Before the Expert Panel appointed under the Fast-track Approvals Act 2024

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 Submissions on behalf of **NZSki Limited**

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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**).

2. These submissions address the legal aspects of NZSki's response to comments on the Substantive Application for the Project from parties invited to comment under Section 53 of the FTA.

3. NZSki's response is provided in accordance with Section 55(2) of the FTA and is to form part of the Expert Panel's considerations in decision making.[1] These submissions also address matters raised in the Section 51 reports requested by the Panel Convener from the Department of Conservation (**DOC**).

4. These legal submissions accompany NZSki's response to comments which is structured as follows:

   (a) Part One: Legal submissions.

   (b) Part Two: 24 statements of evidence.

   (c) Part Three: Proposed approvals, conditions and management plans amended in response to comments.

EXECUTIVE SUMMARY

5. The Remarkables Ski Area has been operating since 1985 and is currently designed to accommodate 3,500 skiers at one time. The Project proposes to expand ski infrastructure to meet growing demand for ski tourism in the district and wider region.

6. The Project will deliver significant regional benefits as acknowledged in comments from Government ministers, the relevant councils, DOC, Otago Conservation Board (**OCB**), QTN Farm Limited and Remarkables Park Stud Farm Limited. This includes economic and recreational benefits such as increased ski field capacity, enhanced tourism opportunities, additional seasonal employment and wider benefits to the Otago economy.[2]

7. NZSki has been in consultation with regulators and key stakeholders throughout the FTA process. NZSki has addressed concerns raised by providing additional information, amending aspects of the Project and revising consent conditions. In

[1] Fast-track Approvals Act 2024, Section 81(2)(a).
[2] Central Otago District Council, Comments, 27 October 2026 at page 3.

terms of outstanding matters raised in Section 53 comments and DOC's Section 51 reports, NZSki has made further amendments in response to feedback received. In particular, following peer review by Dr Gary Bramley, NZSki has amended the proposed effects management package to adopt offsetting measures in accordance with the effects management hierarchy.

8. Overall, we submit that the Project aligns with the purpose of the FTA and meets the legal tests for approval.

FRAMEWORK OF LEGAL SUBMISSIONS

9. Our Legal Overview already lodged with the Substantive Application sets out our submissions that the Project meets the purpose of the FTA and the legal tests for approval.[3] We refer to and rely on the Legal Overview throughout these submissions.

10. These legal submissions respond to the Section 51 reports and Section 53 comments by thematic topic rather than by individual comment or point to avoid any unnecessary duplication. The structure is as follows:

    (a) key legal issues and NZSki response;

    (b) key feedback topics and NZSki response; and

    (c) amendments proposed in response to comments.

KEY LEGAL ISSUES RAISED AND RESPONSE

Decision-making framework

11. In terms of the overall decision making framework for the Project, Otago Regional Council (**ORC**) and Central Otago District Council (**CODC**) raise the weighting exercise under Section 81 and proportionality test under Section 85(3) in their comments but have deferred these assessments to the Expert Panel.[4]

12. DOC outlines its approach to weighting in its Section 51 reports but does not apply this approach to the Project.[5]

[3] A.02A Legal Overview.
[4] Otago Regional Council, Comments, 23 October 2026 at [169] and Central Otago District Council, Comments, 27 October 2026 at [3.10].
[5] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix L – Weighting of relevant matters.

Weighting

13. The Legal Overview lodged with the Substantive Application addresses our approach to weighting under the FTA at paragraphs 32 to 42. We do not repeat this here but confirm that Expert Panel decisions issued following our Legal Overview have consistently applied the weighting established in the Bledisloe North Wharf and Fergusson North Berth Extension, Milldale and Taranaki VTM projects outlined at paragraph 37 of the Legal Overview.[6] Our earlier submissions remain that this is the framework the Expert Panel is required to apply in decision making.

14. Overall, we agree with DOC that relevant matters should be individually assessed, uninfluenced by the purpose of the FTA, *"before standing back and conducting an overall balancing"* where the purpose of the FTA is given the greatest weight.[7]

15. As addressed in more detail in these submissions, we submit that the Project should be granted in accordance with the weighting exercise under Section 81, considering the relevant decision making schedules and giving the greatest weight to the purpose of the FTA.

Proportionality test

16. The Legal Overview outlines our approach to the proportionality test under Section 85(3) at paragraphs 45 to 60 which no commenter has contested.

17. The key dispute between the parties is whether the adverse impacts of the Project are sufficiently significant to be out of proportion to its benefits.

18. We submit that this adverse impacts threshold is not met.

19. Whether the adverse impacts of a project are sufficiently significant to be out of proportion to the project's regional and national benefits is a deliberately high threshold which, within the scheme of the FTA, requires an Expert Panel to apply a strong presumption in favour of enabling beneficial projects.[8]

20. In considering the benefits of a project, Section 85(3)(b) refers to "*the project's regional and national benefits that the panel has considered under Section 81(4)*". Section 81(4) states that an Expert Panel must consider the extent of the project's regional or national benefits. It is therefore not just the fact that there are benefits which is relevant, but the extent of those benefits. Here, the benefits of the Project

[6] See for example, Record of Decision of the Expert Panel, Foxton Solar Farm, 14 August 2026 at [53]-[55].
[7] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix L – Weighting of relevant matters at [13].
[8] *Record of Decision of the Expert Consenting Panel,* Southland Windfarm, 9 March 2026, at [60]-[61].

are significant as confirmed by Mr Patterson's evidence and discussed in further detail at paragraphs 114 to 136.

21. We submit that the evidence for NZSki demonstrates that proposed effects management measures will robustly avoid, remedy and mitigate adverse effects. The remaining residual effects are appropriately responded to in the context of the Project as a whole and when considered against the FTA framework. Of note:

    (a) In relation to cultural effects, experts for NZSki have considered the evidence of Kā Rūnaka regarding cultural values and tested their assessments against this. NZSki acknowledges the rakatirataka of Kā Rūnaka including its role as kaitiaki and that there will be residual cultural effects of the Project. Mr Anderson's evidence outlines that NZSki is committed to addressing these and invites further input from Kā Rūnaka through the mana whenua advisory group in relation to the Project Area. We submit that this will ensure Kā Rūnaka can exercise rakatirataka ki uta ki tai alongside the Crown for the Remarkables more broadly. We address cultural effects at paragraphs 137 to 148.

    (b) Dr Bramley has peer reviewed the proposed effects management approach, recommending that offsetting measures be included rather than relying on compensation. While consistency with the NPS-IB and NPS-FM is not achieved in its entirety, in our submission that is not a requirement of the relevant FTA tests. We submit that the package of measures provides certainty that ecological effects will be appropriately managed. Ecological effects are addressed at paragraphs 149 to 228.

    (c) Mr Rossiter confirms that the Project includes sufficient transport infrastructure and mitigation measures to accommodate the proposed increase in visitor numbers.[9] Existing and future congestion on State Highway 6 (**SH6**) is largely driven by growth in the Southern Corridor rather than the existing ski field activities or the Project.[10] We address transport matters at paragraphs 229 to 242.

    (d) The Project will change the existing recreation setting resulting in a residual adverse effect on backcountry ski users. However, Mr Greenaway's evidence is that the Project will also deliver substantial recreation benefits, including more lift-served terrain, access for families, beginners and people with limited mobility, and quicker access to more remote backcountry

[9] B-24 Remarkables Ski Area Upgrade and Doolans Expansion – Integrated Transport Assessment at page vi.
[10] Statement of Evidence of Chris Rossiter, 3 November 2026 at [18].

areas.[11] Importantly, the land will remain accessible for public recreation use through the partially NZSki owned and maintained access road. Recreation effects are addressed at paragraphs 243 to 252.

(e) Landscape and visual amenity effects will be appropriate in accordance with Ms Pfluger's evidence, taking into account the existing and anticipated environment. Ms Pfluger confirms the conclusions of her Landscape Assessment, including in light of the evidence of Dr Rā.[12] Landscape and visual amenity effects are addressed at paragraphs 253 to 264.

(f) The Project will have no impact on the historic heritage of the Project Area and will have a negligible adverse impact on the heritage values of the wider Kawarau/Remarkables Conservation Area.[13] Dr Cropper's evidence is that there is a low risk of encountering heritage sites including at the water intake and access road and therefore accidental discovery protocols are appropriate.[14] Heritage effects are addressed at paragraphs 265 to 272.

(g) In accordance with the evidence of Mr Jensen, Mr Bloomberg and Mr Richardson, wastewater matters have been appropriately addressed as discussed at paragraphs 282 to 289.

(h) Natural hazards have been considered and provided for as outlined by Mr Chinn and addressed at paragraphs 290 to 294.

(i) The cumulative effects of the Project, which we discuss at paragraphs 295 to 296, will be appropriate considering the context of the existing and anticipated environment, and the scale of the Project relative to the wider catchment. In addition, construction effects will be temporary and staged and water quality will be maintained.

22. In addition, Professor Nicolas Cullen confirms that the Project will likely improve the ski area's climate resilience by providing for access to terrain with favourable natural snow conditions.[15]

23. When this is considered against the significant regional benefits of the Project, which are agreed by CODC, Queenstown Lakes District Council (**QLDC**), ORC, DOC, OCB, Government ministers, QTN Farm Limited and Remarkables Park Stud Farm Limited, we submit that the Section 85(3) threshold is not met.

[11] Statement of Evidence of Rob Greenaway, 3 November 2026 at [6]-[8] and B-07 Recreation Assessment at [5.1.4] and pages 48-49.
[12] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [63].
[13] B-06 Remarkables Ski Area Upgrade and Doolans Expansion - Heritage Assessment at page iii and [12].
[14] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [34].
[15] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [20].

