

26 May 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 under section 53 of the Fast-track Approvals Act 2024

Comments on behalf of Restaurant Brands Limited

1 Introduction

- 1.1 We act for Restaurant Brands Limited (**Restaurant Brands**). These comments are submitted on behalf of Restaurant Brands by Cuncannon as legal counsel and Bentley & Co planning consultants.
- 1.2 These comments relate to the fast-track application of the New Zealand Transport Agency Waka Kotahi to develop Te Ara Hauāuru – Northwest Rapid Transit (NWRT), under reference number FTAA-2511-1146 (**Application**).
- 1.3 Thank you for the opportunity to comment on the Application.

2 Restaurant Brands’ standing to comment

- 2.1 Restaurant Brands owns and operates a KFC drive-through restaurant (**KFC Business**) situated at 1170-1172 Great North Road, Point Chevalier (**KFC Site**). Restaurant Brands is the leaseholder of the KFC Site.
- 2.2 No land is proposed to be taken from the KFC Site. The designation proposed in the Application abuts the property boundary, and the indicative design materially alters the immediately adjoining transport environment, including the service lane network and the design, layout and function of Parr Road North near the Point Chevalier station area.
- 2.3 Restaurant Brands has been identified as an “occupier of land adjacent to the land to which the substantive application relates”, within the meaning of section 53(2)(i) Fast-

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track Approvals Act 2024. Accordingly, Restaurant Brands has been invited to comment on the Application.

3 Purpose and scope of comment

- 3.1 These comments relate to the effects of the Application on the KFC Site and the KFC Business. The comments address:
- (a) the adequacy of the assessment provided within the Application as it relates to the KFC Site and the KFC Business;
 - (b) the construction management plan conditions to the extent necessary to ensure Restaurant Brands' operational needs are accommodated;
 - (c) the appropriateness of the proposed 25-year lapse period for relevant consents for future stages, and the implications for the KFC Site and the KFC Business.
- 3.2 The Application documents have been reviewed, and the following in particular are referred to:
- (a) Part 2: The Project;
 - (b) Part 3: Project Benefits;
 - (c) Part 4: Resource Management Act 1991 Approvals;
 - (d) Part 6.13: Assessment of Construction Noise and Vibration Effects;
 - (e) Part 6.16: Assessment of Groundwater and Settlement Effects;
 - (f) Part 6.20: Assessment of Transport Effects.

4 Restaurant Brands, the KFC Site, the KFC Business, and the surrounding environment

Restaurant Brands

- 4.1 Restaurant Brands is a leading "Quick Service Restaurant" (fast food) provider, whose operation in New Zealand comprises the KFC, Pizza Hut, Carl's Jr, and Taco Bell portfolios. The company has a combined portfolio (owned and franchised) comprising approximately 314 stores across the country from Kaitia in the north to Invercargill in the south. Restaurant Brands is a proud New Zealand company, and employs more than 4,500 across New Zealand. Its success has allowed it to expand internationally, and it now operates restaurants in Australia, California, Hawaii, Guam and Saipan, but it retains its headquarters and head office in Penrose, Auckland.

The KFC Site and KFC Business

- 4.2 Restaurant Brands is the leaseholder of the KFC Site. The KFC Site is comprised in two titles, both owned by [REDACTED] as landlord, detailed as follows:

Title ref	Legal description	Area
		559 square metres more or less (accounting for partial acquisition for service lane in 1981)
		612 square metres more or less

4.3 The KFC Site is occupied by a single storey KFC restaurant building located on the northern boundary with Great North Road, and is serviced by a drive-through lane that runs along the length of the eastern and western boundaries of the site.

4.4 As illustrated in *Figure 1* below, vehicular access to the KFC Site is obtained via the service lane that adjoins the southern boundary of the KFC Site, comprising a 5m wide drive-through lane entrance, a 9.6m wide double-width vehicle crossing to serve the customer car park and loading area, and a 5m wide drive-through egress.



Figure 1: Existing Site layout

4.5 Figure 2 below further details the layout of the drive-through restaurant activity at the KFC Site, which includes:

- (a) A dining area with seating capacity for 49 customers;
- (b) A drive-through lane that can accommodate 8 vehicles;
- (c) At-grade parking for 13 customer vehicles;
- (d) One loading space for an 8m rigid truck.

