

APPENDIX A: PANEL’S DRAFT CONDITIONS WITH COMMENTS AND NZTA RESPONSE

PANEL’S DRAFT DESIGNATION CONDITIONS WITH NZTA’S 19 AUGUST COMMENTS		COMMENTS FROM OTHER PARTIES ON THE PANEL’S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS																										
Referencing [For reference only – conditions will be split into 12 separate sets before being included in the AUP]. Notice of Requirement(s) overview <table><tr><th>Reference</th><th>Notice of Requirement(s)</th></tr><tr><td>NoR 1</td><td>Busway between Brigham Creek Rarawaru station and Westgate Te Waiarohia station</td></tr><tr><td>NoR 2</td><td>Busway between Westgate Te Waiarohia station and Royal Road Mānutewhau station</td></tr><tr><td>NoR 3</td><td>Busway between Royal Road Mānutewhau station and Te Whau River</td></tr><tr><td>NoR 4</td><td>Brigham Creek Rarawaru station and Park and Ride</td></tr><tr><td>NoR 5</td><td>Westgate Te Waiarohia station</td></tr><tr><td>NoR 6</td><td>Royal Road Mānutewhau station</td></tr><tr><td>NoR 7</td><td>Lincoln Road Wai o Pareira station</td></tr><tr><td>NoR 8</td><td>Te Atatū Ōrangihina station</td></tr><tr><td>NoR 9</td><td>Busway between Waterview Interchange and Western Springs</td></tr><tr><td>NoR 10</td><td>Busway between Western Springs and Ian McKinnon Drive</td></tr><tr><td>NoR 11</td><td>Point Chevalier station</td></tr><tr><td>NoR 12</td><td>Western Springs station</td></tr></table>		Reference	Notice of Requirement(s)	NoR 1	Busway between Brigham Creek Rarawaru station and Westgate Te Waiarohia station	NoR 2	Busway between Westgate Te Waiarohia station and Royal Road Mānutewhau station	NoR 3	Busway between Royal Road Mānutewhau station and Te Whau River	NoR 4	Brigham Creek Rarawaru station and 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 Western Springs	NoR 10	Busway between Western Springs and Ian McKinnon Drive	NoR 11	Point Chevalier station	NoR 12	Western Springs station	Commenter 13 – Auckland Council Relief Sought: The designation conditions be separated into the 12 respective designation-specific sets as part of the Expert Panel's final decision Relief Sought: NZTA to clarify how this overview section will be separated across the 12 sets. Our view is that this section is no longer required to form part of the conditions.	To assist the Panel, NZTA has provided one set of its updated designation conditions with its response to comments on the draft conditions. NZTA considers the separation of the conditions into 12 designation-specific sets is an administrative task that can be completed following the Panel’s decision. NZTA is happy to assist the Panel and/or Council with that administrative task at the appropriate time. NZTA confirms the “Referencing” section is not intended to be included in the final version of the designation conditions. As stated in square brackets, it is for reference only and intended to assist the reader to understand which conditions will apply to each notice of requirement.
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NoR 1	Busway between Brigham Creek Rarawaru station and Westgate Te Waiarohia station																												
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Schedules Schedule A – Indicative Design West and Indicative Design East Schedule B Danger Rating Matrix and Flood Hazard Ratings Schedule C Supermarket Access – 1136 Great North Road, Point Chevalier Schedule D Original building footprints, Commercial Building, Ambassador Theatre and Fisheries Building, Point Chevalier – NoRs 9 and 11 Schedule E Former Chamberlain Clubhouse – NoR 9 Schedule F Arch Hill Scenic Reserve – NoR 10 Schedule G Tree Schedule Schedule H Identified PPFs		Commenter 11 – General Distributors Limited (GDL) Relief Sought: Add: Schedule I Existing Turning Area and Loading Docks – Woolworths Westgate Shopping Centre	NZTA’s response to comments noted that the plan relevant to the Woolworths conditions was missing from Schedule C. NZTA suggests that plan is inserted into Schedule C rather than creating a new schedule. This plan was provided in NZTA’s proposed conditions and has been agreed with GDL.																										

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
NOR Number	Condition Number	Condition		
ALL	1A	Consistency with drawings The works enabled by this designation, including its alignment and layout, 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. Work will be deemed to be consistent with those drawings if it is compliant with the balance of these designation conditions and has been approved via the Outline Plan process.	Commenter 05 – Department of Conservation Relief Sought: Amend Condition 1A: <i>The works enabled by this designation, including its alignment and layout, 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. Work will be deemed to be consistent with those drawings if it is compliant with <u>all other applicable the balance of these</u> designation conditions and has been approved via the Outline Plan process.</i> Commenter 06 – National Trading Company (NTC) Relief Sought: Retain Condition 1A. Commenter 12 – New Zealand Retail Property Group (NZPRG) Relief Sought: Amend Condition 1A: The works enabled by this designation, including its alignment and layout, 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. Work will be deemed to be consistent with those drawings if it is compliant with the balance of these designation conditions and has been approved via the Outline Plan process. not represent a material change in the nature, scale, location, or effects of the Project as described by the Indicative Design West and Indicative Design East drawings at Schedule A (Indicative Design). <u>Without limiting the generality of the foregoing, a material change includes (but is not limited to) any change to:</u> <u>(a) the general alignment corridor of the busway as shown in the indicative Design;</u> <u>(b) the number and general configuration of traffic lanes at road/busway interfaces;</u> <u>(c) the general form (at-grade, elevated, or below-grade) of structures at each station and interchange location, including at Royal Road and the Fred Taylor Drive/State Highway 16 interchange;</u> <u>The Outline Plan submitted under section 176A of the Resource Management Act 1991 for any stage of the works shall include a written assessment, prepared by a suitably qualified person, addressing whether the proposed works give rise to a material change as described above. Where the assessment identifies a material change, the Outline Plan shall not be approved unless the requiring authority satisfies the territorial authority that the change does not increase the actual or potential adverse effects of the Project beyond those assessed in the application, or that appropriate mitigation is provided.</u>	NZTA opposes the Panel's draft Condition 1A as well as the amendments proposed in the comments from other parties. Refer to NZTA's Memorandum of Counsel dated 26 August 2026 for a full response to the comments from other parties on Condition 1A. On the bases set out in that Memorandum, NZTA has drafted the following alternative Condition 1A for the Panel's consideration if it determines such a condition is <i>vires</i> and appropriate: <u>1A. This designation authorises the Project, being the construction, operation, maintenance and improvement of a rapid transit corridor and ancillary structures, works, facilities and activities, within the boundary shown in [Schedule X]*, including the following works:</u> <u>a) A busway;</u> <u>b) Bus stations, including facilities for the convenience of passengers;</u> <u>c) With respect to designations [designation numbers for NOR1 and NOR4], a Park and Ride;</u> <u>d) Ancillary structures, works, facilities and activities, including:</u> <u>a. bridges, underpasses, embankments, retaining walls;</u> <u>b. lighting, signs, gantries, acoustic barriers, landscaping;</u> <u>c. stormwater management, culverts, outfalls;</u> <u>e) Realignment of, and connections to, the Northwestern Shared User Path;</u> <u>f) Changes and connections to local roads to enable connectivity to bus stations;</u> <u>g) Protection and relocation of existing utilities; and</u> <u>h) All construction activities for the Project.</u> <u>If there is any inconsistency between the above description of the Project and the conditions, then the conditions prevail.</u>

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			Commenter 13 – Auckland Council Relief Sought: Amend Condition 1A: <i>The works enabled by this designation, including its alignment and layout, shall be undertaken in a manner <u>generally</u> consistent with the Indicative Design West drawings and Indicative Design East drawings as set out at Schedule A to this set of conditions. Work will be deemed to be consistent with those drawings if it is compliant with the balance of these designation conditions and <u>the Outline Plan process under s 176A of the RMA has been completed for those works, or the requirement for an outline plan has been waived under s176(3A).</u> has been approved via the Outline Plan process.</i> Alternative relief sought: <i>"If the Panel's intent is instead to secure a contextual link to the Indicative Design, the Panel may wish to consider an alternative approach which ties the drawings to the process by which works are authorised under each instrument (designations/consents), rather than imposing a standalone obligation measured against the drawings themselves..."</i> <i>For the designations, the natural vehicle is the outline plan process, so that any outline plan submitted under s176A of the RMA identifies any material departure from the Indicative Design drawings and explains how the effects of that departure remain within the envelope of effects secured by the conditions.</i> <i>There is no equivalent process for the consents, where the drawings would instead need to be linked to the management plans certified under the conditions, recognising that those plans are topic-specific and would only address departures relevant to the matters each plan covers..."</i>	<i>* Except if there is any inconsistency between [Schedule X] and the boundary shown in the Auckland Unitary Plan, then the Auckland Unitary Plan will prevail.</i>
ALL	3.	Outline Plan(s) and Management Plans (a) Outline Plan(s) may be submitted in parts or in stages to address particular activities (e.g., design or construction aspects), or to reflect the staged implementation of the Project. (b) Outline Plans must include (as relevant): (i) Form and Landscaping Statement; and (ii) Construction Noise and Vibration Management Plan, unless otherwise stated in the conditions below.	Commenter 03 – Te Ākitai Waiohū Relief Sought: Amend Condition 3: <i>(b) Outline Plans must include (as relevant):</i> <i>(iii) Form and Landscaping Statement; and</i> <i>(ii) Construction Noise and Vibration Management Plan, <u>and</u></i> <i><u>(iii) Statement summarising the outcomes from engagement required by conditions 5-7, including any adverse effects on cultural values identified and the extent to which they are avoided, remedied or mitigated.</u></i> <i>unless otherwise stated in the conditions below.</i>	In preparing this response, NZTA has consulted with Te Ākitai Waiohū and its other Iwi Partners. NZTA does not oppose a requirement for the Outline Plan(s) to be accompanied by a summary of how engagement in accordance with Conditions 5–7 has informed how cultural values will be reflected in the Project. To achieve that outcome, NZTA proposes amendments to Condition 5–7 as set out below. NZTA opposes the wording “<i>including any adverse effects on cultural values identified and the extent to which they are avoided, remedied or mitigated</i>”. As set out in NZTA’s response to comments, NZTA offered Conditions 5–7 on an <i>Augier</i> basis to provide comfort to NZTA’s iwi partners that they will have an enduring role in embedding cultural values in the Project. Conditions 5–7 have not been proposed to address “<i>adverse effects on cultural values</i>”. We note that the Panel’s draft decision did not identify any cultural effects that require management through conditions. Accordingly, we consider the wording that Te Ākitai Waiohū seeks be added to Condition 3 is inconsistent with the role and lawful operation of Conditions 5–7.
			Commenter 13 – Auckland Council Relief Sought: Provide link to Outline Plan elsewhere in document.	NZTA does not support Council’s approach, which would create a disconnect between Condition 3 and Conditions 23 and 27.

