

Appendix A

North West Rapid Transit Project

New Zealand Transport Agency Waka Kotahi (NZTA) Response to comments – Auckland Council

Designation – resolved topics

Arboriculture (district)
This topic was resolved during the facilitated discussions between NZTA and Council. Council agreed that its condition is not required.
Archaeology
This topic was resolved during the facilitated discussions between NZTA and Council. Council agreed that its suggested condition on post-1900 heritage is not required.
Earthworks (district)
This topic was resolved during the facilitated discussions between NZTA and Council. Council agreed that its suggested condition is not required.
Noise and vibration (construction and operational)
This topic was resolved during the facilitated discussions between NZTA and Council as follows: • Council does not consider amendments to the conditions to address future PPFs are required. • Council agreed that no amendments (to require maintenance of a smooth road surface) to NZTA's Proposed Designation Condition 28 are required. • Council agreed that no amendments (to address maintenance of noise mitigation or to address existing noise-related designation conditions) to NZTA's Proposed Designation Condition 29 required. • NZTA and Council agreed amendments (to reference the design year 2051 for future BPO assessment) to NZTA's Proposed Designation Condition 30. • Council agreed that no new condition (to address station noise) is required.
Notable trees
Council's comments support NZTA's assessment and proposed condition.
Outstanding Natural Features
This topic was resolved during the facilitated discussions between NZTA and Council as follows: • Council agreed that its suggested "Harbour View Pleistocene terraces - Outstanding Natural Feature" condition is not required. • NZTA and Council agreed the amendments to Proposed Designation Condition 24 relating to the Waititiko / Meola Creek, Western Springs - Outstanding Natural Feature. • Council agreed its suggested condition for "North-west lava flow, Western Springs - Outstanding Natural Feature" condition (ONFc2) is not required. • NZTA and Council agreed minor amendments to Proposed Designation Condition 25 relating to the North-west lava flow, Western Springs - Outstanding Natural Feature.
Parks and communities
The topic was resolved during the facilitated discussions between NZTA and Council as follows: • A new condition has been agreed by the parties which provides that NZTA must maintain safe and clearly identifiable public access (walking and cycling) through affected open space available for use during construction, as far as practicable; and • Other matters have been agreed to outside of the consenting process.
Transport
This topic was resolved during the facilitated discussions between NZTA and Council as follows: • NZTA and Council agreed some amendments to the Proposed Designation Condition 16 addressing the Construction Traffic Management Plan • Council agreed that its suggested "Existing Property Access" condition (TRAFc1) is not required. • Council has confirmed that no conditions are required to address parking related matters raised at paragraphs 50-53 of the Memorandum of Planning Matters.

