4. APPROVALS SOUGHT UNDER THE FAST-TRACK APPROVALS ACT

4.1 OVERVIEW

Based on the information contained in Section 3 of this report, NZSki requires (and is seeking) the following approvals for the Project under section 42 of the Act:

> Resource consents (district and regional) that would otherwise be applied for under the RMA (section 42 (4)(a) of the Act);

> Concessions that would otherwise be applied for under the Conservation Act (section 42(4)(e) of the Act);

> Wildlife approvals that would otherwise be applied for under the Wildlife Act (section 42(4)(h) of the Act); and

> Complex and standard freshwater fisheries dispensation that would otherwise be applied for under the Freshwater Fisheries Regulations (section 42(4)(j)).

Further details of the specific approvals required are outlined in the following sections.

4.2 RESOURCE MANAGEMENT ACT 1991

This section identifies the RMA status of the proposed activities previously described in Section 3 and discusses the extent to which those activities would otherwise be the subject of resource consent applications under the RMA.

The Site is located within the jurisdiction of CODC, QLDC and the ORC. The relevant regional and district plans are:

> CODP;

> Proposed Plan;

> Otago Regional Council Regional Plan: Water for Otago (**"the Water Plan"**);

> Otago Regional Council Regional Plan: Air for Otago (**"the Air Plan"**); and

> Otago Regional Council Regional Plan: Waste for Otago (**"the Waste Plan"**).

In this instance, it is also appropriate to consider relevant National Environmental Standards that might necessitate the requirement for additional consents, being:

> Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("**NES Soil**"); and

> Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("**NES Freshwater**").

NZSki seeks all necessary consents to construct, operate and maintain the proposed upgrades of the Remarkables Ski Area and the proposed expansion into the Doolans Basin.

The status of proposed activities with respect to RMA plans is presented below. As required by clause 5 (3)(a) and (b) of Schedule 5 of the Act, a detailed assessment of the approvals required (and a detailed analysis of the applicable rules) is attached as **Part G** to this application.

4.2.1 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The NES Freshwater contains standards that regulate activities that pose risks to the health of freshwater and freshwater ecosystems.

The detailed rules assessment (provided as **Part G**) provides an analysis of the relevant rules in the NES Freshwater relating to activities associated with the Project. The relevant regulations that relate to freshwater (including natural inland wetlands, the reclamation of any streams or the placement of culverts in a stream) are covered in Part 3 of the NES Freshwater.

The most restrictive activity status is **discretionary**. Under the "bundling" principle, this is taken to be the overall activity status for the approvals required under the NES Freshwater.

In summary, the following consents are required under the NES Freshwater:

> Land use consent as a **discretionary activity** is required for the clearance of vegetation across the Site within 10m of natural inland wetlands;[37]

> Land use consents as **discretionary activities** are required for earthworks across the Site within 10m of natural inland wetlands;[38]

> A water permit (damming) as a **discretionary activity** is required for damming of the tarn within 100m of natural inland wetlands;[39]

[37] NES-Freshwater, Regulation 45(1).

[38] NES-Freshwater, Regulation 45(2).

[39] NES-Freshwater, Regulation 45(4).

- A discharge permit as a **discretionary activity** is required for discharge of wastewater into the wastewater dispersal fields within 100m of natural inland wetlands;[40]
- Land use consents as **discretionary activities** are required for construction of the temporary diversion in the Rastus Burn Stream and permanent stormwater culverts in the Doolans Basin access roads;[41] and
- A land use consent as a **discretionary activity** is required for construction of the Tyrolean weir in the bed of Doolans Creek Right Branch.[42]

4.2.2 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The regulations of the NES Soil apply if any activity or industry described in the Hazardous Activities and Industries List ("**HAIL**") is undertaken, has been undertaken, or more likely than not, is being or has been undertaken on the land.

There are two areas identified on the ORC selected land use register as being HAIL sites. None of the works proposed as part of the Project will disturb these areas. Based on information from the ORC mapping system (the most up-to-date information about the area), the Project will not disturb or impact any identified HAIL sites. In accordance with Regulation 5(7), the Project Area does not contain a 'piece of land' and resource consent is not required under the NES Soil.

4.2.3 Regional Plan: Water for Otago

The Water Plan provides the framework for managing the use, development and protection of Otago's freshwater resources, including the beds and margins of waterbodies.

