

Before the Expert Consenting Panel

under: the Fast-track Approvals Act 2024

in the matter of: applications for resource consents and archaeological authorities and notices of requirement by the New Zealand Transport Agency Waka Kotahi to develop a rapid transit link and associated infrastructure and connections between Brigham Creek and Auckland City centre, alongside State Highway 16, known as 'North West Rapid Transit'

applicant: **New Zealand Transport Agency Waka Kotahi**
Requiring Authority and Applicant

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

Dated: 19 August 2026

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MEMORANDUM OF COUNSEL ON BEHALF OF NEW ZEALAND TRANSPORT AGENCY WAKA KOTAHI

- 1 This memorandum is filed on behalf of the New Zealand Transport Agency Waka Kotahi (NZTA) in response to the Panel's Minute 18 dated 12 August 2026 and its draft decision and conditions for the North West Rapid Transit Project (NWRT or *Project*).
- 2 NZTA welcomes the Panel's draft decision to approve all the approvals sought for the Project.
- 3 NZTA's comments on the Panel's draft designation and resource consent conditions are contained in **Appendix 1** and **Appendix 2** to this memorandum. As directed in Minute 18, NZTA's proposed amendments are shown in 'track changes' format with brief reasons included in 'comments'. This memorandum provides more detailed reasons that support NZTA's comments on the following draft conditions:
 - 3.1 Condition 1A (designations and consents);
 - 3.2 Height-in-relation-to-boundary (designation condition 15B);
 - 3.3 Construction traffic management conditions (designation conditions 16, 16A and 16C – 16 F); and
 - 3.4 Geotechnical condition (designation condition 27A).
- 4 NZTA does not have any comments on the Panel's draft archaeological authority conditions.
- 5 NZTA acknowledges that the Fast-track Approvals Act 2024 (FTAA) does not enable parties to comment on the draft decision. However, to assist the Panel as it finalises its decision, NZTA has also suggested some minor corrections to the draft decision in **Appendix 3**.

CONDITION 1A

- 6 As recorded in the Panel's draft decision, NZTA sought designations and resource consents without a traditional 'Condition 1' based on an 'envelope of effects' approach.
- 7 During the course of the consenting process, the Panel sought – and NZTA provided – evidence demonstrating that *"outcomes based effects management will appropriately mitigate the Project's effects regardless of design amendments and without the need to refer to supporting Application documents"*.¹

¹ Draft decision of the North West Rapid Transit Expert Panel (dated 12 August 2026) (*Draft Decision*), paragraph 679. See also the Panel's Minute 3 (dated 5

- 8 NZTA welcomes the Panel's draft decision confirming that approach, and in particular the Panel's finding that:²

The Panel is satisfied that the nature of the Project, and the timescale over which it will be implemented, means that a degree of flexibility in the overall design is warranted. The Panel is satisfied that overall, the set of conditions will ensure that any effects flowing from changes have been accounted for and will be controlled by the proposed conditions and that the 'envelope of effects' technique will deliver a generally satisfactory level of control.

- 9 However, the Panel's draft decision goes on to record a separate concern, being "*some discomfort regarding the risk that with this flexibility there might arise uncertainty, or even prejudice, to stakeholders if the final construction is qualitatively or conceptually different from the Project, as applied for*".³ And ultimately the Panel has included a Condition 1A in both the designations and the consents.

- 10 NZTA is unclear as to the effect that the Panel seeks to manage through Condition 1A, and as to the Panel's reasoning on this point generally.

Condition 1A is unnecessary as scope is confined by the application

- 11 Based on the draft decision, we understand the Panel's concern is not related to whether the Project's effects will be appropriately managed by conditions, but rather whether the completed Project will align with "*community expectations*" and a desire to ensure "*there is sufficient clarity for all stakeholders, in terms of what is actually enabled under the designation and the consents*".⁴ The Panel's concern appears to relate to the scope of the Project, rather than its effects.

- 12 In our submission, the scope of the works authorised by the designations and consents is confined by the scope of the application, irrespective of any condition (or absence of a traditional 'Condition 1').⁵ As a result, NZTA considers the Panel should feel comfortable that the Project must be completed in a manner that is

May 2026), NZTA's response to Minute 3 (dated 19 May 2026) and NZTA's legal submissions (dated 29 July) (*Legal Submissions*), paragraphs 196-203.

² Draft Decision, paragraph 686.

³ Draft Decision, paragraph 687.

