

BEFORE AN EXPERT PANEL

FTAA-2511-1146

UNDER the Fast-track Approvals Act 2024 (“**the FTAA**”)

IN THE MATTER of an application by New Zealand Transport Agency Waka Kotahi for approvals under the FTAA for a listed project, North West Rapid Transit (“**Application**”)

AND

IN THE MATTER of comments on the Application on behalf of the National Trading Company of NZ Ltd

LEGAL SUBMISSIONS ON BEHALF OF THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED

26 MAY 2026

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LEGAL SUBMISSIONS ON BEHALF OF THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED

1. EXECUTIVE SUMMARY

- 1.1 These submissions are filed on behalf of the National Trading Company of New Zealand Limited (“**NTC**”) as part of NTC’s written comments on New Zealand Transport Agency Waka Kotahi’s (“**NZTA**”) substantive application (“**Application**”) under the Fast-track Approvals Act 2024 (“**FTAA**”) for the proposed Te Ara Huāuru – Northwest Busway (“**Project**”). Independent expert evidence by Mr Mark Arbuthnot (Planning) and Mr Leo Hills (Transportation), as well as a corporate statement by Mr Andrew Bell, is also being filed by NTC.
- 1.2 NTC’s interest relates to approvals required under the Resource Management Act 1991 (“**RMA**”), including both the designation and resource consent elements for the Project, which impact its site and supermarket at Pt Chevalier.
- 1.3 Constructive engagement from NZTA has resulted in an agreed set of conditions to address direct impacts on NTC’s supermarket access at Pt Chevalier. This largely resolves NTC’s concerns regarding direct access to its site. However, NTC retains concerns regarding the design of the access road to the Pt Chevalier station (Parr Road North), the potential for groundwater drawdown to impact its site and the proposed 25-year lapse date for the resource consents.
- 1.4 NTC also retains an overall concern regarding NZTA’s approach to assessment and provision of information. NTC’s experts identify deficiencies with the information provided with the Application, and NTC disagrees with the implication in recent responses from NZTA that the ‘overwhelming positive’ operational transport effects at a network level negate the need to properly assess and address transport effects at a local or site-specific level. Such an approach is not supported by the FTAA framework, which requires adverse effects to be identified, assessed and accounted for (including by setting conditions), before any residual adverse impacts are considered against the project’s benefits. The Panel requires sufficient information as to the Project and its potential effects in order to undertake its decision-making functions under sections 81 and 85 FTAA.
- 1.5 Having said that, NTC considers these matters can be resolved with the imposition of the conditions set out in Mr Arbuthnot’s evidence. Provided those conditions are imposed, NTC does not consider the adverse impacts of the Project are sufficiently significant enough to warrant decline in terms of section 85 FTAA.

2. INTRODUCTION AND BACKGROUND

- 2.1 NTC is the property holding entity of Foodstuffs North Island Limited, a cooperative owned by the operators of New World, PAK'n Save and Four Square supermarkets.
- 2.2 The Application involves designating at least part of NTC's site at 1136 Great North Road, Pt Chevalier ("the Site") for the Project. The recently constructed and opened New World Point Chevalier ("New World Pt Chev") is located at the Site.
- 2.3 The Site is impacted by both NoR 9 (Busway between Waterview Exchange and Western Springs) and NoR 11 (Point Chevalier Station). The resource consents sought by NZTA also have the potential to impact the Site (e.g.: groundwater excavations are anticipated to extend below the groundwater table in proximity to the Site).

