

## 8. FAST-TRACK APPROVALS ACT 2024 REQUIREMENTS

### 8.1 OVERVIEW

This section should be read together with the analysis, prepared by Lane Neave, of the legal framework applying to NZSki's substantive application. In assessing applications, panels are to give the greatest weight to the purpose of the Act, which is "*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*". Section 8(4) of the Act states that, when taking into account the purpose of the Act, the panel must consider the extent of the project's regional or national benefits. The Act introduces a consenting and permitting regime that consolidates and adjusts several existing regulatory statutes and regulations to enable the proponents of projects with significant regional or national benefits to go through one process to obtain the necessary approvals for the project. Where a substantive application is made, the approval process set out in the Act applies instead of the processes provided for under other legislation.<sup>97</sup>

The Act introduces a system that puts in place a single assessment framework for addressing various consenting and permitting obligations relevant to a given project. This includes all approvals required under the following legislation of relevance to the Project:

- > The RMA;
- > The Reserves Act;
- > The Conservation Act;
- > The Wildlife Act; and
- > The Freshwater Fisheries Regulations.

As discussed earlier in this report, the Project is a listed project in Schedule 2 of the Act.

### 8.2 PRELIMINARY STEPS FOR LISTED PROJECTS

Section 29 of the Act sets out what an applicant must do before a substantive application can be lodged for a listed project. NZSki<sup>98</sup> has met those requirements, as follows:

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<sup>97</sup> Section 40 of the Act.

<sup>98</sup> As the authorized person pursuant to Section 42 of the Act.

- > NZ Ski has both commenced engagement with and notified the persons and groups referred to in Section 11(1)(b)<sup>99</sup> of the Act including QLDC,<sup>100</sup> CODC,<sup>101</sup> ORC,<sup>102</sup> Kā Runaka,<sup>103</sup> DOC<sup>104</sup> and Heritage New Zealand Pouhere Taonga,<sup>105</sup> as set out in Section 5 of this report; and
- > NZ Ski is not seeking any access arrangements under the Crown Minerals Act.<sup>106</sup>

The Substantive Application has not been lodged within 20 working days of notification been provided.<sup>107</sup> It should be noted that notification was provided on a precautionary basis, noting that consultation under section 29 of the Act commenced prior to the second commencement date (being 31 March 2026). In accordance with the transitional provisions, notification was therefore not a mandatory requirement.

### 8.3 PRELIMINARY STEP FOR APPLICATIONS FOR RESOURCE CONSENT

As required by section 30(2) of the Act, NZ Ski has notified the ORC in writing of the Project. **Part E** to these application documents contains the response from the ORC that addresses the matters set out in sections 30(3) to (6) of the Act.

For completeness, sections 31 to 37 of the Act do not apply to the Project.

### 8.4 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION

Section 43 of the Act sets out that a substantive application:

- > Must be lodged in the form and manner approved by the EPA.<sup>108</sup> The application has been prepared to meet that requirement;
- > Must explain how the project is consistent with the purpose of the Act (addressed in Section 8.5 of this report);<sup>109</sup>

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<sup>99</sup> This section is titled consultation requirements for *referral applications*, however section 29 of the Act (which deals with listed projects) cross references back to this section.

<sup>100</sup> As a relevant local authority.

<sup>101</sup> As a relevant local authority.

<sup>102</sup> As a relevant local authority.

<sup>103</sup> As the relevant iwi authority and Treaty Settlement Entity.

<sup>104</sup> Administering agency in respect of the Wildlife Act (wildlife approval).

<sup>105</sup> Administering agency for the HNZPT Act (archaeological authority).

<sup>106</sup> Section 29(1)(b) of the Act is therefore not applicable.

<sup>107</sup> Section 29(1A) of the Act.

<sup>108</sup> Section 43(1)(a) of the Act.

<sup>109</sup> Section 43(1)(b)(i) of the Act.

