

Appendix A

North West Rapid Transit Project

New Zealand Transport Agency Waka Kotahi (NZTA) Response to Comments – By Commenter

Assigned comment number	Comment reference	Topic	Comment (key extracts, unless identified)	Response to Comment from NZTA
Commenter 7 – Minister for Infrastructure				
7	Page 1	Benefits	<p>"I wish to take this opportunity to express my broad support for projects which deliver positive outcomes for New Zealand, including the North West Rapid Transit project. Please take this letter of support as a reflection of the Government's economic growth and infrastructure priorities."</p>	NZTA acknowledges the Minister for Infrastructure's support for the Project.
Commenter 8 – Associate Minister for Transport				
8	Page 1	Benefits	<p>"I support the North West Rapid Transit project receiving the approvals it requires subject to any conditions the panel considers appropriate. The delivery of this regionally significant infrastructure will drive economic growth and productivity, and support growth and urban development while creating more viable transport choices. It is also a joint priority of Auckland Council and the Government in the Auckland City and Regional Deal.</p> <p>I have not considered the operational impacts of this project on local transport networks. However, NZTA is the applicant and is best placed to provide insights into these."</p>	NZTA acknowledges the Associate Minister for Transport's support for the Project.
Commenter 9 – Harvey Commercial Holdings Limited				
9.1	Page 1	Benefits	<p>"As a local resident, I support the project in principle because improved rapid transit can strengthen connectivity, improve access to employment and services, and support long-term growth in northwest Auckland."</p>	NZTA acknowledges Harvey Commercial Holdings Limited's support for the Project.
9.2	Page 1	Property	<p>"My particular concern is that my property at [REDACTED], adjacent to the motorway, may be designated under the Act. My property interests and business operations may be directly affected if the site is designated under the Act during the planning, construction, and operational phases.</p> <p>I therefore seek clarity on the precise scope of the designation, the practical implications for my ownership and tenancy interests, the timing of any acquisition or restrictions, and the process for consulting, compensating, and keeping affected parties informed. In that context, it is important that the approval framework does not place a disproportionate burden on me as an individual property owner and occupier in the interests of wider public benefit and their healthcare.</p> <p>I respectfully ask the Expert Panel to ensure the final conditions require meaningful and timely consultation, practical mitigation, fair treatment of those who will bear the project's local impact, and clear guidance for owners and occupiers whose land or premises may be designated under the Act."</p>	<p>In relation to the precise scope of the designation and practical implications, NZTA confirms that the whole of the Harvey Commercial Holdings property is located within the Proposed Designation. NZTA notes this information was also confirmed to the landowner through NZTA's engagement process. NZTA's website explains the practical implications for owners/tenants of a designation being confirmed.</p> <p>In relation to the timing of property acquisition, based on the indicative construction staging set out in Section 4.2.1 of Part 2 – The Project (which may change in response to a range of factors as explained in NZTA's RFI#2 response), the part of the Project that impacts Harvey Commercial Holdings is estimated to be constructed around 2033 – 2036. NZTA generally commences property acquisition two to three years ahead of construction.</p> <p>NZTA will seek to acquire any Harvey Commercial Holdings property and business interests required for the Project through the statutory process set out in the PWA, and NZTA has provided Harvey Commercial Holdings information regarding that process. As required under the PWA, the landowner will be contacted well in advance of the desired acquisition date. The Project website also provides information on the Project – including its status and timing, recent updates, contact details (email and phone) for enquiries as well as a subscription service for receiving updates. The website will remain live and will be regularly updated as the Project progresses.</p> <p>The commenter has not raised an environmental effect under the RMA. Their comments instead relate to matters appropriately dealt with through the PWA. As the Crown's agent in PWA processes, NZTA will ensure the commenter is fairly treated, in accordance with established practice and LINZ requirements, and as required by law. Property acquisition per se is not a matter relevant to the Panel's decision-making, and given that owners and occupiers alike are compensated for that acquisition and will exit the property, no relevant environmental effect can arise.</p>

Assigned comment number	Comment reference	Topic	Comment (extracts, unless identified)	Response to Comment from NZTA
Commenter 11 – Selkprop Investments Limited				
11.1	Page 2	Alternatives	<p>“Having met with and made representations to the NW Busway team, including a site visit, I was extremely disappointed that they did not appear to see the huge value that this Integrated Health Clinic provides in its present site, which after three decades, is known all over West Auckland and the Northwest corridor as the place to go when urgent care is needed, and as such the need to do whatever is possible to retain this facility in its present site. To re-create a clinic of this magnitude with all its essential co-located services in a different site is not only extremely difficult but also cost prohibitive with respect to the fitout and infrastructure. I urge you in the strongest possible manner, that this be reconsidered and more work done to see what workaround might be made to keep this essential clinic and co-located facilities going in its present site.”</p>	<p>Selkprop Investments Limited owns the site and building at which the Westgate Medical Centre operates. Tāmaki Health Group owns and operates the Westgate Medical Centre and has lodged a separate comment. This response therefore focuses on matters relevant to the site/building, and matters relevant to the medical centre itself are addressed in NZTA’s response to the Tāmaki Health Group’s comment.</p> <p>As set out in Section 3.3.1 of Part 4 – RMA 1991 Approvals, NZTA has undertaken an extensive evaluation of alternative modes, corridors, routes and sites since the Project’s inception. Ms Karyn Sinclair’s evidence describes in further detail the alternatives assessment process at Westgate Centre. As a consequence of engagement with Selkprop Investments and other landowners in this area, NZTA has checked the Project Area in this location and confirmed that prior work robustly tested the Proposed Designation.</p> <p>We note that the Tāmaki Health Group (which owns and operates the Westgate Medical Centre) does not consider it is necessary for it to remain in the same location, but is concerned with the timing of relocation. The Tāmaki Health Group comment suggests that the concerns raised by Selkprop Investments in relation to the difficulty of relocating the clinic are not shared by the operator of that clinic.</p> <p>NZTA will seek to acquire any Selkprop Investments property interests needed for the Project through the statutory process set out in the PWA.</p>
Commenter 15 – Te Ākitai Waiohū				
15.1	Section 2, page 2	Partnership	<p>“Te Ākitai Waiohū acknowledges the partnership with NZTA for the Project and the engagement that has occurred during the development of the fast-track application. The scale of the Project is significant and Te Ākitai Waiohū acknowledges and appreciates the resourcing of a planning consultant to assist with the review of the draft technical reports and fast-track application prior to lodgement.”</p> <p>“The accelerated process has resulted in insufficient understanding of the full impact on cultural effects. While the pace is acknowledged, it does not justify omission of fundamental Treaty obligations or robust cultural safeguards.”</p>	<p>NZTA is pleased to note that Te Ākitai Waiohū acknowledges its partnership with NZTA in relation to the Project.</p> <p>NZTA has expressed its appreciation to Te Ākitai Waiohū for its time, commitment and contributions to the kaupapa over more than two years so far. NZTA has worked with each of its iwi partners to bring them into the Project, provide ongoing opportunities and resource to facilitate meaningful contributions, and to query and challenge to make the Project better. NZTA is committed to an enduring relationship and ongoing engagement with Te Ākitai Waiohū as the Project progresses.</p>
15.2	Section 2, page 2	Te Kukūnga Waka	<p>“Te Kukūnga Waka is a significant large-scale urban development that collectively involves Marutūāhu, Ngāti Whātua and Waiohū-Tāmaki Alliance as the three Mana Whenua rōpū of Tāmaki Makaurau. This opportunity over the Unitec Carrington residential development land was provided by Right of First Refusal and forms part of the collective Treaty redress for Ngā Mana Whenua o Tāmaki Makaurau.</p> <p>Te Ākitai Waiohū is concerned that the Project fails to recognise the strategic importance of Te Kukūnga Waka. The Project needs to respond to and support the significant residential growth that will be delivered, including consideration of how residents will travel to and access the station at Rangimatarau (Point Chevalier). The correct assumptions for residential growth anticipated at Te Kukūnga Waka must be relied upon, which is currently unclear from the Application.</p> <p>The Project needs to align infrastructure delivery with Treaty settlement outcomes, such as Te Kukūnga Waka. A condition is sought that recognises and supports Te Kukūnga Waka.”</p>	<p>The Project responds to and supports the residential development planned at Te Kukūnga Waka as it will provide bus rapid transit, connecting to residential and employment zones in the northwest and the City Centre, for future residents. Te Kukūnga Waka was a key driver for the position of the Point Chevalier station, which will be within walking and cycling distance of Te Kukūnga Waka (around 250-800m) and therefore readily accessible for residents.</p> <p>Te Ākitai Waiohū requests a condition that “<i>recognises and supports Te Kukūnga Waka</i>”, but does not identify any adverse effects of the Project on Te Kukūnga Waka that might require management through a condition. NZTA does not consider any condition is necessary based on the information provided.</p>
15.3	Section 2, pages 2–3	Arch Hill Reserve	<p>“The Application fails to properly recognise Te Ākitai Waiohū Treaty settlement redress, including a statutory acknowledgement and collective Right of First Refusal, despite these being central to the Project context. Te Ākitai Waiohū expects Treaty redress to be specifically and explicitly provided for in the conditions. Where statutory acknowledgements and cultural redress apply, a higher standard of recognition, engagement and protection is required.”</p> <p>“As a statutory acknowledgement area, Arch Hill Scenic Reserve is formal Treaty redress, requiring explicit recognition and meaningful influence over decision-making. Te Ākitai Waiohū is concerned</p>	<p>As noted in NZTA’s legal submissions lodged with the Application, Arch Hill Scenic Reserve is not currently a statutory acknowledgement area. It is identified in the Te Ākitai Waiohū settlement deed, but settlement legislation has not yet been introduced to Parliament.</p> <p>The Te Ākitai Waiohū Deed of Settlement specifies that the settlement legislation will enable the statutory acknowledgement to be cited as evidence of the association of Te Ākitai Waiohū with an area (clause 5.1), but the settlement legislation will not require protection of that area. Effects on a statutory acknowledgement area continue to be addressed under the RMA framework.</p>

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			<p>that Arch Hill is not recognised as a statutory acknowledgement with a design-phase only condition that lacks enforceable outcomes and does not provide any meaningful protection of cultural values.</p> <p>The conditions should reflect that Te Ākitai Waiohū is the only iwi with a statutory acknowledgement and statement of association over Arch Hill Scenic Reserve.</p> <p>New NOR Condition 26A is acknowledged as it specifically addresses the native vegetation at Arch Hill Scenic Reserve. However, the condition does not refer to the statutory acknowledgement or significance of the site to Te Ākitai Waiohū."</p>	<p>Regardless, NZTA acknowledges that Arch Hill Scenic Reserve is of significant cultural importance to Te Ākitai Waiohū as set out in section 16 of Part 4 – RMA 1991 Approvals. NZTA has sought to minimise the Project's effects on Arch Hill Scenic Reserve.</p> <p>NZTA's Proposed Designation Condition 7 (which has been offered on an <i>Augier</i> basis) requires NZTA to engage with Te Ākitai Waiohū in relation to the detailed design of the Project "to identify how their cultural values will be reflected in the Project". This condition applies to all aspects of the Project to the east of the causeway, including Arch Hill Scenic Reserve.</p> <p>NZTA does not consider it appropriate to have a condition naming Te Ākitai Waiohū as the only Iwi to have a relationship with Arch Hill Scenic Reserve. NZTA has been informed of interests and associations with Arch Hill that Ngāti Whātua Ōrākei and Ngaati Te Ata Waiohū respectively have (including the letter from Ngāti Te Ata Waiohū at Attachment A). With respect, it is not for NZTA to determine that those Iwi relationships have lesser importance, and the Panel may wish to exercise caution on this issue.</p> <p>If the Panel determines the Project will have adverse effects on the Te Ākitai Waiohū relationship with Arch Hill Scenic Reserve that require management, and which are not already addressed through Condition 7, it will need to impose an additional condition.</p> <p>Condition 26A has been proposed to address any effects on native vegetation at Arch Hill Scenic Reserve.</p>
15.4	Section 2, page 3	Arch Hill Reserve	"The Application (Part B) identifies that inputs into the alignment considerations included "support of options which use Arch Hill Reserve (noting the impacts to the culturally significant area) because of the opportunity to avoid impacts to homes and people on the southern side of SH16" (Table 16-1). No such decision has been made at a governance level and further understanding of adverse effects and appropriate mitigation measures is required."	NZTA provided opportunities for Iwi Partners to comment on options throughout the development of the Indicative Design at both kaitiaki and governance level, including at Arch Hill.
15.5	Section 2, page 3	Arch Hill Reserve	"Given the high-level design of the Project at this stage, there is insufficient information to fully understand the effects on Arch Hill Scenic Reserve. Therefore, a specific condition is needed to provide for the statutory acknowledgement and that ongoing engagement with Te Ākitai Waiohū is required to address adverse impacts on cultural values."	<p>NZTA's Proposed Designation Condition 7 requires NZTA to engage with Te Ākitai Waiohū in relation to the detailed design of the Project in the Arch Hill Scenic Reserve; Proposed Resource Consent Condition 4 requires a Cultural Monitoring Plan to be prepared in collaboration with Te Ākitai Waiohū for works to the east of the causeway; and the Proposed Archaeological Conditions provide for Te Ākitai Waiohū involvement in archaeological works.</p> <p>NZTA does not consider Te Ākitai Waiohū has identified any specific effect not already addressed and that would now need to be addressed in a condition.</p>
15.6	Section 2, pages 3-4	Conditions	<p>"Te Ākitai Waiohū acknowledges the existence of NOR Conditions (5–7) but does not agree that they adequately address adverse effects on cultural values. The conditions are limited by their focus on engagement during detailed design to identify how cultural values will be reflected.</p> <p>The conditions fail to address impacts on cultural values across the full life cycle of the Project, nor what will be done to address the cultural values other than reflect them. The conditions do not require avoidance, mitigation or enhancement and is not a genuine effects management tool.</p> <p>It is not accepted that conditions addressing cultural values are <i>augier</i> or offered because they are required to ensure that actual and potential adverse impact on cultural values are avoided, remedied or mitigated...</p> <p>Te Ākitai Waiohū expects standalone conditions, reflecting its specific status, interests, and obligations throughout the Project's life cycle:</p> <ul style="list-style-type: none"> Adverse impacts on cultural values must be identified, avoided, remedied, or mitigated across all phases of the project (pre-design, design, construction, and operation). The current approach reflects a minimal compliance model, rather than ensuring outcomes that "leave the environment better than it was". The expectation is for enduring, project-wide conditions that embed cultural values throughout." 	<p>In relation to the Project's life cycle:</p> <ul style="list-style-type: none"> Te Ākitai Waiohū has been extensively involved in the 'pre-design phase' of the Project as an Iwi Partner as described in Section 16 of Part 4 – RMA 1991 Approvals. NZTA's Proposed Designation Condition 7 ensures Te Ākitai Waiohū will be involved in the design phase. NZTA's Proposed Resource Consent Conditions 2 and 4 and Archaeological Authority Conditions 7 and 10 ensure Te Ākitai Waiohū will be involved in the construction phase. <p>NZTA is confident that those conditions ensure Te Ākitai Waiohū will have an enduring role in embedding cultural values in the Project.</p> <p>Proposed Designation Condition 7 and Proposed Resource Consent Condition 4 have been offered on an <i>Augier</i> basis, Because NZTA has been informed Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata Waiohū have interests in the eastern part of the Project Area. Accordingly, it would be inappropriate for the Panel to amend these <i>Augier</i> conditions. If the Panel determines the Project will have adverse effects that require management, it will need to impose separate conditions.</p> <p>There is no statutory requirement for the Project to "leave the environment better than it was". Regardless, the Project will improve the environment overall by providing regionally and nationally significant infrastructure with associated social benefits as described in Part 3 – Project Benefits.</p>
15.7	Section 2, page 3	Conditions	"The requirement for Te Ākitai Waiohū to engage under a combined or shared condition with other iwi is not supported. This directly contradicts both the CVA and the full extent of Te Ākitai Waiohū interests across the project area."	NZTA's Proposed Designation Conditions 5, 6 and 7 reflect how iwi have expressed their relationship with the Project Area to NZTA throughout the extensive engagement with and involvement of iwi over the course of the Project's development.

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			"NOR Condition 7 confines Te Ākitai Waiohū involvement to selected geographic sections. This approach dilutes Mana Whenua authority and obscures distinct Treaty-based rights and is also not supported."	<p>Condition 7 requires NZTA to engage with Te Ākitai Waiohū (as well as Ngāti Whātua Ōrākei and Ngaati Te Ata Waiohū) in relation to the detailed design of the Project to the east of the causeway, which we understand reflects the relationships that these Iwi Partners have with that part of the Project Area.</p> <p>However, Condition 7 does not specify whether NZTA's engagement with the identified iwi is joint or individual or both. The condition does not require Te Ākitai Waiohū to do anything (and cannot impose obligations on a third party).</p> <p>For those reasons, NZTA considers NZTA's Proposed Designation Condition 7 is appropriate (noting it has been offered on an <i>Augier</i> basis and therefore cannot be modified by the Panel).</p>
15.9	Attachment 1, page 5	Outstanding Natural Feature	<p>"Meola Creek is a scheduled ONF of significant cultural value to Te Ākitai Waiohū. It is acknowledged that the Project seeks to bridge the creek to avoid impacts on the ONF, supported by NOR Condition 24. However, it is unacceptable that condition 24 does not restrict constructing piers within the ONF.</p> <p>Under the Auckland Unitary Plan, development of buildings and structures on the Meola Creek ONF is a non-complying activity. The application does not adequately assess the potential impacts of piers on the ONF and how effects would be appropriately mitigated, including addressing Policies 10.3(3) and (4).</p> <p>If it is not possible to avoid piers within the Meola Creek ONF then impacts need to be minimised and appropriate consideration of the effects and mitigation should be required by the condition as part of the outline plan of works."</p>	<p>NZTA considers the potential effects of the Project on the Waititiko/Meola Creek ONF have been minimised and are mitigated by Condition 24. This condition requires a bridge structure to cross the ONF instead of extending the existing culvert in the Meola Creek – as this would have a greater impact on the ONF. In response to this comment, NZTA will also include an amendment to the condition to limit the number of piers.</p>
15.10	Attachment 1, page 5	Archaeology	"Consistent with the comments in the body of the letter on cultural values. Te Ākitai Waiohū does not accept conditions that require engagement under a combined or shared condition with other iwi. Particularly where the archaeological authority relates to Arch Hill Scenic Reserve, which is a statutory acknowledgement area. No other iwi has statutory acknowledgement over the reserve."	<p>NZTA's Proposed Archaeological Authority Conditions 7, 11 and 13 place obligations on NZTA to provide information to the identified iwi. Condition 10 requires NZTA to enable access to undertake tikanga, and Condition 12 requires NZTA to inform iwi if possible taonga or Māori artefacts are encountered to enable appropriate tikanga to be undertaken, for iwi with identified relationships with the part of the Project Area to the east of the causeway. The conditions do not require Te Ākitai Waiohū to do anything (and cannot impose obligations on a third party).</p> <p>Based on its extensive engagement with its Iwi partners, NZTA has been informed Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata Waiohū have interests in the eastern part of the Project Area. The conditions reflect that information.</p>
15.11	Attachment 1, page 5	Corridor Integration – Design Framework	<p>"NZTA have committed to working with mana whenua / iwi to provide a cultural narrative through the Corridor Integration Design Framework (CIDF), identified as a NZTA internally led process. Te Ākitai Waiohū supports the development of a CIDF as an important tool to identify and respond to the adverse impacts on cultural values but is concerned that the NOR conditions do not require this.</p> <p>The long-term nature of the Project increases uncertainties about how effects on cultural values will be mitigated. Requiring a CIDF as an NOR condition ensures that impacts will be considered at the outline plan of works stage, supporting not only the incorporation of cultural narratives but also in the landscaping and urban design. The following outcomes should be included in the CIDF as a minimum:</p> <ul style="list-style-type: none"> • Access to Pt Chevalier Station from Carrington Road to support development of the Unitec site; • Opportunities to recognise and acknowledge Te Ākitai Waiohū's cultural landscape through design (e.g. stations) and naming; • Management of actual and potential effects on Arch Hill Scenic Reserve Statutory Acknowledgement Area; and • Mitigation for for any impacts on outstanding natural features." 	<p>NZTA confirms that it has committed to working with its Iwi partners to provide a cultural narrative for the Project via a Corridor Integration Design Framework (CIDF). The CIDF will address urban design matters specific to developing a Rapid Transit Network, such as the interface between stations and surrounding urban areas.</p> <p>NZTA has not proposed a condition requiring a CIDF to be prepared, as it does not consider a CIDF is necessary to address any adverse environmental effect of the Project. Rather, NZTA intends to progress a CIDF within the Project as part of the detailed design process in order to ensure the Project will achieve NZTA's objectives.</p> <p>The Te Ākitai Waiohū comment does not identify any adverse effects for which management through a condition would be appropriate. In relation to the specific matters identified in the comment:</p> <ul style="list-style-type: none"> • Point Chevalier Station will be accessible from Carrington Road; • NZTA's Proposed Designation Condition 7 requires NZTA to engage with Te Ākitai Waiohū in relation to the detailed design of the Project "to identify how their cultural values will be reflected in the Project". Naming of stations and other infrastructure is part of that conversation, and there will be further opportunities to explore the reflection of cultural values as the design process moves forward. NZTA has an established process for confirming names, which may also involve engagement with Auckland Transport as the operator of the public transport network. • In relation to Arch Hill Scenic Reserve, see the response to [15.5] above; • In relation to outstanding natural features, see the response to [15.11] above. <p>Accordingly, NZTA does not consider there is any evidence before the Panel to suggest a CIDF condition is required for effects management purposes.</p>

