

Before an Expert Consenting Panel

Under

the Fast-track Approvals Act 2024

And

In the Matter of

an application for approvals by NZSki Limited to upgrade existing infrastructure at the Remarkables Ski Area, including a new passenger transport lift, carparking areas, and expanding the ski field into the adjacent Doolans Basin

Legal Overview on behalf of **NZSki Limited**

Dated: 19 May 2026

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INTRODUCTION

1. NZSki Limited (**NZSki**) seeks approvals under the Fast-track Approvals Act 2024 (**FTA**) to upgrade existing infrastructure at the Remarkables Ski Area, including a new passenger transport lift, carparking areas, and expanding the ski field into the adjacent Doolans Basin (**Project**). The Project is listed in Schedule 2 of the FTA and is supported by robust economic evidence on the delivery of significant regional benefits.
2. NZSki is owned by Trojan Holdings Limited. Trojan Holdings Limited's shareholder is Sir John Davies, the former mayor of Queenstown. Sir Davies has extensive experience in the ski and wider tourism industry and was knighted in 2013 for his services to business and tourism.
3. The Project is located approximately 24 kilometres from downtown Queenstown, within the existing Remarkables Ski Field and the adjacent Doolans Basin (**Site**), which forms part of the Rastus Burn Recreation Reserve and the Kawarau/Remarkables Conservation Area administered by the Department of Conservation (**DOC**).
4. The Remarkables Ski Area is currently designed to accommodate 3,500 skiers at one time. As a popular destination for both New Zealanders and international visitors, demand has regularly exceeded this capacity in recent years. The objective of the Project is to deliver a world-class, multi-valley ski area capable of meeting both existing and future visitor demand for ski tourism in the district and wider region.
5. To achieve this, the Project will upgrade existing infrastructure and expand the skiable terrain by up to 262 hectares through an extension into the Doolans Basin, which will be accessed by a proposed gondola and ski trails. Upon completion, the expanded ski field will accommodate up to 6,000 skiers at one time and the skiable terrain will total 711 hectares.
6. The Project utilises existing ski field infrastructure and has been designed to improve the overall resilience of the ski area to the effects of climate change and increasingly variable weather patterns. The Doolans Basin is situated on a south-facing slope, giving it a heightened ability to retain snow and improving its longer-term viability in the face of potential climate impacts.
7. The Project will provide significant regional benefits, including increased visitor spending in Otago and the creation of employment opportunities during and beyond the construction phase.

8. NZSki's experts have applied the full effects management hierarchy and proposed consent conditions to ensure environmental outcomes. With these measures in place, the Project squarely meets the FTA criteria for approval, delivering significant regional benefits while appropriately addressing potential impacts in a manner consistent with the FTA's legal framework.

THE PROJECT

The Project Site

9. The Site is located within the existing Remarkables Ski Field and the adjacent Doolans Basin, which is part of the Rastus Burn Recreation Reserve and the Kawarau/Remarkables Conservation Area administered by DOC.¹
10. The Site is primarily owned by the Crown and administered by DOC. The lower car park and the first 2km of the access road is owned by NZSki.²
11. The extent of the Site is shown on the maps provided as **Appendix A**. The Project broadly falls within the following three geographical areas:³
- (a) the existing Remarkables Ski Area: the existing 449 hectare ski area in the Rastus Burn and the associated Remarkable Ski Area Field Access Road;
 - (b) the Doolans Basin Ski Expansion Area: a new, 262 hectare expansion of the existing ski field into the adjacent Doolans Basin; and
 - (c) Lower Remarkables Transit Hub: the existing lower car park adjacent to SH6 (Car Park A) at the bottom of the Remarkables Ski Field Access Road, and the proposed new area of car parking located approximately 500m east of Car Park A and within the Boneyard storage area.
12. The Site sits within the jurisdiction of both Queenstown Lakes District Council (**QLDC**) and Central Otago District Council (**CODC**). The existing Remarkables Ski Area is within the Queenstown Lakes District while the vast majority of the Doolans Basin is within the Central Otago District.

¹ Legally described as Section 1 SO 22561 held in Record of Title OT8D/636, Part 1 Section 1 Block X Kawarau SD held in Record of Title OT8D/636, Section 2 SO 22561 held in Record of Title OT8D/636, Section 1 SO 24738 held in Record of Title 8279, Section 8 SO 24742 held in Record of Title OT81C/804, Section 12 SO 24636 held in Records of Title 2529 and 3328, Lot 2 DP 17411 held in Record of Title OT8C/1489 and Section 1 SO 24060 held in Records of Title 163502, 183930 and 2454.

² A.09 Substantive Application Report Section 2 Environmental Setting at [2.2.4].

³ A.10 Substantive Application Report Section 3 Project Description at [3.2].

The Project

13. The Remarkables Ski Area is currently designed to comfortably accommodate approximately 3,500 skiers at one time, and demand has regularly exceeded capacity in recent years. The Project will meet this demand through upgrading existing infrastructure within the Remarkables Ski Area and expanding the ski-able terrain available through expanding into the Doolans Basin. Upon completion of the Project, the ski field will accommodate 6000 skiers at one time.
14. The Project also has also been designed to improve the overall resilience of the ski field to the effects of climate change and increasingly variable weather patterns. The Doolans Basin is located on a southern facing slope and therefore has a heightened ability to retain snow, improving its longer-term resilience to the potential effects of climate change.⁴
15. The key Project works within the existing Remarkables Ski Area and the Lower Remarkables include:⁵
 - (a) Upgrades to existing infrastructure services and associated structures including infield power distribution, water, wastewater, stormwater, communications, and snowmaking infrastructure.
 - (b) Upgrades to the existing Lower Remarkables car park area, including the provision of additional bus/shuttle and ride sharing facilities and the creation of two new car parks at the base of the access road.
 - (c) Expansion of the existing Rastus Burn Base Building and reconfiguration of the arrival surrounds to resolve existing capacity demand issues and to cater for the increased capacity of the ski field as a result of the Project.
 - (d) Construction and use of the proposed Doolans Gondola providing access into the Doolans Basin, including construction of the new Base Station adjacent to the Rastus Burn Base Building and construction of gondola towers, cables and associated infrastructure up to the new Helicopter Ridge Midstation. This will provide access to the ski field expansion and accommodate approximately 2400 passengers per hour, with cabins that hold up to 10 people.
 - (e) Upgrades to and establishment of access roads and ski trails to provide vehicular access and ski return rails to and from the Doolans Basin.

⁴ A.10 Substantive Application Report Section 3 Project Description at [3.1].

⁵ A.10 Substantive Application Report Section 3 Project Description at [3.4].

- (f) Installation of new operational controls to maintain the health and safety of ski field users. Such controls include wayfinding signage, barriers/gates, permanent safety fencing/netting, snow fences, avalanche control, boundary markers.
16. The key Project works proposed within the Doolans Basin include:⁶
- (a) Establishment and use of the proposed Doolans Gondola from the Rastus Burn Base Building into the Doolans Basin. This includes the new Helicopter Ridge Midstation (with a patrol hut), and the new Doolans Return Station directly adjacent (and connected) to the proposed Doolans Cabin Building. It also includes construction of gondola towers, cables and associated infrastructure.
 - (b) Establishment and use of the proposed multi-purpose Doolans Cabin Building, designed to accommodate gondola cabin parking, integrated cabin maintenance, storage, bathroom facilities, café facilities and emergency shelter space.
 - (c) Establishment and use of ski trails and access roads between the gondola midstation, the Doolans Cabin Building and associated infrastructure.
 - (d) Construction of a learners snowsports area adjacent to the Doolans Cabin Building with a covered passenger conveyor belt, supported by snowmaking infrastructure.
 - (e) Establishment of supporting services and facilities in the Doolans Basin, including power, water, wastewater, stormwater, communications and snowmaking facilities.
 - (f) Installation of operational controls to maintain the health and safety of ski field users. These controls include wayfinding signage, barriers/gates, permanent safety fencing/netting, snow fences, avalanche control and boundary markers.
17. Proposed pre-development, construction and active closure works are anticipated to take approximately four years. Construction is planned to occur in phases that reflects alpine seasonal constraints, operational ski field requirements, progressive increases in capacity and functionality and the need to manage construction effects incrementally.⁷

⁶ A.10 Substantive Application Report Section 3 Project Description at [3.5].

⁷ A.10 Substantive Application Report Section 3 Project Description at [3.3].

18. Project works have been structured to:⁸
- (a) protect ecological values through design optimisation, defined disturbance areas and controlled construction practices;
 - (b) protect wetland, seepage and waterway values through avoidance, defined disturbance limits and controlled construction practices;
 - (c) support the efficient delivery of construction stages by progressively establishing access and logistics areas as the construction works progress;
 - (d) avoid duplication of disturbance by using existing access routes where possible and aligning construction access, permanent service access, ski trails and infrastructure where possible;
 - (e) consolidate access corridors where practicable to minimise disturbance;
 - (f) enable safe transitions between construction seasons and ski field operations by clearly separating construction activities from public areas and ensuring access and logistics areas are safely secured between construction seasons; and
 - (g) align with alpine conditions, seasonal constraints and steep terrain.

APPROVALS REQUIRED

19. NZSki is applying for the following approvals required for the Project under the FTA:
- (a) resource consents from QLDC, CODC and Otago Regional Council (**ORC**) that would otherwise be applied for under the Resource Management Act 1991 (**RMA**) (**RMA Approvals**);
 - (b) concessions from DOC that would otherwise be applied for under the Conservation Act 1987 (**Conservation Act**) (**Conservation Act Approvals**);
 - (c) wildlife permits from DOC that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**) (**Wildlife Act Approvals**); and
 - (d) complex freshwater fisheries approval that would otherwise be applied for under the Freshwater Fisheries Regulations 1983 (**Fisheries Approvals**).

⁸ A.10 Substantive Application Report Section 3 Project Description at [3.3.2] and B.26. Remarkables Ski Area Upgrade and Doolans Expansion – Construction Management Framework.

BENEFITS OF THE PROJECT

20. The significant regional benefits of the Project are comprehensively outlined in the substantive application prepared by Mitchell Daysh and supporting technical economic assessment prepared by Benje Patterson. The benefits of the Project include:
- (a) An increase in future annual spend across Otago by skiers within ten years of between \$112 million (low growth scenario) and \$168 million (high growth scenario). This equates to a 48 – 71% increase in visitor spend and an increase in GDP of \$55 million (low growth scenario) to \$82 million (high growth scenario) per annum.⁹
 - (b) An increase in GDP of \$61.9 million resulting from infrastructure investment of \$193 million.¹⁰
 - (c) An increase in seasonal jobs across Otago from 2,388 to 3,834 (low growth scenario) to 4,443 (high growth scenario).¹¹
 - (d) Capital investment into the Project is anticipated to cost \$193.3 million. GDP effects of this capital investment are estimated as \$61.9 million.¹² Capital investment mostly occurs by 2030, suggesting the average GDP effect from this investment would be \$12.4 million a year over a five-year period.¹³
 - (e) The Project is estimated to support an average of 81 annualised construction jobs. Given that weather conditions mean that the alpine construction period is condensed into a short window of half the year (November to May), peak employment be over 150+ jobs each short construction season.¹⁴
 - (f) The Project will provide families, beginners, and individuals with limited mobility with access to the Doolans Basin, increasing recreation values significantly.¹⁵
 - (g) The Project will provide improved access to heritage sites in the wider area.¹⁶

⁹ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [2.3].

¹⁰ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [2.2].

¹¹ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [2.2].

¹² B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [6.4].

¹³ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [6.4].

¹⁴ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [6.4].

¹⁵ B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment at [6].

¹⁶ B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at [12.1].

- (h) The Project will improve the overall resilience of the ski area to the effects of climate change and increasingly variable weather patterns.¹⁷
- (i) NZSki's proposed travel demand management will actively encourage skiers to utilise ski shuttles and buses, reducing potential demand on the roading network.¹⁸
21. In addition, the Project will deliver regionally significant infrastructure being the proposed access gondola from the existing Remarkables Base Building area into new ski terrain in the Doolans Basin.¹⁹ The Project will also enable the continued functioning of existing regionally significant infrastructure. At the completion of the Project, the expanded ski field will be able to accommodate up to 6,000 skiers at one time. This is comparable to other significant infrastructure located close by, such as Queenstown Airport (7,100 average daily passenger movements in June 2025 year) and higher than Dunedin Airport (2,300 passengers per day on average in the June 2025 year).²⁰
22. Overall, the Project will result in significant benefits on a regional scale being the Queenstown area. This approach is supported by previous Expert Panel decisions.
23. In granting approvals for the Waihi North project, the Panel held that “*regional*” benefits does not refer to regional council areas under the Local Government Act 2002 but should be construed in a more general sense. For the Waihi North project, the Panel found that this encompassed the area around Waihi town.²¹ A similar approach was taken by the Panel in the draft decision for the Ashbourne project where it considered the significance of that project for Matamata town.²²
24. Mr Patterson, NZSki's expert economist, has assessed economic benefits of the Project for the Otago region as a whole. The scale of Otago has been adopted conservatively and the impact of the Project on Queenstown will be proportionally larger.

¹⁷ A.10 Substantive Application Report Section 3 Project Description at [3.1].

¹⁸ A.14 Substantive Application Report Section 7- Management and Monitoring of Actual and Potential Effects at [7.2].

¹⁹ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [8.2].

²⁰ B-01 Economic assessment of the Remarkables Ski Area Upgrade and Doolans Expansion at [8.2].

²¹ *Record of Decisions of the Expert Panel*, 18 December 2025, Part F: Regional and National Benefits at [845].

²² *Record of Draft Decision of the Expert Panel*, Ashbourne, 11 March 2026, Part F.

FAST-TRACK APPROVALS ACT 2024 PRE AND POST LODGEMENT REQUIREMENTS

25. As a Schedule 2 listed project, NZSki is eligible to lodge a substantive application for the Project directly to the Environmental Protection Authority (**EPA**) and does not require Ministerial referral.
26. The pre and post lodgement requirements in the FTA are addressed in **Appendix B**.
27. **Appendix B** shows NZSki has complied with all lodgement requirements and the application meets the information requirements for the approvals sought as outlined in **Appendix B**.
28. Section 30 of the FTA requires an applicant to make enquiries as to whether there are existing consents to which 124C(1)(c) or 165ZI of the RMA would apply if the Project were to be applied for as a resource consent under the RMA.
29. ORC has provided written notice confirming that there are no existing resource consents to which Section 124C(1)(c) of the RMA would apply to if the Project were applied for under the RMA.²³
30. ORC has confirmed that the proposed abstraction of water from Doolans Creek for potable supply and snowmaking and the existing resource consents for the take and use of water from Doolans Creek can both be fully exercised concurrently based on the allocation limits calculated in accordance with the Regional Plan: Water for Otago.²⁴
31. As a result we submit that the EPA can be satisfied that the application is complete and within scope.

LEGAL FRAMEWORK

Weighting

32. Section 81 sets out the decision-making framework under the FTA for each approval sought in an application. This requires the Panel to grant or decline each approval in accordance with the processes set out in the schedule relevant to that approval type.

²³ Otago Regional Council, Section 30(3)(b) Notice under the Fast-track Approvals Act 2024, 7 May 2026.