Adequacy of information

24. Some commenters consider that further information is required to understand the effects of the Project.[16]

25. While the FTA framework consolidates and streamlines the approval process, it does not reduce or modify the substantive standard of assessment required for a project of this nature and scale. We submit that this standard has comfortably been met here.

26. For an FTA substantive application to progress to consideration by an Expert Panel, it must first be accepted as complete under Section 46 by the Environmental Protection Authority (**EPA**). This includes confirming that provided information has been *"specified in sufficient detail to satisfy the purpose for which it is required"* in relation to each approval sought. The EPA confirmed that the Substantive Application was complete on 6 July 2026.[17]

27. While we agree that inadequate information can weigh against an approval due to lack of understanding of resulting effects, the Expert Panel in this case has the information required to grant the approvals sought and NZSki's experts have responded to all such concerns raised by commenters in their evidence.

28. NZSki's experts have also addressed all points of further information sought by DOC.[18] Where appropriate, they have carried out additional assessments in response, including of the effects of climate change and operational effects, and have undertaken further lizard surveys. However, NZSki's experts do not consider that all of the additional surveying and mapping sought by DOC is necessary to understand the Project Area or the effects of the Project for the reasons set out in their evidence. Overall, the experts confirm that the receiving environment has been comprehensively assessed and monitored, and that this provides a robust evidential basis on which to assess the Project's effects and the proposed effects management measures.

Consistency with the planning framework

29. DOC, CODC, ORC, and Queenstown Mountain Guides (**QMG**) consider that the Project is inconsistent with relevant resource management planning documents.

[16] Department of Conservation, Comments, 27 October 2026 at [2.2], Department of Conservation, Section 51 Report – Concessions, 12 October 2026 at [197], Kā Rūnaka, Comments, 27 October 2026 at [86], Otago Regional Council, Comments, 23 October 2026 at [63], Queenstown Lakes District Council, Comments, 27 October 2026 at [8.2].
[17] Environmental Protection Authority, Completeness Decision, 6 July 2026.
[18] Department of Conservation, Comments, 27 October 2026 at [2.2].

30. Ms O'Sullivan has provided a more detailed assessment of the Project against individual provisions of the relevant planning documents in her evidence.[19]

31. We submit that, applying the overall balancing approach required for decision making under the FTA, the Project can be granted despite inconsistency with some directive provisions.

32. The Supreme Court's decision in *Royal Forest and Bird Protection Society v New Zealand Transport Agency*[20] is the latest guidance on how decision makers should have regard to objectives and policies within the Resource Management Act (**RMA**) framework. 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 the assessment undertaken in that context and we consider it is therefore applicable to FTA decision making also.[21]

33. 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 decontextualising individual provisions in a manner that does not fairly reflect the broad intent of the drafters.[22]

34. This approach does not mean objectives and policies can be put in a blender with the possible effect that stronger policies are weakened and weaker policies strengthened.[23] 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.[24]

35. Under the FTA any inconsistency with objectives and policies must not preclude approval and the Expert Panel must weigh consideration of those provisions against the broader purpose of the FTA, being to facilitate the delivery of projects with significant regional or national benefits.[25] In particular:

    (a) Section 85(4) directs that the Expert 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

[19] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at Appendix 1.
[20] *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915.
[21] *Glenpanel Development Limited v Expert Consenting Panel* [2025] NZCA 154, (2025) 26 ELRNZ 657.
[22] *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915 at [79].
[23] *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915 at [80].
[24] *Royal Forest and Bird Protection Society v New Zealand Transport Agency* [2024] NZSC 26, (2024) 25 ELRNZ 915 at [80].
[25] *Record of Decision of the Expert 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 Panel, Southland Windfarm*, 9 March 2026, at [979].

of an Act or any other document requiring consideration, such as planning documents.

(b) Clause 17(4) of Schedule 5 states that even if a provision would normally require an application to be declined, the Expert Panel must not treat the provision as requiring it to decline the FTA application.

36. Also relevant is the broader weighting approach required by the FTA.

37. In the RMA context, directive planning provisions may be determinative. However, for the reasons outlined above, the FTA is explicit that an inconsistency with a provision of a planning document does not provide a basis to decline an approval.

38. In addition to the above, Ms O'Sullivan's evidence identifies that planning instruments prepared under the RMA are relevant to the assessment of the resource consent approvals sought but not for the concession or wildlife approval assessments as they have no linkage to Clause 7 of Schedule 6, or Clause 5 of Schedule 7.[26] Likewise, the specific matters relevant to concessions and wildlife approvals are not relevant considerations in the assessment of resource consent approvals.[27] She considers that it is not clear how or if this distinction has been made by DOC, as heavy reliance is placed on the framework set out in planning instruments under the RMA by its technical experts.[28]

Treaty of Waitangi matters

39. Comments addressing Treaty of Waitangi matters have been received from Te Rūnanga o Ngāi Tahu (**Te Rūnanga**), Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, Te Ao Marama Incorporated and Aukaha (1997) Limited (collectively, **Kā Rūnaka**) and the Minister for Māori Crown Relations and Māori Development.

40. Kā Rūnaka submits that the Project should be declined as it would affect the practical exercise of rights, relationships and responsibilities recognised through the Kāi Tahu Settlement under the Ngāi Tahu Claims Settlement Act 1998 (**Settlement Act**) and associated Deed of Settlement (**Settlement**).[29]

41. Comments from Te Rūnanga support Kā Rūnaka and address relevant matters in the Settlement Act for the Expert Panel's information.[30]

[26] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [15].
[27] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [15].
[28] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [15].
[29] Kā Rūnaka, Comments, 27 October 2026 at [4] and [7].
[30] Te Rūnanga o Ngāi Tahu, Comments, 27 October 2026 at [1.2].

42. The Minister for Māori Crown Relations and Māori Development's comments encourage the Expert Panel to ensure its decision and any associated approvals are consistent with the Settlement Act.[31]

43. NZSki acknowledges that Kā Rūnaka holds enduring rakatirataka over the Project Area and the wider Remarkables. NZSki has carefully considered the submissions and evidence of Kā Rūnaka and proposes a mana whenua advisory group to enable Kā Rūnaka to exercise its rakatirataka over the Project Area. To be clear, the Project Area is a skifield in the northern reaches of the Remarkables; it does not cover the entire mauka. For the reasons that follow, we submit that the Project is consistent with Section 4 of the Conservation Act 1987 (**Conservation Act**) and relevant Treaty settlement obligations in accordance with Section 7 of the FTA.

44. NZSki's engagement with Kāi Tahu in relation to the management of the skifield area of the mauka began in April 2021, well before any option selection. NZSki has continued to seek the input of, and consultation with, Kā Rūnaka since that time. NZSki proposes a mana whenua advisory group to ensure Kā Rūnaka can continue to exercise rakatirataka over the Project Area. Acknowledging that the Project Area is on public land, this is a mechanism to ensure that Kā Rūnaka can exercise rakatirataka ki uta ki tai alongside the Crown for the Remarkables more broadly. We address cultural and environmental effects of the Project raised by Kā Rūnaka further in these submissions at paragraphs 137 to 148.

45. We submit that there are three key legal issues raised by Kā Rūnaka in relation to Treaty of Waitangi and Treaty Settlement matters:

    (a) The application of Section 4 of the Conservation Act to the Project. We agree that Section 4 applies and accept the submissions of Kā Rūnaka regarding the relevant principles of the Treaty of Waitangi. We discuss Kā Rūnaka's subsequent analysis and submit that the Project is consistent with Section 4.

    (b) Adequacy of consultation and engagement. We submit that NZSki has made substantial efforts to engage. NZSki remains committed to meaningful engagement with Kā Rūnaka through the proposed mana whenua advisory group.

    (c) Consistency with Section 7 of the FTA. We say that the Project is consistent with Section 7 as NZSki has not breached any provisions of the Settlement Act and continues to recognise Kā Rūnaka as the tangata whenua of, and as holding rakatirataka over, the Project Area.[32]

[31] Minister for Māori Crown Relations and Māori Development, Comments, 21 October 2026.
[32] Ngāi Tahu Claims Settlement Act 1998, Part 1.

Section 4 of the Conservation Act 1987

46. Kā Rūnaka submits that Section 4 of the Conservation Act, which obliges decision makers to give effect to the principles of the Treaty of Waitangi, must not be displaced, overridden, or diminished by the FTA conservation approval pathway.[33] Kā Rūnaka submits that in the absence of clear language in the FTA otherwise, Section 4 applies.[34]

47. We agree that Section 4 applies to the Project and defer to the submission of Kā Rūnaka that the Treaty principles which are engaged are rakatirataka, partnership, reciprocity, mutual benefit, a duty to make an informed decision and active protection.[35] However, we submit that granting the Project would be consistent with Section 4.

48. Of these principles, rakatirataka is emphasised in the evidence for Kā Rūnaka. Mr Edward Ellison's evidence is that the conservation redress negotiated through the Kāi Tahu Settlement was directed particularly to mana, customary use and access/management influence over public conservation land, with those mechanisms predicated on Kāi Tahu retaining meaningful opportunities to exercise rakatirataka in the management of land that was not returned through the Settlement.[36]

49. Kā Rūnaka submits that rakatirataka requires a number of procedural elements for engagement and that it is questionable whether NZSki has given meaningful effect to these elements.[37] Kā Rūnaka also submits that a concession term of 40 years is inconsistent with rakatirataka.[38]

50. In *Te Korowai o Ngāruahine Trust v Hiringa Energy Ltd* the Court emphasised that giving effect to Treaty principles does not provide iwi with a right of veto but does require genuine engagement and consideration.[39]

51. NZSki understands that Kā Rūnaka has raised, in particular, matters of procedure and the need for meaningful opportunities to exercise rakatirataka in the management of land in relation to Section 4.