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Committer 19 – North West Commercial (2018) Limited				
19.1	Page 1	Benefits	“We support the Project on its merits. A dedicated rapid transit corridor alongside SH16, connected to a properly functioning Westgate interchange, is a logical and necessary transport investment for northwest Auckland. Westgate is a major growth node and commercial centre, and improved rapid public transport will assist accessibility, network resilience, employment access, and long-term urban development in the northwest.”	NZTA acknowledges North West Commercial (2018) Limited’s support for the Project.
19.2	Page 1	Alternatives	“We do not oppose the proposed route or the inclusion of Westgate within the Project.”	NZTA acknowledges North West Commercial does not oppose the route for the Project.
19.3	Page 1	Property	<p>“Our support is on the basis that affected landowners are given clear, early, and fair treatment as the design, designation, acquisition, and construction phases of the Project progress. In particular, where private land or interests in land are required for the Project, we expect NZTA to identify that requirement clearly and to progress any acquisition transparently under the Public Works Act 1981.</p> <p>For our Property, we request that NZTA confirm as soon as practicable:</p> <ol style="list-style-type: none"> 1. Whether any part of our land, buildings, access, common areas, services, easements, or other property interests are required for the Project; 2. Whether the requirement is temporary or permanent; 3. The likely timing of any acquisition, occupation, construction access, or physical works affecting the Property; 4. Whether the Project requires partial acquisition or full acquisition, and / or works affecting rights and services associated with the Property; 5. How our tenants, mortgagee, easements and other registered or practical property interests will be addressed; and 6. Who within NZTA, or its appointed accredited property consultants will be responsible for direct engagement with us. <p>If the Project requires the acquisition of property rights from our Property, our preference is that this be addressed directly and efficiently through the statutory acquisition framework.”</p>	<p>NZTA understands North West Commercial is the owner of 13F and 13G Maki Street (and is not the operator of any businesses at those addresses).</p> <p>In relation to points 1, 2 and 4 in the comment, NZTA confirms that the whole of the North West Commercial property is required for the Project and is located within the Proposed Designation.</p> <p>In relation to point 3, based on the indicative construction staging set out in Section 4.2.1 of Part 2 – The Project (which may change in response to a range of factors as explained in NZTA’s RFI#2 response), the part of the Project that impacts North West Commercial is estimated to be constructed around 2033 – 2036.</p> <p>NZTA will seek to acquire any North West Commercial property interests required for the Project through the statutory process set out in the PWA. In respect to both points 3 and 6, NZTA generally commences property acquisition two to three years ahead of construction. NZTA’s LINZ-accredited property consultants will contact the relevant landowners at that time.</p> <p>In relation to point 5, where NZTA acquires a property, it will also acquire the tenants’ businesses, and any mortgages, easements or other registered or practical property interests will be addressed in the normal way under the PWA.</p> <p>NZTA has provided information to the commenter in relation to the listed matters. The commenter has not raised an environmental effect under the RMA. Their comments instead relate to matters appropriately dealt with through the PWA. As the Crown’s agent in PWA processes, NZTA will ensure the commenter is fairly treated, in accordance with established practice and LINZ requirements, and as required by law. Property acquisition per se is not a matter relevant to the Panel’s decision-making, and given that owners and occupiers alike are compensated for that acquisition and will exit the property, no relevant environmental effect can arise.</p>
19.4	Page 2	Engagement	<p>“We also request that any approval or designation conditions include a clear landowner engagement framework for directly affected properties, including:</p> <ul style="list-style-type: none"> • Early written confirmation of the extent of land or interests required once the route has been determined; • Property-specific plans showing the designation boundary, construction footprint, access impacts, service impacts, and any temporary occupation requirements; • Reasonable notice before any works affecting access, parking, services, tenant operations, or building use; • A process for agreeing mitigation and reinstatement if our Property is not permanently acquired; • A commitment that valuation and compensation discussions will be progressed before possession is required; • Co-ordination with tenants, mortgagees, and other interest holders where necessary; and • A designated NZTA contact point for affected commercial landowners” 	<p>As noted in the response to 19.3 above, the whole of the North West Commercial property is located within the Proposed Designation. The commenter will be contacted well in advance of any acquisition. Ultimately, NZTA cannot obtain possession or undertake works on private property until it has been acquired.</p> <p>The Project website provides information on the Project – including its status and timing, recent updates, contact details (email and phone) for enquiries as well as a subscription service for receiving updates. The website will remain live and will be regularly updated as the Project progresses.</p>

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Commenter 23 - Tāmaki Health Group				
23.1	Page 1	Property	<p>"We as an organisation recognise the importance of this work and the high likelihood that our current premises will be affected... our clinic is a critical part of health infrastructure in West Auckland serving over 10000 enrolled patients and also being an urgent care service that services significant volumes of patients 7 days per week. It is vital that we continue to operate in the locality.</p> <p>There may be options available to us from a relocation perspective and these options are likely to be online in the next 2-3 years. The key issue we therefore have is a timing issue as it is likely a suitable site will be available to us to relocate ahead of funding potentially being secured that enables work to formally proceed that will affect our site specifically.</p> <p>Our main request therefore is that we work with the programme team to enable relocation at a time that will work for our patients and our organisation."</p>	<p>Tāmaki Health Group owns and operates the Westgate Medical Centre. Selkprop Investments Limited owns the site and building at which the Westgate Medical Centre operates and has lodged a separate comment. This response therefore focuses on matters relevant to the medical centre itself, while matters relevant to the site/building are addressed in NZTA's response to the Selkprop Investments' comment.</p> <p>Based on the indicative construction staging set out in Section 4.2.1 of Part 2 – The Project (which may change in response to a range of factors as explained in NZTA's RFI#2 response), the part of the Project that impacts the Westgate Medical Centre is estimated to be constructed around 2033 – 2036. NZTA generally commences property acquisition two to three years ahead of construction.</p> <p>NZTA will work with Tāmaki Health Group in accordance with the PWA in order to relocate the business (or, in the unlikely event that is not possible, purchase the business). NZTA acknowledges that Tāmaki Health Group may wish to relocate earlier than NZTA's current expected date of acquisition of this site (of which Selkprop Investments is currently the owner). NZTA considers all advance acquisitions on a case-by-case basis and will engage with Tamaki Health Group in the event of such request.</p>
Commenter 27 – Director-General of Conservation				
27.1	Comment, 2.2	Marine ecology	"2.2 Section 3.6.2.2.2 of the Assessment of Ecological Effects dated 15 December 2025 notes there is evidence of the Asian Date Mussel in Henderson Creek. To mitigate any potential for translocation of these mussels during mangrove removal, any removed mangroves should be disposed of on land or left within the proximity of the removal (as close to the mangrove removal site as possible, and ultimately within the same harbour) where practicable, rather than moved to other harbours for disposal. This requirement should be incorporated as a clear and enforceable condition of the Coastal Permit."	NZTA does not consider a condition addressing Asian Date Mussel to be necessary. Asian Date Mussel is long-established and widespread in New Zealand (including the Waitemata). It is not listed in the Auckland Pest Management Plan or as an 'unwanted organism' under the Biosecurity Act. Further, in practice, transporting removed mangroves to another harbour for disposal would be unusual, unnecessarily costly and logistically impractical.
27.2	Comment, 2.4–2.5	Lizards	"2.4 As lodged, the substantive application provides for no management of effects on lizard habitat through the approvals applied for in this FTAA application, relying solely on the Wildlife Act Authority and Lizard Management Plan which will supposedly be applied for at a later date. Given the absence of a typical 'in general accordance' condition, as drafted, the Proposal provides no assurance that effects on lizards or their habitat will be appropriately managed due to the reliance on an authority that has not been applied for and an effects management methodology that is yet to be described."	<p>By way of context, as recorded in Section 3.3.3 of the Assessment of Ecological Effects, only two native lizards (copper skink) were identified during the baseline lizard surveys, across the entire Project Area. The DOC comment does not take into account this context.</p> <p>Potential effects on lizard habitat</p> <p>The DOC comment says that NZTA relies solely on the Wildlife Act in relation to effects on lizard habitat (paragraph 2.4). That is incorrect.</p> <p>The Project's effects on potential lizard habitat are assessed in Section 4.2 of the Assessment of Ecological Effects. This assessment concludes that the level of effect from loss of potential lizard habitat due to vegetation removal as part of the Project is low <u>without mitigation</u>. Accordingly, NZTA's expert Mr Ian Brendin considers that no measures are required to mitigate Project effects on lizard habitat.</p> <p>The DOC comment does not challenge that assessment. It also does not explain why DOC considers management of such a low level of effects would be reasonable or appropriate.</p> <p>In any event, we note that NZTA's Proposed Resource Consent Condition 14 requires mitigation planting if native vegetation within the Designation is removed in significant ecological areas or a coastal or riparian margin, and Proposed Designation Condition 26 requires landscape planting at stations and within batter slopes. These conditions will ensure replacement of some of the vegetation that is removed for the Project (which may provide lizard habitat in future).</p>
			"2.5 Section 5.5 of the Assessment of Ecological Effects concludes that post mitigation, the impact on lizards is assessed as 'very low' despite the fact that there is no requirement within the application that ensures that the proposed mitigation will be undertaken. To ensure that these effects will be managed appropriately, the Department seeks that the effects assessment is updated to address the aforementioned deficiencies and that the mitigation measures required to address the effects from the loss of lizard habitat are enforced through a clear and appropriate conditions of consent. It is recommended that a Lizard Management Plan is required as a condition of consent under the resource consent approvals. This provides certainty on how adverse effects on lizards will be managed as part of the Project."	<p>Potential effects on lizards</p> <p>The Assessment of Ecological Effects is clear that, if required, management of direct effects on protected lizards will occur through the appropriate Wildlife Act processes and DOC appears to have misunderstood this point.</p> <p>The RMA manages the habitat components (addressed above), while the Wildlife Act manages direct effects on protected lizards. Accordingly, the RMA components of the Application do not need to ensure the proposed mitigation for direct effects will be undertaken, because there is a separate statutory requirement that authorises and secures that outcome. Further, as DOC administers the Wildlife Act processes, it will have oversight of conditions imposed on any Wildlife Act approval that is required for the Project.</p>

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				The decision-making panel for NZTA's Cambridge to Piarere project agreed there was "no environmental benefit in requiring another version of [a Lizard Management Plan] to be prepared or certified by the Councils" (State Highway 1 Cambridge to Piarere long-term improvements dated 17 October 2025, paragraph 12.56). This approach was also adopted by the panel for the Ara Tūhono – Warkworth to Wellsford project and by the FTAA Panel for NZTA's Takitimu North Link Stage 2 project, that is, no separate, duplicative lizard management plan was required under the consent conditions.
27.3	Comment, 2.6	Avifauna	"2.6 With regards to the management of effects on avifauna, measures to manage effects focus on avoiding the nesting season and checking for nests before removing vegetation. These measures do not address the effects of the loss of avifauna habitat. The Department seeks that the assessment of effects is updated to assess and provide for the effects resulting from the loss of avifauna habitat."	Section 4.2 of the Assessment of Ecological Effects assesses the Project's potential effects on avifauna habitat <u>without mitigation</u> as low-very low. Accordingly, NZTA's expert Mr Ian Brendin considers that no specific mitigation is required. The comment from DOC does not challenge that assessment. It also does not explain why DOC considers management of such a low level of effects would be reasonable or appropriate.
27.4	Comment, 2.7-2.8	Bats	<p>"2.7 With regards to the management of effects on bats, the only measure provided is proposed Consent Condition 18 which requires the Bat Roost Protocols to be applied to trees removed within a scheduled area. Section 4.4 of the Assessment of Ecological Effects dated 15 December 2025 states the following:</p> <p><i>'A change in the Indicative Design that would increase the impact within the TL.3 vegetation type or within any portions of the TL.2 vegetation type may require additional mitigation. This may increase the loss of foraging habitat due to vegetation removal and would likely require restoration of bat foraging habitat and potentially the installation of temporary roost sites. If required, the additional mitigation would need to be determined by an ecologist at the detailed design phase.'</i></p> <p>"2.8 The Department seeks, given the absence of a typical 'Condition 1', that any methods required to manage the likely effects, including those quoted above, are required by clear and enforceable conditions of consent, given changes to the Indicative Design could result in a wider scope of effects than that provided for by the consent conditions."</p>	<p>As set out in NZTA's response to RFI#1, NZTA does not consider any further conditions of consent to be required with respect to long-tailed bats because:</p> <ul style="list-style-type: none"> • <i>"Although there is potential for long-tailed bats to be present in the vicinity of the Tōtara Creek/Brigham Creek station, their presence has not been confirmed;</i> • <i>If long-tailed bats are present, the effects of the removal of potential roosts due to vegetation removal have been assessed as moderate without mitigation;</i> • <i>Regardless, Proposed Consent Condition 18 requires the Bat Roost Protocols to be applied within the area shown in Schedule E; and</i> • <i>In light of the above, NZTA does not consider any additional mitigation measures are necessary (including in the event that additional trees are removed from the 'suitable bat habitat areas' along the riparian margins of Tōtara Creek)."</i> <p>NZTA considers its approach is commensurate with, and appropriate for, management of the Project's effects (and likelihood of those effects eventuating) on long-tailed bats.</p>
27.5	Comment, 2.10	Freshwater	"2.10 ... The approach taken in the Boffa Miskell report to the assessments of ecological values and effects differs significantly from the AECOM report. AECOM based their assessments and recommendations on standard assessment methods and quantitative data, Boffa Miskell have relied more on narrative descriptions and used non-standard methods to arrive at somewhat different conclusions. The ecological assessment by AECOM is considered more accurate than that of Boffa Miskell."	<p>The DOC comment fails to consider the context of this Project, particularly with respect to potential freshwater effects, including:</p> <ul style="list-style-type: none"> • The affected streams are highly modified systems with tolerant ecological communities; and • The extent of streams impacted (even in a 'worst case' scenario) is minimal, particularly given the size of the Project. The Indicative Design involves approximately 78 metres of riparian disturbance and approximately 38 metres of stream bed enclosure over the entire Project length <p>(Evidence of Mr Jeremy Garrett-Walker, paragraph 6)</p> <p>The Project's effects are quite different from those associated with other NZTA projects, including some in which DOC has recently been involved. It is unfortunate that DOC has not approached this Project, and especially this category of effects, in a proportionate and context-relative manner.</p> <p>NZTA disagrees with DOC's comment that the Freshwater Assessment "relied more on narrative descriptions and used non-standard methods to arrive at somewhat different conclusions". As the evidence of Mr Jeremy Garrett-Walker records (paragraph 15):</p> <p><i>My assessment relies on quantitative data, including SEV scores, macroinvertebrate indices, and fish records (much of which is sourced from or consistent with the AECOM dataset). I then did a site visit so that I could apply professional judgement and interpretation to place that data in context. This integrated approach is consistent with the EcIA Guidelines, which require the application of professional judgement to interpret multiple lines of evidence, rather than reliance on quantitative metrics in isolation. Accordingly, I consider my approach is consistent with standard practice.</i></p>
27.6	Comment, 2.11	Freshwater	"2.11 Boffa Miskell assesses the level of effects at the whole catchment scale, rather than the reach or sub-catchment scale as is standard practice. This reduces the level of effect to 'Low' or 'Very Low', on which basis they conclude that no mitigation for effects on streams is required. In urban areas, incremental loss of stream habitat through gradual development is a significant problem that can only be resolved by requiring small areas of stream habitat loss to be managed. The Boffa Miskell report does not address the potential ongoing effects of stormwater discharge on stream ecology."	<p>NZTA's expert considers the assessment approach adopted in the Freshwater Assessment is appropriate. As set out in the evidence of Mr Jeremy Garrett-Walker (paragraphs 19, 21-23).</p> <p><i>The EcIA Guidelines recommend that the spatial scale of an assessment reflect the ecological systems and processes being considered. In the context of freshwater environments, streams operate as connected systems, with ecological function and values extending</i></p>

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				<p>beyond individual reaches. On that basis, I have assessed effects at the catchment scale, which I consider best reflects the way stream systems function.</p> <p>In my view, assessing effects at an individual reach scale risks overstating effects by removing them from their wider ecological context, and conflating the loss of a discrete feature with a loss of ecological function at a system level.</p> <p>In other words, reach-based scale can inflate apparent magnitude by ignoring the ecological scale at which fish populations and macroinvertebrate assemblages interact and recover.</p> <p>I consider my approach is consistent with the EcIA Guidelines, which are intended to encourage a contextual interpretation of effects, rather than a purely site-based description.</p> <p>The effects of stormwater discharges on stream ecology are addressed in section 4.5.1 of the Freshwater Ecology Assessment. Stormwater from the Project is to be treated prior to discharge (as per NZTA's <i>Augier</i> Proposed Resource Consent Condition 8). Condition 8 was offered on an <i>Augier</i> basis despite advice from its stormwater expert that it is not necessary to manage environmental impacts (Assessment of Stormwater and Flooding Effects, section 6.1). Mr Garrett-Walker concludes that the overall level of effect of stormwater discharges on the low and moderate value streams is 'very low'. His assessment is informed by the Assessment of Stormwater and Flooding Effects.</p>
27.7	Comment, 2.12–2.13	Freshwater	<p>"2.12 Boffa Miskell offers some riparian restoration planting to account for loss of riparian vegetation from bridge construction and loss of stream habitat through culverting. However, they provide no basis for the proposed ratios of planting to vegetation/habitat loss. The final amount of riparian planting offered is approximately one-third of the amount calculated using the Stream Ecological Valuation (SEV). Despite claims to the contrary by Boffa Miskell, the SEV is appropriate for urban stream offsetting and is not difficult to apply."</p> <p>"2.13 The Department seeks that the Applicant prepares an amended Freshwater Ecological Assessment to apply a scientifically robust and transparent method to calculate the appropriate amount of offsetting for the effects on streams. The SEV is the only method used in New Zealand that meets these criteria and its application should not be onerous as the data collection was undertaken for the AECOM report."</p>	<p>The DOC comment fails to consider the context of this Project, particularly with respect to potential freshwater effects. The test is not whether a method is "difficult to apply" – it is whether it is necessary to apply that method to appropriately manage the effects of this Project.</p> <p>As noted in the evidence of Mr Jeremy Garrett-Walker (paragraphs 32, 40, 43):</p> <ul style="list-style-type: none"> • The Project's potential ecological effects are assessed as low to very low, and do not result in adverse residual adverse effects on freshwater ecological values. Therefore, aquatic offsetting is not required. • The SEV method should be applied where it is an appropriate tool for the scale and context of the effects being addressed. It is inappropriate to apply SEV in a strictly formulaic manner where it results in an effects management response that is disproportionate to the actual ecological impact of the Project. • NZTA's proposed measures are proportionate to the scale of effects identified and are appropriate to maintain, and in some cases improve, freshwater ecological values. • The riparian planting ratios are proportionate and reasonable and all appropriately address the ecological effects of the Project. <p>There is no obligation (under the RMA or FTAA) requiring an applicant to undertake modelling or apply a specific methodology in order to assess the effects of a Project. Nor is there a legal requirement that the SEV be used. The methodology and assessment undertaken by Mr Garrett-Walker is fit for purpose and proportionate to the context of the Project within a highly modified, highly urbanised environment, the existing freshwater values and the Project's effects.</p> <p>The Freshwater Ecology Assessment is consistent with the NPS-FM and the effects management hierarchy because "the Project incorporates measures that avoid and minimise effects where practicable, including the use of bridge structures that avoid instream piers, and the application of standard construction management practices. In addition, mitigation measures such as riparian restoration are proposed, which will contribute to maintaining freshwater values" (evidence of Mr Jeremy Garrett-Walker (paragraph 33)).</p> <p>In any event, it is noted that the NPS-FM is policy, not a rule or requirement. A strict, narrow interpretation and application of the NPS-FM is neither justifiable nor appropriate in the context of the FTAA (noting the benefits of the Project, the Government Policy Statement on Land Transport, the mitigation proposed, the NPS-I and most importantly, the overall purpose of the FTAA). The NPS-FM, as an RMA planning instrument, also has less weight in FTAA decision-making than in standard RMA processes. See the legal submissions lodged with the Application at paragraphs 98-100.</p>
27.8	Comment, 2.14	Fisheries approval	<p>"2.14 The Department notes that the culvert works proposed, including the extension of existing culverts and relocation of fish, may trigger the need for a Complex Freshwater Fisheries Approval under the Freshwater Fisheries Regulations 1983. As drafted, Resource Consent Condition 13 allows for culverts to not provide fish passage if it is unnecessary or impracticable. Works completed in accordance with this condition as drafted would require a Complex Freshwater Fisheries Approval."</p>	<p>Based on the Indicative Design, the Project does not require a Complex Freshwater Fisheries Approval. If the final Project design is such that an approval is required, NZTA will seek that approval at the appropriate time.</p>

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27.9	Wildlands Review of Freshwater Assessment, section 5.3	Erosion and Sediment	"The Boffa Miskell report makes reference to "applying standard sediment and contaminant controls". Provided these control methods are clearly described in a separate report, this is adequate."	NZTA refers the commenter to the Assessment of Construction Stormwater Effects , which addresses the recommended control measures at section 6, and to NZTA's Proposed Resource Consent Condition 5, which requires preparation of an Erosion Sediment Control Plan (ESCP).
27.10	Wildlands Review of Freshwater Assessment, section 6.0	Freshwater	"In the previous Wildlands report (Wildlands 2026), several concerns were raised in regard to the AECOM report. These are listed below with comments on whether they have been addressed in the Boffa Miskell report. 1. Site photographs ... were lacking. 2. Environmental compensation ratios should use a standard value for culverts of 0.3 rather than 0.42... 3. Details should be given about how stormwater will be effectively treated (as an operational control) to avoid ongoing impacts on streams... 4. The extending of culverts may trigger the requirement for a Complex Freshwater Fisheries Permit (as per Schedule 9 of the FTAA)... 5. Further specific confirmation is required that the Project will not involve any of the activities listed in NES-F Sections 52-54 in relation to effects on wetlands within or outside of the Project Area."	The comments noted in Section 6 of the Wildlands Ecology Review appear to relate to now superseded parts of the Assessment of Ecological Effects . However, in response: <ul style="list-style-type: none"> In relation to 1: DOC has provided no reasons to explain why the photos in the Freshwater Ecology Assessment are inadequate. In the absence of any such explanation, there is no evidential basis on which the Panel can conclude that the photographs are inadequate. See the response at 27.7 above. In relation to 2: See the response at 27.7 above. In relation to 3: See the response at 27.6 above. In relation to 4: See the response at 27.12 below. In relation to 5: As set out in NZTA's response to RFI#1, NZTA is not seeking consents under regulation 45 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW). NZTA will be proposing an amendment to its Proposed Consent Conditions to ensure it is clear the scope of the consents granted do not include consents under regulation 45 of the NES-F.
27.11	Comment, 3.2-3.3	Conditions	"3.3 The Department considers that the omission of a 'Condition 1' increases the onus for a robust assessment of effects to form the basis of prescriptive ecological conditions so that the envelope of effects is sufficiently certain. As lodged, with the absence of a traditional 'Condition 1' and the deficiencies identified in the Department's advice above, there appears to be significant uncertainty of ecological effects management. Which in turn suggests that fauna and freshwater issues need to be specified and prescribed in greater detail in the suite of resource consent conditions to be issued."	NZTA's response to RFI#1 addresses in detail the appropriateness of the 'no Condition 1' approach proposed. NZTA does not consider any parts of the DOC comment require amendments to that analysis and NZTA and its experts strongly disagree with DOC's assertion that there 'appears to be significant uncertainty of ecological effects management'.
27.12	Comment, paragraph 3.6	Conditions	Condition 13 Fish Passage <i>"Fish passage shall be provided in all new culverts unless deemed by a SQP to be:</i> <i>a) unnecessary because:</i> <i>i. there is no upstream fish habitat; or</i> <i>ii. there are other existing <u>natural</u> barriers to fish passage; or</i> <i>b) <u>impracticable</u>.</i> <u><i>Advice note: This condition does not apply to culvert extensions or any culvert that complies with the conditions in regulation 70 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</i></u>	NZTA opposes DOC's proposed amendment to Condition 13(a)(ii). As set out in the Freshwater Ecology Assessment (page 11), current stream reaches that are to be affected by culvert or pipe extensions (Streams 4, 6 and 9) for the Project are highly modified, in poor macroinvertebrate condition and fragmented by existing culverts. Several streams include existing partial instream fish passage barriers - Streams 1, 4, 6 and 9 already contain partial fish passage constraints. NZTA considers it would be inappropriate to require fish passage to be provided for in these reaches when there are other existing barriers to fish passage present. NZTA opposes DOC's proposed deletion of Condition 13(b). An example of where fish passage may be impracticable is where retrofitting fish passage into an existing culvert or incorporating fish passage into an extension of a culvert that currently does not provide for fish passage would be expected to reduce the culvert's hydraulic capacity and function, and could therefore affect flood conveyance and upstream water levels. Although the Indicative Design does not require a Complex Freshwater Fisheries approval, NZTA acknowledges that it may require (and seek) and approval if fish passage is not installed because it is impracticable to do so. NZTA agrees with DOC's proposed deletion of the advice note. NES-F Regulation 70(2)(a) requires permitted activities under that Regulation to provide for fish passage, so the advice note is superfluous.
27.13	Comment, 3.7-3.9	Conditions	Condition 15 Works in Watercourses <i>"a) If native vegetation is permanently removed for bridging of a watercourse, the Consent Holder shall plant the riparian margin of:</i> <i>i. the same stream; or</i> <i>ii. another stream that is <u>of similar size and gradient, and as close as possible to the affected stream intersects the Designation</u>.</i> <i>b) The area of riparian margin planting under (a) shall be no less than the area of the permanent vegetation removal.</i>	NZTA does not have any concerns with DOC's proposed amendments to Condition 15(a)(ii) and (c)(ii). NZTA opposes DOC's proposed amendments to Condition 15(d). As set out in the evidence of Mr Jeremy Garrett-Walker (paragraph 57) "the use of SEV in this context would introduce additional complexity and design uncertainty without materially improving ecological outcomes". NZTA opposes DOC's proposed deletion of Condition 15(e). As set out in the evidence of Mr Jeremy Garrett-Walker (paragraph 58) "Clause (e) merely reflects the fact that riparian vegetation performs multiple ecological functions. Riparian planting is appropriately recognised as addressing both the loss of vegetation extent and the maintenance of instream function. These are distinct effects being