²⁴ Otago Regional Council, Section 30(3)(b) Notice under the Fast-track Approvals Act 2024, 7 May 2026, page 2.

33. The decision-making processes in the schedules relevant to the Project application require the Panel “to take into account” specific matters relevant to those approval types but, in all instances, to give the greatest weight to the purpose of the FTA which is “to facilitate the delivery of infrastructure and development projects with significant regional or national benefits”.²⁵
34. The High Court has held that the phrase “take into account” can be regarded as synonymous with “have regard to” and that the key point is that the decision maker is free to attribute such weight as it thinks fit to the specified matter but can ultimately choose to reject the matter.²⁶
35. The Supreme Court in *Royal Forest and Bird Protection Society Inc v New Zealand Transport Agency* has held that “to have regard to” requires a decision maker to directly consider the identified matters and give them genuine consideration, rather than mere lip service, such as by listing them and setting them aside.²⁷ The High Court has held that the phrase “take into account” can be regarded as synonymous with “have regard to” and that the key point is that the decision maker is free to attribute such weight as it thinks fit to the specified matter but can ultimately choose to reject the matter.²⁸
36. Where greater weight is to be given to one listed matter above another matter, the Court of Appeal in *Enterprise Miramar Peninsula Inc v Wellington City Council (Enterprise Miramar)* has found (in the context of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) which provided for a similar weighting mechanism) that an assessment of each of the factors must be taken into account on their own merits prior to applying the weighting required by the HASHAA.²⁹

²⁵ Fast-track Approvals Act 2024, Section 3.

²⁶ *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991, (2015) 19 ELRNZ 163 at [63].

²⁷ *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915.

²⁸ *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991, (2015) 19 ELRNZ 163 at [63].

²⁹ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541, (2018) 20 ELRNZ 771.

37. This decision has been applied by the FTA Expert Panels determining the Bledisloe North Wharf and Fergusson North Berth Extension, Milldale and Taranaki VTM projects as providing guidance for decision making under the FTA. Those decisions particularly applied the following principles:³⁰
- (a) While the greatest weight is to be placed on the purpose of the FTA, the Panel must ensure that it does not rely solely on that purpose at the expense of due consideration to the other matters listed in (b) and (c).
 - (b) Clause 17 of Schedule 5 requires consideration of the matters listed in Clause 17(1)(a)-(c) on an individual basis, prior to standing back and conducting an overall weighting in accordance with the legislative direction.³¹ This equally applies to all decision-making directions under the FTA for other types of approvals that require the purpose to be given the greatest weight.
 - (c) The purpose of the FTA is not logically relevant to an assessment of environmental effects. Environmental effects do not become less than minor because of the purpose of the FTA. What changes is the weight to be placed on those more than minor effects, they may be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefits, or they may not.³²
38. The Panel in the Waihi North decision noted that carrying out the weighting exercise may involve something akin to the overall broad judgment approach rejected by the Supreme Court in *Environmental Defence Society v The New Zealand King Salmon Company and Ors (King Salmon)*, where a Panel is required to weigh competing considerations under the FTA to form a view as to whether they meet its purpose.³³
39. Associated with this, the Waihi North Panel also noted that there are no “*bottom lines*” of the kind applied in *King Salmon*.³⁴ This is because planning objectives and

³⁰ See *Record of Decision of the Expert Consenting Panel*, Bledisloe North Wharf and Fergusson North Berth Extension, 21 August 2025 at [120]–[122] and [127], *Record of Decision of the Expert Consenting Panel*, Milldale – Stages 4C and 10 to 13, 3 October 2025 at [60], and *Record of Draft Decision of the Expert Consenting Panel*, Taranaki VTM, 4 February 2026 at [78]–[79].

³¹ *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541, (2018) 20 ELRNZ 771 at [52] – [53].

³² *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 54, (2018) 20 ELRNZ 771 at [55].

³³ *Record of Decision of the Expert Consenting Panel*, Waihi North, 18 December 2025, Part M at [12(a)], citing *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38; [2014] 1 NZLR 593. The Waihi Panel’s reasoning was later adopted in: *Record of Decision of the Expert Consenting Panel*, Southland Windfarm, 9 March 2026 at [979].

³⁴ *Record of Decision of the Expert Consenting Panel*, Waihi North, 18 December 2025, Part M at [12](b). The Waihi Panel’s reasoning was later adopted in: *Record of Decision of the Expert Consenting Panel*, Southland Windfarm, 9 March 2026, at [979].

policies do not play as critical a role in relation to resource consent applications (particularly for non-complying activities) as they would under the RMA.³⁵

40. The above approach has been adopted in the most recent Expert Panel decisions for Takitimu North Link, Green Steel and Sunfield.³⁶
41. In light of these decisions, we submit that the Panel in this case should, in respect of each type of approval sought:
 - (a) consider and evaluate each relevant matter on an individual basis without applying any weighting in the first instance and “*uninfluenced*” by the FTA’s purpose;³⁷
 - (b) consider the FTA purpose in light of Section 81(4) which requires a Panel to consider the extent of the project’s regional and national benefits in taking into account the purpose; and
 - (c) undertake an evaluative analysis in which the purpose of the FTA is given the greatest weight.
42. The decision-making framework which is to be applied in relation to each of the individual approval types is set out in Appendix C.

When a Panel Must Decline Approvals

43. The instances in which a Panel must decline approvals are limited and are set out in Section 85(1) and Section 85(2) of the FTA.
44. None of the situations in which a Panel must decline an application are applicable to the Project as none of the approvals sought are for ineligible activities and granting the approvals would not breach Treaty settlements or recognised customary rights.³⁸ This was confirmed by the Ministry for the Environment and DOC

³⁵ *Record of Decision of the Expert Consenting Panel*, Waihi North, 18 December 2025, Part M at [12](c). The Waihi Panel’s reasoning was later adopted in: *Record of Decision of the Expert Consenting Panel*, Southland Windfarm, 9 March 2026, at [979].

³⁶ *Record of Decision of the Expert Consenting Panel*, Takitimu North Link – Stage 2, 19 March 2026, at [90], [502]-[508], *Record of Decision of the Expert Consenting Panel*, Green Steel, 18 March 2026, at [748]-[750] and *Record of Decision of the Expert Consenting Panel*, Sunfield, 10 March 2026, at [739]-[741].

³⁷ See *Record of Decision of the Expert Consenting Panel*, Sunfield, 10 March 2026 at [544].

³⁸ Fast-track Approvals Act 2024, Section 85(1).

in documentation³⁹ provided to the Fast-track Projects Advisory Group for the referral application for the Project.⁴⁰

When a Panel May Decline Approvals

45. Under Section 85(3), a Panel may decline an approval if the adverse impacts of the Project are sufficiently significant to be out of proportion to the Project's regional and national benefits.⁴¹ Section 85(3)(b) refers to Section 81(4) which requires that it is the extent of such regional or national benefits that must be assessed.⁴²
46. We address the key inputs of the assessment required by the Panel under Section 85(3) below.

Section 85(3)(a) - Adverse Impacts

47. The term adverse impact for the purposes of Section 85(3) and (4) means any matter considered by the Panel in decision making that weighs against granting approvals.
48. The Panel's draft decision for the Taranaki VTM project described the analysis required under Section 85(3) as inherently evaluative.⁴³
49. Section 85(4) directs that the Panel may not form the view that an adverse impact meets the sufficiently significant threshold solely on the basis that the adverse impact is inconsistent with or contrary to a provision of an Act or any other document requiring consideration, such as planning documents. This means that, unlike traditional RMA processes, an inability to meet bottom line objectives or policies, while a matter to be taken into account, must not be the basis on which a proposal is declined.
50. The suite of technical assessments demonstrates that the economic benefits of the Project outweigh any potential adverse impacts. In particular, the comprehensive effects management measures proposed and supported by technical evidence can provide confidence to the Panel that Section 85(3) is not engaged. We submit that to conclude otherwise would require an evidential finding that the residual effects

³⁹ Ministry for the Environment, Assessment Form – FTA#208: Application for listed project under the Fast-track Approvals Bill – Remarkables Ski Area Upgrade and Doolans Expansion Project for Schedule 2A, 5 July 2024 and Department of Conservation, Correspondence – Feedback on FTA#208 – Remarkables Ski Area Upgrade and Doolans Expansion, June 2024.

⁴⁰ Although the definition of eligible activity has been amended since the version of the Fast-track Approvals Bill considered at the time this documentation was prepared, it remains substantively the same.

⁴¹ Fast-track Approvals Act 2024, Section 85(3).

⁴² *Record of Decision of the Expert Panel*, Maitahi Village, 18 September 2025 at [62].

⁴³ *Record of Draft Decision of the Expert Panel*, Taranaki VTM, 4 February 2026, at [247].

response was dramatically insufficient or that the technical assessments submitted in the application have materially misrepresented and understated those impacts.

51. Use of the term “*out of proportion*” requires an evidential finding that adverse impacts must substantially outweigh and exceed the national and regional benefits unlocked by a project before decline is warranted under Section 85. The comparison under Section 85(3) is therefore not limited to whether the costs outweigh the benefits but requires a broader assessment of both qualitative and quantitative matters.
52. This threshold is not met in the case of the Project as demonstrated in the table attached as Appendix C.

Section 85(3)(b) – Regional or National Benefits

53. The Project will deliver significant regional benefits as addressed in detail at paragraphs 20-24.
54. It is submitted that in weighing the benefits of the Project, the adverse effects are not out of proportion to those benefits.
55. NZSki’s economist Mr Patterson has prepared an Economic Impact Analysis (**EIA**) for the Project. This is the appropriate assessment methodology for the purposes of the FTA as opposed to a Cost-Benefit Analysis (**CBA**).
56. The FTA is inherently economic in nature and the structure of the relevant economics tests in the FTA is the driver for the choice of assessment methodology for economic assessments:
 - (a) the overarching purpose of the FTA, which is given the greatest weight in decision making, is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits;⁴⁴ and
 - (b) there are limited instances when a Panel may decline approvals which requires adverse impacts of a project to be sufficiently significant to be out of proportion to the benefits.⁴⁵
57. The proportionality requirement in the FTA specifies an assessment structure that requires a whole of economy perspective. This provides the Expert Panel with discretion to weigh a broad spectrum of impacts and benefits many of which do not lend themselves to monetisation or quantification and does not align with a CBA methodology. There is also the risk that if impacts are monetised there is a risk of

⁴⁴ Fast-track Approvals Act 2024, Section 3.

⁴⁵ Fast-track Approvals Act 2024, Section 85(3).

double counting under the FTA assessment structure (for example, in relation to ecological impacts).

58. This was recognised by the Panel determining the Waihi North project which stated:⁴⁶
- (a) There is no explicit requirement for either the benefits or adverse impacts to be quantified in monetary terms. This is so even where the claimed benefits are economic in character.
 - (b) If adverse impacts have already been monetised and factored into the benefits assessments, there would not be much point in a weighting exercise of the kind required by Section 85(3).
59. The Waihi North Panel ultimately rejected the CBA approach that sought to quantify and monetise all matters.⁴⁷ The Expert Panels for the Taranaki VTM project and Southland Wind Farm project have agreed with and adopted this approach.⁴⁸
60. Mr Patterson's EIA is the appropriate methodology for the broad, qualitative weighing of benefits against adverse impacts that the FTA requires and can be relied upon in decision making.

Application of the Resource Management Act 1991 Policy Framework

61. The Supreme Court's decision in *Royal Forest and Bird Protection Society v New Zealand Transport Agency*⁴⁹ is the latest guidance on how decision makers should have regard to objectives and policies of planning documents. A 2025 decision of the Court of Appeal on the COVID-19 Fast Track consenting regime has confirmed that the Supreme Court decision was relevant to assessment undertaken in that context⁵⁰ and we consider it is therefore applicable to FTA decision making also.
62. The Supreme Court held that decision makers must undertake a fair appraisal of the objectives and policies read as a whole, and must avoid isolating and de-contextualising individual provisions in a manner that does not fairly reflect the broad intent of the drafters.⁵¹

⁴⁶ *Record of Decision of the Expert Panel*, Waihi North, 18 December 2025, Part E, at [786].

⁴⁷ *Record of Decision of the Expert Panel*, Waihi North, 18 December 2025, Part E, at [784].

⁴⁸ *Record of Draft Decision of the Expert Panel*, Taranaki VTM, 4 February 2026, at [91] and *Record of Decision of the Expert Panel*, Southland Wind Farm, 2 April 2026, at [842]-[848].

⁴⁹ *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915.

⁵⁰ *Glenpanel Development Limited v Expert Consenting Panel* [2025] NZCA 154, (2025) 26 ELRNZ 657.

⁵¹ *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915 at [79].

63. This approach does not mean the provisions of relevant policy documents can be put in a blender with the possible effect that stronger policies are weakened and weaker policies strengthened. Objectives and policies must be read on their own terms and in relation to one another, recognising that in context some will carry greater weight.⁵²
64. However, in the context of the FTA, while the objectives and policies are still a relevant consideration, Clause 17(4) of Schedule 5 states that even if a provision would normally require an application to be declined, the Panel must not treat the provision as requiring the Panel to decline the FTA application.
65. Rather, when applying the statutory tests in the FTA:
- (a) an inability to meet relevant objectives and policies or bottom lines must not preclude approval under the FTA;⁵³ and
 - (b) the Panel must weigh the consideration of those objectives and policies against the broader purpose of the FTA, being facilitating the delivery of projects with significant regional or national benefits.
66. As noted above, this was confirmed in the recent Panel decision in Waihi North.
67. The key policy documents, addressed in detail in Section 9 of the Substantive Application are as follows:
- (a) Queenstown Lakes Proposed District Plan (**QLDC PDP**);
 - (b) Central Otago District Plan (**CODC District Plan**);
 - (c) Otago Regional Plan: Water for Otago;
 - (d) Otago Regional Plan: Waste for Otago;
 - (e) Otago Regional Plan: Air for Otago;
 - (f) National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**); and
 - (g) National Policy Statement for Freshwater Management 2020 (**NPS-FM**).
68. The Project aligns with the NPS-FM, National Policy Statement for Natural Hazards 2025, Otago Regional Plans for Water and Air, QLDC PDP and CODC District Plan. The Project is generally consistent with the Otago Proposed Regional Policy Statement, NPS-FM, Kāi Tahu Ki Otago Natural Resource Management Plan 2005

⁵² *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915 at [80].

⁵³ Fast-track Approvals Act 2024, Schedule 5, Clause 17(4).

and Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.

Conditions

69. A Panel's discretion to set conditions⁵⁴ under the FTA is limited by the directive in Section 83 that conditions must not be *"more onerous than necessary to address the reason for which it is set"* in accordance with the provision of the FTA *"that confers the discretion"*.⁵⁵ In applying this we submit that a Panel must:
- (a) identify the reason why a condition on an approval is required to manage adverse impacts of a project and confirm this is within the range of impacts the FTA controls;
 - (b) confirm that the condition is valid and meets the well-established parameters of an appropriate condition developed under the RMA;
 - (c) ensure the condition does not impose obligations that are beyond those that are necessary to address the reason for which it is set in accordance with the relevant FTA provision;
 - (d) in doing so, once each impact has been considered give weight to whether the obligations imposed by the condition would still facilitate the delivery of infrastructure and development projects with significant regional or national benefits; and
 - (e) consider whether the condition could be utilised to prevent the decline of the approval in accordance Section 85(3).