NZSki seeks to obtain all necessary Land Use Consents, Discharge Permits, and Water Permits under the Water Plan to authorise activities associated with the construction, operation, and maintenance of the Project, as outlined below.

The detailed rules assessment (provided as **Part G**) provides an analysis of the relevant rules and permitted activity standards in the Water Plan, and covers the following chapters:

- Chapter 12 - Water Take, Use and Management;
- Chapter 13 - Land Use on Lake or River Beds or Regionally Significant Wetlands; and

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[40] NES-Freshwater, Regulation 45(5).

[41] NES-Freshwater, Regulation 71(1).

[42] NES-Freshwater, Regulation 73(1).

> Chapter 14 - Land Use other than in Lakes or River Beds.

The most restrictive activity status is **non-complying**. Under the "bundling" principle, this is taken to be the overall activity status for the approvals required under the Water Plan.

In summary, the following activities require consents under the Water Plan:

> A water permit (water take) as a **restricted discretionary activity** to take water from the Doolans Creek Right Branch;[43]

> A water permit (diversion) as a **non-complying activity** to divert water within Regionally Significant Wetlands across the Site;[44]

> A water permit (diversion) as a **discretionary activity** to divert water within ephemeral streams across the Site and temporarily divert the Rastus Burn Stream;[45]

> A water permit (damming - weir) as a **discretionary activity** to construct a weir within a catchment upstream of more than 50 ha;[46]

> A water permit (damming) as a **discretionary activity** to dam the tarn;[47]

> A discharge permit as a **discretionary activity** to discharge 204 m^3/day treated wastewater to the dispersal fields;[48]

> Land use consents as **discretionary activities** to erect structures within the beds of water bodies across the site including a weir within the bed of Doolans Creek Right Branch, culverts within the bed of ephemeral streams, structures within Regionally Significant Wetlands and conversion of the tarn to a water reservoir;[49]

> Land use consents as **discretionary activities** to alter the bed of water bodies across the Site including within the Doolans Creek Right Branch, Rastus Burn Stream, the tarn and ephemeral streams;[50]

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43 Regional Plan: Water for Otago, Rule 12.1.4.6.

44 Regional Plan: Water for Otago, Rule 12.3.1A.

45 Regional Plan: Water for Otago, Rule 12.3.4.1.

46 Regional Plan: Water for Otago, Rule 12.3.4.1.

47 Regional Plan: Water for Otago, Rule 12.3.4.1.

48 Regional Plan: Water for Otago, Rule 12.A.2.1.

49 Regional Plan: Water for Otago, Rule 13.2.3.1.

50 Regional Plan: Water for Otago, Rule 13.5.3.1.

- A land use consent as a **discretionary activity** to alter the bed of Regionally Significant Wetlands across the Site;[51]
- A land use consent as a **discretionary activity** to remove native vegetation from Regionally Significant Wetlands across the Site;[52] and
- A land use consent as a **discretionary activity** to erect defences against water around the proposed water reservoir.[53]

4.2.3.1 Existing Consents under the Regional Plan: Water for Otago

Clause 5 (1)(f) of Schedule 5 of the Act requires a substantive application under the Act to include a description of other resource consents for the project to which the application relates. While briefly summarised in Section 2 of the Substantive Application and appended in full in **Part D**, the following aspects of the Project are already authorised under NZSki's existing regional consents:

- A water permit to divert an ephemeral stream for the purposes of creating a car park at the Remarkables Ski Area;[54]
- A discharge permit to discharge treated wastewater to land for the purpose of disposal of treated wastewater and water supply bywash from the Remarkables Ski Area buildings; [55]
- A land use consent to construct three monitoring bores for the purpose of monitoring groundwater linked to the disposal of treated wastewater and water supply bywash from the Remarkables Ski Area; [56]
- A water permit to take and use (surface) water as primary allocation from Lake Alta and the Rastus Burn for the purpose of snow making;[57]
- A water permit for to take and use (surface) water from the Rastus Burn Stream for the purposes of a constant flow water supply to the Remarkables Ski field complex.[58]

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[51] Regional Plan: Water for Otago, Rule 13.5.3.2.

[52] Regional Plan: Water for Otago, Rule 13.7.3.

