

Before the Panel Convener

under: the Fast-track Approvals Act 2024

in the matter of: applications for resource consents and archaeological authorities and notices of requirement by the New Zealand Transport Agency Waka Kotahi to develop a rapid transit link and associated infrastructure and connections between Brigham Creek and Auckland City centre, alongside State Highway 16, known as 'North West Rapid Transit'

applicant: **New Zealand Transport Agency Waka Kotahi**
Requiring Authority and Applicant

Memorandum of counsel on behalf of the New Zealand Transport Agency Waka Kotahi

Dated: 19 May 2026

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**MEMORANDUM OF COUNSEL ON BEHALF OF NEW ZEALAND
TRANSPORT AGENCY WAKA KOTAHI**

- 1 This memorandum is filed on behalf of the New Zealand Transport Agency Waka Kotahi (NZTA) in relation to its notices of requirement (NORs) and applications for resource consents and archaeological authorities (together, *Application*) for the North West Rapid Transit Project (NWRT or *Project*).
- 2 This memorandum responds to the Panel's request for information in Minute 3 dated 5 May 2026 (*Minute 3*), which requested (RFI#1):

[7] ... a planning/legal assessment which:

- (a) References each individual effects assessment and identified effect;*
- (b) Shows how that effect was subjected to the 'sensitivity testing';*
- (c) Cross references that identified effect with the proposed condition(s) which address it;*
- (d) Identifies how the condition(s) establishes a clear 'environmental bottom line' or performance standard in relation to the effect; and*
- (e) Addresses any further relevant analysis to support its 'outcomes-based effects management' technique.*

- 3 We wish to acknowledge the Panel's careful consideration of the comments in our 9 April 2026 memorandum concerning the potential 'cross over' between requests for information and comments/responses to comments (as recorded in paragraph 9 of Minute 3). NZTA appreciates the opportunity to provide its response to RFI#1 ahead of the comment response period.

- 4 This memorandum provides:

- 4.1 Clarification regarding NZTA's 'no Condition 1' approach for NWRT;
- 4.2 Comments on the legality and appropriateness of the 'no Condition 1' approach in response to Minute 3;
- 4.3 Comments on NZTA's approach to specific conditions and management plan conditions in response to Minute 3; and
- 4.4 NZTA's assessment in response to RFI#1.

What is the 'no Condition 1' approach?

- 5 Minute 3 records the Panel's understanding that NZTA's proposal to not include a 'traditional Condition 1' means NZTA is not proposing a condition of the sort featured in the Supporting Growth Alliance

(SGA) notices of requirement.¹ That understanding is not quite correct.

- 6 In our experience, a 'traditional Condition 1' requires a project to be undertaken either "in accordance" or "in general accordance" with listed application documentation. The listed documentation is often extensive, including the assessment of environmental effects, technical reports, drawings and plans, responses to further information, etc.
- 7 We consider the SGA condition set out in Minute 3² is a 'hybrid' model because it requires a project to be undertaken in general accordance with certain information that sits in the conditions, rather than an extensive suite of application documentation that is external to the conditions. In our view, the SGA condition sits between a traditional Condition 1 and the approach proposed by NZTA for NWRT.

The 'no Condition 1' approach is lawful

- 8 NZTA's legal submissions lodged with the Application address the legality of the 'no Condition 1' approach, and are not repeated here.³ We acknowledge Minute 3 confirms the approach is lawful.⁴

The 'no Condition 1' approach is appropriate for NWRT

- 9 We agree with the Panel's statement in Minute 3 that "*[w]hile lawful, the absence of the traditional Condition 1 may not always be appropriate*".⁵
- 10 We also agree that, to establish the appropriateness of the 'no Condition 1' approach, NZTA needs to demonstrate that "*outcomes-based effects management that will appropriately mitigate the Project's effects regardless of design amendments and without the need to refer to specific supporting Application documents*".⁶ We return to this point later in this memorandum under the heading 'NZTA's response to RFI#1'.
- 11 And, we agree in part that a 'no Condition 1' approach may be inappropriate "*when the receiving environment is highly sensitive to changes or variations in the final built form*" – but only if those

¹ Minute 3, paragraph 1.

² The condition reads: (a) Except as provided for in the conditions below, and subject to final design and Outline Plan(s), works within the designation shall be undertaken in general accordance with the Project description and concept plan in Schedule 1. (b) Where there is inconsistency between: (i) the Project description and concept plan in Schedule 1 and the requirements of the following conditions, the conditions shall prevail; (ii) the Project description and concept plan in Schedule 1, and the management plans under the conditions of the designation, the requirements of the management plans shall prevail.

³ NZTA's legal submissions, dated 15 December 2025, at [115]-[120].

⁴ Minute 3, paragraph 4.

⁵ Minute 3, paragraph 4.

⁶ Minute 3, paragraph 5, referring to NZTA's legal submissions at [124].

changes/variations result in effects that cannot be managed through conditions.⁷

- 12 However, we respectfully disagree with the Panel's statement that the NWR's receiving environment (which the Panel appropriately defines as "*a highly populated 'brownfields' urban environment*") is such a "*highly sensitive*" environment.⁸
- 13 In our submission, the Project's receiving environment is not "*highly sensitive*" to changes to the Project's design for the following reasons:
 - 13.1 The Project will be located immediately adjacent to, and in several areas within, the existing SH16 transport corridor and arterial local road corridors. There are also other notable network utility features along the route, including transmission pylons and power lines between Te Atatū and Transpower's Henderson Substation. The Project will be consistent with the infrastructure-dominated character of this environment regardless of the final design.
 - 13.2 As explained in the Landscape and Visual Assessment, in most cases, the Project will form an additional component adjacent to the SH16 corridor and will be barely discernible from, or seen as complementary to, the existing transport infrastructure.⁹ Bridges will create localised visual amenity impacts.¹⁰
 - 13.3 Noting the features and considerations addressed above, the location of the Project in a highly modified urban environment means the receiving environment can be considered to have *low* sensitivity to most design changes. In this environment, many of the Project's effects are of a nature that is either already experienced or expected in a developed but growing urban environment, or both. Potential effects have, nevertheless, been assessed with care, and the design philosophy for the Project, mitigation measures and condition requirements will ensure those effects are appropriately managed.
 - 13.4 Minute 3 notes the Project will be located in a "*highly populated*" urban environment. We agree (in a New Zealand context at least). It is not however clear why the Panel considers the density of population would make the receiving environment "*highly sensitive*". If the Panel's comment relates

⁷ Minute 3, paragraph 4.

⁸ Minute 3, paragraph 4.

⁹ Attachment 6.17 - Landscape and Visual Assessment, dated 15 December 2025 (*Landscape and Visual Assessment*), at 4.2.2.2.

¹⁰ Landscape and Visual Assessment, at 4.3.1, 4.4.1 and 4.4.2.

to the large number of potential receivers (ie neighbouring landowners and occupiers), then in our submission a high number of potential receivers does not mean the environment is “*highly sensitive*” or the changes that those receivers might experience will result in high adverse effects. Changes are not, of themselves, adverse effects.¹¹ Further, the urban environment surrounding the Project Area is developing (in accordance with intensification enabled in the AUP) and change is anticipated in this context.

13.5 Based on NZTA’s broad experience and our project-specific consultation to date, the effects that are most relevant for the Project’s neighbours are:

- (a) *Construction noise/vibration and traffic effects*: which will be managed through standard best-practice measures. These measures are applied with little variation to large infrastructure projects, regardless of design details.
- (b) *Operational noise*: which is a minimal issue for this Project (compared to NZTA projects that deliver entirely new transport corridors) because the busway and stations will not add to the noise levels currently experienced by receivers. Regardless, NZTA’s proposed conditions have been designed to ensure all receivers will have a noise environment with the Project in place that is the same or similar to the existing noise environment (and, in some cases, improved).

14 We agree with the Panel that a project’s receiving environment may be a relevant consideration when developing appropriate conditions. For the NWRT, that environment is highly modified and we consider the evidence before the Panel confirms that it is not sensitive to the design of the Project (noting some specific features are addressed in NZTA’s proposed conditions).

15 As set out in paragraph 10 above and further addressed below, we submit the correct test for the appropriateness of the ‘no Condition 1’ approach is whether the conditions will appropriately mitigate the Project’s effects regardless of design amendments and without the need to refer to specific supporting Application documents.