52. As outlined in more detail at paragraphs 57 to 67 below, NZSki has continued to seek engagement with Kāi Tahu and Kā Rūnaka since 2021 regarding its skifield

[33] Kā Rūnaka, Comments, 27 October 2026 at [32].
[34] Kā Rūnaka, Comments, 27 October 2026 at [47].
[35] Kā Rūnaka, Comments, 27 October 2026 at [7(b)].
[36] Statement of Evidence of Edward Ellison, 27 October 2026.
[37] Kā Rūnaka, Comments, 27 October 2026 at [86(k)].
[38] Kā Rūnaka, Comments, 27 October 2026 at [51].
[39] *Te Korowai o Ngāruahine Trust v Hiringa Energy Ltd* [2022] NZHC 2810, (2022) 24 ELRNZ 269 at [157] and [271].

activities in the northern section of the Remarkables mauka to ensure the exercise of rakatirataka.

53. To address the concerns of Kā Rūnaka and to ensure that Kā Rūnaka can continue to exercise rakatirataka, NZSki proposes a mana whenua advisory group in relation to the ski field for the activities that NZSki undertakes and to achieve its responsibilities under its lease. NZSki acknowledges that it does not own the land and that it cannot be kaitiaki as it is not mana whenua. However, as outlined by Mr Anderson, NZSki aspires to the principle of kaitiakitaka and seeks the direction of mana whenua on how to support them in this responsibility.[40] While NZSki's role as concessionaire is limited to the management of the ski field, we submit that the mana whenua advisory group will also ensure the exercise of rakatirataka by Kā Rūnaka alongside the Crown's obligations in relation to the wider Remarkables mauka.

54. This approach aligns with the Supreme Court's findings in *Ngāi Tai Ki Tāmaki Tribal Trust v Minister of Conservation*, that the obligation in Section 4 goes beyond procedural consultation and may require substantive outcomes for iwi, such as enabling iwi or hapū to reconnect with their ancestral lands through opportunities on the conservation estate.[41]

55. We submit that the mana whenua advisory group will ensure that the rakatirataka of Kā Rūnaka is provided for throughout the duration of the proposed concessions, which, as Kā Rūnaka acknowledges, do not trigger a right of first refusal as the term is less than 50 years.

56. This situation before the Panel is not dissimilar to the Rastus Burn concession which was recently granted by DOC for 38 years under the Conservation Act, as outlined in more detail below at paragraph 87.

Consultation and engagement

57. Kā Rūnaka considers that the engagement process undertaken has not enabled it to participate effectively.[42]

58. We submit that NZSki has made substantial efforts to engage as set out in Mr Anderson's evidence. NZSki acknowledges the concerns raised in the comments of Kā Rūnaka and emphasises that it seeks to provide for meaningful involvement of Kā Rūnaka in the Project through the mana whenua advisory group.

[40] Statement of Evidence of Paul Anderson, 3 November 2026 at [135].
[41] *Ngāi Tai Ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122, [2019] 1 NZLR 368 at [52]-[54].
[42] Kā Rūnaka, Comments, 27 October 2026 at [80]-[81].

59. Kā Rūnaka raises the principles for consultation set out in *Land Air Water Association v Waikato Regional Council*[43] applied under the FTA in *Ngāti Kuku Hapū Trust v Environmental Protection Agency*.[44] We consider that these principles for consultation can be broadly relevant but we highlight that the High Court's comments in *Ngāti Kuku Hapū Trust v Environmental Protection Agency* were made in the context of the previous version of Section 29 of the FTA which required pre-lodgement consultation with iwi. The Fast-track Approvals Amendment Act 2025 has since amended Section 29 to require only notification of, rather than consultation with, iwi groups.[45]

60. In response to evidence for Kā Rūnaka, Mr Anderson has outlined why focusing only on the period after a formally mandated representative for Kā Rūnaka was appointed in relation to the FTA process gives an incomplete picture of NZSki's engagement and the purpose behind it.[46]

61. Engagement regarding a skifield expansion into the Doolans Basin began in April 2021, more than three years before the Project entered the FTA process.[47] NZSki repeatedly sought advice from Kāi Tahu about who to engage with, followed the pathways given, sought cultural input before plans were developed, hosted hui at Kawarau and asked for cultural values advice.[48]

62. Mr Anderson's evidence is that NZSki sought to build an enduring relationship and understanding of te Ao Māori in the long term management of the skifield area of the mauka rather than to fulfil any consultation requirements for the purposes of the Project.[49] NZSki continues to seek this relationship regardless of the Project.[50]

63. Mr Anderson outlines continued efforts to engage with Kā Rūnaka in the development of the Project then following the listing of the Project in the FTA including through hui and requests for guidance on cultural values. His evidence is that NZSki sought opportunities for mana whenua perspectives to influence the Project.[51]

64. In relation to disagreement over resourcing and the termination of the process agreement, Mr Anderson emphasises that NZSki's attempt to negotiate an efficient and cost-effective process should not be characterised as a lack of commitment to

[43] *Land Air Water Association v Waikato Regional Council* ENC Auckland A110/01, 23 October 2001, [2001] ELHNZ 428.
[44] Kā Rūnaka, Comments, 27 October 2026 at [83] citing *Ngāti Kuku Hapū Trust v Environmental Protection Agency* [2025] NZHC 2046, (2025) 26 ELRNZ 1033
[45] Fast-track Approvals Amendment Act 2025, Section 2(2).
[46] Statement of Evidence of Paul Anderson, 3 November 2026 at [56].
[47] Statement of Evidence of Paul Anderson, 3 November 2026 at [56].
[48] Statement of Evidence of Paul Anderson, 3 November 2026 at [56].
[49] Statement of Evidence of Paul Anderson, 3 November 2026 at [56].
[50] Statement of Evidence of Paul Anderson, 3 November 2026 at [58].
[51] Statement of Evidence of Paul Anderson, 3 November 2026 at [53]-[92].

meaningful engagement, particularly considering the history of engagement dating back to 2021.[52] Despite the termination of the process agreement by Kā Rūnaka, NZSki continued to seek engagement including post-lodgement.[53]

65. NZSki has proposed a mana whenua advisory group to extend beyond the Project and provide guidance over its longer term conservation activities within the skifield area.[54]

66. The intended role of the mana whenua advisory group includes ongoing engagement with Papatipu Rūnaka, mana whenua involvement in project delivery, feedback on management plans and the biodiversity compensation project, and mechanisms for engagement extending into NZSki's wider operation of the skifield and related infrastructure.[55] This has been incorporated into the proposed conditions.

67. Mr Anderson confirms that NZSki remains committed to engagement with Kā Rūnaka concerning all aspects of NZSki's operations and plans at the Remarkables Skifield.

Section 7 of the Fast-track Approvals Act 2024

68. Overall, Kā Rūnaka submits that the Project is inconsistent with Section 7 of the FTA. Kā Rūnaka considers that consistency with the Settlement in accordance with Section 7 of the FTA requires attention not only to whether formal Settlement mechanisms remain legally intact but to whether the Project would materially constrain the relationships, authority, access and intergenerational responsibilities that those mechanisms were intended to recognise and support.[56]

69. We do not agree that the matters raised by Kā Rūnaka can amount to an inconsistency with Section 7.

70. Section 7 requires all persons performing and exercising functions, powers and duties under the FTA to act in a manner consistent with obligations arising under relevant Treaty settlements. Section 85 provides that the Expert Panel must decline an application if approving it would breach Section 7. However, Section 84 allows an Expert Panel to set conditions to protect a relevant Treaty settlement. As a result, an application must be declined only where conditions cannot ensure that the Settlement is protected.

[52] Statement of Evidence of Paul Anderson, 3 November 2026 at [95].
[53] Statement of Evidence of Paul Anderson, 3 November 2026 at [96].
[54] Statement of Evidence of Paul Anderson, 3 November 2026 at [101].

[56]

71. Section 7 is deliberately limited to Treaty settlements and not Treaty principles more generally. The drafting represents an intentional departure from other legislation.[57] This has been recognised by the High Court in *Ngāti Kuku Hapū Trust v Environmental Protection Agency*.[58] Relatedly, the Court also found that references to tikaka in the FTA are limited to procedure for conducting a hearing.[59]

72. The focus of Section 7 of the FTA is therefore on ensuring compliance with express obligations arising under existing Treaty settlements. In our view, this captures only those obligations that are expressly set out in the Treaty settlements and that apply to all parties, rather than the broader matters involved in supporting iwi with issues arising from their settlement with the Crown.

73. NZSki recognises that the Project Area is within the Whakatipu-Kawarau Landscape and that the association of Kāi Tahu with the area is recognised in the Settlement Act.[60] However, the Project Area is not covered by the very specific cultural redress mechanism under the Settlement Act:

    (a) The Project Area is not within a statutory acknowledgement area. The nearest statutory acknowledgement area to the Project Area is Whakatipu-wai-māori (Lake Wakatipu).

    (b) There are no tōpuni areas relevant to the Project Area.

    (c) The Project Area is not identified as within a nohoanga area with the nearest nohoanga area being Wye Creek.