Designation – unresolved topics

Response number	Comment reference	Topic	Comment Summary or Extract	Response to Comment from NZTA
Built Heritage				
This topic was not resolved in facilitated discussions between NZTA and Council. Council agree with NZTA’s Proposed Designation Condition 23 requiring preparation of a Built Heritage Construction Management Plan. This table addresses the remainder of the built heritage matters raised in the Council comments.				
1	Appendix 9 Built Heritage Memo - sections 4 and 6 Council designation conditions dated 8 July 2026	Built Heritage	<i>Ambassador Theatre (1218–1220 Great North Road)</i> “The designation conditions must explicitly require the retention of this building. Should partial demolition be proven absolutely unavoidable due to project constraints, such loss must be strictly limited to the southern two vertical bays ... (which have been previously altered).” <i>Fisheries Building (1212–1216 Great North Road)</i> “...total demolition of the Fisheries Building cannot be supported... partial demolition restricted to the heavily altered rear sections is acceptable. Modifications to the building are permitted to enable its adaptive reuse as part of the proposed station development...” <i>Commercial Building (1224–1228 Great North Road)</i> “total demolition cannot be supported. While full retention of the building is preferred, partial demolition limited to the removal of the rear sections... would be considered an acceptable compromise” <i>Proposed Designation Condition 21</i> Council proposes deletion of NZTA’s Designation Condition 21 for the Ambassador Theatre, Fisheries and Commercial Building and replaces it with a separate condition for the Ambassador Theatre (HERc1) and a separate condition for Fisheries and Commercial Buildings (new Condition 21).	Ms O’Neil’s Assessment of Built Heritage Effects, was submitted with the Application, and is based on a ‘worst case’ scenario as it assumes demolition of all buildings within the Proposed Designation. She concludes that “if the loss of heritage buildings within the Proposed Designation cannot be avoided, the overall effects arising from the Project on built heritage will, in my view, remain significant” (page iii). Ms O’Neil recommends prioritising retention of the original footprint of the Ambassador Theatre and adjacent commercial building and Fisheries Building (Section 5.1.1.1.1). If that cannot be achieved, Ms O’Neil recommends retention of as much of the Ambassador Theatre as possible, and that removal is focused on the modified southern end of the building (Section 5.1.1.1.2). In accordance with those recommendations, NZTA’s Proposed Designation Condition 21 requires the original building footprint of the Ambassador Theatre to be retained if practicable and, if not, requires NZTA to consider retention in part, including adaptive re-use. NZTA disagrees with Council’s view that there is a need for “<i>absolute assurance that historic heritage and special character values are protected</i>” because: • Dr Exbarami has not acknowledged that the Fisheries and Commercial Buildings are not scheduled, and the alteration, demolition or removal of those buildings is permitted by the AUP (H10.4.1(A36)). NZTA has proposed conditions for these two buildings based on the assessment of Ms O’Neil due to their collective value with the Ambassador Theatre. However, as set out above, they could be removed as of right. • The Ambassador Theatre is scheduled in the AUP. However, Policy D17.3(26) recognises that total or substantial demolition or destruction of the Theatre may occur for infrastructure that will provide a significant public benefit, where there is a functional need or operational constraint, and no reasonable practicable alternative. The Project clearly meets this policy and NZTA’s Proposed Designation Condition 21 reflects that policy. • NZTA cannot commit absolutely to retaining the Ambassador Theatre in whole or in part. The Ambassador Theatre is much larger than the adjacent buildings and the Indicative Design directly impacts it (see Figures 4-1 and 5-3 in the Assessment of Built Heritage Effects). As set out in Section 5.1.2 of Part 4 – RMA 1991 Approvals, NZTA will address the practicability of retaining the Ambassador Theatre in whole or in part, during the detailed design process. That process will be informed by “<i>structural and topographical data and design detail</i>” and “<i>may also be contingent on the structural soundness of the building structure should alterations be made to the rear</i>”. • While the NZTA Proposed Designation Conditions do not provide “absolute assurance” that all historic heritage buildings will be retained, they do provide a hierarchy of management with retention at the top of the hierarchy. In the event it is not practicable to retain the buildings in whole or part, NZTA’s Proposed Designation Condition 21 requires archival documentation and recording, and the installation of interpretative material at the Point Chevalier Station. Under Chapter D17.3(26) of the AUP, NZTA is not required to provide absolute assurance that historic heritage will be retained. Instead, NZTA is required to minimise effects on heritage values to the extent practicable. NZTA’s proposed conditions secure that outcome. • The benefits of this Project will significantly outweigh adverse historic heritage effects (even if they are ‘significant’ as per the worst-case scenario assessed by Ms O’Neil). NZTA’s Proposed Designation Condition for the Ambassador, Fisheries Building and Commercial Building is a ‘mitigation package’ to manage the Project’s effects on built heritage in Point Chevalier. The Fisheries and Commercial buildings are not scheduled buildings in the AUP and can therefore be demolished as a permitted activity. Nevertheless, NZTA’s proposed condition requires the retention, if practicable, of the original building footprints of the Fisheries and Commercial buildings, along with the Ambassador Theatre, as a ‘package’ as Ms O’Neil considers the buildings have collective value. The conditions therefore set out a hierarchy of mitigation, commencing with retention in the first instance if that is practicable. NZTA therefore opposes the Council’s approach of separating Proposed Designation Condition 21.
2	Appendix 9 Built Heritage Memo - section 4	Built Heritage	<i>ASB Building (1210 Great North Road)</i> Council considers the demolition of adjacent buildings will permanently and irreversibly alter the ASB’s historic context and setting, fracturing its contribution to the townscape. Council does not propose any conditions to address this matter.	The Application does not “assume” the ASB building will not be impacted. The ASB building is located outside the Proposed Designation and therefore direct impacts on it have been avoided. However, in the Assessment of Built Heritage Effects, Ms O’Neil acknowledges that the demolition of the buildings within the Proposed Designation would “<i>diminish [the ASB building’s] context heritage value as an important defining and contributing component of the townscape</i>”. Nevertheless, Ms O’Neil concludes that those effects “<i>will not result in adverse effects on the overall significance of the place such that it no longer meets the threshold for scheduling</i>” (Section 4.2.1.1.2).