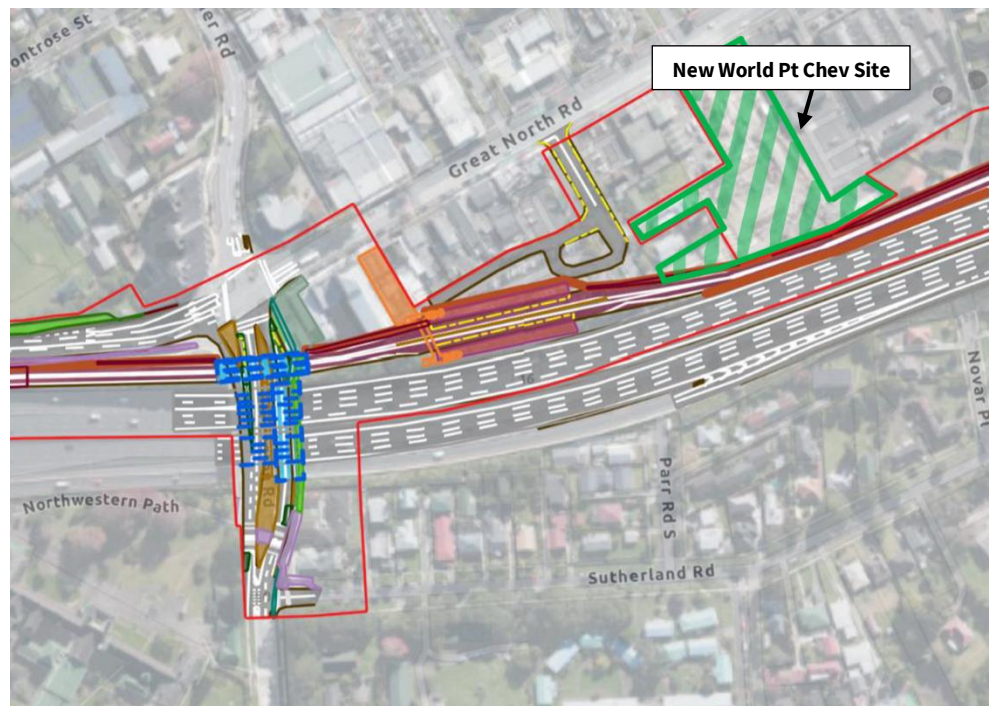


Figure 1 Designation Extent (in red), with New World Pt Chev site (green)

- 2.4 NTC's initial concerns with the Application were substantial as the design would have impacted supermarket operations to the extent that it could no longer operate. However, NTC and NZTA have agreed a set of conditions which address NTC's key concerns regarding permanent and temporary access to the Site.¹ NTC

¹ Memorandum of NZTA to the Panel (NZTA's proposed designation conditions 10-12), dated 12 May 2026.

asks that the Panel include these conditions as part of any approvals granted.

2.5 The outstanding matters primarily stem from a lack of information or analysis provided with the application documentation, and a corresponding lack of certainty provided as to expected outcomes via conditions, rather than a fundamental concern with the proposal itself. To that extent, NTC considers these issues can be resolved by the provision of additional information and/or the imposition of conditions.

2.6 In that regard, the issues and proposed responses are:

(a) Issue 1 – The design and operation of the Parr Road North/Great North Road and Great North Road/Kiwi Road intersections and the potential for conflict with NTC's e-commerce facility and servicing access. A condition is sought which requires a Transport and Access Plan as part of the initial outline plan for the Pt Chevalier Station.

(b) Issue 2 – The potential construction impacts on New World Pt Chev (e.g.: groundwater and vibration). A condition is sought to ensure groundwater drawdown and settlement impacts on NTC's site will be addressed in the event the project design is deeper than the indicative design.

(c) Issue 3 – NTC considers the 25-year lapse date for the regional consents to be unwarranted, particularly given the dearth of information and analysis regarding potential effects. Accordingly, a shorter lapse date of 5 for the regional consents is sought.

2.7 The evidence filed as part of NTC's comments comprehensively addresses the above, so the matters are not repeated in detail here. Instead, these submissions provide some initial legal comment regarding the importance of sufficient conditions and information requirements, before summarising the evidence and relief sought.

3. CONTEXTUAL MATTERS

What is a sufficient level of information to provide?

3.1 NZTA appear to be proceeding on the basis that the positive operational effects of the Project at a broader network level negate the need for any detailed analysis or

response to operational transport effects occurring at a local level.² NTC disagrees such an approach is supported by the FTAA.

- 3.2 While the FTAA framework de-emphasises factors which might militate against approval³, it still requires adverse effects to be identified, assessed and accounted for⁴.
- 3.3 Under the FTAA a notice of requirement must include “*information on the effects of the proposed project or work on the environment, together with a description of how any adverse effects will be mitigated*”.⁵ Relevantly, it must also include an assessment against the relevant provisions of the Unitary Plan (discussed below).⁶
- 3.4 Similarly, for the resource consent aspects of the Application, the FTAA includes detailed requirements as to the information required to assess environmental effects and the matters to be covered in an assessment of environmental effects.⁷ Those requirements largely reflect those contained in Schedule 4 RMA.
- 3.5 In both cases, information must be specified in sufficient detail to satisfy the purpose for which it is required.⁸ This reflects the requirement in the RMA for resource consents⁹, but differs slightly to that for notices of requirement under the RMA¹⁰. In NTC’s submission, this means the information provided must be fit for purpose and sufficient to allow you, as a decision maker, to properly assess the issues. Adequate information should be provided to enable you to understand the

² For example, NZTA’s memorandum of counsel dated 21 May 2025 records “NZTA considers operational transport model outputs are not necessary to inform the Panel’s decision making on the Application given the operational transport effects of the Project are overwhelming positive” and NZTA’s memorandum of counsel dated 18 May 2025 responding to the Panel’s RFI regarding further analysis of traffic effects records that “the [ATE] concludes that the Project will generate significant positive operational transport effects, so this analysis is focused on the Project’s potential construction traffic effects”. See also discussion at paras 4.3-4.5 of these submissions.

