

19 August 2026

By email: **substantive@fasttrack.govt.nz**

To: The Environmental Protection Authority Te Mana Rauhi Taiao
And to: The Expert Panel

C/- Environmental Protection Authority Te Mana Rauhi Taiao
Lambton Quay
Wellington

Te Ara Hauāuru – Northwest Rapid Transit (NWRT) FTAA-2511-1146
Re invitation to comment on draft conditions under section 70 of the Fast-track Approvals Act 2024

Comments on behalf of Restaurant Brands Limited

1. We refer to our letter dated 26 May 2026 submitted on behalf of Restaurant Brands.
2. The Expert Panel has issued draft conditions in relation to the Application (**Draft Conditions**), and has directed the EPA to invite comments on the Draft Conditions from Restaurant Brands.
3. Restaurant Brands' comments on the Draft Conditions are attached to this letter at Appendix 1. Mark-ups of the proposed amendments to the Draft Conditions are attached to this letter at Appendix 2.
4. Thank you for the opportunity to comment on the Draft Conditions.

Yours faithfully
Cuncannon Partners



Chris Ashton
Associate
+64 27 463 5786
chris@cuncannon.nz

cuncannon.nz

Shortland Centre, Level 16, 55 Shortland Street, Auckland 101
PO Box 346, Shortland Street, Auckland 1140
525454.3

Appendix 1: Comment on Designation Conditions

Condition number	Description	Comment
4	"Following Completion of Construction, all conditions [of the designation] except Condition 37 cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project."	The effect of this appears to be that once initial construction of a Project or a part of a Project under the designation has been given effect to, all of the conditions (except 37) will immediately drop away. The Requiring Authority will be left with a broad and wide-ranging designation purpose to "construct, operate, maintain, and improve a rapid transit corridor, and ancillary structures, works and activities." This potentially undermines conditions that appear intended to provide ongoing protection or operational certainty. On review, we have identified several conditions which we would expect to endure for the life of the designation, and which relate to Restaurant Brands' interests. These principally relate to construction management and property access. There may be others which relate to the interests of other parties, but we have not sought to identify these here. Conditions that we believe warrant continuing application include: • Condition 16 (CTMP); • Condition 16E (Point Chevalier Transport and Access Plan); • Condition 16F (CTMP complaint resolution); and • Conditions 17-20 (construction noise and vibration). In Appendix 2, we proposed to expressly exclude these Conditions from Condition 4, so that they continue in effect for the duration of the designation.
16C	Requires consultation with owners and occupiers prior to submitting an Outline Plan proposing permanent alteration of existing vehicle access.	We identified that 16C(a) requires that the Requiring Authority consult with "the relevant landowner and occupier", but that the exception in (c) only referred to "the relevant landowner" having agreed to the access arrangement. As access directly affects the occupier, and consultation is required with the occupier under (a), for consistency (c) should also refer to the occupier.

16E	Requires the preparation of the "Point Chevalier Transport and Access Plan", which is to "demonstrate how the final design and construction staging for the Point Chevalier Station area will maintain safe and practicable access, circulation and servicing for properties that rely on Parr Road North and the adjoining service lane."	Our first amendment amends 16E(a) so that it refers to “an” Outline Plan for works, rather than “the” Outline Plan. This is to acknowledge that more than one Outline Plan might be made for the works over the life of the designation. — Our second amendment separates 16E(c)(vii) out into a new paragraph (c), shifting existing paragraph (c) down to new paragraph (d), and consequential re-numbering. The purpose of this change is to add structure to the consultation contemplated under (c)(vii) by proposing a minimum 20 working day period for feedback, and more accurately reflecting the timeline, as the consultation will happen against a draft form of the plan. — Our third amendment prefaces new paragraph (d) with “to achieve the purpose set out in (b)”. This is to make it clear that the information requirements in new paragraph (d) relate back to the desired outcome of maintaining safe and practicable access, circulation and servicing for properties. — Our fourth amendment is at new paragraph (d)(iv), making the obligation clearer and more robust. It should not be adequate for the Plan to simply state whether or not there is safe and legible customer, staff, servicing and delivery access. Those outcomes need to be achieved by the proposals in the Plan, so rather than stating whether or not the Plan achieves them, it needs to set out how the Plan achieves them. The amendment also requires clarification on how vehicles can enter and exit the service lane in a forward direction. A concern raised by Restaurant Brands in its earlier Comment dated 26 May 2026 was that, given the operation and directionality of the reconfigured service lane was not shown in the Application, the current forward-direction operation of the service lane may be compromised and require difficult reversing manoeuvres by service and delivery vehicles. The Plan needs to address this concern and make it clear how forward-direction operation will be maintained. —
-----	---	--