NZTA’s approach to specific conditions and management plan conditions

16 Minute 3 notes that NZTA’s proposed conditions “*are a combination of quite specific conditions addressing an identified issue or effect ...*”

¹¹ *Yaldhurst Quarries Joint Action Inc v Christchurch City Council* [2017] NZEnvC 165, at [116]. See also the National Policy Statement on Urban Development 2020, Policy 6(b)(ii).

and general conditions requiring management plans which provide a 'catch all' mechanism for effects management".¹²

- 17 The Panel is correct that the proposed conditions are a "combination" approach. Some conditions are more specific because they address features or mitigation approaches that are specific to this Project (eg outstanding natural features). Other conditions are more general because they mitigate effects that are well-understood and are appropriately addressed through management plan approaches that are common for large infrastructure projects (eg noise and vibration). In our submission, this combination of condition types represents a responsible, reasonable and pragmatic approach to managing effects in the circumstances of this Project.
- 18 NZTA considers its proposed conditions identify the outcomes to be achieved (the 'what') for all effects management. Management plan conditions are only proposed where it will be necessary to detail the actions to be taken to achieve those outcomes (the 'how') once the final design and/or construction methodology is known.
- 19 Finally, we consider it is important for the Panel to keep in mind during its consideration of the Application that the effects of this Project are very limited (either pre- or post-mitigation), particularly in the context of the scale of the infrastructure and benefits that will be delivered. Many of the Project's effects that require mitigation will be addressed using familiar and tested measures (including those measures addressing erosion and sediment control, construction noise and vibration, construction traffic and contaminated land). Effects on natural values are very limited given the highly modified nature of the existing environment.

NZTA's response to RFI #1

- 20 The table in **Appendix A** to these legal submissions responds to RFI#1 by setting out:
- 20.1 *Column 1:* how assessment of each potential effect of the Project supports the 'no Condition 1' approach. The assessment addressed:
- (a) The effects of the Indicative Design;¹³
 - (b) The effects of potential changes to the Indicative Design within the Project Area (ie sensitivity testing); and
- 20.2 *Column 2:* how NZTA's proposed designation and consent conditions secure the 'envelope of effects' that has been assessed, and how the recommended management measures

¹² Minute 3, paragraph 5.

¹³ The Indicative Design of the Project within the Project Area as shown in the Indicative Design drawings in Part 6 that will be confirmed during detailed design.

for each potential effect respond appropriately to those effects; and

20.3 *Column 3*: any further relevant analysis to support NZTA's approach.

- 21 We consider Column 1 addresses paragraph 7(a) and (b) of Minute 3, Column 2 addresses paragraph 7(c) and (d) and Column 3 addresses paragraph 7(e).
- 22 We note NZTA's assessment of effects does not adopt a 'worst case' scenario in all cases (in particular, where such a scenario would be unrealistic). Where a 'worst case' scenario has not been adopted for assessment purposes, NZTA's approach has been to ensure that the 'envelope of effects' assessed for the Project is 'locked in' via conditions. For example, the proposed designation conditions relating to flooding.¹⁴
- 23 The Panel has commented that the risks of not including a traditional Condition 1 are that "*what is ultimately delivered is not what was proposed, and not what the effects assessment was predicated on*".¹⁵
- 24 In our submission, those risks are low in this case.
- 25 In relation to what is delivered, at its core the Project primarily comprises a busway, station infrastructure and local connections. That is what has been designed, and assessed, and it is what will be delivered, in accordance with the scope of the application and the conditions.
- 26 In relation to the effects of the Project, we consider the proposed conditions contain proven and effective measures to ensure the effects remain within the 'envelope' that has been assessed.
- 27 Because a traditional Condition 1 relies on documentation that sits outside the conditions, it is inherently unclear what is required to comply with that condition, particularly when the application documentation is expressly indicative and subject to change. This point raises both design flexibility concerns for NZTA and a challenge for Council compliance officers needing to review extensive documentation to determine compliance. Both matters would be particularly material for this Project given it is anticipated to be delivered over a 20-year period.
- 28 Accordingly, if the Panel has any specific concerns about NZTA's analysis in Appendix A, 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.

¹⁴ Designation Conditions 8-9.

¹⁵ Minute 3, paragraph 3.

CONCLUSION

- 29 NZTA's 'no Condition 1' approach has significant advantages. It will allow the final design and construction methodology for the Project to respond appropriately to the environment that exists at the time of construction and to adopt advances in technology and construction techniques. It will also provide opportunity for innovation and cost savings for the Crown, while ensuring effects management outcomes are not threatened. Accordingly, in our submission, the approach aligns with the purpose of the Fast-track Approvals Act 2024 by enabling the Project benefits attested to in the application material without imposing conditions that are "*more onerous than necessary*".¹⁶
- 30 To be clear, NZTA is not seeking flexibility in environmental outcomes. Those are not mobile. In our submission, the analysis in Appendix A demonstrates that NZTA has proposed outcomes-based conditions that will ensure effects on the environment will be appropriately avoided, remedied or mitigated regardless of the Project's final design and construction methodology.

Dated 19 May 2026



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¹⁶ Fast-track Approvals Act 2024, s83.

APPENDIX A:

ANALYSIS OF EFFECTS ASSESSMENT AND PROPOSED CONDITIONS TO SUPPORT THE 'NO CONDITION 1' APPROACH

The following table sets out:

- *Column 1:* how assessment of each potential effect of the Project supports the 'no Condition 1' approach. The assessment addressed:
 - The effects of the Indicative Design;
 - The effects of potential changes to the Indicative Design within the Project Area (ie sensitivity testing); and
- *Column 2:* how NZTA's proposed designation and consent conditions secure the 'envelope of effects' that has been assessed, and how the recommended management measures for each potential effect respond appropriately to those effects; and
- *Column 3:* any further relevant analysis to support NZTA's approach.


We consider Column 1 addresses paragraph 7(a) and (b) of the Panel's Minute 3, Column 2 addresses paragraph 7(c) and (d) and Column 3 addresses paragraph 7(e).

In addition to the 'no Condition 1' approach, NZTA's proposed conditions have also been informed by the legal principles addressed in [Part 1 – Legal Submissions](#), including the requirements in the Fast-track Approvals Act 2024 (FTAA) to ensure conditions are "no more onerous than necessary to address the reason for which those conditions are set" and take into account and give the "greatest weight" to the purpose of the FTAA.¹

Capitalised terms within this document are defined in [Part 4 – RMA 1991 Approvals](#).

Assessment of effects	Conditions	Further relevant analysis
Archaeology		
<p>The Assessment of Archaeological Effects (<i>Archaeology Assessment</i>) addresses the actual and potential archaeological effects arising from the Indicative Design, as well as potential amendments to the Indicative Design within the Project Area.²</p> <p>The Archaeology Assessment is based on a 'worst case' scenario as it assumes that all known and unknown archaeological sites within public and Crown land within the Project Area will be destroyed (meaning it does not assume that impacts will be limited to the Indicative Design).³</p> <p>Overall, the Archaeology Assessment concludes that, with the recommended mitigation and management measures, the Project will likely have less than minor effects on archaeological values.⁴</p>	<p>The 'envelope of effects' assessed and the recommended management measures set out in the Archaeology Assessment are secured by:</p> <ul style="list-style-type: none"> • The scope of the archaeological authorities, which is limited to public and Crown land;⁵ • The Project Area boundary, particularly because the Proposed Designation was modified to exclude two known archaeological sites;⁶ and • The Proposed Archaeological Authority Conditions, in particular:⁷ <ul style="list-style-type: none"> ○ Conditions 1 – 4: require preparation and implementation of an Archaeological Management Plan that, among other things, will include archaeological monitoring areas where there is a material risk of encountering an archaeological site and archaeological mitigation measures to apply in the event an archaeological site is encountered; ○ Condition 9: requires any archaeological site encountered to be investigated, recorded and analysed in accordance with the certified Archaeological Management Plan; and ○ Conditions 14 and 15: requiring interim and final reports to be provided to Heritage New Zealand Pouhere Taonga following the completion of any on-site archaeological work. 	<p>NZTA considers the 'no Condition 1' approach is appropriate for the archaeological authorities because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature, or greater in scale, than the effects of the 'worst case' scenario assessed in the Archaeology Assessment; and • The management approach set out in the Proposed Archaeological Authority Conditions will appropriately mitigate the Project's effects regardless of design amendments. <p>Further, Heritage New Zealand Pouhere Taonga's s51(2)(d) FTAA report recommends that the archaeological authorities are granted subject to only minor amendments to NZTA's proposed conditions (which NZTA intends to address in its response to comments).</p>

