

North West Rapid Transit Project

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

Assigned comment number	Comment reference	Topic	Comment (extracts, unless identified)	Response to Comment from NZTA
Commenter 36A – Westgate Properties (2017) Limited (WPL) – Additional comments dated 17 July 2026				
36A.1	Paras 1.2 – 1.4 and 5.3	General	“...This is the second submission from WPL... It will provide additional information and context...” “...These comments augment the earlier submission with further relevant considerations and address some additional conditions that WPL now considers appropriate...”	The FTAA consenting process does not provide for commenters filing additional comments (neither in the form of a response to the Applicant’s reply to comments that were invited, nor covering new matters). Nevertheless, NZTA addresses WPL’s second set of comments in this table. We note that this second set of comments dated 17 July 2026 is from WPL alone, whereas the first set of comments dated 26 May 2026 were from WPL and NZRPG Management (2017) Limited. NZTA understands that, in both cases, WPL is the owner of the relevant properties and NZRPG is the manager of the relevant properties.
36A.2	Paras 2.2 and 3.1	General	“...NZTA has traditionally undertaken shovel-ready projects...” “The FTAA represents a deliberate legislative trade-off... most easily justified where... a faster consenting process means the infrastructure and its public benefits arrive sooner”	As noted in NZTA’s RFI#2 response, while the purpose of the FTAA is “<i>to facilitate the delivery of infrastructure and development projects</i>”, the FTAA does not require projects to be delivered immediately following approvals being granted. It does not address delivery at all. Rather, its purpose is to address the speed and efficiency of the process to obtain statutory approvals. It can be contrasted with the COVID-19 Recovery (Fast-track Consenting) Act 2020 which was explicitly directed at driving urgent delivery (as per its purpose to “<i>urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand</i>” (Section 4)). The comment that “<i>NZTA has traditionally undertaken shovel-ready projects</i>” does not reflect its approach to strategic planning and consenting processes. NZTA secures designations to ensure that a project can be delivered in the future by protecting the corridor within which that project will be constructed. In this case, NZTA intends to start delivering the first stage of this Project immediately following the grant of approvals, with the remaining stages delivered over a 20-year period as funding becomes available. Accordingly, the Project’s benefits will start being realised within a short timeframe. The Project is listed in Schedule 2 to the FTAA, confirming Parliament’s expectation that this process be utilised to obtain the necessary approvals.
36A.3	Para 2.3	Engagement	“...the FTAA’s limited opportunities for stakeholder input...” “The FTAA’s compressed timeframes place a premium on pre-application engagement, WPL’s experience fell short of that standard...”	As noted in NZTA’s response to WPL’s first set of comments (36.2), NZTA’s engagement with WPL/NZRPG has not been “<i>limited</i>”. To the contrary, NZTA has met and corresponded extensively with WPL over a period of almost three years in relation to the Project.
36A.4	Paras 3.3 and 5.17-5.20	Lapse	“...NZTA has provided no specific assessment of [the 25-year lapse period], and that the RMA’s own default lapse period, introduced under the same reform package as the FTAA, is 10 years...” “...A useful comparator is the Supporting Growth Alliance route protection designations...” “NZTA detailed indicative construction staging... a lapse period for the relevant designation should be calibrated to it...” “... Section 184 RMA already provides a well-understood mechanism by which NZTA can apply for an extension of time...” “WPL seeks a lapse period for NOR2 of no more than 15 years...”	NZTA’s response to WPL’s first set of comments dated 26 May 2026 (36.10) and NZTA’s RFI#2 response (including Ms Hicks’ evidence) each address lapse and explain why 25-year lapse periods are both necessary and appropriate for the Project. In summary: - 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. - A lapse period shorter than 25 years would risk one or more of the approvals lapsing prior to conclusion of Project construction, which would cause additional, unnecessary approval processes, and 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, which would be an unnecessary imposition on these stakeholders. The last point above is particularly relevant to WPL’s comment that Section 184 RMA is the appropriate mechanism (ie NZTA seeking an extension of time to a shorter lapse period) as that approach would subject affected landowners/occupiers (and the wider community) to an additional process. NZTA’s RFI#2 response (including the evidence of Helen Hicks) explains why the Supporting Growth Alliance designations are not a useful or relevant comparator.
36A.5	Para 4.2	Woolworths	“...NZTA’s proposed conditions 13 to 15, which govern land managed by NZRPGM and owned by WPL or other owners. These [conditions] arose from discussions NZTA held directly with WPL’s tenant, without the knowledge or involvement of WPL...”	As noted in NZTA’s response to WPL’s first set of comments (36.13), Conditions 13–15 respond specifically to the potential for the Proposed Designation to restrict loading access for the supermarket (ie the tenant). It is entirely appropriate that discussions were held directly with that tenant, about its business operations, without the involvement of the landowner. As noted elsewhere in NZTA’s responses to comments, landowner interests will be addressed separately through PWA processes.