Management Plans

70. A suite of management plans is proposed to give effect to conditions. Where management plans are relied upon, the relevant conditions include a clear statement of the objectives that are required to be met by those plans and the key, and measurable, environmental outcomes that must be achieved.
71. The Panel Convener has signalled that applications with conditions reliant on management plans should provide draft management plans with their application.⁵⁶ The application for the Project includes drafts of the Construction Environmental Management Plan, Erosion and Sediment Control Plan, Vegetation, Invertebrate and Wetland Management Plan and Lizard Management Plan in accordance with

⁵⁴ Fast-track Approvals Act 2024, Schedule 5 Clause 17, Schedule 7 Clause 5, Schedule 6 Clause 7, Schedule 8 Clause 4 and Schedule 11 Clause 7.

⁵⁵ Fast-track Approvals Act 2024, Section 83.

⁵⁶ Panel Convener Practice and Procedure Guidance at [21.1].

Condition C.9. In accordance with the Panel’s decision granting approvals for the Waihi North fast-track project, NZSki does not seek that the Panel approve these management plans.⁵⁷ Rather the conditions of consent provide for the management plans to be submitted to the relevant consent authority for certification.⁵⁸

Adaptive Management

72. NZSki proposes an adaptive management approach through management plans and robust conditions of consent to provide for ongoing assessment, design and adjustment to ensure that environmental effects are best managed. This approach strikes a balance between a decision-maker prescribing how effects of a development are to be appropriately avoided, remedied or mitigated and giving consent holders the flexibility that is necessary to determine how those results will be achieved.
73. The approach has become increasingly accepted as an effects management mechanism in large developments in New Zealand. The Environment Court has described management plans as now having a “*central place*” in large developments.⁵⁹
74. Legislation does not prescribe what an adaptive management approach must contain. This has been set out by various Courts and decision-makers over the past few decades and is now regarded as settled law. In *Sustain our Sounds Inc v New Zealand King Salmon Limited* [2014] NZSC 40 (***Sustain Our Sounds***) the Supreme Court held that an adaptive management approach must provide for a minimum criteria of information and specific requirements for it to be considered appropriate by a decision-maker.⁶⁰ It is not a “*suck it and see*” approach.⁶¹
75. The Supreme Court considered that as a first question there must be an adequate evidential foundation to have reasonable assurance that the adaptive management approach will achieve its goals of reducing uncertainty and adequately managing any remaining risk.⁶²

⁵⁷ *Record of Decisions of the Expert Panel, Waihi North Project, 18 December 2025, Part E at [7].*

⁵⁸ H.02 Resource Consent Conditions GC.8-GC.11.

⁵⁹ *Golden Bay Marine Farmers v Tasman District Council* NZEnvC Wellington W19/2003, 27 March 2003 at [411].

⁶⁰ *Sustain Our Sounds Incorporated v New Zealand King Salmon Limited* [2014] NZSC 40, (2014) 17 ELRNZ 520.

⁶¹ *Sustain Our Sounds Incorporated v New Zealand King Salmon Limited* [2014] NZSC 40, (2014) 17 ELRNZ 520 at [125].

⁶² *Sustain Our Sounds Incorporated v New Zealand King Salmon Limited* [2014] NZSC 40, (2014) 17 ELRNZ 520 at [125].

76. Secondly, whether adaptive management is appropriate depends on an assessment of factors including:⁶³
- (a) the extent of the environmental risk (including the gravity of the consequences if the risk is realised);
 - (b) the importance of the activity (which could in some circumstances be an activity it is hoped will protect the environment);
 - (c) the degree of uncertainty; and
 - (d) the extent to which an adaptive management approach will sufficiently diminish the risk and the uncertainty.
77. The Supreme Court considered that the vital part of the adaptive management test was the ability for an adaptive management regime to deal with risk and uncertainty.⁶⁴
78. The Project meets the key requirements for reliance on an adaptive management approach in accordance with *Sustain Our Sounds* as follows:
- (a) There is a high degree of baseline information about the receiving environment. Comprehensive field investigations were carried out as follows:
 - (i) 103 vegetation quadrats (2 x 2 metres) were surveyed across all described vegetation communities within the study area between 30 January to 7 February 2025 and 20 January to 12 February 2026 (10 field days).⁶⁵
 - (ii) Assessment of the presence of wetlands was undertaken in accordance with the Ministry for the Environment's Wetland Delineation Protocols using the rapid vegetation test method (45 tests undertaken) and vegetation quadrat analysis method (44 vegetation quadrats undertaken).⁶⁶
 - (iii) Lizard surveys comprised 66 Gee's minnow trap locations across all vegetation communities, altitude bands, and aspects likely to

⁶³ *Sustain Our Sounds Incorporated v New Zealand King Salmon Limited* [2014] NZSC 40, (2014) 17 ELRNZ 520 at [129].

⁶⁴ *Sustain Our Sounds Incorporated v New Zealand King Salmon Limited* [2014] NZSC 40, (2014) 17 ELRNZ 520 at [133].

⁶⁵ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [2.3.1].

⁶⁶ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [2.3.2].

support lizard populations. Across the 2024/25 and 2025/26 lizard active seasons, a total of 5,470 trap-days were completed. Manual habitat searching was also undertaken.⁶⁷

- (iv) Avifauna surveys were completed between 30 January and 31 March 2025 and 13 January to 12 February 2026. Monitoring included designated 5-Minute Bird Counts, dawn and dusk surveys, and general observations during all field work. 108 locations were surveyed accounting for approximately 540 observation minutes.⁶⁸
 - (v) Invertebrate sampling was undertaken using three sampling techniques: pitfall trapping, manual sampling, and light trapping. A total of 140 pitfall traps were deployed over two field seasons. Manual invertebrate collection was undertaken over a period of five days. Light trapping was undertaken across three nights on 25 and 26 February 2025 and 19 January 2026.⁶⁹
 - (vi) Surveys of representative sections of streams were undertaken on 12 and 13 April 2025 and 20 January 2026. This involved visual assessment, eDNA sample collection, macroinvertebrate sampling and zooplankton sampling.⁷⁰
- (b) The nature of the Project, as an extension of an existing development, poses a low degree of uncertainty and environmental risk.
 - (c) To ensure a robust and effective adaptive management approach, NZSki proposes to manage environmental effects through a comprehensive and integrated suite of management plans, covering the full range of potential impacts and secured through enforceable conditions of consent. Each management plan embeds a clear and structured adaptive management framework, including defined performance standards, pre-determined trigger thresholds that mandate review and response, and targeted risk and threat assessments. This approach ensures emerging issues are identified early, uncertainty is actively managed, and environmental performance is continually improved over the life of the Project.

⁶⁷ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [2.4.1].

⁶⁸ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [2.4.2].

⁶⁹ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [2.4.3].

⁷⁰ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment, at [3.2].

79. In summary, NZSki proposes to rely on a number of management plans to appropriately manage potential adverse and positive effects. We submit that the adaptive management approach proposed is appropriate and robust.

KEY MATTERS FOR DETERMINATION

80. To assist the Panel Convener and ultimately the Panel, the key impacts which require consideration and determination by the Panel and the framework for the relevant decision maker are outlined below.
81. The key effects and the effects management proposed in relation to those effects are also summarised in a table form in **Appendix D**.

Ecology

82. The wider Site has been modified by existing ski field activity. However, parts of the Doolans area retain high ecological values which may be potentially impacted by the Project.
83. To address any adverse effects of the Project on ecological values, the ecological experts for NZSki have applied the effects management hierarchy set out in the NPS-IB and NPS-FM to their assessments. Importantly, measures to avoid, remedy and minimise/mitigate effects have been addressed in the first instance. Where residual effects remain following the implementation of those measures, offsetting then compensation have been considered.
84. As addressed in more detail below, offsetting within a harsh alpine environment is not an achievable outcome.⁷¹ However, proposed compensation measures generally align with the principles and limits set in the NPS-IB and NPS-FM.
85. Overall, all adverse ecological effects of the Project can be appropriately managed.

Terrestrial Ecology

86. The terrestrial ecological values of the Site overall are high or very high although environments already disturbed by existing activity have a lower ecological value score.⁷²
87. The vast majority of proposed activity will occur above the snow. Skiing is a passive form of recreation that does not result in direct disturbance of terrestrial ecology.

⁷¹ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [7.1].

⁷² B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment. at [5.3].

88. The Project will result in the direct disturbance of approximately 20 hectares of high to very high quality vegetation and habitat in the upper Rastus Burn and Upper Doolans catchments.⁷³ When considered in the context of the wider Ecological District, this is an equivalent loss of 0.05% of the indigenous vegetation located above 1,100m. Percentage loss is the greatest for high altitude cushionfields (0.96%) with the loss less than 0.3% for the remaining communities.⁷⁴
89. Without effects management measures in place, the Project would result in low to moderate effects on avifauna from bird strike,⁷⁵ low to high effects on fauna habitat,⁷⁶ low to very high fragmentation effects,⁷⁷ moderate to very high effects on vegetation from the introduction and mobilisation of weeds,⁷⁸ and moderate to very high effects from sedimentation onto neighbouring vegetation habitats, wetlands and watercourses.⁷⁹ Edge effects of Project would also be likely to result in vegetation damage or loss.⁸⁰
90. Measures to avoid, remedy and minimise effects of the Project on terrestrial ecology include the following:⁸¹
- (a) Project planning has been iterative and included refinement of the disturbance footprint to avoid direct disturbance of wetlands.
 - (b) Detailed engineering consideration has ensured that direct disturbance will be as low as possible including that earthworks will be limited to only the essential requirements for installation of roading and services.
 - (c) The implementation of a Vegetation, Weed, Invertebrate, and Wetland Management Plan. This plan will ensure mitigatory actions are completed to achieve high plant survival rates including:
 - (i) translocation of all “*At Risk – Declining*”, “*Threatened*” and taonga plant species into suitable and comparable nearby habitat;

⁷³ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [8].

⁷⁴ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [8].

⁷⁵ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.3].

⁷⁶ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.6].

⁷⁷ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.3].

⁷⁸ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.4].

⁷⁹ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.5].

⁸⁰ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.2].

⁸¹ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [6.5].

- (ii) translocation of up to 500 clusters of each “*At Risk – Naturally Uncommon*” and “*Data Deficient*” plant species; and
 - (iii) all batter slopes/exposed surfaces are to be revegetated utilising removed vegetation within the trail footprint in accordance with the approved DOC/NZSki revegetation protocols.⁸²
- (d) All hydrological function and connectivity of all wetlands and streams will be maintained.
 - (e) The implementation of a Construction Environment Management Plan and Site Specific Sediment and Erosion Control Plan to manage earthworks to mitigate the risk of runoff and sedimentation into adjacent watercourses, wetlands and vegetation.
 - (f) Disturbance footprints of appropriate nesting habitat for avifauna are to be surveyed ahead of time and any nests identified. If possible, works will avoid the area until chicks have fledged.
 - (g) The implementation of a Lizard Management Plan to mitigate loss of herpetofauna and direct disturbance of habitat.
 - (h) Measures to reduce interaction with kea if observed within or nearby the Site.
91. After efforts to avoid, remedy and minimise adverse effects as outlined, moderate to high terrestrial ecological effects are anticipated as follows:⁸³
- (a) direct loss of 13.8 hectares of indigenous vegetation;
 - (b) fragmentation of indigenous vegetation;
 - (c) sedimentation of wetland communities;
 - (d) effects on falcon based on a slight change to habitat conditions;
 - (e) effects on pipit below 1700 metres in the Doolans Basin;
 - (f) habitat loss for invertebrates; and
 - (g) construction noise effects on eastern falcon, pipit, kea and invertebrates.

⁸² Department of Conservation and NZSki Limited, Protocol for the Rehabilitation of Natural Alpine Environments Following Ski Area Development.

⁸³ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment page ix.

92. Offsetting within a harsh alpine environment is not an achievable outcome due to the lack of feasible locations for offsetting as the environment is largely intact.⁸⁴
93. Ecological compensation for residual terrestrial ecology effects is proposed in the form of a Biodiversity Compensation Project which has the following objectives:⁸⁵
- (a) provide long term ecological benefits to the wider area and address the Project's residual ecological effects relating to the loss of 13.8 hectares of indigenous vegetation; and
 - (b) if agreeable to tangata whenua, enable exercise of their kaitiakitanga.
94. The Biodiversity Compensation Project also addresses residual effects on invertebrates and avifauna (pipit and kārearea) whose habitat is being lost through vegetation clearance.
95. NZSki proposes to fund the Biodiversity Compensation Project at a rate of \$75,000 per year, until such time as the 13.8 hectare area has been re-vegetated.⁸⁶
96. This will cover at least 13.8 hectares (to align with the area of permanent land disturbance not already mitigated, remedied or compensated for within the Project) and will be located either within public conservation land, land managed by NZSki within the concession area, QEII covenants or an alternative location developed with involved parties.⁸⁷
97. NZSki will invite Kā Rūnaka and DOC to participate in the development of and to oversee the Biodiversity Compensation Project and ensure its objectives are met.⁸⁸
98. A Biodiversity Compensation Project Plan will be developed within 18 months of construction of the Doolans Base Building commencing. The Biodiversity Compensation Project Plan will include the following details:⁸⁹
- (a) the delivery mechanism of the Biodiversity Compensation Project;
 - (b) the management and enhancement goals of the Biodiversity Compensation Project;

⁸⁴ B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment at [7.1].

⁸⁵ A.14 Substantive Application Report Section 7- Management and Monitoring of Actual and Potential Effects at [6.4.1] and H.02 Resource Consent Conditions, BIO.2.

⁸⁶ A.14 Substantive Application Report Section 7- Management and Monitoring of Actual and Potential Effects at [6.4.1].

⁸⁷ A.14 Substantive Application Report Section 7- Management and Monitoring of Actual and Potential Effects at [6.4.1].

⁸⁸ H.02 Resource Consent Conditions, BIO.1 to BIO.14.

⁸⁹ H.02 Resource Consent Conditions, BIO.10 and BIO.14.

- (c) the programme for the first five years including expenditure details;
 - (d) any land access arrangements with DOC or others required to implement the Biodiversity Compensation Project;
 - (e) measurable, time-bound performance indicators;
 - (f) outcome monitoring methods for pests and native species to determine the effectiveness; and
 - (g) reporting and review processes.
99. NZSki must provide an annual report to DOC in relation to progress on the Biodiversity Compensation Project Plan and its effectiveness.⁹⁰
100. In relation to residual effects on indigenous lizard populations and their habitats resulting from earthworks and vegetation clearance, NZSki propose to establish a fund for alpine lizard research. Eighty thousand dollars is being paid over two tranches to support research into new search techniques in alpine regions for lizards, to enable a better understanding of the overall distribution and abundance of alpine lizard species. The project is targeting orange-spotted gecko, lakes skink, central-southern skink, short-toed gecko and nevis skink. This will assist in the overall conservation management of the species.⁹¹

Freshwater Ecology

101. There is naturally no presence of fish on the Site due to natural waterfall and gorge barriers 2.5km to 6km downstream.⁹² Effects of the Project on freshwater values will be low with the exception of the reclamation of Tarn 3 which will be addressed through compensation measures including the construction of a boardwalk over the wetlands to Lake Alta.⁹³
102. The Project proposes a water take weir on the Doolans Creek Right Branch and the construction of a water storage reservoir through the reclamation of an existing tarn (Tarn 3).⁹⁴

⁹⁰ H.02 Resource Consent Conditions, BIO.17.