74. For completeness, the Settlement Act removes tributaries from statutory acknowledgements under the Settlement Act. The Settlement Act's definition of *"river"* excludes *"any tributary flowing into a river".*[61] For lakes, the Settlement Act's definition excludes *"any river or watercourse, artificial or otherwise, draining into or out of that lake".*[62]

75. We acknowledge that the Settlement Act confirms rakatirataka in the apology. The Crown acknowledges that Kāi Tahu holds rakatirataka within the Kāi Tahu takiwā. It is important though that there are no other provisions within the Settlement Act that discuss rakatirataka or obligations in relation to rakatirataka.

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[57] Fast-track Approvals Bill, as reported from the Environment Committee, page 26 and (10 December 2024), 780 NZPD, Hon Chris Bishop.
[58] *Ngāti Kuku Hapū Trust v Environmental Protection Agency* [2025] NZHC 2046 at [46].
[59] *Ngāti Kuku Hapū Trust v Environmental Protection Agency* [2025] NZHC 2046 at [46].
[60] Te Rūnanga o Ngāi Tahu, Comments, 27 October 2026 at [3.3]-[3.8].
[61] Ngāi Tahu Claims Settlement Act 1998, Section 205(1).
[62] Ngāi Tahu Claims Settlement Act 1998, Section 205(1).

76. The statements made within the apology do not extend to imposing obligations on third parties, such as NZSki or the Expert Panel as the submissions of Kā Rūnaka suggest. This is because the language used in the apology of the Settlement Act regarding rakatirataka is one of recognition and historical acknowledgement, rather than a source of specific operative duties imposing any actions to be taken by NZSki or the Expert Panel.

77. In this context, although the Settlement Act is relevant, unless there are clear breaches of express and tangible provisions such as statutory acknowledgements, it is not directive of any outcome.

78. The Project therefore does not breach Section 7.

Conclusion on Treaty of Waitangi matters

79. NZSki acknowledges the submissions and evidence of Kā Rūnaka. NZSki seeks to address the concerns of Kā Rūnaka through the mana whenua advisory group to ensure that rakatirataka can continue to be exercised within the Project Area.

80. We submit that the Project provides for Section 4 of the Conservation Act and is consistent with the relevant Treaty settlement obligations. The Project is therefore consistent with Section 7 of the FTA and there is no legal basis to decline approvals for the Project on the basis of a breach of Section 7.

Concessions

Doolans Concession

81. DOC and the New Zealand Conservation Authority (**NZCA**) consider that the proposed concession for activities associated with the expansion of the ski area into the Doolans Basin (**Doolans Concession**) is inconsistent with the conservation purpose for which the Remarkables Conservation Area is held, which requires preservation and protection of natural and historic resources, and key provisions of the Otago Conservation Management Strategy (**CMS**).[63]

82. We disagree and submit that it is appropriate to grant the Doolans Concession as the FTA test is met. The FTA creates an alternative, streamlined pathway for obtaining a concession that would otherwise be applied for under Part 3B of the Conservation Act. The Legal Overview provides the relevant statutory tests for the grant of a concession at paragraphs 7 to 11 of Appendix C.

[63] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [28] and New Zealand Conservation Authority, Comments, 27 October 2026 at page 5.

83. We submit that the FTA test is met for the following reasons noting that the criteria for assessing concession approvals are not standalone tests but form part of an integrated statutory assessment:[64]

(a) The Doolans Concession is consistent with the conservation purpose for which the land is held as it will only affect a small part of the wider Conservation Area, preserving natural resources. The Project Area in the Doolans Basin represents less than 1% of the Remarkables Conservation Area.[65] In relation to historic resources, Dr Cropper's evidence is that no heritage sites have been identified in the Project Area and that heritage sites are unlikely to be encountered during Project works.[66] Ms O'Sullivan's evidence is that stewardship land is not subject to an absolute preservation standard and that management decisions may appropriately balance protection with other legitimate outcomes, including public use and enjoyment.[67] She considers that DOC's position and interpretation of the purpose of the land does not align with many examples of ski field development and expansions which have been authorised through conventional concession processes on conservation land including stewardship land and land with higher conservation statuses.[68]

(b) A range of alternative expansion options were considered for the Project and no alternative location outside the Doolans Basin was identified that would be both operationally and commercially feasible while meeting the requirements of the proposed expansion.[69] Alternatives to the use of Tarn 3 for a water reservoir were also carefully considered but were not pursued due to the level of adverse effects.[70] Regarding effects on wetlands and waterbodies more generally, the main ski trail and access road alignment sought to avoid such features in the first instance, and then to minimise the crossing widths.[71]

(c) The effects of the proposed concession including vegetation clearance are addressed through effects management measures discussed below at paragraphs 184 to 186.

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[64] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [21].
[65] A.17 Substantive Application Report Section 10.
[66] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [21] and [23].
[67] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [34].
[68] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [36].
[69] A-21 Effects Management and Compensation Overview Addendum at Appendix A, Statement of Evidence of Louise McQuillan, 3 November 2026 at [25]-[42] and Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at [24].
[70] A-21 Effects Management and Compensation Overview Addendum at Appendix A, Statement of Evidence of Louise McQuillan, 3 November 2026 at [43]-[60] and Statement of Evidence of Alexandra Badenhop, 3 November 2026 at [19]-[22].
[71] Statement of Evidence of Louise McQuillan, 3 November 2026 at [34] and Statement of Evidence of Mark Hamer, 3 November 2026 at [10]-[17.

(d) In relation to consistency with the CMS, Ms O'Sullivan has provided a more detailed assessment of the Project against individual provisions of the CMS in her evidence.[72] We highlight that Policy 2.3.22 expressly anticipates further development or expansion of the Remarkables Ski Field, except in the upper Wye Creek valley.

(e) The Project will also enable more people to access, use and enjoy the Doolans Basin for recreational purposes noting that part of the proposed concession area is located within the Rastus Burn Recreation Reserve.[73]

84. NZCA considers the expansion should only proceed if it meets principles it considers represent best practice for ski field development on public conservation land.[74] These include *"one ski area", "one groomed trail"* and *"care for the whole catchment"*. [75]

85. It is unclear how NZCA has formed these principles which it considers must be met for the Project to proceed.[76] We submit that these principles should therefore be afforded little weight in decision making. We submit that NZCA's associated requests for pest management for public conservation land in the entire catchment and an annual summer clean of the entire area should also be treated with the same caution.[77]

Term of concessions

86. In addition to comments regarding rakatirataka, which we address above at paragraphs 46 to 56, Kā Rūnaka submits that the circumstances are not *"exceptional"* to justify the proposed duration of 40 years for the concessions sought.[78]

87. NZSki has accepted DOC's amendment of the proposed concession term to 37 years to align with the existing Rastus Burn concession which was granted for 38 years and expires on 30 November 2063.[79] This will provide a common end date for NZSki's activities across the existing and proposed ski area.[80] In its decision on the Rastus Burn concession, DOC found that the concession including the 38 year term was consistent with Section 4 as there are no Statutory Acknowledgements relevant

[72] Statement of Evidence of Kirsty O'Sullivan, 3 November 2026 at Appendix 1.
[73] A.17 Substantive Application Report Section 10.
[74] New Zealand Conservation Authority, Comments, 27 October 2026 at pages 6-7.
[75] New Zealand Conservation Authority, Comments, 27 October 2026 at pages 6-7.
[76] New Zealand Conservation Authority, Comments, 27 October 2026 at page 9.
[77] New Zealand Conservation Authority, Comments, 27 October 2026 at page 7.
[78] Kā Rūnaka, Comments, 27 October 2026 at [57].
[79] Statement of Evidence of Paul Anderson, 3 November 2026 at [129].
[80] Statement of Evidence of Paul Anderson, 3 November 2026 at [129].

to the site and proposed conditions would uphold Treaty principles.[81] DOC found that the concession could be granted in accordance with the Conservation Act framework despite opposition from Te Rūnanga in relation to the term and the overall application itself.[82]

88. Section 17Z of the Conservation Act provides that a lease or licence may be granted for a term not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.[83]

89. We submit that the 37 year term is appropriate in accordance with Section 17Z as:[84]

    (a) The Project requires a significant investment as well as time to establish ski activities including fixed alpine assets in the Doolans Basin in accordance with Mr Anderson's evidence.

    (b) The Project provides for longevity of the ski field.

    (c) The technical assessments supporting this application demonstrate that the effects of the Project can be appropriately managed.

90. This is consistent with the Expert Panel's decision for the Waitaha Hydro Scheme project which found there to be exceptional circumstances for a concession term of 49 years due to the scale of investment, the long construction period required and the long term nature of the infrastructure.[85]

Precedent effects

91. OCB's comments state that it is concerned about the potential precedent effect of approving substantial expansion into previously undeveloped conservation land.[86]

92. NZCA states that any approval should be confined to the footprint and activities applied for, so that the Doolans Basin does not become a beachhead for future development and that any expansion or change of use should require a separate full assessment.[87]

93. We submit that a precedent issue does not arise here.

[81] Department of Conservation, Complex Conservation Act Recommendation and Decision Report, Concession 96118-SKI, 18 December 2025 at [53]-[59].
[82] Department of Conservation, Complex Conservation Act Recommendation and Decision Report, Concession 96118-SKI, 18 December 2025 at page 16.
[83] Relevant under Fast-track Approvals Act 2024, Schedule 6, Clause 12.
[84] Statement of Evidence of Paul Anderson, 3 November 2026 at [132].
[85] Record of Decision of the Expert Panel, Waitaha Hydro Scheme, 17 April 2026 at [980].
[86] Otago Conservation Board, Comments, 27 October 2026 at page 4.
[87] New Zealand Conservation Authority, Comments, 27 October 2026 at page 6.