Assigned comment number	Comment reference	Topic	Comment (extracts, unless identified)	Response to Comment from NZTA
36A.6	Para 5.5	Traffic	"...NZTA has rejected [WPL's concerns about any further pressure the Project may place on Fred Taylor Drive] on the basis that the constraints are existing and not for this Application to resolve... Those constraints form part of the receiving traffic environment, and the Project's effects are likely to be greater because that environment is already sensitive..."	NZTA agrees that the Project's effects should be assessed based on the existing environment, and its assessments have correctly taken that approach. NZTA is not the Road Controlling Authority for Fred Taylor Drive; that responsibility sits with AT. Accordingly, NZTA cannot address the existing traffic constraints on Fred Taylor Drive. NZTA repeats that existing traffic constraints of concern to WPL are not matters for the Panel or this Project to resolve. Nevertheless, one of the key benefits of the Project will be to provide travel choice for road users and the availability of that choice may help to alleviate capacity constraints on Fred Taylor Drive. The Project's construction traffic effects will be appropriately managed through its Construction Traffic Management Plan (CTMP) condition (Proposed Designation Condition 16), which requires careful attention to be paid to minimum network performance parameters (among other things). The CTMP is a well-established method for managing traffic during construction, and the CTMP condition has been agreed with Council. The CTMP will manage effects appropriately, but not to 'zero' as sought by the commenter. That expectation is neither reasonable nor appropriate.
36A.7	Paras 5.6 - 5.7	Traffic	"...the works are expected to last about four years, disruption of that duration should not be treated as temporary..." "...A four-year construction period may span most or all of a tenant's lease, leaving little or no disruption-free period in which to establish or recover trade."	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 "<i>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</i>" (paragraph 40). Ms Dowling agrees with that statement in her evidence (paragraph 14). Further, as explained in Ms Fisk's evidence, "<i>temporary [construction] effects should be viewed in the context of the significant permanent benefits the Project will deliver</i>" which may include "<i>potential to increase economic activity as customers utilise the rapid transit</i>". Importantly, "<i>the parties with concerns about temporary construction-related effects will be among those receiving the permanent benefits</i>" (paragraphs 16-17 and 23).
36A.8	Paragraphs 5.9 and 5.14-5.16	Northside Drive	"...NZTA ... has not addressed the effect of its Project on the provision already made for Northside Drive [being completed bridge abutments and a centre-span support, constructed in 2011]... at the very least, WPL asks that the Project not make the long-needed Northside Drive project more difficult or more costly to complete..." Proposed new Condition 15A(2) – Protection of Northside Drive Interchange Provision and Condition 15A(3) – Cost Neutrality for Northside Drive Connection	As noted in NZTA's response to WPL's first set of comments (36.11), a condition requiring the Northside Drive bridge to be operational before construction of the Project commences would be unlawful under s108 RMA as it is not required to mitigate a Project effect. Such a condition would address a matter outside the scope of both the Project and the Application before the Panel. The Northside Drive bridge is not part of the existing environment, it is not part of the Project, and it is not currently funded for delivery. 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. NZTA strongly opposes WPL's suggested Conditions 15A(2) and 15A(3). NZTA considers the Project will not impede future delivery of a Northside Drive project. The Northside Drive abutment and pier were completed in 2011 in advance of any understanding of the growth now anticipated under the Auckland Unitary Plan and proposed Plan Change 120. As a result, regardless of the Project, further investigations and assessment will be undertaken in the future to determine the design requirements associated with any Northside Drive extension, including the function of the existing abutment and pier within any future transport network. Any such work will be subject to funding being confirmed for a Northside Drive Extension project, which is currently not prioritised. Construction of the Project will not preclude the future provision of an appropriately designed overbridge at this location. Given the future requirements for Northside Drive have not yet been determined, WPL's suggested conditions are therefore unnecessary.