³ *Ngati Kuku Hapu Trust v EPA* [2025] NZHC 2453.

⁴ See for example, information and assessment requirements at Schedule 5. See also decision-making sections (ss 81 and 85; and cls 17 and 24 of Sch 5) and the fact that aspects of the RMA relevant to setting conditions apply to both designations and resource consents (cls 18 and 25, Sch 5) subject to the amendments discussed below.

⁵ Clause 12(1)(b), Schedule 5 FTAA.

⁶ Clause 12(1)(d)(ii), Schedule 5 FTAA. That includes consideration of the policy framework of the Business – Town Centre zone, the relevance of which is discussed below.

⁷ Clauses 6 and 7, Schedule 5 FTAA.

⁸ Section 44, FTAA.

⁹ Clause 1, Schedule 4 RMA (re resource consents). This requires the AEE to have enough detail as to the scale and significance of the potential effects of the proposal to enable the proposal to be fully understood (*Country Lifestyles Ltd v Auckland Council* [2022] NZEnvC 247 at [13]).

¹⁰ Section 168(3C) RMA (re notices of requirement) requires information be provided at a level that is “*proportionate to the nature and significance of any effects of the project or work*”.

proposal and likely adverse effects. You have the power to request further information from the Applicant if you consider that not to be the case.¹¹

3.6 The FTAA framework for conditions (discussed below) also reinforces that the Panel must have sufficient information on adverse effects, so that it can determine the appropriate conditions to impose in accordance with the FTAA's requirements.

3.7 Ultimately, in the absence of sufficient information, you will be unable to undertake the analysis required of you which involves identifying and assessing effects, deciding whether to impose conditions in relation to them, and finally determining whether the residual adverse impacts are sufficiently significant to outweigh the project's benefits.

Why are sufficient conditions important in the context of lengthy lapse periods?

3.8 As outlined below the issues raised by NTC generally stem from a lack of certainty provided as to expected outcomes via the conditions. This is relevant to both the designation and resource consent approvals.

3.9 The RMA (as implemented through the FTAA) provides a “*two-step*” process for designations (i.e.: confirmation of the NoR followed by a subsequent outline plan of works process). This recognises that decision makers may not have all the information they need at the time of making a decision.

3.10 That framework is imposed in the context of a requirement to give effect to a NoR within ten years, absent a decision to increase that lapse period. For a project of any scale, implementation of a designation will typically involve the purchase of the land, final design, the submission of the outline plan of works and resolution of any issues in that regard, completion of contractual arrangements, and the carrying out of physical works. From a practical perspective, then, compliance with the ten-year default lapse period is likely to result in an outline plan of works being lodged for approval a relatively short time after a designation is approved.

3.11 In this case, NZTA is proposing an extended lapse period of 25 years. The Pt Chevalier section is to be implemented as part of the final stage of works.¹² That

¹¹ Section 67, FTAA.

¹² Substantive Application Part 2 – the Project, at 4.2.1.

has significant implications for the level of certainty available now regarding the effects that the proposal will have when it is implemented:

- (a) It is inevitable that aspects of the surrounding environment will change significantly over time. Expectations and requirements for the transportation network may also alter. The longer the lapse period, the greater the potential for change and therefore the greater the potential that impacts that were not foreseen at the time are not addressed.
- (b) The outline plan of works mechanism does not provide for formal input from the public or for affected parties to appeal the requiring authority's decision to the Environment Court or any other independent third party. Thus, it is essential for submitters such as NTC that the designation is subject to conditions that provide clarity on all relevant matters. If that does not occur, there is a real risk that the requiring authority will issue and approve an outline plan of works that fails to mitigate adverse effects.
- (c) There is no explicit requirement for effects on neighbouring landowners to be assessed or considered as part of the outline plan process. Section 176A RMA requires an outline plan to show "*vehicular access, circulation, and the provision for parking*" and "*any other matters to avoid, remedy, or mitigate any adverse effects on the environment*". However, in the absence of explicit direction or guidance as to what matters are critical to consider or address, it is very possible that effects on neighbouring landowners could be overlooked for the reasons outlined in (b) above, particularly where those activities have unique functional requirements¹³.

3.12 In the circumstances, NTC asks that you ensure that the conditions are comprehensive and focussed. The need to impose detailed conditions is exacerbated in the context of extended lapse periods. This is because it will not be possible to take appropriate account of changes in circumstances that occur during the lapse period by revisiting the terms and conditions of the designation when the outline plan of works is being assessed.