Assessment of effects	Conditions	Further relevant analysis
Built Heritage		
<p>The Assessment of Built Heritage Effects (<i>Built Heritage Assessment</i>) addresses the actual and potential built heritage effects arising from the Indicative Design, as well as potential amendments to the Indicative Design within the Proposed Designation.⁸ It identifies all built heritage within and in proximity to the Proposed Designation boundary.⁹</p> <p>The Built Heritage Assessment is based on a 'worst case' scenario as it assumes demolition of all buildings within the Proposed Designation.¹⁰ Based on that scenario, the Built Heritage Assessment concludes that the unmitigated effects of the Project will range from negligible to significant (for the Point Chevalier town centre).</p> <p>While the Built Heritage expert has identified that the buildings adjacent to the scheduled Ambassador Theatre collectively have built heritage value in the Point Chevalier town centre, importantly, the demolition of these adjacent buildings is a permitted activity under the Auckland Unitary Plan (<i>AUP</i>).</p> <p>The Built Heritage Assessment provides sensitivity testing of the Indicative Design.¹¹ It states that vertical changes to the Indicative Design would not increase the assessed historic heritage effects. A horizontal change to the Indicative Design that avoids the demolition of heritage buildings would substantially reduce the effects on built heritage from the Project. For example, if the Ambassador Theatre and adjacent buildings of heritage value at Point Chevalier town centre were retained in whole or part, the Project's effects would reduce from significant to low.¹²</p>	<p>The 'envelope of effects' assessed and the recommended management measures set out in the Built Heritage Assessment are secured by:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary (which intentionally does not include the following items scheduled in the AUP: <ul style="list-style-type: none"> ○ the former ASB building at Point Chevalier; and ○ the "gateway" at Western Springs Gardens near the former Chamberlain Park Clubhouse); and • The following Proposed Designation Conditions: <ul style="list-style-type: none"> ○ Condition 21: establishes a hierarchy of mitigation measures by first requiring the original building footprint of the Ambassador Theatre and adjacent heritage buildings at Point Chevalier town centre to be retained if practicable. If that is not practicable, building surveys are to be undertaken to identify what parts of the buildings are reasonably practicable to retain. If the buildings cannot practicably be retained in full or in part, archival documentation and recording will be undertaken before demolition and interpretative material will be installed at the NWRT Point Chevalier Station. The Outline Plan will demonstrate how this hierarchy has been applied; ○ Condition 22: establishes a hierarchy of mitigation measures by first requiring the former Chamberlain Park Clubhouse to be retained to the extent practicable. If this is not practicable, archival documentation and recording will occur and interpretive material will be installed at the NWRT Western Springs Station. The Outline Plan will demonstrate how this hierarchy has been applied; 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to built heritage effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature, or greater in scale, than the effects of the 'worst case' scenario assessed in the Built Heritage Assessment; • While Proposed Designation Conditions 21 and 22 do not secure a particular outcome for the relevant heritage buildings (for the practical reasons set out Section 5.1.2 of Part 4 – RMA 1991 Approvals), they ensure the final outcome will have the same, or more likely less, effects than the 'worst case' scenario assessed in the Built Heritage Assessment; and • The management approach set out in Conditions 18, 19(c)(xii) and 23 will appropriately mitigate the Project's other effects on built heritage regardless of design amendments.

Assessment of effects	Conditions	Further relevant analysis
	<ul style="list-style-type: none"> ○ Conditions 18 and 19(c)(xii): apply more stringent vibration standards to buildings identified as Particularly Vibration Sensitive (defined as the former ASB Building and the Ambassador Theatre (if retained)); and ○ Condition 23: a Built Heritage Construction Management Plan will be prepared and implemented to protect retained heritage buildings from damage during construction. 	
Community¹³		
<i>Parks, open spaces and community facilities</i>		
<p>Section 7.2 of Part 4 – RMA 1991 Approvals assesses the actual and potential effects of the Indicative Design on parks, open spaces and community facilities. This assessment is not based on a ‘worst case’ scenario in all cases, and is instead based on the Indicative Design and realistic design changes in some cases, as follows:</p> <ul style="list-style-type: none"> • For stormwater reserves that are fully located within the Proposed Designation,¹⁴ the assessment assumes that majority of works within the reserve will be for construction and operation of stormwater management only; • For the Mānutewhau walkway reserve, the assessment assumes that works will be limited to reconstruction or shifting of the pedestrian footpath; • For some reserves,¹⁵ the assessment assumes there will be effects during construction works, but no operational effects; • For the esplanade reserves on each side of Wai-o-Pareira/Henderson Creek, the assessment assumes a bridge structure will be constructed; 	<p>The ‘envelope of effects’ assessed in Section 7.2 of Part 4 – RMA 1991 Approvals is secured by:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary: <ul style="list-style-type: none"> ○ For example, in many locations the Proposed Designation ‘bulges out’ to accommodate specific ancillary activities such as stormwater management, construction areas or active mode works. Due to the geometric requirements for the busway, it will not (for example) be able to run through the middle of these reserves (see example below of the Stormwater Basin Reserve at 26 Westgate Drive). The Proposed Designation boundary does not provide for such shifts in the alignment to permanently impact a greater extent of these reserves; 	<p>NZTA considers the ‘no Condition 1’ approach is appropriate in relation to community effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different, or greater in scale, than the ‘envelope of effects’ assessed in Section 7 of Part 4 – RMA 1991 Approvals; • The landowner approval process with Auckland Council will ensure temporary effects of construction works in parks and open spaces will be appropriately mitigated regardless of design amendments; and • Any permanent effects will be minimal given the ‘envelope of effects’ that has been secured.

Assessment of effects	Conditions	Further relevant analysis
<ul style="list-style-type: none"> For McCormick Green reserve, the assessment is based on a 'worst case' scenario being permanent, total loss of the reserve; For Ōrangihina reserve, the assessment is based on a 'worst case' scenario being permanent works on the outer edge and in the small part of the reserve within the Proposed Designation immediately adjacent to the SH16 on ramp; For Western Springs Gardens, the assessment is based on a 'worst case' scenario being permanent loss of the two community halls and a portion of the reserve being required for the permanent occupation of the busway; and For Arch Hill Scenic Reserve, the assessment is based on the balance of designated land being returned to a park like state following construction. However, the author of Section 7.2, Ms Helen Hicks, has advised that the assessment of a 'worst case' scenario (being of permanent works within the entirety of the part of Arch Hill Scenic Reserve in the Proposed Designation) would not change the conclusions. 	<ul style="list-style-type: none"> The Proposed Designation at Arch Hill Scenic Reserve also does not provide for a significant shift in the busway alignment. The Proposed Designation has been carefully considered in this location in consultation with NZTA's Iwi Project partners (in particular Te Ākitai Waiohū and Ngāti Whātua Ōrākei). In any event, NZTA is intrinsically motivated to position the busway as close as possible to SH16 (and minimise intrusion into the Arch Hill Scenic Reserve) as a wider gap between the two assets will increase maintenance burden; and Proposed Consent Condition 21: requires a bridge to be constructed at Wai-o-Pareira/Henderson Creek. <p>NZTA is not proposing conditions to address the effects of the Project on parks, open spaces and community facilities as they are either not needed or will be appropriately managed through other mechanisms:</p> <ul style="list-style-type: none"> Temporary effects: NZTA will require landowner approval from Auckland Council in order to undertake construction works in parks and open spaces. This process will enable Council to impose requirements relating to management of access during construction and remediation of the park/open space following construction. There is no reasonable basis for conditions to duplicate that existing process (which is entirely subject to the Council's discretion). Permanent effects: NZTA considers the potential effects of the Indicative Design and any realistic design changes will be minimal, and that the 'envelope of effects' is secured as set out above. Council will be compensated for any land acquired permanently in accordance with the PWA, and is free to apply the funds from those acquisitions to community facilities at its discretion. 	

