
MINUTE 4 OF THE PANEL CONVENER
Correspondence received by the Convener – North West Rapid Transit
Project
[FTAA-2511-1146]
28 March 2026

[1] I have received email correspondence that has raised an issue regarding the potential conflict of the members of the Expert Panel. The contents of that correspondence is set out below:

[2] On 20 April 2026 the EPA was sent an email from New Zealand Retail Property Group Limited (NZRPG) which stated:

We are a landowner of the Westgate Shopping Centre. This property is substantially affected by this Fast-track application.

A Panel has just been appointed in relation to this application. We are concerned to note that members of this panel have recently been directly involved in proceedings against interests that own the Westgate Shopping Centre. We are currently considering the extent to which this creates a conflict of interest. We note in this respect that the Fast-Track Approval Act Panel Conveners Practice and Procedure Guidance refers to (cl.9) Protocols agreed with the EPA to actively manage any conflicts of interest of panel members. We urgently wish to review these protocols to consider our position and request that they be provided as soon as possible.

[3] On 22 April 2026 I asked the EPA to respond on my behalf as follows:

Thank you for your email which has been considered by the Panel Convener and the Panel members. As is always the practice the Panel members have provided [me] [the Convener] with their conflict information that will be included on the website at the end of the week. This is fulsome and confirms that all panel members have had some involvement with NZTA matters over the years. The Panel and the Convener is satisfied that no conflicts arise that cannot be appropriately managed.

[4] On 23rd April 2026 further email correspondence was received which stated:

Thank you for your email and for the clarifications provided.

We acknowledge your points and respond as follows:

1. Protocol Document

Can we confirm that there is no standalone written protocol document as referred to at paragraph 9.1 of the practices note. Conflict evaluations are conducted on a case-by-case basis, having regard to the nature and circumstances of each potential conflict as they arise.

2. Chairman's Conflict – Stride Property Holdings

We advise that our concern does not relate to conflicts arising from relationships with NZTA or panel members, but rather to the chairman's current involvement as lead counsel for Stride Property Holdings (Stride). Stride pursued judicial review proceedings against NZRPG, challenging the resource consents of an NZRPG development. This matter was heard in the High Court in February, and the parties are awaiting a decision. Depending on what the Court decides, these proceedings are very much alive.

The chairman's role with Stride is further complicated by the fact that Stride also holds land within the footprint of this designation, north of Fred Taylor Drive. As a consequence, Stride's interests will require direct consideration

by the Panel in addressing NZTA's application. Our concern, therefore, is that the chairman's representation of Stride gives rise to concurrent conflicts that are not merely peripheral but go to the substance of the proceedings before the Panel.

Given this, can we confirm that the conflict analysis to be published on the project website later this week will expressly address this matter? Specifically, it will set out how this potential conflict has been identified, assessed, and will be managed to ensure that no actual conflict of interest arises and, equally, that no reasonable perception of such a conflict occurs.

[5] In accordance with the protocol referred to in clause 9 of the Fast-Track Approvals Act 2025: Panel Conveners' Practice and Procedure Guidance dated 22 July 2025 prior to appointment the North West Rapid Transit Expert Panel members conferred with me regarding conflicts and the disclosure of their interests to me. This disclosure of interests identifies if there are any circumstances which may give rise to an actual or potential conflict of interest. Post the receipt of the correspondence listed above, the Expert Panel have now completed their formal disclosures, and these will be available on the EPA Fast Track website for this application in the section entitled "Expert Panel" in due course.

[6] The disclosure of interests from each of the Panel members shows that they have all had some professional involvement with land use and transportation issues relating to the Westgate Town Centre. Of particular relevance is their respective involvements in a recent High Court judicial review proceeding involving NZRPG, which is the matter referred to in the most recent email.

[7] As set out in the disclosures, the Panel Chair was senior counsel for the applicant in that case. Panel member Langwell was a witness for NZRPG, and panel member Blakey was a decision-making commissioner for Auckland Council, being the decision that was the subject matter of the judicial review.

[8] I am advised that the case concerned development within sub-Precinct B of

the Westgate Town Centre. This land area is not contiguous with or immediately adjacent to the Application / Project site. It is in the general locality, immediately west of Maki St and immediately north of Kedgely Road. In terms of the Project, it is approximately 500m from the proposed Te Waiarohia Station, which is the main connection point for the Project with Westgate.

[9] I have asked each Panel member to carefully reflect on the statements made on behalf of NZRPG. I can confirm that no Panel member considers that their involvement in matters relating to that case, or more generally, their work involving Westgate, gives rise to an actual or potential conflict of interest. I too am satisfied that the matters are not so sufficiently related or connected to give rise to a conflict, nor any reasonable apprehension of bias. Contrary to NZRPG's assertion, I do not accept that the case gives rise to an actual or potential conflict which goes to the substance of the proceedings before the Panel.

[10] To answer the specific question posed by the email of 23 April, I can confirm that this minute sets out how any potential conflict has been identified and assessed, and how it will be managed to ensure that no actual conflict of interest arises and, equally, that no reasonable perception of such a conflict occurs.

[11] I confirm that the Expert Panel will remain in place. I can assure the NZRPG that each Expert Panel member fully understands their natural justice requirements and that they will bring fair-minded impartiality to their decision-making.

[12] Finally, I note that due to the spatial extent of the Project, the parties invited to comment will likely be extensive. I would expect that there will likely be other relationships or connections which will require active management.

A handwritten signature in purple ink that reads "Helen Atkins". The signature is written in a cursive style with a large initial 'H'.

Helen Atkins

Associate panel convener for the purpose of the Fast-track Approvals Act 2024