¹³ For example, supermarkets. As acknowledged by NZTA in Appendix A to its Memorandum of Counsel in response to Minute 5, dated 21 May 2026, at page 20, regarding the site specific conditions applied to New World Pt Chev and Woolworths Westgate.

- 3.13 This applies equally to conditions on resource consents on which lengthy lapse periods have been sought, as is also the case here. In fact, the importance of detailed conditions is further exacerbated in such a context as once a resource consent is granted there is no subsequent outline plan process that provides a (limited) opportunity for a change in circumstances to be taken into account.
- 3.14 For completeness, NTC records that it does not consider that the FTAA framework negates this context or the need to address effects generated by the project. While the FTAA does represent a departure from the tests applying to conditions under the RMA conditions in that:
- (a) When considering an application, including conditions imposed, the Panel must place the greatest weight upon the purpose of the FTAA.¹⁴
 - (b) The panel must not set a condition that is more onerous than necessary to address the reason for which it is set.¹⁵

It does not negate the need to address effects. Rather, the enquiry of decision makers under the FTAA is focused on whether the conditions are legally available and represent the “*least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the Act*”.¹⁶ In NTC’s submission it is only if such conditions represent an unnecessarily onerous response to an effect and/or would compromise the ability of the Project to deliver its benefits that they should be reconsidered or put to one side.

4. PARR ROAD NORTH – STATION ACCESS ROAD DESIGN

- 4.1 The loading of the supermarket (including truck and trailers and semi-trailers) as well as customers to the click and collect are reliant on access via Parr Road North, which is the access road to the new Pt Chevalier station. Full utilisation of the Parr Road North road reserve is required to facilitate access of service vehicles into and out of the Site.¹⁷

¹⁴ Clause 17(1), Schedule 5 FTAA (re resource consents); and Clause 24(1), Schedule 5 FTAA (re notices of requirements).

¹⁵ Section 83 FTAA.

¹⁶ Expert Panel Decision on *Pound Road Industrial Development*, dated 1 May 2026, at para 201.

¹⁷ NTC Evidence, Mark Nicholas Arbuthnot (Planning), dated 26 May 2026, at para 5.3.

- 4.2 It is important the access road (Parr Road North) is designed so as not to conflict with the functional and operational requirements of the supermarket:
- (a) Mr Bell's evidence outlines the importance of this access to the commercial viability and efficient operation of New World Pt Chev, and notes the potential impacts on the wider grocery supply chain network if access is disrupted.¹⁸
 - (b) The Unitary Plan policy framework identifies the importance of supermarkets in Town Centre zones such as Point Chevalier. It requires recognition of their positive contribution to centre viability and function as well as their unique functional and operational requirements.¹⁹ NTC says this is a relevant consideration when assessing the effects of the Application.
- 4.3 Mr Hills and Mr Arbuthnot identify what they consider to be a number of deficiencies in the assessment of transport effects relevant to the access road.²⁰ For example, based on the Application they are unable to determine:
- (a) The extent to which parking and queuing within the vicinity of the station will conflict with NTC's click and collect and servicing operations;
 - (b) Whether large service vehicles will be required to utilise the service lane in a way that also conflicts with NTC's operations;
 - (c) Whether the connection between the road carriageway and the vehicle access will work;
 - (d) Whether any changes are proposed to the design of the Parr Road North / Great North Road intersection, which is currently laid out in accordance with the requirements of NTC's resource consent, to accommodate a change in traffic generation.
- 4.4 No mitigation measures have been provided on the basis the Project will not result in material adverse operational effects, however, the Application does not include

¹⁸ NTC Evidence, Andrew Bell (Corporate), dated 26 May 2026, at section 4.

¹⁹ AUP Town Centre Zone Policy H10.3(20).

²⁰ NTC Evidence, Leo Donald Hills (Transport), dated 26 May 2026 at section 7; and NTC Evidence, Mark Arbuthnot (Planning), dated 26 May 2026 at paras 1.3 – 1.6 and 5.7 – 5.14.

any of the information that Mr Hills and Mr Arbuthnot consider would be necessary to reach this conclusion in respect of NTC's operations.²¹

- 4.5 In that regard, and with reference to section 3 above, it is not sufficient to state that the transport effects are negligible and that no mitigation is proposed without providing the information relied on to reach that conclusion for the local road network that services the Site. This is particularly the case in the context of a constrained town centre location, such as Pt Chevalier.

Proposed conditions do not provide sufficient certainty

- 4.6 The conditions on the designation do not provide sufficient certainty that the matters of concern to NTC²² will be considered at the time of detailed design. While these matters could conceivably be addressed as part of the outline plan process, there is no requirement for this to occur.

