

BEFORE AN EXPERT PANEL

FTAA-2511-1146

UNDER the Fast-track Approvals Act 2024 (“**the FTAA**”)

IN THE MATTER of an application by New Zealand Transport Agency Waka Kotahi for approvals under the FTAA for a listed project, North West Rapid Transit (“**Application**”)

AND

IN THE MATTER of comments on draft conditions on behalf of the National Trading Company of NZ Ltd

MEMORANDUM ON BEHALF OF THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED - COMMENTS ON DRAFT CONDITIONS

19 AUGUST 2026

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May it please the Expert Panel:

1. This memorandum is filed on behalf of the National Trading Company of New Zealand Limited (“**NTC**”) in response to the Panel’s invitation to comment on the draft decision and draft conditions circulated on 12 August 2026 (“**Draft Decision**”).
2. As the Panel will recall:
 - (a) NTC’s site and supermarket at 1136 Great North Road, Pt Chevalier is impacted by NoR 9 (Busway between Waterview Exchange and Western Springs), NoR 11 (Point Chevalier Station) and potentially by the resource consents sought.
 - (b) NTC’s comments raised issues relating to the design and operation of Parr Road North, construction impacts on New World Pt Chevalier (e.g.: groundwater and vibration) and lapse dates. Conditions regarding permanent access had been agreed with NZTA prior to comments being filed.
3. The Draft Decision includes additional and amended conditions which respond (in part) to the issues raised. In that context, NTC’s comments are limited to the following conditions applying to NoRs 9 and 11:¹
 - (a) Condition 4 - Conditions following Completion of Construction
 - (b) Condition 16E - Point Chevalier Transport and Access Plan
4. We address each condition in turn:

Condition 4 - Conditions following Completion of Construction

5. The Draft Decision records:

“Completion of Construction

¹ For completeness we record NTC is also interested in Conditions 1A (Consistency with drawings), Conditions 10 to 12 (Supermarket Access – 1136 Great North Road, Point Chevalier), Condition 16F (Construction Traffic Issues Resolution) and Conditions 18 – 20 applying to NoRs 9 and 11, as well as Conditions 1A, 23 and 24 (Groundwater) applying to the resource consents. NTC is generally comfortable with the Panel’s drafting.

193 Mr Hughes also commented on Condition 4 which, following completion of construction, all conditions (except condition 37) will cease to have effect. Mr Hughes considers this to be too broad where certain conditions secure permanent access and manoeuvrability outcomes. For example, the site-specific conditions relating to Woolworths and NTC include permanent design obligations that should not be extinguished simply because construction is complete, otherwise there is a potential uncertainty as to whether permanent access outcomes continue to be protected.

194 The Panel has decided not to adopt Mr Hughes recommendation to expand this condition to include the conditions relating to Woolworths Westgate and NTC, acknowledging that agreement has been reached between NZTA and these parties relating to access to the respective properties”.

6. NTC’s agreement was predicated on an understanding that such conditions would be enduring. It therefore supports the suggestion by Mr Hughes that condition 4 be amended so that permanent access and manoeuvrability outcomes are not extinguished following completion of construction.
7. This is necessary in circumstances where:
 - (a) NTC’s existing access is to be designated, as illustrated on Figure 1:



Figure 1 Designation Extent (in red), with New World Pt Chev site (green)

- (b) Access to the Site is therefore anticipated be provided via land that is (at least in part) subject to a designation. There is no obligation on or condition requiring NZTA to uplift that designation once construction

is completed. As such, the Site's access could remain subject to a designation following completion of construction.

- (c) The effect of a designation is to enable activities in accordance with the designated purpose. Thus, a requiring authority has an ongoing ability to undertake works for the designated purpose subject only to any limitations imposed via conditions, as well as the requirement for the requiring authority to lodge an outline plan and address the matters at section 176A(3) RMA.
- (d) It is therefore feasible that the Requiring Authority could at some point in the future undertake works pursuant to the designation in a way that compromises the site's access. If the conditions fall away, then there is no certainty that the outcomes secured through Conditions 10-12 in relation to access will endure.
- (e) Given that the design obligations are enduring in nature and the relevant area will remain subject to a designation, it is appropriate that the conditions be retained. To do so is not "*more onerous than necessary*", given the effects which would arise if NTC's access were adversely impacted.² If the condition becomes redundant in future (e.g.: because the designation is uplifted from the Site), the Requiring Authority can seek to amend the designation conditions at that time.