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			<p>c) For any new (including extension of) permanent culverts and stormwater outfalls in a watercourse, the Consent Holder shall plant the riparian margin of:</p> <ul style="list-style-type: none"> i. the same stream; or ii. another stream that <u>is of similar size and gradient, and as close as possible to the affected stream intersects the Designation.</u> <p>d) The riparian margin planting under (c) shall be <u>determined by applying the Stream Ecological Valuation and Environmental Compensation Ratio to the impact site and the site to be planted 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).</u></p> <p>e) Any mitigation planting undertaken in accordance with Condition 14 for removal of vegetation in riparian margins can also be counted as mitigation planting under Condition 15.</p> <p>f) For planting under (a) and (c) the Consent Holder shall:</p> <ul style="list-style-type: none"> i. engage a SQP 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)" 	<p>managed by a single measure, and I consider this approach does not result in the same effect being accounted for twice".</p>
27.14	Comment, 3.10	Conditions	<p>Condition 17 Fish Salvage and Relocation</p> <p><u>"A Fish Management Plan shall be prepared by a suitably qualified and experienced person. The purpose of the Fish Management Plan is to provide options for fish passage within the watercourses affected by the works. This shall include:</u></p> <ul style="list-style-type: none"> a) The Consent Holder shall salvage and relocate native freshwater fish and kākahi to the extent practicable prior to any dewatering or diversion <u>or instream works</u> in a section of a watercourse that a SQP 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 or other suitable habitat determined by a SQP. <u>c) Details providing for the handling of pest fish, and</u> <u>d) Details of the biosecurity measures to be enacted during the fish salvage and relocation, and</u> <u>e) Measures for the fish salvage and relocation to be supervised by an SQP."</u> 	<p>NZTA opposes DOC's proposed amendments to Condition 17 to require preparation of a Fish Management Plan.</p> <p>As set out in his evidence (at paragraph 60), Mr Jeremy Garrett-Walker does not consider "a stand-alone FMP is necessary to achieve appropriate ecological outcomes in this instance. Fish salvage and relocation are well understood and established practices, and can be effectively provided for through a consent condition requiring that works be supervised and undertaken by a suitably qualified and experienced person". In addition, NZTA considers a requirement for a Fish Management Plan would be wholly out of proportion to the extent of instream works required for the Project and its effects.</p> <p>NZTA agrees with DOC's proposed amendment to Condition 17(a).</p> <p>NZTA opposes DOC's proposed Conditions 17(c) and (d) as these matters are already addressed through existing permitting and legislative frameworks (including MPI, DOC, and the Biosecurity Act), which provide appropriate controls.</p> <p>NZTA agrees in part with the DOC's proposed Condition 17(e) and will amend its condition to require fish salvage and relocation to be supervised by a SQP. However, as set out in the evidence of Mr Jeremy Garrett-Walker (paragraph 60) it is not necessary to prescribe specific fish salvage and relocation methods if supervised by a SQP.</p>
Commenter 28 – Costco Wholesale New Zealand Limited				
28.1	N/A	Engagement	N/A	NZTA invited Costco to engage on the Project through 2025, including a letter to the ANZ manager (Chris Tingman) in November 2025. NZTA did not receive a response to those invites.
28.2	Comment, 1-6	General	<p>"1. We act for Costco Wholesale New Zealand Limited ('Costco'), the owner and operator of the Costco member warehouse at 2 Gunton Drive, Westgate. This letter has been prepared jointly by Gerard Francis Thompson and Cassandra Siu Hwa Rippon of Barker & Associates Limited...</p> <p>6. While this is not a hearing before the Environment Court, we have read and are familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. Our qualifications as experts are set out above. Except where we state that we are relying on the advice of another person, we confirm that the issues addressed in this letter are within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express."</p>	<p>NZTA notes that the authors of the Costco comment, Mr Thompson and Ms Rippon, are planners and they set out their qualifications and experience and state that they have read and agree to comply with the Environment Court Code of Conduct for expert witnesses at the beginning of the comment.</p> <p>Respectfully, NZTA considers the comment is not expert evidence as it contains no planning analysis or opinion, and simply replicates the conclusions of the Flow transport assessment. NZTA respectfully requests the Panel consider what weight it should give to the document in that context, and suggests that such weight should be minimal.</p>

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	Comment, 13-14	General	<p>"By way of background, Costco provided a submission in 2023 to Auckland Council on Auckland Transport's Notice of Requirement ('NoR') for the Northwest Bus Station (known in the NWRT project as the 'Westgate Te Waiarohia Station') and associated resource consent application (refer to Attachment 2). The original proposal contemplated an "on-line" station directly accessing Gunton Drive. However, through the NoR process, this was amended to an off-line configuration, necessary to protect the function, safety and efficiency of Gunton Drive."</p> <p>Costco considers this prior outcome to be relevant to the present project, as it demonstrates the importance of maintaining the operational integrity of Gunton Drive as a critical access route within the North-West transport network."</p>	<p>Costco refers to the document in Attachment 2 as a "submission" however it is a letter to Auckland Council that preceded the notification decision for an Auckland Transport application that was withdrawn. AT's NOR and consent application for the Westgate station (which is currently under construction) were lodged in 2024 and processed on a non-notified basis.</p> <p>NZTA considers the progression of AT's earlier plans and proposals are not and should not be treated as determinative of any outcome for this Project, and further says that they are of little to no relevance. Rather, the Project under consideration now must be assessed on its merits in accordance with the applicable statutory framework.</p>
28.3	Comment, 18-19	Benefits	<p>"Costco acknowledges that the NWRT project is a significant infrastructure proposal intended to improve rapid transit connections between the North-West and Auckland City Centre.</p> <p>Costco is generally supportive of the project as it involves investment and improvement in public transport accessibility in the North-West area."</p>	NZTA acknowledges Costco's in principle support for the Project.
28.4	Church evidence, 8	Benefits	"I support the Project and I support securing a designation along the alignment that allows for The Project's construction in time. Providing a reliable and attractive public transport corridor along the northwest corridor will help with accessibility to Westgate, providing alternative travel options to one of Auckland's growing Metropolitan Centres and reduce the reliance of private vehicle travel."	NZTA acknowledges Mr Terry Church's support for the Project and for the Proposed Designation.
28.5	Church evidence, 10	Benefits	"The existing transport network within the Westgate area performs poorly, particularly during the busier shopping periods. There are numerous reasons for this, including incomplete roading connections that were planned to support access into and out of Westgate, internal roading capacity that differs from that used to assess the Plan Change, no reliable and attractive public transport system (hence the support of The Project) and the fact that Westgate's land use mix and development continues to grow."	<p>NZTA acknowledges Mr Church's comment that the existing transport network within the Westgate area "performs poorly".</p> <p>The Project will not add traffic to the existing transport network. Rather, the Project will offer reliable, rapid and frequent public transport, which will give workers and shoppers an attractive alternative to private car usage. The improvement in travel options may invite a wider population to shop at Westgate.</p> <p>NZTA considers the Costco comments do not reflect the significant benefits of the Project for the Westgate area. Costco effectively seeks all the benefits of the Project, without acknowledging that there will be temporary and minor impacts that necessarily come with constructing such a project. Ultimately, this Project is part of the solution to the poor performance of the existing Westgate transport network because it will deliver the backbone of a reliable and attractive public transport system for travellers in and to the north west.</p>
28.6	Comment, 20-21	Construction Traffic	<p>"20. Costco, however, opposes the project in its current form because the proposed alignment and construction works will result in significant adverse effects on the capacity and level of service of Gunton Drive, the Hobsonville Road interchange, and the surrounding road network. As Costco effectively relies on a single dominant access route (being Gunton Drive and the Hobsonville Road interchange), it is particularly vulnerable to any changes and construction proposed in this area. Costco is concerned that these effects during construction will occur over an extended period and have not been adequately considered in the application. Costco is particularly concerned that the existing road network already experiences congestion and operational constraints, meaning there is limited network resilience to absorb further reductions in capacity during construction, and that insufficient information and assessment has been provided to adequately assess the effects of construction on the Westgate area.</p> <p>21. Gunton Drive, Fred Taylor Drive and the SH16/Hobsonville Road interchange fall within the area identified for the designation, and the project proposes significant works and upgrades within this area. Those works include, but are not limited to, construction of an underpass at Fred Taylor Drive, changes to the Hobsonville Road interchange, and realignment of Gunton Drive. These have the potential to cause major disruptions to access and increase congestion for Costco customers and freight movement."</p>	<p>NZTA acknowledges Costco's comment that "the existing road network already experiences congestion and operational constraints.</p> <p>As set out above, the Project will not add traffic to the existing transport network. However, there will be temporary adverse construction traffic effects and those effects need to be considered in the context of the significant permanent operational benefits of the Project to the Westgate area.</p> <p>NZTA disagrees with Costco's statement that the Project will have significant adverse construction traffic effects on Gunton Drive, the Hobsonville Road interchange, and the surrounding road network. Ms Bates' evidence sets out SIDRA modelling that shows the construction traffic effects of the Project are minor and temporary (paragraphs 17-34).</p> <p>NZTA considers its Proposed Designation Condition 16 – Construction Traffic Management Plan will appropriately manage adverse construction traffic effects by applying standard, well-understood and effective measures. Further, NZTA and AT are both experienced in managing construction in a coordinated way to minimise disruption to the transport network.</p>
28.7	Church evidence, 25-26	Construction Traffic	"While temporary (overnight) closures are an accepted outcome of construction projects to allow for staging switches and short-term construction works, it is essential that the capacity along Gunton Drive that exists today is retained throughout the construction period."	NZTA will propose an amendment to its Proposed Designation Condition 16 – Construction Traffic Management Plan to restrict (with specific exceptions) any full closures of Gunton Drive during daytime hours.

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28.8	Comment, 24-25 Church evidence, 28-30 and 37	Construction Traffic	<p>"24. Flow considers the Assessment of Transport Effects to understate the likely severity and duration of construction effects. Flow highlights that the assessment describes the underpass works at Fred Taylor Drive to be "temporary" and "minor", but that the supporting construction documentation confirms that the works involve a substantial four-year "top down" construction methodology. Flow considers the four-year construction period to be significant, and the on-going operation of the Westgate area to be a critical factor when confirming the project design.</p> <p>25. While the assessment identifies existing operational issues at the Hobsonville Road interchange and a reduction in capacity, Flow notes that it does not consider the wider network impacts. It does not consider the potential adverse effects on Costco, which is a key existing activity at North-West and an important regional retail destination. It also does not consider the potential adverse effects on the North-West Metropolitan Centre."</p>	<p>The comment says the construction of an underpass at Fred Taylor Drive will be a "significant undertaking". While that may be the case, NZTA and AT are both familiar with the design and management of complex construction works to minimise disruption to the transport network. Examples include the Te Atatu interchange, Lincoln Road interchange, and Northern Corridor Improvements (including an extension to the Northern Busway) projects.</p> <p>The construction traffic effects of the Project are temporary because they will not be lasting or permanent. As explained in Ms Bates' evidence, even for construction stages in the order of four years, the "construction traffic effects will not be constant over that period. They will vary in use and duration, and will be particular to the different construction activities and locations" (paragraph 40). Ms Dowling agrees with that statement in her evidence (paragraph 14).</p> <p>The Flow Transportation report says that traffic effects will be "far greater" and "much worse" than minor (paragraphs 30 and 37), but doesn't provide analysis to support those statements. Ms Bates' evidence sets out SIDRA modelling that shows the construction traffic effects of the Project are minor in the PM peak only (paragraph 23)).</p> <p>The Flow Transportation report says NZTA has not assessed wider network impacts. NZTA considers it is appropriate for the Assessment of Transport Effects to focus on the Project's transport effects on the immediately surrounding area. It is for the road controlling authorities (here NZTA and AT) to manage the wider network: <i>Landco Mt Wellington Ltd v Auckland City Council</i> [2009] NZRMA 132. They have standard processes that ensure the network will continue operating at a system level (managed by the Corridor Access Request process for local roads and the Auckland System Management process for the state highway network). That wider system management transcends this Project, and its operation and parameters are not matters open for consideration within this process.</p>
28.9	Comment, 26	Construction Traffic	<p>"26. The temporary construction effects identified in the application have the potential to adversely affect Costco far beyond the construction phase. B&A have worked with supermarket operators and obtained resource consents for supermarkets for several years. Through this work, B&A understands that supermarkets, as high-traffic generators, are particularly vulnerable to changes in access conditions, congestion and travel time reliability. Costco has also advised that even a 10% reduction in revenue would materially affect its overall profitability and is critical for on-going business operations. Whilst construction effects may be characterised as "temporary", prolonged disruption to access and travel times can influence long-term changes to customer travel behaviour and established shopping patterns. This would be detrimental to Costco's business operations, affecting its ability to continue to provide competitive retail offerings and contribute to much needed supermarket competition. Accordingly, the minimum four-year construction period associated with the Fred Taylor Drive underpass and 10% reduction in capacity at the Hobsonville Road interchange are unlikely to be merely "temporary" and are likely to result in lasting and significant impacts on Costco which have not been appropriately considered in the application."</p>	<p>NZTA cautions against associating a potential 10% reduction in capacity of the Westgate Interchange with a 10% reduction in vehicle movements, let alone a 10% reduction in revenue for Costco.</p> <p>As set out in the statement of evidence of Ms Meredith Bates, one of the inputs to the SIDRA modelling for the Hobsonville Road Interchange is an assumed 10% reduction in capacity to reflect the typical performance reductions observed to result from temporary traffic management measures on other projects (paragraph 20) However, as Ms Bates explains, any increase in queues or delay is minimal, and therefore traffic is not expected to divert from the interchange. The 10% reduction in capacity does not translate into a 10% reduction in vehicle movements (paragraph 19). This point is not acknowledged in the Flow Transportation evidence. If the Project does not reduce vehicle movements, it cannot reduce revenue as suggested by Costco.</p> <p>Additionally, Costco has not provided any economic evidence that demonstrates an economic impact arising from construction of the Project.</p> <p>Accordingly, NZTA observes that there is no evidential basis for Costco to say that the Project will result in a 10% reduction in revenue, or indeed any impact on Costco's revenue at all.</p>
28.10	Comment, 27-29	Construction Traffic	<p>"27. The Hobsonville Road interchange and Gunton Drive form a critical access route to the planned metropolitan centre at North-West, which is identified in the Auckland Unitary Plan ('AUP') as an emerging metropolitan centre and a key growth node within Auckland's north-west. Metropolitan centres represent, after the City Centre zone, the highest-order centres in Auckland's urban hierarchy and are intended to accommodate significant concentrations of business activity, employment, retail, and residential intensification, supported by high-capacity transport infrastructure.</p> <p>28. The AUP sets out clear objectives and policies that seek to reinforce the role and function of metropolitan centres. Of note:</p> <ol style="list-style-type: none"> Objective H9.2(6) provides that "Metropolitan centres are reinforced and developed for commercial, community and civic activities and provide for residential intensification"; Objective H9.2(7) seeks that "Metropolitan centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas"; and Policy H9.3(20) seeks to "Encourage developments to support a range of transport modes serving metropolitan centres and the ability to change transport modes". <p>29. These provisions emphasise the importance of protecting the role and function of metropolitan centres as major business areas, including during periods of construction and infrastructure</p>	<p>NZTA understands the importance of the North-West Metropolitan Centre. The Project will support the Metropolitan Centre by improving transport choices to access this major employment and shopping centre.</p> <p>The Costco comment has not identified all relevant AUP provisions. Other relevant provisions include:</p> <ul style="list-style-type: none"> The preamble to H9 of the AUP states: "<i>The Business – Metropolitan Centre Zone applies to centres located in different subregional catchments of Auckland. These centres are second only to the city centre in overall scale and intensity and act as focal points for community interaction and commercial growth and development and contain hubs serving high frequency transport</i>". Policy 21 of the 1615 Westgate Precinct Plan is to "<i>Promote the integration of public transport facilities within the metropolitan centre and wider precinct while supporting the compact intensive development urban growth of Sub-precinct A</i>". <p>Table 22-1 of Part 4 – RMA 1991 Approvals and the evidence of Ms Karyn Sinclair identify key relevant planning provisions.</p> <p>NZTA considers the Project finds direct support within the AUP planning framework because it provides high-quality rapid transit infrastructure that will improve access to the Metropolitan Centre</p>

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			<p>delivery. The extent of works proposed within the designation area—including impacts on the existing road network, motorway off-ramps, and bridge structures—is therefore significant in the context of maintaining the accessibility and ongoing function of the North-West Metropolitan Centre.</p> <p>30. In addition, while Policy H9.3(20) is directed at development supporting transport integration, it reinforces the importance of maintaining reliable and multi-modal access to metropolitan centres. Material disruption to key access corridors, such as Gunton Drive and the Hobsonville Road interchange, has the potential to undermine the accessibility and transport choice outcomes sought by the policy.”</p>	<p>and will improve transport choice and connectivity for the surrounding area. This outcome is clearly anticipated by the planning framework (given the specific references to “a range of transport modes” and “high frequency transport”). While Westgate Te Waiarohia Station is not located within Westgate Sub-precinct A as shown on the 1615 Westgate Precinct Plan it will nevertheless serve and support the North-West Metropolitan Centre as part of the wider north-west transport network.</p> <p>Costco effectively suggests that high-quality rapid transit infrastructure should be delivered to the North-West Metropolitan Centre without any impacts on the Centre during construction. With respect, that suggestion is fanciful.</p> <p>As set out in the statement of evidence of Ms Meredith Bates, “it is neither reasonable nor realistic to expect no reduction in traffic capacity or level of service ... during the construction of this or any other major project” (paragraph 42). Further, as explained in the statement of evidence of Ms Fisk, “temporary [construction] effects should be viewed in the context of the significant permanent benefits the Project will deliver” which may include “potential to increase economic activity as customers utilise the rapid transit”. Importantly, “the parties with concerns about temporary construction-related effects will be among those receiving the permanent benefits” (paragraphs 16-17 and 23).</p>
28.11	Comment, 31	Construction Traffic	<p>“...Costco is concerned that the application has not adequately assessed the adverse effects of the project on the Gunton Drive, Hobsonville Road interchange, and Fred Taylor Drive section of the project, and that construction effects on Costco and the North-West Metropolitan Centre have not been adequately addressed. Costco considers that further assessment of alternative options and mitigation measures for this location, including consideration of site-specific operational requirements and construction traffic effects, is required to satisfy Schedule 5 Clause 12(1)(b), (d) and (h) of the Fast-track Approvals Act 2024.”</p>	<p>For the reasons set out above, NZTA considers the Project’s construction transport effects have been thoroughly assessed. Even if further assessment was undertaken, a CTMP would remain the most appropriate mechanism to manage the construction traffic effects of the Project.</p> <p>NZTA considers it has provided sufficient information within the Application, based appropriately on the nature and level of Project effects for the Panel to make a decision. If the Panel considers it needs more information to inform its decision-making, it may request further information under s67 of the FTAA.</p> <p>The adequacy of NZTA’s assessment of alternatives is addressed in its response to RFI#3 (being the memorandum of counsel dated 3 June 2026 and the evidence of Ms Karyn Sinclair).</p>
28.12	Church evidence, 33	Construction Traffic	<p>“I have reviewed the options considered for The Project, as made available through the NZTA Official Information Act responses website. Several project options have alignments that sit to the east of the Westgate Interchange westbound intersection and Gunton Drive that would significantly reduce impacts on the performance of the Westgate area.”</p>	<p>While some alternatives assessed by NZTA may have lesser transport effects at Westgate compared to the Project, those effects are only one of multiple matters to be considered in a comprehensive alternatives assessment process.</p> <p>The adequacy of NZTA’s assessment of alternatives is addressed in its response to RFI#3 (being the memorandum of counsel dated 3 June 2026 and the evidence of Ms Karyn Sinclair).</p>
28.13	Comment, 32, a.	Construction Traffic	<p>“Costco seeks the following relief on the NWRT project:</p> <p>a. That the alignment of the proposed busway and associated works is amended to avoid changes or alterations to any part of Gunton Drive and the Hobsonville Road interchange (including those parts of Fred Taylor Drive), ensuring that the existing access to Costco from the Hobsonville Road interchange and Gunton Drive is maintained, and that there is no reduction in traffic capacity or level of service at the interchange and surrounding road network during construction or operation; or”</p>	<p>As stated above, Costco suggests that high-quality rapid transit infrastructure should be delivered to the North-West Metropolitan Centre without any construction traffic impacts. Such a proposition is neither reasonable nor realistic.</p> <p>NZTA considers its Proposed Designation Condition 16 – Construction Traffic Management Plan will appropriately manage adverse construction traffic effects by applying standard, well-understood and proven measures. Further, NZTA and AT are both experienced and effective managers of construction to minimise disruption to their transport networks.</p> <p>The Application does not seek to stop (permanently close) Gunton Drive. In any event, a separate road stopping process would be required to achieve that outcome.</p>
28.14	Comment, 32, b.	Construction Traffic	<p>“b. If the above is rejected, that:</p> <p>i. “The following Westgate Construction Traffic Management Plan condition included:”</p> <p>XX. Westgate Construction Traffic Management Plan...</p>	<p>Refer to response to 34.32.</p>
Commenter 32 – Cabra Industrial Limited, Cabra Fred Taylor Limited and Foundry Industrial Limited (Foundry Group)				
32.1	Section 1, page 2	Benefits	<p>“Foundry Group supports the project in principle as it will serve as a catalyst for future growth and development specifically along Fred Taylor Drive, and across wider Whenuapai.”</p>	<p>NZTA acknowledges Foundry Group’s in principle support for the Project.</p>