94. Precedent effects are a relevant consideration under Section 104(1)(c) of the RMA (which is relevant under Clause 17 of Schedule 5 of the FTA) and may weigh against the granting of consent.[88] They are not an effect on the environment but rather a concern about the effect or influence that allowing an activity might have on the consideration of subsequent applications for the same or similar activities.

95. The Courts have been reluctant to consider precedent effects. The Environment Court has stated that generally the outcome of future applications would depend on the evidence before the Court at that time measured against the relevant assessment criteria.[89] On this basis, the granting of a consent has no precedent effect in the strict sense as applications are required to be considered in relation to the policies of the relevant plan, their effects and the receiving environment.[90]

96. The circumstances of the Project and Project Area are unique and each FTA application must be considered on its own merits. Here, the Project is an expansion of only one of two major ski areas in the Queenstown area – it is not an unexpected or greenfield proposal.

97. Decisions made under the FTA, although relevant for discussion of legal issues and matters of interpretation, cannot be considered binding precedents for subsequent Expert Panels or for decision making under other legislation.

98. In relation to NZCA's submission that any future expansion or change of use should require a separate full assessment,[91] we submit that the Expert Panel's role is to assess the application before it, not to consider implications or effects of hypothetical future scenarios that do not form part of the proposed Project.[92] The scope of the Project before the Expert Panel is defined by the application. Any future proposal to undertake activities beyond what is set out in the application before the Expert Panel, including any necessary variations to the approvals currently sought, would require separate assessment and approval through the relevant statutory processes.

Scope

99. Comments from QMG and NZCA support the proposed upgrades of existing infrastructure but oppose the expansion into the Doolans Basin.[93] QMG's comments

[88] *Dye v Auckland Regional Council* [2002] 1 NZLR 337 (CA); *Feron v Central Otago District Council* NZEnvC C075/09 at [49].
[89] *Progressive Enterprises v North Shore City Council* [2008] ELHNZ 465 at [81]-[82].
[90] *Dye v Auckland Regional Council* [2002] 1 NZLR 337 at [32].
[91] New Zealand Conservation Authority, Comments, 27 October 2026 at page 6.
[92] *Auckland City Council v Auckland Regional Council* [1999] NZRMA 145.
[93] Queenstown Mountain Guides, Comments, 9 October 2026 at [1] and [9] and New Zealand Conservation Authority, Comments, 27 October 2026 at page 5.

in particular seek that the Expert Panel consider the proposed upgrades to existing infrastructure separately.[94]

100. We submit that the Project cannot be separated in this way as doing so would raise scope concerns and affect the requirement for the Project to provide significant regional benefits under the FTA test for approval.

Removal of infrastructure

101. QMG seeks a financial bond or equivalent to fund full removal and rehabilitation of infrastructure should the ski field become unviable at no cost to the public.[95]

102. NZCA considers that given the projected effects of climate change on snow in the Queenstown Lakes mountains, any approval must also assume that infrastructure will one day need to be removed and must be designed and secured on that basis.[96]

103. This matter is addressed in the proposed concession conditions which include a make good clause for removal of structures and facilities on termination or expiry of the concessions.[97] This is consistent with existing concession for the Remarkables Ski Area.[98]

104. Regarding the end of term rehabilitation provisions in the concessions, NZSki and DOC have mutually agreed that the preferred mechanism is to impose a parent company guarantee to ensure these obligations are met. Mr Anderson's evidence is that a bond is not an effective mechanism in this case as it absorbs significant short-term capital and is highly unlikely to be sufficient to cover long-term obligations due to inflationary erosion over time.[99]

KEY FEEDBACK TOPICS AND RESPONSE

Positive feedback

105. Comments supporting the Project have been received from QTN Farm Limited, Remarkables Park Stud Farm Limited and Government ministers.

106. QTN Farm Limited and Remarkables Park Stud Farm Limited state they strongly support the Project as it will:[100]

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[94] Queenstown Mountain Guides, Section 53 Comments, 9 October 2026 at [1] and [9].
[95] Queenstown Mountain Guides, Section 53 Comments, 9 October 2026 at [9].
[96] New Zealand Conservation Authority, Comments, 27 October 2026 at page 5.
[97] H.03 Concession Doolans Expansion, Schedule 3, Clause 102 and Schedule 4.2, H.03A Concession Doolans Expansion, Schedule 3, Clause 102 and Schedule 4.2, H.04 Concession for Base Building, Carpark, Wastewater Facility, Generator and Substation, Schedule 3, Clause 61 and Schedule 4.2. and H.05 Concession Variation, Schedule 3, Clause 94 and Schedule 4.3.
[98] Concession 96118-SKI, 19 December 2025, Schedule 3, Clause 94 and Schedule 4.3.
[99] Statement of Evidence of Paul Anderson, 3 November 2026 at [136].
[100] QTN Farm Limited and Remarkables Park Stud Farm Limited, Comments, 27 October 2026 at page 1.

(a) expand ski field capacity in Queenstown;

(b) future proof the ski field against climate change;

(c) create a world class alpine sports destination;

(d) support Queenstown and New Zealand's economy; and

(e) the Doolans field provides an excellent variety of terrain.

107. The Minister for Infrastructure expresses broad support for the Project.[101]

108. The Minister for Economic Growth's comments state that the Project is likely to deliver significant regional economic benefits principally through increased tourism activity and the scale of the proposed investment.[102]

109. The Minister for the South Island's comments state that the Project represents a significant investment in tourism infrastructure and is expected to provide substantial economic benefits for Queenstown, Otago and the wider South Island through increased visitor spending, employment opportunities and regional economic activity.[103] He considers the Project is likely to deliver significant regional economic value.[104]

110. The Minister for Hunting and Fishing welcomes the Recreation Users Group (**RUG**) proposal and emphasises the importance of working closely with recreational users to maintain practical public access and ensure opportunities to facilitate access into the wider Remarkables/Hector mountains conservation area are fully considered.[105]

111. The Minister of Climate Change expresses broad support for projects that consider improved climate adaptation and mitigation outcomes for New Zealand.[106] The Minister also recognises the importance of adaptation to climate change in the Project in that it has considered the future needs of the broader ski field.[107]

112. We note that QLDC also supports the Project in principle.[108]

113. These comments are acknowledged and supported.

[101] Hon Chris Bishop, Section 53 Comments, 9 October 2026.
[102] Hon Nicola Willis, Section 53 Comments, 12 October 2026.
[103] Hon James Meager, Comments, 22 October 2026 at page 1.
[104] Hon James Meager, Comments, 22 October 2026 at page 1.
[105] Hon James Meager, Comments, 22 October 2026 at page 2.
[106] Hon Simon Watts, Comments, 13 October 2026.
[107] Hon Simon Watts, Comments, 13 October 2026.
[108] Queenstown Lakes District Council, Comments, 27 October 2026 at [2.4].

Economic

114. CODC, QLDC, ORC, DOC, OCB, Government ministers, QTN Farm Limited and Remarkables Park Stud Farm Limited agree that the Project will generate significant regional benefits.

115. Despite this broad consensus, some commenters raise concerns and seek clarification on various points. Dr Meade in particular has prepared a series of questions he considers are required to test the economic benefits of the Project.[109]

116. Mr Patterson has comprehensively assessed economic effects of the Project in his Economic Assessment and has responded to all concerns and questions raised by commenters in his evidence. We submit that his evidence provides further certainty that the Project will generate significant regional benefits.

117. Mr Patterson's responses to issues and questions raised are summarised as follows.

Traffic costs

118. QLDC, CODC and Kā Rūnaka raise concerns that the Project could generate additional traffic and that this traffic could then create delays and costs for other road users.

119. Mr Patterson expresses caution in interpreting the monetisation of the figures in QLDC's transport report before congestion effects have been settled between transport engineers to avoid overstating the monetisation of delays.[110] This caution is justified as Mr Rossiter considers the figures are unrealistic because any increase in visitor numbers as a result of the Project will not occur until 2030 and the calculation of delays is based on the existing temporary traffic management arrangements, the continued use of which New Zealand Transport Agency Waka Kotahi (**NZTA**) has indicated it does not support.[111]

120. Even if the figures were accepted Mr Patterson finds that they are very small in the context of the Project as acknowledged by QLDC's economist Mr Williamson.[112] The highest figure of $2.22 million a year compares with the Project's additional GDP of between $55 million and $82 million a year across Otago by 2035, and between $50.7 million and $75.5 million a year in Queenstown Lakes.[113] Mr Patterson concludes that netting the congestion cost off the benefits would not change his

[109] Statement of Evidence of Dr Richard Meade, 27 October 2026 at Appendix A.
[110] Statement of Evidence of Benje Patterson, 3 November 2026 at [48].
[111] Statement of Evidence of Chris Rossiter, 3 November 2026 at [44].
[112] Statement of Evidence of Benje Patterson, 3 November 2026 at [48] and Queenstown Lakes District Council, Comments, 27 October 2026, Appendix 3 – Economics at [31] and [33].
[113] Statement of Evidence of Benje Patterson, 3 November 2026 at [48].

conclusion on the significance of the Project's economic benefits, noting that Ms Hampson for CODC and ORC considers that any potential road congestion from tourism growth is a wider policy issue rather than something the Project itself should mitigate.[114]

Costs of growth

121. In addition to traffic, comments also raise concerns regarding other costs of growth.[115]

122. Mr Patterson's evidence is that the Project will not contribute to existing housing or employment issues in the area.[116] Mr Patterson accepts that the wider pressures of visitor growth are real but he agrees with Ms Hampson that managing indirect tourism externalities should be considered as a wider policy issue for the Government rather than the Project.[117]

123. In relation to environmental and cultural effects, Mr Patterson confirms that these are not monetised in the Economic Assessment as these effects rely on intangible factors that do not readily have market values.[118] Mr Patterson warns that attempting to monetise qualitative effects risks trivialising them.[119]

124. This approach aligns with the Expert Panel's decision in Waihi North which found that:[120]

    (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).

