

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Wellington District Plan

**STATEMENT OF EVIDENCE OF MARK NICHOLAS ARBUTHNOT FOR
RESTAURANT BRANDS LIMITED IN RELATION TO HEARING STREAM 1
– STRATEGIC DIRECTION**

07 FEBRUARY 2023

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EXECUTIVE SUMMARY

- A. This statement of evidence addresses the submissions made by Restaurant Brands Limited ("**Restaurant Brands**") in relation to 'Hearing Stream 1 – Strategic Direction' of the Proposed Wellington District Plan ("**Proposed Plan**").
- B. Specific to 'Hearing Stream 1', Restaurant Brands' submissions sought the retention of the following chapters as notified:
- a. General Approach.
 - b. Relationships Between Spatial Layers.
 - c. Definitions.
 - d. Strategic Direction (specifically, the 'Capital City', 'City Knowledge and Prosperity', and 'Urban Form and Development' chapters).
- C. I agree with the recommended changes contained within Council's section 42A Planning Report ("**section 42A report**") that are directly relevant to the primary submissions of Restaurant Brands.
- D. In my opinion, the recommended changes are minor in nature and do not result in any consequential flow-on effect to the objectives, policies, or rules of the Proposed District Plan and I note that they are consistent with the issues that were identified within the section 32 analysis that supports these chapters of the Proposed District Plan.

1. INTRODUCTION

1.1 My full name is Mark Nicholas Arbuthnot. I am a Director at Bentley & Co. Limited (“**Bentley & Co.**”), an independent planning consultancy practice based in Auckland.

Qualifications and experience

1.2 I hold the qualifications of Bachelor of Arts (Honours) (Town Planning) and Diploma in Town Planning (Urban Conservation) from Newcastle University, England, obtained in 2000 and 2002 respectively.

1.3 I am a Member of the Royal Town Planning Institute, and an Associate of the New Zealand Planning Institute.

1.4 I have been with Bentley & Co. for 17 years. Prior to my current employment with Bentley & Co., I was a local authority planning officer in the United Kingdom for a period of five years. During this time, I have provided resource management services in respect of various plan changes and resource consent applications for a wide range of commercial clients.

1.5 Bentley & Co. was first engaged in 1997 by Restaurant Brands as their planning consultants. I have assisted Restaurant Brands with the consenting of multiple projects for the development of its existing and new landholdings nationwide, together with advice and assistance in respect of the evolution of relevant planning provisions throughout New Zealand.

1.6 I was engaged by Restaurant Brands in August 2022 to provide advice in respect of, and prepare its submissions on, the Proposed Plan.

Code of conduct

1.7 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to

comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SCOPE OF EVIDENCE

- 2.1 Hearing Stream 1 relates to the submissions that were received by the Council in relation to the provisions relating to Chapter 1: Introduction of the Proposed District Plan.
- 2.2 My evidence relates to Restaurant Brands' primary submissions, which sought:
- (a) The retention of 'Ngā Hononga i Waenga i Ngā Paparanga Mokowā - Relationships Between Spatial Layers' as notified (349.2).
 - (b) The retention of 'Te Anga Whānui - General Approach' as notified (349.3).
 - (c) The retention of 'Ngā Tautuhinga – Definitions' as notified (349.4).
 - (d) The retention of 'CC – Tāone Kāwana - Capital City' as notified (349.5).
 - (e) The retention of 'CEKP – Te Ohaoha, Mōhiotanga me te Taurikura ā-Tāone - City Economy, Knowledge and Prosperity' as notified (349.6).
 - (f) The retention of 'UFD – Te Āhua Tāone me te Whanaketanga - Urban Form and Development' as notified (349.7).

3. STATUTORY FRAMEWORK

3.1 The purpose of a district plan is set out in section 72 of the RMA. It is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.

3.2 Section 75(1) of the RMA requires that a district plan must state:

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

3.3 Additionally, section 75(3) of the RMA requires that a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (c) any regional policy statement.

3.4 Section 76(1) of the RMA provides that a territorial authority may, for the purpose of –

- (a) carrying out its functions under this Act; and
- (b) achieving the objectives and policies of the plan,-

include rules in a district plan.

3.5 In preparing this evidence, I have had regard to:

- (a) Restaurant Brands' primary submissions, and the primary and further submissions made by the Council and other parties;
- (b) the section 42A report prepared by Adam McCutcheon and Andrew Wharton on behalf of Wellington City Council, dated 20 January 2023;
- (c) the statement of evidence prepared by Kirdan Lees on behalf of Wellington City Council, dated 18 January 2023;

- (d) the statement of evidence of Órla Hammond on behalf of Wellington City Council, dated 19 January 2023; and
- (e) the statement of evidence of Philip Osborne on behalf of Wellington City Council, dated 20 January 2023.

3.6 I have had regard to section 32 of the RMA, which requires an evaluation of the objectives, policies and rules that are relevant to Restaurant Brands' primary submissions. I have also had regard to section 32AA of the RMA, which requires a further evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

4. BACKGROUND

- 4.1 Restaurant Brands is a leading "Quick Service Retail" (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 some 241 sites across the country from Kaitaia in the north to Invercargill in the south. Within the Wellington City Council jurisdiction, the company currently operates 7 outlets, comprising 4 KFC, 2 Pizza Hut, and 1 Taco Bell.
- 4.2 Restaurant Brands employs over 3,700 people in New Zealand and is currently undergoing an expansion and reimagining programme for its KFC and Taco Bell outlets nationwide.
- 4.3 Restaurant Brands' submissions seek to ensure that the proposal appropriately recognises and provides for the operation of its Quick Service Retail activities.

5. EVIDENCE

Primary submission of Restaurant Brands (349.2, 349.3, 349.4, 349.5, 349.6, and 349.7)

5.1 The primary submissions¹ of Restaurant Brands sought the retention of the following chapters of the Proposed District Plan as notified:

- (a) General Approach.
- (b) Relationships Between Spatial Layers.
- (c) Definitions.
- (d) Strategic Direction (specifically, the 'Capital City', 'City Knowledge and Prosperity', and 'Urban Form and Development' chapters).

5.2 I agree with the recommended changes contained within the section 42A report that are directly relevant to the primary submissions of Restaurant Brands.

5.3 In my opinion, the recommended changes are minor in nature and do not result in any consequential flow-on effect to the objectives, policies, or rules of the Proposed District Plan and I note that they are consistent with the issues that were identified within the section 32 analysis that supports these chapters of the Proposed District Plan.

5.4 Should any further changes be sought in the evidence of other submitters, Restaurant Brands will address those changes in its rebuttal evidence, if necessary.

Mark Nicholas Arbuthnot

07 February 2023

¹ 349.2, 349.3, 349.4, 349.5, 349.6, and 349.7.