- 4.7 This is of particular concern should the designation not be implemented for 25 years:

(a) As outlined above, one difficulty posed by extended lapse periods is that changed situations (and personnel) may result in NZTA lodging an outline plan which fails to account appropriately for the supermarket's operations. In that circumstance, NTC will have no recourse. That is because only the requiring authority and the consent authority are parties to an outline plan process. If NTC is to obtain any certainty as to the future treatment of Parr Road North and the long-term operational performance of the surrounding road network and intersections, it needs to ensure that outcome through the current process.

(b) The Environment Court decision in *Barclay Management (2013) Ltd v City Rail Link Limited* [2024] NZEnvC 043 illustrates the difficulty landowners face when a management plan approach is adopted, and designation conditions are not sufficiently specific as to obligations. In that case, a

²¹ NTC Evidence, Leo Donald Hills (Transport), dated 26 May 2026, at [7.5]-[7.8]; and NTC Evidence, Mark Arbuthnot (Planning), dated 26 May 2026, at [5.11]-[5.13].

²² As noted by Mr Arbuthnot, they do not require consideration of the long-term operational performance of the surrounding road network and intersections, nor do they establish a mechanism to ensure that access to the NTC site can continue to function safely and efficiently once station access arrangements, road layout, and bus operations are finalised.

decision to close a slip lane was made in reliance on a qualification to a condition that its requirements were “*subject to detailed design*” and that management plans provided flexibility to make such alterations. The Court disagreed and found this closure was inconsistent with what was presented to the Court during the substantive hearing and other conditions.

Appropriateness of condition sought

4.8 To address the above, NTC seeks a condition which provides certainty at this stage regarding the minimum requirements for the station access road design and functionality of the intersection. The proposed condition, as outlined in Mr Arbuthnot’s evidence, would require the following matters to be addressed as part of the initial, establishment outline plan:

- (a) confirmation of the layout and operation of the road network, including PUDO or bus layover areas);
- (b) demonstration through modelling and tracking that the road network and intersections will operate within acceptable levels of service; and
- (c) confirmation that access to commercial properties can be maintained without creating unacceptable safety or operational effects.

4.9 NTC’s proposed condition is legally valid. It is directly connected to an adverse effect on the environment.²³ It is for a resource management purpose, is not unreasonable, and fairly and reasonably relates to the project.²⁴ It is certain,²⁵ capable of enforcement and does not require the consent of a third party²⁶.

4.10 The condition also represents the least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the FTAA. It provides NZTA with sufficiently flexibility to resolve the specific design in the future, while at the same time ensuring that it is implemented in a way that takes appropriate account of its location within a town

²³ Section 108AA RMA.

²⁴ *Waitakere City Council v Estate Homes Ltd* [2006] NZSC 112; and *Newbury District Council v Secretary of State for the Environment* [1981] AC 578.

²⁵ *Bitumix Ltd v Wellington Borough Council* [1979] 2 NZLR 57.

²⁶ *Fisher v Taupo District Council* W18/95.

centre environment and adjacent to an activity with specific functional requirements. The Project's design will not be unnecessarily constrained by the condition, and it will not compromise the ability of the Project to realise its significant national and regional benefits.

4.11 In short, it accords with the principles discussed para 3.14 above.

5. CONSTRUCTION EFFECTS

5.1 Mr Arbuthnot's evidence outlines his concerns regarding construction effects. Again, the concerns primarily stem from the lack of information or supporting analysis, with the issue exacerbated by the lengthy lapse dates sought by NZTA. Since lodging the Application, NZTA has provided NTC with additional information regarding construction vibration and groundwater impacts on its site. This has assisted in resolving some but not all of NTC's concerns.

5.2 For example, in relation to groundwater NZTA's expert advice is that: "*In the event that the final design of the Project is deeper than the Indicative Design and advances below the water table, I consider the use of secant piling or similar ground support will effectively mitigate against groundwater drawdown and settlement.*"²⁷ However, there is no condition proposed which would require such an outcome.

5.3 In relation to groundwater issues, NZTA's response to Minute 3 of the Panel states that it does not consider it necessary or appropriate to impose consent conditions addressing the construction methodology because the Project will be designed in accordance with normal engineering design principles and standards and will be subject to independent external review.

5.4 That is not considered to be an acceptable or rational reason for not imposing a condition. If that is the case (i.e.: if the project would be designed to achieve that outcome anyway), there should be no issue in providing certainty for landowners that if the design of the project changes, effective measures against groundwater drawdown and consolidation settlement will be implemented. Such a condition could not in those circumstances be considered 'more onerous than necessary' but to omit such a condition would be to omit to address a relevant adverse effect,

²⁷ Jacobs Memo, 'NWRT GW Assessment - drawdown and settlement' dated 19 May 2026. **Attachment A.**

and could result in a situation like that faced by the landowners in the *Barclay Management* case referred to above.