Assessment of effects	Conditions	Further relevant analysis
Northwest Shared Path		
<p>Section 7.5.1 of Part 4 – RMA 1991 Approvals assesses the effects of the Project on the Northwest Shared Path. It assumes:</p> <ul style="list-style-type: none"> • There will necessarily be some temporary diversions to the Northwest Shared Path during construction works; and • The Northwest Shared Path will be relocated in some sections, but will not otherwise be permanently affected. 	<p>The 'envelope of effects' assessed in Section 7.5.1 of Part 4 – RMA 1991 Approvals is secured by:</p> <ul style="list-style-type: none"> • The Project scope, which includes relocation of the Northwest Shared Path (a NZTA asset) where required; and • Proposed Designation Conditions 16(b)(vi): requires the CTMP to include "[m]easures to maintain the function of the existing Shared User Path to a reasonable level of service, to the extent that is reasonably practicable, and where this is not practicable, provide safe detour routes that provide a reasonable level of service". 	<p>As above.</p>
Navigation of the Huruhuru and Henderson Creeks		
<p>Section 7.6 of Part 4 – RMA 1991 Approvals assesses the effects of the Project on navigation of the Huruhuru and Henderson Creeks in the Coastal Marine Area. It does not provide sensitivity testing.</p>	<p>The 'envelope of effects' assessed in Section 7.6 of Part 4 – RMA 1991 Approvals is secured by:</p> <ul style="list-style-type: none"> • Proposed Consent Condition 20: requires a Coastal Construction Management Plan to be prepared and implemented, which will (among other things) include methods to ensure a safe navigation channel where practicable past the works site, and to communicate periods when navigation will be restricted; and • Proposed Consent Condition 21: requires the bridges at Wai-o-Pareira / Henderson Creek and Huruhuru Creek to be constructed to a height equivalent to the adjacent SH16 bridges to maintain safe navigation. 	<p>As above.</p>

Assessment of effects	Conditions	Further relevant analysis
Contaminated Land		
<p>The Contaminated Land Preliminary Site Investigation (PSI) assesses whether soils within and adjacent to the Proposed Designation have been subject to contaminating or potentially contaminating activities, identifies contaminants of concern and the risks those contaminants may pose to human health and the environment during construction of the Project.¹⁶</p> <p>The PSI is based on a 'worst case' scenario as it considers the potential for contaminated soils within, and within 50 metres of the Proposed Designation, and is not limited to areas impacted by the Indicative Design.¹⁷</p> <p>The PSI identifies that there is the potential for contaminated soils to be encountered during construction of the Project. Nevertheless, it concludes (based on the types of contaminants that might be encountered) that any contaminated land effects on human health and the environment can be managed through standard management measures.¹⁸</p>	<p>The 'envelope of effects' assessed and recommended management measures set out in the PSI are secured by:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary (because the PSI has considered the potential for contaminated soils within and near the Proposed Designation); • The following Proposed Consent Conditions: <ul style="list-style-type: none"> ○ Condition 7(a): requires a Detailed Site Investigation to be undertaken to confirm the likely presence of contaminated soils; and ○ Conditions 7(b) to (d): require standard contaminated soils management measures to be implemented in areas where contaminated soils are likely to be present. The Contaminated Soils Management Plan, and if required Remedial Action Plan, will need to be certified by Council (Condition 3). 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to contaminated land effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature, or greater in scale, than the 'envelope of effects' assessed in the PSI; and • The Proposed Consent Conditions will ensure standard management measures will be implemented, and those measures will appropriately mitigate potential effects regardless of the final design.
Cultural values		
<p>As identified in Section 16 of Part 4 – RMA 1991 Approvals, only iwi/hapū can speak to the impact that the Project may have on their cultural values, heritage and aspirations.</p> <p>Te Kawerau ā Maki, Ngāti Whātua Ōrākei and Te Ākitai Waiohū are Iwi Project Partners and have been involved throughout the development of the Project as described in Part 2 – The Project. Representatives from the Iwi Project Partners formed the Project's Iwi Working Group (IWG), and in September 2025 Ngāti Whātua o Kaipara joined the IWG hui. Engagement with the Iwi Project Partners will continue through to the Project's implementation. The presentation of Mervyn Kerehoma of Ngāti Whātua Ōrākei at the Project Overview Conference demonstrated that NZTA's engagement with iwi/hapū has been genuine, ongoing and effective.</p> <p>To reflect this engagement, NZTA has proposed designation, consent and archaeological authority conditions that provide for the ongoing involvement of iwi during the Project design and construction (designation conditions 5 – 7, consent condition 4, and archaeological authority conditions 7 and 10-13).</p> <p>Other conditions also address matters raised in hui, including designation conditions 24 and 25 (addressing outstanding natural features), designation condition 26 (addressing the retention of mature, native vegetation where practicable and use of eco-sourced native vegetation for landscape planting) and consent condition 8 (addressing treatment of stormwater from impervious surfaces).</p>		

Assessment of effects	Conditions	Further relevant analysis
Ecology		
Streams		
<p>The Freshwater Ecology Assessment¹⁹ assesses the actual and potential effects of the Project on freshwater ecological values based on the following 'envelope of effects':</p> <ul style="list-style-type: none"> • It assesses effects on all ten perennial and intermittent watercourses that are intersected by the Proposed Designation, and is not limited to the seven streams that are intersected by the Indicative Design;²⁰ • It assesses effects on streams that might arise from bridging, culverting and pipe extensions, loss of riparian vegetation, short-term water quality effects, temporary disturbance from machinery and access, stormwater discharge effects, and changes in hydrology and flow regime;²¹ • It does not assess reclamation or permanent diversion of streams, as no such works are proposed; and • It assumes bridges will have no instream piers or structures within the wetted channel of the streams.²² <p>The Freshwater Ecology Assessment provides sensitivity testing.²³ It concludes that shifting the locations of bridges and culverts/pipe extensions would not introduce new freshwater ecology effects or increase their significance (including if a design change resulted in works being undertaken in the streams not intersected by the Indicative Design). It also concludes that the freshwater ecology effects of the Project can be managed in a scalable way, so the management measures will remain proportionate to the effects regardless of the final design. It does not identify any streams or works that should be avoided to appropriately manage the freshwater effects of the Project.</p>	<p>The 'envelope of effects' assessed in the Freshwater Ecology Assessment is secured by:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary; • The scope of the resource consents sought: NZTA intends to update the Proposed Consent Conditions to make it clear that the consents do not authorise permanent diversion or reclamation of any perennial or intermittent watercourse. With that change, Condition 11 relating to Totara Creek will be deleted as it will be obsolete. This amendment will be contained in the updated consent conditions that NZTA will lodge with its response to comments; and • The typical span of a bridge is 30-35m. Therefore, given the very small width of the streams within the Proposed Designation, it will not be necessary for the bridges to have any piers in the stream beds. <p>The recommended management measures set out in the Freshwater Ecology Assessment are secured by:</p> <ul style="list-style-type: none"> • The following Proposed Consent Conditions: <ul style="list-style-type: none"> ○ Condition 5: requires standard erosion and sediment control measures; ○ Condition 13: requires fish passage in all new culverts unless unnecessary or impracticable; ○ Condition 15(a) and (b): requires riparian vegetation to be replaced (at a 1:1 ratio); ○ Condition 15(c) and (d): requires riparian planting to be undertaken (at a 1:1.5 ratio, by length) to address the impacts of culverting and stormwater outfalls; 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to freshwater ecology effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature, or greater in scale, than the 'envelope of effects' assessed in the Freshwater Ecology Assessment; and • The Proposed Consent Conditions require management measures to be implemented in a manner that will appropriately mitigate potential effects regardless of the final design.

Assessment of effects	Conditions	Further relevant analysis
<p><i>Note:</i> The Henderson and Huruhuru Creeks are located in the Coastal Marine Area and therefore not assessed in the Freshwater Ecology Assessment. Please refer to the marine ecology topic below.</p>	<ul style="list-style-type: none"> ○ Condition 17: requires fish and kākahi salvage and relocation prior to dewatering or diversion works; and • Standard construction protocols will ensure fuels, oils and hazardous substances are stored and handled safely and wet concrete is contained.²⁴ 	
<p>Wetlands</p>		
<p>As identified in Section 1.2 of Part 4 – RMA Approvals 1991, NZTA is not seeking consents under regulation 45 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW). Accordingly, the Project before the Panel will have no impacts on wetlands. If the detailed design for the Project necessitates works that would require consent under regulation 45, the necessary consents would be sought at that time. 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. This amendment will be contained in the updated consent conditions that NZTA will lodge with its response to comments.</p>		
<p>Terrestrial vegetation</p>		
<p>The Terrestrial Vegetation Ecology Assessment²⁵ (<i>Terrestrial Vegetation Assessment</i>) assesses the actual and potential effects of the Project on terrestrial indigenous vegetation within the scope²⁶ of the assessment.</p> <p>In the first instance, the assessment is based on the likely extent of vegetation loss associated with the Indicative Design.²⁷ The assessment then provides sensitivity testing for changes in design that result in:²⁸</p> <ul style="list-style-type: none"> • <i>Indigenous vegetation removal in other locations within the Proposed Design:</i> The assessment concludes that the effects would remain similar as there are no areas of higher value indigenous vegetation within the Proposed Design; and • <i>Increased scale of indigenous vegetation removal:</i> The assessment concludes the effects could move up or down. However, a larger scale of loss would be 	<p>The 'envelope of effects' assessed and the recommended management measures set out in the Terrestrial Vegetation Assessment are secured by:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary; and • The following conditions: <ul style="list-style-type: none"> ○ Proposed Consent Condition 14: requires replacement planting for vegetation removed for temporary construction and permanent works from significant ecological areas, a coastal margin or riparian margin; and ○ Proposed Designation Condition 26A: requires replacement planting for vegetation removed for temporary construction and permanent works from Arch Hill Scenic Reserve. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to terrestrial vegetation ecology effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature than those effects assessed in the Terrestrial Vegetation Ecology Assessment; and • Even if the scale of indigenous vegetation removal increased, the Proposed Consent Conditions and Proposed Designation Conditions require scalable management measures to be implemented so that potential effects will be mitigated in a proportionate manner regardless of the final design.