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32.2	Section 3, pages 7-8		<p>Foundry Group acknowledges discussions to date with NZTA and seeks conditions that require:</p> <ul style="list-style-type: none"> “two-way dialogue between the applicant and adjacent landowners, or the requirement to integrate with or provide for existing/future development on adjacent properties”. the Panel “impose ‘stakeholder engagement’ and ‘design integration’ conditions, or similar, to appropriately integrate civil, infrastructure, stability and level design at detailed design stage at the shared boundary”. 	<p>As acknowledged in the comment, NZTA has had discussions with Foundry Group to help inform the design of the Brigham Creek Rarawaru Station. NZTA will continue discussions with Foundry Group as detailed design of the station progresses.</p> <p>The Foundry Group property at [REDACTED] is currently operated as industrial yards, and NZTA will consider this existing activity in the design of the Brigham Creek Rarawaru Station (as discussed further below).</p> <p>Foundry Group’s comments regarding integration of the Project with “future” development of adjacent properties raise an issue that is not relevant to this Application. In particular, Foundry Group’s future development plans for its property at [REDACTED] are not part of the existing environment, as they are not consented and are reliant on future rezoning of the property. As with all NZTA projects, we encourage neighbours to come and talk to us about their proposed developments and how they interact with our projects. For this nationally significant piece of infrastructure, we will have our standard open-door policy and we look forward to discussions with Foundry Group once they know more about their future plans.</p>
32.3	Section 2, pages 3-5	Planning	<p>Foundry Group raises concerns about the relationship between the Proposed Designation and the following overlapping designations:</p> <ul style="list-style-type: none"> Auckland Transport Designation 1484 (The construction, operation and maintenance of an arterial transport corridor (Spedding Road)) NZTA Designation 6785 (Construction, operation and maintenance of a transport corridor (Alternative State Highway)); and NZTA Designation 6789 (Construction, operation and maintenance of a public transport corridor (Rapid Transit Corridor)). <p>It goes on to say, “the Auckland Future Development Strategy identifies both the Spedding Road Upgrade and extension, and the subject application, the North West Rapid Transit project, as prerequisites to unlock growth and development in the Whenuapai West area (being the area between Fred Taylor Drive and SH16)... it is necessary to ensure that both projects can proceed in an integrated and coordinated design, despite one potentially coming ahead of the other in order to unlock Whenuapai West. If the first project scuppers the second, the full list of FDS prerequisites for the Whenuapai West future urban area cannot be satisfied. This is not addressed within the application documents.”</p>	<p>NZTA is well aware of the NZTA and AT designations referred to in the Foundry Group comment, and of the need to manage their integration as complementary parts of the land transport system. The relationship between these planned NZTA and AT infrastructure projects and activities on neighbouring land has been, and will continue to be, carefully considered by NZTA and AT throughout Project development.</p>
32.4	Section 2, pages 5-6	Stormwater	<p>“Aspire note that the busway traversing the eastern end of the site will trigger amendments to the Operational and Maintenance Plan for the stormwater and treatment devices that are currently operating on the site, ... The implications of the changes to the existing stormwater network on Foundry’s site are not yet known, as the Application does not appear to incorporate stormwater discharge from the existing yard development.”</p> <p>“A stormwater pond is proposed at the eastern end of the property at [REDACTED], being the low point of the Foundry property. As discussed above, stormwater from the Foundry site currently discharges to an existing overland flow path in the north eastern corner of the site. Aspire query whether the proposed stormwater design takes this into account, and/or whether the proposed stormwater device and culverts have been designed to allow for stormwater from the upper catchments, so as not to restrict increased discharge at a later date (owing to future impervious area being anticipated from new development following rezoning). Aspire suggests that a stormwater connection to the proposed stormwater device would provide for and recognise this.”</p>	<p>The evidence of Mr Paul May (paragraphs 8 and 13) confirms that:</p> <ul style="list-style-type: none"> The Project will not impact the ability for four of six Industrial Yards to be operated in accordance with the Cabra Industrial Ltd existing discharge consent. For the two that are impacted, one is partly within the Proposed Designation and the other is fully within the Proposed Designation. Any impacts of the Project on [REDACTED], including any impacts on existing stormwater devices, will be addressed under the PWA in the normal way. The Indicative Design accommodates stormwater from upstream neighbouring properties and the three existing overland flow paths between the [REDACTED] property and the Proposed Designation.
32.5	Section 2, page 6	Wastewater	<p>“Turning to wastewater, Aspire suggests if it is proposed to extend the public wastewater network to the Park and Ride, it should also be designed to future proof land use changes within the upper catchment given the project will unlock rezoning around it. Again, the provision of a wastewater connection to [REDACTED] would provide for and recognise this.”</p>	<p>Until a public network is provided, NZTA will manage any wastewater within the site.</p> <p>The Project will not provide for a future wastewater connection to a third party’s site.</p>
32.6	Section 2, pages 6-7	Operational Noise and Vibration	<p>[emphasis added]</p> <p>“The Assessment of Operational Noise and Vibration Effects (15 December 2025) indicates that noise from the bus station would be compliant at night-time at circa 50m from the station. Within 50m of the station, noise would likely exceed the night time noise limits for residential zones.”</p> <p>“For reference, <u>the station would be compliant if it were established today</u> as the noise limit in the Future Urban Zone applies at the notional boundary (i.e. based on a receiver location). With no</p>	<p>NZTA agrees with the commenter that “the station would be compliant if it were established today.” And it is today’s environment against which the Panel is required to consider the Application.</p> <p>The commenter’s concerns relate to potential future rezoning and development of their property.</p> <p>When considering the Application, the Panel must consider the effects of the Project on the existing environment. The Panel does not have jurisdiction to consider potential effects on an unknown and unconsented future environment.</p>

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			<p>receivers across [REDACTED], the station would automatically comply. Residential zones however require compliance with noise limits at the boundary.”</p> <p>“Notwithstanding potential complications from other noise sources such as PA systems and passenger car movements, this means that at least the eastern 50m of the site would be subject to night time noise levels above residential limits. <u>If the subject site were to be rezoned to residential</u> and development occurred, this would have a material effect on the suitability of the subject site were it to be rezoned to a residential zone, and a number of mitigation measures would need to be introduced to support residential activities in this part of the site.”</p> <p><u>“At this stage, it is unclear whether it is Council’s intention to rezone the land for residential use,</u> however it is an option and is common around RTC across the City as this provides residential density in a location that is walkable to public transport. It appears that further mitigation is required to be delivered by NZTA to manage night time noise effects on future residential occupants.”</p>	
32.7	Section 3, page 8	Construction Noise and Vibration	<p>“Condition 17 - Noise:</p> <ul style="list-style-type: none"> Point (b) allows for exceedances and redirects responsibility for noise limits to Condition 20, which, in summary, only requires consultation.” 	The evidence of Ms Siiri Wilkening (paragraphs 33-35) explains that Condition 20 requires much more than consultation. Ms Wilkening considers Schedules are an important component of managing noise and vibration effects of which consultation is just one aspect.
32.8	Section 3, page 8	Construction Noise and Vibration	<p>“Condition 18 - Vibration:</p> <ul style="list-style-type: none"> The vibration limits in Condition 18 are numerically appropriate for the protection of structures and amenity, but the wording of the condition can cause confusion regarding applicability of the night time vibration limits in occupied sensitive receivers (first row). The wording in (a) states that vibrations shall comply with Category A if practicable and must comply with B daytime criteria. The wording implies that the works do not have to comply with night time limits for occupied sensitive receivers. (The wording technically excludes the last column of the first row from the “shall comply”).” “Point (b) allows for exceedances and redirects responsibility for noise limits to Condition 20.” “In the context of point (b) allowing for exceedances, there should be a limit associated with protection of structures. Putting temporary effects aside (e.g. noise and amenity vibrations), vibrations have the potential to cause permanent effects such as damage to structures (which are anticipated to be located on the site, in due time). There should be an upper limit of vibration levels on structures that cannot be overridden by the Condition 20 schedule” 	<p>The evidence of Ms Siiri Wilkening (paragraphs 29-29.2 explains that:</p> <ul style="list-style-type: none"> The Category A criteria and the Category B night-time criterion (for occupied sensitive use buildings) in Condition 18(a) manage potential amenity effects from vibration. Construction should comply with the amenity criteria where practicable, and if they cannot be met, further management, mitigation and engagement is triggered; The other Category B criteria address the risk of damage to buildings from vibration. Ms Wilkening considers that if construction cannot practicably comply with the Category A (amenity) criteria, then the Best Practicable Option shall be reviewed and refined to, as far as practicable, comply with the Category B (building protection) criteria. In either case, a Schedule would be prepared. <p>NZTA intends to propose minor amendments to Condition 18 to clarify how it is to be applied. With these amendments, NZTA considers the Panel should adopt the NZTA’s Proposed Conditions.</p>
32.9	Section 3, page 8	Construction Noise and Vibration	<p>“Condition 19 - CNVMP:</p> <ul style="list-style-type: none"> The requirements for the CNVMP are typical and appropriate, other than one missing element, which is complaints management (i.e. what to do when complaints are raised). For the scale of the operation, and considering allowance is made for exceedances, a formal section in the CNVMP for management of complaints should be included.” 	There is no “missing element”. Condition 19(c)(vii) requires the Construction Noise and Vibration Management Plan (CNVMP) to include “procedures for communication and engagement with nearby residents and stakeholders, including... management of noise and vibration complaints”.
32.10	Section 3, pages 8-9	Construction Noise and Vibration	<p>“Condition 20 - CNVMP Schedule: ...</p> <ul style="list-style-type: none"> “As per (d), the schedule does not require certification or approval by an authority. It only needs to be submitted. This is effectively self-certification which is not typically appropriate when exceedances are proposed, especially during night time, and also considering the absence of hard limits on vibration for protection of structures.” 	The evidence of Ms Siiri Wilkening (paragraphs 37-39) explains that Schedules result in good environmental outcomes for affected residents without requiring Council certification. Practically, Schedules need to be prepared at short notice, and a requirement for Council certification would cause unnecessary delays for construction. Ms Wilkening considers NZTA’s established practices for preparing Schedules to a CNVMP, including independent peer reviews, ensures that Schedules are prepared appropriately.

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Committer 33 – Restaurant Brands Limited				
33.1	Comment, 5.11-5.16, 5.19, 5.21-5.30	Operational transport	<p>“5.11 Based on a comparison of the existing service lane alignment (as shown in Figure 3) and the indicative design (Figure 4), it appears that the continuous service lane connection through to Carrington Road is not retained in its current form...”</p> <p>5.12 In that context, the Application introduces uncertainty as to how vehicles using the service lane, including servicing vehicles, will circulate and exit the area in the final arrangement.”</p> <p>5.13 The indicative design also introduces a loop road and kerbside area adjacent to Great North Road and Parr Road North...</p> <p>5.14 The function of this area is directly relevant to the KFC Site, as any vehicle stopping, queuing, or layover activity in proximity to the service lane access will affect the ability of vehicles to enter and exit the KFC Site...</p> <p>5.19 The conditions do not establish:</p> <ul style="list-style-type: none"> (a) a clear operational outcome for the final layout and function of the service lane and road environment; or (b) a mechanism to demonstrate that the final design will maintain functional access to adjacent commercial properties, particularly for service vehicles... <p>5.30 ...any conditions imposed must include site-specific, outcome-based requirements for access, circulation, and servicing for the KFC Site, including (but not limited to):</p> <ul style="list-style-type: none"> (a) maintaining safe and legible access to and from the service lane; (b) maintaining sufficient network capacity to accommodate peak period operation of the KFC Business; (c) ensuring that the layout of Parr Road North does not enable its use as a bus layover, a passenger pick-up and drop-off (PUDO) area, a taxi rank, or any combination of these; and (d) ensuring that service vehicles are able to enter, manoeuvre, and exit the service lane in a forward direction without unsafe or impractical movements.” 	<p>NZTA does not agree that a site-specific condition is required for Restaurant Brands Limited.</p> <p>Parr Road North and the service lane at the rear of the Pt Chevalier shops are legal roads. NZTA is not proposing to stop Parr Road North. The service lane will be retained to service the shops that are outside of the Proposed Designation. If NZTA intended to stop the service lane, it would have included within the Proposed Designation the shops that would have been affected.</p>
33.2	Comment, 6.1, 6.2, 6.4-6.7	Construction transport	<p>“6.1 ...While construction effects are generally described as temporary, the duration of works at Point Chevalier is measured in years rather than days or weeks, and will overlap with peak trading periods for the KFC Site on a recurring basis. The construction effects extend beyond temporary inconvenience and have the potential to result in sustained major operational disruption.”</p> <p>6.2 ... A stage-specific access and construction management response is therefore required which defines the outcomes to be achieved for the Point Chevalier stage to demonstrate how:</p> <ul style="list-style-type: none"> (a) access to the KFC Site will be maintained during construction; (b) the service lane will continue to function for customer and servicing movements; and (c) the frontage and operating environment will be managed to enable continued operation of the KFC Business throughout the construction period, given the parameters of the KFC Site. <p>6.4 In principle, a CTMP is an appropriate mechanism to manage construction traffic effects. However, the effectiveness of the CTMP in this instance depends on whether it can accommodate the specific functional requirements of the KFC Business and the KFC Site.”</p> <p>6.5 Critically, the CTMP is provided to the Council for information, and the obligation to maintain property access is expressly qualified by “where practicable”. There is no outcome-based requirement tied to the continued operation of specific commercial activities.</p> <p>6.6 By contrast, the same condition set contains explicit, outcome-based CTMP protections for supermarkets at Point Chevalier and Westgate, including manoeuvring requirements, operating hours, and minimum notice periods where access cannot be maintained.”</p>	<p>NZTA does not propose a site-specific construction traffic condition for the KFC Site as it is adjacent to, but not within, the Proposed Designation. In contrast, the Proposed Designation directly impacts private accessways to the Point Chevalier and Westgate supermarkets identified in the comment</p> <p><u>Proposed Designation Condition 16</u> for the CTMP is fulsome, will be prepared for a stage of work and will be site-specific. As set out in the Proposed Designation Condition 3, management plans (including the CTMP) will be prepared for a stage of work, be relevant to the particular activities and management of effects of that stage of work, to reflect the staged implementation of the Project. The CTMP will appropriately employ procedures to safely and effectively manage temporary traffic effects during construction. NZTA does not agree that the KFC site requires a separate or site-specific condition.</p>
33.3	Comment, 6.22-6.25	Construction noise and vibration	<p>“6.24 The Application establishes a framework for managing construction noise and vibration effects, including the preparation of a CNVMP and Schedules where exceedances occur. While compliance with construction noise and vibration criteria may avoid building damage or technical exceedances, it does not, of itself, demonstrate that the KFC Business can continue to operate efficiently during construction. The relevant issue is operational compatibility, including</p>	<p>The evidence of Ms Siiri Wilkening (paragraphs 19-23) confirms:</p> <ul style="list-style-type: none"> • The Indicative Design is not anticipated to result in disruption to the operation of the drive through due to construction noise or vibration. If any additional noise mitigation is required to reduce noise levels further, it could be

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			communication at ordering points, customer experience, and safe circulation, which are not expressly addressed by the proposed conditions."	<p>provided in the form of localised temporary construction barriers. The need for any such mitigation will be determined when the CNVMP is prepared.</p> <ul style="list-style-type: none"> Vibration would not affect communication at the drive through. Proposed Designation Conditions 17-20 appropriately enable management and mitigation of potential construction noise or vibration effects on the drive through operation. <p>Accordingly, NZTA does not consider any amendments to the Proposed Designation Conditions are required.</p>
33.4	Comment, 7.5	Groundwater	"7.5 ... while technical advice indicates that groundwater drawdown and settlement effects are unlikely under the indicative design, and may be mitigated through the use of secant piling or other similar methods if deeper excavation is required, there is no condition which secures those outcomes or requires that such methods are adopted."	Refer to NZTA's response to 39.5 above.
33.5	Comment, 8.16-8.19, 9.4	Lapse	<p>[8.16] "Even if 25 years is a realistic delivery programme, that does not address the key question as to whether the proposed conditions maintain the link between assessment and implementation, define and secure an effects envelope that can be relied on over time, and secure outcomes for adjacent sites, notwithstanding changes to design, construction methodology, and the receiving environment."</p> <p>[8.17] "For the Point Chevalier stage, the Application does not demonstrate that the proposed conditions establish clear environmental bottom lines or performance standards for access, circulation, servicing, or construction effects for adjacent commercial sites, including the KFC Site. In the absence of such outcomes, the effects envelope is not clearly defined or secured."</p> <p>[9.4] "Restaurant Brands considers that the proposed 25-year lapse period for the designation and regional resource consents is not appropriate in the absence of conditions that define and secure a clear effects envelope over time. In those circumstances, we also request that the Panel reject the application for long-lapse resource consents and impose mechanisms that ensure the operational and construction-related effects of the Project are confirmed at a time when the final design and receiving environment are known."</p>	Refer to NZTA's response to 39.3 above.
Commenter 34: Stride Holdings Ltd				
34.1	Legal Statement, para 4 Corporate Statement, page 6, 15-18	Benefits	"4 ... Stride is broadly supportive of the NWRT Project in principle. Stride has engaged with NZTA and Auckland Transport (AT) over the last 10 years to support public transport to Westgate. However, the proposed NoRs as notified have inadequately identified and assessed the significant adverse effects on NorthWest from the proposed land take and construction. It is critical that the NWRT Project support, and not significantly adversely affect or undermine the operation and development of NorthWest as a regionally significant centre."	<p>NZTA acknowledges Stride's in principle support for the Project.</p> <p>NZTA considers however that the significant benefits of the Project to the Westgate area are not reflected in the Stride comments. Stride appreciates the benefits of the Project, without acknowledging that temporary impacts are necessarily associated with the construction of such a project.</p>
34.2	Corporate Statement, para 26	Engagement	<p>"26. Stride has been engaging with Auckland Transport and NZTA over the last 10 years to seek the completion of Northside Drive and to support public transport in the precinct (including in consultation on the Supporting Growth Alliance projects). To date, Stride has found NZTA and AT's overall responses to be dismissive in nature, with agencies reiterating that Northside Drive is not a priority project and that they lack the funding to complete it..."</p> <p>"</p>	Northside Drive is a separate, future transport project, that will require its own consenting process. It is not part of the Project and it is not currently prioritised for delivery.
34.3	Corporate Statement, para 28	Engagement	"28. ... it appears that NZTA and its advisors have not appreciated the impact of the potential land take on Stride's development plans, or the construction and operation effects on NorthWest and its tenants. There is a focus by NZTA on the needs of the project, without recognising the importance of the interplay between rapid transit and the operation and intensification of the Metropolitan Centre – which the busway and station are designed to serve."	<p>NZTA is well aware of the significance of the Metropolitan Centre and has carefully assessed the effects of the Project at Westgate. More than that, the Project consciously supports Westgate's vitality through the provision of transport choice and consequent benefits for the wider transport network.</p> <p>The Project will not add traffic to the existing transport network. Rather, it will offer a reliable, rapid and frequent public transport, which will give workers and shoppers a real alternative to private car usage. The increase in travel options will enable improved choice for those wishing to shop at Westgate.</p> <p>NZTA considers the Stride comments do not reflect the significant benefits of the Project to the Westgate area. Stride welcomes all the benefits of the Project, without acknowledging that temporary impacts are necessarily associated with the construction of such a project. Ultimately,</p>

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				this Project will deliver significant benefits to, and support the intensification of, the Metropolitan Centre.
34.4	Comment, paras 12-17	Planning	<p>"12. Under the AUP, NorthWest is zoned MCZ in Sub-precinct A, Westgate Precinct....</p> <p>"13. Relevantly, the Regional Policy Statement (RPS) recognises that realising Auckland's full economic potential will include efficient infrastructure and integrating this with urban growth: ..."</p> <p>"14. The RPS Urban growth and form objectives also include Objectives B2.2.1(1) and (2): ..."</p> <p>"15. NZTA's application concludes that the Project is consistent with the RPS. However, NZTA's analysis of the RPS provisions above fail to consider and take into account the effects on, and the role and function of, NorthWest and the MCZ. The encroachment of NoR 2 onto NorthWest and the MCZ more broadly does not give effect to these directive objectives and policies of the RPS."</p>	<p>Section 22 of Part 4 – RMA 1991 Approvals comprehensively assesses the Project against all of the relevant AUP objectives and policies. The relevant AUP provisions are also addressed in the statement of evidence from Ms Karyn Sinclair.</p> <p>The Project will not inhibit the achievement of the RPS provisions identified in the comment, or other relevant RPS provisions identified in Part 4 – RMA 1991 Approvals and Ms Sinclair's evidence. In fact, as noted in Ms Sinclair's evidence, the Project supports the relevant RPS objectives. The Project represents an efficient provision of new infrastructure in this location. The Proposed Designation maximises the use of Crown land within existing NZTA designations and only includes private land located adjacent to SH16. Any "encroachment" into the Metropolitan Centre zone has therefore been minimised, and will not compromise achievement of the Metropolitan Centre zone objectives and policies.</p>
34.5	Legal Statement, paras 50-52	Planning	<p>"50. NZTA submits that the NWRT Project will contribute to a well-functioning urban environment (in accordance with the NPS-UD), and as above, that the project is consistent with the RPS."</p> <p>"51. Due to the narrow lens of the assessment undertaken by NZTA, with a focus on the delivery of infrastructure, the adverse effects of the project on the role and function of Auckland's major centre at Westgate has been down-played."</p> <p>"52. NZTA has not demonstrated how the NWRT Project will contribute to a well-functioning urban environment in light of the significant and enduring impacts on NorthWest and the MCZ."</p>	<p>NZTA disagrees that it applied a "narrow lens" to its assessment of the NPS-UD. As set out in Section 22.3 of Part 4 – RMA 1991 Approvals:</p> <p><i>Policy 1 of the NPS-UD notes that a 'well-functioning urban environment' has, as a minimum, good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport. The Project will contribute to an accessible, high-quality, effective, efficient and safe transport route (including public and active transport modes) that support the movement of people, goods and services for Auckland's northwest and inner-west areas.</i></p> <p>NZTA considers the Stride comment focuses too narrowly on the temporary impacts of Project construction, and does not properly acknowledge the long-term benefits the Project will deliver to those people who wish to access the Westgate Precinct for employment, shopping and other services and facilities. The Project will clearly contribute to a well-functioning urban environment at Westgate.</p> <p>The NPS UD does not provide any policy direction to assess the effects of the project on the role and function of the Metropolitan Centre zone. Indeed, that suggestion is a 'narrow focus' and inappropriate in the context of a major rapid transit facility that will support enabled business and residential growth within the Metropolitan Centre Zone. NZTA notes that Policy 6(b) of the NPS UD requires decision-makers to consider that the 'planned built form in those RMA planning documents may involve significant changes to an area, and those changes ... (ii) are not, of themselves, an adverse effect.</p> <p>The effects that Stride are highlighting result from the delivery of rapid transit to support the Metropolitan Centre zone, could arguably be regarded as 'change' rather than an effect that needs to be assessed as part of the Application. Out of precaution, the changes that are being made to the environment to give effect to the provisions of the NPS UD have been assessed, and appropriate mitigation identified.</p>
34.6	Legal Statement, Appendix A, Designation Condition 9	Planning	<p>"Allowing increased flood risk on adjoining properties is inconsistent with and does not give effect to the National Policy Statement on Natural Hazards (NPS NH) and the AUP."</p> <p>"Specifically:</p> <ul style="list-style-type: none"> The National Policy Statement on Natural Hazards 2025 directs a proportionate risk-based approach, and Policy 4 specifically provides that where subdivision, use, or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk. (emphasis added)." 	As set out in the memorandum of counsel dated 1 May 2026 , the NPS-NH does not apply to infrastructure, and therefore is not relevant to the Project.
34.7	Legal Statement, paras 18-21 and Appendix A, Designation Condition 1	Lapse	<p>"18. ... NZTA has ignored the Resource Consent as part of the existing environment."</p> <p>"19. Mr Stansfield explains that the land take proposed by NoR 2 will stymie the ability to implement the Resource Consent, but also that this loss of valuable development land will severely impact the ability of the site to be developed in a manner and intensity consistent with the MCZ."</p> <p>"20. NZTA is seeking a lapse date for the NoRs of 25 years..."</p>	<p>NZTA has not "ignored" Stride's resource consent to develop the land at Fred Taylor Drive / Gunton Drive. NZTA is aware that a small portion of the identified block is included in the Proposed Designation. The extent of the Proposed Designation in that location is necessary for the construction of the Project.</p> <p>NZTA is currently processing Stride's application for approval under ss 176 and 178 of the RMA (which was received on 25 May 2026 – just one day before Stride's comment on the Application).</p>

