

The Expert Panel, North West Rapid Transit
c/- Environmental Protection Authority
substantive@fasttrack.govt.nz

8 May 2026

FROM: **NZRPG Management (2017) Limited and Westgate Property Limited**

Dear Panel Chair and Members,

**RE: North-West Rapid Transit FTAA-2511-1146 – Invitations for Comment under
Section 53 of the Fast-track Approvals Act 2025**

1. Introduction

- 1.1. This letter is on behalf of NZRPG Management (2017) Limited (**NZRPG**) and Westgate Property Limited (**WPL**), the manager and majority owner, respectively, of Westgate Shopping Centre (**Centre**).
- 1.2. We have concerns about the invitation process, both in terms of the invitations which have been identified as having been sent and omissions from that process for parties with an interest in land we believe is directly affected by the Application.
- 1.3. We are concerned that several parties who are materially affected by the North-West Rapid Transit application (**Application**) have been overlooked in the notification process and either have not been properly served with their invitation to comment or have been wrongly considered too remote from the Application area to comment. We believe this needs to be remedied to ensure the integrity of the Panel's consideration of this matter.
- 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.



2. Westgate Shopping Centre – Legal and Operational Structure

- 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.

3. Impact of the Application on Westgate Shopping Centre

- 3.1. The Application, as proposed, will remove a considerable amount of parking and vehicle circulation area from the Centre. This will have a direct and material effect on the amenity, operation and legal entitlements of all owners and occupiers within the Centre, regardless of whether their individual title shares a physical boundary with the application land.
- 3.2. It is our contention that the Panel's current approach to notification does not adequately reflect this reality. Notably, invitations to comment have been extended to parties located further from the application land who do not hold the same legal rights over the affected land as the owners and occupiers of the Centre, who have been omitted. The basis for this distinction is, at best, unclear. On their face, these distinctions appear arbitrary and unreasonable.

4. Request for additional notifications under s.53(3)

- 4.1. Section 53(2)(h) and (i) of the Act require the Panel to invite comments from owners and occupiers of land adjacent to the application land. Section 53(3) further provides the Panel with discretion to invite any other persons it considers appropriate to comment.



- 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.
- 4.3. Those parties are owners and occupiers of land within Westgate Shopping Centre who:
- 4.3.1. hold legal rights over the parking and circulation areas directly affected by the Application by virtue of the integrated legal structure of the Centre;
 - 4.3.2. will be materially and directly affected by the loss of parking and circulation area proposed under the Application; and
 - 4.3.3. have not, to our knowledge, been included in the invitations to comment issued pursuant to Minute 2.
- 4.4. **Attached** to this letter is Plan A – An overview plan identifying the properties and tenancy units within Westgate Shopping Centre where affected owners and occupiers have been omitted from the current invitation list but nonetheless should be invited to comment.

5. Deficiencies in the Current Invitation Process

- 5.1. In provisionally reviewing the list of invitees in Minute 2, we identified a number of concerns about the integrity of the service process that we consider the Panel should be aware of. Our review was not exhaustive but nonetheless identified several questions about the reliability of service at Westgate. By way of illustration, we set out below several examples of the concerns our review has identified.
- 5.2. *Non-receipt of invitation - related entity property*: One property within the Centre owned by an entity related to NZRPG and WPL, Westgate Town Centre (2017) Limited (**WTCL**), has been identified in Minute 2 as land adjacent to the application area and included in the list of parties invited to comment. Despite this, no invitation letter or other correspondence has been received by WTCL at its registered address as at the date of this letter.



- 5.3. *Non-receipt of invitation - independent owner:* We have also made enquiries of a property owner and tenant within the Centre who are unrelated to NZRPG or WPL. Those parties are the owner and tenant, respectively, of 13C Maki Street, a property identified in Minute 2 as falling within the Project Area and accordingly as parties to be invited to comment. Despite this, both the owner and the tenant occupier have confirmed that neither has received any invitation or correspondence to that effect as at the date of this letter.
- 5.4. *Address anomalies - GIS cross-referencing:* In attempting to cross-reference the Westgate Shopping Centre addresses listed in the Minute 2 schedule of owners and occupiers against the Auckland Council GIS system, we have identified a further anomaly that illustrates a broader concern. Minute 2 lists "Shop W7" as representing both an owner and an occupier to be invited to comment. It also identifies "22 Westgate Drive" as an owner to receive an invitation. However, when those addresses are located using the Council's GIS system, the site shown does not correspond with one identified on the Minute 2 maps as one for which an invitation should be provided. It is possible that the addresses recorded in the Minute 2 schedule do not correspond with the Auckland Council's spatial datasets. However, if so, it is unclear what physical location the Minute 2 address refers to, or how any invitation addressed in that form could be reliably delivered. We attempted to raise this concern directly with the EPA by telephone, but, as of the date of this letter, we were unable to speak with anyone with the relevant expertise to provide clarification.
- 5.5. *Non-standard address formats – delivery to Westgate Shop addresses:* A related concern arises from several addresses in the Minute 2 schedule relating to the Westgate Shopping Centre that do not appear to be in the form conventionally used for those premises. Examples include "Shop W7" and "Shop W5." We do not know whether invitations are being delivered by post or by hand. If delivery is by post, we are concerned that addresses in this form cannot reasonably be relied upon to ensure actual delivery to the correct premises, particularly given the other gaps identified above.
- 5.6. Furthermore, even if invitations addressed in this form do reach the correct Westgate tenancies, a separate concern arises as to whether delivery to a retail employee, as will commonly be the case, constitutes fair and effective notice of the right to comment. Occupiers of retail tenancies within a shopping centre are, in practical terms, unlikely to have staff on hand with the knowledge or authority to recognise the significance of such correspondence, particularly given the short timeframes within which invitees must respond. We submit that this is a matter the Panel should consider in assessing whether the notification process has been effective.



6. Timing

- 6.1. We appreciate that the Panel is working to the statutory timeframe set out in the Act and Minute 2, with comments required by 26 May 2026.
- 6.2. We respectfully request that the Panel give this request urgent consideration so that any additional notifications can be issued with sufficient time for affected parties to prepare and file meaningful comments.
- 6.3. We note in this respect that properties omitted from the decision recorded in Minute 2, in the Central Park Drive area, have been given some limited additional time to respond and believe a similar approach would be warranted here.



Campbell Barbour
General Manager
NZRPG



PLAN A

