

Fast-track Approvals Act 2024

MINUTE 2 OF THE EXPERT PANEL

Addressing matters raised by Anderson Lloyd on behalf of Jacks Point Residents and Owners Association Incorporated and related entities

22 October 2025

Background

1. The Panel has received correspondence and memoranda from Anderson Lloyd, dated 18 September 2025, and 3 and 20 October 2025 respectively, on behalf of the Jacks Point Residents and Owners Association Incorporated (JPROA) and a group of related entities collectively described as the *Jacks Point Group*.
2. The correspondence and memoranda raise issues concerning the basis on which invitations to comment have been issued under section 53 of the *Fast-track Approvals Act 2024* (FTAA), in particular as they relate to JPROA's existing discharge consent (Otago Regional Council consent 2009.312.V1), associated easement rights, and claims by other Jacks Point entities to be recognised as *occupiers* for the purposes of section 53(2)(i).
3. It is unfortunate that, for whatever reason, this correspondence was not before the Panel at the time it issued its earlier Minute inviting comments under section 53. The Panel as now reviewed those materials and issues this Minute to clarify its position.

JPROA

4. The Panel acknowledges the existence of JPROA's discharge consent (2009.312.V1) and the related easement providing for the operation and access of existing wastewater infrastructure within or adjacent to the application site.
5. JPROA has been invited to comment pursuant to section 53(2)(h) of the FTAA as an owner of land adjacent to the application site.

6. Section 53 prescribes various categories of persons who may be invited to comment. A person may properly fall within one or more categories. The fact that a party has been invited to comment under a particular paragraph of section 53(2) does not preclude it from also falling within another.
7. The Panel can identify nothing in section 53—or elsewhere in the FTAA—that limits the scope of comments that may be made once an invitation has been issued. The Act contemplates that an invited party may comment on any matters relevant to the application.
8. Accordingly, it is not necessary for the Panel to determine, at this stage, whether JPROA qualifies as an *occupier* of land for the purposes of section 53(2)(i) by virtue of its easement. The Panel is entitled to receive and take into account all relevant matters raised by JPROA, including those relating to its existing discharge consent, easement rights, and the potential effects of the proposed development on those interests.
9. To the extent that JPROA considers that it should be recognised as an occupier of land and that such recognition is relevant to the matters it wishes to comment on, the Panel confirms that those matters will be considered in due course alongside other comments received under section 53.

Jacks Point Group

10. The Panel notes that the group of entities referred to by Anderson Lloyd as the *Jacks Point Group* includes *Jacks Point Land Limited*, *Jacks Point Golf Land No.1 Limited*, *Jacks Point Village Holdings Limited*, *Jacks Point Village Holdings No.2 Limited*, and *Jacks Point Management Limited*.
11. Of these, *Jacks Point Land Limited* and *Jacks Point Golf Land No.1 Limited* have already been invited to comment.
12. Anderson Lloyd advises that *Jacks Point Land Limited*, *Jacks Point Village Holdings Limited* and *Jacks Point Village Holdings No. 2 Limited* have entered into an easement agreement, apparently not yet registered but secured by caveat, to discharge wastewater onto part of the application site. The Panel has not been provided with a copy of that agreement.
13. The question of whether rights under an easement are sufficient to constitute “occupation” of land for the purposes of section 53(2)(i) is not expressly addressed in the FTAA. The Panel notes that, under the *Property Law Act 2007*, there is some support for the proposition that a dominant tenement may, depending on the nature and extent of the rights conferred, be regarded as an occupier.

14. However, in the absence of the easement documentation and sufficient information as to the rights conferred, the Panel does not consider it appropriate to determine that any of these entities are *occupiers* of the application site.
15. The Panel's preference is that *Jacks Point Village Holdings Limited* and *Jacks Point Village Holdings No.2 Limited* be invited to comment under section 53(3) of the FTAA as "any other person the Panel considers appropriate to comment."
16. As for *Jacks Point Management Limited*, while it is said to retain a controlling interest in JPROA, it is neither a party to the above mentioned easement agreement nor an adjoining owner of land. The Panel does not consider it appropriate to afford it status to comment. Consistent with the decision in Minute 1,¹ given its controlling interest in JPROA, *Jacks Point Management Limited* has a legitimate avenue to make their views known through comments that can be made by JPROA.

Directions

17. The Panel directs that *Jacks Point Village Holdings Limited* and *Jacks Point Village Holdings No.2 Limited* be added to the list of parties invited to comment under section 53(3) of the FTAA.
18. In accordance with our minute of 29 September 2025, and noting the close association between *Jacks Point Village Holdings Limited* and *Jacks Point Village Holdings No.2 Limited* and other entities represented by Anderson Lloyd who have already been invited to comment, those entities are to provide any comments on the application by **28 October 2025**.
19. Should additional time be required to prepare their comments, a request for an extension is to be made to the application lead at the EPA **prior to the expiry of that date**.



Jayne Macdonald

Homestead Bay Expert Panel Chair

¹ Paragraph 11(b)