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				NZTA repeats its earlier comment (19 August 2026) on the Panel’s draft condition: NZTA notes that the Panel has removed the Built Heritage Construction Management Plan and Tree Protection Methodology from Condition 3(b). NZTA does not oppose that amendment, but requests an amendment to the relevant conditions below to make it clear the Plan/Methodology only need to be submitted to Council on request. In the alternative, if the Panel reinstates the references to the Built Heritage Construction Management Plan and Tree Protection Methodology, NZTA considers they should be limited to NOR 9 and 11 and NOR 9 and 10 respectively.
ALL	4.	Conditions following Completion of Construction Following Completion of Construction, all conditions except Condition 37 cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project.	Commenter 06 – NTC Relief Sought: Amend Condition 4: <i>Following Completion of Construction, all conditions except Condition <u>s 1A, 10-12, 16, 16E, 16F, 17-20 and</u> 37 cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project.</i>	NZTA opposes the deletion of Condition 4 as sought by GDL. The purpose of Condition 4 is to ensure there is clarity as to which conditions have an ongoing role once the Project is constructed. The deletion of Condition 4 would mean that all conditions would remain in effect in perpetuity despite many of the conditions managing construction effects. NZTA notes that this condition has been included on many NZTA designations (eg Puhoi to Warkworth and Warkworth to Wellsford) for this purpose. NZTA agrees in part with the comments from NTC and RBL seeking that Condition 4 is amended to include conditions that have an ongoing role beyond the construction of the Project (which NZTA considers to be Conditions 10-11, 13-14 and 16E relating to permanent design at New World Point Chevalier, Woolworths Westgate, and Point Chevalier Station respectively). NZTA does not agree that construction-related conditions should continue in effect in perpetuity. There is no evidence that maintenance works will have effects requiring management through conditions (noting that any works impacting local roads or SH16 will be subject to Road Controlling Authority approval regardless of conditions). Any more significant works will be subject to the Outline Plan process. For those reasons, NZTA proposes the following amendments to Condition 4: <i>Following Completion of Construction, all conditions except Conditions <u>s 10-11, 13-14, 16E and</u> 37 cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project.</i>
			Commenter 09 – Restaurant Brands Limited (RBL) Relief Sought: Amend Condition 4: <i>Following Completion of Construction, all conditions except <u>those listed below</u> Conditions 37 cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project:-:</i> <i><u>(a) Condition 16</u></i> <i><u>(b) Condition 16E</u></i> <i><u>(c) Condition 16F</u></i> <i><u>(d) Conditions 17-20</u></i> <i><u>(e) Condition 37</u></i>	
			Commenter 11 – GDL Relief Sought: Delete Clause 4.	
PRE-CONSTRUCTION CONDITIONS				
1, 2, 4 and 5	5.	Cultural Values (<i>Augier</i> condition) The Requiring Authority must engage with Te Kawerau ā Maki and Ngāti Whātua o Kaipara during detailed design to identify how their cultural values will be reflected in the Project.		For the reasons set out in relation to Condition 3 above, NZTA proposes the following amendment to Condition 5: <i><u>(a) The Requiring Authority must engage with Te Kawerau ā Maki and Ngāti Whātua o Kaipara during detailed design to identify how their cultural values will be reflected in the Project.</u></i> <i><u>(b) A statement summarising how engagement undertaken in accordance with Condition 5(a) has informed how cultural values are reflected in the Project is to be provided to Council for information only with an Outline Plan(s).</u></i>

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3, 6, 7 and 8	6.	Cultural Values (<i>Augier</i> condition) The Requiring Authority must engage with Te Kawerau ā Maki during detailed design to identify how their cultural values will be reflected in the Project.		For the reasons set out in relation to Condition 3 above, NZTA proposes the following amendment to Condition 6: <i>(a) The Requiring Authority must engage with Te Kawerau ā Maki during detailed design to identify how their cultural values will be reflected in the Project.</i> <i>(b) A statement summarising how engagement undertaken in accordance with Condition 6(a) has informed how cultural values are reflected in the Project is to be provided to Council for information only with an Outline Plan(s).</i>
9, 10, 11 and 12	7.	Cultural Values (<i>Augier</i> condition) The Requiring Authority must engage with Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata Waiohū during detailed design to identify how their cultural values will be reflected in the Project.		For the reasons set out in relation to Condition 3 above, NZTA proposes the following amendment to Condition 7: <i>(a) The Requiring Authority must engage with Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata Waiohū during detailed design to identify how their cultural values will be reflected in the Project.</i> <i>(b) A statement summarising how engagement undertaken in accordance with Condition 7(a) has informed how cultural values are reflected in the Project is to be provided to Council for information only with an Outline Plan(s).</i>
2	13.	Supermarket Access – Woolworths Westgate Shopping Centre For the purposes of Conditions 13A, 14 and 15: (a) "Supermarket" means the supermarket located at Lot 31 Deposited Plan 425328. (b) "Supermarket loading docks" means the loading docks as shown on Schedule C and any modification to those docks that changes how Delivery Vehicle(s) access <u>into and egress from</u> those docks (compared to the docks as at [date of designation being confirmed]) that is approved in writing by the Requiring Authority. (c) "Supermarket loading zone" means the area shown on Schedule C. (d) "Delivery Vehicle(s)" means a class 5 vehicle - i.e., a 23m long truck and trailer. (e) "Manoeuvrability" or " M manoeuvrability requirements" means compliance with RTS-18 New Zealand on-road tracking curves for heavy motor vehicles with a 12.5m radius of turn. (f) "Existing Turning Area" means the area shown on Schedule C provided the Supermarket Operator is lawfully entitled to use that area for manoeuvring of delivery vehicles at the time of commencement of detailed design and has provided written evidence of that lawful entitlement to the Requiring Authority. Conditions 13A-14 - 15 do not apply if the Supermarket Operator does not provide such evidence within 20 working days of being requested to do so by the Requiring Authority. (g) "Supermarket Operator" means General Distributors Limited or any related company as defined in section 2(3) of the Companies Act 1993, or any other company that operates the Supermarket at the relevant time. (h) "Project Works" means that part of the Project within the Existing Turning Area.	Commenter 11 – GDL Relief Sought: The same amendments proposed by NZTA and replace references to Schedule C with Schedule I. Commenter 12 – NZRPG Relief sought: Add to Condition 13: <i>(i) "Centre Manager" means NZRPG Management (2017) Limited, or its successor as manager of the Westgate Shopping Centre, or any other company appointed to manage the Westgate Shopping Centre at the relevant time or if there is no owner of the Centre owner of Supermarket.</i>	NZTA supports the GDL comments to the extent they are consistent with NZTA's comments. As noted above, NZTA suggests the plan relevant to the Woolworths conditions is inserted into Schedule C rather than creating a new schedule. NZTA notes that NZRPG's comments on Conditions 13–15 effectively restate its original comment, on which the Panel has already made its decision. Those comments are not comments on the Panel's draft conditions. NZTA considers it is not appropriate to include NZRPG in Conditions 13–15. The purpose of Conditions 13–15 is to address potential effects on loading activities of the Woolworths Supermarket. The Conditions do not apply if the Supermarket has no legal rights to use the Existing Turning Area (Condition 13) or is no longer operating (Condition 13A). For the reasons set out in its response to comments (36.13), NZTA considers there to be no basis upon which to widen Conditions 13–15 to apply to the entire Westgate Shopping Centre. Further, NZTA will engage with NZRPG as landowner as part of the PWA process. For completeness, we note the amendments proposed by NZRPG are unworkable, and a separate condition would be necessary to achieve what NZRPG seeks (which has not been adopted by the Panel and is opposed by NZTA). NZTA also notes the errors it identified in the Panel's draft Conditions 13–15 in its comments.

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	13A	Conditions 13A 14 and 15 apply if the Supermarket is operating at the commencement of detailed design of the Project Works, unless operation of the Supermarket is planned to cease prior to commencement of construction of the Project Works.	Commenter 11 – GDL Relief Sought: The same amendments proposed by NZTA.	See response at Condition 13 above.
			Commenter 12 – NZRPG Relief Sought: Amend Condition 13A: <i>Conditions 13A, 14 and 15 apply if the Supermarket <u>or the Westgate Shopping Centre</u> is operating at the commencement of detailed design of the Project Works, unless operation of the Supermarket <u>and the Westgate Shopping Centre</u> is planned to cease prior to commencement of construction of the Project Works.</i>	NZTA opposes the NZRPG comments for the reasons set out in relation to Condition 13 above.
	14.	(a) The Requiring Authority must design and construct the Project Works so that: (i) Permanent works do not prevent Supermarket Delivery Vehicles from using the Existing Turning Area or accessing the Supermarket loading docks in accordance with the Manoeuvrability requirements; or (ii) If Condition 14(a)(i) cannot be achieved then, subject to Condition 14(b): (A) Supermarket Delivery Vehicles can enter and exit at the Maki Street Entrance shown on Schedule C in a forward direction; and (B) Supermarket Delivery Vehicles can access and exit from the Supermarket loading docks, in accordance with the Manoeuvrability requirements. (b) If Condition 14(a)(i) cannot be achieved then the Requiring Authority must consult with the Supermarket Operator during the detailed design process as to how Condition 14(a)(ii) will be achieved. As a minimum, the Requiring Authority must: (i) Advise the Supermarket Operator in writing of the proposed design of the Project Works ("Draft Design"); (ii) Meet with the Supermarket Operator to discuss the Draft Design, if requested by the Supermarket Operator; (iii) Allow 45 working days for the Supermarket Operator to give feedback on the Draft Design (from the date the Supermarket Operator is advised of the Draft Design); (iv) Consider any feedback on the Draft Design, update the Draft Design to address that feedback to the extent practicable, and advise the Supermarket Operator in writing of the updated proposed design of the Project Works ("Updated Design"); (v) Meet with the Supermarket Operator to discuss the Updated Design, if requested by the Supermarket Operator; and (vi) Within 45 working days of receiving any feedback from the Supermarket Operator (pursuant to (iii) above), advise the Supermarket Operator of:	Commenter 11 – GDL Relief Sought: Replace references to Schedule C with Schedule I.	See response at Condition 13 above.
			Commenter 12 – NZRPG Relief Sought: Amend Condition 14(b) to include references to "Centre Manager".	NZTA opposes the NZRPG comments for the reasons set out in relation to Condition 13 above.

