
MINUTE 6 OF THE PANEL CONVENER

Advising of the Expert Panel Appointments and Decision Timeframe

[FTAA-2605-1236]

14 August 2026

[1] NZSki Limited seeks to authorise the upgrade and development of infrastructure at the Remarkables Ski Area, and the expansion and development of ski activities, trails and associated infrastructure within the adjacent Doolans Basin.

[2] A conference was held on Thursday 6 August 2026 at 10 am. I am grateful for the consideration given to this application in the detailed memoranda filed. A list of persons who attended the conference is attached to this memorandum and marked “A”. The EPA will provide the memoranda to the panel after it is set up; they serve as a snapshot of the current topics and issues.

Principal issues in contention

[3] The conference participants addressed the principal issues in contention. These are summarised and attached to this Minute and marked “B”.

Applicant’s extended timeframe for a decision

[4] The timeframe for the decision will be 110 working days. The applicant proposed this timeframe, and I consider it appropriate having regard to the scale, nature, and complexity of the approvals sought in the substantive application, any other matters raised by it, including the principal issues in contention (s 79). At the time of lodgement, the application comprised just under 100 documents totalling 4,213 pages and this volume is set to increase. The breadth of issues

raised by the participants particularly notable.

[5] When determining the timeframe, the extent of commentary that participants intend to file is relevant (see Attachment B), as is the fact that all participants anticipate that the panel will direct expert conferencing, conditions workshops, and other hearing processes.

Applicant proposes delaying the panel's appointment

[6] The applicant proposes, and the other participants support, a delay of four weeks before appointing the panel. The delay is intended to support work now underway to address information gaps and to explore the principal issues in contention. A series of workshops have taken place, and more are planned.

[7] As is clear from the memorandum filed in advance of the conference¹, there is a body of work to be filed. This delay is necessary to avoid inefficiencies that would otherwise arise if, at the commencement of the panel process, the panel and participants work from documents known to be incomplete or out of date.

[8] When filing new or updated reports, careful consideration will need to be given by the applicant as to how best to assist the panel. The applicant anticipates filing further reports, any updated application documentation and a compensation report, by 3 September 2026.²

[9] The Department sought additional time to consider the outcomes of the workshops before commenting on the application under ss 51 and 53. This is a reasonable request in circumstances where there is:

- (a) a high level of demand on departmental staff and consultants from 100 fast-track projects together with its usual business;

¹ Applicant memorandum dated 3 August 2026

² Applicant memorandum dated 13 August 2026.

- (b) a high degree of evidential complexity and factual complexity;
- (c) three separate approvals sought from the Department; and
- (d) no refinement of conditions.

[10] I could see only two workshops in which the Department might be engaged (lizards – concluded on 21 August and compensation – a date yet to be set). Consequently, I have not further extended the appointment date, and the Department will need to seek direction from the panel if the time available for comment is insufficient.

[11] Accordingly, the panel will be appointed on 7 September 2026. For the purposes of section 53 of the Act, the panel will commence on 14 September 2026. The panel will invite comments from participants by 28 September 2026; comments will be due by 27 October 2026. The applicant's response will be due 3 November 2026. Subject to the processing of the application being suspended for any of the reasons outlined in section 60 of the Act, the decision on the application will be due on 23 April 2027.

The panel

[12] The following persons will be appointed to the panel:

- (a) Vicki Morrison-Shaw (Chair);
- (b) Dean Chrystal;
- (c) Josh Markham (local authority nominee); and
- (d) Todd Langwell (local authority nominee).

[13] All panel members have knowledge, skills, and expertise relevant to the approvals sought in the substantive application. The panel chair, Vicki Morrison-Shaw, has expertise in te ao Māori and Māori development. While Ms Morrison-Shaw does not descend from mana whenua, I am satisfied that her expertise extends to the tikanga applicable in a hearing context. Other members understand the relevant tikanga and te ao Māori.

[14] Finally, I have satisfied myself that the panel members are available and have the capacity to determine this application. The members do not have any conflicts of interest.

A handwritten signature in cursive script that reads "Jane".

Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024

Attachment A**Convenor conference attendees**

1. Applicant team
 - Paul Anderson – NZSki
 - Ross Lawrence – NZSki
 - Joshua Leckie – Legal Counsel
 - Charlotte Coyle – Legal Counsel
 - Kirsty O'Sullivan – Consultant Planner
2. Queenstown Lakes District Council
 - Onur Oktem
 - Fiona Blight
 - Sarah Scott – Legal Counsel
 - Marcus Langman – Consultant Planner
3. Otago Regional Council
 - Angela Fenemor – Consultant Planner
 - Annie O'Connor – Legal Counsel
4. Central Otago District Council
 - Fiona Garrett
 - Louise Taylor – Consultant Planner
 - Jayne Macdonald – Legal Counsel
5. Department of Conservation
 - Jenny Clafferty
 - Ellieda Komene – DoC Solicitor
6. Kā Rūnaka representing:
 - Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima
 - Shane Ellison
 - Ben Williams – Legal Counsel

Attachment B

The principal issues in contention are summarised in this attachment.

Otago Regional Council

[1] The Otago Regional Council records that pre-lodgement engagement was proactive and constructive, with a series of technical workshops and site visits; subsequently, draft technical documents were produced. The applicant initiated post-lodgement engagement in the week before the conference and is continuing.