⁴ Draft Decision, paragraph 687.

⁵ *Gillies Waiheke Limited v Auckland City Council* [2004] NZRMA 385 (CA) at [22]; See also *Body Corporate 355492 v Chief Executive of Ministry of Business, Innovation, and Employment* [2024] NZHC 1422 at [49] and *Greenpeace Aotearoa Inc v Hiringa Energy Ltd* [2023] NZCA 672 at [99].

consistent with the scope of the application (and therefore cannot be “*conceptually different from the Project, as applied for*”).

- 13 In addition to the Application, we consider the Panel can be comfortable that the works are confined by:
 - 13.1 the purpose of the designation;
 - 13.2 the designation footprint and extent of coastal permits as shown in Schedule A to the consent conditions;
 - 13.3 the activities described in the consents (including the exceptions); and
 - 13.4 the effects envelope described in the conditions.
- 14 As to the Panel’s “discomfort” about ‘qualitative’ differences between the Project as constructed and as described in the Application, we make the following related points:
 - 14.1 Whilst the draft decision is not clear as to the Panel’s particular concern on this point, it bears repeating that the final design is not yet determined. Nevertheless, the success of the Project depends upon a design that achieves its core objectives – a busway and stations that provide a rapid, frequent and convenient service, and facilities that are attractive and safe for users, and which integrate appropriately with their surroundings.
 - 14.2 NZTA is already working with Auckland Council on urban design integration matters, and the two organisations are developing a process that formalises that work during the Project’s detailed design phase. Accordingly, NZTA considers that whilst qualitative differences are not truly in issue, the Panel and stakeholders can be assured both that NZTA is committed to quality outcomes and that it will continue to work constructively with Auckland Council to bring diversity of thought to urban design.
- 15 Accordingly, and in line with the Panel’s comments regarding flexibility and outcomes-based conditions, we consider the Panel should conclude that the works will be appropriately limited in scope and effect, and that the concerns noted in paragraph 11 above are already addressed.

Condition 1A will create unintended outcomes

- 16 NZTA considers the draft Condition 1A contradicts the Panel’s draft decision relating to ‘no Condition 1’ and essentially applies a traditional condition 1. Draft Condition 1A requires that:

"[t]he works...shall be undertaken in a manner consistent with the Indicative Design West drawings and Indicative Design East drawings as set out at Schedule A to this set of conditions..."

- 17 In our submission, a requirement to be "*consistent with*" specific design drawings is less flexible than a traditional Condition 1 (which requires works to be "*in general accordance with*" listed application documents). Such a condition would elevate "Indicative Design" drawings to a controlling design benchmark.

- 18 However, draft Condition 1A goes on to say:

"[w]ork will be deemed to be consistent with those drawings if it is [located within the designation boundary and is] compliant with the balance of these conditions and [any certified management plan or plan that] has been approved⁶ via the Outline Plan process".

- 19 In our view, the deeming provision either:

19.1 *Does not resolve the Panel's concern:* One interpretation of the deeming provision is that the Project does not need to be consistent with the Indicative Design (ie the first part of the condition does not apply) if the Project is compliant with the conditions and the Outline Plan(s) / Management Plans. If that is the case, draft Condition 1A has no effect and should be deleted; or

19.2 *Creates significant uncertainty as to what works are enabled by the designations and consents:* Another interpretation of the deeming provision is that it provides some flexibility to depart from the Indicative Design (ie the first part of the condition doesn't strictly apply), however the boundaries of that flexibility are unknown. If that is the case, it is highly uncertain how draft Condition 1A would operate in practice. As NZTA moves into the detailed design phase, it would have no certainty as to what fits within the scope of the designations and consents, and what would require an alteration or variation. The significant benefits of flexibility would therefore be undermined.

- 20 Further, as noted at paragraph 13 above, the Project works are confined by the designation boundary and must comply with the conditions regardless of whether the deeming provision is included in Condition 1A. It is not necessary for Condition 1A to restate the law in this respect.

⁶ We note that works are not "approved" via the Outline Plan process.

- 21 In conclusion, we submit that draft Condition 1A would not resolve the Panel's scope concern and would (contrary to the Panel's intention) create significant uncertainty for NZTA, Auckland Council, stakeholders and the community.