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		(A) What feedback it has or has not accepted and why; and (B) The confirmed design.		
	15.	(a) The Requiring Authority must consult with the Supermarket Operator when preparing the relevant CTMP required by Conditions 16 and 16D in relation to access and traffic management activities that directly interface with Supermarket operations. The CTMP must include details of any construction works that could adversely affect access or egress to and from the Supermarket loading docks. (b) The Requiring Authority must: (i) provide a draft of the relevant CTMP ("Draft CTMP") to the Supermarket Operator; (ii) allow 20 working days for the Supermarket Operator to provide feedback on the Draft CTMP; (iii) meet with the Supermarket Operator to discuss the Draft CTMP, if requested by the Supermarket Operator; (iv) within 20 working days of receiving any feedback from the Supermarket Operator (pursuant to (iii) above), advise the Supermarket Operator of: (A) What feedback it has or has not accepted and why; and (B) The confirmed CTMP. (c) During Project construction, the Requiring Authority must: (i) As far as practicable, maintain vehicle access and Mmanoeuvrability for Delivery Vehicles from Maki Street to the Supermarket loading docks between 5am and 5pm, 7 days a week. Delivery Vehicle access <u>and egress</u> at the Maki Street Entrance shown on Schedule C must be in a forward direction. (ii) Where it is not practicable to comply with (i) above, minimise the duration of disruption to Delivery Vehicles by ensuring: (A) any closure of access <u>to and egress from</u> (including Manoeuvrability) to one Supermarket loading dock must not exceed two weeks without the prior written agreement of the Supermarket Operator; (B) any closure of access <u>to and egress from</u> (including Manoeuvrability) to both Supermarket loading docks must not exceed 12 consecutive hours without the prior written agreement of the Supermarket Operator; and (C) provide the operator of the Supermarket <u>Operator</u> with at least 15 working days' notice in writing of the above. (d) Condition 15(c) must not apply in the case of an unforeseen emergency, however the Requiring Authority must minimise as far as practicable the duration of disruption to Delivery Vehicles in that	Commenter 11 – GDL Relief Sought: The same amendments proposed by NZTA and replace references to Schedule C with Schedule I.	See response at Condition 13 above.
			Commenter 12 – NZRPG Relief Sought: Amend Condition 15 to include references to "Centre Manager".	NZTA opposes the NZRPG comments for the reasons set out in relation to Condition 13 above.

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		event and must notify the Supermarket Operator as soon as practicable of any emergency affecting access.		
			Commenter 10 – Cabra Industrial Limited, Cabra Fred Taylor Limited, and Foundry Industrial Limited (<i>Foundry</i>) Relief Sought: Add a new condition: <u>Network Integration Management Plan (NIMP)</u> <u>(a) At least six (6) months prior to the start of detailed design for a Stage of Work, the Requiring Authority shall prepare, in collaboration with other relevant road controlling authorities, a Network Integration Management Plan (NIMP).</u> <u>(b) The objective of the NIMP is to identify how the Project will integrate with the planned transport network in the North West growth area to achieve an effective, efficient and safe land transport system. To achieve this objective, the NIMP shall include details of the:</u> <u>(i) Project implementation approach and any staging of the Project, including both design, management and operational matters; and</u> <u>(ii) Sequencing of the Project with the planned transport network, including both design, management and operational matters.</u>	Foundry's comment effectively restates an issue raised in its original comment and expands on that comment by suggesting a new condition. NZTA considers Foundry's comment is not a comment on the Panel's draft conditions and should not be considered by the Panel. For the reasons set out in its response to comments (32.3), NZTA also does not consider Foundry's suggested condition is appropriate. Foundry has not identified any environmental effect that requires management through its proposed condition. NZTA also notes that while a Network Integration Management Plan was originally suggested in Council's comments, it was agreed through the facilitated discussions that such a condition is not necessary for this Project.
1,2 and 3	15B	Height-in-relation-to-boundary (a) Except as excluded in (b) below or as agreed with the Council, the Requiring Authority must design any retaining wall and/or bridge structure so that it does not exceed a height of 3 metres measured vertically from the ground level at the designation boundary where such boundary adjoins a Residential Zone at the time of designation. Any part of a retaining wall and/or bridge structure must be set back 1 metre for every metre in height (i.e., 45 degrees) from the designation boundary. (b) The height-in-relation-to-boundary restriction in (a) does not apply: (i) Where the designation is directly to the south of land zoned Residential; or	Commenter 13 – Auckland Council Relief Sought: Amend clause (a): (a) <i>Except as excluded in (b) below or as agreed with the Council, the Requiring Authority must design any retaining wall and/or bridge structure so that it does not exceed a height of 3 metres measured vertically from the ground level at the designation boundary where such boundary adjoins a Residential Zone at the time of designation. AnyThereafter, any part of a retaining wall and/or bridge structure must be set back 1 metre for every <u>additional</u> metre in height (i.e., 45 degrees) from the designation boundary.</i>	NZTA agrees with the minor amendments to Condition 15B(a) proposed by Council.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
		(ii) To gantries, signs, lighting, noise barriers and other similar ancillary structures.		
ALL	15C	Form and Landscaping Statement (a) The Requiring Authority must prepare a Form and Landscaping Statement to be submitted with the relevant outline plan(s) for each stage of work. The objective of the Form and Landscaping Statement is to describe how the design of the permanent Project works has responded to the immediately adjoining environment. (b) To achieve the objective noted in Condition 15C(a) above, the Form and Landscaping Statement must provide a summary description of how the design of the permanent Project works for that stage of work has approached: (i) the height, shape, and bulk of major structures - including stations, bridges, underpasses, retaining walls and noise barriers, where relevant; (ii) any walking and cycling connections with the adjacent network; (iii) the likely finished contour – including the extent and angle of batter slopes; (iv) vehicular access, circulation, and provision for parking – including station access, pick-up / drop-off areas, [park and ride NoR 1 and 4 Brigham Creek Station only]; (v) the landscaping - including the location of any planting that is required under Condition 26 Landscape Planting; and (vi) the interface with adjacent land use including open space zones. Advice note: <i>During development of design for the Project, the Requiring Authority will work collaboratively with Auckland Council when considering the above matters. The Form and Landscaping Statement will be informed by that work.</i>	Commenter 10 – Foundry Relief Sought: Amend clause (vi): (vi) <i>the interface with adjacent land use (including open space zones), including a description of how engagement with the adjacent landowner has informed the design of the finished contours, levels, retaining or batter slopes, building form and location, and landscaping.</i>	Foundry's comment effectively restates an issue raised in its original comment and expands on that comment by suggesting an amendment to Condition 15C. NZTA considers Foundry's comment is not a comment on the Panel's draft conditions and should not be considered by the Panel. For the reasons set out in NZTA's response to comments dated 3 June (Appendix A, row 32.2), NZTA does not consider Foundry's suggested amendment is appropriate. Foundry has not identified any environmental effect that requires management through its proposed condition amendment. For completeness, NZTA notes that Foundry's suggested condition amendment would require NZTA to engage with every adjacent landowner along the alignment and explain (in the outline plan) how that engagement informed the final design. NZTA considers such an amendment is clearly "more onerous than necessary" and should not be imposed by the Panel.
			Commenter 13 – Auckland Council Relief Sought: Add: <u>Explanatory note concerning design process and open space management</u> (a) <u>The project's urban and landscape design and open space aspects are to be addressed through two complementary mechanisms operating over the life of the project:</u> (i) <u>The first is a collaborative engagement process and way of working agreed between the Requiring Authority and Auckland Council in relation to design, open space and other matters.</u> (ii) <u>The second is the designation conditions. Broadly, each outline plan of works is to be accompanied by a form and landscape statement articulating the design decisions reflected in that lodgement. Other conditions also address design-related matters, including, the condition requiring Crime Prevention Through Environmental Design (CPTED) and a height in relation to boundary condition. There is also a discrete condition addressing the maintenance of public access through open space as far as practicable.</u> (b) <u>Together, these mechanisms provide an integrated approach: early and ongoing collaboration informs each stage, and the form and landscape statement lodged with each outline plan of works records the resulting design decisions made by the Requiring Authority, to help inform the Council's consideration of each outline plan of works.</u> (c) <u>This note is explanatory only. The enforceable requirements are in the designation conditions</u>	NZTA continues to oppose Council's suggested explanatory note for the reasons set out in its response to the Council comments dated 9 July 2026. NZTA supports the Panel's draft decision on this matter, and considers Council's comment is trying to relitigate the matter.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
CONSTRUCTION CONDITIONS				
ALL	16.	Construction Traffic Management Plan (CTMP) (a) The CTMP must be prepared prior to the start of construction works and must be provided to the Manager for information. The objective of the CTMP is to appropriately manage any adverse traffic safety and efficiency impacts on other road users and affected property occupiers caused by the Project, including by maintaining safe and practicable access to existing properties, and providing alternative arrangements where that cannot be achieved. (b) To achieve this objective, the CTMP must include: ... (vii) Measures to maintain safe and practicable access to and from properties and/or private roads where practicable, or to provide alternative arrangements when it will not be. including The measures must include, as relevant, details of how access is managed for customer and staff access, service vehicles' loading and unloading of goods, rubbish collection, mail/courier deliveries, emergency access and access for active modes; ... (xii) Details of minimum network performance parameters during the construction phase including the basis for those parameters and measures to monitor compliance. The parameters must, where relevant to the construction stage or location, address: (a) lane availability and turning movement availability; (b) access availability to affected properties and commercial centres; (c) queue lengths and queue storage, including any risk of queue spillback onto SH16 ramps or adjacent Arterial Roads; (d) travel time or delay effects on general traffic and public transport; (e) active mode route continuity, safety and legibility; (f) service vehicle and delivery access; and (g) emergency vehicle access. (xiii) Details of any measures proposed to be implemented in the event of minimum network performance parameters identified in Condition 16(b)(xii) above are not achieved, including monitoring frequency, escalation procedures, and any corrective actions and communication with affected road users and property occupiers; and (xiv) Where Project works are within or directly adjacent to the Westgate area shown in Schedule [X], methods by which any relevant requirements in respect of to address Conditions 16A and 16DE will be addressed; (xiva) Where Project works are within or directly adjacent to open space zoned land, methods to address Condition 16B;	Commenter 06 – NTC Relief Sought: Retain Condition 16. Commenter 11 – GDL Relief Sought: Retain Condition 16. Commenter 08 – Stride Holdings Limited (Stride) Relief Sought: Amend clause (a): (a) <i>The CTMP must be prepared prior to the start of construction works and must be provided to the Manager for information a minimum of 20 working days prior to the commencement of construction. The CTMP must include details of consultation with directly affected landowners undertaken through the course of preparing the CTMP and the measures undertaken to provide those parties with the maximum lead time for any temporary or permanent changes to property access, customer and service/delivery vehicle routes. The objective of the CTMP is to appropriately manage any adverse traffic safety and efficiency impacts on other road users and affected property occupiers caused by the Project, including by maintaining safe and practicable access to existing properties, and providing alternative arrangements where that cannot be achieved.</i>	NZTA continues to support Condition 16 as amended in its earlier comments. It therefore opposes the retention of Condition 16 without amendment as sought by NTC and GDL. NZTA opposes the amendments to Condition 16(a) suggested by Stride for the following reasons: - There is no need to require NZTA to provide the CTMP to Council "a minimum of 20 working days prior to the commencement of construction" given it is being provided for information only (as agreed with Council). - Consultation with affected landowners in the Westgate area is addressed in Condition 16D(b)(vi) and (vii). There is no need for a general consultation requirement in Condition 16. NZTA considers such a requirement would be "more onerous than necessary" and should not be imposed by the Panel. - There is no need for the CTMP to set out "measures undertaken to provide [directly affected landowners] with the maximum lead time for any temporary or permanent changes to property access, customer and service/delivery vehicle routes". It is uncertain what "maximum lead time" means and what environmental effect it is required to address. Regardless, as noted in NZTA's response to comments, NZTA generally commences property acquisition two to three years ahead of construction, which will provide early notice of construction timing. Further, Condition 16D expressly requires NZTA to consult with directly affected landowners and occupiers, which will provide early notice of construction traffic management. However, in response to the Stride comments and to reflect the change to the objective of the CTMP set out in Condition 16(a), NZTA proposes the following amendment to Condition 16(b)(ix): (ix) <i>Methods that will be undertaken to communicate traffic management measures to affected road users and to communicate the measures to manage impacts on existing accesses to affected landowners and occupiers;</i>