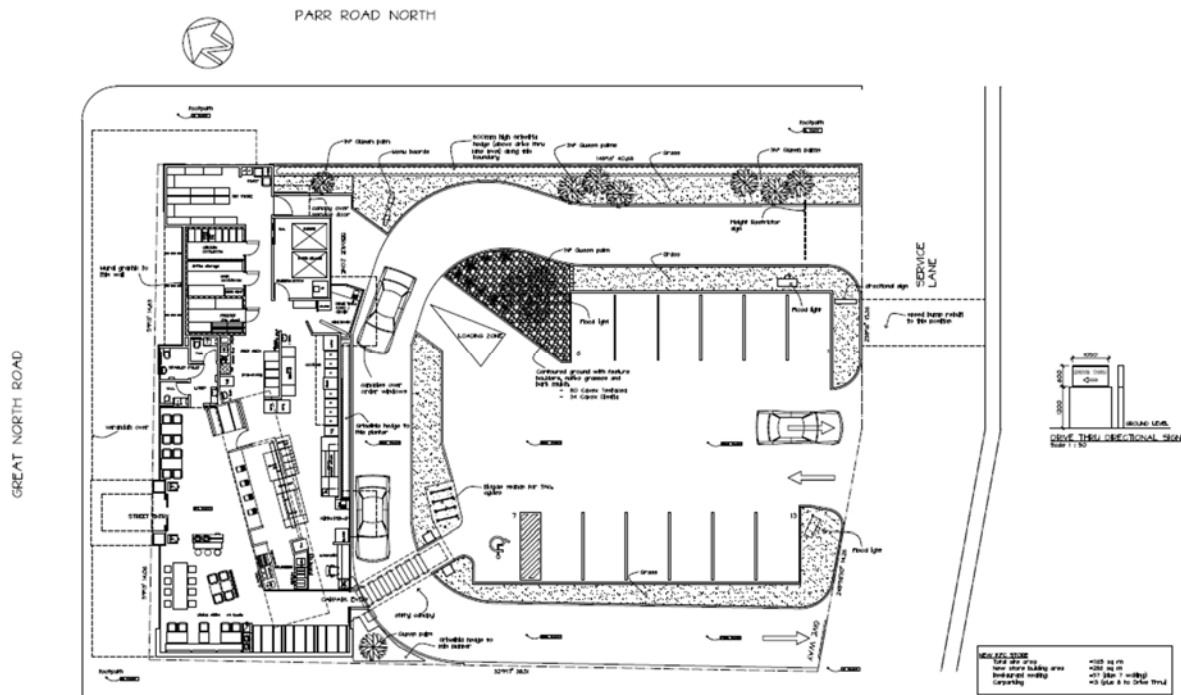


Figure 2: Existing site layout

4.6 The resource consent held for the store restricts its operation to the public to the following times:

Mon/Tues	9.30am – 10pm
Weds	9.30am – 10.30pm
Thurs	9.30am – 11pm
Fri	9.30am – midnight
Sat	10am – midnight
Sun	10am – 10pm

4.7 Peak times for the KFC Business are 11am – 2pm and then 5pm – 8pm. Of these times, Thursday, Friday, and Saturday are the busiest for the activity. Key times for receiving deliveries are 4am – 6am and 12pm – 2pm.

4.8 The KFC Business was established in 2010, and currently employs 25 employees. The KFC Site was selected due to its location on Great North Road beside the Point Chevalier Town Centre, and has a strong residential catchment and passing trade. The KFC Business serves well over 250,000 customers each year: averaging over 4,800 every

week. Of these, approximately 70% use the drive-through facility. Drive-throughs form a critical component of this and many other KFC restaurants.

- 4.9 As illustrated in *Figure 4* below, the application seeks to designate the service lane and Parr Road North, together with the land to the south of the service lane, for the construction of the Point Chevalier bus station.

5 Comment on transport effects

- 5.1 The KFC Site is located within an established town centre environment where the Unitary Plan seeks to (at a general level) reinforce the function of the town centre as the primary location for commercial activity (Policy E10.3(1)) and service the surrounding community's needs for a range of uses (Policy E10.3(15)). The functional and operational requirements of activities and development are required to be recognised (Policy E10.3(12)), which in relation to the KFC Business includes access, servicing, and circulation.
- 5.2 The effects on the ability of the established KFC drive-through activity to continue to operate efficiently are therefore not incidental, but directly relevant to whether the planning outcomes for the centre are achieved.
- 5.3 While designations are commonly sought on the basis of indicative design, the regional consents sought for the Point Chevalier stage authorise construction activities and associated effects. The appropriateness of an indicative design and deferred detail must be assessed against whether effects are sufficiently defined and secured at the time consent is granted.

Importance of the service lane to drive-through and site servicing

- 5.4 The operation of the KFC Business relies on vehicular access to and from the public service lane adjoining the southern boundary of the KFC Site. That service lane, which is accessed from Parr Road North, provides for both customer circulation and servicing access. The drive-through layout includes a dedicated internal lane with on-site storage for eight vehicles. Once that storage capacity is exceeded, additional vehicles queue within the service lane and circulate toward Parr Road North.
- 5.5 Servicing of the KFC Site is undertaken by rigid trucks, with deliveries occurring throughout the day. These vehicles rely on the service lane network to enter, manoeuvre, and exit the KFC Site. As illustrated in the aerial plan below (*Figure 3*), the service lane provides a continuous connection between Parr Road North and Carrington Road, enabling vehicles to circulate through the lane rather than turning or reversing within it.
- 5.6 This existing configuration is important for two reasons:
- (a) it enables servicing vehicles to enter and exit the service lane in a forward direction without reversing movements past the drive-through entry and exit points; and
 - (b) it distributes vehicle movements along the service lane, reducing the likelihood of localised conflicts at the KFC Site access points.