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			<p>"21. Stride cannot be left in limbo for this period with uncertainty of whether the NWRT Project will need its land or not..."</p> <p>"Stride seeks a reduction of the lapse date from 25 years to 15 years for NoR 2 to provide more certainty for this critical part of the transport network."</p>	<p>That process is independent of this consenting process. It is not relevant to the Panel's decision-making.</p> <p>NZTA's RFI#2 response addresses lapse and explains why 25-year lapse periods are appropriate for the Project.</p> <p>As the Panel will be aware, one of the key reasons for obtaining, and one of the principal functions of, a designation for an infrastructure project is to protect land from development that would prevent or hinder the planned infrastructure project or work. Accordingly, to the extent that Stride's consented development is not able to proceed, the notice of requirement is performing its intended function and supporting forward planning for infrastructure in a growing city. That outcome may be inconvenient for Stride, but it is not an environmental effect under the RMA.</p>
34.8	Corporate Statement, paras 30, 33-34, 49 Legal Statement, paras 18-21	Property	<p>"30. It is critical that there is no land take from the Stride site..."</p> <p>"33. In addition, under various lease arrangements, Stride has obligations to its tenants, ..."</p> <p>"34. The NWRT Project and proposed land take seriously risks undermining Stride's ability to perform these contractual obligations, which would result in contractual remedies payable (including significant reductions in rent)."</p> <p>"49. Overall, it is anticipated that the inability to utilise all of Stride's site will render the expansion of the scale authorised by the Resource Consent commercially unviable. I do not consider that the same or similar level of development can be achieved within the reduced available development site area (and shape). Any land take will severely impact the ability of the site to be developed in a manner and intensity consistent with its Metropolitan Centre zoning. This would be significant for Stride, given that several years and nearly \$1 million has been invested to date in this project, the redevelopment is expected to generate returns in excess of \$500 million, and it will stymie the development potential of the site."</p>	<p>NZTA will, acting as the Crown's agent, seek to acquire any Stride property interests needed for the Project through the statutory process set out in the PWA.</p> <p>The commenter has not raised an environmental effect under the RMA. Their comments instead relate to matters appropriately dealt with separately, under the PWA. As the Crown's agent in PWA processes, NZTA will ensure the commenter is fairly treated, in accordance with established practice and LINZ requirements, and as required by law. Property acquisition per se is not a matter relevant to the Panel's decision-making. The landowner will be compensated for the acquisition, so there is no relevant environmental effect can arise.</p> <p>Given the uncertainty identified in the comment, NZTA acknowledges that Stride may request that the Crown acquires the part of its site within the Proposed Designation ahead of NZTA's currently expected date of acquisition of this site. All advance acquisitions are considered on a case-by-case basis, and a Stride request will be processed by the LINZ-accredited supplier in the usual course in the event one is made.</p>
34.9	Legal Statement, paras 27-30.	Property	<p>"27. NZTA also seeks to rely on the High Court decision in <i>Poutama Kaitiaki Charitable Trust v Taranaki Regional Council</i> to submit that owners of properties partly within/adjacent to the NoRs who raise concerns about impacts on their property values or business are to be addressed under the Public Works Act 1981 (PWA) and are not for consideration by the Panel."</p> <p>"28. This is incorrect. A proper reading of <i>Poutama</i> is that the RMA is concerned with the proposed activities' effects, "not the nature of the applicant's legal rights or interests in land." But this does not mean adverse effects of the proposed land take or construction effects on landowners or business operations are irrelevant considerations. Further, there is no certainty on what land will eventually be required, and therefore compensation payable under the PWA."</p> <p>"29. In <i>Poutama</i> the High Court confirmed that the Environment Court had considered and been satisfied that the adverse effects on the Pascoes [the affected landowner] and their land under the Act [RMA] were appropriately avoided, remedied or mitigated to the extent possible, and therefore the Environment Court was entitled to leave land acquisition and compensation to be dealt with under other processes."</p> <p>"30. NZTA has incorrectly relied on <i>Poutama</i>, and as a result have failed to identify and assess critical and substantial adverse effects of the NWRT Project on landowners and business operations. These are relevant and important considerations for the Panel."</p>	<p>The commenter has misconstrued NZTA's legal submissions lodged with the Application. NZTA does not contend that "adverse effects of the proposed land take or construction effects on landowners or business operations are irrelevant considerations".</p> <p>Rather, the point is that the taking of land and associated impacts on property rights (including matters relating to value and compensation) are addressed under the PWA, and are not environmental effects under the RMA. This position is confirmed in <i>Poutama Kaitiaki Charitable Trust and D & T Pascoe v Taranaki Regional Council</i> [2020] NZHC 3159 at [82]-[86], as well as <i>MacLaurin v Hexton Holdings Ltd</i> [2008] NZCA 570, at [47] and <i>Pryor v New Zealand Transport Agency EnvC Auckland A105/2009 28 October 2009</i> at [13]-[14].</p> <p>NZTA disagrees with Stride's position that "adverse effects of the proposed land take" are matters for the Panel's consideration. That position is in direct contradiction with <i>Poutama</i>.</p> <p>NZTA will expand on this point in its legal submissions.</p>
34.10	Legal Statement, para 40	Legal tests	<p>"40. The Panel cannot make a finding that the NWRT Project will deliver its purported benefits on the basis of the assessment provided. The failure to adequately assess effects on the receiving environment, manage those effects through robust conditions, and genuinely consider alternatives that have less impact on private property, means that the Panel cannot confirm that the benefits of the NWRT Project support approval."</p>	<p>The approach advocated for by Stride's legal counsel would result in the double counting of impacts, and is inconsistent with the applicable legal test under the FTAA.</p> <p>As set out in Part 3 – Benefits, the Project will have significant regional and national benefits, including improved accessibility for northwest Auckland, significantly improving the attractiveness of travelling by public transport as a result of improving efficiency and user experience, supporting urban development and growth in northwest Auckland, and benefits to the wider strategic transport network including addressing an existing gap in Auckland's rapid transit network and maximising the benefits of other rapid transit infrastructure investment. The potential for the Project to have adverse effects (mostly temporary in nature) does not detract from those benefits.</p> <p>Rather, s85 of the FTAA requires the Panel to undertake a proportionality assessment in which it weighs the Project's benefits on the one hand and the Project's impacts (as managed by conditions) on the other hand. The Panel can only decline consent if the adverse impact(s) of the Project "are sufficiently significant to be out of proportion" to the Project's benefits.</p>

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				Accordingly, NZTA considers the Panel has ample evidence demonstrating, and can therefore comfortably find that the Project will deliver significant national and regional benefits. NZTA will expand on this point in its legal submissions.
34.11	Legal Statement, para 57	Reasonable necessity	"57. ... NZTA has not satisfied that the boundaries of NoR 2 are reasonably necessary for achieving the objective of the NWRT Project, when Option 3 for NoR 2 equally achieves the objectives and requires substantially less private land"	We disagree. NZTA considers NOR 2 is reasonably necessary for the achieving the Project objective. The "reasonably necessary" test (RMA, s171(1)(b)(ii)) is addressed in paragraphs 93-97 of NZTA's legal submissions . NZTA's Project objective is the provision of "bus rapid transit facilities alongside SH16 between the SH16/Brigham Creek Road intersection and Ian McKinnon Drive, including stations that integrate with the surrounding transport network". The Project works and designation are both reasonably necessary for achieving that objective. Respectively, they comprise the planned bus rapid transit and station facilities, and the designation that will protect the land on which those facilities will be constructed against other persons doing anything that would prevent or hinder the Project.
34.12	Legal Statement, paras 45-48 Traffic Statement, paras 49-56 Engineering Statement, para 5	Alternatives	"46. The Panel's task is to assess the adequacy of the process to investigate alternatives – not to decide what route might be more suitable." "47. NZTA's preferred alignment, Option 7, is identified as having 'Large Negative' effects on property. However, this rating has not taken into account the magnitude of the impacts on NorthWest, the MCZ and the Westgate Precinct." "48. Inadequate consideration has been given by NZTA to the alternative options, because: (a) NZTA has failed to understand and take into account the adverse impacts of the NoR proposed land take on NorthWest, the Resource Consent, the ability to develop NorthWest and the MCZ more broadly; (b) NZTA has not adequately weighted the ability for Option 3 to be undertaken largely within the existing NZTA designation, avoiding land take from NorthWest, and significantly reducing land take from the MCZ; (c) NZTA has not adequately identified and assessed the adverse construction effects on NorthWest, its tenants, and the other owners and operators in the MCZ, and Westgate Precinct; and (d) NZTA's MCA is flawed and inconsistent in its scoring methodology and has led to an inappropriate preferred option." "49. Mr Rankin's evidence demonstrates that Option 3 will significantly reduce the requirement for private land take, reduce disruption to NorthWest, the MCZ and the Westgate Precinct during construction, and will meet NZTA's project objectives."	NZTA's legal submissions (paragraphs 91-92) address how the panel must go about having particular regard to NZTA's alternatives assessment under s171(1)(b) RMA. NZTA's legal submissions in response to RFI#3 address the nature and role of s171(1)(b) in reflecting on the alternatives assessment process under the FTAA. As set out in Part 4 – Resource Management Act Approvals and in Ms Sinclair's evidence, the alternatives assessment undertaken for the Project during both the investment case phase and subsequent design refinement was adequate, robust, transparent, and replicable. The process adopted was more than adequate. NZTA disagrees with Stride's comment that alternatives were inadequately considered: (a) As explained in Ms Sinclair's evidence, NZTA took into account property impacts as part of 'Sieve 3' in its alternatives assessment process. (b) Ms Sinclair's evidence also note that property impacts are just one consideration in the alternatives assessment process. Stride says property impacts should have been given greater weight than other considerations – that approach reflects Stride's priorities, but does not make NZTA's process inadequate. In fact, if NZTA had adopted Stride's approach, that would have compromised the integrity of the assessment process (by under-weighting other relevant considerations). (c) For the reasons set out in Ms Sinclair's evidence and in Ms Bates' evidence, NZTA considers it has also appropriately assessed adverse construction effects and taken those effects into account in the alternatives assessment. (d) As explained in Ms Sinclair's evidence (paragraph 59), NZTA's scoring methodology was consistent. Mr Rankin's evidence offers his personal opinion on how options should be scored. Even if Mr Rankin had relevant expertise, the fact that he may have attributed different scores to certain factors or alternatives than the subject matter experts who were involved in NZTA's process is irrelevant. NZTA's process was robust, transparent, and replicable. Further, Policy 4(2)(a) of the NPS-I requires the Panel to "recognise it is the role of the infrastructure provider to identify the preferred location for infrastructure". Accordingly, while Stride might prefer Option 3, NZTA identified Option 7 as the preferred alignment based on a comprehensive and robust alternatives assessment process. With respect, Stride's preference is not relevant. NZTA will expand on this point in its legal submissions.

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34.13	Traffic Statement, paras 51, 55-56	Alternatives	<p>"51. In addition, on the basis of these documents, together with being part of discussions with NZTA personnel and technical advisors over recent months, it is apparent to me that there have been some options and variants to options that were not considered appropriately or in sufficient detail to balance the technical, construction related impacts and the parallel impacts on the private property and operations directly adjacent to the Project. From my review of the NZTA documents, it appears that the MCA and associated evaluations under-estimated and did not adequately assess the full impact of the project both in terms of direct property land-take requirements, as well as construction effects...</p> <p>55. In my assessment of the NZTA MCA evaluation material that was made available to me, it was clear that the impacts on private land, the operation of the NorthWest Centre, and the effects on the Resource Consent, had not been properly evaluated and balanced against the technical construction matters. Mr Rankin refers to these design and construction matters further in his statement concluding that the technical challenges in delivering either Option 3 or Option 7 would be generally similar.</p> <p>56. In my view, had the property implications of the Indicative Design been more fully assessed, evaluated and costed (in consultation with Stride), then the technical difficulty could have been weighed and balanced more appropriately against the property and future development impacts within the NorthWest Centre.</p>	<p>Mr McKenzie is a traffic engineering and transportation planning specialist (paragraph 4). His evidence includes a code of conduct statement (paragraph 15). NZTA considers Mr McKenzie's comments on property impacts are outside his expertise and should be disregarded by the Panel.</p> <p>NZTA will expand on this point in its legal submissions.</p>
34.14	Traffic Statement, para 77 Engineering Statement, paras 32-37	Alternatives	<p>"77. I consider that this Option 3 alternative design has a number of key advantages over both the NZTA Indicative Design (as well as the previous Option 5 design which was also rejected by NZTA): ...</p>	<p>As set out above, NZTA considers alternatives have been (more than) adequately considered.</p> <p>Ms Dowling's evidence addresses the transport effects of the Indicative Design and Option 3.</p> <p>In her opinion, Ms Dowling considers the Indicative Design will have much less significant construction traffic disruption and have much less effects on the wider transport network than Option 3 (paragraph 19).</p>
34.15	Engineering Statement, para 8-9	Alternatives	<p>"8. Chester was engaged to support Stride to carry out a review of the options proposed by NZTA and identify adjustments or alternatives that should be considered by NZTA whilst achieving the project outcome.</p> <p>9. The goal being to reduce or remove the impact on the Stride property whilst seeking to maintain or reduce the traffic impacts from the proposed construction."</p>	<p>Mr Rankin states that he was engaged by Stride to review NZTA's options, in order to identify one that would "reduce or remove the impact on the Stride property" (para 9). His review therefore started from a point of bias, and the Panel should give it little weight.</p> <p>NZTA will expand on this point in its legal submissions.</p>
34.16	Engineering Statement, para 5	Alternatives	<p>"5. In my opinion, NZTA's preferred Option 7 is not the optimal solution for NoR 2. Option 3 better achieves the project objectives with significantly less impact on private property (including no impact on Stride land), comparable or better constructability, and superior optimisation of the existing transport corridor...</p> <p>38. In my opinion, the project objectives for NoR 2 can be achieved with minimal impact on private property, including no impact on land owned by Stride, by adopting Option 3 (or a further refined version of it).</p> <p>39. Option 3 provides the best overall balance — delivering the least property impact, the highest utilisation of the existing transport corridor, and reduced construction disruption."</p>	<p>As set out in Ms Sinclair's evidence (paragraph 9), NZTA's alternatives assessment was informed by a team of subject matter experts that advised on the full range of relevant considerations. In contrast, Mr Rankin presents his own personal opinion (without the benefit of expert inputs) on a limited range of considerations. His opinion that Option 3 is "better" than Option 7 is not based on a comprehensive and robust assessment of alternatives.</p> <p>Regardless, as set out in NZTA's legal submissions lodged with the Application (paragraph 91), NZTA is not required to select the 'best' alternative. The fact that another party considers an option not preferred by NZTA to be 'more suitable' does not and cannot mean the alternatives assessment was inadequate. NZTA's response to RFI#3 expands on this point.</p>
34.17	Legal Statement, paras 62-63	Relief sought	<p>"62. Stride seeks that NoR 2 of the NWRT Project be declined."</p> <p>"63. Alternatively, to enable approval:</p> <p>(a) NZTA must amend NoR 2 to remove the designation boundaries off the NorthWest site and Gunton Drive, and confirm Option 3 as the alignment for NoR 2; and"</p>	<p>NZTA strongly opposes the relief sought by Stride and considers the Panel has sufficient information before it to confirm NOR2 as sought.</p>
34.18	Traffic Statement, para 42	Construction Transport	<p>"42. The proposed construction period of 4 years for this section and nine months for excavation of the underpass is not in my opinion a duration that can be considered temporary... I consider that there would need to be no construction activities directly or potentially affecting the NorthWest Centre in the period between 1 November and 7 February each year."</p>	<p>The construction traffic effects of the Project are temporary because they will not be lasting or permanent. As explained in Ms Bates' evidence, even for construction stages in the order of four years, the "construction traffic effects will not be constant over that period. They will vary in use and duration, and will be particular to the different construction activities" (paragraph 40).</p> <p>NZTA considers a requirement to avoid construction between 1 November and 7 February would be unreasonable and unrealistic. As explained in Ms Dowling's evidence, "[a] three-month "no work" period, would substantially extend construction duration and cost ... stopping work for more than one quarter of each year would extend a four-year construction period to more than five years.</p>

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				<p><i>These three months are some of the most productive in a construction calendar for earthworks</i>" (paragraph 41).</p> <p>NZTA is familiar with the need to carefully manage traffic during construction of its projects, including this Project generally, and at Westgate specifically. NZTA and AT are both experienced managers of construction at the scale required for the Project, and employ established and proven measures to minimise disruption to the transport network.</p>
34.19	Traffic Statement, paras 43-44	Construction Transport	<p>"43. The proposed construction detail and timing matters are presented in the ATE at a broad and generic level that is generally unhelpful for landowners and site operators such as Stride to understand the scale and nature of effects on their operation...."</p> <p>"44. NZTA's discussion of the construction and operational impacts of the proposal does not include any detailed or specific assessment of the effects on the NorthWest Centre..."</p>	<p>NZTA would like to reiterate that the Project (and Application) that is before the Panel is to enable a major piece of linear transport infrastructure that will ultimately have significant benefits for Auckland's transport system. The Application is not for a resource consent for a private development that may have localised traffic impacts. NZTA's assessment and documentation is appropriate for the Project and for the designation sought.</p> <p>NZTA considers that it has provided information and assessment that appropriately addresses and informs the Panel about the nature, scale and significance of effects. The Panel is amply equipped to understand the Project, its effects, and their mitigation and management, and to make a decision accordingly. Further information has been provided in Ms Bates' statement of evidence. If the Panel considers it needs more information to inform its decision-making, it can request further information under s67 of the FTAA.</p>
34.20	Stride Traffic Statement, paras 47, 64 - 66. Stride Corporate Statement, para 61.	Access	<p>"47. Any loss of access to the NorthWest Centre's loading areas/docks and service vehicle routes during the Project's construction period would have a direct impact on the operation of the Centre and its tenants."</p> <p>"64. The ATE does not give any detailed consideration of property access to and from the NorthWest Centre despite the Indicative Design including a remodelling of the southern driveway into the Centre from Gunton Drive. The assumed acquisition and occupation of the southeastern portion of the Stride land will have adverse consequences for the operation and layout of the parking and circulation within the NorthWest Centre's carpark, as well as for the movement of both NorthWest and Woolworths service vehicles entering and exiting the site..."</p> <p>"66. Additionally, the construction effects along the Gunton Drive frontage of the site – given that the Indicative Design proposes a complete realignment of the Gunton Drive carriageway – are not discussed at all. On the basis that this is the primary access route for the NorthWest Centre, Costco and the Westgate Lifestyle Centre, as well as wider parts of the Westgate Precinct, this in my view represents one of the key locations where NZTA needed to detail proposed TTM measures to be able to assess the effects of temporary closure (of a currently unspecified duration) of this essential access route."</p> <p>"61. Any restriction or loss of access to loading areas, service routes, or refuse collection areas during the construction period would have a direct operational impact on our tenants, and the centre's ability to operate. As addressed above, it will also cause Stride to breach its lease requirements with its tenants."</p>	<p><i>Access during construction:</i></p> <p>For the construction of transport infrastructure as significant as the Project, it would be both unrealistic and unreasonable for the Project to be required to have "no restriction" on access, loading, servicing or refuse collection during construction.</p> <p>NZTA's Proposed Designation Condition 16(b)(vii) requires the CTMP to address (among other things) "Measures to maintain access to and from properties and/or private roads where practicable, or to provide alternative arrangements when it will not be, including details of how access is managed for loading and unloading of goods, rubbish collection, and mail/courier deliveries". NZTA considers the CTMP will, through that requirement, appropriately manage any construction effects on access.</p> <p><i>Permanent access:</i></p> <p>Any changes to permanent access resulting from the Project will be addressed through detailed design in the normal way and, if necessary, through PWA processes.</p> <p>NZTA has responded separately to the Woolworths' comment.</p>
34.21	Stride Traffic Statement, para 68.	Construction Transport	<p>"68. This realignment of Gunton Drive in particular, will have the following specific implications and effects on the NorthWest Centre (including on the Resource Consent):</p> <p>(a) <u>Closure of Gunton Drive</u> ...</p> <p>(b) <u>Temporary Construction Effects – Network Links</u> – Even if Gunton Drive is open (either in its current form or the realignment into the Stride property) the implications of general construction activity (e.g. lane reductions, activity in roadside berms and reserves) will reduce the operational capacity and effectiveness of this critical link in the network...</p> <p>(c) <u>Temporary Construction Effects – Temporal Overlap with Retail Activity</u> – Especially during busy holiday periods where customer numbers rise significantly (e.g. pre-Christmas), I expect there to be significant adverse effects on the ability of the NorthWest Centre to continue to accommodate and provide for customer demands... I do not consider it appropriate to leave the management of effects to the development and implementation of CTMP's as proposed by NZTA.</p>	<p>The Application does not propose to stop (permanently close) Gunton Drive. A separate statutory process would need to be used to achieve that outcome in any event. Accordingly, the Application cannot seek authorisation for any permanent closure of Gunton Drive as suggested in the Stride comment.</p> <p>NZTA will propose an amendment to its Proposed Designation Condition 16 – Construction Traffic Management Plan to restrict closures of Gunton Drive during daytime hours (with specific exceptions).</p> <p>Mr McKenzie's evidence says that, even if Gunton Drive remains open during construction, the capacity and effectiveness will be reduced (paragraph 68(b)), but doesn't provide analysis to substantiate or quantify that statement. Ms Bates' evidence sets out SIDRA modelling that shows the Project has minor adverse construction traffic effects in the PM peak only (paragraph 35)).</p> <p>Mr McKenzie's evidence says that overlaps between construction and the holiday period will give rise to "significant adverse effects on the ability of the NorthWest Centre to continue to accommodate and provide for customer demands" (paragraph 68(c)), but again he does not provide analysis to support his assertion. As noted above, a requirement to avoid construction between 1 November and 7 February would be unreasonable and realistic (see paragraph 40 of Ms Dowling's evidence).</p>