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
		(xivb) Where Project works are within or directly adjacent to the Point Chevalier area shown in Schedule [Y], temporary traffic management arrangements for maintaining customer access, drive-through circulation, service vehicle access, delivery access, and active mode access to adjacent businesses; (xv) The Details of a Construction Traffic Issues Resolution process for receiving, investigating and responding to construction traffic and access complaints. The process must required by Condition 16F; and include: a. Contact details for lodging a complaint; b. A process for acknowledging receipt of a complaint within two working days, or within 24 hours where the complaint relates to a safety or access; c. A process for investigating the complaint and implementing reasonable corrective actions where the subject of the complaint is caused or exacerbated by the construction works; d. A requirement to respond to the person who raised the issue or complaint to advise them of the outcome of the investigation and any corrective actions proposed or taken; (xvi) Auditing, monitoring and reporting relating to traffic management activities shall be undertaken in accordance with the requirements of the Road Controlling Authority.		
2 and 5	16A	Gunton Drive Access (a) (i) The Requiring Authority must maintain at least one traffic lane in one direction on Gunton Drive between Fred Taylor Drive and Tawhia Drive between 8am and 8pm, 7 days per week. (ii) There is no restriction on the closure of traffic lanes on Gunton Drive between Fred Taylor Drive and Tawhia Drive between 8pm – 8am, 7 days a week. (b) Where it is not practicable to comply with Condition 16A(a)(i), the relevant CTMP must demonstrate how safe and practicable access to businesses within the Westgate area shown on Schedule [X] Westgate Sub-precincts A and B (as defined by I615.10.1 Precinct plan 1 of the AUP), including the NorthWest Centre (7 and 1/7 Fred Taylor Drive) and Costco (2 Gunton Drive); will be maintained, and must identify: (i) the expected duration of the lane reduction closure; (ii) the alternative access arrangements; (iii) the traffic modelling or operational assessment relied on; (iv) the monitoring and response measures to be implemented; and (v) the any consultation undertaken with directly affected landowners and occupiers. (c) Except in accordance with Condition 16A(a)-(b) above, tThe Requiring Authority must not close or significantly restrict all vehicle access points from Gunton Drive to the NorthWest Centre shown on Schedule [X] (7 and 1/7 Fred Taylor Drive) at the same time,	Commenter 08 – Stride Relief Sought: Retain Condition 16A. Commenter 11 – GDL Relief Sought: Retain Condition 16A.	NZTA maintains its earlier comments on the Panel's draft Condition 16A. NZTA therefore opposes the retention of the Panel's draft Condition 16A without amendment as sought by Stride and GDL.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
		unless an alternative access arrangement is available and has been identified in the relevant CTMP. (d) Planned full closures, lane reductions, stop line reductions, turning restrictions or significant access restrictions affecting Gunton Drive, Fred Taylor Drive, the Hobsonville Road / SH16 interchange, or access to the Westgate Sub-precincts A, B and E (as defined by I615.10.1 Precinct plan 1 of the AUP) must, as far as practicable, be avoided during peak retail trading periods, including the period from 1 November to 7 February. Where such works cannot practicably be avoided, the relevant CTMP must identify the reasons, the mitigation measures to be implemented, and the consultation undertaken with directly affected landowners and occupiers. (e) Condition 16A(a) - (c) does not apply in the case of an unforeseen emergency. However, in the event of an unforeseen emergency, provided that the Requiring Authority must, minimise as far as practicable, minimise the duration and extent of any closure, lane reduction, stop line reduction, turning restriction, or access restriction and must notify directly affected landowners and occupiers as soon as practicable.		
ALL	16C	Existing Permanent Vehicle Property Access (a) Prior to submission of an Outline Plan for any part of the Project that will permanently alter an existing lawful vehicle access to a property, the Requiring Authority must consult with the relevant landowner and occupier about the proposed access arrangement. (b) The relevant Outline Plan must demonstrate how safe and practicable <u>permanent</u> vehicle access to that property will be provided, whether by reconfiguration of the existing access or by an alternative access arrangement. (c) This condition does not apply where the relevant landowner has agreed in writing to the access arrangement, or where the relevant property interest has been acquired by the Requiring Authority.	Commenter 09: RBL Relief Sought: Amend clause (c): <i>(c) This condition does not apply where the relevant landowner <u>and occupier</u> has agreed in writing to the access arrangement, or where the relevant property interest has been acquired by the Requiring Authority.</i> Commenter 11 – GDL Relief Sought: Retain Condition 16C.	NZTA maintains its earlier comments on the Panel's draft Condition 16C. NZTA therefore opposes the retention of the Panel's draft Condition 16C without amendment as sought by GDL. NZTA opposes the amendment to clause (c) sought by RBL. As Condition 16C concerns permanent vehicle access, NZTA considers the landowner is the appropriate party to specify in Condition 16C(c). Arrangements between the landowner and occupier are outside of NZTA's control.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
2 and 5	16D	Westgate Precinct Construction Traffic Management (a) Where Project works under NoR 2 or NoR 5 are within or directly adjacent to the Westgate area shown in Schedule [X] may affect the operation of Gunton Drive, Fred Taylor Drive, the Hobsonville Road / SH16 interchange, SH16 on or off ramps, Tawhia Drive, Maki Street, Kedgley Road, or vehicle access to the NorthWest Centre (7 and 1/7 Fred Taylor Drive), Costco (2 Gunton Drive), Westgate Shopping Centre (5 — 35 Maki Street), or Westgate Lifestyle Centre (57-61 and 63-65 Maki Street), the relevant CTMP must include a Westgate Precinct section. (b) The Westgate Precinct section of the CTMP must include <u>(as relevant)</u>: (i) drawings showing the proposed construction staging, temporary traffic management layout, lane availability, turning movement availability, property access arrangements, active mode routes, and public transport arrangements; (ii) <u>an assessment of the traffic effects of any lane closure, lane reduction, stop-line reduction, turning movement restriction, driveway restriction, or detour affecting the roads or accesses listed in Condition 16D(a);</u> (iii) <u>(ii) traffic modelling or other operational assessment, using SIDRA or another appropriate assessment method, where to demonstrate if works are predicted to materially reduce intersection capacity, lane capacity, stop-line capacity, turning movement capacity, access capacity or queue storage;</u> (iv) <u>(iii) measures to maintain minimise, as far as practicable, impacts of construction works on safe and practicable access to the Westgate area shown in Schedule [X] Westgate Sub-precincts A, B and E (as defined by I615.10.1 Precinct plan 1 of the AUP), including the NorthWest Centre (7 and 1/7 Fred Taylor Drive), Costco (2 Gunton Drive), Westgate Shopping Centre (5 — 35 Maki Street), or Westgate Lifestyle Centre (57-61 and 63-65 Maki Street), during construction;</u> (v) <u>(iv) measures to avoid minimise, as far as practicable, impacts of construction works on:</u> 1. queue spillback onto SH16 ramps or through the Hobsonville Road / SH16 interchange; (v) <u>2. significant delays at the Hobsonville Road / SH16 interchange;</u> (vi) <u>minimum network performance parameters and trigger levels for monitoring during construction, including queue lengths, access delay, lane and turning movement availability, and public transport delay where relevant;</u> (vii) <u>measures to be implemented if monitoring shows that the minimum network performance parameters are not achieved or are likely not to be achieved;</u> (vi) <u>(v) measures to manage construction traffic during peak retail trading periods, including the period from 1 November December to 2 January February;</u>	Commenter 08 – Stride Relief Sought: Retain Condition 16D. Commenter 11 – GDL Relief Sought: Retain Condition 16D.	NZTA maintains its earlier comments on the Panel's draft Condition 16D. NZTA therefore opposes the retention of the Panel's draft Condition 16D without amendment as sought by Stride and GDL.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
		(vi) details of <u>any</u> consultation undertaken with: 1. Auckland Transport <u>(or successor)</u>, (ix) 2. the operators of the NorthWest Centre (7 and 1/7 Fred Taylor Drive), Costco (2 Gunton Drive), Westgate Shopping Centre (5—35 Maki Street), or Westgate Lifestyle Centre (57—61 and 63—65 Maki Street), and any other directly affected major landowner or occupier; and (vii) a summary of any feedback received through that any consultation, what changes have been made in response, and reasons for any feedback not adopted. (c) Prior to undertaking construction works at or adjacent to the Fred Taylor Drive / Hobsonville Road / SH16 off-ramp / Gunton Drive interchange that significantly reduce traffic capacity, the Requiring Authority must either: (i) complete the Hobsonville Road off-ramp widening, extension and additional lane works generally relied on in the construction traffic modelling; or (ii) provide an updated construction traffic assessment demonstrating that the relevant works can be undertaken without those improvements while maintaining safe and practicable operation of the interchange, including queue storage on the SH16 off-ramp.		
9 and 11	16E	Point Chevalier <u>Station</u> Transport and Access <u>Plan</u> <u>(a) Any permanent Project works associated with the Point Chevalier Station that are located within Parr Road North or the Service Lane as shown in Schedule [Y], must be designed so that those works do not compromise any existing (at the time of commencement of construction) safe and practicable access from Parr Road North or the Service Lane for the Point Chevalier properties shown in Schedule [Y].</u> (a)(b) The Outline Plan must set out how the matters in (a) will be achieved. (a) Prior to submission of 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 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. (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;	Commenter 06 – NTC Relief Sought: Amend Condition 16E(a): (a) <i>Prior to submission of <u>an the</u> 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 intersection, the Requiring Authority must prepare a Point Chevalier Transport and Access Plan.</i> Insert new clauses (X)(i)-(ii) following clause (c): <u>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:</u> <u>(i) Providing a draft of the Point Chevalier Transport and Access Plan to those parties for review; and</u> <u>(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.</u> Insert new subclause (c)(iv) and amend subsequent sub-clauses: <u>(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);</u> (iv)(v) an assessment of whether <u>demonstrating how</u> the layout and operation of Parr Road North and the service lane will maintain safe and legible customer, staff,	NZTA maintains its earlier comments on Condition 16E. NZTA opposes the NTC and RBL proposed amendments for the following reasons: - NZTA does not consider it is necessary or appropriate for Condition 16E to require consultation with landowners or occupiers given the condition concerns the use of public roads (which are managed by Road Controlling Authorities). Condition 16C (Permanent Vehicle Access) and the specific conditions for Point Chevalier New World and Westgate Woolworths provide for consultation with the relevant owner/occupier in relation to access to private properties. - NZTA opposes any requirement to ensure all “vehicles can enter and exit the service lane in a forward direction”. There is no evidence before the Panel that <i>all</i> vehicles currently enter and exit the service lane in this manner (noting Mr Hill’s evidence is limited to NTC, RBL has not provided evidence and a number of other properties have access from the service lane). For example, some service vehicles may reverse into/from the service lane in the existing situation.