Further information is required to understand the Panel's concern

- 22 As noted above, the exact nature of the Panel's concern is not clear. The draft decision says there is a risk that "*the final construction is qualitatively or conceptually different from the Project, as applied for*".⁷ As NZTA has made clear throughout the substantive application and consenting process, the final design *will* be different to the Indicative Design. One reading of the Panel's draft decision is that the Panel's concern is related to fundamental changes to the nature of the Project (ie that it is a busway, not an alternative form of rapid transit).
- 23 NZTA has carefully considered ways to address the Panel's discomfort. However, given the exact nature of the Panel's concern is unclear, we have been unable to develop an alternative Condition 1A at this time.
- 24 Accordingly, we respectfully request that the Panel issue a request for further information that clarifies the nature of the Panel's concern and requests that NZTA provide an update to this response.

HEIGHT IN RELATION TO BOUNDARY CONDITION

- 25 The Panel's draft decision records that the Council's version of this condition proposed a 3m height at the designation boundary and that NZTA sought 30m. NZTA notes that its proposed condition referred to 30 metres in error, and should have instead referred to 3 metres. NZTA therefore supports the Panel's draft condition, and requests that the Panel's final decision records that NZTA did not intend to propose a condition that referred to 30 metres.

CONSTRUCTION TRAFFIC CONDITIONS

- 26 The Panel's draft designation conditions include extensive amendments to NZTA's proposed construction traffic conditions. Those amendments closely reflect the recommendations contained in the 'Transport Peer Review Memo' prepared by Mr Darryl Hughes of Hughes Traffic and Transport. As NZTA has not previously had an opportunity to respond to the Transport Peer Review Memo, this memorandum addresses NZTA's response to the Panel's draft construction traffic conditions in some detail.

⁷ Draft Decision, paragraph 687.

The draft conditions are out of proportion to the Project's transport effects

- 27 The Panel acknowledges *"the completed project will provide significant benefits"*.⁸ The Panel's outstanding concern relates to *"uncertainty regarding the potential traffic effects during construction... and what happens if the final traffic management arrangements produce effects greater than those anticipated in the application material"*.⁹
- 28 In our submission, that concern is overstated. The construction traffic effects will be temporary, while the Project will deliver substantial, long-term transport benefits for northwest Auckland, and the broader Auckland region.¹⁰ The construction traffic effects will be managed by applying standard, well-understood and proven measures, so that effects will be minor or less.¹¹ NZTA and AT are both experienced managers of construction at the scale required for the Project, and employ established and proven measures to minimise disruption to the transport network. Council agreed that NZTA's proposed conditions are appropriate.¹²
- 29 In addition, the Panel appears to have adopted an incorrect legal test in its draft decision on construction traffic conditions. The Panel relies heavily on the Transport Peer Review Memo, which starts from the position that NZTA's proposed conditions *"do not fully resolve the broader transport concerns raised by"* commenters.¹³ The Panel's draft decision records that its draft conditions *"ensure that these effects which will occur within already congested and constrained transport environments can be mitigated as far as practicable, and on a proportionate basis"*.¹⁴ However, there is no legal requirement to *"fully resolve"* commenter concerns or that effects be *"mitigated as far as practicable"*.¹⁵
- 30 For those reasons, NZTA considers the extent of the Panel's draft construction traffic conditions is out of proportion to the potential

⁸ Draft Decision, paragraph 172.

⁹ Draft Decision, paragraph 176.

¹⁰ Statement of Evidence of Ida Dowling (dated 3 June 2026) (*Transport Evidence*), paragraphs 10 - 12; Statement of Evidence of Meredith Bates (dated 3 June 2026) (*Construction Traffic Evidence*), paragraphs 40 - 41 and 49; Legal Submissions, paragraphs 103 - 107; NWRT Expert Panel Minute 17, Attachment A, page 1.

¹¹ Transport Evidence, paragraph 15; Construction Traffic Evidence, paragraphs 41 - 42 and 47; Legal Submissions, paragraphs 103 - 107.

¹² NZTA and Auckland Council Joint Memorandum of Council (dated 8 July 2026), Attachment 1, pages 8 - 9.

¹³ Panel's Minute 17 (dated 11 August 2026), Attachment A, section 3, page 3.

¹⁴ Draft Decision, paragraph 197.

¹⁵ Legal Submissions, paragraph 110.2.

effects to be managed, and that it is otherwise lacking in clear rationale.