- > Must demonstrate that the project does not involve any ineligible activities (addressed in Section 8.6 of this report);<sup>110</sup>
- > Must, if the application is lodged by more than one authorised person, state the proposed approval to be held by each person.<sup>111</sup> NZ Ski is the only authorised entity lodging the application;
- > Must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant’s knowledge, there are no competing applications.<sup>112</sup> The Application is not for a priority project.
- > Must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid.<sup>113</sup> NZ Ski has paid all relevant fees, changes and levies prior to lodging this substantive application.
- > For a listed project, must contain the information listed in section 13(4)<sup>114</sup> of the Act, including:
  - > A description of the project and the activities it involves (addressed in Section 3 of this report);<sup>115</sup>
  - > Information to demonstrate that the project does not involve any ineligible activities (addressed in Section 8.6 of this report);<sup>116</sup>
  - > A description or map of the whole project area that identifies its boundaries (addressed in Section 3 of this report and provided in **Part C** of the application documents);<sup>117</sup>
  - > The anticipated commencement and completion dates for construction activities (addressed in Section 3 [commencement and completion of construction activities] of this report);<sup>118</sup>
  - > A statement of whether the project is planned to proceed in stages (addressed in Section 3 of this report);<sup>119</sup>

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<sup>110</sup> Section 43(1)(c) of the Act.

<sup>111</sup> Section 43(1)(d) of the Act.

<sup>112</sup> Section 43(1)(h) of the Act.

<sup>113</sup> Section 43(1)(j) of the Act.

<sup>114</sup> Other than Section 13(4)(b), (f)(ii) and (iii) and (g) of the Act, as per section 43(2).

<sup>115</sup> Section 13(4)(a) of the Act.

<sup>116</sup> Section 13(4)(c) of the Act.

<sup>117</sup> Section 13(4)(d) of the Act.

<sup>118</sup> Section 13(4)(e) of the Act.

<sup>119</sup> Section 13(4)(f) of the Act.

- > A description of the anticipated and known adverse effects of the project on the environment (addressed in Section 6 of this report);<sup>120</sup>
- > A statement of any activities involved in the project that are prohibited activities under the RMA. The Project does not propose any prohibited activities, as addressed in Section 4 of this report;<sup>121</sup>
- > A list of the persons and groups NZ Ski considers are likely to be affected by the Project, and details of any consultation undertaken including how that consultation has informed the Project (addressed in Section 5 of this report);<sup>122</sup>
- > A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements (addressed in Section 9.3.21 of this report);<sup>123</sup>
- > Information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area (addressed in Section 2 of this report).<sup>124</sup> Kawarau / the Remarkables is identified as a Wāhi Tūpuna in the Proposed Plan;
- > A description of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work (addressed in Section 2 of this report);<sup>125</sup>
- > An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant, needed to complete the project (addressed in Section 4 of this report);<sup>126</sup>
- > Information as to whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and – if an application has been made, details of the application, if a decision has been made, the outcome of the decision and the reasons for it.<sup>127</sup>

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<sup>120</sup> Section 13(4)(h) of the Act.

<sup>121</sup> Section 13(4)(i) of the Act.

<sup>122</sup> Section 13(4)(j) & (k) of the Act.

<sup>123</sup> Section 13(4)(l) of the Act.

<sup>124</sup> Section 13(4)(o) of the Act.

<sup>125</sup> Section 13(4)(s) of the Act.

<sup>126</sup> Section 13(4)(t) of the Act.

<sup>127</sup> Section 13(4)(u) of the Act.

Activities associated with the existing Remarkables Ski Area have been the subject various applications and decisions under the RMA, Wildlife Act and Conservation Act. A summary of those approvals is provided in Sections 1 and 3 and are attached in **Part D**.

- > A description of whether and how the project would be affected by climate change and natural hazards:<sup>128</sup>

The primary climate change and natural hazard risks for the project relate to global warming/temperature changes, seismic events, rockfall, and avalanches.

With respect to climate change, changes in weather patterns are expected over the life of the project but are not forecast to impact on the viability or efficiency of the project. As a result of the southerly aspect of the Doolans Basin, the ski area expansion has a heightened ability to retain snow. As temperatures rise and snow levels increase, the southerly facing aspect of the expanded ski area will provide additional resilience against the effects of climate change.

The natural hazard risks for the project are summarised in Section 6.10 and in detail in the Natural Hazard Assessment. The primary natural hazards present include flooding, solifluction, debris flows, seismic, rock and avalanche risk. Where practicable, these risks have, or will, be managed through site selection and design. However, the operational and functional requirement for the ski field to be located in an alpine environment, and the site's location relative to the Alpine Faultline mean that not all natural hazards can be avoided, and that a degree of residual risk will remain.