Assessment of effects	Conditions	Further relevant analysis
appropriately managed through the recommended scalable effects management approach.		
Marine		
<p>The Assessment of Ecological Effects (<i>Ecology Assessment</i>)²⁹ assesses the actual and potential effects of the Project on marine ecological values based on the following 'envelope of effects':</p> <ul style="list-style-type: none"> • It assesses effects on both marine locations where works are proposed: Huruuru Creek and Henderson Creek;³⁰ • It assesses construction and operational effects on the marine environment that might result from bridging. It assumes the Henderson Creek bridge will have piles in the channel;³¹ and • It does not assess reclamation of the coastal marine area, as no such works are proposed. <p>The Ecology Assessment does not recommend any specific mitigation as all potential effects of the Project are assessed as Very Low.</p>	<p>For marine ecology, the 'envelope of effects' assessed in the Ecology Assessment are secured by:</p> <ul style="list-style-type: none"> • The extent of area for the coastal permits shown in Schedule A to the Proposed Consent Conditions, which is highly confined and (along with the adjacent Proposed Designation) does not allow for material changes in the busway alignment; and • The following Proposed Consent Conditions: <ul style="list-style-type: none"> ○ Condition 21: requires permanent bridge crossings of Wai-o-Pareira/Henderson Creek and Huruuru Creek. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to marine ecology effects because there is no risk that changes to the Indicative Design would result in effects that are different in nature, or greater in scale, than the 'envelope of effects' assessed in the Ecology Assessment.</p>

Assessment of effects	Conditions	Further relevant analysis
Bats		
<p>The Ecology Assessment addresses the actual and potential ecological effects on long-tailed bats arising from the Indicative Design.³²</p> <p>The assessment in relation to long-tailed bats is limited to the part of the Project Area in the vicinity of the Tōtara Creek/Brigham Creek station where there was considered to be potential for bats to be present based on previous records (noting site investigations for the Project did not record any bats).³³</p> <p>The Indicative Design will impact a stand of mature pine trees within the areas identified as 'suitable bat habitat' along the riparian margins of Tōtara Creek. Without mitigation, the removal of potential roosts would result in moderate effects.³⁴ The Ecology Assessment recommends the implementation of Bat Roost Protocols for removal of any potential roosting trees.³⁵</p> <p>The Ecology Assessment provides sensitivity testing of the Indicative Design. It states that additional impacts on the 'suitable bat habitat areas' along the riparian margins of Tōtara Creek may require further management measures.³⁶</p>	<p>The 'envelope of effects' assessed and the recommended management measures set out in the Ecology Assessment for long-tailed bats are secured by:</p> <ul style="list-style-type: none"> • Proposed Consent Condition 18: requires the Bat Roost Protocols to be applied prior to the removal of trees that may be used as bat roosts within the area shown in Schedule E. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to long-tailed bat ecology effects because:</p> <ul style="list-style-type: none"> • 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; • 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; • Regardless, Proposed Consent Condition 18 requires the Bat Roost Protocols to be applied within the area shown in Schedule E; and • 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).
Native Birds		
<p>The Ecology Assessment addresses the actual and potential ecological effects on native birds arising from the Indicative Design. The key potential effect of the Project is the killing or injuring of individuals, or the disturbance of their nests during vegetation removal. However, such effects are prohibited under the Wildlife Act 1953 without a wildlife permit.</p>	<p>The 'envelope of effects' assessed and the recommended management measures set out in the Ecology Assessment in relation to native birds are secured by:</p> <ul style="list-style-type: none"> • Proposed Consent Condition 16: applies if vegetation clearance is undertaken during the native bird nesting season, and requires native bird nesting surveys and, if active nests are found, setbacks to be established. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to native bird ecology effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature than

Assessment of effects	Conditions	Further relevant analysis
<p>To avoid impacts on nesting birds, the Ecology Assessment recommends avoiding vegetation removal during nesting season, or otherwise undertaking pre-clearance nest checks in relative locations.³⁷</p> <p>The Ecology Assessment provides sensitivity testing of the Indicative Design. It does not identify any changes to the Indicative Design that have the potential to change or increase effects on native birds.³⁸</p>		<p>those effects assessed in the Ecology Assessment; and</p> <ul style="list-style-type: none"> The Proposed Consent Conditions require management measures to be implemented in a manner that will appropriately mitigate potential effects regardless of the final design.
Erosion and sediment control		
<p>The Assessment of Construction Stormwater Effects (Construction Stormwater Assessment)³⁹ addresses the potential effects of earthworks, stream works and coastal works. The assessment is based on the nature of the works required for the Indicative Design.⁴⁰ However, the assessment addresses the risk of elevated sediment yield across the whole of the Project Area.⁴¹</p> <p>The assessment concludes that the Project and scale of earthworks proposed do not present a significant risk or challenge in terms of managing sediment-related effects, and standard controls will appropriately manage effects.⁴² The assessment also concludes that a winter works restriction is not necessary given the Project's low risk nature.⁴³</p> <p>The assessment then provides sensitivity testing for changes to the Indicative Design. It says that changes to the location (within the Proposed Designation), design of or construction methodology for the Project will not fundamentally change the assessment of sediment-related effects. It notes that the relatively narrow Proposed Designation does not allow for a significant expansion of the area that could be exposed to erosion. It concludes that the recommended erosion and sediment control measures are applicable to all likely construction works for the Project within the Project Area.⁴⁴</p>	<p>The 'envelope of effects' assessed and the recommended management measures set out in the Construction Stormwater Assessment are secured by:</p> <ul style="list-style-type: none"> The Proposed Designation boundary and the extent of area for the coastal permits shown in Schedule A to the Proposed Consent Conditions; and The following conditions: <ul style="list-style-type: none"> Condition 5: requires standard erosion and sediment control measures. The recommendations relating to a Chemical Treatment Management Plan and a Pumping Management Plan are addressed in Condition 5(c)(ix) and (x); Condition 6: requires progressive stabilisation; and Condition 20 (for works in the coastal marine area): requires a final construction methodology and methodology for removing temporary platforms and piles and addresses mangrove removal methods and site management. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to construction stormwater effects because:</p> <ul style="list-style-type: none"> There is no risk that changes to the Indicative Design would result in effects that are different in nature than those effects assessed in the Construction Stormwater Assessment; and The Proposed Consent Conditions require standard management measures to be implemented that will appropriately mitigate potential effects regardless of the scale of earthworks required for the final design. No 'upper limit' on the extent of earthworks is therefore required to manage effects. <p>Further, NZTA is intrinsically motivated to minimise earthworks given the significant cost implications of such works, so the final design will look to minimise the import of fill and removal of spoil regardless of conditions.</p>