- 5.5 As with the proposed condition regarding the Pt Chev Station access road, the condition outlined by Mr Arbuthnot is considered to be legally valid and represent the least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the FTAA.

6. LAPSE PERIOD FOR RESOURCE CONSENT

- 6.1 Mr Arbuthnot's evidence raises a number of concerns related to the 25 year lapse date for the regional consents.
- 6.2 NZTA's response to Minute 5 appears to suggest that all concerns related to a lengthy lapse dates circle back to uncertainty, and that uncertainty is not an adverse effect.²⁸ Regardless of whether or not uncertainty is an adverse effect in and of itself, it is illustrative of the issues which arise when a lengthy lapse date is pursued.²⁹
- 6.3 As outlined by Mr Arbuthnot, the proposed 25-year lapse period allows construction to occur long after consent is granted without requiring effects to be reassessed at the time of implementation, a concern compounded by the absence of definitive plans, analysis or a standard "Condition 1" to provide certainty as to the scope and outcome of the works.
- 6.4 The approach taken by NZTA risks conflating the resource consent and designation processes, despite the fact they are very different planning tools and the statutory framework envisages different approaches to information provision and assessment. In that regard, the FTAA does not displace the RMA presumption that resource consent applications must be complete and final at the outset to allow for proper decision-making, in recognition of the fact there is no additional outline plan process through which more detailed information can be provided.³⁰

²⁸ Memorandum of NZTA to the Panel (response to Minute 5 RFI), dated 21 May 2026, at [28]-[29].

²⁹ In any event, NTC notes that the section 85 proportionality assessment requires consideration of "adverse impacts", which may extend beyond "adverse effects" in the RMA sense to encompass matters such as uncertainty, in which case the Panel could take this into account in its assessment under section 85 FTAA.

³⁰ See for example *AFFCO NZ Ltd v Far North District Council* [1994] NZRMA 224 which recognises that consent applications must be described with sufficient detail so as to enable the effects of carrying out the activity to be assessed, making the distinction between final approvals and outline approvals (where final permission follows subsequent provision of more detailed plans). See also *Mawhinney v Auckland Council* [2017] NZEnvC 162 at [53] re adopting a proportional assessment as to the depth and breadth of an AEE.

For the reasons identified by Mr Arbuthnot, a lapse date of 25 years makes it very difficult to ensure that the scale and significance of the potential effects can be understood, and to what exactly approval is being granted to.

6.5 NTC's view is that if the resource consents approvals are granted, that the RMA default lapse date (for resource consents) of 5 years should be imposed.

DATED this 26th day of May 2026

A handwritten signature in blue ink, consisting of several loops and a trailing line.

A Devine / T Trounson

Counsel for the National Trading Company of NZ Limited

Attachment A – Additional Information Provided by NZTA

19 May 2026

Attn: Sarah Ho
NZ Transport Agency

Project name: NWRT GW Assessment
Project no: IA289501

Subject: NWRT GW Assessment - drawdown and settlement

Dear Ms Ho,

I have reviewed the groundwater conditions along the Proposed Designation at and adjacent to the National Trading Company of NZ Limited property located at 1136 Great North Road, Point Chevalier (New World site). As part of this review, I considered the AECOM report titled "Site Redevelopment Groundwater and Retaining Considerations"¹ that was prepared to support Foodstuffs North Island Limited's application for resource consent for the New World (AECOM, 2021¹).