125. This was adopted by the Southland Wind Farm Panel which held that *"a qualitative analysis of adverse impacts is available where they cannot readily be expressed in money terms".*[121] The Expert Panel found there could be *"no criticism"* of the applicant for that project for not having presented a bespoke monetary assessment

[114] Central Otago District Council, Comments, 27 October 2026, Appendix E – Economics at [31] and [34].
[115] Central Otago District Council and Kā Rūnaka.
[116] Statement of Evidence of Benje Patterson, 3 November 2026 at [56] and [59].
[117] Statement of Evidence of Benje Patterson, 3 November 2026 at [60] and Central Otago District Council, Comments, 27 October 2026, Appendix E – Economics at [31].
[118] Statement of Evidence of Benje Patterson, 3 November 2026 at [61].
[119] Statement of Evidence of Benje Patterson, 3 November 2026 at [61].
[120] *Record of Decision of the Expert Panel*, Waihi North, 18 December 2025, Part E, at [786].
[121] *Record of Decision of the Expert Panel*, Southland Wind Farm, 2 April 2026, at [842]-[845].

of adverse impacts, and that a *"qualitative analysis by the relevant experts is sufficient for us to make an informed decision as to whether any adverse impacts are out of proportion with the regional or national benefits".*[122]

126. The proportionality requirement in the FTA specifies an assessment structure that requires a whole of economy perspective and provides Expert Panels with discretion to weigh a broad spectrum of impacts and benefits many of which do not lend themselves to monetisation or quantification.

127. There is also a risk that if impacts are monetised they will be double counted under the FTA assessment structure.

128. For these reasons, Mr Patterson's approach provides an appropriate assessment for the broad, qualitative weighing of benefits against adverse impacts that the FTA requires.

Net benefits

129. In response to QLDC[123] and Kā Rūnaka,[124] Mr Patterson confirms that net benefits have been considered in the Economic Assessment in both senses of the term. Modelled effects net of what would have occurred regardless of the Project were included in considering the counterfactual.[125] The Economic Assessment also considered the direct economic costs that would conventionally be netted off in an assessment of this kind, being the displacement of other recreational tourist spending and the loss of existing economic uses of the land on which the Project sits, finding that neither was measurable.[126] Ms Hampson agrees.[127]

Growth and demand

130. Responding to comments on whether the growth in skier days attributed to the Project would be additional to what would otherwise occur and whether this growth could be accommodated elsewhere,[128] the Economic Assessment addressed the market demand analysis that underpinned growth scenarios as well as the counterfactual.[129] The Economic Assessment found that in a high growth scenario, the Project would capture 60% of the potential growth, being 350,000 skier days over the next decade, and in a low growth scenario the Project would capture 40%

[122] *Record of Decision of the Expert Panel*, Southland Wind Farm, 2 April 2026, at [848].
[123] Queenstown Lakes District Council, Comments, 27 October 2026 at [5].
[124] Statement of Evidence of Dr Richard Meade, 27 October 2026 at Appendix A.
[125] Statement of Evidence of Benje Patterson, 3 November 2026 at [25].
[126] B.01 Economic Assessment at [2.1] and Statement of Evidence of Benje Patterson, 3 November 2026 at [26].
[127] Central Otago District Council, Comments, 27 October 2026, Appendix E – Economic at [7]
[128] Central Otago District Council, Kā Rūnaka and Queenstown Mountain Guides.
[129] Statement of Evidence of Benje Patterson, 3 November 2026 at [31] and B.01 Economic Assessment at [7].

with Cardrona, the only other confirmed large scale ski area expansion competing strongly and other fields absorbing up to 20%.[130] Ms Hampson confirms these scenarios are appropriate.[131] Mr Patterson further identifies that the level of growth estimated cannot be reliably absorbed by other ski fields without significant new investment to extend capacity.[132] Regarding Dr Meade's request for a comparison of 2035 with and without the Project, this was contained in the Economic Assessment.[133]

Climate change

131. In response to Dr Meade's request that demand assumptions be tested against climate change, Mr Patterson observes that:[134]

(a) improved climate resilience is part of the rationale for the Project;

(b) if other ski areas in New Zealand and Australia come to have more tenuous seasons, demand is likely to be pushed towards the Remarkables, which would strengthen rather than weaken the demand projections for the Remarkables and would increase the opportunity cost of not proceeding; and

(c) the economic modelling horizon is ten years, and the low growth scenario already provides a conservative case against which the Expert Panel can test the robustness of the benefits.

Other economic opportunities

132. Ms Hampson for CODC and ORC states that her conclusion that the Project will generate significant regional benefits is based not solely on the economic impacts discussed in the Economic Assessment but also on a broader perspective of some of the potential economic opportunities that the Project may unlock.[135] These include the important role the Remarkables Ski Field has in the New Zealand ski industry, ski fields being among the largest businesses operating in the district economy and more feasible opportunities to attract international ski events to New Zealand.[136]

[130] Statement of Evidence of Benje Patterson, 3 November 2026 at [31] and B.01 Economic Assessment at [7].
[131] Central Otago District Council, Comments, 27 October 2026, Appendix E – Economic at [11].
[132] Statement of Evidence of Benje Patterson, 3 November 2026 at [33].
[133] Statement of Evidence of Benje Patterson, 3 November 2026 at [32] and B.01 Economic Assessment at Tables 5, 6, 9 and 10.
[134] Statement of Evidence of Benje Patterson, 3 November 2026 at [37].
[135] Central Otago District Council, Comments, 27 October 2026 at pages 10-11.
[136] Central Otago District Council, Comments, 27 October 2026 at pages 10-11.

133. Mr Patterson agrees with these observations and considers they are consistent with his Economic Assessment but were not quantified in it.[137] In that sense, he considers that the Economic Assessment understates the full range of other types of economic benefits of the Project.[138]

Other matters

134. Regarding comments from CODC, ORC and Kā Rūnaka on the geographic scale of benefits, the Economic Assessment considered effects on the Queenstown Lakes district as well as the Otago region as a comparison. Mr Patterson concludes that the Project delivers significant regional economic benefits regardless of the region of interest.[139]

135. Experts for CODC and Kā Rūnaka raise the economic benefits of construction. Mr Patterson clarifies that construction economic benefits are one-off effects and the significance of the Project does not rest on them.[140] Any refinement of the construction estimate would therefore have a minor bearing on the overall assessment of the Project's economic benefits.[141]

136. QLDC, CODC and Kā Rūnaka raise the methods of attributing visitor spending in the Economic Assessment. Mr Patterson's evidence addresses individual points raised confirming that even taking into account an extreme case of calculation, the Project will deliver significant regional economic benefits.[142]

Cultural effects

137. Kā Rūnaka raises concerns in relation to the cultural effects of the Project including permanent effects on the spiritual and cultural integrity of Kawarau as a wāhi tīpuna, adverse effects on wairua, mauri and kaitiakitaka, reduced opportunities for cultural connection and intergenerational knowledge transfer and adverse effects on whānau ora, manaakitaka and rakatirataka within the wider Whakatipu basin.[143]

138. Kā Rūnaka submits that as the Project is located within a culturally significant and environmentally sensitive wāhi tīpuna landscape, a footprint-based assessment is inadequate as the Project's effects are not confined to the physical modification of the Doolans Basin.[144] Kā Rūnaka submits that these effects must be considered cumulatively.[145]

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[137] Statement of Evidence of Benje Patterson, 3 November 2026 at [22].
[138] Statement of Evidence of Benje Patterson, 3 November 2026 at [22].
[139] Statement of Evidence of Benje Patterson, 3 November 2026 at [66].
[140] Statement of Evidence of Benje Patterson, 3 November 2026 at [56].
[141] Statement of Evidence of Benje Patterson, 3 November 2026 at [56].
[142] Statement of Evidence of Benje Patterson, 3 November 2026 at [39]-[45].
[143] Kā Rūnaka, Comments, 27 October 2026 at [11(c)].
[144] Kā Rūnaka, Comments, 27 October 2026 at [69].
[145] Kā Rūnaka, Comments, 27 October 2026 at [70].

139. Mr Dale's evidence raises effects on taoka species recognised under the Settlement Act and that cultural effects on those species are properly assessed by mana whenua.[146]

140. NZSki accepts that it is only for mana whenua to determine and speak to the cultural effects of the Project. NZSki does not dispute the effects on the values identified by Kā Rūnaka.

141. However, we disagree with Kā Rūnaka that a footprint based assessment of effects is culturally and legally inadequate for the Project and that effects should be considered at a broader scale.[147]

142. Kā Rūnaka raises *Cloud Ocean Water Ltd v Aotearoa Water Action Inc* in support of its position.[148] In that case Aotearoa Water Action Inc argued that adverse effects on cultural values and tikanga arising from a water bottling activity should have been considered before notification of the consent application for that activity. The Supreme Court found that there were process failures which led to a lack of effective communication with Te Rūnanga, meaning that objectives of relevant planning documents had not been met.[149] However, the Court did not address this issue in any further detail.[150] We consider this does not provide authority that a footprint based assessment of effects is legally inadequate.