Assessment of effects	Conditions	Further relevant analysis
Groundwater		
<p>The Groundwater and Settlement Effects Assessment (<i>Groundwater Assessment</i>) addresses the actual and potential groundwater effects arising from the Indicative Design, as well as potential changes to the Indicative Design within the Proposed Designation.⁴⁵</p> <p>There are no groundwater users or surface water bodies in close proximity to areas where substantial excavations could be required for the Project,⁴⁶ so the focus of the Groundwater Assessment is on potential settlement effects.</p> <p>The majority of the Project will be at existing ground level (and NZTA is intrinsically motivated to minimise above-ground structures and below-ground cuts given cost implications). The Indicative Design has only six locations where cuts may interact with groundwater.⁴⁷</p> <p>The Groundwater Assessment is based on a conservative scenario in which groundwater seepage to excavations is not inhibited.⁴⁸ In that scenario, potential settlement effects resulting from the Indicative Design were assessed as less than minor to negligible and therefore no mitigation was recommended. In reality, any larger cuts are likely to incorporate pre-installed secant pile walls or diaphragm walls that will restrict groundwater seepage and drawdown, and therefore potential settlement effects.⁴⁹</p> <p>The Groundwater Assessment provides sensitivity testing for potential changes to the Indicative Design. It concludes that horizontal or vertical shifts to the Indicative Design within the Proposed Designation are unlikely to result in more than minor groundwater effects. Even if the final design included deeper cuts or cuts located closer to the Proposed Designation boundary, secant piling or similar would restrict groundwater seepage and drawdown, and therefore potential settlement effects.⁵⁰</p>	<p>The 'envelope of effects' assessed in the Groundwater Assessment is secured through the Proposed Designation boundary.</p>	<p>NZTA considers imposing a Condition 1 is not necessary to ensure that groundwater effects are minimal regardless of the final design.</p> <p>NZTA does not consider it is necessary or appropriate to impose consent conditions addressing the construction methodology for cuts that have the potential to intercept groundwater (ie to ensure pre-installed secant pile walls or diaphragm walls are incorporated where necessary). The Project will be designed in accordance with normal engineering design principles and standards and subject to independent external review requirements. Accordingly, existing industry processes will ensure the Project does not result in groundwater seepage and drawdown that has the potential to generate settlement effects.</p>

Assessment of effects	Conditions	Further relevant analysis
Landscape and visual effects		
<p>The Landscape and Visual Assessment (LVA)⁵¹ assesses the actual and potential effects of the Indicative Design on landscape character, visual amenity and natural character. Across the Project Area, the construction effects are assessed as low-moderate⁵² and the operational effects are assessed as low.⁵³ The LVA also assesses the landscape character and visual amenity effects of Project components, with the underpasses having very low to low effects, bridges having low to moderate effects, and stations having low effects.⁵⁴</p> <p>The LVA recommends:⁵⁵</p> <ul style="list-style-type: none"> • Normal construction practices, including fencing and screening and confining any lighting to highly localised areas; • The trees that front Great North Road (particularly the pōhutakawa) are retained where practicable; and • The Project implements landscaping as normally carried out as part of major transport infrastructure works. To that end, it recommends a condition requiring NZTA to prepare a landscape plan for each stage of the Project. <p>The LVA provides sensitivity testing for potential changes to the Indicative Design. It acknowledges the Proposed Designation does not allow for large horizontal shifts of the Indicative Design (for example, the stations cannot move from their discrete locations given the width of the Proposed Designation). It focuses on the potential for greater impacts resulting from changes to the vertical alignment (including changing underpasses to bridges/elevated viaducts and raising 'at grade' portions of the alignment). In some limited locations, such changes to the vertical alignment could result in moderate-high adverse effects (at worst). The LVA does not identify any particularly sensitive locations where elevated structures should be avoided. Overall, the LVA</p>	<p>The 'envelope of effects' assessed in the LVA is secured through the Proposed Designation boundary.</p> <p>NZTA does not consider any conditions are required to prevent changes to the vertical alignment. Elevated structures could result in moderate-high adverse effects (at worst). NZTA is intrinsically motivated to minimise elevated structures given the significant cost implications, so the final design will only include elevated structures that are necessary to achieve Project outcomes. Further, there are no management measures that can meaningfully reduce the visibility of elevated structures, and therefore mitigate landscape character or visual amenity effects (with the possible exception of retaining mature trees).</p> <p>In accordance with the LVA recommendation, Proposed Designation Condition 27 requires NZTA to prepare and implement a tree protection methodology for the pōhutakawa that front Great North Road (and some other trees).</p> <p>In relation to the LVA recommendation concerning fencing/screening and lighting, NZTA does not consider conditions are necessary to secure normal construction practices. They will occur without Council regulatory oversight.</p> <p>In relation to the LVA recommendation concerning normal transport infrastructure landscaping, Proposed Designation Condition 26 requires NZTA to (where practicable) retain existing mature native vegetation and undertake landscape planting at stations and batter slopes.</p> <p>NZTA does not consider it necessary or appropriate for conditions to be imposed that require NZTA to consider its own guidance documents. That will occur without Council regulatory oversight.</p>	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to landscape and visual effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are different in nature than those effects assessed in the LVA; and • The Project will have unavoidable adverse effects regardless of the final design, and there are very limited measures to meaningfully mitigate those effects. Even 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. In NZTA's view, imposing conditions in this context would be "<i>more onerous than necessary</i>" and contrary to the purpose of the FTAA.

Assessment of effects	Conditions	Further relevant analysis
<p>concludes that sensitivity testing does not alter the recommendations provided or materially affect the overall conclusions.⁵⁶</p>		
<p>Construction noise and vibration effects</p>		
<p>The Assessment of Construction Noise and Vibration Effects (<i>CNV Assessment</i>) assesses the actual and potential construction noise and vibration effects of the Project using a standard methodology based on construction noise and vibration criteria.⁵⁷</p> <p>The CNV Assessment considers the effects arising from the Indicative Design, as well as sensitivity testing of both vertical and horizontal movements of the Indicative Design.⁵⁸ It concludes that construction noise and vibration effects will be similar to those assessed for the Indicative Design should the final design have a different horizontal or vertical alignment.</p> <p>Regardless of any changes to the Indicative Alignment, the recommended management approach would remain the same. Construction noise and vibration effects will be managed through a Construction Noise and Vibration Management Plan (<i>CNVMP</i>) and, where there is a risk of the construction noise or vibration criteria being exceeded, Schedules to the CNVMP will ensure collaborative management of residual construction noise and vibration effects for specific activities and receiver locations.⁵⁹ This management approach is successfully applied for most, if not all, major infrastructure projects in New Zealand.</p>	<p>The 'envelope of effects' assessed in the CNV Assessment is secured through the Proposed Designation boundary.</p> <p>The recommended management measures set out in the CNV Assessment are secured by the following Proposed Designation Conditions:</p> <ul style="list-style-type: none"> • Conditions 17 and 18: set standard construction noise and vibration criteria to be complied with as far as practicable; • Condition 19: requires a CNVMP to be prepared to identify how the construction noise and vibration criteria will be achieved or otherwise identify the best practicable option to managing construction noise and vibration effects to be implemented; and • Condition 20: requires a Schedule to the CNVMP to be prepared when the construction noise and vibration criteria are predicted or measured to be exceeded. The Schedule will set out additional measures to manage noise and vibration effects, and must be prepared in consultation with affected landowners and occupiers. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to construction noise and vibration effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are materially different in nature than those effects assessed in the CNV Assessment; and • The Proposed Designation Conditions require standard management measures to be implemented that will appropriately mitigate potential effects regardless of the final design.
<p>Operational noise and vibration effects</p>		
<p>The Assessment of Operational Noise and Vibration Effects (<i>ONV Assessment</i>) assesses the actual and potential noise and vibration effects arising from the operation of the Project.</p> <p>The Project is unique in that traffic noise from the busway and station noise will not add to the noise levels currently</p>	<p>The 'envelope of effects' assessed in the ONV Assessment is secured through the Proposed Designation boundary.</p> <p>The recommended management measures set out in the ONV Assessment are secured by the following Proposed Designation Conditions:</p>	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to operational noise and vibration effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in

Assessment of effects	Conditions	Further relevant analysis
<p>experienced by receivers (because busway and station noise is more than 10 decibels lower than baseline SH16 traffic noise).⁶⁰ Further, the Project will not generate any traffic vibration that could be perceived by receivers.⁶¹ As a result, the ONV Assessment is focused on the change in noise levels that might result from implementation of the Project (eg changes resulting from the demolition of some houses).⁶²</p> <p>The ONV Assessment first assesses the Indicative Alignment. In most locations, the noise levels will be the same or similar, and no mitigation will be required. In some locations, implementation of the Project will increase noise levels, so that mitigation (eg relocated or higher noise barriers) will be needed to achieve a noise environment similar to existing at certain receivers. There are a small number of dwellings that will receive noticeable noise level increases (eg due to the removal of houses that currently act as noise barriers) and noise barriers will not be effective. For those dwellings, the ONV Assessment recommends investigating building modification.⁶³</p> <p>The ONV Assessment then provides sensitivity testing of the Indicative Design. Horizontal or vertical alignment changes to the busway within the Proposed Designation would not result in noticeable noise level changes for receivers. If a change to the Indicative Design required other existing noise barriers to be removed, then alternative barriers may need to be investigated at the time of detailed design.⁶⁴</p>	<ul style="list-style-type: none"> • Condition 28: requires a low noise road surface to be used throughout the Project; • Condition 29: requires a SQP to determine the BPO for mitigating noise effects on PPFs; • Condition 36: requires noise barriers to be installed prior to the opening of the Project; • Condition 37: requires those noise barriers to be maintained; and • Conditions 30 – 35: require building modification to be investigated for receivers that experience traffic noise above 67 dB LAeq(24h) and where the Project will increase their noise levels by 1 dB or more. 	<p>effects that are materially different in nature than those effects assessed in the ONV Assessment; and</p> <ul style="list-style-type: none"> • The Proposed Designation Conditions require standard management measures to be implemented that will appropriately mitigate potential effects regardless of the final design.