Figure 3: Service lane location (red)

How the Application deals with the service lane

- 5.7 The service lane is a public road rather than a private access. The continued functionality of the service lane is therefore dependent on the final road reserve design and layout arising from the NWRT project.
- 5.8 The Application adopts an “indicative design” approach and does not include a traditional “in accordance” condition. In that context, the reliability of the Assessment of Transport Effects prepared by NZTA as contained in the Application depends on whether the proposed conditions are sufficient to ensure that, notwithstanding changes to final design, the effects on the local road network and on access to the KFC Site remain within the assessed effects envelope.
- 5.9 Specific to the KFC Site and the Point Chevalier station and busway, the Assessment of Transport Effects states that:
- (a) pick up and drop off facilities will occur on Great North Road where short-term parking already exists in close proximity to the station;¹
 - (b) some Western Express passengers may choose to drive to local streets near the bus stations and then catch the Western Express. If there are any residual impacts to on-street parking for residents following construction, AT as the local road controlling authority can manage the impacts if needed;²
 - (c) the station footprint is located on an existing Council-owned car park, which will require the removal of approximately 102 parking spaces. Parking provision on local roads and in existing off-street parking areas are expected to be sufficient to accommodate future parking demands.³

¹ *Te Ara Hauāuru Northwest Rapid Transit, Part 6.20: Assessment of Transport Effects* (15 December 2025) at page 37

² *Ibid* at page 38

³ *Ibid* at pages 38-39

- 5.10 The indicative design provided as part of the Application shows a revised road layout associated with the Point Chevalier station, including a reconfiguration of the service lane environment and a loop road arrangement connecting to Great North Road in the vicinity of Parr Road North (Figure 4).

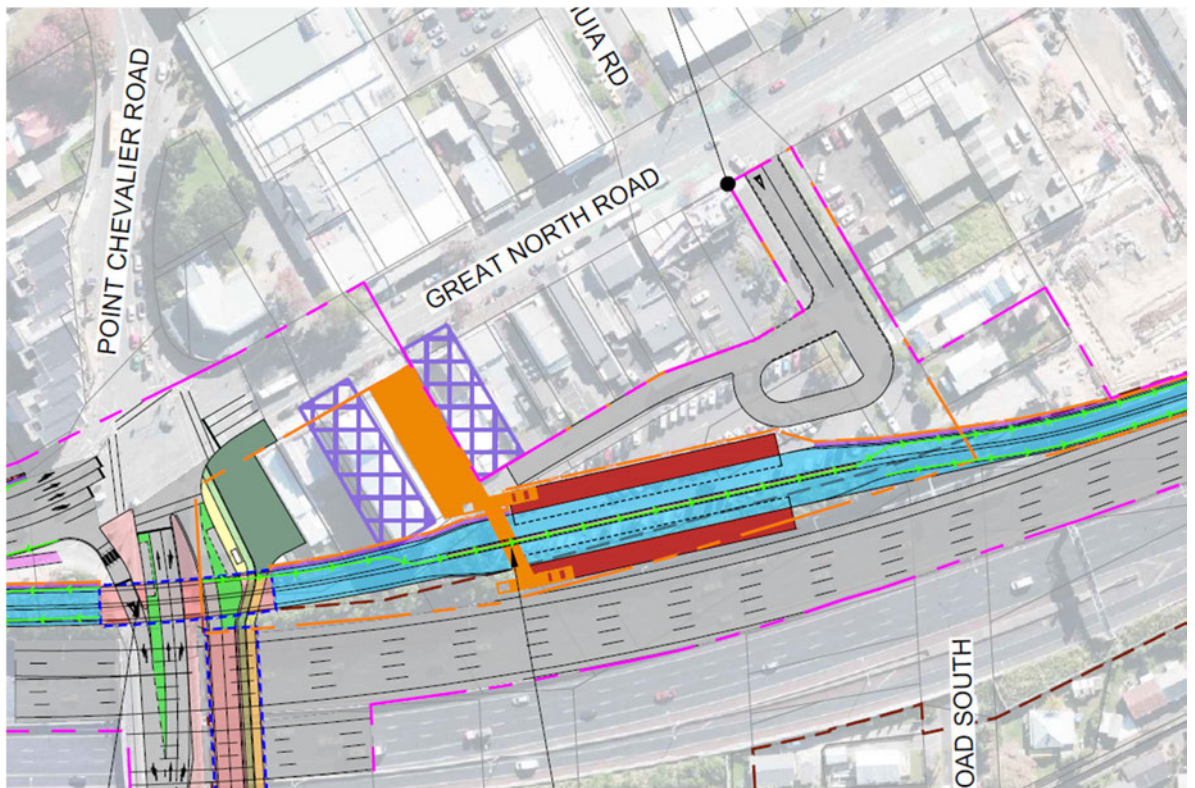


Figure 4: Revised service lane layout

- 5.11 Based on a comparison of the existing service lane alignment (as shown in Figure 3) and the indicative design (Figure 4), it appears that the continuous service lane connection through to Carrington Road is not retained in its current form. While the Application does not explicitly state that the Carrington Road egress is to be removed, the indicative design suggests that:
- (a) the western extent of the service lane is truncated; and
 - (b) vehicle circulation may instead rely on turning movements within a reconfigured local road network.
- 5.12 In that context, the Application introduces uncertainty as to how vehicles using the service lane, including servicing vehicles, will circulate and exit the area in the final arrangement.
- 5.13 The indicative design also introduces a loop road and kerbside area adjacent to Great North Road and Parr Road North. The Application material does not clearly define the function of this area, such as whether it will operate as:
- (a) a bus layover;
 - (b) a passenger pick-up and drop-off (PUDO) area;
 - (c) a taxi rank; or

(d) a combination of the above.