8. NTC also considers it is appropriate for the following conditions to be ongoing:

- (a) **Condition 1A (Consistency with drawings)** – this condition should be retained to ensure that the scope of authorised works remains tied to the effects that formed the basis of the approval. As outlined in paragraph 7(c) above, a designation provides for ongoing works in accordance with the designated purpose. To allow the Requiring Authority, following initial construction, to undertake different works or amend the works in ways unanticipated by the application would undermine the purpose of imposing Condition 1A. In NTC's submission it could enable activities outside the assessed effects

² See for example the evidence of Mr Bell (NTC).

envelope to proceed without scrutiny and risks rendering the effects-envelope approach redundant.

- (b) **Condition 16 (Construction Traffic Management Plan)** – retention of this condition is considered appropriate given it relates to construction works that may occur throughout the life of the designation. As pointed out by NZTA, the project is located within a highly urbanised context. It is for that reason that future construction activities have an elevated potential to generate adverse traffic safety and efficiency impacts on other road users and affected property occupiers. A CTMP therefore remains an appropriate mechanism to ensure that construction-related transportation effects are identified and managed whenever works are undertaken. Retention of the condition is also consistent with the approach adopted in other recent NZTA designations, where CTMP requirements apply to physical works authorised through an outline plan and are not confined to the initial implementation of the designation. In NTC's submission the FTAA does not warrant or necessitate a different approach.
- (c) **Condition 16E (Point Chevalier Transport and Access Plan)** – retention of this condition following initial implementation is warranted for similar reasons as outlined above e.g.: any ongoing works affecting the station and access roads have the ability to impact neighbouring landowners. While it is acknowledged that Auckland Transport³ retains powers as a statutory road controlling authority to modify traffic or parking controls, those powers are distinct from the exercise of designation powers to undertake physical works for the purpose of the designation. In NTC's submission the existence of the former does not remove the need for an effects-management framework for the latter. Accordingly, it is appropriate that Condition 16E continue to apply to construction works undertaken for the designated purpose.

³ It is understood that responsibility for the designations will ultimately be transferred to Auckland Transport.

- (d) **Condition 16F (Construction Traffic Issues Resolution)** – retention of this condition is considered appropriate given it forms part of the CTMP and creates the resolution process for construction related traffic effects, including possible future construction related effects.
- (e) **Conditions 17 to 20 re Construction Noise and Vibration** – any ongoing works should be subject to conditions regarding construction noise and vibration given the highly urbanised location of the project and so these conditions should also remain.
- (f) There may be other conditions that warrant retention,⁴ but those matters are not the focus of NTC's interest, so it does not comment further.

9. The following changes are therefore sought (additions in underline):

Conditions following Completion of Construction

Following Completion of Construction, all conditions except Conditions 1A, 10-12, 16, 16E, 16F, 17-20 and 37 cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project.

Condition 16E - Point Chevalier Transport and Access Plan

- 10. This condition has been imposed in response to Mr Hughes' peer review. It is generally supported by NTC and responds to the issues raised in its comments regarding the design and operation of Parr Road North.
- 11. For the reasons set out in paragraph 12 below, the following amendments are sought to Condition 16E (additions in underline, deletions in ~~strikethrough~~):

Point Chevalier Transport and Access Plan

- (a) Prior to submission of an ~~the~~ Outline Plan for works affecting Point Chevalier Station, Parr Road North, the service lane adjoining 1170-1172 Great North Road, or the Parr Road North / Great North Road

⁴ For example, Condition 26(b)(iii) requires monitoring and replacement planting for a period of five years following completion of construction, yet would fall away following completion of construction by operation of Condition 4. Similarly, the operational conditions (Condition 28 onwards) are inherently enduring in nature and would also be expected to remain beyond completion of construction.

intersection, the Requiring Authority must prepare a Point Chevalier Transport and Access Plan.

- (b) The purpose of the Point Chevalier Transport and Access Plan is to demonstrate how the final design and construction staging for the Point Chevalier Station area will maintain safe and practicable access, circulation and servicing for properties that rely on Parr Road North and the adjoining service lane.