				NZTA's Proposed Designation Condition 21 requires retention of the Ambassador Theatre and adjacent buildings if practicable, and therefore also mitigates any effects of the ASB building's context to the extent practicable. Although demolition of the Fisheries Building may alter the setting of the ASB Building, that demolition is a permitted activity. As such, those changes to historic context and setting do not cause or constitute relevant effects. Further, Ms O'Neil considers the potential indirect effects of Project works in proximity to the ASB building (accidental damage and vibration effects) can be appropriately managed (Section 4.2.1.1.2 of the Assessment of Built Heritage Effects). NZTA's Proposed Designation Conditions will appropriately manage these effects. Condition 19(c) addresses potential vibration effects and Condition 23 addresses accidental damage risks, as well as pre- and post-construction building condition surveys and building monitoring during construction works. Those conditions are agreed with Council.
3	Appendix 09 Built Heritage Memo - section 4 Council designation conditions dated 8 July 2026	Built Heritage	<i>Gateway – 956–990 Great North Road</i> Council's expert says the Chamberlain Park Clubhouse "<i>must be retained</i>". Council suggests a condition requiring the retention of former Chamberlain Park Clubhouse and basalt boundary wall (except for the southern enclosed verandah portion of the building) (HERc2).	NZTA does not agree with the condition provided by Council because: - Importantly, the Gateway is located outside the Proposed Designation and therefore direct impacts on it have been avoided. Ms O'Neil considers "<i>any potential indirect effects generated by vehicles, machinery, or works in proximity to the Gateway can be managed</i>" (Section 4.2.1.3.1 of the Assessment of Built Heritage Effects). - The former Chamberlain Park Clubhouse is not specifically identified as a scheduled feature, although it is located within the extent of place for the Gateway. - Ms O'Neil considers the former Clubhouse makes a "<i>contribution to the understanding and appreciation of the heritage values of the Gateway</i>". Nevertheless, if it occurs, the loss of the former Clubhouse "<i>will not result in adverse effects on the overall significance of the place such that it no longer meets the threshold for scheduling</i>" (Section 4.2.1.3.1 of the Assessment of Built Heritage Effects). - As set out in Section 5.1.4 of Part 4 – RMA 1991 Approvals, the Indicative Design of the busway is located "<i>approximately 2-3m away from the rear corner of the clubhouse building</i>". Given the close proximity, it will not be possible to confirm if the building can be retained until the detailed design process. - Ms O'Neil recommends retention of the former Clubhouse if that can occur (Section 5.1.2.1 of the Assessment of Built Heritage Effects). In accordance with that recommendation, NZTA's Proposed Designation Condition 22 requires the former Clubhouse to be retained if practicable and, if not, requires NZTA to undertake archival documentation and recording and install interpretative material at the Western Springs Station. NZTA is considering an amendment to the Proposed Designation Condition 22 to exclude the newer addition to the building (identified by Council during facilitated discussions) from the hierarchy of mitigation. - The benefits of the Project are significant and outweigh any residual heritage adverse effects from removal of the Chamberlain Park Clubhouse.
4	Appendix 09 Built Heritage Memo - section 4 Council designation conditions dated 8 July 2026	Special Character	<i>Special Character</i> Council's expert says the buildings at 36 and 39 King Street, and 1 and 3 Partridge Street, Grey Lynn "make a significant contribution to the Special Character Area (SCA). Therefore, the most appropriate approach would include either relocating the buildings within the site to provide the necessary space for the project or temporarily relocating the buildings off-site during the construction process...." Council suggests a condition requiring retention of these buildings if practicable, or relocation of the buildings (HERc3).	NZTA does not agree with Council's proposed condition. The Special Character Area (SCA) covers a substantial area across the earliest established suburbs close to Auckland City centre, including Parnell, Grafton, Freemans Bay, St Mary's Bay, Ponsonby, Herne Bay, Arch Hill, and Eden Terrace. Other suburbs adjacent to these include Grey Lynn, Kingsland, northern parts of Mount Eden, Sandringham and Balmoral, Epsom, and Mount St John. The SCA also covers areas of early residential development associated with other town centres including Avondale, Onehunga, Ellerslie, Ōtāhuhu, and St Heliers Bay. In this context, Dr Exbarami's view that four houses make "a significant contribution" to the SCA is objectively unsustainable. Ms O'Neil considers the four dwellings in the SCA do "<i>support the broader values and qualities of the SCA</i>". Nevertheless, she considers the loss of those dwellings will not impact "<i>the collective and cohesive qualities of the streetscape and overall SCA</i>". The loss of the Partridge Street dwellings will impact the immediate streetscape, but not the overall qualities of the SCA (Section 4.2.1.5.2 of the Assessment of Built Heritage Effects). Ms O'Neil does not recommend any mitigation for the removal of the four dwellings (Section 5). The AUP acknowledges that new infrastructure may need to be located in historic heritage and special character overlays, and requires consideration of "<i>the economic, cultural and social benefits derived from infrastructure and the adverse effects of not providing the infrastructure</i>" (Policy E26.2.2(6)(a)). The AUP directs consideration of "<i>whether there are any practicable alternative locations, routes or designs, which would avoid, or reduce adverse effects on the values of those places</i>" and "<i>the type, scale and extent of adverse effects on the identified values of the area or feature</i>" (Policy E26.2.2(6)(d) and (g)). As has been demonstrated in the Application, the Project has significant economic and social benefits while the loss of these houses will have minimal adverse effects, and Ms O'Neil recommended no mitigation in her assessment. There are also no practical alternative locations, routes or designs that could be adopted. For these reasons the proposal is in accordance with the relevant AUP policies. Given the Project will not impact the overall qualities of the SCA, NZTA considers it is neither necessary nor reasonable to avoid or relocate (temporary or permanently) the dwellings. The Council's condition, which seeks the avoidance or relocation of the buildings, would therefore be unduly onerous.

