

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by NZSki under section 42 of the FTAA
for the Remarkable Ski Area Upgrade and Doolans
Expansion

APPLICATION NO. FTAA-2604-1217

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE 3 OF THE PANEL CONVENER**

3 August 2026

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (**D-G**) by the Department of Conservation (**DOC**). It responds to the third minute of the Panel Convener dated 27 July 2026 in respect of the Remarkables Ski Area Upgrade and Doolans Expansion (**Minute**).
2. The Minute invites participants to a conference on 6 August 2026 and requests participants to provide their views to assist the Panel Convener carry out their role to appoint Panel members and set the timing for the Panel decision. The particular matters to address are set out at paragraph [7] and Schedules 1 and 2 to the Minute.

Paragraph [7] of the Minute

Engagement

3. **Prior to lodgement** the applicant presented the project to DOC. Some draft reports, including freshwater and terrestrial ecology, heritage, recreation and landscape were shared with DOC, upon which DOC provided feedback. A meeting was held about the proposed structure of the concession applications. Three waters reports and the natural hazards report were shared immediately before lodgement. A site visit was undertaken by some DOC experts.
4. **Post-lodgement** engagement has included:
 - a) A meeting re herpetology.
 - b) Further feedback from DOC on the Landscape Effects Assessment as lodged.
 - c) Discussion was held as to whether a variation to a concession can be applied for under the FTAA. DOC's view is that it cannot.
 - d) Agreement with the applicant to an approach of receiving 'tracked changes' versions of final application reports on or before the first Panel Convenor conference; and that these are the reports that s51 and s53 reporting will be undertaken on, with no further changes to occur prior to the completion of s53 reporting. DOC understands that Otago Regional Council (ORC) and Queenstown Lakes District Council had also agreed

to this approach. Matters have moved on from here, per paragraph 4(f) below.

- e) A draft updated Terrestrial Ecological Impact Assessment (TEiA) and draft updated Doolans Water Take report were provided by the applicant on 30 and 31 July 2026 respectively, along with specific responses to some of the questions and concerns that DOC, ORC and Central Otago District Council (CODC) had raised upon reviewing the original material. DOC experts have not had the opportunity to review this information prior to the drafting of this memorandum.
- f) Workshops with some parties (including DOC) are planned for the coming weeks and we understand that the Applicant will be seeking a delay in establishment of the Panel for 4 weeks to allow these workshops to occur. DOC is supportive of this.

Expertise being commissioned by the Department

- 5. DOC has the following in-house experts and external consultants engaged on this project:
 - a) Freshwater Ecology – Chris Kavazos (in-house)
 - b) Terrestrial Invertebrates – Dr Corrinne Watts (external consultant)
 - c) Vegetation – Dr Susan Walker (external consultant)
 - d) Avifauna – Dr Kerry Weston (in-house)
 - e) Lizards – Nicholas Harker (in-house)
 - f) Offsetting and compensation – Dr Fleur Maseyk (external consultant)
 - g) Landscape – Jeremy Head (external consultant)
 - h) Heritage – Dr Matt Schmidt (in-house)
 - i) Visitor Experience – Tamzin Moore (in-house)
 - j) Resource Management Planning – Leah McEnhill (in-house).

Principal Issues in contention

6. Wetlands and tarn - the permanent loss of high value natural inland wetlands, including the loss of 'Tarn 3' to its conversion to a lined water storage reservoir. Tarn 3 is an alpine tarn ecosystem with its own hydrological regime, aquatic communities and ecological characteristics that make it distinct from the other tarns in the basin. It is an important component of the sequence of tarn habitats that exist within Doolans Creek (Right Branch) Basin. Once converted to a reservoir, those values would be permanently lost. Additionally, the reservoir and other water take related infrastructure have the potential to alter hydrological connectivity across parts of the basin. This includes disruption of the natural flow paths linking tarns, seepages, cushion bogs and downstream wetland communities. Very limited work has been reported on to demonstrate that there are not suitable alternatives for water supply that would avoid these effects.
7. Irreplaceable ecosystems – the project will represent a considerable loss of ecological function and biodiversity within what is an ecologically unique basin of exceptionally high ecological value. The TEiA significantly understates the magnitude and extent of this impact. There has not been an assessment of the ecological importance (including representativeness) of the indigenous biodiversity and terrestrial ecosystems of the Doolans Creek (Right Branch) Basin in the context of other basins in the Ecological District (ED) and the ED as a whole. The focus on vegetation types is inappropriate and the modelling approach taken to estimate the extent of vegetation types outside the range of the data collected is flawed. Therefore, the ecological values have been undervalued, and consequently the magnitude of effects have been downplayed. Consequently, appropriate application of the effects management hierarchy, and an appropriate effects management response is lacking. Landscape effects – the landscape and natural character effects are considered to be higher than as assessed by the applicant. They are considered to be high to very high. Climate change – a term of 40 years is sought for the concession. A precautionary approach is required to the grant of such a term in the face of climate change. While some commentary on this was provided by the Applicant themselves on this matter in response to the EPA's request for further information as part of the s46 completeness assessment; no current assessment, by a suitably qualified climate scientist, has been provided with the application. DOC considers that further information is required on this matter.