X. The Requiring Authority must consult with Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands and any other directly affected property owner or occupier in preparing the Point Chevalier Transport and Access Plan by:

- (i) Providing a draft of the Point Chevalier Transport and Access Plan to those parties for review; and
- (ii) Receiving written feedback on the draft Point Chevalier Transport and Access Plan provided to the Requiring Authority within 20 working days of (X)(i) above.

- (c) The Point Chevalier Transport and Access Plan must include:

- (i) the final or proposed layout and intended function of Parr Road North, the service lane, station access roads, kerbside areas, pick-up and drop-off areas, taxi areas, bus stops, bus layover areas, pedestrian crossings, cycle facilities and loading / servicing areas;
- (ii) tracking diagrams for relevant service and delivery vehicles using Parr Road North and the service lane, including vehicles servicing 1136 Great North Road and 1170-1172 Great North Road;
- (iii) an operational assessment of the Parr Road North / Great North Road intersection and any other local intersection significantly affected by the final Point Chevalier Station layout;
- (iv) any measures that are determined by the assessment in (c)(iii) to be necessary to give effect to the outcomes set out in (b);
- (v) an assessment ~~of whether~~ demonstrating how the layout and operation of Parr Road North and the service lane will maintain safe and legible customer, staff, servicing and delivery access to adjacent commercial properties, including but not limited to how vehicles can enter and exit the service lane in a forward direction;
- (vi) measures to ensure that bus layover, PUDO, taxi, loading, parking, queuing or other kerbside activities do not block or impede access to the service lane or adjacent commercial properties;
- (vii) construction staging and temporary traffic management arrangements for maintaining customer access, drive-through circulation, service vehicle access, delivery access, and active mode access during construction;

~~(viii) consultation undertaken with Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands and any other directly affected property owner or occupier; and~~

(ix) a summary of feedback received in accordance with (X) above, what changes have been made in response, and reasons for any feedback not adopted.

(d) The Point Chevalier Transport and Access Plan must be provided with the relevant Outline Plan. A copy must also be provided to those parties consulted in accordance with (X) above.

12. The rationale for these changes is as follows:

- (a) **Condition 16E(a)** – amendments so that the requirement to prepare the Point Chevalier Transport and Access Plan (“**Access Plan**”) applies to all outline plans for works affecting the relevant area.
- (b) **New Condition 16E(X)** – restructures the condition so that the requirement for consultation (previously found in (c)(viii)) sits separately from the detail that needs to be provided in the Access Plan. It expands on and clarifies the previous condition by specifying the process for consultation, utilising Condition 15 as an example.
- (c) **Condition 16E(c)** – the condition should more clearly link the required contents of the Access Plan to its purpose in condition 16E(b) e.g.: it should be clear that the assessments required by clause (iii) are not merely informational, but are intended to inform the final design and demonstrate how safe and practicable access, circulation and servicing will be maintained. This would ensure a clear feedback loop between the assessment outcomes and the measures adopted in the Plan.
- (d) **Condition 16E(c)(iv)** – this amendment requires an assessment which positively show how the relevant access outcomes will be achieved, rather than simply assessing whether they will occur. Reference is added to demonstrating how vehicles can enter and exit the service

lane in a forward direction, which was identified as a key matter by Mr Hills in his expert evidence accompanying NTC's comments.⁵

For completeness we note that NZTA's response to NTC's request for an access plan condition appears premised on its position that Parr Road North is not proposed to be stopped and that it will be for AT or Auckland Council to decide on alterations to this road.⁶ While that may be strictly correct in terms of Parr Road North itself, the current service lane which runs from Parr Road North through to Carrington Road will necessarily be severed by the indicative station design. That is the basis for the concerns raised by Mr Hills and underpins the rationale for the condition, and the changes now sought to it.



Figure 2 Current Service Lane outlined in purple, Carrington Road to the west and Parr Road North to the Right

⁵ Evidence of Leo Hills (Transportation) at para 7.5(c).

⁶ Response to Comments dated 3 June 2026, Appendix A at 39.4; and NZTA Legal Submissions dated 29 July 2026 at para 92.



Figure 3 Indicative Design of the Pt Chev Station, no access through to Carrington Road shown

- (e) **Condition 16E(c)(vii)** – deleted and relocated above.
- (f) **Condition 16E(d)** – addition to require a copy of the Access Plan be provided to the parties consulted with. This is consistent with the requirements of other conditions (e.g.: Condition 15).

DATED this 19th day of August 2026

A Devine / T Trounson

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