36A.9	Paragraphs 5.9 and 5.11 - 5.13	Fred Taylor Drive	"...the Project ... will also operate within a future traffic environment that cannot be confidently predicted now..." "...an appropriate control is a condition requiring NZTA, before works affecting the intersection commence, to demonstrate through current, evidence-based traffic modelling that the intersection and its approaches can accommodate the additional construction effects without a material reduction in level of service..." Proposed new Condition 15A(1) – FTD/SH16 Intersection Construction Traffic Performance	As noted in Ms Bates' evidence, filed with NZTA's response to comments (para 45), the CTMP will be prepared using information on the traffic environment that exists immediately prior to construction to ensure it is appropriately tailored to the conditions prevailing at that time. The CTMP condition (Proposed Designation Condition 16) will appropriately manage effects at the Fred Taylor Drive / SH16 intersection, including through NZTA's proposed amendment to that condition to explicitly require sequencing of SH16/Fred Taylor Drive intersection improvements to be addressed in the CTMP. (That amendment will be included in NZTA's updated conditions to be lodged on 29 July 2026). The CTMP will be prepared by a suitably qualified expert and will be approved by the relevant Road Controlling Authority through the Corridor Access Request process. A separate, additional Council certification role would duplicate process without any substantive benefit, and would risk inconsistency between two separate processes. WPL's suggested condition is neither necessary nor appropriate to manage the Project's effects. It would require construction to occur "<i>without a material reduction in level of service</i>". The CTMP will manage effects appropriately, but not to 'zero' as sought by WPL. That standard is neither practicable nor realistic. Further, as noted at 36A.6 above, NZTA cannot increase vehicle capacity on Fred Taylor Drive (or Maki Street) as those roads fall under AT's jurisdiction. The works required to achieve that outcome would also be outside the Proposed Designation and the Project scope.

Assigned comment number	Comment reference	Topic	Comment (extracts, unless identified)	Response to Comment from NZTA
36A.10	Para 5.21-5.23	Designation review	"...a condition requiring the Requiring Authority to actively review the extent of the designation once construction is complete, and to identify and release any land no longer required for the ongoing operation, maintenance or mitigation of the works, is a proportionate and standard safeguard for a designation of this scale and effect..." "...A positive review obligation imposes no constraint on the NZTA's operational requirements: it requires only that those requirements be confirmed, on a defined timeframe, against the as-built work, so that any disproportionate, ongoing constraint on the landowner's use and development of retained 'buffer' land does not persist for longer than is actually necessary..."	As noted in NZTA's response to WPL's first set of comments (36.17), NZTA opposes the condition WPL requests. WPL has not provided evidence of an environmental effect that would justify the condition it proposes. 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 (ie under the RMA) to require it to do so. If the landowner is concerned about an ongoing constraint resulting from a designation, then that landowner may approach NZTA to discuss early acquisition of the affected land. In addition, the future disposal of land surplus to the Crown's requirements is a separate matter, addressed under the PWA. It is not susceptible to designation conditions.
36A.11	Paras 5.24-5.34	Fred Taylor Drive overpass	"WPL reiterates its request (along with other submitters) that a condition be imposed on the NZTA connection requiring it to tunnel under Fred Taylor Drive..." "NZTA's response also does not address that... The Fred Taylor Drive crossing was identified in the LVA as one of a small group of areas and components of the Project with greater sensitivity to vertical movement..." "WPL's assessment is that a structure situated above the already-elevated Fred Taylor Drive and rising many storeys above AH16 would have effects on the Westgate Site that are materially beyond those identified in the LVA..." "...NZTA has not identified any criteria, methodology, or evidence to support its claim that the higher-impact design is 'necessary'. A stated preference for flexibility is not the same as demonstrated necessity..."	As noted in NZTA's response to WPL's first set of comments (36.15), NZTA opposes the condition requested by WPL. As noted in the Application, NZTA has identified a clear and justified 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). NZTA's landscape and visual assessment evaluates the landscape character and visual amenity effects of an elevated structure over Fred Taylor Drive as moderate to moderate/high (Section 4.4.2). NZTA acknowledges that an underpass would have lower landscape character and visual amenity effects. However, those effects are just one consideration. As set out in NZTA's response to WPL's first set of comments (36.15), 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 the effects of that solution. WPL suggests NZTA's landscape and visual assessment understates effects, but has not provided any expert landscape/visual evidence to support its statements (instead contending that they are "<i>commercial and functional effects</i>" which it is better qualified to give an opinion on). Further, WPL's concerns appear to be prefaced on maintaining the existing low-level scale of development at Westgate, rather than the planning expectations for Westgate, including the very generous height limits provided for in the Metropolitan Centre zone. NZTA is not required to demonstrate that the overpass is 'necessary' in order to justify flexibility, and WPL has not provided any evidence, expert or otherwise, that could form the basis of a view that either an underpass should be locked-in, or that design flexibility should be removed. Based on the evidence before the Panel, NZTA's position is that either an overpass or underpass in this location can be supported. Further, the flexibility sought by NZTA may ultimately help to achieve better construction traffic outcomes (as noted above) consistent with other parts of WPL's comments.