Response number	Comment reference	Topic	Comment Summary or Extract	Response to Comment from NZTA
Geotechnical				
This matter was not resolved in facilitated discussions between NZTA and Council.				
5	Appendix 5 – Regulatory Engineering, paras 4.6 and 4.7 Planning memo, para 127 Council designation conditions dated 8 July 2026	Geotechnical	Council’s expert, Mr Hall, suggests the conditions require a Geotechnical Investigation Report to be provided because: “4.6 <i>in some locations such as at the Waterview interchange and in the vicinity of the Arch Hill Scenic Reserve ... there are areas of steep land above the motorway alignment which may require detailed geotechnical investigation and design to ensure potential effects on both the project and on other land and property outside the project area are suitably managed. While I expect that NZTA will ensure the effects on their works are robustly managed, I believe it is also important to explicitly require that effects on neighboring land, infrastructure and buildings be managed to avoid damage to adjacent property.</i> ” Council has suggested a condition requiring preparation of a Geotechnical Management Plan (ENGc2).	NZTA does not consider a condition requiring a Geotechnical Management Plan is necessary. NZTA has significant expertise in designing and constructing major infrastructure, including roads, bridges and busways in much more complex geotechnical environments. NZTA addresses local geotechnical conditions through the detailed design of all its projects, and prepares for that design phase with extensive site and geotechnical investigations. The Project will be designed in accordance with normal engineering/geotechnical design principles and standards, in compliance with the Building Act and subject to independent external review requirements. Accordingly, existing specialist technical inputs and statutory process will ensure the Project does not result in land instability. Council oversight of the final design and construction methodology is not required and is not appropriate. Mr Hall suggests NZTA will undertake geotechnical investigations only to ensure its infrastructure will not be affected, but will not consider the potential for damage to adjacent property. That is a false assumption. It is not lawful for NZTA (or anyone) to have an adverse impact on another property under property law. NZTA will consider potential impacts on adjacent properties as part of its normal detailed design process as set out above.
Flooding				
This topic was resolved in part in facilitated discussions between NZTA and Council: - NZTA and Council agreed to amend Condition 8(b) to clarify that “building(s)” include those “authorised by a relevant building consent”. - Council agreed its suggested edits to Condition 9 (relating to matters covered by the Regionwide Network Discharge Consent process) are not required. - Council agreed that, with the exception of the two matters addressed below, all other parts of its comments relating to flooding are resolved.				
6	Council designation conditions dated 8 July 2026	Flooding	Council suggests the definition of “building” in Condition 8(b) should include a building that is “ <i>authorised by a relevant ... resource consent</i> ”.	NZTA opposes the addition of “resource consent” to the definition and notes that: - A resource consent alone does not allow a building to be lawfully established, as a building consent will also need to be obtained. - Building consents are required for all buildings, whether or not they also need resource consent, and will include the finished floor level. Resource consents do not specifically identify what the floor level of a building will be.
7	Council designation conditions dated 8 July 2026	Flooding	Council suggests advice note should be added to Condition 9: “ <i>Where ... stormwater runoff is to the reticulated public stormwater network, it must comply with the requirements of ... Regionwide Network Discharge Consent</i> ”.	NZTA opposes the advice note because: - The Network Discharge Consent applies to run-off to the public stormwater network. That Consent is not relevant, and does not apply to NZTA’s own stormwater network. - NZTA will address the requirements of the Regionwide Network Discharge Consent when, and more importantly if, the Project connects to the public stormwater network, as part of the connection approval process. It is neither necessary nor appropriate for those requirements to be duplicated in the designation conditions or an advice note, particularly when they will need to be addressed pursuant to a separate process in future, if that process becomes relevant.