The draft construction traffic conditions must be refined if they are to be imposed by the Panel

31 NZTA nevertheless acknowledges the Panel's draft decision is that additional conditions are required to appropriately manage the Project's construction traffic effects. NZTA considers refinements to those conditions are necessary to ensure they meet the legal tests for valid and lawful conditions.¹⁶

32 The key reasons for NZTA's comments on, and suggested amendments to, the Panel's draft construction traffic conditions are:

32.1 *Conditions must be certain and enforceable:* NZTA considers a number of the Panel's draft conditions are uncertain as drafted and therefore it is unclear what is required to comply with them. For example:

- (a) NZTA has a number of concerns with draft Conditions 16A and 16D, which would require:
- construction traffic restrictions to be "*as far as practicable... avoided during peak retail trading periods, including the period from 1 November to 7 February*" (draft Condition 16A(d)); and
 - the CTMP to provide "*measures to manage construction traffic during peak retail trading periods, including the period from 1 November to 7 February*" (draft Condition 16D(b)(v)):

NZTA's concerns with those conditions are:

- (i) The conditions specify one period, but suggest there may be other, unknown, peak retail trading periods. NZTA has proposed amendments to the Panel's draft conditions to remove the uncertainty.
- (ii) Further, the period that is specified in these conditions is over 3 months. Ms Ida Dowling's evidence explains why applying these conditions over this period would be both unreasonable and unrealistic.¹⁷ The commenters that sought conditions applying over the 1 November to 7

¹⁶ Legal Submissions, paragraphs 36 - 46.

¹⁷ Transport Evidence, paragraph 40 - 41.

February period did not provide any evidence to demonstrate that peak traffic levels occur over the entire 1 November to 7 February period. It is unclear to NZTA why those commenters consider November to be a peak period and the Panel will no doubt be familiar with the generally quiet nature of Auckland's roads (including these roads) in January. Accordingly, if the Panel chooses to impose this condition, NZTA proposes that it be limited to the period 1 December to 2 January.

- (iii) Although the conditions both apply to the same period, they seek to achieve different outcomes, and therefore create uncertainty. NZTA considers Condition 16A(d) should be deleted. Condition 16D(b)(v) should address construction traffic management during this period, given it relates to the Westgate area as a whole (whereas Condition 16A relates to Gunton Drive alone). NZTA also considers the requirement to provide *"measures to manage construction traffic"* in Condition 16D(b)(v) should be preferred. In our submission, the requirement to *"as far as practicable... avoid[d]"* restrictions in Condition 16A(d) is more onerous than necessary to address the relevant effect in light of Ms Bates and Ms Dowling's evidence.
- (b) The location descriptions within the Panel's draft conditions rely on a mix of street names, business names, addresses and AUP references (for example, draft Condition 16D(a)). While these references may be certain now, they may not be at the time the conditions are implemented. NZTA has proposed amendments to the Panel's draft conditions to identify these locations on a map attached to the conditions.
- (c) The suggested requirement for NZTA to *"complete the Hobsonville Road off-ramp widening, extension and additional lane works generally relied on in the construction traffic modelling"* (draft Condition 16D(b)(i)) assumes knowledge that persons implementing the conditions may not hold. It would require reference to the application materials in order to determine its meaning. NZTA considers the conditions must be standalone and capable of being applied without reference to external documentation. To address this issue, NZTA has proposed an amendment to the condition to state the outcome to be

achieved (new Condition 16D(b)(iv)) rather than specify particular works.

- 32.2 *Conditions cannot require future assessment:* A number of the Panel's draft conditions would require future assessment of construction traffic effects (such as draft Condition 16D(b)(ii)). A future assessment condition is unlawful as it purports to delegate decision-making power.¹⁸ A condition can however require analysis (eg traffic modelling) to confirm how the stipulated outcome will be achieved. NZTA has proposed amendments to the Panel's draft conditions to ensure they meet this legal requirement.
- 32.3 *Conditions cannot rely on third parties:* A number of the Panel's draft conditions require consultation with various parties (such as draft Condition 16D(a)(vi)). To be valid, a condition must not rely on third parties.¹⁹ NZTA has proposed amendments to the Panel's draft conditions to ensure they meet this legal requirement.
- 32.4 *Conditions must be directly connected²⁰ to an adverse effect of the Project:* A number of the Panel's draft conditions set an outcome that the Project on its own cannot control. For example, a requirement to "*maintain safe and practicable access, circulation and servicing for properties that rely on Parr Road North and the adjoining service lane*" at Point Chevalier (draft Condition 16E(b)). It is not clear that existing access is "*safe and practicable*" and activities other than the Project may affect access to those properties (eg AT works on public roads). NZTA has proposed amendments to the Panel's draft conditions to ensure they only address effects directly connected to the Project.
- 32.5 *Good practice condition drafting:* NZTA has also proposed a range of edits to the Panel's draft construction traffic conditions to reflect good condition drafting practice.
- 33 More detailed reasons for NZTA's comments on, and suggested amendments to, the Panel's draft construction traffic conditions are set out in Appendix 1.