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		(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) an assessment of whether 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; (v) 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; (vi) 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; (vii) consultation undertaken with Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands and any other directly affected property owner or occupier; and (viii) a summary of feedback received, 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.	<i>servicing and delivery access to adjacent commercial properties, <u>including but not limited to how vehicles can enter and exit the service lane in a forward directions</u>;</i> <i>(v)(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;</i> <i>(vi)(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;</i> <i>(vii)(viii) consultation undertaken with Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands and any other directly affected property owner or occupier; and</i> <i>(viii)(viii) a summary of feedback received <u>in accordance with (X) above</u>, what changes have been made in response, and reasons for any feedback not adopted.</i> Amend clause (d): (d) <i>The Point Chevalier Transport and Access Plan must be provided with the relevant Outline Plan. <u>A copy must also be provided to those parties consulted in accordance with (X) above.</u></i>	
			Commenter 09 – RBL Relief Sought: As per the relief sought by NTC above.	As above.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
i)	16F	<p>Construction Traffic Issues Resolution</p> <p>(a) The CTMP must include a Construction Traffic Issues Resolution process for receiving, investigating and responding to traffic, access, servicing, parking, pedestrian, cycle, public transport and safety issues raised by affected landowners, occupiers, road users, Auckland Transport, Auckland Council or emergency services during construction.</p> <p>(b) The Construction Traffic Issues Resolution process must include:</p> <p class="list-item-l1">(i) contact details for a nominated person responsible for receiving and coordinating responses to construction traffic and access issues;</p> <p class="list-item-l1">(ii) a process for acknowledging receipt of an issue or complaint within two working days, or within 24 hours where the issue relates to a safety matter, blocked access, emergency access, or inability for a commercial activity to receive essential deliveries;</p> <p class="list-item-l1">(iii) a process for investigating whether the issue is caused or significantly contributed to by Project works or temporary traffic management arrangements;</p> <p class="list-item-l1">(iv) a process for implementing reasonable corrective actions where the issue is caused or significantly contributed to by Project works or temporary traffic management arrangements;</p> <p class="list-item-l1">(v) timeframes for advising the person who raised the issue of the outcome of the investigation and any corrective actions proposed or taken;</p> <p class="list-item-l1">(vi) procedures for escalating unresolved or recurring issues to the Requiring Authority, Auckland Transport and Auckland Council;</p> <p class="list-item-l1">(vii) a requirement to maintain a register of issues raised, investigations undertaken, responses provided, and corrective actions implemented; and</p> <p class="list-item-l1">(viii) a requirement to review relevant temporary traffic management arrangements where repeated issues arise at the same location or where monitoring indicates that the minimum network performance parameters in the CTMP are not being achieved.</p> <p>(d) The issue register must be made available to Auckland Council and Auckland Transport on request.</p>	Commenter 06 – NTC Relief Sought: Retain Condition 16F. Commenter 08 – Stride Relief Sought: Retain Condition 16F. Commenter 11 – GDL Relief Sought: Retain Condition 16F.	NZTA maintains its earlier comments on Condition 16F, being that a resolution process should be incorporated into Condition 16. NZTA therefore opposes the retention of the Panel's draft Condition 16F without amendment as sought by NTC, Stride and GDL.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
ALL	20.	Schedule to a CNVMP (a) A Schedule to the CNVMP (Schedule) must be prepared by a SQEP prior to the start of construction for an activity to which it relates, in consultation with the owners and occupiers of sites subject to the Schedule, when: (i) construction noise is either predicted or measured to exceed the noise standards in Condition 17; or (ii) construction vibration is either predicted or measured to exceed the Category A standard at the receivers in Condition 18. (b) The objective of the Schedule is to set out the Best Practicable Option measures to manage noise and/or vibration effects of the construction activity beyond those measures set out in the CNVMP. (c) To achieve the objective, the Schedule shall include details such as: (i) Construction activity location, start and finish times; (ii) the nearest neighbours to the construction activity; (iii) the predicted noise and/or vibration for all receivers where the levels are predicted or measured to exceed the applicable standards in Conditions 17 and 18 and the predicted duration of the exceedance; (iv) for works proposed between 2000h and 0630h, the reasons why the proposed works must be undertaken during these hours and why they cannot be practicably undertaken during the daytime; (v) the proposed mitigation options that have been selected, and any mitigation options that have been discounted as being impracticable and the reasons why; (vi) a summary of the consultation undertaken with owners and occupiers of sites subject to the Schedule, and how consultation has and has not been taken into account; and (vii) location, times and types of monitoring. (d) The Schedule must be submitted to the Manager for information at least five working days (except in unforeseen circumstances) in advance of the start of construction that are covered by the scope of the Schedule. (e) Where material changes are made to a Schedule required by this condition, the Requiring Authority must consult the owners and/or occupiers of sites subject to the Schedule prior to submitting the amended Schedule to the Manager for information in accordance with (d) above.	Commenter 10 – Foundry Relief Sought: Add new clause (d): <i>(i) Where the Schedule proposes exceedances of structural protection limits in Condition 18 (e.g. BS5228 or DIN4150-3), an independent peer review must be been obtained and provided to the Manager to demonstrate that adverse effects on property have been appropriately mitigated.</i>	NZTA opposes the Foundry comment. Ms Wilkening has provided the following response to the Foundry comment: In my opinion it would not be practicable to obtain independent peer reviews for Schedules, given the short turn around throughout the construction process. Schedules follow the requirements of condition 20. At the same time, the requirements of condition 19 (CNVMP) must be fulfilled, which includes building condition surveys (condition 19(c)(xii)). Therefore, should vibration be predicted to reach levels that require a building condition survey, this will need to be undertaken prior to and following the identified works. The Category B criteria for occupied buildings (e.g. 5 mm/s ppv) are highly conservative. The criteria for unoccupied buildings based on BS 5228-2 are significantly higher (15 to 20 mm/s ppv) and are also designed to protect buildings from damage. Therefore, a potential temporary infringement of the "occupied building" Category B criteria would not result in damage to the building. In my opinion, it is therefore unnecessary to require an independent peer review of Schedules purely based on a potential exceedance of the Category B criterion for occupied buildings, particularly given that the risk of any damage is approaching zero.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
9 and 11	23.	Built Heritage Construction Management Plan (a) The Requiring Authority must engage a SQEP to prepare a Built Heritage Construction Management Plan prior to the start of construction. The objective of the Built Heritage Construction Management Plan is to identify methods to manage construction effects on the buildings listed in Conditions 21 and 22 and adjacent to Scheduled Heritage Building [AUP 2798] former ASB Building, 1210 Great North Road, Point Chevalier, provided the building(s) are existing at the time of construction and will be retained. (b) The Built Heritage Construction Management Plan must include: (i) Measures to protect retained built heritage buildings from damage during construction, such as barriers and protective screens; (ii) Demolition and deconstruction methods for any heritage buildings not being retained; (iii) Pre- and post- construction works building condition surveys in accordance with the Construction Noise and Vibration Management Plan required by Condition 19 above; (iv) Measures to monitor the buildings during construction works; and (v) Accidental damage protocols.	Commenter 13 – Auckland Council Relief Sought: Insert clause (c): (c) <u>the Built Heritage Construction Management Plan must be provided as part of the outline plan for a stage of works.</u>	See NZTA comment on Condition 3 above.
			Commenter 12 – NZRPG Relief Sought: Add new Condition 23A: <u>Protection of Northside Drive Extension Provision</u> <i><u>The works enabled by this designation shall not remove, demolish, or otherwise compromise the existing physical provision for the Northside Drive Extension over State Highway 16, including the existing abutments and centre span support, unless:</u></i> <i><u>(a) equivalent physical provision enabling the future construction of the Northside Drive Extension in substantially its currently provided for alignment and form is incorporated into the Project's works and is in place prior to removal of the existing provision; or</u></i> <i><u>(b) the requiring authority demonstrates by written evidence prepared by a suitably qualified or structural or transport engineer and provided to the territorial authority prior to removal, that retention of equivalent physical provision is not reasonably practicable, and that the removal will not preclude or materially increase the cost or difficulty of delivering the Northside Drive Extension in the future.</u></i> <i><u>For the avoidance of doubt, this condition does not require the requiring authority to construct, fund, or complete the Northside Drive Extension, and does not impose any condition precedent on the commencement or continuation of works enabled by this designation.</u></i>	NZTA opposes the condition requested. NZTA notes that NZRPG's comment requesting a new Condition 23A effectively restates its original comments. NZTA has already addressed this matter twice (3 June response, Appendix A, 36.11 and 24 July response, 36A.8) and does not repeat those responses here.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
ALL	26.	Landscape Planting (a) The Requiring Authority must, where practicable: (i) Retain existing mature, native vegetation; (ii) Plant at stations and batter slopes; (iii) Use eco-sourced native vegetation; and (iv) Reinstate any pre-existing planting following disestablishment of construction and site compound areas that are not used for permanent works for operational needs as appropriate; and (iv) Integrate planting with any planting required by Designation Condition 26A and resource consents for the Project. (b) For planting under (a), the Requiring Authority must: ...	Commenter 13 – Auckland Council Relief Sought: Amend clause (a)(iv): (iv) Re-instate <u>ment planting of construction and site compound areas any pre-existing planting following disestablishment of construction and site compound areas that are not used for permanent works for operational needs as appropriate; and</u>	NZTA continues to oppose Condition 26(a)(iv) for the reasons set out in its response to the Panel's draft conditions: NZTA does not consider there is any evidence before the Panel to support this condition amendment. It was not recommended by NZTA's landscape expert. NZTA opposes a requirement to reinstate pre-existing planting as that may result in inappropriate outcomes (eg pest plants being reinstated, or planting of an unsafe height, or planting that is not suitable for maintenance purposes). NZTA also considers the amendment may duplicate planting requirements already contained in Condition 26A and the resource consent conditions require planting.
10	26A	Arch Hill Scenic Reserve – Native Vegetation Removal (a) If native vegetation within the Designation is removed in Arch Hill Scenic Reserve shown in Schedule F, the Requiring Authority must: (i) for temporary construction works, plant native vegetation in those areas where vegetation was removed. (ii) for permanent works, plant an equal area (in m2) within Arch Hill Scenic Reserve or elsewhere within the Designation. (b) For planting under (a) the Requiring Authority must: ...	Commenter 03 – Te Ākitai Waiohū Relief Sought: Amend clause (a): (a) <i>If native vegetation within the Designation is removed in Arch Hill Scenic Reserve shown in Schedule F, the Requiring Authority must:</i> (i) <i>for temporary construction works, plant native vegetation in those areas where vegetation was removed.</i> (ii) <i>for permanent works, plant an equal area (in m2) within Arch Hill Scenic Reserve or <u>if not practicable</u> elsewhere within the Designation.</i>	NZTA does not oppose the requested amendment to Condition 26A.
9 and 10	27.	Tree Protection Methodology (a) Prior to the start of construction, the Requiring Authority must engage a SQEP to prepare a tree protection methodology for the trees identified in Schedule F (existing at the time of construction). The tree protection methodology must demonstrate how the design and location of the Project has avoided, remedied or mitigated effects on any tree listed in Schedule F. (b) The methodology must include: (i) Procedures such as protective fencing, ground protection and physical protection of roots, trunks and branches; and (ii) Methods and procedures to be used when the trees are pruned and/or work is undertaken within the rootzone.	Comment 13 – Auckland Council Relief Sought: Insert new clause (c): (c) <u>The Tree Protection Methodology must be provided as part of the outline plan for a stage of works.</u>	See NZTA's comments on Condition 3 above.
9 and 10	27A	Geotechnical Management PlanDesign Statement (a) Prior to the start of construction <u>at Waterview Interchange or Arch Hill Scenic Reserve as shown in Schedule [Z]</u> , the Requiring Authority must provide a copy of a Geotechnical Design Statement to Auckland Council for information purposes. The Geotechnical Design Statement must engage be prepared by a Suitably Qualified Geotechnical Professional (SQGP) to prepare a Geotechnical Management Plan (GMP). The purpose of the GMP is to review the geotechnical conditions along the alignment with respect to the detailed design proposal to <u>and</u> confirm that there will be no <u>material</u> adverse effects to land, buildings or	Commenter 13 – Auckland Council Relief Sought: "Request designation condition 27A apply to all designations.. Request designation condition 27A is amended to require the information be provided as part of the outline plan process..." "Amended to SQEP for consistency with remainder of condition set"	NZTA opposes the Panel's draft Condition 27A as well as the amendments proposed in the Council comments (except for the amendment to use 'SQEP' as the defined term). Refer to the reasons set out in the Memorandum of Counsel dated 26 August 2026.