⁹¹ F.02 Lizard Management Plan at [4.7].

⁹² B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment at [4.4]

⁹³ A.14 Substantive Application Report Section 7- Management and Monitoring of Actual and Potential Effects at [7.2]

⁹⁴ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii.

103. The Doolans Creek Right Branch and Tarn 3 hold high ecological value primarily due to their high representativeness and ecological context.⁹⁵

Water Take

104. The proposed water abstraction will reduce flows within the fishless upper reach of the Doolans Creek Right Branch.⁹⁶ NZSki proposes a condition requiring a minimum residual flow of 20 litres per second to be maintained in the creek downstream of the point of abstraction at all times.⁹⁷ Given the limited abstraction period and the redistribution of meltwater back into the catchment, the effects of the flow reduction will be low and no mitigation is required.⁹⁸

Installation of Weir

105. Effects management actions are proposed to manage the potential effects of the installation of the weir as follows:⁹⁹
- (a) in accordance with conditions FEW.2 and ESC.11-ESC.12 development of an Environmental Management Plan (**EMP**) outlining best practice erosion and sediment control measures including working from the banks where practicable, minimising the works footprint, and preventing sediment from entering flowing water;
 - (b) undertaking earthworks during dry periods and associated low flow conditions;
 - (c) replanting any disturbed streambanks with dense native tussock species; and
 - (d) restricting the water take to the period to between May to October (inclusive).
106. With the implementation of the above measures, effects of the installation of the weir will be low.¹⁰⁰

⁹⁵ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii and [5].

⁹⁶ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii.

⁹⁷ Substantive Application Report, Section 6 at [6.5.1.1], Conditions of consent, condition WAT.12.

⁹⁸ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii.

⁹⁹ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii-iii and [6].

¹⁰⁰ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page iii and [6].

Reservoir

107. Construction of the reservoir will be established at the site of existing Tarn 3, permanently removing approximately 4,450 m² of tarn habitat due to the requirement for a geosynthetic liner to allow for effective water storage.¹⁰¹
108. As a wetland ecosystem type, tarns are considered uncommon but not threatened.¹⁰² Of the three tarns nearby the Site in the Doolans Basin,¹⁰³ Tarn 3 was found to have the lowest ecological values and was found to be largely functioning as an isolated pool rather than an ecologically significant wetland. No wetland or aquatic plant communities are present within this tarn.¹⁰⁴
109. Modification of Tarn 3 was considered only after alternative reservoir locations and options were considered and eliminated.¹⁰⁵
110. Although Tarn 3 was assessed as having the lowest ecological value, due to its uncommon ecosystem type, significance within the Otago Region and high representativeness it remains of overall high ecological value.¹⁰⁶ The magnitude of habitat loss is moderate, resulting in an overall high level of effect.¹⁰⁷
111. As no like for like habitat is available onsite, this effect cannot be mitigated or remedied through onsite measures.¹⁰⁸
112. The loss of Tarn 3 is being addressed through a related compensation proposal which is the funding of a boardwalk over the wetlands to Lake Alta. This will protect the ecologically sensitive Lake Alta wetland which is near the Site from ongoing trampling damage caused by foot traffic.¹⁰⁹

¹⁰¹ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment at [2.2.3].

¹⁰² B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment at [2.1.2].

¹⁰³ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment at [3.3].

¹⁰⁴ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii.

¹⁰⁵ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment at [6.2.3].

¹⁰⁶ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment at [6.2.3].

¹⁰⁷ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii.

¹⁰⁸ B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment page ii and [6].

¹⁰⁹ A.14 Substantive Application Report Section 7- Management and Monitoring of Actual and Potential Effects at 7.1.

Cultural Effects

113. The Site is within the Kāi Tahu takiwā.¹¹⁰
114. Papatipu Rūnaka have takiwā as outlined in Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 which recognises that there are areas of shared interest between Papatipu Rūnaka.¹¹¹ There are seven Papatipu Rūnaka who can exercise their mana whenua in the Queenstown Lakes/Central Otago districts as follows (collectively referred to as Ka Rūnaka):¹¹²
- (a) Te Rūnaka o Moeraki;
 - (b) Kāti Huirapa ki Puketeraki;
 - (c) Te Rūnaka o Ōtākou;
 - (d) Waihōpai Rūnaka;
 - (e) Te Rūnaka o Awarua;
 - (f) Te Rūnaka o Ōraka-Aparima; and
 - (g) Hokonui Rūnaka.

Cultural Values

115. NZSki's relationship and engagement with the seven Papatipu Rūnaka pre-dates the FTA process.
116. More specifically in relation to the Proposal, NZSki has been in continued active engagement with Ka Rūnaka as outlined in detail in the Substantive Application Report and at Appendix B. It is a well settled judicial principle that only tangata whenua have the authority to determine and speak to the cultural effects of an activity.¹¹³
117. In summary, following a site visit on 23 January 2026, Kā Rūnaka provided NZSki with a memorandum outlining a range of matters that may be considered in any Te Tiriti o Waitangi Impact Assessment (**Kā Rūnaka Memo**).¹¹⁴

¹¹⁰ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 4.

¹¹¹ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 5.

¹¹² ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 5.

¹¹³ *Ngawaka v Ngāti Rehua-Ngātiwaki Ki Aotea Trust Board* [2021] NZHC 291, [2021] 2 NZLR 1 at [57] – [59].

¹¹⁴ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 3.

118. The Kā Rūnaka Memo was designed to offer early, high level guidance to NZSki on potential Kā Rūnaka interests and cultural values and the methodology for assessing impacts.¹¹⁵ NZSki has adopted this guidance, in particular recognising that cultural impacts may extend beyond physical effects,¹¹⁶ in the preparation of application documentation for the Project including draft conditions.
119. Kā Rūnaka since advised NZSki that it would not be providing a Te Tiriti o Waitangi Impact Assessment for the Project.¹¹⁷ NZSki has taken into account the early advice from Kā Rūnaka and seeks to work with Kā Rūnaka in addressing any actual or potential Project impacts.¹¹⁸
120. Subject to any further feedback from Kā Rūnaka, the Site is not identified as having any specific cultural values that will be affected as a result of the Project. There are no cultural redress mechanisms such as statutory acknowledgement areas which directly affect the Site under the Ngāi Tahu Claims Settlement Act 1998 nor any mapped sites under the QLDC PDP or CODC District Plan over the Site.¹¹⁹ The Kawarau/Remarkables mountain range does not have a Deed of Recognition or tōpuni.¹²⁰
121. However, NZSki acknowledges that the Kawarau landscape generally holds deep cultural significance to Kāi Tahu.¹²¹

Effects on Cultural Values

122. While engagement with Kā Rūnaka continues, NZSki has focused its efforts on proactively addressing potential effects that it understands may interact with cultural values, based on the consultation undertaken.
123. The Kā Rūnaka Memo emphasised a collective approach to long term impacts and that the following needs to be assessed to recognise possible Te Tiriti o Waitangi impacts:¹²²

¹¹⁵ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 3.

¹¹⁶ Dr Alayna Rā for Kā Rūnaka, *Tiriti Impact Assessment considerations for the NZSki Remarkables Upgrade and Doolans Expansion Project*, 20 February 2026.

¹¹⁷ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 3.

¹¹⁸ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 3.

¹¹⁹ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 13.

¹²⁰ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 13.

¹²¹ Kauati, *Summary of Ngāi Tahu Values, Practices and Associations for the Remarkables Conservation Area*, 2020 cited in A.09 Substantive Application Report Section 2 Environmental Setting at [2.5.2].

¹²² Dr Alayna Rā for Kā Rūnaka, *Tiriti Impact Assessment considerations for the NZSki Remarkables Upgrade and Doolans Expansion Project*, 20 February 2026.

- (a) long term monitoring that aligns with intergenerational responsibilities;
 - (b) adaptive management where impacts or uncertainties remain; and
 - (c) governance and partnership mechanisms that enable Kā Rūnaka to exercise ongoing rakatirataka.
124. NZSki's experts have comprehensively applied the effects management hierarchy as outlined in the Substantive Application in relation to effects which could influence cultural values including:
- (a) waterways and wetlands;
 - (b) water quality including any potential downstream effects;
 - (c) ecology including effects on taoka species; and
 - (d) landscape effects.
125. In accordance with NZSki's understanding of the Kā Rūnaka Memo, the proposed conditions of consent provide for the following:¹²³
- (a) Long term monitoring in accordance with proposed conditions of consent and monitoring plans.
 - (b) Adaptive management through proposed conditions and management plans to provide for ongoing assessment, design and adjustment to ensure that environmental effects are best managed as addressed in more detail at paragraphs 72-79.
 - (c) The establishment of a mana whenua advisory group.¹²⁴ This is proposed to acknowledge and provide a means for mana whenua and cultural responsibilities and associations with Kawarau/Remarkables, across a range of values and issues. The mana whenua advisory group will provide oversight and management mechanisms for the Project during the design and construction phases. While created for the Project, NZSki seeks that this group evolve into a formalised participatory process, beyond proposed project conditions. This point has been discussed in earnest multiple times with Kā Rūnaka since 2023.¹²⁵

¹²³ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 18-19.

¹²⁴ H.02 Resource Consent Conditions MW.1-MW.4.

¹²⁵ ā-Rautaki, Doolans Extension, Overview of Ngai Tahu Treaty Settlement and Iwi Management Plans, date at page 18-19.

- (d) Accidental discovery protocols which require notification to Kā Rūnaka where relevant.¹²⁶

126. While NZSki are committed to ongoing dialogue with Kā Rūnaka, importantly there is no right of veto conferred on Kā Rūnaka and appellate Courts have consistently held that this cannot be conferred.¹²⁷
127. Despite that, NZSki wishes to emphasise that they are committed to continuing engagement with Kā Rūnaka and has focused on proactively ensuring environmental effects which are understood to also have potential overlap with cultural effects are robustly and appropriately addressed.

Transport

128. The Project will result in an increase in travel demand through the accommodation of up to 6,000 skiers at one time resulting in an increased demand for parking and effects on the performance of the State Highway 6 (**SH6**) intersection to the Site.¹²⁸
129. The Project includes sufficient transport infrastructure and mitigation measures to accommodate the proposed increase in visitor numbers. Mr Rossiter, NZSki's transport engineer, has confirmed that with proposed mitigation measures in place, transport effects of the Project will be acceptable.¹²⁹ In response to rapid residential growth through the Southern Corridor and evolving transport network planning, Mr Rossiter proposes a flexible approach to transport which includes an investigation in collaboration with the New Zealand Transport Agency into the SH6 intersection.

Parking

130. Parking demands at the upper car parks currently exceed the theoretical capacities based on standard parking bay dimensions requiring NZSki to operate shuttles to lower parking areas.¹³⁰

¹²⁶ H.02 Resource Consent Conditions, GC.19.

¹²⁷ *Te Korowai o Ngāruahine Trust v Hiringa Energy Limited* [2022] NZHC 2810, (2022) 24 ELRNZ 269.

¹²⁸ B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment at page vi.

¹²⁹ B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment at page vi.

¹³⁰ B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment at [15].

131. To ensure sufficient parking, the Project includes:¹³¹
- (a) Expansion of Carpark A (nearest to State Highway 6) to accommodate a park and ride transit facility.
 - (b) Establishment of a new Car Park B and Boneyard Car Park, with associated shuttle bus pick up facilities.
 - (c) Encouragement of mode shift away from private vehicle demands through provision of car pooling facilities supporting higher vehicle occupancy levels in the upper carparks. This will be enforced through traffic marshals, radio communication, number-plate recognition cameras for managing vehicle volume and flows, dynamic signage and a tiered parking strategy to achieve an average occupancy rate of 2.9 people.
 - (d) Implementation of additional bus services between Queenstown, Frankton and the ski area.
 - (e) Preparation and implementation of a travel demand and car parking management plan to influence travel behaviour, reduce reliance on single occupancy car use and alleviate congestion associated with the ski field in accordance with condition TRANS.9-TRANS.13.

Intersection

132. The SH6 intersection to the Remarkables Ski Field is already operating at close to or above its capacity on the busier days of the ski season. With the ongoing high level of traffic growth on SH6 associated with residential development to the south, capacity at the intersection will reduce regardless of the Project.
133. The receiving transport network is in a state of evolution. In September 2025, QLDC adopted the Te Tapuae Southern Corridor Structure Plan (**Structure Plan**) which covers an area of approximately 1,300 hectares and incorporates land south of the Kawarau River, around Hanley's Farm, Jack's Point and Homestead Bay.
134. Intended to guide how the Southern Corridor grows and develops over the next 30 years, the Structure Plan identifies the construction of a new roundabout at the SH6/Remarkables Ski Field Road as a short term action (within 0-3 years) to be led by QLDC, ORC and NZTA.¹³²

¹³¹ B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment at [15] and A.13 Substantive Application Section 6 Report - Assessment of Environmental Effects at 6.11.

¹³² A.13 Substantive Application Section 6 Report - Assessment of Environmental Effects at 6.11.

135. The rapid growth through the Southern Corridor combined with the evolving short to long term network planning makes identification of a final intersection solution challenging ahead of the broader network upgrades take place. In the short term, the ski field will experience a reduction in intersection capacity, despite a lowering of vehicle movements through the modal shift measures implemented over the next three to four winter seasons. In the longer term, further intersection works may be required which will need to be assessed against the longer term network outcomes.¹³³
136. To account for the Structure Plan and changing nature of the receiving environment on SH6, the Project necessarily requires a flexible approach to traffic management and transport effects.
137. To address this the Project includes the following measures:¹³⁴
- (a) Operation of a refined temporary traffic management plan during the ski season to support increased departure rates at the ski field access to SH6 in the afternoon peak, including stop/go control or temporary signals during afternoon peak departures. This would likely be required despite the Project.
 - (b) Seal widening of SH6. The timing for any NZTA corridor improvements has not been confirmed and the ski field access configuration does not meet current best practice design standards therefore this may be a short term measure. The implementation of a right turn bay will be considered if planned transport improvements have a longer than expected delivery date.
 - (c) Within 12 months of the Doolans Base Building being opened, undertake an investigation (in collaboration with the New Zealand Transport Agency) into:
 - (i) the performance of the SH6/Remarkables Ski Field Road intersection;
 - (ii) solutions for improving the intersection performance; and
 - (iii) identification of funding solutions for the intersection.
138. This approach ensures that the effects of direct traffic movements generated by the Project are appropriately mitigated while enabling an appropriately responsive

¹³³ A.13 Substantive Application Section 6 Report - Assessment of Environmental Effects at 6.11.2.

¹³⁴ B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment at [15] and A.13 Substantive Application Section 6 Report - Assessment of Environmental Effects at 6.11.

approach to future changes in the SH6 corridor as the Southern Corridor is ultimately urbanised.