Assessment of effects	Conditions	Further relevant analysis
Outstanding Natural Features		
<p>Section 15 of Part 4 – RMA 1991 Approvals assesses the actual and potential effects of the Indicative Design on Outstanding Natural Features (ONFs). This assessment is based on the following envelope of effects:</p> <ul style="list-style-type: none"> • <i>Harbour View Pleistocene terraces</i>: The Proposed Designation includes approximately 8900m² of this 770,000m² ONF. The assessment is based on Project works occurring across that small area (eg part of the busway, a fill embankment, etc). The effects are assessed as minor given the limited area impacted.⁶⁵ • <i>Waititiko/Meola Creek</i>: The Proposed Designation includes approximately 1300m² of this 92,180m² ONF. The assessment is based on the ONF being bridged to retain the geological feature, with only one set of piles/piers in the ONF. The effects are assessed as low.⁶⁶ • <i>North-west motorway lava flow</i>: The assessment is based on the Project not impacting the visible cuttings of the basalt features. The effects are assessed as negligible.⁶⁷ 	<p>The 'envelope of effects' assessed in relation to ONFs is secured through:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary; and • The following Proposed Designation Conditions: <ul style="list-style-type: none"> ○ Condition 24: requires a bridge structure to cross the Waititiko/Meola Creek ONF. It does not restrict piers within the ONF; and ○ Condition 25: requires the Project design to minimise impacts on the exposed face of the North-west motorway lava flow ONF. 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to outstanding natural features because:</p> <ul style="list-style-type: none"> • There is minimal risk that changes to the Indicative Design would result in effects that are materially different in nature than those effects assessed in Part 4 – RMA 1991 Approvals; and • The Proposed Designation Conditions require management measures to be implemented that will mitigate potential effects regardless of the final design.
Stormwater and flooding effects		
<p>The Assessment of Stormwater and Flooding Effects (<i>Stormwater and Flooding Assessment</i>)⁶⁸ assesses the effects of the Project in relation to flooding, water quality and stream erosion.</p> <p>The Stormwater and Flooding Assessment adopted a methodology that assessed both effects arising from the Indicative Design, and potential changes to the Indicative Design within the Project Area:</p> <ul style="list-style-type: none"> • For flooding, the assessment considered locations where the Indicative Design would change flood depths by more than 10mm and change the "danger rating."⁶⁹ Based on that information, it set criteria for 	<p>The 'envelope of effects' assessed in the Stormwater and Flooding Assessment is secured by:</p> <ul style="list-style-type: none"> • The Proposed Designation boundary; • Proposed Designation Conditions 8 – 9: which apply the same flood assessment criteria used in the assessment for the Indicative Design to the final design. Importantly, the conditions prevent any increase in Danger Rating, which ensures no buildings will be subject to new floor level flooding as a result of the Project. Within a Danger Rating, any increase in 	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to stormwater and flooding effects because:</p> <ul style="list-style-type: none"> • There is no risk that changes to the Indicative Design would result in effects that are materially different in nature or greater in scale than those effects assessed in the Stormwater and Flooding Assessment; • The Proposed Designation Conditions and Proposed Consent Conditions contain outcomes-based standards that

Assessment of effects	Conditions	Further relevant analysis
<p>assessing flooding effects as 'positive' through to 'high adverse'.⁷⁰ The assessment shows that the Project would reduce flood depths in some locations, with negligible or minor flooding effects in some localised areas.⁷¹</p> <p>Sensitivity analysis was undertaken during the development of the Indicative Design, as well as site-specific sensitivity assessment for the Henderson Catchment.⁷²</p> <ul style="list-style-type: none"> For water quality, the assessment was based on the range of potential treatment devices that could be included in the final design and a range of alternative stormwater discharge locations.⁷³ Sensitivity analysis was also undertaken.⁷⁴ Accordingly, the assessment was not based on the Indicative Design, but a range of reasonable design outcomes. The assessment showed that either not treating stormwater or treating it with any of the options assessed results in effects that range from positive to low.⁷⁵ For stream erosion, the assessment was based on a range of indicative discharge locations. Accordingly, the assessment was not based on the Indicative Design, but a range of reasonable design outcomes. Sensitivity analysis was also undertaken.⁷⁶ The assessment showed the stream channel erosion effects (based on set criteria⁷⁷) would be negligible in all but one location without hydrology mitigation.⁷⁸ 	<p>flooding must be minimal (maximum 50mm or 100mm); and</p> <ul style="list-style-type: none"> Proposed Consent Condition 9: which ensures Project stormwater discharges do not increase downstream stream velocity by more than the set criteria used in the assessment. <p>The recommended management measures set out in the Stormwater and Flooding Assessment⁷⁹ are secured by Proposed Consent Condition 12 which requires scour protection at stormwater outfalls and culvert inlets and outlets.</p> <p>Although the Stormwater and Flooding Assessment does not recommend any particular water quality treatment options,⁸⁰ NZTA has offered Proposed Consent Conditions 8 which requires all stormwater from the Project's impervious surfaces to be treated by a system designed to achieve a minimum of 75% total suspended solids removal.</p>	<p>will be appropriate regardless of the final design; and</p> <ul style="list-style-type: none"> NZTA has offered a condition that secures stormwater treatment to a higher level than is necessary to appropriately manage the water quality effects of the Project.
Transport effects		
<p>The Assessment of Transport Effects (Transport Assessment) concludes that the Project will generate significant positive operational transport effects,⁸¹ so this analysis is focused on the Project's potential construction traffic effects.</p> <p>The Transport Assessment assesses construction traffic effects of the Indicative Design and indicative construction methodology.⁸² The construction of the Project will result</p>	<p>The 'envelope of effects' assessed in the Transport Assessment is secured by the Project description and Proposed Designation boundary.</p> <p>The recommended management measures set out in the Transport Assessment are secured by:</p>	<p>NZTA considers the 'no Condition 1' approach is appropriate in relation to transport effects because:</p> <ul style="list-style-type: none"> There is no risk that changes to the Indicative Design would result in effects that are materially different in nature than those effects assessed in the Transport Assessment; and

Assessment of effects	Conditions	Further relevant analysis
<p>in temporary disruption for road users (including active modes, local roads and SH16).⁸³ Standard management measures (to be set out in Construction Traffic Management Plans (CTMP) prepared for each stage of works) will appropriately mitigate those effects, as is common practice for large construction programmes in New Zealand.⁸⁴</p> <p>The Transport Assessment provides sensitivity testing for alternative designs and construction methodologies that have the potential to increase the assessed transport effects of the Indicative Design.⁸⁵ It concludes that changing certain underpasses to overpasses would not materially change the assessment of construction transport effects.⁸⁶ Alternative construction sequencing could generate adverse construction transport effects. Accordingly, the Transport Assessment recommends that CTMPs to consider construction sequencing within individual work packages and in coordination with other work packages in the Project and with other concurrent projects in the area.⁸⁷</p>	<ul style="list-style-type: none"> • Proposed Designation Condition 16, which requires a CTMP to be prepared prior to the start of construction works and address (among other things): <ul style="list-style-type: none"> ○ (vi) Measures to maintain the function of the existing Shared User Path; ○ (vii) Measures to maintain access to and from properties where practicable or provide alternative arrangements; and ○ (x) Minimum network performance parameters (which will ensure appropriate construction sequencing is considered). <p>NZTA will be proposing an amendment to its condition to ensure it explicitly requires the CTMP to address construction sequencing of the Project and any concurrent construction of infrastructure projects within SH16 or adjacent arterial roads.</p>	<ul style="list-style-type: none"> • The Proposed Designation Conditions require standard management measures to be implemented that will appropriately mitigate potential effects regardless of the final design.
<p>Trees</p>		
<p>The Arboricultural Management of Pōhutakawa and Notable Trees report is not an assessment of effects. It was prepared to confirm whether it is practicable to retain certain pōhutakawa trees, including the pōhutakawa at Great North Road that the LVA recommends be retained if practicable. Based on the report, Proposed Designation Condition 27 requires NZTA to prepare and implement a tree protection methodology for the pōhutakawa trees that are practicable to retain (identified in Schedule E), which includes two notable trees outside of the Proposed Designation that may require works within their rootzone or dripline, and specific pōhutakawa at St Francis School in Point Chevalier. The Project will require the removal of other mature trees within the Proposed Designation. The removal of any other trees within open space-zoned land and street trees will require tree asset owner approval from Auckland Council. Any tree replacement will be addressed through that process.</p>		