¹⁸ *Mount Field Limited v Queenstown Lakes District Council* [2012] NZEnvC 262 at [77], citing *Royal Forest and Bird Protection Soc v Gisborne District Council* (W26/2009) at [88]. This requirement has also been recognised in the Environment Court Practice Note 2023, paragraph 10.4.

¹⁹ *McKay v North Shore City Council* EnvC W146/1995; [1995] ELHNZ 382 at [3]

²⁰ RMA, s108AA(1)(b), pursuant to FTAA, sch 5 cl18 and cl25. Although s108AA does not expressly apply to designations, we submit that the same requirements for conditions should similarly apply.

GEOTECHNICAL CONDITION

- 34 NZTA maintains its opposition to any condition addressing geotechnical management, for the reasons set out in its legal submissions dated 29 July 2026. NZTA acknowledges the Panel's draft decision records that its geotechnical management plan condition would not be subject to the Outline Plan or certification processes,²¹ however that does not resolve NZTA's concerns.
- 35 If the Panel ultimately chooses to impose a geotechnical management condition, NZTA has proposed amendments to the Panel's draft condition 27A in order to:
- 35.1 require NZTA to provide a copy of the Geotechnical Design Statement to Council, and not a separate management plan and
- 35.2 limit the condition to the specific areas identified in the Council's comments (rather than NOR 9 and 10, which cover the entire eastern extent of the Project).
- 36 NZTA's response to the Council's comments opposed a condition requiring a geotechnical management plan for the following reasons:²²

NZTA has significant expertise in designing and constructing major infrastructure, including roads, bridges and busways in much more complex geotechnical environments. NZTA addresses local geotechnical conditions through the detailed design of all its projects, and prepares for that design phase with extensive site and geotechnical investigations. The Project will be designed in accordance with normal engineering/geotechnical design principles and standards, in compliance with the Building Act and subject to independent external review requirements. Accordingly, existing specialist technical inputs and statutory process will ensure the Project does not result in land instability. Council oversight of the final design and construction methodology is not required and is not appropriate.

- 37 NZTA acknowledges the comment in the Panel's draft decision that "[w]e do not see the possible duplication of existing engineering/geotechnical and statutory (i.e., Building Act) processes as a disqualifying factor, but rather a process that represents work that would be necessary in any event, and may subsequently inform such processes and the associated detailed design stage".²³

²¹ Draft Decision, paragraph 247.

²² NZTA response to Auckland Council comments memorandum (dated 9 July 2026), Appendix A, page 4, response number 5.

²³ Draft Decision, paragraph 246.

- 38 NZTA considers its proposed amendments to draft condition 27A align with the Panel's decision while avoiding unnecessary duplication of process.

CONCLUSION

- 39 NZTA welcomes the Panel's draft decision approving all approvals sought for the Project.
- 40 NZTA respectfully requests:
- 40.1 The Panel considers NZTA's response to draft Condition 1A in this memorandum and issues a request for further information that clarifies the nature of the Panel's concern and requests that NZTA provide an update to this response; and
- 40.2 The Panel considers NZTA's response to the Panel's other draft designation and consent conditions contained in this memorandum, as well as NZTA's response to comments from other parties that will be lodged on 26 August 2026.