- 5.14 The function of this area is directly relevant to the KFC Site, as any vehicle stopping, queuing, or layover activity in proximity to the service lane access will affect the ability of vehicles to enter and exit the KFC Site.

Insufficient information to enable assessment of effects

- 5.15 The Assessment of Transport Effects advises that the operational transport effects were informed by modelling tools including MSM, SIDRA and Aimsun,⁴ and concludes that the “Project will not result in any material adverse operational effects,⁵ and for that reason no mitigation measures are proposed.”⁶ However, the assessment does not provide:

- (a) modelling outputs for the Parr Road North / Great North Road intersection;
- (b) vehicle tracking to demonstrate how service vehicles will manoeuvre within the revised service lane environment; or
- (c) specific assessment of how the reconfigured service lane and road environment will operate in relation to adjacent commercial sites.

- 5.16 In the absence of that information, it is not possible to understand:

- (a) how the effects on local intersections have been quantified;
- (b) whether the effects on access and circulation for the KFC Site have been assessed; or
- (c) whether the proposed conditions secure a clear operational bottom line in the event the final design differs from the indicative design.

- 5.17 Schedule 5, clause 12(1)(b) of the Fast-track Approvals Act 2024 requires a notice of requirement to 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”. 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 KFC Site.

Operational traffic effects

- 5.18 From an operational standpoint, the relevant issues are about design certainty and the permanence of the proposed works, including:

- (a) the reconfiguration or truncation of the service lane;
- (b) changes to circulation patterns;

⁴ *Te Ara Hauāuru Northwest Rapid Transit, Part 6.20: Assessment of Transport Effects* (op cit) at page 30, Table 4-1

⁵ Defined in Table 4-1 at page 30 of the Assessment of Transport Effects as comprising: general traffic, public transport, active modes, parking, property access, special events, emergency vehicles, and cumulative effects.

⁶ Ibid at page 39

- (c) uncertainty about the function of Parr Road North and adjoining kerbside areas; and
- (d) the absence of modelling or tracking demonstrating that the post-construction layout supports existing commercial activity.

5.19 The conditions do not establish:

- (a) a clear operational outcome for the final layout and function of the service lane and road environment; or
- (b) a mechanism to demonstrate that the final design will maintain functional access to adjacent commercial properties, particularly for service vehicles.

5.20 Unlike construction traffic effects, operational traffic effects arise from the final road layout and circulation pattern introduced by the Project. These effects are enduring and cannot be mitigated through future management plans. It is necessary that the Application demonstrates, at this stage, the proposed operational road environment will continue to support the safe and efficient functioning of adjacent commercial activities within the vicinity of Point Chevalier station, including the drive-through operations reliant on the service lane.

5.21 The Application does not currently provide sufficient information to demonstrate that:

- (a) the service lane network will continue to function in a manner that enables safe and efficient access for all users;
- (b) servicing vehicles will be able to enter and exit the service lane without unsafe manoeuvres; or
- (c) the road environment introduced by the Project will not compromise access to the KFC Site during peak periods.

Specific risks to the KFC Site

5.22 For the KFC Site, the identified deficiencies in the Application and proposed conditions give rise to effects on the continued operation of the drive-through restaurant activity. The relevant transport effect is not limited to whether an access remains open. The relevant question is whether the KFC Site can continue to operate the KFC Business as a drive-through restaurant, which requires:

- (a) safe and legible customer access to and from the service lane;
- (b) sufficient capacity within the local road environment to accommodate peak period movements; and
- (c) the ability for servicing vehicles to utilise the service lane without unsafe or impractical manoeuvres.

5.23 The removal or reconfiguration of the service lane egress to Carrington Road may change how vehicles circulate within the service lane. In the absence of confirmed design outcomes or vehicle tracking demonstrating how circulation will occur, there is a

risk that servicing vehicles may be required to reverse past the KFC Site access points or undertake complex turning manoeuvres in a constrained environment.

5.24 Similarly, the undefined function of the service lane and Parr Road North in proximity to the KFC Site creates a risk that stationary vehicles or queues associated with the operation of the NWRT Project could block access to the service lane and the KFC Site, particularly during peak trading periods. In the absence of defined operational parameters or performance requirements, that effect is not assessed or managed within the Application.

5.25 These effects are not addressed by the current level of information provided in the Application, nor are they clearly secured by the proposed conditions. As a result, the potential effects on the operation of the KFC Site are not fully assessed or contained within a defined effects envelope.

