

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2025-AKL**

**I MUA I TE KŌTI TAIAO  
TĀMAKI MAKĀURAU ROHE**

**UNDER**

the Resource Management  
Act 1991

**IN THE MATTER**

of an appeal by Restaurant  
Brands Limited against the  
decision of Auckland  
Transport to confirm NoR 1  
(South Frequent Transit  
Network – Great South Road  
FTN Upgrade)

**BETWEEN**

**RESTAURANT BRANDS  
LIMITED**

**Appellant**

**AND**

**AUCKLAND TRANSPORT**

**Respondent**

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**NOTICE OF APPEAL BY RESTAURANT BRANDS LIMITED  
21 FEBRUARY 2025**



**S J Berry / C D H Malone**

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**To:** The Registrar  
Environment Court  
AUCKLAND

1. **RESTAURANT BRANDS LIMITED** ("RBL") appeals the decision to confirm Notice of Requirement Number 1 ("NoR 1") for a designation for the Takanini Frequent Transport Network - Great South Road FTN Upgrade.
2. RBL made a submission on NoR 1.
3. RBL received notice of the decision on 30 January 2025.
4. The decision was made by Auckland Transport ("AT").
5. RBL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
6. RBL is appealing the whole decision.
7. The sites which the requirement applies to are properties between Great South Road at eight locations between Manukau and Drury, including the RBL property at 84 and 86 to 88 Great South Road, Papakura ("Site").

#### **Reasons for the appeal**

8. The reasons for the appeal are set out below.
9. RBL is a leading quick service retail provider ("QSR"). RBL's operation in New Zealand comprises the KFC, Pizza Hut, Carl's Jr., and Taco Bell portfolios. RBL has a combined portfolio (owned and franchised) of 241 sites across the country from Kaitia in the North to Invercargill in the South.
10. RBL is the leaseholder of the property at 86 to 88 Great South Road, it has a KFC restaurant on it, and RBL has rights to park on the neighbouring property at 84 Great South Road.
11. Vehicular access to, and egress from, the Site is via Subway Road.
12. An 8m high freestanding identification sign and a 6.5m lighting column are located proximate to the western boundary of the Site, near its Great South Road frontage, and the restaurant is between 7.8m and 8.3m from the Great South Road boundary.

13. RBL is opposed to NoR 1 for the reasons addressed below.

General

14. The decision of AT to confirm NoR 1:
- (a) Does not promote the sustainable management of natural and physical resources, including with respect to enabling people and communities to provide for their health and safety and social, economic, and cultural wellbeing;
  - (b) Does not promote the efficient use and development of physical resources;
  - (c) Is not consistent with good resource management planning and practice; and
  - (d) Is not reasonably necessary for achieving AT's objectives;
  - (e) Has not given adequate consideration to potential alternatives;
  - (f) Includes an excessive lapse period of 15 years; and
  - (g) Will have significant adverse effects on the Site and RBL.

Specific

15. Without limiting the generality of the above, the significant adverse effects on RBL of NoR 1 arise from:
- (a) Relocating the freestanding identification sign and lighting column and the reduction in the landscape buffer to the front of the Site; and
  - (b) Where the relocation would be to and when it would happen.
16. In addition, and even if the above issues can be addressed, there will be significant adverse effects arising from construction, including dust and noise generation, compromising operation of the drive through, and impeding delivery truck access to the Site, that are not avoided or adequately mitigated by what is proposed by AT.

**Relief**

17. RBL seeks the following relief:
- (a) The appeal is allowed;

- (b) NoR 1 is cancelled / not confirmed;
- (c) Such further or other relief, including consequential relief, as will address the reasons for the appeal; and
- (d) Costs of and incidental to this appeal.

18. The following documents are **attached** to this notice:

- (a) A copy of RBL's submission.
- (b) A copy of the decision of AT.
- (c) A list of names and addresses of persons to be served with a copy of this notice.

**DATED at AUCKLAND** on 21 February 2025

  
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**S J Berry / C D H Malone**  
Counsel for Restaurant Brands Limited

**Address for service of appellant**

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Contact person: Simon Berry / Craig Malone

**Advice to recipients of copy of notice**

*How to become party to proceedings*

You may be a party to the appeal if—

- (a) you made a submission on the matter of this appeal; and
- (b) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (c) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of RBL's submission or the decision of AT. These documents may be obtained, on request, from the appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.