Dated 19 August 2026



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**APPENDIX 1 – NZTA’S COMMENTS ON THE PANEL’S DRAFT
DESIGNATION CONDITIONS**

**APPENDIX 2 – NZTA’S COMMENTS ON THE PANEL’S DRAFT
RESOURCE CONSENT CONDITIONS**

APPENDIX 3 – SUGGESTED CORRECTIONS TO THE PANEL’S DRAFT DECISION

Para number	Draft decision text	Suggested correction
112	... Effects relating to construction traffic effects, earthworks management, groundwater diversion and ecological effects, being key areas of disagreement between the Applicant and parties invited to comment, were the subject of facilitated joint conferencing between experts for the Applicant and the Council and affected parties. In addressing the various effects relevant to the proposal, we have been assisted by the various outputs of that conferencing process.	During the consenting process, there were facilitated discussions between NZTA and Council and direct discussions between NZTA and a number of commenters. No expert conferencing occurred as part of the consenting process. Accordingly, NZTA suggests deleting the words “experts for”.
336	In terms of the Landscape Planting condition, the Applicant did not agree with certain additional clauses sought by the Council. From a comparison of the respective versions of the conditions, the additions sought by the Council are shown in underline below: ...	There is no underlining showing the comparison of the two versions of Condition 26. NZTA suggests this underlining is added to the final decision.
394	The Panel notes the agreement between the Applicant and the Council that the condition proposed by the latter for the NoRs is not required. We apprehend that this may have been on the basis that the Council’s Landscape Planting condition was implemented. We have considered the areas of contention with respect to the Landscape Planting condition (Designation Condition 26) in the preceding section related to Landscape and visual effects, and our findings as to the final form of that condition does not affect its overall utility in managing effects in terms of arboriculture and tree effects. The only qualifier in	The agreement between NZTA and Council that the Council’s proposed Arboricultural condition (ARBc1) was not required was not predicated on the Council’s version of Condition 26 being agreed. Accordingly, NZTA suggests deleting the sentence “We apprehend that this may have been on the basis that the Council’s Landscape Planting condition was implemented”.

	that regard is to note that we have agreed that this condition be limited in effect to existing, mature <u>native</u> vegetation. However, we note that the Council's TOA process would not be confined in that manner such that it retains discretion in its approval processes.	
582	The AEE Addendum advised that while the National Policy Statement for Natural Hazards 2025 (NPS-NH) came into effect on 15 January 2026, clause 1.3(2) of the NPS-NH states that it does not apply to infrastructure (by reference to the RMA definition of the same), and therefore is not relevant to the Project. However, the Panel notes that the definition of infrastructure under s 2 of the RMA, in terms of transport, is "(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means" (emphasis added). It is apparent, therefore, that those parts of the Project within the CMA are subject to the NPS-NH, albeit to a proportionally small extent. ¹¹⁹	NZTA records that it disagrees with the Panel's interpretation of the relevance of the NPS-NH to infrastructure within the CMA. However, given the Panel's conclusion that the Project is consistent with the NPS-NH in relation to the parts of the Project that traverse the CMA, NZTA does not consider it is necessary to resolve this interpretation point as part of this process.
707	Overall, we accept the stated benefits of the lapse periods sought by the Applicant, and in the context of this Project, we consider the proposed lapse period to be appropriate. However, we consider it necessary to ensure that via conditions, the Applicant is required to maintain an effective communications and engagement process which ensures that the progressive status of the Project during the lapse period, particularly during pre-construction stages when little appears to be happening, is well communicated. In this regard, and as previously noted, the Panel acknowledges that the Applicant has already established a Project website that is subject to	At paragraph 376 of the Draft Decision, the Panel determines that "We do not impose the conditions sought by the Council, but make the recommendation to the Applicant that it consider more direct feedback and direct contact options within this website that is specific to the Project". This aligns with the approach taken in the Panel's draft conditions. Paragraph 707 conflicts with that earlier determination when it says "we consider it necessary to ensure that via conditions, the Applicant is required to maintain an effective communications and engagement process". Accordingly, NZTA suggests amending

	updating from time to time and which has included updates about lodgement of this present application and ongoing community consultation. As previously referred, the website includes NZTA's standard 'contact us' link, which we are satisfied addresses (in-part) the Council's recommendation for publication of Project contact details and a complaints process or register. Nevertheless, we repeat our earlier recommendation to the Applicant that it consider more direct feedback and direct contact options within this website that is specific to the Project.	paragraph 707 to align with the earlier finding and draft conditions.
733	The Panel has considered the Application and all advice, reports, comments and other information received by the Panel. We have applied clauses 17-25 of Schedule 5 FTAA and ensured that we have given appropriate weight to the relevant provisions of the RMA and given the greatest weight to the purpose of the FTAA when making our decision.	The Panel's overall assessment does not refer to the legal tests applying to archaeological authorities set out in Schedule 8 of the FTAA. Accordingly, NZTA suggests amending paragraph 733 to record that the Panel has applied the relevant clauses of Schedule 8 (as well as Schedule 5).