[53] Regional Plan: Water for Otago, Rule 14.3.2.1.

[54] RM15.055.02.

[55] RM14.336.01.

[56] RM14.336.02.

[57] RM11.368.04.

[58] RM16.115.01.

4.2.4 Regional Plan: Air for Otago

The Air Plan provides a framework for managing potential air quality issues within the Otago Region.

The necessity or otherwise of a future air discharge permit for the proposed substation emergency generators on site will be confirmed following detailed design of the system and the requisite consents obtained (if necessary) via a separate resource consent process.

4.2.4.1 Existing Consents under the Regional Plan: Air for Otago

Clause 5 (1)(f) of Schedule 5 of the Act requires a substantive application under the Act to include a description of other resource consents for the project to which the application relates. While briefly summarised in Section 2 of the Substantive Application and appended in full in **Part D**, the following aspects of the Project are already authorised under NZSki's existing regional consents:

> A discharge permit (to air) to discharge contaminants to air for the purposes of operating a generator and boiler.[59]

4.2.5 Regional Plan: Waste for Otago

The Waste Plan sets the framework for managing waste in Otago.

The detailed rules assessment (provided as **Part G**) provides an analysis of the relevant rules and permitted activity standards in the Waste Plan relating to the Project. Chapter 6 of the Waste Plan contains the rules relevant to the project.

The only Project activity requiring consideration under the Waste Plan is the potential use of dust suppressants during construction. As the use of dust suppressants will be undertaken in accordance with the permitted activity requirements of the Waste Plan, no resource consents are required for the works under the Waste Plan.

4.2.6 Queenstown Lakes District Plan

QLDC has been undertaking a rolling review of the District Plan since 2015. Over the past nine years, the Proposed Plan has been subject to multiple tranches of decisions and appeals. As the Proposed Plan becomes operative, the 2025 Operative Plan provisions cease to have legal effect.

[59] RM14.105.01.

Rules which remain subject to appeal have legal effect in accordance with section 86B of the RMA. Rules which are not subject to appeal (either because no appeals have been filed or appeals have been resolved) are treated as operative in accordance with section 86F of the RMA.

There are no live appeals on the Proposed Plan that are relevant to this application.

As such, **Part G** assesses the Project against relevant Proposed Plan rules and sets out the relevant activity status associated with the required resource consents. This covers the following sections of the Proposed Plan:

> 21. Rural Zone

> 25. Earthworks

> 29. Transport

> 30. Energy and Utilities

> 33. Indigenous Vegetation Biodiversity

> 35. Temporary Activities and Relocated Buildings

> 36. Noise

> 39. Wāhi Tūpuna

NZSki seeks all necessary resource consents under the Proposed Plan associated within the construction, operation and maintenance of the Project. This includes (but may not be limited to):

> A land use consent as a **restricted discretionary activity** for additions and alterations to the existing Rastus Burn Base Building that will exceed 8m in height;[60]

> A land use consent as a **restricted discretionary activity** for the construction of a new building (Doolans Gondola Tower 3) within 20m of a water body;[61]

> A land use consent as a **controlled activity** for the construction of new buildings being the Doolans Gondola Drive Station and Towers, Wastewater Treatment Plant and substation;[62]

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[60] Proposed Plan, Rule 21.4.7 and Rule 21.7.4.

[61] Proposed Plan, Rule 21.5.4.

[62] Proposed Plan, Rule 21.12.2.

- A land use consent as a **controlled activity** for a new passenger lift system;[63]
- A land use consent as a **controlled activity** for the expansion of existing retail activities ancillary to Ski Area Activities;[64]
- Land use consents as **restricted discretionary activities** for earthworks for the construction of Carpark B that will exceed 1,000m^3, exceed 10,000m^2, exceed 2.4m in depth, exceed 2m in height, and occur along the site boundary;[65]
- A land use consent as a **restricted discretionary activity** for earthworks within 10m of the bed of a water body and exceeding 5m^3 in volume for the construction of Doolans Gondola Tower 3, the temporary access road for Tower 7 and the installation of the new services trench within the Curvey Basin Access Road under the Rastus Burn Creek;[66]
- A land use consent as a **restricted discretionary activity** for the transportation of cleanfill exceeding 300m^3 to or from the site as part of the earthworks activities;[67]
- A land use consent as a **restricted discretionary activity** for a change in use as a high traffic generating activity for proposal of 647 new car parking spaces and generation of up to 200 additional vehicle trips per hour;[68]
- Land use consents as **restricted discretionary activities** for new carparking in Carpark A, Carpark B and the Boneyard carpark that will not be formed or demarcated, may not comply with gradient requirements, will not provide minimum number of required mobility parking spaces and will be unsealed within 10m of the Remarkables Ski Field Access Road;[69]
- A land use consent as a **controlled activity** for upgrades to the existing Rastus Burn Base Building wireless bridge antenna;[70]
- A land use consent as a **restricted discretionary activity** for clearance of indigenous vegetation across the Site associated with Ski Area Activities within a Ski Area Sub-Zone located above 1070 masl;[71]

