
MINUTE 6 OF THE EXPERT PANEL

Invitations to comment

North West Rapid Transit [FTAA-2511-1146]

18 May 2026

[1] On 11 May 2026 the EPA forwarded the Panel a written communication from NZ Retail Property Group (NZRPG) dated 8 May 2026 (letter). The letter, which is set out at attachment A to this minute, raises concerns regarding Minute 2 and the outcomes of the invitation to comment contained within Minute 2, and seeks a response from the Panel.

[2] In particular the letter states:

1.4. We request that the Expert Panel (Panel):

1.4.1. Exercise its discretion under section 53(3) of the Fast-track Approvals Act 2025 (the Act) to extend invitations to comment to several additional owners and occupiers at Westgate Shopping Centre who have not been included in the notifications issued pursuant to Minute 2 (Minute 2); and

1.4.2. Review the process for service of the invitations to comment which have already been identified as having been sent pursuant to Minute 2.

[3] Dealing first with the request set out at paragraph 1.4.2 of the letter, the

Panel has requested that the EPA review its service procedures and report back to the Panel on whether any of the identified parties in the letter, who were intended to receive an invitation to comment, did not have that invitation appropriately sent. If any mailout errors are properly identified, these will be addressed. The Panel wishes however to acknowledge the work of the EPA in relation to an invitation list which extended to well over 1500 recipients. It is unsurprising in these circumstances that some issues might arise in relation to service/receipt of the invitations.

[4] In respect of the request set out in paragraph 1.4.1 of the letter, the letter identifies in its attachment certain properties and tenancy units within Westgate Shopping Centre where it says affected owners and occupiers have been omitted from the current invitation list but nonetheless should be invited to comment. The letter goes on to state:

- 2.1 Westgate Shopping Centre operates as a legally integrated whole. The legal structure governing the Centre means that all owners and occupiers within the Centre hold legal rights over, and are directly affected by, activities which occur in parts of the Centre not immediately adjacent to their own titles. This is particularly so in respect of the shared parking and circulation areas that serve the Centre.
- 2.2 The legal interdependency of ownership and occupancy within the Centre means that the affected interest of any given owner or occupier is not confined to the boundary of their individual title. Any material changes to the shared infrastructure of the Centre, including parking and vehicle circulation, affect all owners and occupiers as a matter of both legal right and practical operation.
- 2.3 The Applicant, NZTA, has been made aware of this integrated legal structure on more than one occasion prior to filing the Application.

The record of titles for each property parcel also clearly reflects this interrelationship.

- 4.2 We respectfully submit that the Panel should exercise its discretion under section 53(3) and, if necessary, revisit its consideration under sections 53(2)(h) and (i), to extend invitations to comment to the additional owners and occupiers identified in Schedule A and shown on the plans attached to this letter.


[5] Without having access to and reviewing the underlying legal framework, it is not possible for the Panel to reach a conclusive finding on whether the invitation to comment should have been extended to these parties under s 53(2)(h) or (i) of the FTAA.

[6] Accordingly, consistent with its obligations under s 10 of the FTAA, the Panel has considered whether to exercise its discretion under s 53(3) of the FTAA to extend an invitation to comment to those parties identified in the attachment to the letter. In the exercise of its discretion the Panel has taken account of the matters raised in the letter, and the extent of the invitations to comment already extended (per Minute 2). Having regard to those factors, the Panel has decided to invite the parties identified in the attachment to the letter to comment on the application.

[7] The EPA will now take the necessary steps to communicate this outcome to those parties.

[8] The invitation to comment set out in Minute 2 sets the standard deadline for comment as 26 May 2026. There is an extended deadline of 2 June 2026 set for a limited group of parties set out in Minute 4. The Panel directs that this same extended deadline, 2 June 2026, be set for this new

group of additional parties to provide comment.

A handwritten signature in black ink, appearing to read 'Lachlan Muldowney', written over a light blue horizontal line.

Lachlan Muldowney

North West Rapid Transit Expert Panel Chair