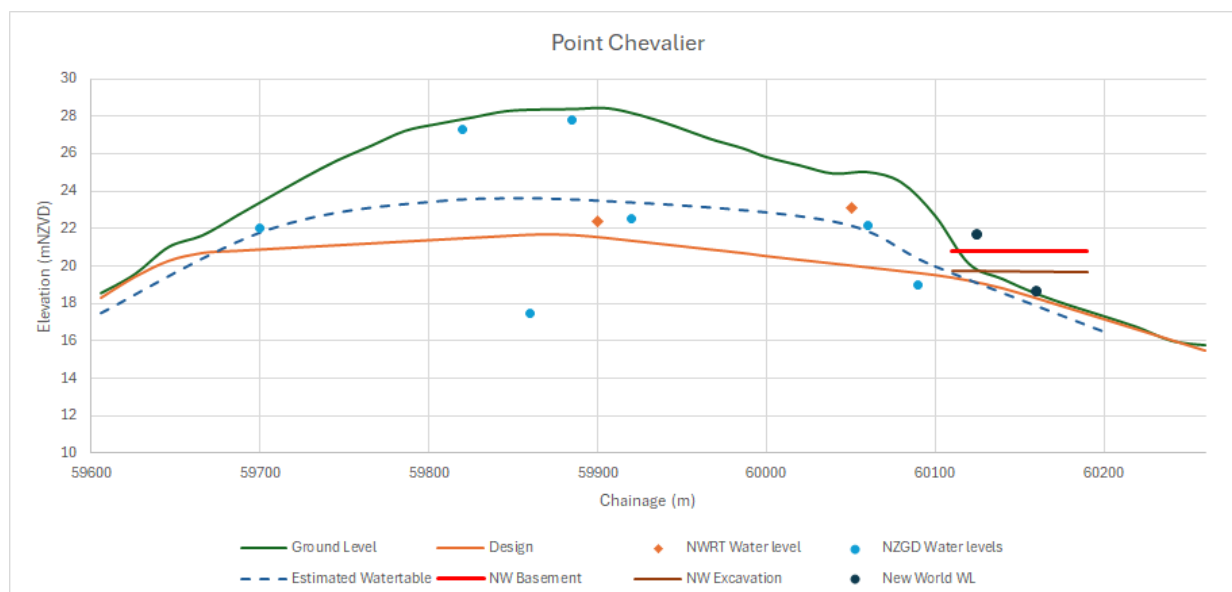


Figure 1 – Long section showing the existing ground level (green), Indicative Design level (orange), projected water levels (dark blue dots), water level readings (dots), estimated water table (blue dash), and New World basement (red) and excavation (brown) levels (sourced from AECOM, 2021).

Based on the elevation of the estimated water table, the Indicative Design is not anticipated to be below the water table in the vicinity of the New World site. Accordingly, I do not consider the Project will result in any groundwater drawdown or consolidation settlement at the New World site in this scenario.

¹ AECOM (2021). *Site Redevelopment Groundwater and Retaining Considerations. Point Chevalier Proposed Land Development*. Prepared for Foodstuffs North Island Limited (Co No.: 9429040750835). Dated 20-Dec-2021.

Date: 19 May 2026

Subject: NWRT GW Assessment - drawdown and settlement

Jacobs

In the event that the final design of the Project is deeper than the Indicative Design and advances below the water table, I consider the use of secant piling or similar ground support will effectively mitigate against groundwater drawdown and settlement. Accordingly, in that scenario, I do not anticipate any material groundwater drawdown or consolidation settlement at the New World site.

Yours sincerely,



Costante Conte
Principal Hydrogeologist

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MEMO

Project:	North West Busway	Document No.:	Mm 001		
To:	AECOM	Date:	14 May 2026		
Attention:	Helen Hicks	Cross Reference:			
Delivery:	email	Project No.:	20241213		
From:	Siiri Wilkening	No. Pages:	3	Attachments:	No
Subject:	New World Pt Chevalier - Construction Vibration				

Helen,

You have asked us to comment on the potential construction vibration effects on the New World building in Pt Chevalier.

Vibration criteria for protection of commercial buildings

The New World supermarket at Point Chevalier is a commercial building, constructed largely of reinforced concrete for the ground floor, and lightweight aluminium composite panels and fibre cement cladding for the upper floor. The building is not generally fitted out like a residential building. It has the characteristics of a commercial or industrial building.

The vibration criteria referenced in NZTA’s proposed designation condition 18 are based on the requirements of German Standard DIN 4150-3 (2016) ‘Structural vibration – Part 3 Effects of vibration on structures’ (DIN 4150-3) and British Standard BS 5228-2: 2009 ‘Code of practice for noise and vibration control on construction and open sites’ (BS 5228-2).

DIN 4150-3 sets highly conservative construction vibration criteria that ensure that no damage, not even cosmetic or superficial damage, is experienced by a building. Buildings such as the New World supermarket are defined in DIN 4150-3 as commercial buildings and the relevant vibration criteria applying to them are set out in Line 1 of the following tables. Table 1 applies to short-term vibration, i.e. vibration from equipment that does not induce resonance in a building. Table 2 applies to long-term vibration, i.e. vibration that has the risk of inducing resonance in a building, making it more susceptible to damage.

Table 1: Guideline values for vibration velocity to be used when evaluating the effects of short-term vibration on structures

Line	Type of structure	Guideline values for velocity, v_i , in mm/s			
		Vibration at the foundation at a frequency of			Vibration at horizontal plane of highest floor, at all frequencies
		1 Hz to 10 Hz	10 Hz to 50 Hz	50 Hz to 100 Hz*	
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	20	20 to 40	40 to 50	40
2	Dwellings and buildings of similar design and/or occupancy	5	5 to 15	15 to 20	15
3	Structures that, because of their particular sensitivity to vibration, cannot be classified under lines 1 and 2 and are of great intrinsic value (e.g. listed buildings under preservation order)	3	3 to 8	8 to 10	8

*At frequencies above 100 Hz, the values given in this column may be used as minimum values.