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63 Proposed Plan, Rule 21.12.3.

64 Proposed Plan, Rule 21.12.6.

65 Proposed Plan, Rule 25.4.2 and Rule 25.5.6, Rule 25.5.11, Rule 25.5.15, Rule 15.5.16, and Rule 25.5.18.

66 Proposed Plan, Rule 25.5.19.

67 Proposed Plan, Rule 25.5.21.

68 Proposed Plan, Rule 29.4.11, Rule 29.9.8 and Rule 29.9.9.

69 Proposed Plan, Rule 29.5.2, Rule 29.5.3, Rule 29.5.4, and Rule 29.5.10.

70 Proposed Plan, Rule 30.5.6.9.

71 Proposed Plan, Rule 33.4.4.

- A land use consent as a **discretionary activity** for clearance of indigenous vegetation within 20m of the bed of a water body across the Site;[72]
- Land use consent as **restricted discretionary activities** for clearance of over 500m^2 of indigenous vegetation including shrubland containing emergent trees over 3m in height, matagouri shrubland over 1.5m high and diverse indigenous shrubland for the construction of Carpark B;[73] and
- A land use consent as a **restricted discretionary activity** for construction of a new building (Doolans Gondola Tower 3) within 20m of the bed of a river within an identified wāhi tupuna area.[74]

The most restrictive activity status is **discretionary**. Under the "bundling" principle, this is taken to be the overall activity status for the approvals required under the Proposed Plan.

For the avoidance of doubt, NZSki is seeking all necessary resource consents associated within the construction, operation and maintenance of the Project, and therefore this includes any under necessary resource consents under the Operative Plan.

4.2.6.1 Existing Consents under the Proposed Plan

Clause 5 (1)(f) of Schedule 5 of the Act requires a substantive application under the Act to include a description of other resource consents for the project to which the application relates. While briefly summarised in Section 2 of the Substantive Application and appended in full in **Part D**, the following aspects of the Project are already authorised under NZSki's existing QLDC District Plan consents:

- Construction of a new Base Building at the Remarkables Ski Area. [75]

4.2.7 Central Otago District Plan

The CODP provides the framework for managing the land use and development within the Central Otago District.

NZSki seeks to obtain all necessary Land Use Consents under the CODP to authorise activities associated with the construction, operation and maintenance of the Project, as outlined below.

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[72] Proposed Plan, Rule 33.4.7.

[73] Proposed Plan, Rule 33.5.2 and Rule 33.5.3.

[74] Proposed Plan, Rule 39.5.3.

[75] RM1410139 and RM250596.

The detailed rules assessment (provided as **Part G**) provides an analysis of the relevant rules and permitted activity standards in the CODP, and covers the following chapters:

> Section 04 – Rural Resource Area

> Section 05 – Water Surface and Margin Resource Area

> Section - Light

> Section 12 – District Wide Rules and Performance Standards

> Section 13 – Infrastructure, Energy and Utilities

The most restrictive activity status is **non-complying**. Under the "bundling" principle, this is taken to be the overall activity status for the approvals required under the CODP.