Conclusions

5.26 Notwithstanding NZTA's response to Minute 3, Restaurant Brands remains concerned that the Application does not demonstrate, in relation to transport effects at the Point Chevalier station area, how:

- (a) the effects identified in the Assessment of Transport Effects have been arrived at and subjected to sensitivity testing;
- (b) those effects translate to specific environmental bottom lines or performance standards; and
- (c) the proposed conditions secure those outcomes for adjacent commercial sites, including the KFC Site.

5.27 In particular, the reliance on management plan conditions identifies processes to be followed, but does not define the post-construction operational outcomes to be achieved for access, circulation, and servicing within the service lane and Parr Road North environment.

5.28 As a result, the Application does not demonstrate that the effects of the Project on the KFC Site are appropriately assessed or confined within a defined and secured effects envelope, as contemplated by Minute 3 of the Panel.

5.29 We request that the Panel either:

- (a) request such further information from the applicant under section 67 Fast-track Approvals Act 2024, and re-invite comment from Restaurant Brands once such information is available; or
- (b) impose conditions on the Application which require the applicant to develop and provide such information, and undertake to work with Restaurant Brands to design outcomes that adequately address the potential effects.

5.30 In the absence of further information, any conditions imposed must include site-specific, outcome-based requirements for access, circulation, and servicing for the KFC Site, including (but not limited to):

- (a) maintaining safe and legible access to and from the service lane;
- (b) maintaining sufficient network capacity to accommodate peak period operation of the KFC Business;
- (c) ensuring that the layout of Parr Road North does not enable its use as a bus layover, a passenger pick-up and drop-off (PUDO) area, a taxi rank, or any combination of these; and
- (d) ensuring that service vehicles are able to enter, manoeuvre, and exit the service lane in a forward direction without unsafe or impractical movements.

6 Comment on construction effects

Prolonged disruption

- 6.1 The construction of the station and the Carrington Road underpass is expected to take approximately three and half years. The construction of Point Chevalier station itself is expected to take approximately one and half years of this total period.⁷ While construction effects are generally described as temporary, the duration of works at Point Chevalier is measured in years rather than days or weeks, and will overlap with peak trading periods for the KFC Site on a recurring basis. The construction effects extend beyond temporary inconvenience and have the potential to result in sustained major operational disruption.
- 6.2 The KFC Site is located immediately adjacent to the designation boundary and the works associated with the station and busway. It will therefore be subject to construction activities in close proximity over an extended period.

Construction traffic effects

- 6.3 The proposed designation conditions include a requirement for a Construction Traffic Management Plan (CTMP), which has the stated objective of managing adverse traffic safety and efficiency effects on the wider network. It requires inclusion of matters such as:
- (a) methods to manage temporary traffic management effects;
 - (b) estimated traffic numbers, routes, and timing;
 - (c) site access routes;
 - (d) detours;
 - (e) measures to maintain access to and from properties “where practicable”; and
 - (f) monitoring and contingency measures.
- 6.4 In principle, a CTMP is an appropriate mechanism to manage construction traffic effects. However, the effectiveness of the CTMP in this instance depends on whether it

⁷ *Te Ara Hauāuru Northwest Rapid Transit, Part 6.20: Assessment of Transport Effects* (op cit) at page 21

can accommodate the specific functional requirements of the KFC Business and the KFC Site.

- 6.5 Critically, the CTMP is provided to the Council for information, and the obligation to maintain property access is expressly qualified by “where practicable”. There is no outcome-based requirement tied to the continued operation of specific commercial activities.
- 6.6 By contrast, the same condition set contains explicit, outcome-based CTMP protections for supermarkets at Point Chevalier and Westgate, including manoeuvring requirements, operating hours, and minimum notice periods where access cannot be maintained.
- 6.7 That contrast is important. The CTMP operates as a process-driven mechanism, not an effects bottom line. Unlike other identified affected sites, the KFC Site is not the subject of any site-specific access or operational outcomes. As a result, the CTMP does not define the effects envelope against which construction effects on the KFC Site can be assessed.
- 6.8 The KFC Business is functionally dependent on continuous circulation through a shared service lane, peak-period traffic and queueing, and regular servicing. These are baseline operational requirements of the consented drive-through activity, rather than discretionary aspects of its operation. Other adjacent businesses are similarly reliant on the function of the service lane for their activities.
- 6.9 CTMP Condition 16 requires “measures to maintain access to and from properties... where practicable”. However, it does not require the CTMP to secure any of the following outcomes:
- (a) maintain a through-connection in the service lane network;
 - (b) maintain sufficient capacity within the Parr Road North and service lane local network to accommodate the peak hour requirements of the KFC Business; or
 - (c) maintain servicing access generally within the service lane that avoids reversing or unsafe manoeuvres.
- 6.10 Restaurant Brands is unable to review or comment on the suitability of the measures that may be contained in the CTMP to address its concerns. As a result, the risk of inadequate access outcomes during construction is borne by Restaurant Brands, with remedies that are reactive rather than preventative.
- 6.11 Unlike the supermarket conditions, there are no defined operating hours to be protected, maximum disruption durations, or advance notice requirements where access cannot be maintained.
- 6.12 The functional requirements and continuity of the KFC drive-through operations are not part of the effects envelope assessed or secured through the proposed designation conditions. The KFC Business differs from a typical commercial activity in that:
- (a) it relies on continuous vehicle circulation through a drive-through lane; and