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				In his evidence, Mr McKenzie makes observations with respect to Pakuranga Plaza (paragraph 68(c)). However, his observations are not backed up by evidence but instead are based on assumption. His assumption is incorrect, but the facts of that case are not relevant to the Panel.
34.22	Stride Traffic Statement, paras 69 - 71.	Construction Transport	"70. My review of the draft conditions prepared by NZTA reveals that there are no specific conditions relating to the NorthWest Centre despite the criticality of the matters that I have addressed in my statement. I note that some specific Woolworths sites along the planned corridor (e.g. Westgate and Point Chevalier) have warranted specific attention in the draft conditions, meanwhile Woolworths at NorthWest and the remainder of the NorthWest Centre have been neglected."	NZTA does not consider a bespoke condition addressing the NorthWest Centre is necessary. NZTA's Proposed Designation Condition 13 requires preparation of a comprehensive CTMP that will address all matters relevant to the NorthWest Centre. As explained in Ms Dowling's evidence, "three separate CTMPs over a relatively small geographic area would create an administrative burden for contractors, with no identifiable benefit. It would frustrate the ability to manage traffic effectively and efficiently across the network for the benefit of both Centre operators and the Project" (paragraph 35). NZTA has proposed conditions relating to New World Point Chevalier and Woolworths Westgate because the Proposed Designation includes part of their existing service accesses. Those conditions are limited to managing disruption to use of those accesses.
34.23	Stride Corporate Statement, para 58 and 63.	Property	"58. Stride anticipates that a downfall in customers (and the subsequent reduction in tenant turnover) will lead to tenants terminating their leases or seeking reduced rents and shorter lease durations. There is also a significant risk of tenant default with resulting business failure. Smaller retailers, many of whom operate on short-term tenancies, may exit with limited notice, while larger tenants are likely to seek commercial concessions." "63. If customers change their shopping habits for an extended period of time or tenants decide to relocate elsewhere, it can be difficult for this to change, and it can have long term operational and economic impacts on NorthWest. The construction related effects on NorthWest have not been identified and assessed by NZTA."	Stride's suggestion that the Project will reduce customers and turnover is not supported by expert evidence. Stride has provided no economic evidence to illustrate the effect that they are suggesting. As noted in Section 2 of Part 3 – Project Benefits, "[i]mproving the efficiency of the movement of people and goods/freight across Auckland will increase productivity and generate agglomeration benefits. Improved accessibility and connectivity across the region enable increased employment densities ... employment impacts and improved competition". As noted in Ms Emma Fisk's evidence, "the significant permanent benefits of the Project greatly outweigh temporary effects, and that the parties with concerns about temporary, construction related effects will be among those receiving the permanent benefits" (paragraph 23).
34.24	Stride Corporate Statement, paras 64 – 67.	Amenity	"66. I also understand that NZTA's preferred alignment, Option 7, is indicative and that NZTA is seeking flexibility to make changes to the alignment within the confirmed designation boundaries. In particular, I understand that Option 13 would involve a bridge over the Fred Taylor Drive intersection. I am very concerned of the visual effects of a bridge on the NorthWest Shopping Centre, including our Showroom, office development and outdoor entertainment area that is orientated towards Gunton Drive. Stride has invested significant funds to create a high amenity environment at NorthWest. As I have addressed above, this amenity is important to our customers and our tenants, and for the role of the centre as the 'heart' of the Westgate Precinct."	Section 4.4.2 of the Landscape and Visual Assessment (LVA) assesses the effects of a bridge over the Fred Taylor Drive intersection. The LVA concluded that an elevated structure in this location could result in moderate to moderate-high adverse effects on landscape character and visual amenity if Westgate is not developed to the full potential anticipated under the AUP. As explained in NZTA's response to RFI#1 , if the final design has greater visual amenity effects in localised areas compared to the Indicative Design, those effects will be necessary to enable the significant benefits of the Project. NZTA notes that the commenter has designed their development to orient towards SH16, and has not provided any evidence to demonstrate the Project would have any material visual amenity effect.
34.25	Stride Legal Statement, Appendix A, Designation Condition 9, Flood Hazard.	Conditions	Flood hazard. "As proposed, this condition provides that the Project will be designed so it does not cause a more than 50mm increase in flood level on land parcels with Building(s) and a Low Danger Rating; or a more than 100mm increase in flood levels on either land parcels with no Buildings present or land parcels with Building(s) and a Moderate or High Danger Rating... Permitting this condition as proposed would potentially result in a design for NoR 2 that would increase flood risk to NorthWest with significant consequences. NZTA's proposed condition is not appropriate in a built urban environment. Relief Sought: Stride seeks that this condition be amended to be consistent with national policy direction and proposed changes to the AUP to take a risk based approach to flood hazard management to avoid or mitigate adverse effects and to not increase a hazard risk. Specifically, Stride seek that this condition remove any permission for an increase of flood level in any scenario."	As set out in the Assessment of Stormwater and Flooding Effects (section 2.4.4), the Indicative Design will not result in flooding outside the Proposed Designation that will increase the risk of damage to property or danger to people. The NZTA expert's approach is based on managing the impacts of flooding (being risks to people and property) rather than controlling flood levels themselves. It responds to the reality that many properties will already experience floor level inundation during flood events and a small increase in inundation will not have additional effects. It is based on the Auckland Council's Framework for Assessing Flood Risk at the Property-Level - developed for the flood recovery programme. Mr Paul May will provide evidence (as part of NZTA's response to Auckland Council's comments) that explains why the danger rating methodology used in the Assessment of Stormwater and Flooding Effects, and reflected in NZTA's Proposed Designation Conditions 8-9, is more appropriate than the flood hazard classification framework in proposed Plan Change 120 (PC120).
34.26	Stride Legal Statement, Appendix A, New Designation Condition - Construction Noise and Vibration Management Plan – NorthWest.	Conditions	"Management Plan (CNVMP) across 12 NoRs which traverse a significant distance across north-west Auckland and will apply to variable receiving environments is too simplistic and fails to adequately respond to noise and vibration effects on NorthWest. It is appropriate given the highly amenity environment at NorthWest and its proximity to the works that a NorthWest specific CNVMP is prepared."	NZTA does not envisage one CNVMP being prepared for the entire Project. Proposed Designation Condition 3 enables Outline Plans and management plans to be submitted in parts to reflect the staged construction of the Project. The Construction Noise and Vibration Assessment did not identify any unique characteristics of Westgate that would require a NorthWest specific CNVMP. A bespoke Schedule will be prepared under NZTA's Proposed Designation Condition 20 if the Project cannot comply with the noise and vibration criteria in Conditions 17 and 18 at Westgate.

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			<p>This approach is appropriate to recognise that managing effects on NorthWest is critical to ensure that it can continue to operate through construction, and that effects on amenity, noise and vibration are mitigated to an appropriate level for a highly patronised, people-centric development.</p> <p>This is the approach taken in the Northern Corridor Improvements Proposal Board of Inquiry decision, with conditions that specifically provided for site specific construction noise management plans (SSCNMP) and site specific construction vibration management plans (SSCVMP) for key stakeholders.</p> <p>This approach was also taken in the Eastern Busway EB2 decision, where condition 26 required a site-specific construction management plan for Pakuranga Plaza, and condition 54 required site-specific construction noise and vibration monitoring for The Warehouse Pakuranga.</p> <p>Relief Sought: In a similar approach to the site-specific Construction Traffic Management Plan (addressed in Appendix B and the evidence of Mr McKenzie) Stride seeks the introduction of a new condition requiring a NorthWest-specific CNVMP. This should also include:</p> <ul style="list-style-type: none"> Detailed building condition surveys before and after works associated with vibration, including piling or heavy earthworks; Minimum setback distances for high vibration machinery; In consultation with including experts engaged on their behalf, identify appropriate daytime noise limits to respond to the consented and development land use, and different tolerance levels between commercial offices (once built per Stride's expansion), open spaces, and retail activities; In consultation with Stride including experts engaged on their behalf, identify and set appropriate construction vibration criteria specific to the built form and tolerance of different buildings and occupants within NorthWest; Monitoring requirements throughout construction to monitor and enforce conditioned noise limits and vibration levels; <p>Specific provision that this site-specific management plan shall take precedence where there is any inconsistency with the generic noise or vibration conditions or the general CNVMP prepared in accordance with condition 19."</p>	<p>There is no reason for a CNVMP specific to NorthWest shopping centre to be prepared. The noise and vibration criteria set out in Conditions 17 and 18 reflect best practice standards. All of the other matters identified in the Stride comments will be addressed in the CNVMP required by NZTA's Proposed Designation Condition 19.</p> <p>The Eastern Busway conditions have been used as an example where site specific conditions have been included. The context of that project is quite different to this Project, which has not been acknowledged.</p>
34.27	Stride Traffic Statement, Appendix 3.	Conditions	<p>"Pre-Construction Conditions</p> <p>A. Northside Drive Connection</p> <p>The Requiring Authority shall not commence construction of the project works in the vicinity of Fred Taylor Drive before the Northside Drive bridge across State Highway 16 including motorway on- and off-ramps catering for both northbound and southbound movements are complete and operational."</p>	<p>NZTA opposes the condition precedent proposed by Stride. A condition requiring the Northside Drive bridge to be operational before construction of the Project commences would frustrate the grant of consent as the Northside Drive bridge is not part of the existing environment, it is not part of the Project and it is not currently prioritised for delivery..</p> <p>NZTA also notes that Ms Bates' evidence establishes that the Northside Drive bridge is not required to mitigate the Project's construction traffic effects (paragraphs 38-39).</p>
34.28	Stride Traffic Statement, Appendix 3.	Conditions	<p>"B. Land Use Integration</p> <p>a) The Requiring Authority shall set up a Land use Integration Process for the period between confirmation of the designation and the Start of Construction. The purpose of this process is to encourage and facilitate the integration of master planning and land use development activity on land directly affected or adjacent to the designation. To achieve this purpose:</p> <ol style="list-style-type: none"> within twelve (12) months of the date on which this designation is included in the AUP, the Requiring Authority shall include the contact details of a nominated contact on the project website (or equivalent information source) required to be established by Condition D; and the nominated contact shall be the main point of contact for a Developer or Development Agency wanting to work with the Requiring Authority to integrate their development plans or master planning with the designation..." 	<p>NZTA does not accept that a land use integration condition is necessary, or that Stride has identified an adverse effect that needs mitigation. To the contrary, such a condition would be more onerous than is necessary to address a Project effect.</p> <p>NZTA has a well-established process for sharing Project information and for considering third party land use development proposals – a condition is not required to ensure this process continues. NZTA has been discussing the Project with Stride as the Project has developed and will continue to do so.</p>

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34.29	Traffic Statement, Appendix 3.	Conditions	<p>"Construction Conditions</p> <p>C. Management Plans – Certification and Review</p> <p>a) Management Plans must be submitted to the Council no less than six (6) months prior to construction commencing for the relevant Stage of the Project to which the Management Plan relates for certification or written approval (as determined by the relevant conditions).</p> <p>b) For the Management Plans listed in Table 1 below, the Requiring Authority must submit these plans for certification or written (as determined by the relevant consent conditions) no less than six (6) months prior to construction commencing for the relevant Stage of the Project to which the Management Plan relates, subject to the following requirements: ..."</p>	NZTA does not support the 6-month timeframe suggested in this condition, for which the commenter has supplied no justification. That timeframe is both unnecessary and practically unworkable. Stride has not explained why it considers all management plans should be submitted to Auckland Council for certification, in addition to the Outline Plan process. As noted above, Stride appears to discount the fact that NZTA is seeking a suite of designations for the Project, and any works within those designations will be subject to the statutory s176A Outline Plan process.
34.30	Traffic Statement, Appendix 3.	Conditions	<p>"D. Key Stakeholder Communication and Consultation Plan</p> <p>a) The Requiring Authority must submit a final Key Stakeholder Communication and Consultation Plan (KSCCP) for certification in accordance with Condition C. The objective of the KSCCP is to set out a framework to ensure appropriate communication and consultation is undertaken with the community, stakeholders, affected parties and interest groups during construction of the Project.</p> <p>b) The KSCCP must set out how the Requiring Authority will for the Project:</p> <ol style="list-style-type: none"> i. Inform the community and businesses of construction progress and future construction activities; ii. Provide information on key project milestones; iii. Provide a process for responding to queries and complaints including, but not limited to: <ol style="list-style-type: none"> A. Who is responsible for responding; B. How responses will be provided; C. The timeframes for responses to be provided; and D. How complaints will be reviewed and monitored to ensure mitigation is effective..." 	<p>NZTA opposes the inclusion of a condition requiring a Key Stakeholder Communication and Consultation Plan. NZTA has an existing commitment, and a statutory obligation, to engagement with the public and stakeholders and does not require a condition of designation to mandate that commitment. Importantly, there is no environmental effect that requires mitigation via a bespoke Engagement plan, which would simply add unnecessary administrative prescription to processes that NZTA manages in the usual course.</p> <p>NZTA has a project specific website set up. The website has information on the Project including its status and timing, recent updates, contact details (email and phone) for enquiries as well as a subscription service for receiving updates. The website will remain live and will be regularly updated as the Project progresses.</p>
34.31	Stride Traffic Statement, Appendix 3.	Conditions	<p>"E. Construction Traffic Management Plan</p> <p>a) The Requiring Authority must lodge the CTMP for certification with Auckland Council at least six (6) months prior to construction commencing for each section of the Project. The purpose of the CTMP is to appropriately manage any adverse traffic safety and efficiency impacts on other road users caused by the Project.</p> <p>b) A CTMP shall be prepared by a suitably qualified and experienced person and shall be submitted as part of the relevant outline plan of works (OP).</p> <p>c) To achieve this purpose, the CTMP shall include: ..."</p>	NZTA's Proposed Designation Condition 16 requires the CTMP to be provided to Council for information. The CTMP will be approved by the relevant Road Controlling Authority through the Corridor Access Request process. Accordingly, a Council certification role would duplicate process without any substantive benefit, risking instead potential inconsistency between two separate processes.
34.32	Stride Traffic Statement, Appendix 3.	Conditions	<p>"F. Westgate Construction Traffic Management Plan</p> <p>a) The Requiring Authority must submit a Construction Traffic Management Plan – Westgate (CTMP-W) for certification in accordance with Condition C. Where there is any inconsistency between the CTMP-W and any other management plan (except for the CTMP-NW), the provisions of the CTMP-W shall prevail.</p> <p>b) The purpose of the CTMP is to avoid or mitigate adverse effects on traffic safety and network efficiency on routes that provide access to and egress from the Westgate Precinct resulting from the construction works, in order to: ..."</p> <p>"G. NorthWest Construction and Traffic Management Plan</p> <p>a) The Requiring Authority must submit a Site-Specific Construction and Traffic Management Plan – NorthWest Centre (CTMP-NW) for certification in accordance with Condition C. The objective of the CTMP-NW is to avoid, remedy or mitigate the potential adverse effects of construction activities, including those associated with vibration, dust, pedestrian access, vehicle access, manoeuvring and on-site parking provision, at the NorthWest Shopping</p>	<p>NZTA opposes these conditions.</p> <p>Stride (and the Westgate commenters) propose three separate CTMPs. As set out in the evidence of Ms Ida Dowling, this is unreasonably and unnecessarily burdensome (paragraph 35). NZTA's Proposed Conditions do not envisage singular management plans being prepared for the entire Project. Instead, Proposed Designation Condition 3 enables Outline Plans and management plans to be submitted in parts to reflect the staged construction of the Project.</p> <p>The matters that Stride proposes be addressed in the proposed Condition F and G are either:</p> <ul style="list-style-type: none"> • Covered in NZTA's Proposed Designation Condition 16. For example, Condition 16(b)(ii) addresses the safety of all road users, Condition 16(b)(vii) addresses access for all properties, including loading and unloading of goods and Condition 16(b)(ix) covers communication of traffic management measures with affected road users; or • Inappropriate because they would set standards:

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			<p>Centre. Where there is any inconsistency between the CTMP-NW and any other management plan, the provisions of the CTMP-NW shall prevail.</p> <p>b) The CTMP-NW must include practicable measures, including staging of work, that the Requiring Authority is required to adopt to: ..."</p>	<ul style="list-style-type: none"> That cannot be achieved. For example, as explained by Ms Dowling it is not possible to "[m]aintain capacity and connectivity of all routes and modes to and from the Westgate precinct" at all times during construction works (Stride's proposed Condition F(b)(ii) (paragraph 38),; and it is not possible to maintain the Level of Service for all roads, intersections and access routes throughout the construction period (Stride's proposed Condition G(b)(iv)) (paragraph 38-39); That would result in greater construction traffic effects overall. For example, as explained by Ms Dowling (paragraph 41), Stride's proposed Conditions F(b)(iv) and G(b)(viii) would require construction works to be avoided during 1 November and 7 February and that would significantly extend the overall construction period. A process would be required to secure and make the construction site safe, and a commensurate re-mobilisation period upon works restarting. <p>Stride's proposed Condition F(c) would set prescriptive requirements relating to the preparation of the Westgate CTMP. As explained by Ms Dowling (paragraph 43), the Project CTMP will be prepared in accordance with the requirements of the relevant Road Controlling Authority process and the conditions should not duplicate or conflict with those requirements. There is already a robust, established process in place.</p> <p>NZTA will be proposing amendments to its CTMP conditions (Proposed Designation Condition 16).</p>
34.33	Traffic Statement, Appendix 3	Conditions	<p>"Operational Conditions</p> <p>H. Operational access and egress at NorthWest Shopping Centre</p> <p>The Requiring Authority must maintain (as a minimum) the same number of entry and exit lanes, turning movements and intersection controls between Gunton Drive and NorthWest Centre as currently exists. Provision must also be made for the establishment of an additional left turn entry-only access leading into the NorthWest Centre from Gunton Drive as shown on the Buchan Drawing A-RC-2010 (Rev B, 28/02/20) "Northwest Shopping Centre Expansion" as attached to Auckland Council approved resource consent LUC60350368 dated 04/05/2020."</p>	<p>This condition is not needed. As noted above, the Application does not propose to stop (permanently close) Gunton Drive. A separate statutory process would need to be used to achieve that outcome in any event.</p>
Commenter 35 – Transpower New Zealand Limited				
35.1	Page 2	Consultation	<p>"Transpower acknowledges the early consultation NZTA has undertaken with Transpower to understand the effects of the Project of these National Grid assets".</p>	<p>NZTA has engaged with Transpower throughout the development of the Indicative Design and will continue to engage with Transpower during development of the detailed design. NZTA and Transpower have discussed development of an agreement to formally record how they will work together, and what processes and obligations would usefully be agreed for this and other projects where their infrastructure shares space. NZTA intends to continue work on these matters, with an immediate focus on points of mutual interest for NWRT. NZTA will update the Panel on the progression of these discussions.</p>
35.2	Pages 2-3	National Grid	<p>"The substantive application states that NZTA considers the impact on utilities, including the nationally significant National Grid, are irrelevant to the Panel's determination. Further it considers that there are several other Acts and regulations that provide for ongoing protection of the National Grid that will be observed.</p> <p>We strongly disagree that impacts on the National Grid are irrelevant to the Panel's determination. As discussed earlier, the NPS-EN contains objectives and policies that protect the Grid. These objectives and policies remain relevant to the Panel's determination...</p> <p>Transpower also strongly disagrees that compliance with other legislation is sufficient to meet the requirements of the FTAA, and the NPS-EN. The FTAA does not provide that a national policy statement is irrelevant where the topic is covered by other legislation. In this regard, compliance with one piece of legislation does not negate the need to comply with another."</p>	<p>As set out in NZTA's legal submissions lodged with the Application:</p> <p><i>[40.2] ... Given the highly urbanised nature of the Project Area, there are a number of utilities that will need to be avoided, relocated or protected to enable construction of the Project. The interfaces between the Project and utilities are governed by legislation and by mechanisms that are addressed, in routine manner, outside of consenting processes. They provide powers and protections to utility owners (in addition to the protections existing designations give many utilities under ss 176 and 177 of the RMA). Accordingly, we submit that the Panel does not need to, and should not, address the interfaces between the Project and utilities as part of its assessment of the Application.</i></p> <p>For Transpower, the other legislation/mechanisms include the Electricity Act 1992 and the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001.</p> <p>NZTA acknowledges the importance of the National Grid and the relevance of the NPS-EN.</p> <p>NZTA's position is not (and it has not said) that potential effects on the National Grid are legally "irrelevant to the Panel's determination". Rather, NZTA's position is that those interfaces are principally managed, already, through separate legislation and mechanisms, and it is unnecessary to duplicate those mechanisms through consent conditions.</p>