Response number	Comment reference	Topic	Comment Summary or Extract	Response to Comment from NZTA
Urban design, landscape and visual				
This topic was resolved in part in facilitated discussions between NZTA and Council. NZTA and Council have agreed NZTA's Proposed Designation Condition 26 (Landscape Planting) should be amended and three new conditions added to address: • Crime Prevention through Environmental Design (<i>CPTED</i>) • Height in relation to boundary • Form and Landscaping Statement While Council and NZTA agree the amended/new conditions in principle, the drafting is not agreed (except for the CPTED condition). Council has also proposed an explanatory note, which is not agreed. These matters are addressed below.				
8	Council designation conditions dated 8 July 2026	Landscape Planting	Council's suggested conditions (dated 8 July 2026) include amendments to NZTA's proposed designation condition 26. NZTA does not agree with the following aspects of those amendments to the condition: • The removal of "<i>native</i>" from condition 26(a)(i); • The addition of "<i>and any other location identified within the Form and Landscaping Statement [condition 15D]</i>"; and • The requirement to undertake animal pest control in planted areas for 5 years.	NZTA opposes the removal of "native" for the reasons set out in its terrestrial ecology response (see Appendix B, row 12). NZTA opposes the words "any other location identified within the Form and Landscaping Statement" because the landscape planting condition specifically includes planting recommended to mitigate the Project's effects in the Landscape and Visual Assessment. The Form and Landscaping Statement is a descriptive document and does not establish additional planting requirements. NZTA does not agree with the addition of animal pest control. The primary reason for plant pest control as proposed in the landscape planting condition is so that new planting can establish and not compete with pest plant species. Pest animal control is not necessary to ensure successful establishment of vegetation when it is planted. Also, for the areas to be planted by NZTA (i.e. batter slopes and areas at stations), pest control is likely to have limited effectiveness due to the nature and extent of surrounding land uses. Pest animals are likely to quickly recolonise, particularly as control measures cannot be required within those surrounding land uses. Pest animals are a pre-existing issue rather than an effect of the Project and the control of them is an unrelated matter.
9	Council designation conditions dated 8 July 2026	Urban design / visual	Council's suggested conditions (dated 8 July 2026) include a height in relation to boundary (<i>HIRB</i>) condition. NZTA does not agree with the following aspects of the condition: • The HIRB being relevant to all "<i>buildings</i>". NZTA considers this condition should apply to retaining walls and bridge structures only. • The condition applying to all Proposed Designations. NZTA considers this condition should apply to NORs 1, 2 and 3 only.	The Project "buildings" will be (predominantly) retaining walls, bridges and station facilities. NZTA disagrees that stations should be included in the HIRB condition. The stations will anchor the potential for rezoning that provides for an uplift in density of adjacent areas under the NPS-UD, and as sought by NZTA in its submission on PC 120 (refer summary of decisions requested submitter 5210 – submission points 53 to 63). This rezoning will result in a change to what the AUP anticipates in the immediate locality, whereby tall buildings close to boundaries will become common. It would be inconsistent with that outcome for the stations that anchor that change and the desired uplift in density to be restricted in height compared to the surrounding land. That is particularly the case where surrounding land is to be re-zoned Terraced Housing and Apartments. NZTA therefore considers this condition should only apply to retaining walls and bridge structures as these are the structures which are most likely to generate shading effects on adjoining residential properties. NZTA considers the condition must use clear wording to avoid ambiguity (as would occur with the word 'buildings' assuming it is interpreted in accordance with the definition in the AUP). The HIRB condition should not apply to noise walls as it may not be possible to meet the condition and mitigate noise effects at the same time. NZTA also proposes that this condition applies to only NoRs 1, 2 and 3 (west of the causeway). For the NoRs to the east of the causeway, the Proposed Designations are on the north of SH16, and therefore the Project cannot have any shading impact on residential properties.
10	Council designation conditions dated 8 July 2026	Urban design / visual	Council's suggested conditions (dated 8 July 2026) include a Form and Landscaping Statement condition. NZTA does not agree with the part of the condition referring to "<i>...,as far as practicable, addressed the interface with</i>" the immediately adjoining environment.	NZTA proposes that the objective of the Form and Landscaping Statement is to "<i>...respond to the immediately adjoining environment</i>" instead of "<i>...as far as practicable, addressed the interface with the immediately adjoining environment</i>". NZTA considers the term "<i>addressed</i>" suggests an absolute requirement despite that aspect of design being inherently subjective. Further, the meaning of the term "<i>interface</i>" is unclear and would again require subjective judgement about what the "interface" is, and whether and how it has been addressed. NZTA also considers the term "<i>as far as practicable</i>" is inappropriate as it suggests a substantive requirement. In contrast, the Form and Landscaping Statement is a descriptive document, recording elements of design, to be attached to an Outline Plan.
11	Council designation conditions dated 8 July 2026	Design	NZTA does not agree with Council's suggested "explanatory note" to the Proposed Designation Conditions on the design process and open space management.	NZTA and Council have agreed a collaborative engagement process and way of working over the life of the Project. However, the "explanatory note" Council proposes is not required, and does not assist with the interpretation or application of the relevant conditions. An "explanatory note" has no legal basis in conditions. Conditions may include advice notes, but the Council's proposed content does not assist with the interpretation of the proposed designation conditions or compliance with the conditions. The designation conditions can be read and easily understood on their face without the suggested explanatory note. It therefore serves no useful or valid purpose, and should not be included in the conditions.