In summary, the following activities require consents under the CODP:

> A land use consent as a **non-complying activity** for the establishment and use of the land as a retail activity (Doolans Base Building food and beverage facilities);[76]

> A land use consent as a **discretionary activity** for the establishment and use of land as a commercial recreational activity (skiing);[77]

> A land use consent as a **discretionary activity** for buildings (Doolans Gondola Towers 18 and 19, and Return Terminal, and the Water Intake Pump Building) located within 20m of the bank of any stream or river;[78]

> A land use consent as a **restricted discretionary activity** for buildings (Doolans Gondola Towers, Midstation and Return Terminal, and Doolans Base Building) over 6m in height;[79]

> A land use consent as a **restricted discretionary activity** for buildings across the Site finished with materials not listed by the standard and visible from over 2km away from a public place;[80]

> A land use consent as a **restricted discretionary activity** for storage of construction materials in stockpiles across the Site that may remain in excess of 6 months;[81]

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[76] CODC District Plan, Rule 4.7.5iv.

[77] CODC District Plan, Rule 4.7.4vii.

[78] CODC District Plan, Rule 4.7.4i and Rule 4.7.6A.c.

[79] CODC District Plan, Rule 4.7.3i and Rule 4.7.6A.f.

[80] CODC District Plan, Rule 4.7.3iii and Rule 4.7.6D.a.

[81] CODC District Plan, Rule 4.7.3i and Rule 4.7.6F.

- A land use consent as a **restricted discretionary activity** for earthworks and vegetation clearance across the Site within 10m of a water body;[82]
- A land use consent as a **restricted discretionary activity** for earthworks across the Site exceeding 2,000m^2 and 3,000m^3, and earthworks across the Site for access roads exceeding 2m in height and cut;[83]
- A land use consent as a **discretionary activity** for removal of indigenous vegetation and draining of wetlands over 800m ASL across the Site;[84]
- A land use consent as a **restricted discretionary activity** for indigenous vegetation clearance across the Site above 1080m ASL;[85]
- A land use consent as a **discretionary activity** for erection of structures (Doolans Gondola Towers, Midstation and Return Terminal, Doolans Base Building, Learner Conveyor Belt, Snow Machines and Pump Buildings), and earthworks exceeding 20m^3 and 50m^2 in an Outstanding Natural Landscape;[86]
- A land use consent as a **non-complying activity** for erection of buildings within areas of potential solifluction, debris flow, seismic risk, wind risk and land instability likely to be subject to material damage from natural hazards;[87]
- A land use consent as a **discretionary activity** for erection a weir within the bed of Doolans Creek;[88] and
- A land use consent as a **discretionary activity** for radiocommunications and telecommunications structures within an Outstanding Natural Landscape.[89]

4.3 CONSERVATION ACT 1987

Approvals required for the Project that would otherwise be required under the Conservation Act include the following concessions:

- 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

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82 CODC District Plan, Rule 4.7.3vi and Rule 4.7.6I.

83 CODC District Plan, Rule 4.7.3vi and Rule 4.7.6J.

84 CODC District Plan, Rule 4.7.4i and Rule 4.7.6K.

85 CODC District Plan, Rule 4.7.6KA.

86 CODC District Plan, Rule 4.7.4i and Rule 4.7.6L.

87 CODC District Plan, Rule 4.7.5.i.

88 CODC District Plan, Rule 5.7.3 and Rule 5.7.4A.

89 CODC District Plan, Rule 13.7.16.

the Rastus Burn (i.e. over the existing Remarkables Concession) ("**Doolans Concession**");

> New concession authorising an expansion to the existing Rastus Burn Base Building and associated buildings and utilities located within the access road and Car Park 3 **("the Remarkables Base Concession")**.

>

The approvals are set out below, with further detail on each concession against the relevant information requirements in Clause 3 of Schedule 6 of the Act provided in Section 10 of this report.

4.3.1 Doolans Concession

The proposed Doolans Concession is a new concession (lease, licence and easement) for activities occurring on public conservation land within the Kawarau / Remarkables Conservation Areas, authorising activities associated with the Project within the Doolans Basin, as follows:

> Establishment and use of the new Doolan's Gondola from the Rastus Burn Base Building into the Doolans Basin. The new gondola includes the new Base Station directly adjacent to the existing Rastus Burn Base Building, 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; and

> Establishment and use of a new multi-purpose Doolans Base Building, designed to accommodate gondola cabin parking, integrated cabin maintenance, storage, bathroom facilities, café facilities and emergency shelter space;

> The establishment and use of new access roads and ski trails to provide vehicular access into, and ski return trails from, the Doolans Basin;

> Establishment and use of ski trails and access roads between the gondola midstation, the Doolans Cabin Building and associated infrastructure;

> Construction and use of a learners snowsports area at the Doolans Cabin Building with a covered passenger conveyor lift, supported by snowmaking infrastructure;

> Establishment and use of supporting services and facilities in the Rastus Burn and Doolans Basin, including power, water, wastewater, stormwater, communications and snowmaking facilities;

- Installation and use 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;
- Activities required to enable the above including vegetation clearance and earthworks and associated rehabilitation (including revegetation works); and,
- Ongoing maintenance and upgrade associated with the above.