PANEL'S DRAFT DESIGNATION CONDITIONS WITH NZTA'S 19 AUGUST COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO OTHER PARTIES COMMENTS
		infrastructure beyond the designation boundary <u>arising from geotechnical conditions</u>. (b) The GMP must consider effects of both temporary and permanent works. (c) Where the works are located in areas of geotechnical hazard, such as steep slopes, poor soils, or landslide susceptibility the SQGP must undertake geotechnical investigations to ensure the hazard is well understood, and to demonstrate the proposed design mitigates any potential effects on land, buildings or infrastructure beyond the designation boundary.		
3 and 7	38.	Transpower Construction Management Plan (a) The Requiring Authority must engage a suitably qualified person to prepare a Transpower Construction Management Plan (TCMP) before the start of any Construction Works within 50m of Transpower Assets....	Commenter 07 – Transpower NZ Limited Relief Sought: Remove Condition 38 from NoR 3 and 7.	NZTA supports Transpower's request to remove Condition 38.

PANEL’S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS				COMMENTS FROM OTHER PARTIES ON THE PANEL’S DRAFT CONDITIONS		NZTA RESPONSE TO COMMENTS																
Definitions The table below defines the acronyms and terms used in these conditions. Defined terms are capitalised in these conditions. Acronyms and defined terms <table><tr><th>Acronym/term</th><th>Definition/meaning</th></tr><tr><td>Site</td><td>The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A for the Project</td></tr><tr><td colspan="2">...</td></tr></table>				Acronym/term	Definition/meaning	Site	The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A for the Project	...		Commenter 13 – Auckland Council Relief Sought: Amend definition: <table><tr><td>Site</td><td>The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A B for the Project</td></tr></table>		Site	The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A B for the Project	As NZTA opposes the Panel’s draft Condition 1A and the amended versions proposed by Council, NZTA does not support this consequential amendment to the schedule numbering within the definition of ‘Site’.								
Acronym/term	Definition/meaning																					
Site	The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A for the Project																					
...																						
Site	The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A B for the Project																					
Reference	Number	Condition																				
GENERAL CONDITIONS																						
ALL	1.	Table 1 Resource Consent lapse and expiry (a)The consents lapse as set out below from the date of commencement, unless they have been given effect, surrendered or been cancelled at an earlier date. (b)The consents expire as set out below from the date of commencement. Council input to consent number references is requested <table><tr><th>Reference</th><th>Resource consents - Resource Management Act 1991</th><th>Proposed lapse date</th><th>Proposed Expiry date</th></tr><tr><td colspan="4">Land disturbance activities</td></tr><tr><td>LUCXXXX</td><td>Land use (s.9)(1)) – Disturbance of potentially contaminated material (NES:CS)</td><td>25 years</td><td>Unlimited duration</td></tr><tr><td colspan="4">...</td></tr></table>		Reference	Resource consents - Resource Management Act 1991	Proposed lapse date	Proposed Expiry date	Land disturbance activities				LUCXXXX	Land use (s.9)(1)) – Disturbance of potentially contaminated material (NES:CS)	25 years	Unlimited duration	...						NZTA has discussed the consent references with Council and the agreed consent references are included in Appendix 3.
Reference	Resource consents - Resource Management Act 1991	Proposed lapse date	Proposed Expiry date																			
Land disturbance activities																						
LUCXXXX	Land use (s.9)(1)) – Disturbance of potentially contaminated material (NES:CS)	25 years	Unlimited duration																			
...																						
ALL	1A	The location and layout of works enabled by this consent, including its alignment and layout, 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 these conditions. Work 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.		Commenter 05 – Department of Conservation (DOC) Relief Sought: Amend Condition 1A: The location and layout of works enabled by this consent, including its alignment and layout, 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 these conditions. Work will be deemed to be consistent with those drawings if it is located within the designation boundary and is compliant withthe all other applicablebalance of these conditions and any certified management plan or plan.		NZTA opposes Condition 1A as well as the amendments proposed in comments from other parties. Refer to the reasons set out in Memorandum of Counsel dated 26 August 2026.																
		Commenter 13 – Auckland Council																				