143. While NZSki acknowledges the concerns of Kā Rūnaka we also highlight the Environment Court's observations in *Northern Land Property v Thames-Coromandel District Council*. In that case, regarding natural character mapping, the Environment Court observed that the law cannot be applied on a basis that treats the environment, including all interests in it and all effects of people on it, as somehow unified.[151] The Court found that context is everything under the RMA which legislates for its purpose in extremely broad defined terms of *"environment"* and *"effect"* and that ignoring contextual distinctions and applying broad concepts without regard to them can lead to unworkable outcomes.[152]

144. Although experts for NZSki focused on proactively addressing potential effects which they understood could interact with cultural values in their assessments, they

[146] Kā Rūnaka, Comments, 27 October 2026 at [38].
[147] Kā Rūnaka, Comments, 27 October 2026 at [59]-[60].
[148] Kā Rūnaka, Comments, 27 October 2026 at [64].
[149] *Cloud Ocean Water Ltd v Aotearoa Water Action Inc* [2023] NZSC 153, (2023) 25 ELRNZ 409 at [81]-[85].
[150] *Cloud Ocean Water Ltd v Aotearoa Water Action Inc* [2023] NZSC 153, (2023) 25 ELRNZ 409 at [81]-[85].
[151] *Northern Land Property v Thames-Coromandel District Council* [2025] NZEnvC 036, (2025) 27 ELRNZ 231 upheld in *Preserve New Chum for Everyone Inc v Thames Coromandel District Council* [2025] NZHC 2688, (2025) 27 ELRNZ 231.
[152] *Northern Land Property v Thames-Coromandel District Council* [2025] NZEnvC 036, (2025) 27 ELRNZ 231 upheld in *Preserve New Chum for Everyone Inc v Thames Coromandel District Council* [2025] NZHC 2688, (2025) 27 ELRNZ 231.

recognise that their assessments have not applied a cultural values lens as only Kā Rūnaka can speak to this. The experts have recognised and acknowledged the concerns of Kā Rūnaka in their evidence. Applying the Kā Rūnaka evidence on cultural values to their relevant specialities, they confirm that they have considered and provided for the matters raised by Kā Rūnaka.

145. While we agree that cumulative as well as consequential effects may be relevant *"with limits of nexus and remoteness"*[153] the Court in *Beadle v Minister of Corrections* also found that the weight to be placed on them has to be case specific.[154] The downstream and consequential effects identified by Kā Rūnaka were addressed in the Substantive Application at a scale appropriate for the particular effect.[155]

146. In response to Mr Shane Ellison's concern regarding the use of generators in an emergency,[156] we highlight that no generators are proposed within the Doolans Basin. All emergency generators are located in the Rastus Burn at Carpark 3 and fuel for the generators will be sourced from existing fuel tanks.[157]

147. NZSki's position is that while it cannot assess cultural effects itself, that being the role of Kā Rūnaka, its technical experts have applied the evidence of Kā Rūnaka in relation to cultural values and confirm that concerns can be addressed and provided for through effects management actions. NZSki invites the input of Kā Rūnaka into the management of any residual effects on cultural values by way of the mana whenua advisory group. This mechanism will also enable Kā Rūnaka to exercise its rakatirataka duties in relation to taoka species in an ongoing and meaningful way.

148. We submit that this is consistent with the Settlement and note that the Settlement Act only provides that the Crown must consult with Kāi Tahu over management decisions in relation to taoka species.[158]

Ecology

149. Various commenters have raised ecological effects and proposed effects management.

150. NZSki has engaged a wide team of ecological experts across each speciality to ensure a full and thorough understanding of all ecology matters including:

(a) Dr Gary Bramley – Terrestrial Ecology;

(b) Liam Salemink-Waldren – Terrestrial Ecology;

[153] *Beadle v Minister of Corrections* ENC Wellington A74/02, 8 April 2002, [2002] ELHNZ 144 at [88].
[154] *Beadle v Minister of Corrections* ENC Wellington A74/02, 8 April 2002, [2002] ELHNZ 144 at [88].
[155] Kā Rūnaka, Comments, 27 October 2026 at [63]-[65].
[156] Statement of Evidence of Shane Ellison, 27 October 2026 at [40].
[157] A-10 Substantive Application Report, Section 3 – Project Description at [3.4.4.1].
[158] Ngāi Tahu Claims Settlement Act 1998, Section 289.

(c) Rebecca Teele – Terrestrial Ecology;

(d) Glenn Davis – Terrestrial Ecology;

(e) Carey Knox – Lizards;

(f) Trudy Anderson – Lizards;

(g) Dr Richard Allibone – Freshwater Ecology; and

(h) Mark Hamer – Freshwater Ecology.

151. The ecological experts have applied the effects management hierarchy to the Project and consider that the Project will result in residual adverse effects that cannot be fully avoided, minimised or remedied including:[159]

(a) direct loss or alteration of 13.46 hectares of indigenous vegetation;

(b) effects on avifauna, lizards and invertebrates;

(c) the loss of Tarn 3; and

(d) fragmentation of vegetation and wetlands.

152. Residual effects are addressed in detail by Dr Bramley.

Effects management

153. A general theme raised in comments is the adequacy of proposed ecological effects management measures. Generally, concerns relate to the application of the effects management hierarchy, consistency with the NPS-IB and NPS-FM and adequacy of compensation proposed.

154. Dr Bramley has undertaken a peer review of the Terrestrial Ecology Impact Assessment (**TEcIA**). He considers that the TEcIA is robust but disagrees with e3 Scientific that offsetting is not feasible due to the harsh alpine environment.

155. Dr Bramley has revised the proposed effects management package to adopt offsetting measures. Dr Bramley's approach has been guided by NPS-IB and NPS-FM principles noting that strict adherence is not required under the FTA.

156. In the RMA context, directive NPS-IB and NPS-FM policies may mean that offsetting and compensation of residual effects is not available where strict adherence to those offsetting and compensation principles is not achieved.

[159] B.12 Terrestrial Ecology Impact Assessment and B.09 Freshwater Ecological Impact Assessment.

157. In contrast, under the FTA, while the offsetting and compensation principles and ecological bottom lines 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 Expert Panel must not treat the provision as requiring it to decline the application. This means that bottom lines and offsetting and compensation principles must not be treated as requiring the Expert Panel to decline the application. This must also be assessed in the context of the weighting exercise summarised above.

158. Therefore, when applying the statutory tests in the FTA:

(a) An inability to meet those limits and principles set out in the NPS-IB and NPS-FM must not preclude approval under the FTA.[160]

(b) The Expert Panel must weigh the consideration of those limits and principles against the broader purpose of the FTA, being facilitating the delivery of projects with significant regional or national benefits.

159. This means that the Project can be granted even where strict adherence to the policy framework is not able to be achieved.

160. We submit that the FTA approach allows for proportionate and outcome focused solutions that deliver meaningful environmental benefits while also recognising the economic benefits of a project.

Effects management hierarchy

161. An effects-led design approach was applied to the Project, with the initial siting of ski infrastructure and trails designed to avoid various areas of highest ecological and landscape value.[161] Ms McQuillan who was involved in the masterplanning, site selection and design development for the Project confirms that the resulting design reflects a number of changes made specifically to avoid or reduce effects on sensitive ecological areas and other environmental values.[162] For example, the gondola positioning, Doolans Basin expansion footprint and access routes were refined following input from NZSki's ecology, landscape and engineering experts.[163] This process ensured avoidance of high-value areas such as cushion bog, wetlands and rare species habitat.[164]

162. Measures to remedy and minimise/mitigate effects were then assessed and are provided for through proposed conditions and management plans. For any residual

[160] Fast-track Approvals Act 2024, Schedule 5 Clause 17(4).
[161] A-08 Substantive Application Report Section 1 – Introduction, updated 3 September 2026 at [1.3.4].
[162] Statement of Evidence of Louise McQuillan, 3 November 2026 at [28].
[163] A-08 Substantive Application Report Section 1 – Introduction, updated 3 September 2026 at [1.3.4].
[164] A-08 Substantive Application Report Section 1 – Introduction, updated 3 September 2026 at [1.3.4].

effects remaining following the implementation of those measures, offsetting then compensation was considered.

Management of residual effects

163. Regarding concerns from Dr Walker for DOC that the loss of Naturally Uncommon Ecosystems (**NUE**) cannot be compensated and should be avoided,[165] Dr Bramley considers that NUE status alone does not make a feature irreplaceable.[166] He considers that affected NUEs should be assessed individually against specified criteria when considering whether offsetting is available.[167] Overall he considers that some affected features are at the limits and should be avoided, while others can be addressed through offsetting or compensation once they have been addressed individually.[168]

164. We submit that under the FTA, Dr Walker's position is flawed as meeting NPS-IB and NPS-FM principles is not necessarily required.

165. Dr Bramley proposes the following tiered offsetting and compensation framework:[169]

(a) Tier 1 – Avoid the water-take track, string mire and cushion bog. This will be addressed though redesign of water source, mapped no-go areas, and the snowmaking and grooming measures.

(b) Tier 2 – Minimise and remedy the whole footprint and zone of influence. This will be addressed through strengthened sediment, weed and revegetation measures and operational controls. This will be verified with monitoring with quantified targets and triggers.

(c) Tier 3 – Offsetting for Tarn 3, snow and north-facing tussock grassland, *Dracophyllum* scrub, cushionfield not on NUEs, pipit and falcon habitat, McCann's skink. This will be provided for by like-for-like averted loss and condition gain in the Remarkables Ecological District, to be undertaken before impact.

(d) Tier 4 – Compensation for residual values at the limits being NUEs not avoided or offset, high alpine cushionfield, range-restricted invertebrates and loss of basin intactness and connectivity. The treatment proposed is trading up to higher-priority values, explicitly not presented as no net loss.