- > A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant:<sup>129</sup>

NZSki holds many concessions with the Department of Conservation, LINZ permits, and resource consents with local and regional councils across its three ski fields at Coronet Peak, The Remarkables, and Mt Hutt. NZSki Ltd is aware of the following compliance and/or enforcement actions taken against it:

- > Remarkables Information Requirements: In 2023 Otago Regional Council issued an Abatement Notice as NZSki failed to supply bi-annual reporting information in 2019 and 2021. This was remedied through NZSki providing reporting information and no further action was taken;

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<sup>128</sup> Section 13(4)(v) of the Act.

<sup>129</sup> Section 13(4)(x) of the Act.

- > Coronet Peak Earthworks: In July 2022, the Department of Conservation advised NZSki about the as-built alignment of a new mountain bike trail varying from the planned alignment. Consequently, NZSki and the Department of Conservation now have an agreed process in place to undertake works and construct trails within a “works corridor”, and monitoring for future trails to allow for construction variations. No further action was taken by the Department of Conservation;
- > Coronet Peak Onsite Wastewater Treatment & Disposal: In 2019 Otago Regional Council issued an Abatement Notice and subsequently two separate infringement notices were issued for contravening conditions of a resource consent for discharging treated wastewater to land. In response NZSki funded a substantial capital upgrade and expansion of the wastewater treatment facility at Coronet Peak. With the new facility now installed, NZSki expects to be able to comply with all relevant consent conditions; and
- > Remarkables Retrospective consent to alter wetlands: In 2013/14, NZSki applied to the Department of Conservation for a variation to fill the hollow just west of the trail development, which was identified as a wetland. The Department of Conservation agreed, and the work was carried out. However, no approval was obtained from the Otago Regional Council at the time; therefore, NZSki applied for retrospective consent to alter a regionally significant wetland by depositing material on it to improve ski trails. Following engagement with the regional council, consent was granted subject to relevant conditions.
- > If the proposed approvals include:
  - > A resource consent, the information specified in clause 2 of Schedule 5, being an assessment of the project against any relevant national policy statements, any relevant national environmental standards, and confirmation whether there are any existing resource consents for the same activity:<sup>130</sup>

An assessment of the Project against the applicable provisions of national policy statements and national environmental standards is contained in Section 9.3 of this report.

NZ Ski confirms there are no existing resource consents for the same activity as being sought in this substantive application. This is also confirmed in the letters from ORC contained in **Part F** to these application documents.

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<sup>130</sup> Section 13(4)(y)(i) of the Act.

- > A concession, the information specified in clause 2 of Schedule 6 - whether the proposed concession includes a lease;<sup>131</sup>

NZSki is seeking a lease for a 40 year term.

- > A freshwater fisheries activity, the information specified in clause 2 of Schedule 9 – whether instream structures are proposed, the extent to which they may impede fish passage and whether any fish salvage activities are proposed;<sup>132</sup>

Various instream structures are proposed across the Project, as described in Section 3 of this report and shown in the plans contained in **Part C** of the application documents. While the structures will not impede fish passage, no fish are known to be present in the reaches of the catchment where the Project is proposed. This is due to geological boundaries preventing access. eDNA samples have also confirmed the absences of fish.

- > Must, provide the information that the applicant provided to the Minister when applying to have the project listed as a listed project and an explanation of how the substantive application is within the scope of the listed project with reference to Schedule 2.<sup>133</sup>

The information NZSki provided to the Minister in support of its listing is provided in **Part K** of the application documents. The Project:

- > Is within the area described in the Project Description column of Schedule 2 of the FTA as it is approximately within the Rastus Burn Recreation Reserve, Remarkables Mountain Range, in Queenstown.
- > Remains within the scope of the Project Description described in Schedule 2, being that the Project seeks to upgrade existing infrastructure at The Remarkables Ski Area, including a new gondola to the Doolans Basin, car parking areas, additional fresh water and waste water infrastructure and new ski trails, as described in Section 3.
- > Must for resource consents, include the information required by clauses 5 to 8 of Schedule 5 of the Act (addressed in Section 9 of this report);<sup>134</sup>

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<sup>131</sup> Section 13(4)(y)(iv) of the Act.

<sup>132</sup> Section 13(4)(y)(vi) of the Act.

<sup>133</sup> Section 43(2)(c) of the Act.

<sup>134</sup> Section 43(3)(a) of the Act.