8. Application of the effects management hierarchy – avoidance of effects has not been demonstrated. The indigenous biodiversity – freshwater, terrestrial, and the highly intact and undisturbed interconnected complex of those ecosystems - that will be lost is irreplaceable, and unique to the Doolans Creek (Right Branch) basin within the Remarkables ED. If the Panel were of a mind to accept the permanent loss of this indigenous biodiversity, which DOC is not purporting that they should, the compensation proposed by the Applicant is insufficient for the magnitude of effects and to address the residual permanent losses that would be created by it. The effects management hierarchy has not been adequately applied and the compensation proposed has not been calculated with any rigour.
9. Visitor experience – the back country visitor experience unique to this Doolans Creek (Right Branch) basin will be lost for current users, particularly back country skiing.
10. Heritage – given the nature of historic high altitude gold mining and prospecting activities, any heritage features are most likely to be located along the small flats on either side of the stream, including within the area proposed for the proposed water intake and associated access track. These are the areas where heritage investigations should have been undertaken to determine the presence or absence of such features. If heritage features are present, reliance on an Accidental Discovery Protocol is inadequate. The existence of heritage values may require avoidance rather than disturbance, potentially necessitating redesign or relocation of project components.
11. Concession fee - the Applicant proposes a 2.5% gross annual revenue concession fee over the whole operation. DOC deems this insufficient and not consistent with their current concession and will require adjustment.
12. Effects on fauna, in particular invertebrates, lizards and avifauna need to be considered in the context of the ecosystem as a whole.
13. It is important to note that these issues are all in the context of the Doolan's Creek basin being land that is held for *Conservation Purposes*. DOC notes also that the views of its Treaty partners will be important to these considerations.

Processes agreed with the applicant to narrow or reduce issues

14. As noted at paragraph 4(f) above, DOC understands that the applicant is going to seek a delay of 4 weeks in order for workshopping between the parties to occur. DOC is happy with this approach.
15. DOC requests however that its experts are given a fair and reasonable amount of time to undertake its s51 and s53 reporting on a final application document; particularly in the light of the complexity of the application and the considerable number of applications that DOC is required to be reporting on.
16. DOC will of course be directed by the Panel Convener and the Panel and will work with the other parties to resolve or narrow issues as the Panel instructs.

Complexity of the application

Expert and evidential issues

17. The application is relatively voluminous. It is also relatively complex.
18. A suite of approvals are required:
 - a) Concessions
 - b) Wildlife Approvals
 - c) Complex Freshwater Fisheries Approval
 - d) Resource Consents
19. DOC considers there is a high degree of evidentiary complexity given the ecologically unique and high value basin affected by this application and the manner in which effects have been assessed and therefore valued.
20. The matters outlined throughout this memorandum illustrate the complexity and breath of issues to be considered by the Panel.

Conditions

21. In light of the information that DOC considers is lacking in the application, together with the understatement of the ecological values, magnitude of effects, and the inadequate application of the effects management hierarchy,

the proposed resource consent and wildlife approval conditions are considered deficient at present.

22. The adverse effects of the Doolan's basin and its irreplaceable and highly valuable freshwater and terrestrial ecosystem cannot be avoided, remedied or mitigated by conditions.
23. If the Panel were minded to approve the application, the concessions conditions will require some attention and amendment in DOC's view; however at this early stage these appear to be on matters that can be worked through and resolved, including (but not necessarily limited to) management of natural hazards, management of construction activities and term. The proposed concession fee will also require adjustment, however if that cannot be agreed with the applicant then s78 can be utilised to ensure an appropriate fee.

Processes to resolve, narrow issues

Timeframes

24. Moving beyond the reporting phase, the significance and complexity of the potential effects on ecology are such that DOC considers that expert conferencing and a hearing may be necessary. Therefore, DOC recommends that a generous timeframe be set by the Panel to ensure that a robust decision can be made by the Panel.

Panel membership

25. Given the potentially significant adverse effects on a very high value interconnected alpine system, DOC recommends that a landscape ecologist with sound understanding of ecosystem function and processes would be important on the Panel. Wetland ecology, terrestrial vegetation and freshwater ecology expertise will also be valuable. DOC understands that the Panel may also appoint its own expert advisors in subject areas.
26. DOC recognises that matters outside of DOC's interests may warrant appointment of additional members.

Procedural requirements

27. DOC's representatives will attend the conference on 6 August 2026.

28. DOC's representatives will be happy to elaborate further on any of the above points at that conference.
29. DOC is willing to engage directly with the Applicant and Panel as necessary to advance the progress of the application.

Ellieda Komene

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