- (b) it depends on the functioning of a shared public service lane for both customer access and servicing.
- 6.13 The relevant construction effect is not simply whether access is maintained in a nominal sense, but whether the KFC Business can continue to operate as a drive-through restaurant. This requires:
 - (a) continued ingress and egress via the service lane and Parr Road North;
 - (b) sufficient visibility and legibility of access points for customers; and
 - (c) adequate space within the service lane to enable servicing vehicles to enter and exit without unsafe or impractical manoeuvres.
- 6.14 The Application does not include a site-specific construction staging plan for the Point Chevalier section. In the absence of that information, the Application does not demonstrate how those requirements will be implemented in practice at this location, including:
 - (a) whether Parr Road North or the service lane will be subject to partial or full closure during works;
 - (b) how temporary traffic management will affect the available width and function of the service lane; and
 - (c) how access to sites reliant on that lane will be maintained in a manner that enables continued operation of those sites.
- 6.15 NZTA's proposal to amend CTMP Condition 16 to refer expressly to construction sequencing does not resolve this issue, because it still does not define the site-specific outcomes required to maintain the continued operation of the KFC Business during construction.
- 6.16 Similarly, NZTA's explanation that specific supermarket conditions are justified by heavy vehicle manoeuvring requirements confirms that site-specific functional requirements can warrant bespoke conditions. Restaurant Brands' concern is that the KFC Site's own site-specific access, circulation, queuing, and servicing requirements are not presently secured in equivalent outcome-based terms.
- 6.17 Construction activities in the immediate vicinity of the KFC Site will require temporary traffic management, hoardings, and construction compounds. These measures have the potential to affect:
 - (a) visibility of the KFC Site entry and exit points;
 - (b) the design and function of the service lane; and
 - (c) the ability of customers to safely navigate into and out of the KFC Site in a manner that supports the function of the drive-through lane.
- 6.18 These potential effects arise directly from the proximity of the proposed works to the service lane and KFC Site access points, and from the changes to the local road environment indicated in the Application material. Reliance on a future CTMP alone,

without clearer parameters or site-specific requirements, does not demonstrate that access to the KFC Site can be maintained in a manner that supports the continued operation of the KFC Business throughout construction.

- 6.19 For a drive-through activity, clear identification of entry and exit points and the ability to safely queue and circulate are fundamental to its operation. These are functional requirements, rather than matters of amenity alone.
- 6.20 Construction dust and debris also have the potential to affect the operation of a food premises, particularly where customers remain within vehicles in close proximity to construction activities during the ordering and collection process.
- 6.21 While the proposed conditions provide for general construction management measures, they do not establish site-specific requirements for maintaining access legibility or managing dust and cleanliness at the interface with adjacent commercial sites such as the KFC Site, nor do they define the outcomes to be achieved in that regard.

Construction noise and vibration

- 6.22 The designation conditions include construction noise and vibration criteria and require the preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP), together with Schedules where exceedances are predicted or measured. In principle, this provides an appropriate mechanism for managing construction noise and vibration effects. However, for the KFC Site, the relevant issue is not only compliance with noise and vibration criteria, but the resulting operating conditions for customers and staff of the KFC Business within a drive-through environment.
- 6.23 The KFC Business operates through a service interface where customers remain in vehicles and interact with staff at order and pick-up points located in close proximity to the external environment. Elevated noise levels and vibration have the potential to affect communication, customer experience, and the safe and efficient functioning of the activity during construction works.
- 6.24 The Application establishes a framework for managing construction noise and vibration effects, including the preparation of a CNVMP and Schedules where exceedances occur. While compliance with construction noise and vibration criteria may avoid building damage or technical exceedances, it does not, of itself, demonstrate that the KFC Business can continue to operate efficiently during construction. The relevant issue is operational compatibility, including communication at ordering points, customer experience, and safe circulation, which are not expressly addressed by the proposed conditions.

Overall assessment of construction effects

- 6.25 In the absence of defined performance requirements or outcome-based conditions, the construction effects on access, circulation, and servicing for the KFC Site are not currently defined within a clear effects envelope. The operation of a drive-through activity depends on continuity of service. Repeated or prolonged interruptions to access, circulation, or customer interface conditions have the potential to materially affect its functioning.

- 6.26 The construction management framework proposed in the Application is appropriate at a general level but does not yet provide sufficient certainty at a site-specific level for the Point Chevalier stage. The key issue is not whether construction effects can be managed in principle, but whether the Application demonstrates and secures that the KFC Business can continue to operate as a drive-through restaurant throughout the construction period, having regard to:
- (a) its reliance on the service lane and Parr Road North;
 - (b) the constrained nature of that environment; and
 - (c) the duration and proximity of the construction works.
- 6.27 In the absence of a site-specific staging and access response, Restaurant Brands is required to rely on a future CTMP and CNVMP to resolve these matters without clear parameters. A stage-specific access and construction management response is therefore required which defines the outcomes to be achieved for the Point Chevalier stage to demonstrate how:
- (a) access to the KFC Site will be maintained during construction;
 - (b) the service lane will continue to function for customer and servicing movements; and
 - (c) the frontage and operating environment will be managed to enable continued operation of the KFC Business throughout the construction period, given the parameters of the KFC Site.

