Limited.
- **Appendix 4** - Healthy Waters - Hillary Johnston
- **Appendix 5** - Development Engineering – Greg Hall
- **Appendix 6** - Transport Specialist – Mat Collins
- **Appendix 7** - Urban Design – Frank Pierard
- **Appendix 8** - Landscape and Visual – Peter Kensington
- **Appendix 9** - Built Heritage – Mahshid Kakouei Ezbarami
- **Appendix 10** - Parks and Community Facilities – Douglas Sadlier (with Addendum prepared by Lesley Wolfensberger-Betts)
- **Appendix 11** - Archaeology - Mica Plowman
- **Appendix 12** - Arboricultural Specialist – Regine Leung
- **Appendix 13** - Heritage Arborist – West Fynn
- **Appendix 14** - Natural Features ONF – Dr Kate Lewis (Geological)
- **Appendix 15** - Noise and Vibration – Peter Runcie
- **Appendix 16** - Terrestrial Ecology – Rue Statham
- **Appendix 17** – Stream works and Freshwater Ecology – Dr Naz Tavasoli
- **Appendix 18** - Coastal processes and Marine Ecology – Dr Kala Sivaguru
- **Appendix 19** - Groundwater - Richard Simonds
- **Appendix 20** - Contaminated Land – Duffy Visser
- **Appendix 21** - Regional Earthworks – Matthew Bryne
- **Appendix 22** - Stormwater and Industrial Trade Activities – Martin Meyer
- **Appendix 23** - Environmental Monitoring - Christian Greff Turza
- **Appendix 24** – Eastern Busway Resource consent decisions for EB3C and EB4L
- **Appendix 25** - Responses to Legal Submissions re No Condition 1