Landscape and Visual Amenity

139. The Site is located within an Outstanding Natural Landscape (**ONL**) under the CODC District Plan. Under the QLDC PDP the Site is also located within an ONL but is excluded from landscape classifications in accordance with the Ski Area Sub Zone (**SASZ**) which anticipates ski area development within this area.¹³⁵
140. Landscape and visual amenity effects of the Project need to be assessed against the context of the SASZ objectives and policies which provide the outcomes as to what can be expected to form future anticipated environment. This is confirmed by case law.
141. In *Frost v Queenstown Lakes District Council* the High Court held that effects must be assessed in context and in light of what exists, and is anticipated, in the zone.¹³⁶ The High Court considered it would be entirely artificial to assess effects without considering what exists and what is anticipated in the zone.¹³⁷
142. Further, the Environment Court in *RJ Davidson Family Trust v Marlborough District Council* stated that the relevant potential effects of a proposal should be assessed in light of the objectives, policies and rules of the relevant plans.¹³⁸
143. In this case, landscape and visual effects must be assessed in the context of the SASZ objectives and policies and in particular the carve out from landscape restrictions.
144. The existing ski trails, lifts and structures in the Rastus Burn catchment have substantially modified the values of the landscape.¹³⁹ The overall visual catchment of the Site is relatively limited with open views largely contained to the Remarkables access road and alpine recreational areas in proximity of the Site.¹⁴⁰
145. The siting and design of proposed structures and areas of earthworks have been carefully considered to ensure that the Project responds to the natural environment

¹³⁵ Queenstown Lakes Proposed District Plan, Chapter 21.1, Zone Purpose, Schedule 21.22 at [2.1.2] and [3.1] and Schedule 21.23 at [1.3] and [3.1].

¹³⁶ *Frost v Queenstown Lakes District Council*, [2021] NZHC 1474, (2021) 22 ELRNZ 844 at [68].

¹³⁷ *Frost v Queenstown Lakes District Council*, [2021] NZHC 1474, (2021) 22 ELRNZ 844 at [68].

¹³⁸ *RJ Davidson Family Trust v Marlborough District Council* [2016] NZEnvC 81, [2016] ELHNZ 97 at [262].

¹³⁹ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].

¹⁴⁰ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [4.6].

and protects the values of the ONL.¹⁴¹ The placement of proposed works will avoid significant modification to the topography and removal of indigenous vegetation, avoiding higher value landscape features, sensitive ecological habitats, wetlands, waterways and tarns as much as possible.¹⁴²

146. The scale of landscape effects of the Project differs between the two receiving environments, the Rastus Burn and Doolans Basin catchments, due to the different levels of existing modification.¹⁴³ The Project will result in landscape and visual amenity effects which range in scale from very low due to existing development to high in confined areas.¹⁴⁴
147. Rehabilitation and mitigation measures to address these effects are as follows:¹⁴⁵
- (a) temporary access tracks will be remediated and revegetated as construction is complete;
 - (b) recessive colours and materials will be used to blend proposed buildings into the tussock clan basin;
 - (c) built form will be clustered;
 - (d) the presence of human footprint will be minimised where possible by aligning temporary and permanent access roads, aligning infrastructure with the permanent access roads and designing the proposed cabin building to be multi-functional; and
 - (e) wherever possible earthworks will be combined to avoid duplication of works and also located to minimise disturbance of ecologically sensitive areas.
148. The landscape, visual amenity and natural character effects associated with the proposed gondola, including structures and stations, and ski trails are no more than minor within the Rastus Burn catchment.¹⁴⁶ The currently largely unmodified Doolans Basin is more sensitive to the proposed changes, which will include a large man-made structure in the form of the base station/ gondola storage, earthworks and the gondola midstation/towers, will result in significant

¹⁴¹ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].

¹⁴² B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].

¹⁴³ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [8].

¹⁴⁴ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].

¹⁴⁵ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].

¹⁴⁶ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at iii.

effects within the localised area.¹⁴⁷ However, the effects are expected in a very confined part of the mountain landscape, without impacting on the broader landscape context.

149. Within the Doolans Basin visual catchment, visual effects are confined to the ridgeline that separates Doolans Right Branch from Wye Creek and the head of the catchment to the south and west of Mount Salmond. Due to the height of the intervening ridgeline, the visual effects within the Remarkables Conservation Area will be restricted to Doolans Creek for the bottom station of the gondola, and some high-lying ridgelines where only glimpses of the midstation could be gained, such as Single Cone and the ridge west of Mount Salmond.¹⁴⁸

Heritage

150. There are no archaeological sites nor heritage items within the Site which accordingly has low heritage values.¹⁴⁹ As part of the Kawarau/Remarkables Conservation Area, the Site contributes to the setting of adjacent historic heritage.¹⁵⁰
151. The Project will have no impact on the historic heritage of the Site and will have a negligible adverse impact on the heritage values of the wider Kawarau/Remarkables Conservation Area in that the setting will be slightly changed.¹⁵¹
152. Heritage experts for NZSki therefore support the Project and have recommended positive measures to contribute to the heritage values of the Site through public signage and interpretation boards.¹⁵² The proposed conditions of consent also include accidental discovery protocols.¹⁵³
153. Overall, heritage experts for NZSki consider that the Project will provide improved access to heritage sites in the wider area including water races, huts and nineteenth century artefacts.¹⁵⁴

Recreation

154. The Project will meaningfully enhance regional snow sports capacity and increase accessibility to the ski field for a broader demographic, including families, beginners,

¹⁴⁷ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [8].

¹⁴⁸ B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6.3.6].

¹⁴⁹ B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at page iii.

¹⁵⁰ B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at page iii.

¹⁵¹ B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at page iii and [12].

¹⁵² B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at [12.1].

¹⁵³ H.02 Resource Consent Conditions, condition GC.19.

¹⁵⁴ B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at [12.1].

and individuals with limited mobility. The proposed gondola will also enhance summer recreational use of the area.

155. The Site is identified as having very high existing recreation values, primarily due to its undeveloped natural character and winter snow sports opportunities, combined with high accessibility through the Remarkables Ski Area road and other access facilities.¹⁵⁵
156. To address potential adverse recreational effects, NZSki has adopted effects management measures recommended by Mr Greenaway. These measures were developed in direct response to concerns and suggestions raised by those Mr Greenaway interviewed to inform the Recreation Assessment included in the substantive application including Federated Mountain Clubs of New Zealand, Out There Southern Adventures and New Zealand Alpine Club. These measures include:¹⁵⁶
- (a) Ensuring unrestricted physical access when safe and promoting affordable "one up" passes for backcountry ski tourers (these are currently offered but are not promoted).
 - (b) The formation of a Recreation User Group (**RUG**), made up of representatives of the wider Queenstown recreation community, commercial users of the Remarkables and Hector Mountains and DOC. The RUG will liaise with NZSki regarding options for recreation access and management within the Ski Area and NZSki will facilitate wider recreation opportunities in the Remarkables and Hector area.
 - (c) Measures to manage construction activities including noise and lighting in accordance with the Construction Environmental Management Plan.
157. Overall, the Project will change the recreation landscape of the Doolans Basin from a backcountry to frontcountry area.¹⁵⁷ However, the Project will also provide meaningful enhancements to regional snow sports capacity.¹⁵⁸ The introduction of gondolas and new trails will increase accessibility for a broader demographic, including families, beginners, and individuals with limited mobility who do not currently visit the basin. The Project will result in a significantly larger number of individuals having access to the Doolans Basin, and their experience would increase recreation values significantly.¹⁵⁹

¹⁵⁵ B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment at [1].

¹⁵⁶ B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment at page 40.

¹⁵⁷ B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment at [1].

¹⁵⁸ B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment at [6].

¹⁵⁹ B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment at [6].

Acoustic

158. NZSki recognises that the Project will have noise and vibration effects. The construction noise, helicopter noise and operational noise are all expected to meet the relevant noise limits and will be unlikely to cause effects at sensitive receivers, which are some distance from the Project area.¹⁶⁰
159. The one exception to this relates to construction noise from the lower carpark upgrades and new lower carparks. As these works will be located further from the main ski area and closer to residential receivers, potential noise exceedances are predicted at up to eight residential properties during the more sensitive times of the day.¹⁶¹ Construction activities in these areas will be restricted to the hours between 7:30am and 6pm from Monday to Saturday to ensure construction limits are satisfied and potential noise effects are minimised.¹⁶²
160. In addition, the implementation of the Construction Environmental Management Plan will ensure mitigation of effects where practicable.¹⁶³

Servicing

161. NZSki propose the following to ensure adequate servicing for the Project:
- (a) Water supply for snow making and potable water will be taken from the Doolans Creek Right Branch. This intake site has been carefully selected based on specified criteria and the proposed take has been assessed as acceptable as it will be undertaken during the winter months when downstream irrigation takes are dormant.¹⁶⁴ Condition WAT.12 will ensure an appropriate residual flow in the Doolans Creek Right Branch at the intake location is retained at all times.¹⁶⁵
 - (b) Nature based solutions for stormwater will be implemented including incorporating vegetated swales and localised revegetation to disperse runoff and maintain natural hydrology. The stormwater design considers

¹⁶⁰ B-25 Remarkables Ski Area Upgrade and Doolans Expansion - Noise & Vibration Effects Assessment at 10.

¹⁶¹ B-25 Remarkables Ski Area Upgrade and Doolans Expansion - Noise & Vibration Effects Assessment at 10.1.1.

¹⁶² B-25 Remarkables Ski Area Upgrade and Doolans Expansion - Noise & Vibration Effects Assessment at 10.1.1.

¹⁶³ B-25 Remarkables Ski Area Upgrade and Doolans Expansion - Noise & Vibration Effects Assessment at 10.7.

¹⁶⁴ B-08 Remarkables Ski Area Upgrade and Doolans Expansion - Doolans Creek Water Take at page V.

¹⁶⁵ H.02 Resource Consent Conditions, WAT.12.

climate change scenarios, an Average Recurrence Interval of up to 100 years for sensitive areas and takes into account cultural alignment.¹⁶⁶

- (c) Wastewater will be pumped from the Doolans Basin to the Rastus Burn facilities. This will avoid onsite disposal in sensitive areas and minimises environmental risk compared to other alternatives.¹⁶⁷ The Rastus Burn facilities will be upgraded to meet proposed detailed performance criteria and ensure existing water quality and ecosystem health conditions are maintained.¹⁶⁸
- (d) The existing wastewater facilities in the Rastus Burn will be upgraded to accommodate the increased wastewater volumes and the facilities will adhere to recommended performance criteria ensuring the proposed increase in wastewater disposal will be acceptable.¹⁶⁹
- (e) The NZSki Radio system coverage will be extended into the Site for staff communications and accident/emergency response.¹⁷⁰
- (f) The existing overhead electricity line will be upgraded and a substation will be established on the Site.¹⁷¹

CONCLUSION

- 162. The Project will utilise an existing ski area operation and deliver a world-class, multi-valley ski area capable of meeting both existing and future visitor demand for ski tourism in the district and wider region.
- 163. The Project has been carefully designed to respond to the natural environment and will improve the overall resilience of the ski area to the effects of climate change and increasingly variable weather patterns.
- 164. This will provide significant regional benefits, including increased visitor spending in Otago, an increase in GDP and the creation of employment opportunities. The Project will also increase accessibility to the Doolans Basin for a broader demographic including families, beginners, and individuals with limited mobility.

¹⁶⁶ B-16 Remarkables Ski Area Upgrade and Doolans Expansion Stormwater Concept Report at page iv.

¹⁶⁷ B-16 Remarkables Ski Area Upgrade and Doolans Expansion Stormwater Concept Report at page iv.

¹⁶⁸ A.13 Substantive Application Section 6 Report - Assessment of Environmental Effects, Section 6 at [6.10.1].

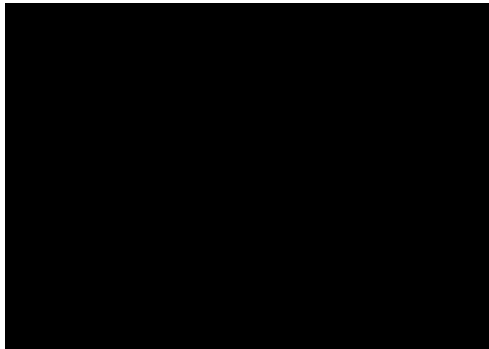
¹⁶⁹ B-11 Remarkables Ski Area Upgrade and Doolans Expansion - Wastewater Discharge Impact Assessment at page vii.

¹⁷⁰ B-23 Remarkables Ski Area Upgrade and Doolans Expansion Telecommunications Report at page ii.

¹⁷¹ B-22 Remarkables Ski Area Upgrade and Doolans Expansion Doolans Electric Power Concept Report at [1].

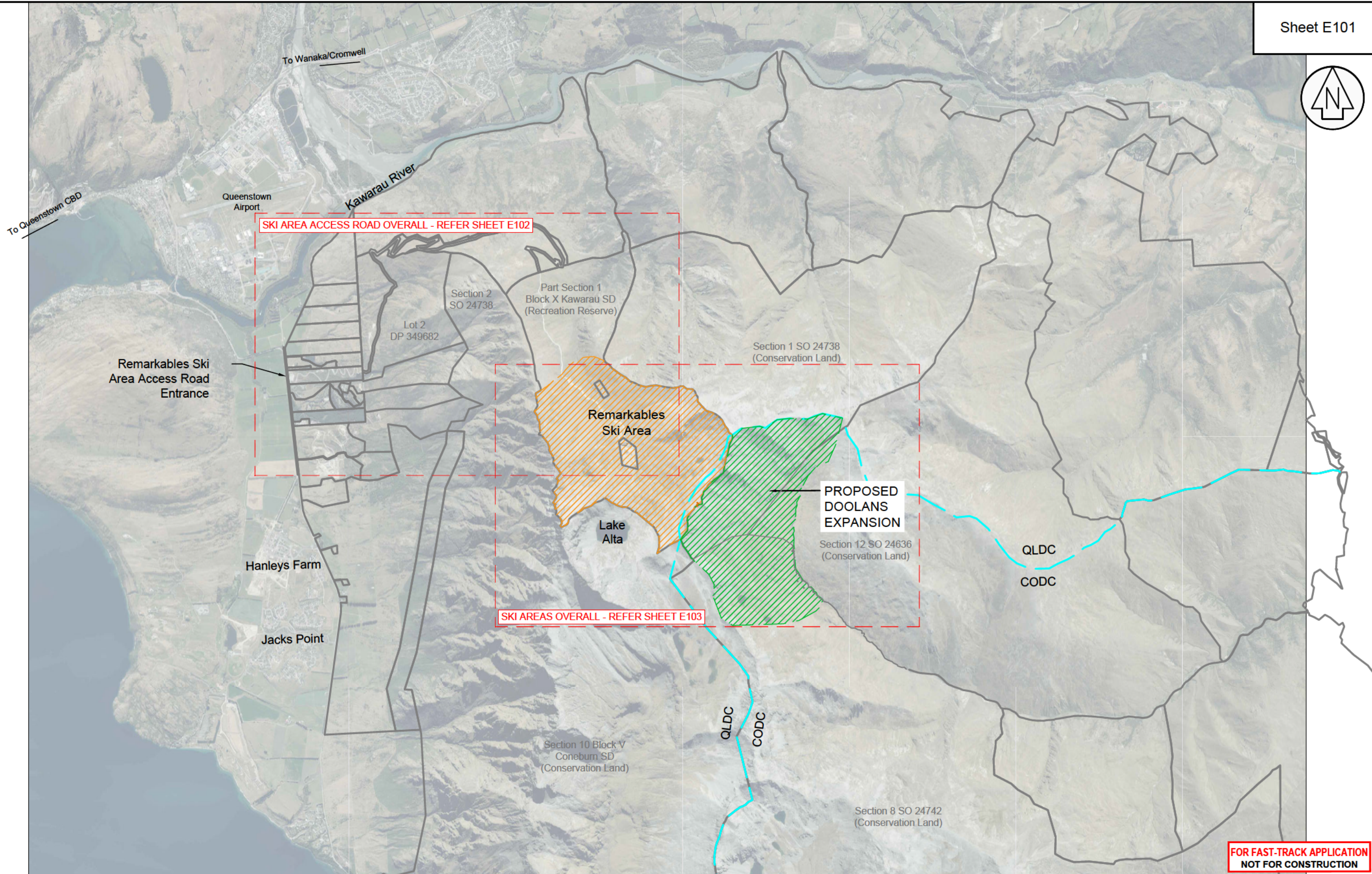
165. NZSki has accepted recommendations from leading experts to ensure the Project is well designed and effects will be appropriate. NZSki has proposed consent conditions to avoid, remedy, mitigate, offset or compensate adverse effects.
166. The Project meets the FTA criteria as it will result in the delivery of a project with significant regional benefits, while appropriately addressing potential impacts in a manner consistent with the FTA legal framework.
167. The Project meets the purpose of the FTA and the legal tests for acceptance and approval. Accordingly, we respectfully request that the Panel grants the approvals sought, subject to the conditions proposed by the technical experts.
168. A statement from all technical experts who have authored reports of the Project is provided in each report confirming compliance with the Environment Court Practice Note 2023 (Code of Conduct for Expert Witnesses).