PANEL'S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
			Relief Sought: Amend Condition 1A: <i>The location and layout of works enabled by this consent, including its alignment and layout, shall be undertaken in a manner <u>generally</u> consistent with the Indicative Design West drawings and Indicative Design East drawings as set out at Schedule A to these conditions. Work 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.</i>	
MANAGEMENT PLANS				
ALL	2.	(a) A management plan or plan required by a condition must: (i) be prepared and implemented in accordance with the relevant condition; (ii) be prepared by a SQEP(s); and (iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or stage of work to which it relates. (b) The Consent Holder may prepare management plans or plans in parts or in stages to address specific activities or to reflect the staged implementation of the Project. (c) In preparing the management plans or plans listed in Condition 3(b) the Consent Holder must consult with: (i) Te Kawerau ā Maki for works between Brigham Creek Station and west of Te Whau River / SH16 causeway; (ii) Ngāti Whātua o Kaipara for works between Brigham Creek Station and Westgate; and (iii) Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata for works east from Te Whau / SH16 causeway to Ian McKinnon Drive. (d) The management plans or plans must be implemented as certified.	Commenter 03 – Te Ākitai Waiohū Relief Sought: Amend clause (c): (c) <i>In preparing the management plans or plans listed in Condition 3(b) the Consent Holder must consult with:</i> (i) <i>Te Kawerau ā Maki for works between Brigham Creek Station and west of Te Whau River / SH16 causeway;</i> (ii) <i>Ngāti Whātua o Kaipara for works between Brigham Creek Station and Westgate; and</i> (iii) <i>Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata for works east from Te Whau / SH16 causeway to Ian McKinnon Drive; and-</i> (iii)(iv) <i>Include in the management plans a summary of comments received along with a summary of where comments have been incorporated, and where not, the reasons why.</i>	NZTA does not oppose the requested addition to Condition 2(c)(ii). It proposes the following wording for clarity: <i>(iv) for any management plan submitted for certification, provide a summary of any comments received in accordance with Condition 2(c) along with a summary of where comments have been addressed in the management plan, and where not, the reasons why.</i>
			Commenter 13 – Auckland Council Relief Sought: Amend clause (a): (a) <i>A management plan or plan required by a condition must:</i> (i) <i>be prepared and implemented in accordance with the relevant condition;</i> Amend clause (b): (b) <i>The Consent Holder may prepare management plans or plans <u>or summary technical notes</u> in parts or in stages to address specific activities or to reflect the staged implementation of the Project.</i>	NZTA agrees with the amendment to clause (a). NZTA agrees with the suggested amendment to add "or summary technical notes" to Condition 2(b) so they may be prepared and provided to Council for information on a staged basis.
ALL	3.	<i>Certification</i> (a) The management plans or other plans listed in (b)(i)-(iii) below must be submitted to the Council at least twenty (20) working days prior to the anticipated start of construction to be certified. The certification must confirm that the management plan has been prepared in accordance with the condition(s) to which it relates. (b) The following plans must be submitted for certification:	Commenter 05 – DOC Relief Sought: Amend clause (c): (c) Any certified plan may be updated or revised to reflect any changes in design, construction methods or management of effects: (i) The plan may be amended <u>or updated</u> to reflect a minor <u>administrative changes in design, construction methods or management of effects. Re-certification is not required. without the need for certification where:</u>	It is unclear to NZTA why DOC is commenting on Condition 3 given the management plans to be certified do not relate to matters covered in DOC's comments on the application and DOC did not comment on management plan certification as part of its earlier comments. However, NZTA does not oppose the intent of DOC's suggested amendments to (c)(i) to require an amended management plan to be provided to Auckland Council within 10 working days. NZTA opposes DOC's suggested amendments to (c)(i) to:

PANEL'S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
		(i) Site-Specific Erosion and Sediment Control Plan(s) (SSESCP) (ii) Contaminated Soils Management Plan(s) (iii) Coastal Construction Management Plan(s) (c) Any certified plan may be updated or revised to reflect any changes in design, construction methods or management of effects: (i) The plan may be amended to reflect minor changes in design, construction methods or management of effects. Re-certification is not required. (ii) If there is a material change proposed to a plan that has been submitted to the Council for certification then the Consent Holder must update that plan by submitting the amendment in writing to the Council for certification.	<u>A. the amendment/s have no, or a de minimis, adverse effect on the environment; and</u> <u>B. The amendment is an administrative change</u> (ii) <u>Any management plan amended under (c)(i) above must be provided to Auckland Council within 10 working days of the change. If Council determines the amendments do not comply with (c)(i) above, then the proposed amendment(s) are to be submitted for certification under (c)(iii).</u> (ii)(iii) If there is a material change proposed For any proposed variation to a certified plan that is not administrative under clause 3(c)(i), that has been submitted to the Council for certification then the Consent Holder must update that plan by submitting the proposed variation amendment in writing to the Council for <u>re</u>-certification.	- limit its effect to "minor administrative changes". However, NZTA considers some of DOC's suggested amendments could helpfully clarify what is meant by a "minor change". - require Council to determine whether the amendments to the management plan are a "minor change" or need to be submitted for certification. NZTA considers that determination would effectively create a certification process. NZTA therefore proposes the following amendments to Condition 3(c): <i>(c) Any certified plan may be updated or revised to reflect any changes in design, construction methods or management of effects:</i> <i>(i) The plan may be amended to reflect minor changes in design, construction methods or management of effects. Re-certification is not requiredwithout the need for certification where:-</i> <i><u>A. the amendment(s) have no or a de minimus adverse effects on the environment; or</u></i> <i><u>B. the amendment(s) are administrative;</u></i> <i><u>The amended management plan must be provided to Auckland Council within 10 working days of the change.</u></i> <i>(ii) If there is a material change proposed to a plan that has been submitted to the Council for certification then the Consent Holder must update that plan by submitting the amendment in writing to the Council for certification.</i>
			Commenter 13 – Auckland Council Relief Sought: Amend clause (a): (a) <i>The management plans or other plans <u>or summary technical notes</u> listed in (b)(i)-(iii) below must be submitted to the Council at least twenty (20) working days prior to the anticipated start of construction to be certified. The certification must confirm that the management plan has been prepared in accordance with the condition(s) to which it relates.</i>	NZTA opposes Council's suggested amendment, as summary technical notes are to be provided to Council for information purposes, not for certification.
CONSTRUCTION CONDITIONS				
WORKS IN WATERCOURSES				
DISXXXX, WATXXX, LUCXXX	13.	<i>Fish Passage</i> Fish passage must be provided in all new culverts and/or culvert extension(s) unless deemed by a SQEP to be: (a) unnecessary because: (i) there is no upstream fish habitat; or (ii) there are other existing barriers to fish passage; or	Commenter 05 – DOC Relief Sought: Amend Condition 13(a): (a) <i>unnecessary because:</i> (i) <i>there is no upstream fish habitat; or</i> (ii) <i>there are other existing <u>natural</u> barriers to fish passage; or</i>	NZTA notes that DOC's comment requesting the addition of "natural" to Condition 13(a)(ii) effectively restates its original comments. NZTA opposes the amendment requested. NZTA has already addressed this matter in its response to comments (3 June response, Appendix A, 27.12) and does not repeat its response here.

PANEL'S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
		(b) impracticable.	...	
ECOLOGICAL MANAGEMENT				
LUCXXX	14.	<i>Terrestrial Native Vegetation Removal</i> (a) If native vegetation within the Designation is removed in the SEAs shown Schedule D, in a coastal margin, or in a riparian margin, the Consent Holder must: (i) for temporary construction works, plant native vegetation in those areas where vegetation was removed. (ii) for permanent works, plant an equal area (in m2) within a SEA, coastal margin or riparian margin: (A) within the Designation; or (B) within 1,500m of the boundary of the Designation (b) Any mitigation planting undertaken in accordance with Condition 15 can also be counted as mitigation planting under Condition 14 for removal of vegetation in riparian margins. (c) For planting under (a) the Consent Holder must: (i) engage a SQEP to advise on location and determine plant species and sourcing, density and sizing; (ii) undertake eco-sourced planting within the first planting season following completion of construction where practicable; (iii) undertake pest plant control for a five year period; and (iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).	Commenter 05 – DOC Relief Sought: Delete clause (b): (b) Any mitigation planting undertaken in accordance with Condition 15 can also be counted as mitigation planting under Condition 14 for removal of vegetation in riparian margins. Amend clause (c)(iv): (c) For planting under (a) the Consent Holder must: (iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).	NZTA notes that DOC's comment requesting the deletion of Condition 14(b) effectively restates its original comments. NZTA opposes the amendment requested. NZTA has already addressed this matter in its response to comments (3 June response, Appendix A, 27.13 and the evidence of Mr Jeremy Garrett-Walker at paragraph 58) and does not repeat its response here. NZTA opposes DOC's request to delete the five-year period from Condition 14(c)(iv), because 80% canopy cover will be achieved in less than five years with effective planting and maintenance.
LUCXXX	15.	<i>Works in Watercourses</i> (a) If native vegetation is permanently removed for bridging of a watercourse, the Consent Holder must plant the riparian margin of: (i) the same stream; or (ii) another stream that is of similar size and gradient, and as close as practicable to the affected stream. (b) The area of riparian margin planting under (a) must be no less than the area of the permanent vegetation removal. (c) For any new (including extension of) permanent culverts and stormwater outfalls in a watercourse, the Consent Holder must plant the riparian margin of: (i) the same stream; or (ii) another stream that is of similar size and gradient, and as close as practicable to the affected stream.	Commenter 05 – DOC Relief Sought: Delete clauses (e): (e) Any mitigation planting undertaken in accordance Condition 14 for removal of vegetation in riparian margins can also be counted as mitigation planting under Condition 15. Amend clause (f): (f) For planting under (a) and (c) the Consent Holder must: (i) engage a SQEP to advise on location and determine plant species and sourcing, density and sizing; (ii) undertake planting within the first planting season following completion of construction where practicable; (iii) undertake pest plant control for a five year period; and	NZTA notes that DOC's comment requesting the deletion of Condition 15(e) effectively restates its original comments. NZTA opposes the amendment requested. NZTA has already addressed this matter in its response to comments (3 June response, Appendix A, 27.13, the evidence of Mr Jeremy Garrett-Walker at paragraph 58 and the evidence of Andrew Blayney, 9 July 2026, at paragraphs 8–12) and does not repeat its response here. NZTA opposes DOC's request to delete the five-year period from Condition 15(f)(iv), because 80% canopy cover will be achieved in less than five years with effective planting and maintenance. NZTA opposes DOC's comment requesting new clauses (g) and (h). DOC has provided no evidence to demonstrate that such a condition is necessary to manage the Project's effects. NZTA's expert considers this limit is unnecessarily restrictive. The suggested condition would prevent works across 7 months of the year, which would significantly restrict construction flexibility. Given the lack of evidence on effects and the extensive