36A.12	5.33-5.35	Construction traffic management plan condition	"...Extending the consultation requirement to the landowner(s) and manager who hold the relevant property interest in, and exercise practical control over, the specific areas affected, in addition to, not instead of, any operator-specific engagement already provided for, is not a broadening of obligations for its own sake. Rather, it is a correction directed at ensuring the consultation requirement reaches the party or parties who can actually respond to it and whose agreement is, in practice, necessary for the resulting plan to be capable of being implemented..." Proposed new Conditions 13 - 15	As noted in NZTA's response to WPL's first set of comments (36.13), NZTA disagrees with WPL's request that its Proposed Designation Conditions 13–15 (Supermarket Access – Woolworths Westgate Shopping Centre) can or should because of be broadened to apply to the whole of the Westgate Shopping Centre. Conditions 13–15 respond specifically to the potential for the Proposed Designation to restrict loading access for the supermarket. Conditions 13 - 15 have been discussed and agreed with the supermarket operator, Woolworths (with associated amendments to be included in NZTA's updated conditions to be lodged on 29 July 2026). Traffic access and circulation that may be affected by construction activities will be addressed in the CTMP (Proposed Designation Condition 16). The purpose of the CTMP is to "<i>appropriately manage any adverse traffic safety and efficiency impacts on other road users caused by the Project</i>". Condition 16(b)(vii) requires "[m]easures to maintain access ... for loading and unloading of goods" to be addressed. In addition, Condition 16(b)(ix) already requires methods to communicate traffic management measures to affected road users. The CTMP condition has been agreed with Council. It is unclear to NZTA why WPL considers its "agreement" would be necessary for the CTMP to be implemented. A requirement in a condition for a requiring authority to secure such agreement would be unlawful, and a CTMP is in any event designed to address impacts on operations, not ownership. Property interests will be addressed through the PWA process.
36A.13	5.36-5.37	Advanced notice of construction commencement	"Advance and Staged Notice of Construction Commencement- New condition 15B Schedule A"	As noted in NZTA's response to WPL's first set of comments dated 26 May 2026 (36.18), NZTA opposes the condition requested by WPL. WPL has not provided evidence of an environmental effect that justifies the condition proposed. The condition requested by WPL is completely impractical. In particular, the proposed requirement for NZTA to provide a minimum of two years' notice of the commencement of construction works along with the Project's final design and construction methodology 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". WPL's second comment on this point suggests "[a] staged notice requirement... removes any practical objection that a single, long-range notice period would be unworkable or constrain the Requiring Authority's design and construction certainty". However, the condition suggested by WPL continues to seek design drawings and construction details no later than 2 years prior to commencement of construction. Regardless, NZTA generally commences property acquisition two to three years ahead of

Assigned comment number	Comment reference	Topic	Comment (extracts, unless identified)	Response to Comment from NZTA
				construction so WPL will receive a minimum of two years' notice of the commencement of construction works (but not the Project's final design and construction methodology) through that process.
36A.14	5.38-5.39	Future station	"Future-Proofing for Provided-For Public Transport Integration - New condition 15C Schedule A"	As noted in NZTA's response to WPL's first set of comments dated 26 May 2026 (36.7), NZTA opposes the 'Westgate Shopping Centre Station' condition requested by WPL. 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, WPL has not identified an effect of the Project that the condition would mitigate. WPL's second set of comments dated 17 July 2026 on this point says "[t]he relevant effect is not a request for new or additional infrastructure... it simply seeks that construction choices do not... foreclose an outcome...". Even if the suggested condition does not <i>require</i> a future station, as noted above, WPL still has not identified an effect of the Project that its 'future-proofing' condition would mitigate. An obligation imposed on NZTA to demonstrate that a rapid transit station is not precluded by the Project would require diversion of design and investigation resources that would otherwise address the Project that NZTA <i>does</i> intend to construct.
36A.15	5.40-5.42	Boundary and interface treatment	"Boundary and Interface Treatment - New condition 15C Schedule A"	As noted in NZTA's response to WPL's first set of comments dated 26 May 2026 (36.16), NZTA opposes the condition requested by WPL. WPL 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 "<i>the height, shape, and bulk of the ... work</i>", "<i>the likely finished contour of the site</i>" and "<i>the landscaping proposed</i>" as required by s176A(3) of the RMA. It is not necessary for a condition to duplicate those requirements. WPL's second set of comments dated 17 July 2026 on this point says "[a] dedicated condition requiring consultation and accountability for the design response at this specific interface... ensures that the detailed design process produces a boundary treatment genuinely informed by and responsive to the practical operating requirements of the adjoining centre". It is unclear to NZTA why WPL considers a specific boundary treatment is needed in this location given its development has intentionally 'turned its back' to SH16 and the Proposed Designation. WPL has not identified an effect of the Project that its 'boundary and interface treatment' condition would mitigate. Nevertheless, as a result of facilitated discussions with Council since NZTA's response to WPL's first set of comments, NZTA will be proposing conditions that address the Project's relationship with the immediately adjoining environment, including a new condition requiring a Form and Landscaping Statement to be included in the outline plan. The purpose of this Statement is to describe how the design of the Project has responded to the immediately adjoining environment.