Dated 19 May 2026



Appendix A

Project Site Plans



**FOR FAST-TRACK APPLICATION
NOT FOR CONSTRUCTION**



REVISION	DESCRIPTION	DATE
F	For Information	30/09/25
G	For Information	28/11/25
H	For Consent	30/01/26
I	For Consent	04/03/26
J	For Consent	18/04/26
K	For Consent	06/05/26

Remarkables Ski Area Upgrades & Doolans Basin Expansion General Arrangements Index Plan Overall



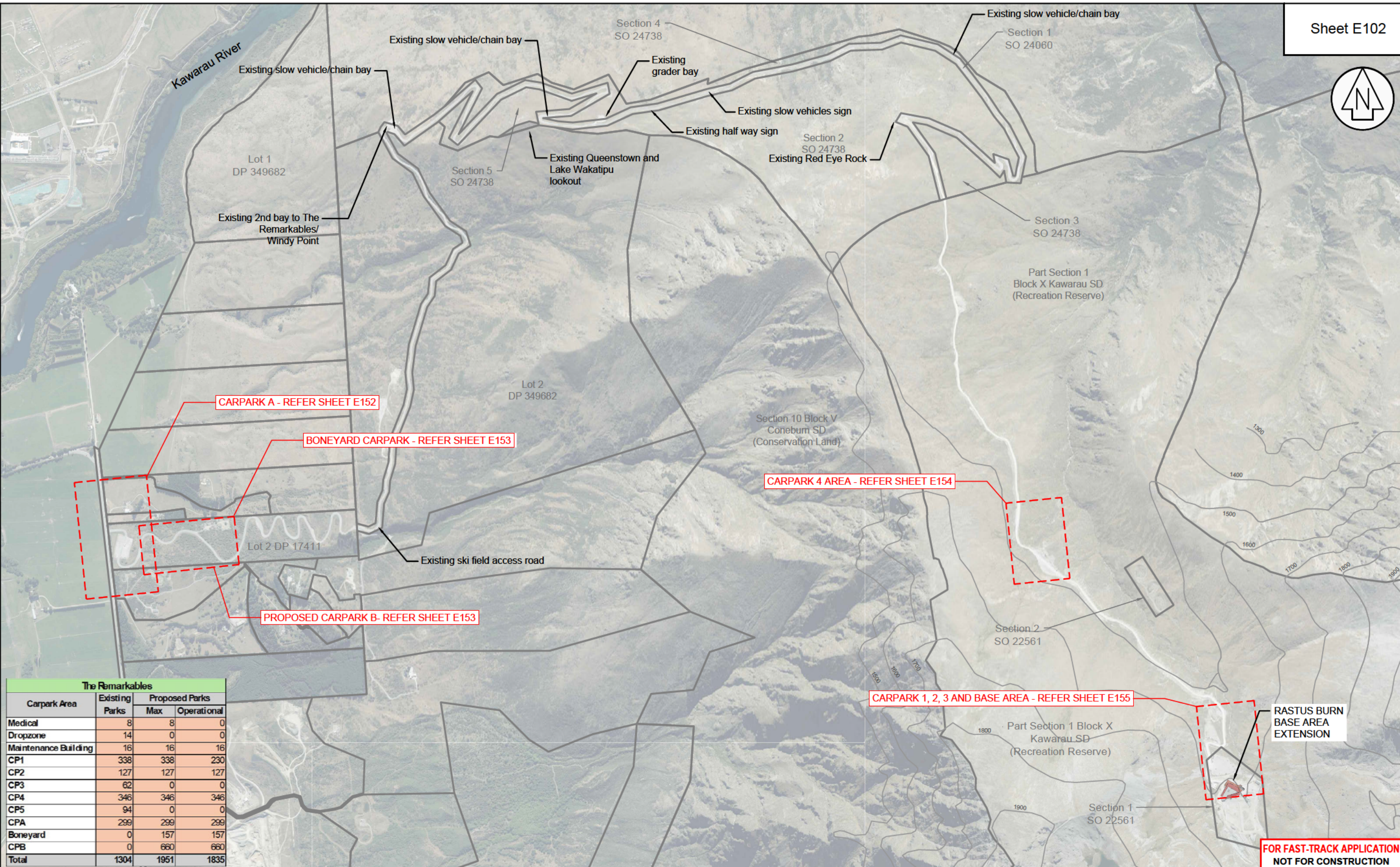
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-	-	AJHB	06/05/26	MS	06/05/26	AJHB	06/05/26	A30043_E7	K



The Remarkables			
Carpark Area	Existing Parks	Proposed Parks	
		Max	Operational
Medical	8	8	0
Dropzone	14	0	0
Maintenance Building	16	16	16
CP1	338	338	230
CP2	127	127	127
CP3	62	0	0
CP4	346	346	346
CP5	94	0	0
CPA	299	299	299
Boneyard	0	157	157
CPB	0	660	660
Total	1304	1951	1835



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J	For Consent	18/04/26
K	For Consent	08/05/26

Remarkables Ski Area Upgrades & Doolans Basin Expansion
 General Arrangements
 Ski Areas Access Road Overall

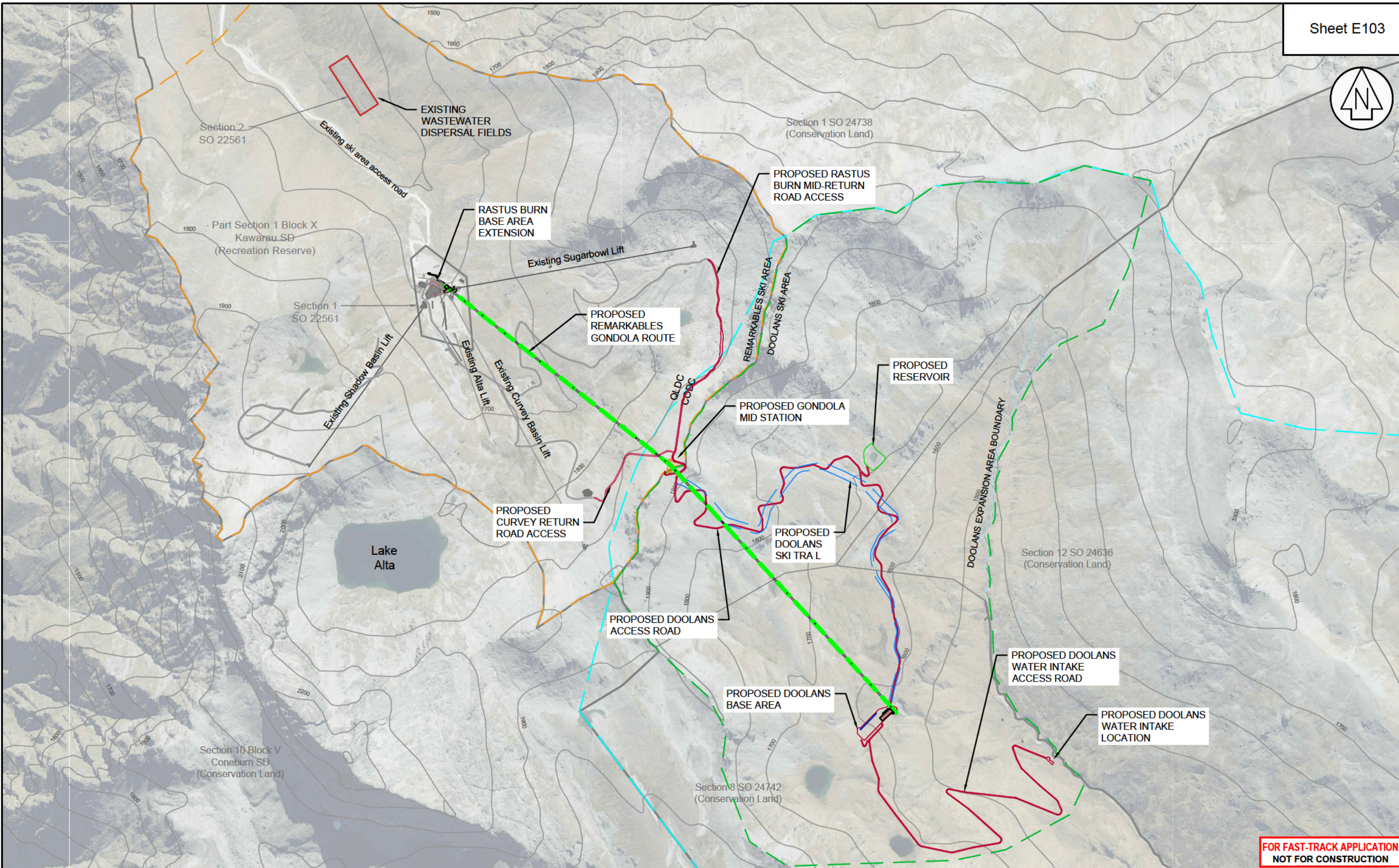


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K	For Consent	06/05/26

Remarkables Ski Area Upgrades & Doolans Basin Expansion General Arrangements Ski Areas Overall



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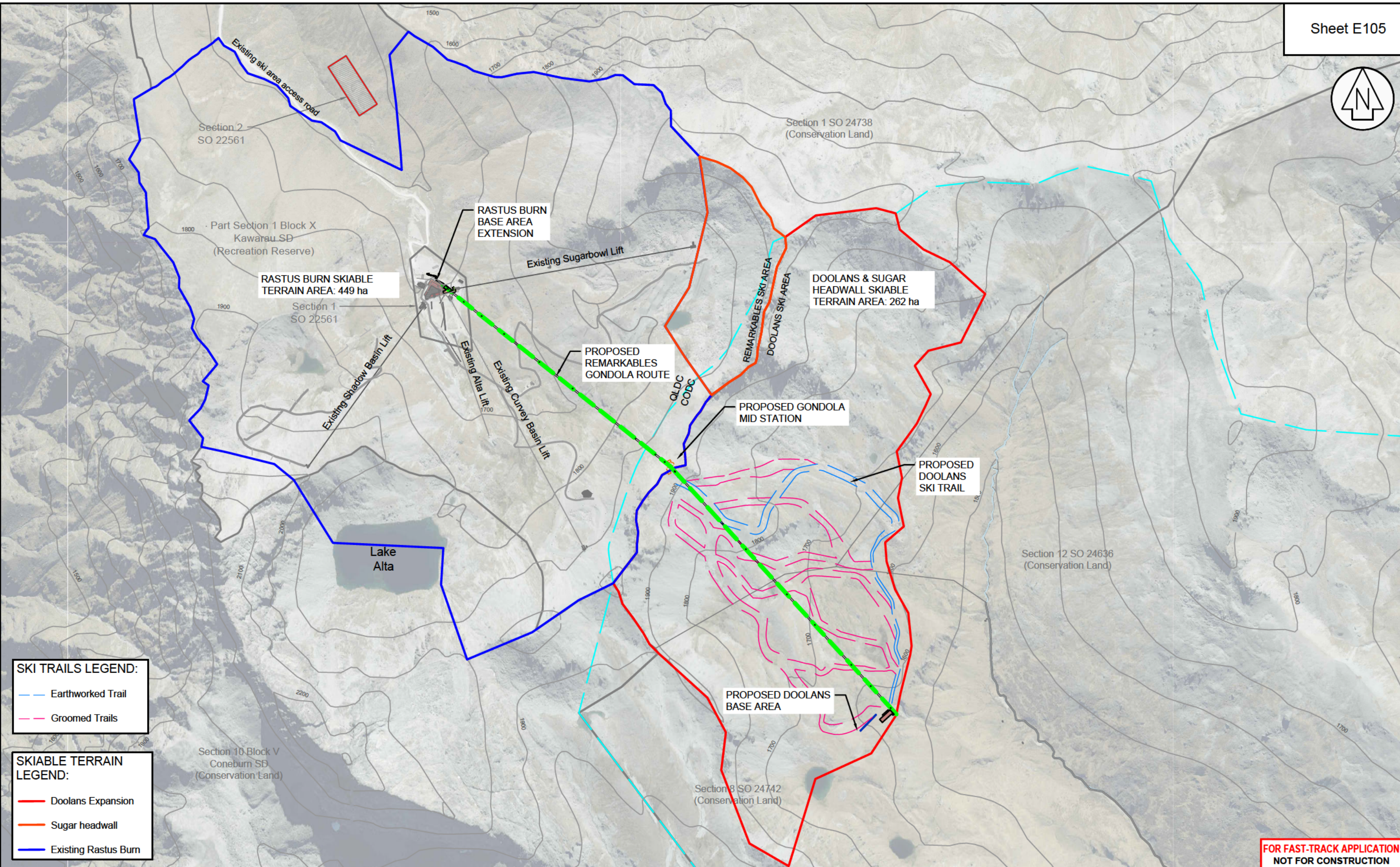
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-	-	AJHB	06/05/26	MS	06/05/26	AJHB	06/05/26	A30043_E7	K



SKI TRAILS LEGEND:

- Earthworked Trail
- Groomed Trails

SKIABLE TERRAIN LEGEND:

- Doolans Expansion
- Sugar headwall
- Existing Rastus Burn

**FOR FAST-TRACK APPLICATION
NOT FOR CONSTRUCTION**



REVISION	DESCRIPTION	DATE
J	For Consent	18/04/26
K	For Consent	06/05/26

Remarkables Ski Area Upgrades & Doolans Basin Expansion General Arrangements Skiable Terrain



SCALE	1:15,000 @ A3
DATUM & LEVEL	NZTM
LEVEL IN TERMS OF DVOSB	ORIGIN OF XI 0P XXXXX RL - XXXXX
DRAWING REFERENCE	A30043_E7
REVISION	K

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DRAWN	DATE	APPROVED	DATE
MS	06/05/26	AJHB	06/05/26

Appendix B

Pre and Post Lodgement Requirements

FAST-TRACK APPROVALS ACT 2024 PRE-LODGE- MENT REQUIREMENTS

1. As a Schedule 2 listed project, NZSki Limited (**NZSki**) is eligible to lodge a substantive application directly to the Environmental Protection Authority (**EPA**) and does not require Ministerial referral.
2. The Panel Conveners' Practice and Procedure Guidance (**Guidance**) includes recommendations that are intended to guide applicants when preparing substantive applications.¹ NZSki has generally sought to follow those recommendations as closely as possible in preparing the application.
3. One of the recommendations in the Guidance is lodging separate technical assessments and reports for each approval and a separate condition set for each administering agency.
4. NZSki has given careful consideration to this and has chosen not to divide the technical assessments into separate reports for each approval sought but has provided separate condition sets split by approval type.
5. This approach avoids unnecessary repetition and duplication of assessments that would occur due to the overlapping nature of the approvals sought.
6. In our submission the structure of the substantive application is consistent with the purpose of the Fast-track Approvals Act 2024 (**FTA**). By streamlining the application and assessing the Project as a cohesive whole, the substantive application provides for efficient consideration by applying the decision-making framework in the FTA and balancing the benefits of the Project and the effects of the approvals against the overarching purpose of delivering projects with significant benefits.
7. Following this assessment approach, each approval still has a separate set of proposed conditions. This therefore still enables each administering agency to work off a single condition set which covers only matters relevant to that approval type. In relation to the resource consents, those proposed conditions are structured so that a separate set of conditions can be used by each council, with one combined set covering matters which apply to both councils.
8. This approach ensures the substantive application provides a comprehensive and integrated assessment of all effects and measures to appropriately manage these effects.