Table 2: Guideline values for vibration velocity to be used when evaluating the effects of long-term vibration on structures

Line	Type of structure	Guideline values for velocity, v_i , in mm/s of vibration in horizontal plane of highest floor, at all frequencies
1	Buildings used for commercial purposes, industrial buildings, and buildings of similar design	10
2	Dwellings and buildings of similar design and/or occupancy	5
3	Structures that, because of their particular sensitivity to vibration, cannot be classified under lines 1 and 2 and are of great intrinsic value (e.g. listed buildings under preservation order)	2.5

BS 5228-2 also provides vibration criteria that protect buildings from damage. These criteria are referenced in the NZTA's proposed designation condition 18 for buildings that are unoccupied, i.e. where no people are present during construction. The BS 5228-2 criteria are less conservative than the DIN 4150-3 criteria but also provide protection of buildings from cosmetic damage. The criteria in Table 3 are for short-term vibration and are comparable to those criteria set out in Table 1 above.

Table 3: B.2 Transient vibration guide values for cosmetic damage

Line	Type of building	Peak component particle velocity (ppv) in frequency range of predominant pulse	
		4 Hz to 15 Hz	15 Hz and above
1	Reinforced or framed structures	50 mm/s at 4 Hz and above	50 mm/s at 4 Hz and above
	Industrial and heavy commercial buildings		
2	Unreinforced or light framed structures	15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above
	Residential or light commercial buildings		

These values are reduced by 50% where vibration is not transient, i.e. long-term vibration as shown in Table 3 above.

In summary, NZTA's vibration criteria address people's amenity and protect buildings from damage. The criteria are dependent on the occupancy of a building (occupied or unoccupied), the type of building (commercial, residential or sensitive), the time of day (day or night), and the vibration inducing activity (short or long-term). All of these aspects have an influence on which criteria are appropriate to be applied.

Potential vibration from construction of the Project

Adjacent to the New World, the Indicative Design would require construction of a retaining wall, which will require piling to be undertaken.

If bored piling is used for the retaining wall, it would generate vibration levels of up to 7mm/s ppv, which is well below the commercial building criterion in the highly conservative DIN 4150-3. Accordingly, we would anticipate no adverse impacts on the New World building in this scenario.

If another piling method is required, such as vibro or impact piling, the vibration levels would be much higher, around 25 to 40 mm/s ppv respectively. In our opinion, such activities should not be undertaken while the building is occupied for amenity reasons. In relation to building protection (i.e. during hours when the building is unoccupied and the BS 5228-2 criteria apply):

- vibro piling is a long-term vibration activity and therefore the relevant vibration criterion is 25 mm/s ppv in BS 5228-2;
- impact piling is a transient vibration activity and therefore the relevant vibration criterion is 50 mm/s ppv in BS 5228-2.

Both of these criteria could be complied with while undertaking vibro or impact piling adjacent to the New World building. As a result, we consider that any potential risk of damage to the building can be appropriately managed in this scenario.

In any event, NZTA's proposed condition 18 requires:

- Compliance with the Category A criterion (2 mm/s ppv) as far as practicable and the Category B criterion (5mm/s ppv) when the supermarket is occupied; and
- Compliance with BS 5228-2 when the supermarket is not occupied (transient vibration limit of 50 mm/s ppv, and continuous vibration limit of 25 mm/s ppv).

Compliance with those criteria will mean that according to DIN 4150-3 and BS 5228-2 there is no risk of building damage, and therefore we consider the vibration effects on the building to be negligible.

If it is not practicable to comply with those criteria, then NZTA's proposed condition 20 requires a Schedule to the Construction Noise and Vibration Management Plan (**CNVMP**) to be prepared. The Schedule will address any further mitigation that can be undertaken, including any alternative measures such as using smaller equipment or different piling methods. This condition requires consultation with the owners of the building, such as to determine the best time to undertake the works.

In addition, NZTA's proposed condition 19(c)(xi) requires the CNVMP to set out "*procedures and trigger levels for undertaking building condition surveys before and after works to determine whether any damage has occurred as a result of construction vibration*". Therefore, if the final design requires piling adjacent to the New World, we expect the CNVMP will require pre- and post-construction building condition surveys to be undertaken at the New World.

We consider that the conditions proposed will appropriately manage any effects from construction vibration on the New World building.