

Fast-track Approvals Act 2024

MINUTE 1 OF THE EXPERT PANEL

Decision under section 53 of the Fast Track Approvals Act 2024 inviting comments on the substantive application.
Homestead Bay [FTAA-2506-1071]

29 September 2025

- [1] This minute addresses invitations to comment on the application under section 53 of the Fast Track Approvals Act 2024 (the Act).
- [2] By this minute, the panel directs the Environmental Protection Agency to invite, not later than 29 September 2025, written comments on the substantive application from:
- (a) The relevant local authorities, namely, Otago Regional Council and Queenstown-Lakes District Council. See s 53(2)(a).
 - (b) Relevant iwi authorities, namely Te Rūnanga o Ngāi Tahu. See s 53(2)(b).
 - (c) Relevant Treaty settlement entities, namely Te Rūnanga o Ngāi Tahu, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima. See s 53(2)(c).
 - (d) Owners and occupiers of the properties to which the substantive application relates and the land adjacent to that land, namely the owners and occupiers of the properties listed in appendix A to this minute. See s 53(2)(h) and (i).

- (e) The Minister for the Environment and other relevant portfolio Ministers, namely the Ministers for Infrastructure, Minister of Housing, Minister for Arts, Culture and Heritage, Minister for Treaty of Waitangi Negotiations, Minister of Conservation, Minister of Climate Change, Minister for Builders and Construction, Minister for the Environment, Minister for the South Island, Minister for Regional Development, Minister for Seniors, Minister of Education, Minister of Transport. See s 53(2)(j).
- (f) Relevant administering agencies, namely the Ministry for the Environment and Department of Conservation. See s 53(2)(k).
- (g) The persons or groups listed in clauses 5 of Schedule 6, 4 of Schedule 7, and 5 of Schedule 11 of the Act, namely the Director-General of Conservation, New Zealand Conservation Authority, Relevant Conservation Board, New Zealand Fish and Game Council, Game Animal Council. See s 53(2)(m).
- (h) Other persons the panel considers appropriate, namely:
 - (i) The Queenstown Lakes Community Housing Trust;
 - (ii) The New Zealand Transport Agency Waka Kotahi;
 - (iii) Ministry of Education
 - (iv) Kā Rūnaka
 - (v) Heritage New Zealand Pouhere Taonga
 - (vi) Te Whatu Ora (Public Health South)
 - (vii) Kainga Ora
 - (viii) Land Information New Zealand
 - (ix) Lakeside Estates Homeowners Association Incorporated (Oraka)
 - (x) Homestead Bay OSR Residents Society

- (xi) Jacks Point Residents Group
- (xii) Aukaha
- (xiii) Te Ao Mārama Incorporated

See s 53(3).

- [3] Section 53(2)(h) and (i) state that the owners and occupiers of land to which the substantive application relates, and the land adjacent to that land, must be invited to comment. The Application included appendices (*Appendix I (adjoining Landowners)* and *J (Adjacent Landowners and Adjacent Occupiers)*) which identified the names and addresses of owners and occupiers of the land that the Applicant considered to be adjacent to the site. The EPA has also provided its advice to the Panel based on the Guidance Note entitled: *FTA Guidance Material Identifying Adjacent Land*.
- [4] The task of identifying land that is adjoining is not a difficult one. In this case it is land that is touching or sharing a common boundary with the application site. We also consider adjacent land in this case includes land that is separated by road, and includes two additional properties on Hackett Road¹ that while not adjoining, is ‘land surrounded by adjacent land’.²
- [5] Under section 53(3) the Panel also has a discretion to invite comments from any other person the Panel considers appropriate. In identifying other persons from whom it invites comments the Panel has considered the purpose of the Act and the procedural principles set out in Section 10, the relevant aspect of the public or community interest that requires consideration, include treaty interests and