¹ Panel Conveners' Practice and Procedure Guidance 22 July 2025 at [4.1].

CONSULTATION UNDERTAKEN

9. Pre-lodgement consultation requirements under the FTA were amended by the part of the Fast-track Approvals Amendment Act 2025 which came into force on 31 March 2026.²
10. Section 29 directs that applicants must notify in writing the following persons and groups and give them 20 working days to respond:
 - (a) the relevant local authorities;
 - (b) any relevant iwi authorities, hapū, and Treaty settlement entities; and
 - (c) the relevant administering agencies.
11. NZSki has met these requirements but has also acted in accordance with the more onerous consultation requirements contained in the previous version of Section 29 which required NZSki to consult with:³
 - (a) the relevant local authorities;
 - (b) any relevant iwi authorities, hapū, and Treaty settlement entities; and
 - (c) the relevant administering agencies.
12. Details of the consultation undertaken with each party and the key concerns raised are set out in Section 5 of the Substantive Application Report.
13. The statutory requirements relating to consultation under Section 29 of the FTA are different to what is often experienced under the Resource Management Act 1991 (**RMA**), and it is important not to conflate the two processes. This section has largely been included due to the purpose of the FTA and altered role of the relevant regulators in decision making under the FTA.
14. In undertaking consultation with the regulators, NZSki has circulated final drafts of application documents as soon as these have become available but has been conscious not to circulate incomplete documents to avoid confusion. Following that circulation NZSki has reviewed feedback from the regulators which will be considered and responded to by experts on behalf of NZSki.

² Fast-track Approvals Amendment Act 2025, Section 2(2).

³ Fast-track Approvals Act 2024, Section 11.

Consultation undertaken with Iwi

15. For the past five years, NZSki has engaged with Te Rūnanga o Ngāi Tahu and Kā Rūnaka in relation to its aspirations to expand the Remarkables Ski Area into the Doolans Basin.⁴ This early engagement was intended to initially develop a shared vision for the maunga and subsequently provide the opportunity for Te Rūnanga o Ngāi Tahu and Kā Rūnaka to be involved in the early development phase of the Project.
16. Since the Project was listed in Schedule 2 of the FTA, NZSki has undertaken further engagement with Kā Rūnaka regarding the specific details of the Project.⁵ This commenced on 14 March 2025, with a process agreement entered into in July 2025. NZSki understands Kā Rūnaka is responsible for engaging with Te Rūnanga o Ngāi Tahu and therefore separate consultation with Te Rūnanga o Ngāi Tahu has not been further advanced.⁶ A record of this engagement is set out in Part E the Substantive Application.
17. Following a discussion on costs, Kā Rūnaka terminated the process agreement on 7 April 2026.
18. Since then engagement has continued and NZSki remains committed to open and transparent engagement with Kā Rūnaka. NZSki seeks to continue discussions for both the Project and the longer term vision for the maunga and has continued to share draft reports with Kā Rūnaka as they become available.
19. Most recently, on 14 May 2026, NZSki wrote to Kā Rūnaka to reconfirm its commitment to long term partnership.⁷ The letter raised the establishment of a mana whenua advisory group for the Project, confirmed that NZSki will continue to meet the reasonable costs of Kā Rūnaka and invited any further comments on technical reports.
20. NZSki has had no further substantive response from Kā Rūnaka.
21. NZSki is committed to conditions of consent for the Project in relation to ongoing engagement and participation with Kā Rūnaka.⁸

⁴ A.12 Substantive Application Report, Section 5 at [5.2].

⁵ A.12 Substantive Application Report, Section 5 at [5.2].

⁶ A.12 Substantive Application Report, Section 5 at [5.2].

⁷ NZSki Limited, Letter to Kā Rūnaka, 14 May 2025.

⁸ H.01, Resource Consent Conditions, Conditions MW.1-MW.4.

SECTION 30 – IDENTIFICATION OF EXISTING RESOURCE CONSENTS FOR THE SAME ACTIVITY

22. Section 30 of the FTA requires an applicant to make enquiries as to whether there are existing consents to which Sections 124C(1)(c) or 165ZI of the RMA would apply if the Project were to be applied for as a resource consent under the RMA.
23. Otago Regional Council (**ORC**) has provided written notice confirming that there are no existing resource consents to which Section 124C(1)(c) of the RMA would apply to if the Project were applied for under the RMA.⁹
24. In the Section 30 notice, ORC confirms that the proposed abstraction of water from Doolans Creek for potable supply and snowmaking and the existing resource consents for the take and use of water from Doolans Creek can both be fully exercised concurrently based on the allocation limits calculated in accordance with the Regional Plan: Water for Otago.¹⁰

FAST-TRACK APPROVALS ACT 2024 POST-LODGE MENT REQUIREMENTS

Completeness and Scope

25. The completeness and scope assessment of an application undertaken by the EPA is undertaken in consultation with the relevant administering agencies and consent authorities.¹¹ Consultation at this stage of the process invites those agencies and authorities to comment on whether the application is complete and within scope. These comments must not include any assessment of the merits of the application.¹²
26. The substantive application for the Project complies with the requirements in Section 46(2) as the application:¹³
- (a) complies with the scope of approvals provided for in Section 42;¹⁴
 - (b) meets the information requirements in Sections 43 and 44 for the approvals sought as set out in Section 9 of the Substantive Application Report;

⁹ Otago Regional Council, Section 30(3)(b) Notice under the Fast-track Approvals Act 2024, 7 May 2026.

¹⁰ Otago Regional Council, Section 30(3)(b) Notice under the Fast-track Approvals Act 2024, 7 May 2026, page 2.

¹¹ Fast-track Approvals Act 2024, Section 46(1).

¹² Fast-track Approvals Act 2024: Panel Conveners' Practice and Procedure Guidance at [5.1(a)].

¹³ Fast-track Approvals Act 2024, Section 46(3).

¹⁴ Fast-track Approvals Act 2024, Section 46(2)(a)(i).

- (c) relates solely to the Project as listed in Schedule 2 to “[u]pgrade existing infrastructure at The Remarkables Ski Area, including a new passenger transport lift, carparking areas, and expanding the ski field into the adjacent Doolans Basin”;¹⁵
 - (d) does not involve any ineligible activity;¹⁶ and
 - (e) all fees, charges and levies associated with the application have been paid.¹⁷
27. As a result, we submit that the EPA can be satisfied that the substantive application is complete and within scope.

¹⁵ Fast-track Approvals Act 2024, Section 46(2)(b) and Schedule 2. The definition of *Project* in Section 4 includes any activity that is involved in, or that supports and is subsidiary to, a listed project, a referred project or unlisted project.

¹⁶ Fast-track Approvals Act 2024, Section 5 and Section 46(2)(c).

¹⁷ Fast-track Approvals Act 2024, Section 46(2)(d).

Appendix C

Information Requirements for Approvals Sought

INFORMATION REQUIREMENTS FOR APPROVALS SOUGHT

Resource Management Act 1991 Approvals

1. Clause 17 of Schedule 5 of the Fast-track Approvals Act 2024 (**FTA**) requires that the provisions of Parts 2, 3, 6 and 8 of the Resource Management Act 1991 (**RMA**) directing decision making on a resource consent application must be taken into account in relation to the RMA approvals.
2. The key sections within those relevant parts of the RMA are:
 - (a) Section 104 which sets out the decision-making framework. It requires that a Panel must have regard to:
 - (i) the actual and potential effects on the environment of allowing the activity;
 - (ii) any measure proposed or agreed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the allowing the activity;
 - (iii) relevant provisions of planning documents; and
 - (iv) any other matters relevant and reasonably necessary to determine the application.
 - (b) Section 104B which provides that after considering an application for a discretionary activity a Panel may grant or refuse the application. If the application is granted, conditions may be imposed under Section 108.
 - (c) Section 105 which requires a Panel to have regard to the following matters in addition to those in Section 104(1) when considering a discharge permit application:
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
 - (ii) the applicant's reasons for the proposed choice; and
 - (iii) any possible alternative methods of discharge, including discharge into any other receiving environment.

- (d) Section 107 which outlines restrictions on the grant of discharge permits. Unless the exceptions in Section 107(2) apply a Panel cannot grant a discharge permit where after reasonable mixing the discharge will result in any of the specified adverse effects.
3. While these are relevant to the Panel's RMA decision making, a FTA project's inability to meet these provisions does not preclude approval under the FTA.¹ Instead, the FTA provides the Panel with discretion to weigh the broader purpose of the FTA, prioritising significant regional or national benefits over an inability to meet other RMA requirements.
4. The Panel is required to consider these RMA provisions in their decision making but to give the greatest weight is to be given to the purpose of the FTA. It is also relevant that an FTA project's inability to meet these provisions which might be fatal under the RMA does not preclude approval in the FTA.² The FTA provides the Panel with discretion to weigh the broader purpose of the FTA, prioritising significant regional or national benefits.
5. The RMA approvals for the Project meet the legal requirements for approval as:
- (a) In accordance with Section 5 of the RMA, the Project will enable the social and economic wellbeing of the Queenstown District and Wider Otago Region through employment and the generation of significant benefits for the local, regional and national economy. Effects will be avoided, remedied or mitigated to ensure the safeguarding of the life-supporting capacity of air, water, soil and ecosystems.
- (b) The actual and potential effects on the environment will be appropriately managed in accordance with Section 104 and subject to conditions under Section 108 of the RMA.
- (c) The Project aligns with the National Policy Statement on Freshwater Management 2020, National Policy Statement for Natural Hazards 2025, Otago Regional Plans for Water and Air, Queenstown Lakes Proposed District Plan and Central Otago District Plan. The Project is generally consistent with the Otago Proposed Regional Policy Statement, National Policy Statement for Indigenous Biodiversity 2023, Kāi Tahu Ki Otago Natural Resource Management Plan 2005 and Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008.³

¹ Fast Track Approvals Act 2024, Schedule 5 Clause 17(4).

² Fast-track Approvals Act 2024, Schedule 5, Clause 17(4).

³ A.16 Substantive Application Report, Section 9.

- (d) The effects of the proposed discharges in the context of the sensitivity of the receiving environment as well as the proposed discharge methods are appropriate. The reasons for those choices have been set out in the expert reports provided with the application. With the proposed management measures in place, the discharge methods can be successfully applied with adverse effects that are no more than minor.⁴ Proposed discharges will not give rise to any of the effects listed in Section 107 in the receiving waters after reasonable mixing. Section 107 of the RMA therefore does not pose any restriction to the granting of the resource consents sought.⁵
6. Overall, taking into account the various mitigation measures that are proposed, the Project is generally consistent with the relevant RMA policy and planning documents.

Conservation Act 1987 Approvals

7. Clause 7 of Schedule 6 of the FTA requires that the following provisions of the Conservation Act 1987 (**Conservation Act**) are to be taken into account by the Panel when considering the approvals sought for concessions:
- (a) The provisions in Part 3B which relate to the granting of concessions to undertake activities on conservation land and the criteria for assessing applications. Section 17U in particular sets out the matters to which regard must be had in deciding whether to grant a concession and includes:
- (i) the nature of the activity and the type of structures and facilities proposed to be constructed;
 - (ii) the effects of the activity, structure, or facility;
 - (iii) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate the effects of the activity; and
 - (iv) any relevant environmental impact assessment.
- (b) Any relevant provisions of Part 3, which addresses Conservation Areas and provides for how land may be held for conservation purposes.

⁴ A.16 Substantive Application Report, Section 9 at [8.4.2].

⁵ A.16 Substantive Application Report, Section 9 at [8.4.2].

8. NZSki seeks approvals under the Conservation Act as follows:
- (a) a new concession authorising all activities associated with the expansion of the ski area into the Doolans Basin, as well as the supporting infrastructure that spatially traverses Rastus Burn;
 - (b) a new concession authorising an expansion to the existing Rastus Burn Base Building and associated buildings and utilities located within the access road and Level 3 Car Park; and
 - (c) a variation to existing concession 96118-SKI to geographically remove the existing Rastus Burn Base Building from the existing Remarkables Ski Field in the Rastus Burn and minor clarification around the scope and application of the concession.
9. The existing ski area activities are predominantly within the Rastus Burn Recreation Reserve and accessed by the Remarkables Ski Field Access Road, which in part is a government purpose reserve. The Rastus Burn Recreation Reserve is held as Recreation Reserve under Section 17 of the Reserves Act 1977.⁶ The Project is not contrary to the purposes for which the Recreation Reserve is held (especially in their current state), given the reason for it being reserved is for the purpose of ski field activities.⁷
10. The Doolans Basin Expansion Area is within the Remarkables Conservation Area. The proposed expansion is consistent with the purpose for which the land is held as it will only a small part of the wider Conservation Area. The Project area in the Doolans Basin represents less than 1% of the Remarkables Conservation Area.⁸ The Project will also enable more people to access, use and enjoy the Doolans Basin for recreational purposes.⁹
11. The effects of the grant of the concessions are discussed throughout the legal overview and Substantive Application Report. In particular, the impacts of vegetation clearance are set out in detail, together with measures proposed to address impacts. The concessions sought align with the tests for approval as all adverse effects are appropriately managed, and effects management measures for impacts have been proposed as discussed.

⁶ A.17 Substantive Application Report Section 10.

⁷ A.17 Substantive Application Report Section 10.