- > Must, for concessions, include the information required by clause 3 of Schedule 6 of the Act (addressed in Section 11 of this report);<sup>135</sup> and
- > Must, for wildlife approvals, include the information required by clause 2 of Schedule 7 of the Act (addressed in Section 11 of this report).<sup>136</sup>
- > Must, for a complex freshwater fisheries activity approval, include the information required by clause 3 of Schedule 9 of the Act (addressed in Section 11 of this report).

## **8.5 THE REMARKABLES SKI AREA UPGRADES AND THE DOOLANS EXPANSION PROJECT AND THE PURPOSE OF THE ACT**

Section 3 of the Act sets out its purpose, as follows:

*The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.*

Sections 3.2 and 6.2 of this report describes the significant regional and national economic benefits that the Project is expected to have. These benefits are summarised as follows:

- > The Project will provide a world-class multi-valley ski area that will attract local and international visitors and cater to both the existing and future visitor demands for ski tourism in the district and region;
- > The Project will increase the skier capacity of the Remarkables Ski Area from approximately 3,500 skiers at one time 6,000 skiers, providing greater skiing opportunities for visitors to the local and international visitors;
- > An increase in holidaymaker spend attributable to the Remarkables Ski area is estimated at between \$112 to \$168 million annually;
- > The contribution of the Remarkables Area to the regional GDP is forecast to increase by between \$170 and \$197 million (2025 pricing);
- > Job opportunities are forecast to increase by between 1,242 and 1,851 across Otago;
- > During construction alone:
  - > the \$193.3 million in capital infrastructure investment by NZSki will result in a GDP effect of \$61.9 million; and
  - > approximately 81 annualised construction jobs in the heavy and civil construction sector will be generated, however when focussed on the short construction window

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<sup>135</sup> Section 43(3)(e) of the Act.

<sup>136</sup> Section 43(3)(h) of the Act.

(November to May), a peak employment will be in the order of the 150+ jobs over the construction season.

- > The Project will enable the development of additional “ski area infrastructure”, which is considered regionally significant infrastructure and specified infrastructure (respectively) in relevant regional<sup>137</sup> and national<sup>138</sup> policy documents; and
- > The Project will increase the ski area's resilience to the effects of climate change and increasingly variable weather patterns by virtue of Doolans Basin being on a south-facing slope. The Doolans Basin, therefore, has a greater capacity to retain snow, improving its longer-term resilience to potential effects of climate change.

The Act is designed to provide a “one-stop-shop” approvals process for significant proposals, primarily to minimise delays and costs associated with obtaining sequential approvals under different statutory regimes. Recognising the Project’s need for approvals under a range of statutes and from a variety of regulatory authorities, it is an ideal project for processing under the Act.

On this basis, it is considered that the Project is entirely consistent with the purpose of the Act.

## 8.6 INELIGIBLE ACTIVITIES

Section 5 of the Act addresses ineligible activities which cannot be authorised under the Act. In this respect, the Project:

- > Is not located on identified Māori land;<sup>139</sup>
- > Is not located in a customary marine title area;<sup>140</sup>
- > Is not located in a protected customary rights area;<sup>141</sup>
- > Is not located on Māori customary land or land set apart as a Māori reservation;<sup>142</sup>
- > Is not an aquaculture activity or an activity that is incompatible with aquaculture activities;<sup>143</sup>

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<sup>137</sup> Proposed Otago Regional Policy Statement June 2021.

<sup>138</sup> National Policy Statement for Freshwater Management 2020.

<sup>139</sup> Section 5(1)(a) of the Act.

<sup>140</sup> Section 5(1)(b) of the Act.

<sup>141</sup> Section 5(1)(c) of the Act.

<sup>142</sup> Section 5(1)(d) of the Act.

<sup>143</sup> Section 5(1)(e) of the Act.

- > Does not require an access arrangement under section 61 or 61B of the Crown Minerals Act;<sup>144</sup>
- > Is not located on any land listed in Schedule 4 of the Act,<sup>145</sup> or within a national reserve;<sup>146</sup> and
- > Is not located on a reserve held under the Reserves Act that is vested in someone other than the Crown or a local authority or managed by someone other than the Department of Conservation or a local authority.<sup>147</sup>

This substantive application is, therefore, not for an ineligible activity.

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<sup>144</sup> Section 5(1)(f) of the Act.

<sup>145</sup> Section 5(1)(h) of the Act.

<sup>146</sup> Section 5(1)(i) of the Act.

<sup>147</sup> Section 5(1)(j) and (k) of the Act.