¹ 16 and 33

² Of the type described in the guidance material

tikanga, as well as how the applicant has addressed consultation.³

- [6] With the exception of the persons listed in paragraph 2(h)(ix) – (xi), the persons listed in paragraph 2(h) are persons with whom the applicant has carried out pre-application consultation.⁴ It is appropriate that those persons be invited to comment. Furthermore, paragraph 3, of the section 18 report lists Aukaha and Te Ao Mārama Incorporated as other Māori groups with relevant interests in the application.
- [7] The persons listed in 2(h)(ix) – (xi) are neighbouring organisations representing homeowners and residents.⁵ It is appropriate that they be invited to comment.
- [8] By letters dated 7 February 2025 and 14 April 2025 law firm Duncan Cotterill wrote to the EPA requesting the persons listed in 2(h)(ix) – (xi) be invited to comment. As above, we consider it appropriate that these persons be invited to comment pursuant to s53(3) of the Act.⁶
- [9] By e-mail dated 11 September 2025, Ms Annie Rankin wrote to the EPA requesting that herself and Gary Johnson, as trustees of Summerfield Place Trust be invited to comment. The trust owns land in the Lakeside Estates development (5 & 6 Summerfield Place) and has been invited to comment as an adjacent landowner.
- [10] On 15 and 16 September 2025, Mr Richard Brabant, on behalf of himself and his co-owners of 25 Pendeen Crescent, Jacks Point,⁷ wrote to the EPA requesting they be invited to make comment

³ See also Clause 11.3 FTA Panel Conveners' Practice and Procedure Guidance

⁴ As per Appendix DD – Consultation Record

⁵ Jacks Point Residents and Owners Association Incorporated (JPROA) are adjoining landowners and invited to comment pursuant to s53(2)(h). Appendix DD also records consultation with the JPROA

⁶ The applicant also lists Oraka – Lakeside Estate Homeowners Association Incorporated, as a person with whom it has undertaken consultation in Appendix DD

⁷ Eleanor Brabant and Joan Williams

pursuant to s53(2)(h). The land at 25 Pendeen Crescent has not been identified as adjacent land, and so the owners and occupiers of that land will only be invited to make comment if the Panel exercises its discretion and invites them to do so pursuant to section 53(3) of the Act.

[11] The Panel declines to exercise its discretion to invite comments from the owners of 25 Pendeen Crescent. It gives the following reasons:

- a. The land cannot reasonably be regarded as forming part of the context of the application site. Mr Brabant's reference to a distance of 50 metres from the boundary of part of the application land is not in the circumstances an appropriate measure of adjacency. Were such a threshold to be adopted (which we do not accept), it would expand the category of "adjacent owners" to include numerous additional properties which draws little support from the guidance material.
- b. Mr Brabant characterises the land between 25 Pendeen Crescent and the application site as "private reserve land" zoned Open Space. In fact, this land is privately owned by JPROA, an entity representing all lot owners at Jack's Point, including the owners of 25 Pendeen Crescent. JPROA has been formally invited to comment on the proposal, and as members of JPROA, the owners of 25 Pendeen Crescent have a legitimate avenue to make their views known through comments that can be made by that person.
- c. Mr Brabant's reference to Part 3.4 of the Applicants AEE and its discussion of receiving environment (at page 24) does not assist. While the AEE refers to directly adjoining properties being accessed off Pendeen Crescent, it is clear that none of the

properties that gain access off Pendeen Crescent “directly adjoin” the application site.

- d. None of the matters in Clause 11.3 FTA Panel Conveners’ Practice and Procedure Guidance support inviting comment; and
- e. Inviting comments would not be consistent with the purpose of the Act, nor the procedural requirements set out in section 10 of the Act.

[12] The panel directs the Environmental Protection Agency to specify in the invitations that the comments must be received by it on behalf of the panel by 11.59pm on 28 October 2025.

[13] The panel records that on 18 September 2025 members visited the application site and surrounding area affected by the proposal and, on 18 September 2025, received a briefing from the applicant.