⁸ A.17 Substantive Application Report Section 10.

⁹ A.17 Substantive Application Report Section 10.

Wildlife Act 1953 Approvals

12. Clause 5 of Schedule 7 sets out the matters the Panel must take into account when making decisions on approvals sought under the Wildlife Act 1953 (**Wildlife Act**). When considering approvals sought for wildlife permits, the Panel must take into account:
- (a) The purpose of the Wildlife Act and the effects of the project on the protected wildlife subject to the approval. The purpose of the Wildlife Act is not explicitly stated in a single section and needs to be ascertained from the content of the provisions.¹⁰ Part 1 is the most relevant for understanding the purpose of the Wildlife Act and those provisions outline the protection of wildlife, establish categories of protection, and regulate human interactions with wildlife. The Wildlife (Authorisations) Amendment Act 2025 (**Wildlife Amendment Act**) which came into force on 14 May 2025 clarifies that for the granting of authorisations under Section 53 of the Wildlife Act neither the lawful activity itself nor each individual act of killing needs to be consistent with wildlife protection.
 - (b) Information and requirements relating to the protected wildlife that is to be covered by the approval. This includes the New Zealand Threat Classification System.¹¹
13. The Wildlife Act approvals sought for the Project meet the relevant legal tests for grant as set out in Schedule 6 of the FTA as:
- (a) In alignment with the purpose of the Wildlife Act, the Project includes actions to protect avifauna as follows:¹²
 - (i) where works are proposed to take place within the breeding season of Eastern Falcon (August-May) or New Zealand Pipit (August-February), nesting habitat within the disturbance footprint for both species are to be surveyed ahead of time (no longer than 8-days prior to disturbance) and any nests identified;
 - (ii) where practicable, works will establish exclusion zones and avoid the area until chicks have fledged (200m for falcon and 50m for pipit, or as otherwise instructed by the Project ornithologist);

¹⁰ *Environmental Law Initiative v Director-General of Conservation* [2025] NZHC 391 citing *Shark Experience Limited v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791.

¹¹ Department of Conservation, New Zealand Threat Classification System.

¹² A.18 Substantive Application Report, Section 11.

- (iii) where this is not practicable, the nest and/or chick(s) is to be moved to a suitable alternative location and monitored to ensure nest is not abandoned. If abandoned, chick(s) will be immediately delivered to a local rehabilitation facility capable of caring for the birds;
 - (iv) if the nest cannot be moved and if construction activities may cause harm to the adult birds, the nest (and eggs if present) is to be destroyed, and the area disturbed as early in the season as possible to disperse the adults and allow for re-nesting elsewhere (only to be undertaken as a last resort); and
 - (v) all associated work will be undertaken and managed by a suitably qualified and experienced ornithologist and undertaken in accordance with best practice capture.
- (b) The Project includes actions to protect lizards as follows:¹³
- (i) The vegetation and earthworks clearance footprint that provides habitat for McCann's skink will be delineated, with a one metre buffer. The area is identified in the Lizard Management Plan.
 - (ii) Vegetation within the delineated McCann's Skink habitat will be progressively trimmed, in more than 20cm increments, to a height of 40cm, to gradually discourage habitation of these areas at least four weeks prior to the vegetation clearance and earthwork activities commencing.
 - (iii) Vegetation trimming, vegetation clearance and earthworks will not commence until temperatures have reached at least 14 degrees, such that the McCann's skink will be active and mobile and able to move to alternative locations.
14. The Wildlife Act authority included in the Substantive Application details the New Zealand Threat Classification status of the wildlife sought to be covered by the authority.
15. The ecological and planning experts have proposed a robust set of site specific conditions for the Wildlife Act approvals sought.

¹³ A.18 Substantive Application Report, Section 11.

Freshwater Fisheries Approvals

16. Complex and standard freshwater fisheries approvals that would otherwise be applied for under the Freshwater Fisheries Regulations 1983 (**Freshwater Fisheries Regulations**) are sought as part of the Project.
17. A number of tributaries of the Doolans Creek Right Branch will be traversed by culverts and fords to provide access for vehicles and utilities, as well as skiers during the winter months. A weir structure is also proposed within the Doolans Creek Right Branch, and an existing tarn will be dammed for water storage purposes.¹⁴
18. There are no fish within the tributaries or tarns within the Site.¹⁵ This has been confirmed by eDNA sampling, field surveys and a review of geographical barriers within the waterbodies themselves. An approval or dispensation for an authorisation under these regulations is therefore sought as part of the Project.¹⁶
19. Clause 5 of Schedule 9 identifies the matters the Panel must take into account when assessing applications for freshwater fisheries activities under the Freshwater Fisheries Regulations. The Panel is required to take into account:
 - (a) the alignment of the activity with best practice and the New Zealand Fish Passage Guidelines;
 - (b) the management of risks to freshwater values or habitat;
 - (c) availability and quality of habitat upstream and downstream from the activity;
 - (d) whether there are threatened, data-deficient, or at risk species in the vicinity; and
 - (e) advantages and disadvantages of providing fish passage upstream or downstream of the activity.
20. Given the altitude of the Project area, there are no fish present in the waterbodies where instream structures are proposed. As such proposed structures do not, and could not, impede fish passage.¹⁷

¹⁴ A.10, Substantive Application Report, Section 4.

¹⁵ A.10, Substantive Application Report, Section 4.

¹⁶ A.10, Substantive Application Report, Section 4.

¹⁷ A.19 Substantive Application Report, Section 12.

21. It is not anticipated that the instream structures will impact habitat quality and available upstream or downstream of the structures as no fish are present.¹⁸

¹⁸ A.19 Substantive Application Report, Section 12.

Appendix D

Key Effects and Effects Management

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
Landscape	<ul style="list-style-type: none"> • The location of earthworks and structures has been designed to avoid sensitive areas where possible. • The presence of human footprint will be minimised. • Temporary access tracks will be remediated and revegetated as construction is complete. • Recessive colours and materials will be used to blend proposed buildings into the tussock clan basin. • Built form will be clustered. • Wherever possible earthworks will be combined to avoid duplication of works and also located to minimise disturbance of ecologically sensitive areas. • Restrictions on night time lighting to restrict the use of lighting on the Doolans Return Station and Doolans Midstation, use of groomers and snow making machines and no overnight lighting of the Doolans Base Building. • Preparation and implementation of a planting plan along the northern edge of Car Park B to provide screening and to soften the escarpment between the two car park levels. 	N/A.	H.01 Resource Consent Conditions.	B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment.
Transport	<ul style="list-style-type: none"> • Expansion of carparking facilities to encourage different transport options (including carpooling and shuttle buses). 	N/A.	H.01 Resource Consent Conditions.	B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment.

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	<ul style="list-style-type: none"> A dedicated travel demand and car parking management plan to help influence travel behaviour, reduce reliance on single occupancy car use and alleviate congestion associated with the ski field in. Operation of a refined temporary traffic management plan for SH6 during the ski season. Seal widening of SH6 and potential implementation of a right turn bay. Within 12 months of the Doolans Base Building being opened, NZSki will undertake an investigation (in collaboration with the New Zealand Transport Agency) into the performance of the SH6/Remarkables Ski Field Road intersection, solutions for improving the intersection performance and identification of funding solutions for the intersection. 		<p>H.03 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation Concession.</p> <p>H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.</p>	
Heritage	<ul style="list-style-type: none"> Accidental discovery protocols. 	Project will provide improved access to heritage sites in the wider area including water races, huts and nineteenth century artefacts.	H.01 Resource Consent Conditions.	B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment.
Recreation	<ul style="list-style-type: none"> Ensuring unrestricted physical access when safe. Promoting affordable "one up" passes for backcountry ski tourers. The formation of a Recreation User Group to liaise with NZSki. 	N/A.	<p>H.01 Resource Consent Conditions.</p> <p>H.02 Concession Doolans Expansion</p>	B-07 Remarkables Ski Area Upgrade and Doolans Expansion - Recreation Assessment.

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	<ul style="list-style-type: none"> Measures to manage construction activities including noise and lighting in accordance with the Construction Environmental Management Plan. 		H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.	
Cultural	<ul style="list-style-type: none"> Long term monitoring. Adaptive management to provide for ongoing assessment, design and adjustment to ensure that environmental effects are best managed. The establishment of a mana whenua advisory group. Accidental discovery protocols which require notification to Kā Rūnaka where relevant. 	N/A.	<p>H.01 Resource Consent Conditions.</p> <p>H.02 Concession Doolans Expansion.</p> <p>H.03 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation Concession.</p> <p>H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.</p>	B-02 Remarkables Ski Area Upgrades and Doolans Expansion - Treaty Settlements
Freshwater Ecology	<ul style="list-style-type: none"> A minimum residual flow of 20 litres per second will be maintained in the creek downstream of the point of abstraction at all times. Development of an Environmental Management Plan (EMP) outlining best practice erosion and sediment control measures. The works area will be dewatered and cement use will be isolated and 	Boardwalk over the wetlands to Lake Alta. This will protect the ecologically sensitive Lake Alta wetland from ongoing trampling damage caused by foot traffic, delivering a net freshwater benefit.	H.01 Resource Consent Conditions.	<p>B-09 Remarkables Ski Area Upgrade and Doolans Expansion - Freshwater Ecological Impact Assessment.</p> <p>B-10 Remarkables Ski Area Upgrades and Doolans Expansion -Rastus Burn Wastewater Freshwater</p>

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	<p>any high alkalinity water pumped to a tanker and trucked offsite for disposal into a tradewaste system.</p> <ul style="list-style-type: none"> • Earthworks will be undertaken during dry periods and associated low flow conditions. • Any disturbed streambanks will be replanted with dense native tussock species. • Water take will be restricted to the period to between May to October (inclusive). 			Ecological Impact Assessment.
Terrestrial Ecology	<ul style="list-style-type: none"> • Project planning has been iterative and included refinement of the disturbance footprint to avoid direct disturbance of wetlands. • Direct disturbance will be as low as possible. • The implementation of a Vegetation, Weed, Invertebrate, and Wetland Management Plan. This plan will ensure mitigatory actions are completed to achieve high plant survival rates including: <ul style="list-style-type: none"> ○ translocation of all “<i>At Risk – Declining</i>”, “<i>Threatened</i>” and taonga plant species; ○ translocation of up to 500 clusters of each “<i>At Risk – Naturally Uncommon</i>” and “<i>Data Deficient</i>” plant species; and ○ all batter slopes/exposed surfaces are to be revegetated utilising removed vegetation within 	<p>A Biodiversity Compensation Project Plan will be developed within 18 months of construction of the Doolans Base Building commencing. The Biodiversity Compensation Project Plan will include the following details:</p> <ul style="list-style-type: none"> • the delivery mechanism of the Biodiversity Compensation Project; • the management and enhancement goals of the Biodiversity Compensation Project; • the programme for the first five years including expenditure details; 	<p>H.01 Resource Consent Conditions.</p> <p>H.02 Concession Doolans Expansion.</p> <p>H.03 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation Concession.</p> <p>H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.</p>	B-12 Remarkables Ski Area Upgrade and Doolans Expansion - Terrestrial Ecological Impact Assessment.

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	<p>the trail footprint in accordance with the approved DOC/NZSki revegetation protocols.</p> <ul style="list-style-type: none"> • Weed management will be incorporated into the Vegetation, Weed, Invertebrate, and Wetland Management Plan. • All hydrological function and connectivity of all wetlands and streams will be maintained. • All wetland and stream crossing designs will be reviewed by a Hydrologist and Ecologist and approved prior to any works commencing. • The implementation of a Construction Environment Management Plan and Site Specific Sediment and Erosion Control Plan to manage earthworks. • If possible, works will avoid avifauna nesting areas until chicks have fledged. • The implementation of a Lizard Management Plan to mitigate loss of herpetofauna and direct disturbance of habitat. • Measures to reduce interaction with kea if observed within or nearby the Site. 	<ul style="list-style-type: none"> • any land access arrangements with DOC or others required to implement the Biodiversity Compensation Project; • measurable, time-bound performance indicators; • outcome monitoring methods for pests and native species to determine the effectiveness; and • reporting and review processes. 		
Wastewater	<ul style="list-style-type: none"> • Convey wastewater to existing management facilities to avoid creating new discharges in the Doolans Creek catchment. 	N/A.	<p>H.01 Resource Consent Conditions.</p> <p>H.03 Concession for Base Building, Carpark,</p>	<p>B-11 Remarkables Ski Area Upgrade and Doolans Expansion - Wastewater Discharge Impact Assessment.</p>

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	<ul style="list-style-type: none"> Robust monitoring to confirm ecological health. Conservative loading settings. The Operations and Management Manual will ensure the effective and efficient operation of the Wastewater System and compliance with the proposed consent conditions. 		Wastewater Facility, Generator and Substation Concession.	<p>B-17 Remarkables Ski Area Upgrade and Doolans Basin Expansion -Doolans Wastewater Concept Report.</p> <p>B-18 Remarkables Ski Area Upgrade and Doolans Basin Expansion - Wastewater Treatment and Disposal Feasibility Report.</p>
Stormwater	<ul style="list-style-type: none"> Maintain existing overland flows. Revegetate landscape where possible to maintain existing conditions. Connect buildings to existing drain systems to discharge to existing water courses where appropriate. 	N/A.	<p>H.01 Resource Consent Conditions.</p> <p>H.02 Concession Doolans Expansion.</p> <p>H.03 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation Concession.</p> <p>H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.</p>	B-16 Remarkables Ski Area Upgrade and Doolans Expansion Stormwater Concept Report.
Natural Hazards	<ul style="list-style-type: none"> Utilise stormwater mitigation measures to avoid flooding. Avoid areas subject to solifluction. Riprap scour protection will be provided to minimise erosion risk at 	N/A	<p>H.01 Resource Consent Conditions.</p> <p>H.02 Concession Doolans Expansion.</p>	B-15 Remarkables Ski Area Upgrade and Doolans Expansion - Natural Hazards Assessment.

Impact	Avoid, Remedy or Mitigate	Offset, Compensate or Positive Effect	Conditions	Technical Assessment Reference
	<p>weir, flume and adjacent to the lid of the low head pump chamber.</p> <ul style="list-style-type: none"> • Comply with relevant safety codes and practices for seismic and wind management. • Avoid areas subject to rockfall, and remove loose rocks where possible. • Revision and expansion of existing snow safety programme and avalanche atlas. • Geotechnical engineering design of access road and reservoir. • Appropriate geotechnical design of road cuts and retaining structures and siting infrastructure away from areas of potential instability such as over steepened slopes. 		<p>H.03 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation Concession.</p> <p>H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.</p>	
Acoustic	<ul style="list-style-type: none"> • Construction activities will be restricted to the hours between 7:30am and 6pm from Monday to Saturday to ensure construction limits are satisfied and potential noise effects are minimised. 	N/A	<p>H.01 Resource Consent Conditions.</p> <p>H.02 Concession Doolans Expansion.</p> <p>H.03 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation Concession.</p> <p>H.04 Concession Variation (Remove Base Building, Carpark 3, Wastewater Facility, Generator and Substation) from Rastus Burn Concession.</p>	B-25 Remarkables Ski Area Upgrade and Doolans Expansion - Noise & Vibration Effects Assessment.