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35.3	Page 4	Conditions	Transpower seeks a specific designation condition relating Construction Works within 50 metres of Transpower Assets.	The Project's effects on Transpower's assets will be appropriately managed through NZTA's ongoing engagement with Transpower and the existing legislative measures and associated mechanisms that sit outside the consenting process. At this stage, as NZTA is working towards a Project agreement with Transpower, NZTA considers Transpower's proposed condition is not necessary. However, NZTA will update the Panel as these discussions continue.
Committer 36: Westgate Properties (2017) Limited and NZRPG Management 2017 Limited				
36.1	Section 3, para 3.1	Benefits	[3.1] "NZRPG ... acknowledges and supports the delivery of improved public transport proposed by the Te Ara Hauauru – Northern Busway"	NZTA acknowledges NZRPG's support for the Project. NZTA considers the NZRPG comments do not reflect the significant benefits of the Project to the Westgate area. NZRPG seeks all the benefits of the Project, without acknowledging that some impacts come with delivering infrastructure of scale and complexity. Ultimately, this Project will deliver significant benefits to, and support the intensification of, Westgate.
36.2	Section 5, para 3.2	Engagement	[3.2] "NZRPG has sought and had limited consultation with NZTA in order to consider options for integration of the proposed busway with the Shopping Centre site. This has not resulted in any meaningful outcomes as the process has been focused on the accelerated securing of the proposed designation."	NZTA's consultation with NZRPG has not been "limited". To the contrary, NZTA has met and corresponded extensively with NZRPG over a period of almost three years in relation to the Project.
36.3	Section 4, paras 4.10-4.14 (pages 9-10)	Property	4.3 ... Unbeknownst to NZTA, in settling on an alignment and designation, it is running directly through and directly impacting large, consented developments... 4.10 The Outlet/Entertainment Centre is a fully consented development, which WPL/NZRPGM intended to commence physical construction of in 2026. It is designed as a three-level retail and entertainment complex integrated with structured parking and existing cinema and entertainment buildings. Resource consent for the Outlet Centre was obtained on 4 December 2025. 4.14 The design of the Outlet Centre and the layout of the Shopping Centre would not permit the current development to be relocated elsewhere on site. If it proceeds despite NOR2 being confirmed, it will need to be reconfigured, which will result in materially less lettable floor area and/or higher construction costs. To confirm the WPL/NZRPGM's position in relation to the Outlet Centre, it wrote to NZTA in February 2026 to seek approval to proceed with this development. NZTA confirmed that it would not allow the Outlet Centre development to proceed pursuant to s. 178 RMA.	NZTA is aware of the proposed Outlet/Entertainment Centre development from its engagement with NZRPG. The extent of the Proposed Designation in this location is necessary to construct, operate and maintain the busway. As the Panel will be aware, one of the key reasons for obtaining, and one of the principal functions of a designation is to protect land from development that would prevent or hinder the planned infrastructure project or work. Accordingly, to the extent that NZRPG's consented development is not able to proceed, the notice of requirement is performing its intended function and supporting forward planning for infrastructure in a growing city. That outcome may be inconvenient for NZRPG, but it is not an environmental effect under the RMA. NZTA will, acting as the Crown's agent, seek to acquire any NZRPG property interests needed for the Project through the statutory process set out in the PWA. The commenter has not raised an environmental effect under the RMA. Their comments instead relate to matters appropriately dealt with separately, under the PWA. As the Crown's agent in PWA processes, NZTA will ensure the commenter is fairly treated, in accordance with established practice and LINZ requirements, and as required by law. Property acquisition per se is not a matter relevant to the Panel's decision-making. The landowner will be compensated for the acquisition, so there is no relevant environmental effect can arise.
36.4	Section 4, paras 4.21-4.23 (page 11)	Property	4.22 NZTA's response to these concerns is expected to rely on the Public Works Act (PWA) as providing adequate mitigation. However, WPL/NZRPGM has considerable experience with PWA processes and has little confidence that they will capture the full extent of the loss, particularly given the strategic nature of the affected projects. While the PWA can more readily address straightforward property loss, it is poorly suited to compensating for the business losses of a going concern, particularly one as complex as a Shopping Centre. It is therefore almost inevitable that a material portion of that value will fall outside what any PWA process can recover.	The taking of land and associated impacts on property rights (including matters relating to value, compensation and business loss) are addressed under the PWA. That is not a matter of "mitigation", in NZRPG's words. The PWA exclusively governs statutory compensation for property (and business) acquisition (including payments for injurious affection, if deemed appropriate), and the matters of concern to NZRPG in this comment will be addressed by the Crown in accordance with that Act. Those matters are not environmental effects under the RMA, and the concerns NZRPG raises are not relevant to the Panel's decision-making.
36.5	Section 4, paras 4.15-4.17 (page 10)	Property	4.15 At 13-15 Westgate Drive, WPL/NZRPGM has completed detailed design work for a 4-level, circa 7,000 m2 private hospital. ..." 4.16 Structured parking is required to serve hospital staff and visitors and to replace the car parks currently on the Hospital's development site. This building is proposed for the WPL/NZRPGM land to the site's southern boundary, to the rear of the existing supermarket, which is affected by NOR2." 4.17 To confirm the WPL/NZRPGM's position in relation to the parking facility required for the Hospital, it wrote to NZTA in February 2026 to seek approval to proceed with this development. NZTA confirmed that it would not allow this development to proceed pursuant to s.178 RMA."	NZRPG does not have resource consent for its private hospital or parking concept. Accordingly, those developments do not form part of the existing environment and are not relevant to the Panel's decision-making. The designations (assuming they are granted) will provide certainty to NZRPG as to the location of the Project thereby helping inform any future redevelopment planning.

Assigned comment number	Comment reference	Topic	Comment (key extracts, unless identified)	Response to Comment from NZTA
36.6	Section 4, paras 4.6-4.7 (page 8)	Property	<p>4.6 ... Of primary concern is the removal of the "medical precinct". These buildings are owned by parties other than WPL however are managed by NZRPGM. The buildings have provided a community focused health service at Westgate for 25 years....</p> <p>4.7 The designation proposed will require the ultimate removal of these buildings however it is vital that these services and businesses are repositioned at the Westgate shopping centre...</p>	NZTA has responded separately to comments received from the "medical precinct" building owners and business operators (comments 9, 11, 19 and 23).
36.7	Section 5, para 5.11 Schedule A, Condition 15C (new)	Project scope	5.11 NZRPG proposes a new Condition 15C requiring the Requiring Authority to design and construct the Project through the Westgate Shopping Centre area in a manner that preserves the opportunity for the future integration of a rapid transit station within the Centre. The condition is necessary to ensure that the detailed design and construction of NOR2 does not unnecessarily preclude or materially constrain the future development of a strategically located rapid transit station serving the Westgate Shopping Centre...	<p>NZTA opposes the 'Westgate Shopping Centre Station' condition requested by NZRPG.</p> <p>A future rapid transit station at Westgate Shopping Centre is not part of the Project. A future station is not a matter before the Panel as part of this Application, and therefore it is beyond the Panel's jurisdiction to impose the requested condition. Further, NZRPG has not identified an effect of the Project that the condition would mitigate.</p>
36.8	Section 3, para 3.4	Alternatives	3.4 The applicant appears to have not considered the scale of the impacts of the designation on NZRPG's live projects in terms of its option analysis. NZRPG considers that alternatives would have been considered if the buildings which it is now unable to complete had been under construction or operating."	<p>NZTA disagrees with NZRPG's comment that alternatives would have been considered if its development was under construction or operating.</p> <p>As set out in Part 4 – RMA 1991 Approvals and in Ms Sinclair's evidence the alternatives assessment process undertaken for the Project was robust, transparent, and replicable. As explained in Ms Sinclair's evidence, NZTA took into account property acquisition impacts as part of its alternatives assessment process. Those impacts are just one consideration in the alternatives assessment process. Regardless, as set out in NZTA's legal submissions lodged with the Application (paragraph 91), NZTA is not required to select the 'best' alternative – the Panel is required to have particular regard to the rigor of the alternatives process, and NZTA's position and evidence are that that process was exemplary.</p>
36.9	Para 4.4 (page 5)	Designation footprint	4.4 While WPL/NZRPGM has been advised that the breadth of NOR2 in this location is to provide for construction and access, the rationale for the wide extent of the designation footprint beyond the indicative carriageway, particularly where it wraps around the Woolworths supermarket site and joins Westside Drive, is unclear.	The Project works and designation are both reasonably necessary in this location to enable the safe construction of the Project within the extremely complex Gunton Drive/Hobsonville Road/SH16 interchange.
36.10	Section 5, para 5.2 Schedule A, Condition 1 (amended)	Lapse	"5.2 Given the purpose of the FTAA (as discussed above), fact that the benefits of the proposal are increasingly speculative beyond 10 years and where NZTA have provided indicative timeframes for the completion of the works WPL/NZRPGM believes the lapse periods for the different NORs should be reduced and more bespoke. In relation to NOR2, it contends the lapse period should be no more than 15 years."	<p>NZTA opposes the 15-year lapse period sought by the commenter.</p> <p>NZTA's RFI#2 response and the evidence of Helen Hicks address lapse and explain why 25-year lapse periods are appropriate for the Project. In summary:</p> <ul style="list-style-type: none"> • It is presently anticipated that the Project will be constructed over an approximately 20-year period. • Indicative construction staging for the Project has been provided in the Application. However, the staging of the Project is not fixed, and needs to be able to accommodate changes in priority, funding and a range of other matters.

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				<ul style="list-style-type: none"> A lapse period shorter than 25 years would risk one or more of the approvals lapsing prior to being implemented, which would lead to additional, unnecessary approval processes, which would be an inefficient use of time, resources and public funds. It would also subject affected landowners/occupiers (and the wider community) to additional or repeat processes – increasing their efforts and their uncertainty. <p>NZTA also refutes NZRPG's statement that "the benefits of the proposal are increasingly speculative beyond 10 years", noting that no reasons are provided for NZRPG's statement. Regardless, Part 3 – Project Benefits explains the Project's benefits and how they endure into the future.</p>
36.11	Paras 4.4-4.12 (pages 5-7) Schedule A, Condition 15A (new)	Northside Drive	<p>[4.12] "Northside Drive is a critical and missing piece of the roading network at Westgate. The delay in its being completed, despite a stated commitment to it, is unacceptable. Therefore, WPL/NZRPGM contends that before any further roading infrastructure is constructed in the Westgate area, it should be completed. In any case, it requires completion prior to the construction of the busway, both for sequencing and to mitigate issues the busway's construction will cause."</p> <p>5.8. WPL/NZRPGM proposes a condition that requires the completion of the Northside Drive Interchange as a condition precedent to works pursuant to NOR2 beginning.</p>	<p>NZRPG's comment relates to its frustrations in relation to a separate, future transport project, that will require its own consenting process. NZRPG's frustrations are not an environmental effect of the Project and are not relevant to the Panel's decision-making.</p> <p>NZTA opposes the condition precedent proposed by NZRPG. A condition requiring the Northside Drive bridge to be operational before construction of the Project commences would frustrate the grant of consent as the Northside Drive bridge is not part of the existing environment, it is not part of the Project and it is not currently prioritised for delivery.</p> <p>NZTA also notes that Ms Bates' evidence establishes that the Northside Drive bridge is not required to mitigate the Project's construction traffic effects (paragraph 38) and that to impose such a restriction could have perverse outcomes.</p>
36.12	Paras 4.13 - 4.15, 5.9. Schedule A, Condition 15A (new)	Fred Taylor Drive	<p>[4.13] "Fred Taylor Drive divides the Shopping Centre from the rest of the Westgate Metropolitan Centre. As envisaged by Plan Change 15, it was intended to function as a "town centre" road through a metropolitan centre... has instead become a low-amenity, high-traffic environment with the characteristics of a motorway interchange extension."</p> <p>[4.14.] "This has been further compounded by Auckland Transport's interventions, including bus lanes, turning restrictions, closed intersections, median barriers, and bus priority lanes at the Fred Taylor Drive/Maki Street intersection, all of which have reduced capacity for private vehicles. These measures are intended to favour through traffic on Fred Taylor Drive but come at the expense of meaningful and commercially vital traffic and pedestrian connections between the Metropolitan Centre's zones."</p> <p>5.9. ... WPL/NZRPGM proposed condition 15A that requires NZTA to work with Auckland Council on solutions which free the flows of private traffic along Fred Taylor Drive and through its intersection with Maki Street between the shopping and Town centre. This will help reduce the risk of adverse effects on traffic flows into the Shopping Centre and the rest of Westgate Metropolitan Centre as a result of these works.</p>	<p>NZRPG's comment relates to its frustrations with the existing transport environment. Those frustrations are not an environmental effect of the Project, and are not relevant to the Panel's decision-making. NZRPG's proposed condition would require NZTA to undertake works outside the Project scope and beyond the Proposed Designation, and the Panel has no jurisdiction to impose such a condition. NZRPG's concerns should be taken up with Auckland Transport as the manager of the local road network.</p>
36.13	Paras 5.6-5.7. Schedule A, Condition 13, 14, 15	Woolworths	<p>"5.6 NZTA's application proposed conditions 13-15, which provided for it to liaise with the operator of the Woolworths supermarket in relation to project design and formulation of the CTMP. Making these conditions focus exclusively on the Supermarket operator is not in keeping with the ownership or management of the affected land. The land at the rear of the Supermarket is owned by WPL and managed for it by WPL/NZRPGM and the Supermarket does not have exclusive use of this circulation and loading area."</p> <p>"5.7 The current conditions narrow focus also ignores more generally the impact of design and construction on the operation, parking and circulation around the Shopping Centre as a whole. The amendments proposed seek to widen the focus to all landowners of land affected, the Shopping Centre manager and, where appropriate, the Supermarket operator."</p>	<p>NZTA disagrees with NZRPG's request that its Proposed Designation Conditions 13-15 (Supermarket Access – Woolworths Westgate Shopping Centre) be broadened to apply to the whole of the Westgate Shopping Centre.</p> <p>Conditions 13-15 respond specifically to the potential for the Proposed Designation to restrict loading access for the supermarket (given the existing locations of the supermarket loading bays). NZRPG says that other persons are able to use the access and parking to the side and rear of the Woolworths, however they have not identified any potential for the Proposed Designation to result in the same restriction on loading access for those persons.</p> <p>As recorded in NZTA's response to the comment from Woolworths, NZTA will be proposing amendments to its conditions, including to ensure they only apply if the Woolworths supermarket is operating at the time of detailed design and if Woolworths has property rights to use its existing turnaround area.</p> <p>NZTA's Proposed Designation Condition 16(b)(vii) requires the CTMP to address (among other things) "Measures to maintain access to and from properties and/or private roads where practicable, or to provide alternative arrangements when it will not be, including details of how access is managed for loading and unloading of goods, rubbish collection, and mail/courier deliveries". NZTA considers the CTMP will, through that requirement, appropriately manage any construction effects on access.</p>

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36.14	4.18–4.20 (pages 10-11)	Parking	[4.20] "Carparking in the shopping centre cannot simply be removed, it needs to be replaced, and in a manner which continues to support the businesses which rely upon it. Whilst this is most acute for businesses close to the [Project] it is important for businesses across the shopping centres entirety. In that regard the impact of the proposal extends across all the businesses in the shopping centre, their customers and their employees."	NZTA acknowledges that the Project will result in the removal of some private car parking spaces. If appropriate, the Crown will provide compensation for the removal of those parking spaces under the PWA.
36.15	Schedule A, Condition Number 4B (new)	Conditions	5.4 This proposed condition requires NZTA to tunnel under Fred Taylor Drive rather than bridge the busway over it. The purpose of this proposed condition is to ensure that the Busway infrastructure through the Fred Taylor Drive / Hobsonville Road area is designed in a manner that minimises adverse effects on the operation, functionality and long-term urban integration of the Westgate Metropolitan Centre. An elevated bridge or viaduct structure over Fred Taylor Drive and Hobsonville Road would create substantial visual, physical and operational effects within a strategically important town centre environment." [5.5] "The condition also recognises the strategic importance of preserving the efficient operation of the Fred Taylor Drive / SH16 interchange and surrounding transport network during both construction and operation of the Project. By requiring tunnelling or a comparable below-grade solution, using methodologies that avoid prolonged disruption to key transport corridors and adjacent commercial activities that would arise from large-scale surface excavation works."	NZTA opposes the condition requested by NZRPG. NZRPG has not provided evidence of an environmental effect that justifies the condition proposed. As noted in the Application, NZTA has identified a clear need to maintain flexibility in this location so that the most appropriate solution (underpass or overpass) can be determined during the detailed design phase (subject to compliance with the conditions relating to effects management). Further, NZRPG says a requirement to construct an underpass would "avoid prolonged disruption to key transport corridors and adjacent commercial activities that would arise from large-scale surface excavation works". No reasons are given to support this statement. In fact, the overpass may result in reduced traffic disruption (refer to Section 3.5.1 of the Assessment of Transport Effects,). Ensuring flexibility for future choices during detailed design will ensure that NZTA is equipped to optimise the solution, and the conditions it has proposed will appropriately manage effects.
36.16	5.12 – 5.14. Schedule A, Condition 15D. (new)	Conditions	"5.12 ...the Submitter seeks the inclusion of a further condition addressing the interface between the Busway designation and the Westgate Shopping Centre site. The condition is intended to ensure that the final boundary treatment is appropriately designed to provide a high-quality, integrated and well-managed transition between the two complex adjoining land uses." [5.13.] "The proposed condition requires a landscaped, functional edge to the Busway corridor that integrates with the existing and future development of the Shopping Centre, while mitigating visual, acoustic, and amenity effects and ensuring clear separation between public transport infrastructure and commercial activities." [5.14.] "It also provides for consultation with the Manager and landowner at the detailed design stage, with particular regard to key interface matters such as planting, physical treatments, pedestrian connectivity and integration with the wider public realm, and requires that any departure from that engagement be explained in the Outline Plan."	NZTA opposes the condition requested by NZRPG. NZRPG has not provided evidence of an environmental effect that justifies the condition proposed. The boundary between the busway and private land will need to be fenced for safety reasons, however this will not need to be an acoustic fence as, as assessed at section 3.2.1.1 of the Assessment of Operational Noise and Vibration Effects , there are no PPFs in this location. The Outline Plan for each stage of the Project will show "the height, shape, and bulk of the ... work", "the likely finished contour of the site" and "the landscaping proposed" as required by s176A(3) of the RMA. It is not necessary for a condition to duplicate those requirements.
36.17	Section 5, para 5.3. Schedule A, Condition 4A (new)	Conditions	[5.3] "Given the large effect on private land this project would have, it is surprising that NZTA's proposed conditions do not include a standard post-construction designation review (rollback) condition."	NZTA opposes the condition requested by NZRPG. NZRPG has not provided evidence of an environmental effect that justifies the condition proposed. NZTA has carefully considered the designation footprint and will consider it again once Project construction is complete. NZTA may, at any time under s182 of the RMA, remove all or part of the designation, but there is no statutory authority to require it to do so.
36.18	Section 5, para 5.10 Schedule A, Condition 15B (new)	Conditions	[5.10] "A new Condition 15B ... requiring the Requiring Authority to provide advance notice of the anticipated commencement of construction works, together with current design information, construction methodologies and staging details, to the Manager and affected Owners of the Westgate Shopping Centre. The condition is necessary to ensure that the Manager and Owners are provided with sufficient lead-in time and information to undertake operational, leasing, access, traffic management and development planning measures to prepare for, coordinate around and minimise disruption arising from the construction and operation of the Project."	NZTA opposes the condition requested by NZRPG. NZRPG has not provided evidence of an environmental effect that justifies the condition proposed. The condition requested by NZRPG is completely impractical. In particular, the proposed requirement for NZTA to provide a minimum of two years' notice of the commencement of construction works does not reflect the reality of lead-in activities and timing. It is not for a designation condition to dictate a time within which NZTA must have certainty as to the Project's final design and construction methodology and commencement date. We note that NZTA's Proposed Designation Condition 16(ix) requires the CTMP to identify "[m]ethods that will be undertaken to communicate traffic management measures to affected road users".
Commenter 37: Westgate Town Centre (2017) Limited (WTCL)				
37.1	2.4		"2.4 WTCL therefore adopts WPL/NZRPG Management's comments."	See above responses to commenter 36.
37.2	2.5	Transport	"2.5 Beyond the more comprehensive comments from WPL/NZRPGM, WTCL wishes to emphasise the importance of the efficient operation of the roading network in the Westgate Metropolitan Centre. WTCL's development block's value and potential are and will continue to be affected in	WTCL's comment relates to the existing transport environment. Those operations are not an environmental effect of the Project. If WTCL has concerns with the operational performance of the

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			large part by the performance of the Metropolitan Centre as a whole, and particularly the roading network which supports it.”	existing local road network should be taken up with Auckland Transport as the manager of the local road network.
Commenter 38: Kāinga Ora – Homes and Communities (Kāinga Ora)				
38.1	Para 6	Benefits	“Kāinga Ora generally supports the proposed North West Rapid Transit, particularly as it relates to the delivery of regionally significant transportation infrastructure that will support the provision of an efficient and reliable rapid public transport network to the western suburbs of Auckland, in addition to improving accessibility and connection between housing, employment and services.”	NZTA acknowledges Kāinga Ora’s support for the Project.
38.2	Para 7	Condition 1	“Kāinga Ora seeks the addition of a new Condition 1 to the set of condition which specifically outlines that relevant plans and reports that the project is to be carried out in accordance with. This condition would provide greater clarity and certainty for all parties by explicitly outlining the approved documentation that governs the design, construction, and implementation of the development. In doing so, it helps to ensure consistency across the project and reduces the risk of ambiguity or misinterpretation regarding which plans and reports are to be adhered to throughout the project lifecycle”	<p>As set out in NZTA’s legal submissions lodged with the Application and RFI#1 response, the ‘no Condition 1’ approach is lawful and is appropriate for NWRT.</p> <p>We do not consider a ‘traditional Condition 1’ would reduce “<i>the risk of ambiguity or misinterpretation regarding which plans and reports are to be adhered to</i>” because:</p> <ul style="list-style-type: none"> • The volume of application material lodged for the Project, together with the fact that the design is expressly indicative, means that a traditional Condition 1 is not appropriate, and it would be impracticable to implement (and enforce). Such a condition would require Council and contractors to go through the Application material in order to interpret and implement the designations and consents. • A traditional Condition 1 relies on documentation that sits outside the conditions, so it is inherently unclear what is required to comply with that condition, particularly where the application documentation is expressly indicative and subject to change. These issues are particularly material for this Project given it is anticipated to be delivered over a 20-year period. <p>Regardless, NZTA considers its conditions secure outcomes irrespective of the final design, and therefore they “<i>provide greater clarity and certainty for all parties</i>” than reliance on a traditional Condition 1.</p> <p>In summary, NZTA considers the changes that Kāinga Ora seeks would not “<i>provide greater clarity and certainty for all parties</i>” and, in fact, would carry the clear risk of the opposite occurring. As noted in our RFI#1 response, if the Panel has any specific concerns about the certainty of the final design, we encourage the Panel to invite NZTA to address those concerns, rather than defaulting to a traditional Condition 1 or proposing some form of hybrid approach.</p>
38.3	Para 8	Lapse review condition	“While Kāinga Ora support the inclusion of a lapse condition, Kāinga Ora proposes the incorporation of a periodic review condition where the extent of the designation boundary is reviewed every 12 months following lodgement of OPW(s) to ensure this is being refined continually, and that any land no longer required for construction and operation as a result of the refinement exercise shall be uplifted from the designation.”	<p>NZTA does not consider a periodic review condition is necessary or appropriate.</p> <p>NZTA has carefully considered the designation footprint and will consider it again once construction is complete. Ultimately, NZTA may, at any time under s182 of the RMA, remove all or part of the designation.</p> <p>Kāinga Ora has not provided any reasons to explain why the relief it seeks is necessary or appropriate to address an effect of this Project. The condition would be difficult to implement, to the point of being administratively unworkable.</p>