Conclusions

- 6.28 We are concerned that the Application does not demonstrate, in relation to the construction effects at the Point Chevalier station area, how the effects have been assessed, translated into defined performance outcomes, or secured through the proposed conditions. As a result, the Application does not provide the level of specific and detailed information:
- (a) required under the Fast-track Approvals Act 2024; or
 - (b) which would be appropriate to provide to Restaurant Brands as an affected occupier, to enable Restaurant Brands to properly consider and plan for effects on the KFC Site and KFC Business.
- 6.29 In particular, the reliance on CTMP and CNVMP conditions provides for processes to be followed, but does not define the outcomes required to maintain the continued operation of the KFC Business as a drive-through restaurant during the construction phase.
- 6.30 We request that the Panel either:
- (a) request such further information from the applicant under section 67 Fast-track Approvals Act 2024, and re-invite comment from Restaurant Brands once such information is available; or

- (b) impose conditions on the Application which require the applicant to develop and provide such information, and undertake to work with Restaurant Brands to design outcomes that adequately address the potential effects.

7 Comment on groundwater diversion and settlement effects

- 7.1 The Assessment of Groundwater and Settlement Effects identifies Point Chevalier station as one of the locations where excavations are anticipated to extend below the groundwater table. For the purposes of the assessment, the excavations are treated conservatively as free-draining, notwithstanding that the indicative construction methodology anticipates the use of secant piles or diaphragm walls which act to restrict groundwater seepage.⁸
- 7.2 The assessment is undertaken at a station and corridor scale and adopts a conservative methodology for the purposes of identifying potential effects. However, it does not provide a site-specific assessment for the KFC Site, nor does it include a detailed earthworks or foundation plan for the Point Chevalier stage from which the extent of excavation and potential drawdown effects can be clearly understood.
- 7.3 We do not assert that groundwater diversion or settlement effects will necessarily give rise to unacceptable direct effects on the KFC Site. The KFC Site is not identified as particularly sensitive to such effects and, based on the information available, any direct effects may be limited. However, in the absence of a site-specific assessment, it is unclear:
 - (a) how the KFC Site has been factored into the Applicant's sensitivity testing;
 - (b) what level of groundwater drawdown or settlement is anticipated at or near the KFC Site; and
 - (c) how the proposed monitoring and management framework will be applied to the KFC Site.
- 7.4 The Application relies on a management approach, including monitoring and response measures, to address potential groundwater and settlement effects. However, those measures are not translated into site-specific conditions or performance requirements for the Point Chevalier stage, and do not secure outcomes in the event that the final design departs from the indicative design (including where excavations extend below the groundwater table).
- 7.5 In particular, while technical advice indicates that groundwater drawdown and settlement effects are unlikely under the indicative design, and may be mitigated through the use of secant piling or other similar methods if deeper excavation is required, there is no condition which secures those outcomes or requires that such methods are adopted.

Conclusions

⁸ *Te Ara Hauāuru Northwest Rapid Transit, Part 6.16: Assessment of Groundwater Settlement Effect* (15 December 2025) at page 22

- 7.6 The Application does not demonstrate, at a site-specific level, how groundwater diversion and settlement effects for the KFC Site have been assessed, or how those effects will be avoided, remedied, or mitigated under the final design.
- 7.7 We request that the Panel either:
- (a) request a site-specific assessment from the applicant under section 67 Fast-track Approvals Act 2024, and re-invite comment from Restaurant Brands once such information is available; or
 - (b) impose conditions on the Application which require the applicant to develop and provide a site-specific assessment, and that if the assessment identifies issues relating to the KFC Site, undertake to work with Restaurant Brands to design outcomes that adequately address the potential effects.

8 Comment on lapse period

Overview: designation vs resource consent

- 8.1 Designations and regional resource consents perform different planning functions. The designation secures the land required for the Project and provides for corridor protection over time.
- 8.2 Even if the Supporting Growth Alliance (SGA) NoRs are distinguishable from the NWRT, and even if uncertainty alone is not an effect, the Panel must be satisfied that in the absence of a “Condition 1”, the effects assessment stands regardless of the final design and the conditions define and secure an effects envelope for the Project and the Site. Without this, there is a risk that what is ultimately delivered is not what was proposed.
- 8.3 A 25-year lapse period for both the designation and the regional resource consents, combined with no “Condition 1” and an indicative design that is not secure through outcome-based conditions means that there is a risk that the gap between assessment and implementation will increase and the reliance on conditions to define outcomes becomes absolute.
- 8.4 Regional resource consents authorise specific construction activities and their associated effects, which are typically assessed by reference to:
- (a) a defined scope of works;
 - (b) a receiving environment; and
 - (c) identified management and mitigation measures.
- 8.5 The Point Chevalier stage is understood to be a future stage of the Project for which there is currently no confirmed programme or committed funding. In that context, the resource consents sought for this stage are not tied to a defined delivery timeframe, but rather to an undetermined future implementation.
- 8.6 The appropriateness of a long lapse period cannot be considered independently of project readiness. Where the timing and sequencing of works are uncertain, a long

lapse period reduces the connection between the effects assessment and the environment in which the works will ultimately occur.