Response number	Comment reference	Topic	Comment Summary or Extract	Response to Comment from NZTA
Utilities				
This topic was resolved in part in facilitated discussions between NZTA and Council. Council confirmed that its suggested Network Integration Management Plan and Network Utility Management Plan conditions are not required. The issues raised by Council on behalf of Watercare are addressed below.				
12	Council designation conditions dated 8 July 2026 Appendix 3 – Watercare letter Council designation conditions dated 8 July 2026	Watercare	Council has suggested a Water and Wastewater Management Plan condition (WWMPC1).	NZTA does not agree that a condition is required to co-ordinate interactions with Watercare in relation to Watercare and NZTA assets. As set out in Section 20.2 of Part 4 – RMA 1991 Approvals, utilities are managed through other statutory processes and the National Code of Practice for Utility Operators Access to Transport Corridors. NZTA notes that these existing processes are familiar and effective, and already manage the matters that Watercare has raised. NZTA considers that there are no effects that are not already managed by these existing processes, and therefore the suggested designation condition would be both redundant and unhelpful. Watercare acknowledges these processes in its own letter, and has not identified any gap in these processes that needs to be filled (Appendix 3, para 18). In its letter, Watercare has also not identified or quantified any adverse environmental effects that would be managed by its proposed condition. As acknowledged in Watercare’s letter, NZTA has engaged extensively with Watercare throughout the development of the Project. NZTA and Watercare will separately discuss recording communication and engagement steps. The existing processes identified above ensure that NZTA will continue that engagement. NZTA does not agree that a Water and Wastewater Management Plan condition is warranted. It would not add any value to discussions between the parties, and therefore would be unnecessary.