We wish to address a comment made by the Requiring Authority at paragraph 94 of its legal submissions which might arise again in relation to condition 16E. At paragraph 94 of its legal submissions, which responds to Restaurant Brands' earlier Comment, the Requiring Authority says: "...NZTA is not proposing to stop Parr Road North. Further, NZTA is not proposing to stop the part of the service lane that Restaurant Brands references... NZTA considers the Project will not permanently impact access to the KFC restaurant and, therefore, no condition is required."

Restaurant Brands accepts that Parr Road North is not intended to be stopped. However, the western portion of the service lane directly adjacent to the KFC Site would be required to be stopped by virtue of the design and layout of the station. Figure 3 and Figure 4 below illustrates the issue.



Figure 3: Service lane location (red)



Figure 4: Revised service lane layout

Restaurant Brands' concern, as set out in its Comment, was that the existing service lane would be severed by construction of the station, and the intended operation and directionality of the reconfigured service lane was not shown in the Application, including how service vehicles will be able to enter and exit in a forward direction. The KFC Site could be significantly affected by the intended operation of the reconfigured service lane, particularly if forward-direction movement is compromised.

		Accordingly, the Requiring Authority's submission does not appear to address the issue raised by Restaurant Brands. The Panel has recognised this broader access issue through proposed condition 16E, which Restaurant Brands broadly supports, subject to the amendments proposed.
--	--	--

Appendix 2: Proposed Amendments to Designation Conditions

Restaurant Brands' proposed amendments are underlined and highlighted.

NoR number	Condition number	Condition
ALL	4	Conditions following Completion of Construction Following Completion of Construction, all conditions except <u>those listed below Condition 37</u> cease to have an effect and do not apply to any subsequent work associated with on-going operation and maintenance of the Project: (a) <u>Condition 16</u> (b) <u>Condition 16E</u> (c) <u>Condition 16F</u> (d) <u>Conditions 17-20</u> (e) <u>Condition 37</u>
ALL	16C	Existing Property Access [...] (c) This condition does not apply where the relevant landowner <u>and occupier</u> has agreed in writing to the access arrangement, or where the relevant property interest has been acquired by the Requiring Authority.
9 and 11	16E	Point Chevalier Transport and Access Plan (a) Prior to submission of <u>the an</u> Outline Plan for works affecting Point Chevalier Station, Parr Road North, the service lane adjoining 1170-1172 Great North Road, or the Parr Road North / Great North Road intersection, the Requiring Authority must prepare a Point Chevalier Transport and Access Plan. [...] (c) <u>The Requiring Authority must, prior to submission of the Outline Plan as set out in (a):</u> <u>(i) provide the draft Point Chevalier Transport and Access Plan to Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands, and any other directly affected property owner or occupier;</u>

		(ii) consult with Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands, and any other directly affected property owner or occupier as to the content of the draft Point Chevalier Transport and Access Plan; (iii) allow those parties 20 working days to provide written feedback on the draft Point Chevalier Transport and Access Plan. (ed) To achieve the purpose set out in (b), the Point Chevalier Transport and Access Plan must include: [...] (iv) how an assessment of whether the layout and operation of Parr Road North and the service lane will maintain safe and legible customer, staff, servicing and delivery access to adjacent commercial properties, including how vehicles can enter and exit the service lane in a forward direction; [...] (vii) consultation undertaken with Auckland Transport, Auckland Council, National Trading Company, Restaurant Brands and any other directly affected property owner or occupier; and (viii) a summary of feedback received, what changes have been made in response, and reasons for any feedback not adopted. (de) The Point Chevalier Transport and Access Plan must be provided with the relevant Outline Plan.
--	--	---