PANEL’S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL’S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
		(d) The riparian margin planting under (c) must be 1.5x the length of the watercourse occupied by the culvert or outfall and a minimum of 5m wide on each side of the watercourse (from the edge of the channel). (e) Any mitigation planting undertaken in accordance Condition 14 for removal of vegetation in riparian margins can also be counted as mitigation planting under Condition 15. (f) For planting under (a) and (c) the Consent Holder must: (i) engage a SQEP to advise on location and determine plant species and sourcing, density and sizing; (ii) undertake planting within the first planting season following completion of construction where practicable; (iii) undertake pest plant control for a five year period; and (iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less). (iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less). Add new clause (g) and (h): (g) <u>Instream works or disturbance to waterways shall not be undertaken during peak migration season (September to November); and</u> (h) <u>Known inanga spawning sites should be avoided during spawning season (March to July).</u> restrictions the condition would place on project works, it is clearly “more onerous than necessary”.		
LUSXXX	17.	Fish Salvage and Relocation (a) The Consent Holder must salvage and relocate native freshwater fish and kākahi to the extent practicable prior to any dewatering or diversion or instream works in a section of a watercourse that a SQEP determines supports a population of native fish. (b) The salvaged native fish and kākahi should be relocated within the same stream with similar hydrological conditions determined or other suitable habitat determined by a SQEP. (c) Fish salvage and relocation must be supervised by a SQEP.	Commenter 05 – DOC Relief Sought: Amend clause (b): (b) The salvaged native fish and kākahi should<u>shall</u> be relocated within the same stream with similar hydrological conditions <u>if a suitable location exists. If not, fish may be relocated in another suitable habitat in the same or adjacent catchment or other suitable habitat as</u> determined by a SQEP. Add new clause (d): (d) <u>Fish salvage and relocation must be undertaken in accordance with the Ministry for the Environment National Works in Waterways Best Practice Guideline for Civil Infrastructure Works and Maintenance guideline (2021), or a more recent edition if available.</u>	NZTA opposes DOC’s comment requesting amendments to Condition 17(b). DOC has provided no evidence to demonstrate that such a condition is necessary to manage the Project’s effects. NZTA opposes DOC’s comment requesting a new Condition 17(d). DOC has provided no evidence to demonstrate that such a condition is necessary to manage the Project’s effects or what parts of the Guideline might apply to this particular Project. As noted in Mr Garrett-Walker's evidence (at paragraph 60) fish salvage and relocation “are well understood and established practices”. Accordingly, NZTA does not consider a reference to a guideline document to be necessary.
			Commenter 05 – DOC Relief Sought: Add new condition: X) The Consent Holder must ensure that the total length of culverting undertaken across the whole project is 75 m. NZTA opposes DOC’s comment requesting a limit on the total length of culverts. DOC has provided no evidence to demonstrate that such a condition is necessary to manage the Project’s effects. NZTA’s evidence establishes (Freshwater Ecology Assessment, Section 4.6), and the Panel accepted in its draft decision, that the effects of culverting will be appropriately managed through the conditions proposed.	
COASTAL PERMIT				
CSTXXX	22A	Review condition Under section 128 of the RMA the conditions of this consent may be reviewed by the Council at the Consent Holder’s cost: <u>on a five (5) yearly basis</u> (a) At any time within six months of commencing work on a stage of the Project; or (b) Otherwise, every two years on the anniversary of the grant of	Commenter 13 – Auckland Council Relief Sought: Amend Condition 22A: Under section 128 of the RMA the conditions of this consent may be reviewed by the Council at the Consent Holder’s cost: (a) At any time within six months of commencing work on a stage of the Project; or NZTA agrees with the Council comments to the extent they align with NZTA’s comments. NZTA continues to seek the amendments to Condition 22A set out in its earlier comments on the Panel’s draft conditions.	

PANEL'S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL'S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
		consent; to deal with any adverse effect on the <u>coastal</u> environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage. This includes but is not limited to potential adverse effects on the coastal environment or surrounding structures.	(b) Otherwise, every two years on the anniversary of the grant of consent, to deal with any adverse effect on the <u>coastal</u> environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage. This includes but is not limited to potential adverse effects on the coastal environment or surrounding structures.	
GROUNDWATER				
	23.	(a) The Consent Holder must design any Major Cut(s) for the Project so that it does not result in: (i) Total settlement at a Building or network utilities beyond the designation boundary of more than 10mm; or (ii) Total differential settlement at a Building or network utilities beyond the designation boundary of more than 1:500. (b) Prior to the commencement of construction, the Consent Holder must provide to the Council for information a summary technical note prepared by a SQEP demonstrating compliance with (a) above that: (i) Includes detailed design drawings of the Major Cut(s); and (ii) Demonstrates through use of analytical or numerical modelling, with an appropriate level of detail, that the design requirements of Condition 23(a) have been met.	Commenter 13 – Auckland Council Relief Sought: Amend clauses (a) and (b): (a) <i>The Consent Holder must design any Major Cut(s) for the Project so that it does not result in:</i> (i) <i>Total settlement at a Building/<u>structure</u> or network utilities beyond the designation boundary of more than 10mm; or</i> (ii) <i>Total differential settlement at a Building/<u>structure</u> or network utilities beyond the designation boundary of more than 1:500.</i> (b) <i>At least twenty (20) working days prior to the commencement of construction, the Consent Holder must provide to the Council for information a summary technical note prepared by a SQEP demonstrating compliance with (a) above that:</i> Relief Sought: Add new groundwater conditions 25 – 31.	NZTA opposes the Council's suggested amendments to Condition 23. It is not clear what is captured by a "structure" that is not a building or network utility, but is likely to capture very minor structures only. NZTA opposes the additional groundwater conditions suggested by Council. As noted in NZTA's response to the Council's comments (Appendix B, row 4): <i>Auckland Council has indicated that it will provide a standard set of groundwater conditions but has not done so. NZTA opposes groundwater-related conditions requiring a Groundwater Settlement Monitoring and Contingency Plan. Such conditions would be disproportionate to what is necessary to manage the Project's potential effects discussed above. NZTA will propose conditions that are proportionate to the assessed effects.</i> NZTA considers Council had a number of opportunities to provide draft groundwater conditions earlier in this process, but failed to do so. Council is now suggesting over 2.5 pages of additional conditions. The Panel's draft decision on this matter says: 251 ..., we have elected to grant the consents on the basis of the Applicant's additional proposed Consent Conditions 23 and 24. We recognise that these would appear to be somewhat more confined than would typically be applied to works of this nature, particularly in the absence of any drawings of the usual resource consent standard. In reaching that finding, we have, with some caution, found it necessary to place some reliance on the fact that the Project is being delivered by an experienced Crown agency. NZTA considers the Panel's findings and approach are appropriate, and Council is seeking to relitigate those findings. NZTA considers the Council's suggested Conditions 25 and 27- 31 are unnecessary as NZTA's proposed Condition 24 sets out clear parameters/outcomes to be achieved that will avoid damage outside the designation boundary. NZTA considers the Council's suggested Condition 26 (requiring a Groundwater and Settlement Monitoring and Contingency Plan) is unnecessary as NZTA's proposed Condition 24 sets out clear parameters to be achieved, and a summary technical note to confirm those parameters have been achieved. As noted in the Panel's draft decision, "the Project is being delivered by an experienced Crown agency" so further oversight by Council
	24.	The Consent Holder must construct the Project in accordance with the design drawings provided to the Council through Condition 23(b).		

PANEL’S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL’S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
				through a management plan certification process is unwarranted and overly onerous.
			Commenter 13 – Watercare Relief Sought: Add Water and Wastewater Management Plan (WWMP) condition.	NZTA notes that Watercare’s comment requesting a WWMP condition restates its original comments, and also seeks to submit additional evidence. That approach is inappropriate at this stage of the consenting process. NZTA opposes the condition requested. NZTA has already addressed this matter in its response to the Council’s comments. Network utilities are managed through other statutory/regulatory processes and NZTA notes that despite the submission of additional analysis, Watercare has still not identified any adverse environmental effects that would be managed by its suggested condition. The Panel’s draft decision on this matter says: 505 With regard to Watercare, through its initial response to commenters and its 29 July Memorandum, the Applicant highlights that interactions are already managed through existing statutory processes and the National Code of Practice for Utility Operators Access to Transport Corridors. It notes that Watercare has acknowledged these processes and has not, through its comments, identified any gap or outstanding effects matter that would be properly addressed or filled by a condition. Having regard to the scope of s 108AA of the RMA, the Applicant submits that there is no lawful scope for the Panel to impose the management plan condition sought by Watercare. 506 The Panel has carefully reviewed Watercare’s proposed condition. We are not aware of where the various clauses might overlap with other legislative mechanisms, but we understand that no such condition exists with respect to existing designations in and around SH16 or other roading designations more broadly... 507 The Panel finds that Watercare’s comments have not identified any particular shortcoming with those statutory requirements, nor identified the specific gap that is sought to be addressed in respect of those requirements through its proposed condition. We note that Watercare’s comments acknowledge the dialogue already entered into with the Applicant, and we have no reason to conclude would not continue in the normal course of a requiring authority discharging its obligations under existing requirements. The Panel has not therefore discerned a basis to impose the condition sought by Watercare, and prefers the submission of the Applicant in this regard. NZTA considers the Panel’s findings and approach are appropriate, and Watercare is seeking to relitigate those findings. NZTA notes that Watercare’s comment supports NZTA’s position that network utilities are managed through other statutory/regulatory processes, for example under the Auckland Council Water Supply and Wastewater Network Bylaw 2015:

PANEL’S DRAFT CONSENT CONDITIONS WITH NZTA COMMENTS			COMMENTS FROM OTHER PARTIES ON THE PANEL’S DRAFT CONDITIONS	NZTA RESPONSE TO COMMENTS
				• All persons are prohibited from connecting, disconnecting, carrying out other works on or in relation to the water supply or wastewater network, or opening / tampering with network access points without Watercare approval (cl 6). This approval process allows Watercare to impose conditions, including compliance with a code of practice. • All persons are prohibited from damaging, stopping, obstructing or interfering with the water supply or wastewater network, requires prompt reporting of damage / interference, and prohibits physically obstructing Watercare’s access to the network (cl 7). • Watercare’s written approval is required before restricted works or building work over a watermain or rising main, including works likely to damage or adversely affect the operation of the water supply or wastewater network (cl 8). It sets specified distances for excavation, piling, and blasting, and allows Watercare to impose conditions for protection of the network.