The Doolans Concession area is illustrated in **Figure 4-1** below. For the full set of concession (lease, licence and easement) maps, refer to **Part H.**

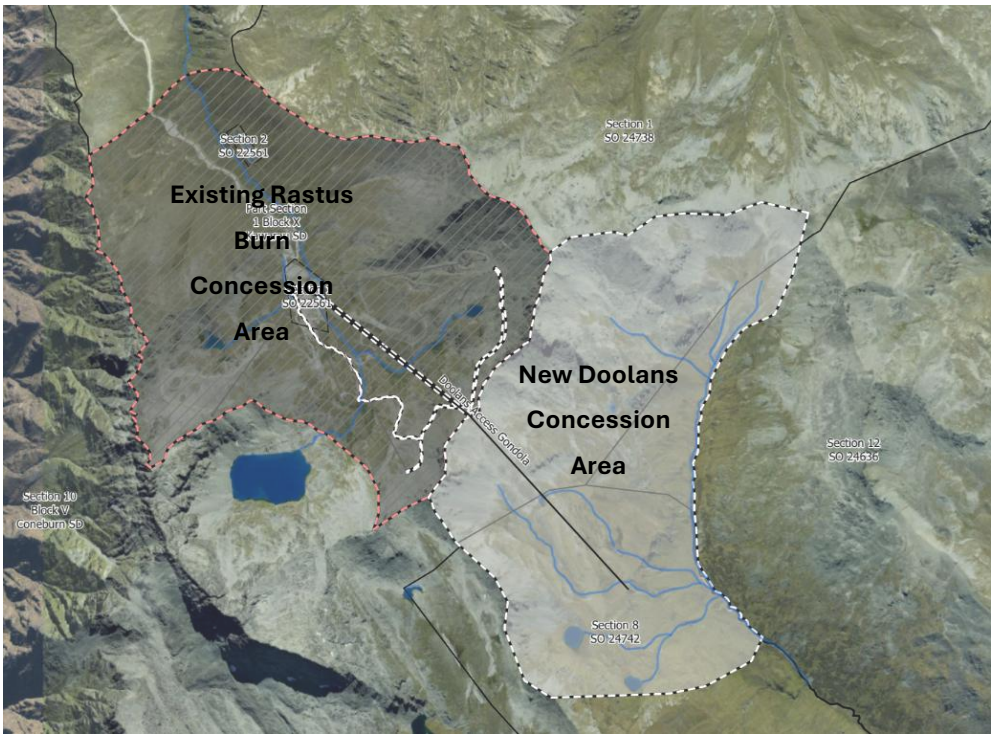

Figure 4-1: Doolans Concession Area

4.3.2 Remarkables Base Area Concession

The existing Rastus Burn Base Building and Cark Park 3 is contained within the existing Remarkables Concessions. However, the nature and scale of the Rastus Burn Base Building extension, arrivals hall reconfiguration and the introduction of new buildings is conservatively, too large to meet the definition of a 'variation' to the Remarkables Concession. Accordingly, a new concession (lease and easement) for activities occurring on public conservation land within the Rastus Burn Recreation Reserve associated with the Project, as follows:

- The expansion of the Rastus Burn Base Building and reconfiguration of the arrivals surrounds;

- The establishment of a new 33/11kV 7.25 MVA rated substation containing a 33/11kV power transformer, 33 kV and 11 kV switchgear and metering and two emergency diesel generators will be installed at the northwestern corner of Carpark 3;
- Establishment of a new Wastewater Treatment Plant, contained in two buildings approximately 25m x 23m x 4.5m in height and 7 x 22.5m x 4.5m in height in Car Park 3;
- Activities required to enable the above including vegetation clearance and earthworks and associated rehabilitation (including revegetation works); and,
- Ongoing maintenance and upgrade associated with the above.