- 8.7 For the KFC Site, the principal issue arising from the lapse period is not the existence of the designation itself, but the uncertainty arising from the inability to confirm that the assessed effects remain valid, the absence of defined operational and construction outcomes, and the risk that final implementation departs from the assessed envelope.
- 8.8 Construction activities and enduring changes to the performance and function of the surrounding local road network may occur immediately adjacent to the KFC Business. The effects on the KFC Site and KFC Business which have been identified in these comments are inherently linked to:
- (a) the final design of the transport network and service lane environment;
 - (b) the nature and staging of construction activities; and
 - (c) the receiving environment at the time those activities are undertaken.
- 8.9 Each of these factors can change over time, particularly in circumstances where implementation of the Point Chevalier stage is not currently programmed.
- 8.10 A 25-year lapse period has the consequence that:
- (a) construction activities could occur many years after the current assessment has been undertaken; and
 - (b) the relevance of the effects assessment and the associated management measures may not be revisited at the time implementation occurs.
- 8.11 The Application adopts an indicative design approach and relies on a suite of management plans, including CTMPs and CNVMPs, to address construction effects at a later stage. A long lapse period increases the degree to which effects are assessed on the basis of high-level assumptions, and detailed outcomes are deferred to future plans prepared closer to construction.
- 8.12 While that approach is not uncommon for large infrastructure projects, the combination of an indicative design framework, reliance on future management plans, and an extended lapse period results in reduced certainty as to how effects will be managed at specific sites such as the KFC Site.

Conclusions

- 8.13 The purpose of the Fast-track Approvals Act 2024 is to “...facilitate the delivery of infrastructure and development projects with significant regional or national benefits.”⁹ That purpose is served by the designation at Point Chevalier. It does not require the granting of long-lapse resource consents for an unfunded and unprogrammed project stage.

⁹ Fast-track Approvals Act 2024, section 3

- 8.14 It similarly does not require that the regional resource consents for an unfunded and unprogrammed stage be granted with a lapse period that extends for up to 25 years without a requirement to revisit the effects assessment.
- 8.15 The appropriateness of the 25-year lapse period for the designation and regional resource consents cannot be considered in isolation from the Applicant's "no Condition 1" approach and reliance on an indicative design and management plan framework.
- 8.16 Even if 25 years is a realistic delivery programme, that does not address the key question as to whether the proposed conditions maintain the link between assessment and implementation, define and secure an effects envelope that can be relied on over time, and secure outcomes for adjacent sites, notwithstanding changes to design, construction methodology, and the receiving environment.
- 8.17 For the Point Chevalier stage, the Application does not demonstrate that the proposed conditions establish clear environmental bottom lines or performance standards for access, circulation, servicing, or construction effects for adjacent commercial sites, including the KFC Site. In the absence of such outcomes, the effects envelope is not clearly defined or secured.
- 8.18 A long lapse period does not simply defer implementation; it increases the risk that the Project will be implemented at a point in time, and in a form, that has not been adequately assessed, and without conditions that secure the outcomes relied on in the assessment.
- 8.19 A shorter lapse period would provide a more appropriate balance between enabling delivery of the NWRT Project and ensuring that the effects of construction activities on adjacent operational sites are confirmed at a time when design and implementation are more certain.

9 Conclusion

- 9.1 Restaurant Brands generally supports the improvement of rapid transit options along the Western corridor and the regional benefits it is expected to produce. Restaurant Brands' concerns lie in the level of detail contained in the Application, which is inadequate to properly understand the effects which the NWRT is anticipated to have on the KFC Site and the KFC Business, or to demonstrate that those effects are defined and secured through proposed conditions.
- 9.2 Restaurant Brands considers that the Application does not demonstrated, in a clear or secured manner, how the effects of the Project on the KFC Site will be avoided, remedied, or mitigated, particularly in the absence of a "Condition 1" and given the reliance on an indicative design and future management plans.
- 9.3 We request that the Panel ensure that Restaurant Brands is provided such complete information in a timely manner, either with an opportunity to provide further comment or supported by an undertaking from the applicant to work with Restaurant Brands to manage site-specific effects.
- 9.4 Restaurant Brands considers that the proposed 25-year lapse period for the designation and regional resource consents is not appropriate in the absence of conditions that define and secure a clear effects envelope over time. In those circumstances, we also

request that the Panel reject the application for long-lapse resource consents and impose mechanisms that ensure the operational and construction-related effects of the Project are confirmed at a time when the final design and receiving environment are known.

Yours faithfully
Cuncannon Partners

A handwritten signature in blue ink, appearing to be 'CA', written in a cursive style.

Chris Ashton
Associate