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- 1 Part 1 – Legal submissions on behalf of the New Zealand Transport Agency Waka Kotahi, paragraphs 106-110.
 - 2 Part 5 – HNZPT Archaeological Authorities, Appendix A – Assessment of Archaeological Effects (*Archaeology Assessment*), section 2.
 - 3 Archaeology Assessment, section 6.1.5.
 - 4 Archaeology Assessment, section 8.
 - 5 Part 5 – HNZPT Archaeological Authorities, Appendix B.1 and Appendix B.2.
 - 6 Archaeology Assessment, section 7.1.1.
 - 7 Part 5 – HNZPT Archaeological Authorities, Appendices D.1 and E.1.
 - 8 Attachment 6.11 – Assessment of Built Heritage Effects, dated 15 December 2025 (*Built Heritage Assessment*), section 2.
 - 9 Built Heritage Assessment, section 3.
 - 10 Built Heritage Assessment, section 4.
 - 11 Built Heritage Assessment, section 4.2.3.
 - 12 Built Heritage Assessment, sections 5.1.1.1.1 and 5.1.1.1.2.
 - 13 The potential impacts on schools addressed in Section 7.3 of Part 4 – RMA 1991 Approvals relate to noise and vibration, construction traffic and trees, which are addressed elsewhere in this table.
 - 14 26 Westgate Drive and 48 Westgate Drive.
 - 15 3 Chloe Place – Reserve and stormwater pond; Esplanade reserve 340 Triangle Road; Suffolk Reserve.
 - 16 Attachment 6.21 - Contaminated Land Preliminary Site Investigation, dated 15 December 2025 (*PSI*), section 1.2.
 - 17 PSI, section 1.4.
 - 18 PSI, section 6.
 - 19 Attachment 6.15C - Freshwater Ecology Assessment, dated 26 April 2026 (*Freshwater Ecology Assessment*).
 - 20 Freshwater Ecology Assessment, section 3.1. As Mr Garrett-Walker has not visited the three streams that are not intersected by the Indicative Design, he has exercised caution when determining their potential value and sensitivity to potential effects.
 - 21 Freshwater Ecology Assessment, section 4.2.
 - 22 Freshwater Ecology Assessment, section 4.4.1.1.
 - 23 Freshwater Ecology Assessment, section 4.6.
 - 24 Part 4 – RMA 1991 Approvals, page 57.
 - 25 Attachment 6.15B – Terrestrial Vegetation Ecology Assessment, dated 24 April 2026 (*Terrestrial Vegetation Assessment*).
 - 26 The assessment focuses on indigenous terrestrial vegetation in locations where removal is not permitted or otherwise authorised: Terrestrial Vegetation Assessment, section 1.1.
 - 27 Terrestrial Vegetation Assessment, section 4.1.
 - 28 Terrestrial Vegetation Assessment, section 4.1.1.
 - 29 Attachment 6.15A – Assessment of Ecological Effects, dated 15 December 2025 (redacted version) (*Ecology Assessment*).
 - 30 Ecology Assessment, p40-41.
 - 31 Ecology Assessment, p40-41.
 - 32 Ecology Assessment, p35.
 - 33 Ecology Assessment, section 3.3.1.
 - 34 Ecology Assessment, p35.
 - 35 Ecology Assessment, p35.

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- ³⁶ Ecology Assessment, section 4.4.
- ³⁷ Ecology Assessment, p36.
- ³⁸ Ecology Assessment, section 4.4.
- ³⁹ Attachment 6.14 – Assessment of Construction Stormwater Effects, dated 15 December 2025 (*Construction Stormwater Assessment*).
- ⁴⁰ Construction Stormwater Assessment, sections 4.2 and 4.3.
- ⁴¹ Construction Stormwater Assessment, sections 3 and 5.1.
- ⁴² Construction Stormwater Assessment, sections 5.1 and 5.2.
- ⁴³ Construction Stormwater Assessment, section 6.1.
- ⁴⁴ Construction Stormwater Assessment, section 5.3.
- ⁴⁵ Attachment 6.16 - Assessment of Groundwater and Settlement Effects, dated 15 December 2025 (*Groundwater Assessment*), section 2.
- ⁴⁶ Groundwater Assessment, sections 5.1.1 and 5.1.2.
- ⁴⁷ Groundwater Assessment, section 4.1.
- ⁴⁸ Groundwater Assessment, section 4.2.1.
- ⁴⁹ Groundwater Assessment, section 5.1.3.2.
- ⁵⁰ Groundwater Assessment, section 5.2.
- ⁵¹ Attachment 6.17 – Landscape and Visual Assessment, dated 15 December 2025 (*LVA*).
- ⁵² LVA, section 4.2.1.
- ⁵³ LVA, section 4.2.2.
- ⁵⁴ LVA, section 4.3 and 4.4.
- ⁵⁵ LVA, section 5.
- ⁵⁶ LVA, section 4.4.2.
- ⁵⁷ Attachment 6.13 – Assessment of Construction Noise and Vibration Effects, dated 15 December 2025 (*CNV Assessment*), section 3.1.
- ⁵⁸ CNV Assessment, section 4, and in particular sections 4.2.4 and 4.3.3.
- ⁵⁹ CNV Assessment, section 6.
- ⁶⁰ Attachment 6.18 – Assessment of Operational Noise and Vibration Effects, dated 15 December 2025 (*ONV Assessment*), sections 1.2.1 – 1.2.3.
- ⁶¹ ONV Assessment, section 1.3.4.
- ⁶² ONV Assessment, section 1.2.2.
- ⁶³ ONV Assessment, sections 3.2.1 and 3.3.1.
- ⁶⁴ ONV Assessment, sections 3.2.7 and 3.3.4.
- ⁶⁵ Part 4 – RMA 1991 Approvals, section 15.2.1.
- ⁶⁶ Part 4 – RMA 1991 Approvals, section 15.2.2.
- ⁶⁷ Part 4 – RMA 1991 Approvals, section 15.2.3.
- ⁶⁸ Attachment 6.19 – Assessment of Stormwater and Flooding Effects, dated 15 December 2025 (*Stormwater and Flooding Assessment*).
- ⁶⁹ Stormwater and Flooding Assessment, section 2.4.4.
- ⁷⁰ Stormwater and Flooding Assessment, Table 2-1.
- ⁷¹ Stormwater and Flooding Assessment, section 5.3.7.
- ⁷² Stormwater and Flooding Assessment, section 5.4.3.
- ⁷³ Stormwater and Flooding Assessment, section 2.2.
- ⁷⁴ Stormwater and Flooding Assessment, section 5.4.1.
- ⁷⁵ Stormwater and Flooding Assessment, section 5.1.2.
- ⁷⁶ Stormwater and Flooding Assessment, section 5.4.2.
- ⁷⁷ Stormwater and Flooding Assessment, section 2.3.
- ⁷⁸ Stormwater and Flooding Assessment, section 5.2.2.

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- ⁷⁹ Stormwater and Flooding Assessment, section 6.3.
- ⁸⁰ Stormwater and Flooding Assessment, section 6.1.
- ⁸¹ Attachment 6.20 – Assessment of Transport Effects, dated 15 December 2025 (*Transport Assessment*), section 4.
- ⁸² Transport Assessment, section 3.1.
- ⁸³ Transport Assessment, sections 3.2 – 3.4.
- ⁸⁴ Transport Assessment, section 3.6.
- ⁸⁵ Transport Assessment, section 3.5.
- ⁸⁶ Transport Assessment, section 3.5.1 – 3.5.3.
- ⁸⁷ Transport Assessment, section 3.5.4.