Jayne Macdonald
Homestead Bay Expert Panel Chair

Appendix 1: List of all owners/occupiers of the land to which the substantive application relates and the land that could be considered adjacent to that land

Owners of the land to which the substantive application relates (green)	
	495 Kingston Road - Lot 8 DP 443832
	Homestead Bay Road - Lot 12 DP 364700
Occupiers of the land to which the substantive application relates (green)	
Owners of the adjacent land (orange and purple)	
Land that has a common boundary with the land to which the substantive application relates and is considered adjacent (shown orange):	
	- 5 Scenic Drive
	- 55 Jacks Point Rise
	- 53 Jacks Point Rise
	- 51 Jacks Point Rise
	- 10 Brett Lane
	- 5 Summerfield Place
	- 243 Maori Jack Road
	- 8 Bluff View Terrace
	- 18 Hackett Road
	- 37 Hackett Road
	- 243 Maori Jack Road
	- 4 Brett Lane
	- 73 Jacks Point Rise
	- 6 Brett Lane
	- 8 Scenic Drive
	- 67 Jacks Point Rise
	- 6 Summerfield Place
	- 79 Jacks Point Rise
	- 39 Hackett Road
	- 243 Maori Jack Road
	- 57 Jacks Point Rise
	- 3 Nathanael Place
	- 10 Bluff View Terrace
	- 8 Nathanael Place
	- 59 Jacks Point Rise
	- 8 Brett Lane
	- 3 Maori Jack Road
	- 6 Nathanael Place
	- 63 Jacks Point Rise
	- 22 Hackett Road
	- 65 Jacks Point Rise
	- 35 Hackett Road
	- 7 Scenic Drive

	- 77 Jacks Point Rise
	- 75 Jacks Point Rise
	- 69 Jacks Point Rise
	- 61 Jacks Point Rise
	- 65 Homestead Bay Road
	- 20 Hackett Road
	- 71 Jacks Point Rise
	- 2 Brett Lane
	- 4 Nathanael Place
	- Maori Jack Road
	- 12 Brett Lane
	- 3 Summerfield Place
	- 1 Nathanael Place

Land that does not have a common boundary but is close enough to form part of the context of the application site and could be considered adjacent (shown purple):

	- Kingston Road
	- 243 Maori Jack Road
	- 33 Hackett Road
	- 16 Hackett Road
	- 563 Kingston Road
	- 100 Homestead Bay Road
	- 60 Homestead Bay Road

Occupiers of the adjacent land (orange and purple)

Land that has a common boundary with the land to which the substantive application relates and is considered adjacent (shown orange):

The Occupier, 51 Jacks Point Rise
 The Occupier, 10 Brett Lane
 The Occupier, 18 Hackett Road
 The Occupier, 37 Hackett Road
 The Occupier, 4 Brett Lane
 The Occupier, 73 Jacks Point Rise
 The Occupier, 8 Scenic Drive
 The Occupier, 67 Jacks Point Rise
 The Occupier, 6 Summerfield Place
 The Occupier, 79 Jacks Point Rise
 The Occupier, 39 Hackett Road
 The Occupier, 57 Jacks Point Rise
 The Occupier, 10 Bluff View Terrace
 The Occupier, 59 Jacks Point Rise
 The Occupier, 8 Brett Lane
 The Occupier, 63 Jacks Point Rise
 The Occupier, 22 Hackett Road
 The Occupier, 65 Jacks Point Rise
 The Occupier, 35 Hackett Road
 The Occupier, 7 Scenic Drive

The Occupier, 77 Jacks Point Rise
The Occupier, 75 Jacks Point Rise
The Occupier, 69 Jacks Point Rise
The Occupier, 71 Jacks Point Rise
The Occupier, 2 Brett Lane
The Occupier, 12 Brett Lane

Land that does not have a common boundary but is close enough to form part of the context of the application site and could be considered adjacent (shown purple):

The Occupier, 33 Hackett Road
The Occupier, 16 Hackett Road
The Occupier, 563 Kingston Road