Assigned comment number	Comment reference	Topic	Comment (key extracts, unless identified)	Response to Comment from NZTA
38.4	Paras 9-10	Flood hazard condition	<p>"Kainga Ora opposes the proposed designation condition which allows the requiring authority to increase flood levels on properties beyond the designation. The outcome of this condition appears to allow the Requiring Authority to worsen flooding effects on neighbouring sites, meaning they are not adequately avoiding, remediating or mitigating the effects on the environment as a result of their construction activities.</p> <p>Kāinga Ora request that the flood hazard condition is amended so that simply put, the Requiring Authority doesn't worsen any flooding effects onto neighbouring properties and appropriately avoids, remediates and/or mitigates the effects of their construction activities.</p> <p>Kāinga Ora request that condition 9 is amended as follows:</p> <p>a. The Project shall be designed, <u>constructed and operated</u> so that <u>beyond the Operational Designation boundaries it does not cause the following beyond the Designation:</u></p> <p>i. An there is no increase in Danger Rating <u>for land or buildings</u>; and</p> <p>ii. Either:-</p> <p style="padding-left: 40px;">A. Any changes in flood levels do not result in A more than 50mm increase in flood level on land parcels with Building(s) and a Low Danger Rating; or</p> <p style="padding-left: 40px;">B. A more than 100mm increase in flood level on:-</p> <p style="padding-left: 80px;">I. land parcels with no Building(s) present-</p> <p style="padding-left: 80px;">II. land parcels with Building(s) and a Moderate or High Danger Rating-</p> <p>ii. <u>no new, or additional, habitable floor level flooding is to occur to buildings existing or consented at the date of construction commencement for the designation stage.</u></p> <p>b. Compliance with (a) shall be demonstrated through flood modelling:</p> <p>i. To show the difference in the 1% Annual Exceedance Probability (AEP) flood levels for Pre-Project Development and Project Development;</p> <p>ii. Using 332mm for the 24 hour rainfall depth that includes a 3.8 degree Celsius increase in temperature for climate change; and</p> <p>iii. Undertaken by a SQP.</p> <p>c. The Requiring Authority does not need to comply with (a) if the relevant landowner agrees to an alternative approach.</p> <p>d. In the Outline Plan, the Requiring Authority shall:</p> <p>i. demonstrate how (a) will be complied with by reference to flood modelling undertaken in accordance with (b); or</p> <p>ii. provide confirmation of any written agreement secured to reflect landowner agreement pursuant to (c) above."</p>	<p>As set out in the Assessment of Stormwater and Flooding Effects (section 2.4.4), the Indicative Design will not result in flooding outside the Proposed Designation that will increase the risk of damage to property or danger to people. This approach is based on managing the impacts of flooding (being risks to people and property) rather than controlling flood levels themselves. It responds to the reality that many properties will already experience floor level inundation during flood events and a small increase in inundation will not have additional effects. It is based on the Auckland Council's Framework for Assessing Flood Risk at the Property-Level - developed for the flood recovery programme.</p> <p>NZTA has discussed the approach adopted in the Assessment of Stormwater and Flooding Effects and the NZTA's proposed flood hazard condition with the Auckland Council Healthy Waters team. If necessary, NZTA will further consider the proposed flood hazard conditions once it has received the Auckland Council's comments on the Application.</p> <p>The new Condition 9(a)(ii) sought by Kāinga Ora is focused on controlling flood levels, and therefore goes beyond what is required to manage effects attributable to the Project. NZTA therefore considers those amendments would be "more onerous than necessary".</p> <p>NZTA also opposes the following amendments to Condition 9 proposed by Kāinga Ora:</p> <ul style="list-style-type: none"> • Addition of the words "constructed and operated" in subclause(a): These words suggest that compliance will be assessed at design, construction and operational phases. In order to provide compliance certainty for NZTA and Council, it is critical that compliance with Condition 9 is determined at the detailed design phase in accordance with Condition 9(b). • Addition of the words "beyond the Operational Designation boundaries" in subclause (a): It is unclear what this amendment seeks to achieve as no definition of "Operational Designation" has been provided. If that term is intended to mean a future 'operational designation boundary' that is narrower than the designation boundary, it would not be possible to show compliance with Condition 9 at the detailed design phase in accordance with (b). • Addition of the words "for land or buildings" in subclause (a)(i): These words are not needed as they are superfluous. The Danger Rating approach considers properties, which includes land and buildings. • Deletion of "more than 100mm increase in flood level" in subclause (a)(i)(B): The Assessment of Stormwater and Flooding Effects at Table 2-1 concludes that for a High Danger rated property, an increase in flood depth between 50mm and 100mm is a low effect. The condition prevents any increase of more than 100mm, which has been assessed as a moderate effect. There is therefore no effects basis upon which to delete this text. • Addition of "no new...habitable floor level flooding" in subclause (a): This addition is not needed as that outcome is already secured by NZTA's Proposed Designation Condition 9(a)(i). • Addition of "no ... additional habitable floor level flooding": This addition is not needed to manage flooding effects for the reasons set out above. • Addition of "buildings existing or consented at the date of construction commencement" in subclause (a)(ii): This addition would be redundant, and is opposed, because Condition 8(b) defines "Building(s)" as "any lawfully established residential, commercial or community building, which exists at the time the Outline Plan is submitted, and excludes sheds, garages and other ancillary buildings". <p>The Assessment of Stormwater and Flooding Effects (section 7) concludes that the Project has negligible or low flooding effects. Accordingly, NZTA considers that Proposed Designation Condition 9 is appropriate and that no amendments are necessary.</p>

Assigned comment number	Comment reference	Topic	Comment (key extracts, unless identified)	Response to Comment from NZTA
38.5	Para 11	Construction noise and vibration	"The Assessment of Construction Noise and Vibration Effects, prepared by Siiri Wilkening, dated 15 December 2025, notes that external noise level of up to 65dB would result in conversations becoming strained, particularly over longer period of time. Kāinga Ora is concerned with the ongoing effects the operational noise levels will have on people overtime. Kāinga Ora is interested to understand why the Construction Noise and Vibration Effects Report doesn't include the effects for 50dB L to 65dB L, given that these levels are included in the Noise standards noted in condition 17 to be complied with on a "as far as practicable" basis."	Construction noise effects are assessed inside neighbouring buildings. The intent is not to protect outside areas from construction noise as that would be unreasonable given that construction activities are generally significantly louder than ongoing day-to-day activities. The assumption is that people will not spend time outdoors next to construction activities. The noise levels quoted in the Kāinga Ora comment (50 to 65 dB LAeq) seem to refer to the morning shoulder (55 dB LAeq) and the evening shoulder (65 dB LAeq) construction noise standards. NZTA considers the effects of these noise levels inside homes will be reasonable as levels at and above 65 dB LAeq are "noticeable but unlikely to interfere with residential [...] daily activities" as set out table 4-1 of the Assessment of Construction Noise and Vibration . Accordingly, levels between 50 and 65 are also unlikely to interfere with those activities.
38.6	Para 12	Operational noise and vibration - condition	"Condition 32(a)(ii) enables the Requiring Authority to dispense with condition 30 if access is not provided by a tenant despite an owner agreeing to access. Kāinga Ora consider that this condition is not reasonable as issues relating to obstruction of access by a tenant can and should be addressed through the Residential Tenancy Act processes. There is no practical reason to deem compliance with condition 30 for tenant related access constraints. Kāinga Ora seeks that sub clause (ii) is removed from the condition, as below. (a) For each Category C Building identified, the Requiring Authority is deemed to have complied with Condition 30 above if: (i) the Requiring Authority's Suitably Qualified Person has visited the building and assessed the noise reduction performance of the building envelope; or (ii) the building owner agreed to entry, but the Requiring Authority could not gain entry for some reason (such as entry denied by a tenant); or (ii) the building owner did not agree to entry within 12 months of the date of the Requiring Authority's letter sent in accordance with Condition 30 above (including where the owner did not respond within that period); or (iv) the building owner cannot, after reasonable enquiry, be found prior to Completion of Construction of the project. (b) If any of (ii) to (iv) above apply to a Category C Building, the Requiring Authority is not required to offer to implement Building-Modification Mitigation to that building."	NZTA acknowledges Kāinga Ora's objection to Proposed Designation Condition 32(a)(ii) . In practice, NZTA does not consider that concern will eventuate as NZTA makes multiple efforts to gain entry where denied by a tenant in the first instance. Nevertheless, NZTA does not agree that subclause (ii) should be deleted because the condition would have no end point if, through no fault of its own NZTA was unable to gain access into a building. Such a situation would create an ongoing, unreasonable and potentially unachievable compliance burden for NZTA. NZTA also points out that processes under the Residential Tenancies Act 1986 are not relevant to this issue, and are entirely outside NZTA's control. They are a matter for Kāinga Ora management, as landlord, and it would be entirely unreasonable to have any third party made subject to a relationship and processes it is not party to. To assist, however, NZTA proposes amendments to Condition 32 to address the basis of Kāinga Ora's concern. The amendments would require NZTA to seek to gain entry over a 12-month period, following which if access cannot be obtained for whatever reason, compliance is deemed to have occurred. Such an amendment will provide sufficient time for a landlord (including Kāinga Ora) to work through this process with their tenants. NZTA considers that this amendment provides compliance certainty, while ensuring reasonable efforts will be made to undertake building modification mitigation.
38.7	Para 12(c)	Maintenance of low noise road surface	"Kāinga ora generally supports an asphaltic mix surface for all road surfaces within this designation. However, Kāinga Ora consider that the asphalt should be maintained in perpetuity, and therefore suggest the following wording: "The Requiring Authority shall implement <u>and maintain on an ongoing basis</u> an asphalt surface or similar low noise road surface throughout the Project."	NZTA does not consider the amendments Kāinga Ora propose to be necessary or appropriate. NZTA maintains road surfaces across its network in the normal course, in accordance with standard asset management practices, to ensure the safe and efficient operation of that network. That is a standard element of NZTA's road controlling authority functions under the Land Transport Management Act 2003, and no condition is required to ensure it will occur.
Commenter 39: National Trading Company of New Zealand Limited				
39.1	Legal submissions, para 2.4	Traffic	"2.4 NTC's initial concerns with the Application were substantial as the design would have impacted supermarket operations to the extent that it could no longer operate. However, NTC and NZTA have agreed a set of conditions which address NTC's key concerns regarding permanent and temporary access to the Site. NTC asks that the Panel include these conditions as part of any approvals granted."	The conditions agreed by NZTA and NTC were provided to the Panel in NZTA's memorandum of counsel dated 12 May 2026, and will be included in NZTA's updated designation conditions, which will be lodged by 22 June 2026.
39.2	Legal submissions, paras 4.6 4.7,	Certainty of conditions	"4.6 The conditions on the designation do not provide sufficient certainty that the matters of concern to NTC will be considered at the time of detailed design. While these matters could conceivably be addressed as part of the outline plan process, there is no requirement for this to occur. "4.7 (a)... If NTC is to obtain any certainty as to the future treatment of Parr Road North and the long-term operational performance of the surrounding road network and intersections, it needs to ensure that outcome through the current process."	NZTA considers the lapse periods sought for the designations and resource consents are appropriate for the reasons set out in its response to RFI#2 . NTC and NZTA agreed conditions to address the key concerns raised by NTC, and NZTA considers the proposed conditions on the statutory approvals are sufficient to manage the effects of the Project.

Assigned comment number	Comment reference	Topic	Comment (key extracts, unless identified)	Response to Comment from NZTA
39.3	Legal submissions, paras 6.2-6.5 Planning evidence, paras 7.1-7.10	Lapse of resource consents	<p>“6.5 NTC’s view is that if the resource consents approvals are granted, that the RMA default lapse date (for resource consents) of 5 years should be imposed.”</p> <p>“7.10 ...a shorter lapse period ... would retain an appropriate future checkpoint to confirm the effects of the activities and the associated management measures at a time when design and delivery is more certain”</p>	<p>As set out in NZTA’s RFI#2 response, although the Pt Chevalier Station may not be constructed for some years, the staging is indicative and not fixed, and needs to be flexible to accommodate changes in priority, funding and a range of other matters. A shorter lapse would risk the approvals lapsing prior to being implemented, which would lead to additional and unnecessary approval processes. NZTA does not consider this is an efficient use of time and resources and would subject NTC (and the wider community) to a similar process.</p> <p>Mr Arbuthnot in his evidence (para 7.8), acknowledges that the direct effects from the activities for which NZTA is seeking regional consents are likely to be limited. NZTA agrees.</p> <p>NZTA’s technical specialists have assessed the effects of the Project and have undertaken sensitivity testing on the Indicative Design. The scale and significance of those effects are well understood and the NZTA’s Application proposed outcomes-based conditions that secure the envelope of effects assessed in the Application. NZTA considers, with the addition of the groundwater condition specified, the conditions appropriately manage the Project’s potential adverse effects.</p> <p>NZTA disagrees with Mr Arbuthnot that a shorter (5 year) lapse is an appropriate “checkpoint”. A resource consent lapses unless it is (a) given effect to, or (b) extended by the consent authority on the basis that (among other things) substantial progress or effort has been made towards giving effect to the consent (RMA, s125(1A)). Neither (a) nor (b) provide a ‘checkpoint’ on effects and/or management measures that either have been or are yet to be implemented, and none is needed.</p> <p>Accordingly, NZTA considers the Panel cannot impose a 5-year lapse period on the resource consents, and must instead consider whether the reasons provided by NTC in support of a 5-year lapse period justify the decline of the resource consents. NZTA says there is no reasonable basis for that conclusion.</p> <p>In any event, NZTA has responded below to NTC’s substantive concerns relating to transport, groundwater and vibration. NZTA considers NTC’s proposed amendments to conditions to address those concerns mean that NTC’s reasons for a 5-year lapse period are, to the extent they have any validity, responded to appropriately in substance.</p>
39.4	Legal submissions, 4.1, 4.2, 4.6 and 4.8 Planning evidence, 1.3-1.7 and 5.1-5.19 Transport evidence, 7.1-7.10	Operational transport	<p>“4.1 The loading of the supermarket (including truck and trailers and semi-trailers) as well as customers to the click and collect are reliant on access via Parr Road North, which is the access road to the new Pt Chevalier station.”</p> <p>“4.2 It is important the access road (Parr Road North) is designed so as not to conflict with the functional and operational requirements of the supermarket: ...”</p> <p>“4.6 The conditions on the designation do not provide sufficient certainty that the matters of concern to NTC will be considered at the time of detailed design. While these matters could conceivably be addressed as part of the outline plan process, there is no requirement for this to occur... NTC seeks a condition which provides certainty at this stage regarding the minimum requirements for the station access road design and functionality of the intersection.”</p>	<p>NZTA does not agree with NTC’s proposed ‘Transport and Access Plan – Point Chevalier Station’ condition. The condition is overly broad and goes well beyond addressing the issues raised by NTC regarding access to their property via Parr Road North.</p> <p>Parr Road North is a legal road. NZTA is not proposing to stop Parr Road North.</p> <p>Road stopping is a separate statutory process, and not a matter within the scope of the Application or the Panel’s jurisdiction. The conditions agreed with NTC (Proposed Designation Conditions 10-12) appropriately provide for the design of the permanent vehicle access and manoeuvrability for New World at Parr Road North (which is within the Proposed Designation).</p> <p>Accordingly, the Project will not prevent access to NTC’s property via Parr Road North.</p> <p>Parr Road North is a non-arterial road (a local road), which Auckland Transport defines the function of local roads “to collect and distribute traffic to / from local properties within an area”. NZTA does not propose a change to this function.</p> <p>Temporary construction effects in this location will be managed through the CTMP and Proposed Designation Condition 12 obliges NZTA to consult with the operator of the supermarket when the CTMP is being prepared.</p> <p>Following construction of the Project, Auckland Council will continue to own Parr North Road as a local road. It will be for AT (or Auckland Council) to decide if any alterations to the layout of Parr North Road are appropriate or necessary.</p>
39.5	Planning evidence, 1.9, 8.1-8.12, Legal submissions, 5.1-5.4	Groundwater	<p>“1.9 In relation to groundwater and settlement, the material now available indicates that effects at the Site are likely to be limited. However, that conclusion depends on either the final design remaining above the groundwater table or the adoption of low-permeability ground support such as secant piling or equivalent if deeper excavation is required. In my opinion, those assumptions should be secured through conditions, including a Groundwater and Settlement Monitoring and Contingency Plan, rather than left as narrative within the application documents. I have therefore recommended conditions to that effect.”</p>	<p>The evidence of Mr Gregory Sheppard (paragraphs 5-11) confirms there will be no adverse groundwater drawdown and settlement effects on the New World site if the final Project design remains above the groundwater table (as per the Indicative Design). If the final design requires deeper excavation that may result in adverse groundwater drawdown and settlement effects, then Mr Sheppard recommends groundwater cut-off or containment measures be installed. Mr Sheppard states that those measures would be used for deeper excavations as a matter of standard engineering practice.</p> <p>NZTA opposes the extensive groundwater-related conditions proposed by NTC. Those conditions go well beyond what is necessary to manage the Project’s potential effects.</p>

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				<p>Instead, NZTA will propose a condition that secures the expert recommendations in Mr Sheppard's assessment. It will require groundwater cut-off or containment measures to be installed prior to any excavation works for the Project that extend below the seasonal low groundwater level.</p> <p>NZTA does not consider a management plan is necessary to secure what the condition will stipulate, particularly because ground support measures are used for deeper excavations as a matter of standard engineering practice. A clear standalone condition will secure the outcome sought by NTC.</p>
39.6	Planning evidence, 6.2-6.13	Vibration	"6.13 The conditions framework is ... capable of managing construction noise and vibration effects but is reliant on the implementation of the CNVMP and associated Schedules responding to, rather than being informed by the operational characteristics of the Site."	<p>The evidence of Ms Siiri Wilkening (paragraphs 13-17) confirms:</p> <ul style="list-style-type: none"> The proposed condition framework is the established and most appropriate method to address construction noise and vibration that may be generated in the future. The framework will ensure the mitigation measures are designed to address the final design. The mitigation measures will also be informed by the operational characteristics of the New World supermarket at the time of the construction works because consultation is required when preparing a Schedule (Proposed Designation Condition 20(c)(vi)). <p>NTC has not proposed any amendments to the Proposed Designation Conditions, and NZTA agrees that no amendments are required to address this comment.</p>
Commenter 41: Heritage New Zealand Pouhere Taonga (HNZPT)				
41.1	Comment, 7-10	Archaeological authority conditions	<p>"7. The parties have agreed all but one condition and will continue discussions to resolve this and provide the Panel with an agreed condition set. The outstanding matter of contention relates to a condition relating to landowner consent.</p> <p>8. The Applicant and HNZPT have identified a way forward that will provide for works to commence in a staged manner whilst also complying with the land owner consent requirement. This involves splitting the authorities and will require some work to identify the relevant land parcels for each of the authorities.</p> <p>9. The parties have agreed they will continue to work on this approach and will provide a joint memo reflecting any agreement to the Panel before it issues its draft decision and conditions. Any joint memo will be accompanied by all draft archaeological authorities for the Project.</p> <p>10. Attached at Appendix A is HNZPT's recommended condition set, noting that the disagreement sits with condition 4."</p>	<p>NZTA and HNZPT have agreed the proposed archaeological authority conditions, except for one condition.</p> <p>The outstanding issue relates to HNZPT's proposed landowner condition (Condition 4 in Appendix A to the HNZPT comment). NZTA does not consider it should be required to provide HNZPT with the written consent of <u>all</u> owners of land subject to the archaeological authority prior to commencing archaeological works. Rather, NZTA considers it should only be required to provide the written consent of the owners of land on which the archaeological works will occur.</p> <p>For this Project, NZTA seeks two archaeological authorities (west and east) in relation to land owned by the Crown or Council only. Accordingly, in this particular case, HNZPT's proposed landowner condition is likely to be workable and NZTA does not intend to contest it. Nevertheless, to minimise any practical risk associated with the condition, NZTA and HNZPT have agreed to work together to split the two archaeological authorities to better reflect NZTA's intention to stage the construction of the Project. NZTA confirms that it will continue to work with HNZPT to split the authorities and agree all of the conditions, and provide the Panel with a joint memorandum prior to the Panel issuing its draft decision and conditions.</p>
Commenter 42: Woolworths New Zealand Limited				
42.1	Comment, 28-30	Engagement	"30. Woolworths has been committed to constructive engagement with NZTA at every step. Unfortunately, NZTA has not amended the conditions to reflect the serious concerns raised by Woolworths."	NZTA has been engaging with Woolworths and remains committed to working with Woolworths on a suitable permanent vehicle access arrangement.
42.2	Comment, 3, 25-26	Northwest Woolworths	"26. The Application does not include any conditions to address the impact of the Project on the Northwest Shopping Centre. Woolworths has reviewed Stride's submission on the Application and supports conditions A - H proposed by Stride to ensure continued access to the site (including the Northwest Woolworths) is maintained throughout construction and operation of the Project."	NZTA has separately responded to the comment from Stride Holdings Limited.
42.3	Comment, 6, 22-24	Westgate Woolworths - Parking	<p>"22. The Project will prevent the use of the Eastern Carpark. Not only is part of that Carpark used by delivery vehicles, the Eastern Carpark contains at least 50 customer parks. This customer carpark provides convenient access to the Westgate Woolworths and is popular with customers. It is at full or near-full capacity every day. As well as being the preferred carpark for a number of customers, the loss of at least 50 spaces will place further pressure on the main Westgate Woolworths carpark at the front of the store (which is already under significant pressure).</p> <p>23. Any impact on customers' ability to find a carpark easily and at a convenient location to access the Westgate Woolworths will adversely affect the Westgate Woolworths' trade, and lead to loss of customers as they turn to other more convenient options for their grocery shop."</p>	NZTA acknowledges that the Project will result in the removal of some private car parking spaces that are used by Woolworths customers (but not owned by Woolworths). NZTA will seek to acquire any property interests needed for the Project, including parking spaces, through the statutory process set out in the PWA.

Assigned comment number	Comment reference	Topic	Comment (key extracts, unless identified)	Response to Comment from NZTA
42.4	Comment, 7-9, 12 – 21, 31-43	Westgate Woolworths – Loading Access	<p>“12. Woolworths' primary concern relates to the Project's effects on loading access at Westgate Woolworths. Like all large supermarkets, Westgate Woolworths has a bespoke loading arrangement which is critical to its operation...</p> <p>16. Amendments are required to the Conditions to ensure the Westgate Woolworths can operate during and after the Project is completed. Woolworths has proposed conditions, attached as Appendix A, which are appropriate, reasonable, practical and based on conditions agreed to by the roading authorities in other projects.”</p>	<p>NZTA has further considered how loading access to, and manoeuvrability for, delivery vehicles serving the Westgate Woolworths supermarket can be maintained during construction and operation of the Project.</p> <p>NZTA has identified potential options to maintain the ability for supermarket delivery vehicles to enter and exit the site in a forward direction from Maki Street, and to access the supermarket loading docks, while relying on land over which Woolworths delivery vehicles currently use for turning (ie land on which NZTA assumes Woolworths has property rights to use).</p> <p>NZTA will propose amendments to its Proposed Conditions to:</p> <ul style="list-style-type: none"> • Minimise any disruption to delivery vehicles during construction of the Project; • Require the design of the part of the Project adjacent to the Woolworths to: <ul style="list-style-type: none"> ○ Enable Delivery Vehicles to continue to use the existing turning area; or ○ Enable Delivery Vehicles to enter and exit the supermarket site from Maki Street in a forward direction and access the supermarket loading docks. • Require NZTA to consult with Woolworths in relation to the design of the part of the Project adjacent to the Woolworths. <p>Accordingly, NZTA considers that its proposed conditions will appropriately address the matters of access and manoeuvrability for supermarket delivery vehicles raised by Woolworths.</p> <p>NZTA considers the conditions proposed by Woolworths are unnecessarily complex and lengthy. The conditions NZTA will propose will achieve the same outcomes sought by Woolworths, but will use clearer and simpler drafting to ensure what is required is better understood by those implementing and relying on the conditions.</p>

Attachment A Letter from Ngāti Te Ata Waiohua dated 3 June 2026