The Remarkables Base Area Concession area is illustrated in **Figure 4-2** below. The Remarkables Base Area Concession will overlay NZSki's existing Remarkables Concession until such a time that NZSki seeks a variation to Remarkables Concession to remove this overlap. This administrative variation will be sought separately to this fast track application.

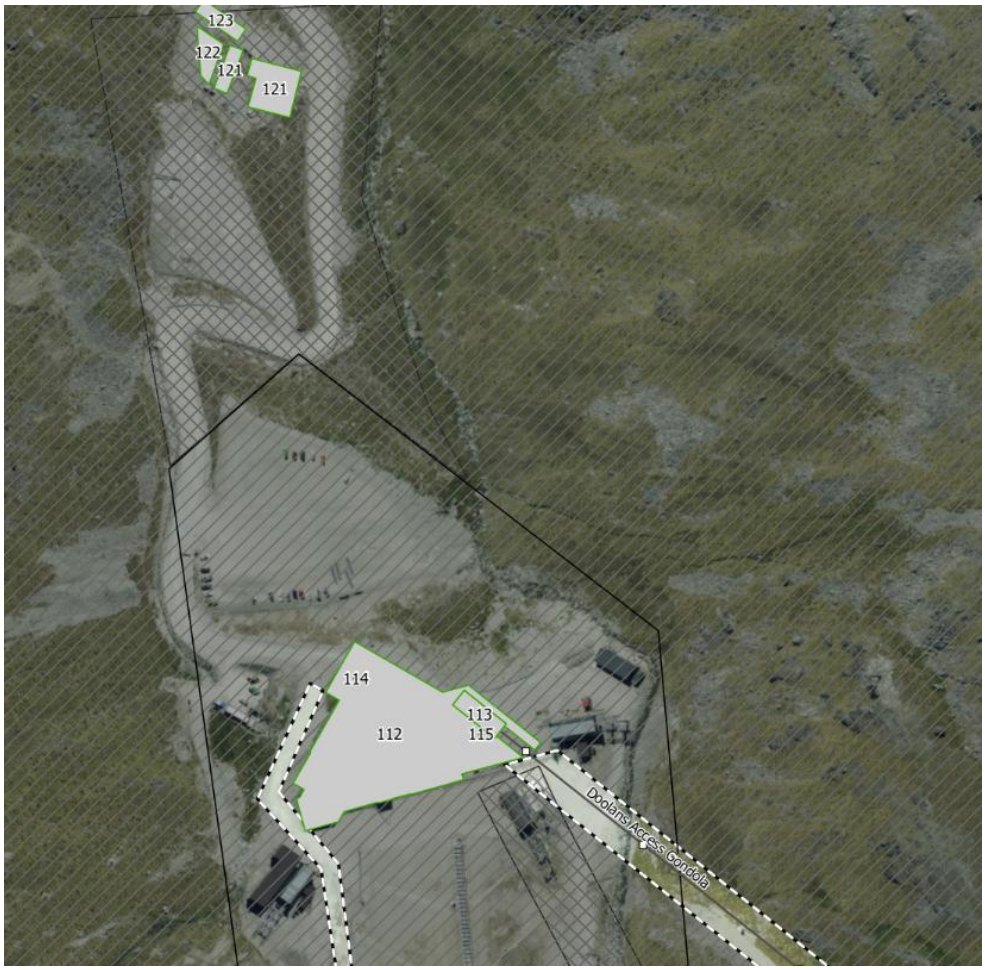

Figure 4-2: Remarkables Base Area Concession.

4.4 WILDLIFE ACT 1953

Approvals required for the Project that would otherwise be required under the Wildlife Act include the following activities within the Project:

> Wildlife approval to capture, relocate and, as a last resort, destroy nests (to force re-nesting within the same breeding season) of New Zealand Pipit; and,

> Wildlife approval to disturb, injure and/or kill the Not Threatened McCann's skink within the Project's vegetation and earthworks footprint.

4.5 COMPLEX FRESHWATER FISHERIES

Complex and standard freshwater fisheries approvals that would otherwise be applied for under the Freshwater Fisheries Regulations are being sought as part of the Project.

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.

There are no fish within the tributaries or tarns within the Site. 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. This is addressed further in Section 12 of the application documents.

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