[2] The issues that are likely to be of consequence to the determination of the application include:³

- a. The effects on freshwater ecosystems, including the extent of effects on wetlands, fish habitat and fish passage and other downstream receiving environments as a result of the installation of infrastructure, the abstraction of water, and the discharge of contaminants (including treated wastewater and stormwater).
- b. Residual ecological effects, including the quantification of permanent habitat loss and demonstration that proposed compensation measures are sufficient to address those effects.
- c. The development of objective environmental performance standards, monitoring requirements and adaptive management responses.
- d. There remain aspects of the proposal that are dependent on future investigations, detailed design or management plans rather than being fully demonstrated through the application.

[3] When invited to comment, the Regional Council will produce reports from five experts together with legal submissions.

³ ORC memorandum dated 3 August 2026 at [18]. See also the attachment where the issues are expanded upon.

Kā Rūnaka – a possible breach of Treaty settlement

[4] Kā Rūnaka advised that it ceased consultation after the parties were unable to agree on payment of their costs.

[5] Twelve issues arise, many of which, I anticipate, can be resolved through constructive and respectful engagement. The issues are:

- a. Whether the applicant has fulfilled the obligation to consult with relevant iwi authorities, hapū, and Treaty settlement entities under the FTAA, s 29;
- b. Lack of assessment of effects on cultural impacts, the Ngāi Tahu Settlement and associated instruments and the Treaty of Waitangi;
- c. Whether the concession application triggers right of first refusal requirements under the Ngāi Tahu Claims Settlement Act 1998, and more broadly whether the application is in breach of the Ngāi Tahu treaty settlement, and therefore in breach of section 7 of the FTAA; [my emphasis]
- d. The obligations of any decision maker under s 4 of the Conservation Act 1987 when determining a concession (and the extent to which a decision maker must have regard to the principles of the Treaty of Waitangi);
- e. Adequacy of the scope of assessment of effects, including omission of an assessment of effects on the Mata-au (Clutha River) and associated statutory acknowledgment area;
- f. Effects on freshwater bodies and species, including taonga species;
- g. Effects on the wāhi tupuna cultural landscape and terrestrial taonga species;
- h. Effects of proposed wastewater disposal, including on ecology and mauri;
- i. Intergenerational impacts diminishing the ability of future generations to recognise and relate to ancestral landscapes;
- j. Diminution of mauri through development pressures;
- k. Lack of conditions addressing mana whenua role and cultural values;
- l. Accidental discovery protocol and kōiwi / taonga protocols.

[6] When invited to comment, Kā Rūnaka will produce reports from four experts together with legal submissions.

Queenstown Lakes District Council (QLDC)

[7] The District Council considers pre- and post-lodgement engagement appropriate. Traffic and transport are the principal environmental effects in contention. More general concerns relate to the effects on landscape, geotechnical and natural hazard matters.

[8] QLDC considers the issues may be capable of resolution through conditions, but notes deficiencies in the Integrated Transport Assessment⁴. Substantive matters for the panel's consideration will likely include:

- a. the appropriateness and long-term reliance on the proposed traffic management arrangements at the SH6 / Remarkables Ski Field Access Road intersection;
- b. the potential operational effects of the proposal on the wider SH6 corridor, including cumulative effects in conjunction with planned growth within the Southern Corridor;
- c. the extent to which any future upgrades or improvements to the SH6 / Remarkables Ski Field Access Road intersection may be required, and
- d. the relationship of those upgrades to wider transport planning initiatives being led by NZTA and other transport authorities.

[9] I understand that when invited to comment, QLDC will produce reports from eight experts.

Central Otago District Council (CoDC)

[10] CoDC reports engagement with the applicant has been positive and collaborative. Documents have been provided for peer review with feedback given before lodgement.

[11] The principal issue in contention concerns the project's significant terrestrial effects. CoDC disagrees with the adequacy and robustness of the proposed mitigation. While many matters are capable of resolution through appropriate conditions, these will require careful testing by the panel.

⁴ Including its addendum

[12] Other more generalised concerns arise in relation to landscape, the extent of the economic benefit and reliance on management plans.

[13] It may be that all issues are capable of resolution through conditions, however, expert conferencing and workshops will be required.

[14] I understand that when invited to comment, CoDC will produce reports from nine experts.

Department of Conservation

[15] There has been pre-lodgement engagement on some, but not all, topics of interest to the Department.

[16] The principal issues in contention include:

- a. the permanent loss of high value natural wetlands, including the loss of Tarn 3 which is to be converted to a lined water storage reservoir. The Department says the applicant has not demonstrated that there are no other suitable alternatives for water supply.
- b. loss of ecological function and biodiversity within an ecologically unique basin of exceptionally high ecological importance. The Department is critical of the methodology used in the application's reports. Effects management responses are lacking;
- c. in response to the loss of biodiversity that is unique to Doolans Creek, the Department says the effects management hierarchy has not been adequately applied and the compensation proposed has not been calculated with any rigour;
- d. other more generalised issues include landscape effects, heritage, visitor experience, and effects on fauna;
- e. the proposed concession fee is insufficient and not consistent with the applicant's current concession. If the applicant does not agree to adjust the proposed fee, recourse may be had to s 78 of the FTAA.

[17] When invited to comment, the Department will produce reports from ten experts.