[165] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix A, Statement of Evidence of Susan Walker.
[166] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [69].
[167] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [70].
[168] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [70].
[169] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [79].

166. Dr Bramley identifies various projects, incorporating recommendations from DOC, which could be provided for in the offsetting and compensation package including weed and pest control in the Remarkables Management Unit.[170]

167. We submit that the offsetting package provides an opportunity to build on the conservation work that NZSki is already undertaking across the wider Remarkables environment as detailed in Mr Anderson's evidence.[171]

168. Dr Bramley identifies design rules for the framework including the involvement of Kā Rūnaka and Dr Bramley provides an indicative assessment of the likely scale and costs of an offset.[172] He estimates loss of approximately 13.5 condition-weighted hectares (9.9 from clearance and 3.6 from operational effects), and the offset target is about 14.9 condition-weighted hectares.[173] He estimates gains at 225 to 900 hectares.[174]

169. Dr Bramley has worked with Ms O'Sullivan to identify conditions securing the offsetting package. These conditions are addressed in detail in Dr Bramley's evidence with final wording to be developed by the planners.[175]

170. Dr Bramley considers that the conditions should contain the following matters which are specific, enforceable and outcome based:[176]

    (a) project and site;

    (b) values it addresses (by tier);

    (c) baseline;

    (d) target outcome and date;

    (e) monitoring method and frequency;

    (f) reporting;

    (g) trigger for corrective action;

    (h) contingency; and

    (i) means of securing the site.

[170] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [80].
[171] Statement of Evidence of Paul Anderson, 3 November 2026 at [153]-[170].
[172] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [83] and [85]-[95].
[173] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [89].
[174] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [92].
[175] Statement of Evidence of Gary Bramley, 3 November 2026 at [104].
[176] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [104].

Terrestrial ecology

171. Key themes in comments which raise terrestrial ecology matters are as follows:

(a) adequacy of information to understand effects and ecological values affected;[177]

(b) ecological values of the Doolans Basin;[178]

(c) effects on vegetation;[179]

(d) effects on lizards;[180]

(e) effects on invertebrates;[181] and

(f) operational effects.[182]

Adequacy of information on ecological values

172. DOC, Kā Rūnaka and CODC raise concerns in relation to the adequacy of information to understand terrestrial ecological values and effects of the Project on those values.

173. Dr Bramley's peer review confirms that receiving environment has been comprehensively surveyed and monitored and that effects have been appropriately assessed by e3 Scientific.

174. e3 Scientific determined baseline information on ecological values in the TEcIA through:[183]

(a) Desktop review of all existing environmental and ecological information for the Ecological District, the Remarkables Ski Field and the Doolans catchment. Mr Anderson identifies that given NZSki's longstanding involvement, there is a substantial body of evidence about the ecological condition of the ski area after more than four decades of ski area activity.[184] This includes an independent survey of the Rastus Burn and Remarkables

[177] Department of Conservation and Central Otago District Council and New Zealand Conservation Authority.
[178] Department of Conservation.
[179] Department of Conservation, Central Otago District Council, Otago Regional Council, New Zealand Conservation Authority Otago Conservation Board and Kā Rūnaka.
[180] Department of Conservation, Central Otago District Council and Kā Rūnaka.
[181] Department of Conservation, Central Otago District Council and Otago Regional Council.
[182] Department of Conservation, Otago Regional Council, Central Otago District Council and Kā Rūnaka.
[183] B.12 Terrestrial Ecological Assessment at [2].
[184] Statement of Evidence of Paul Anderson, 3 November 2026 at [32].

Ski Area undertaken in 2020 which considered effects from the beginning of the ski area and evaluated existing restoration work.[185]

(b) Geospatial analysis to understand areas of various vegetation communities that could be affected by the Project.

(c) Vegetation field surveys including 105 vegetation quadrats and rare plant searches along more than 380km of walked routes.

(d) Fauna field surveys for lizards, avifauna and invertebrates including 5,470 lizard trap days across 66 sites and bird counts at 105 locations.

175. Terrestrial ecological effects were then assessed in four stages by characterising ecological values, ranking their importance, assessing the magnitude and level of effect, and reviewing measures to avoid, remedy, mitigate, offset and then compensate for effects.[186]

176. This approach is consistent with best practice methodologies including the Environmental Institute of Australia and New Zealand Inc guidelines (**EIANZ Guidelines**), DOC guidance, NPS-IB, Otago Regional Policy Statement (**ORPS**) and QLDC District Plan.[187]

177. Dr Bramley's evidence is that the TEcIA takes a conservative approach by assuming complete loss of affected vegetation types.[188] His evidence agrees with CODC's ecological experts that the survey effort undertaken was substantial and that the ecological values descriptions were detailed providing a sound basis on which to make an informed decision.[189]

178. Dr Bramley also confirms that the scale of e3 Scientific's assessments was appropriate.[190] Dr Bramley's conclusion is that the TEcIA is robust and its approach to the scale of assessment is reasonable.[191] He however identifies that operational effects were omitted from the TEcIA, the Ecological District alpine zone extents are untested, NUEs were not mapped, and basin-level values were not assessed which has led to an underestimation of the magnitude of effects for those matters.[192] For the reasons outlined in his evidence, Dr Bramley considers that these points are not

[185] Statement of Evidence of Paul Anderson, 3 November 2026 at [33].
[186] B.12 Terrestrial Ecological Assessment at [5]-[6].
[187] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [12] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis)
[188] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [19].
[189] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [23].
[190] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [25].
[191] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [105].
[192] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [39].

material to the TEcIA's conclusions for most vegetation communities, noting that operational effects have been addressed in e3 Scientific's response to comments.[193]

179. In response to comments, the TEcIA and Terrestrial Ecology Management Plan have been revised which we submit resolves any remaining concerns.

Ecological values of the Doolans Basin

180. Kā Rūnaka and DOC consider that the upper Doolans Basin is unique.[194]

181. We submit that Dr Bramley's evidence and e3 Scientific's response establish that this is not the case.

182. e3 Scientific identifies various factors which establish that the Doolans Basin's ecology is similar to that of other basins in the surrounding Remarkables Ecological District.[195] The vegetation in the Doolans Basin is not unusually intact or different and there is no evidence which indicates that pastoral activity was specifically different from other basins in the Remarkables Ecological District.[196]

183. Dr Bramley agrees with e3 Scientific and identifies a pastoral lease between the left and right branches of the Doolans Creek, the presence of an old farm track and pastoral use of adjacent land as factors which indicate that farming took place in the area at some point.[197] If the land was grazed, its present condition is likely to reflect recovery since destocking. This suggests that alpine vegetation in the range responds when browsing pressure is removed, supporting the potential for condition gain offsets elsewhere nearby.[198]

Vegetation

184. Commenters raise concerns in relation to the level of effects on vegetation.[199]

185. NZSki recognises that it is not possible to completely avoid all potential impacts on vegetation. After implementation of avoidance through Project design, the Project

[193] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [40].
[194] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix A, Statement of Evidence of Susan Walker at [49]-[51] and Statement of Evidence of Matthew Dale, 27 October 2026 at [18].
[195] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [1] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis)
[196] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [1]-[2] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis)
[197] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [56].
[198] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [57].
[199] Department of Conservation, Central Otago District Council, Otago Regional Council, Kā Rūnaka, Otago Conservation Board and New Zealand Conservation Authority

will result in 15.94 hectares of proposed direct disturbance of vegetation, up to 11.88 hectares of which could be revegetated.[200]

186. To address this impact NZSki proposes minimisation measures including translocation of Threatened, At Risk and Data Deficient plant species.[201] Any residual effects will be addressed through offsetting and compensation measures.[202]

Lizards

187. CODC's experts consider there is uncertainty in relation to compensation proposed for residual effects on lizards.[203] Kā Rūnaka also raises concerns in relation to proposed compensation.[204]

188. Mr Knox and Ms Anderson respond to these points in their joint statement of evidence. In agreement with DOC, their evidence is that compensation proposed for lizards, comprising $80,000 for an eDNA research project and Lakes skink translocation, will adequately compensate for effects of the Project on McCann's skinks and result in a net benefit for lizard conservation.[205] Dr Bramley agrees that full salvage of McCann's skink is not required.[206]

189. In response to CODC's suggestion of measures to increase certainty of the success of proposed management measures including outcome monitoring, Mr Knox and Ms Anderson do not consider that accurate and precise outcome monitoring of populations of McCann's skinks in the landscape is practical and would potentially waste valuable resource on monitoring that is unlikely to provide reliable or informative data or trends.[207] The difficulties in monitoring lizards are a key reason for lizard salvage outcomes in New Zealand often being uncertain.[208] Mr Knox and Ms Anderson confirm that the intent of the compensation package is to redirect resourcing from a non-threatened, common species to activities that are more likely to be of conservation benefit to At Risk and Threatened species.[209] Mr Knox and Ms Anderson do however acknowledge CODC's comments in relation to incidental discoveries and have made updates to the incidental discovery protocol accordingly.[210]

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[200] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [49] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis)
[201] A-13 Substantive Application Report, Section 6 – Assessment of Environmental Effects, updated 3 September 2026 at [6.4.1].
[202] A-13 Substantive Application Report, Section 6 – Assessment of Environmental Effects, updated 3 September 2026 at [6.4.1].
[203] Central Otago District Council, Comments, 27 October 2026 at [3.2].
[204] Kā Rūnaka, Statement of Evidence of Matthew Dale, 27 October 2026 at [68]-[80].
[205] Statement of Evidence of Dr Christopher Kavazos, 12 October 2026 at [23].
[206] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [109].
[207] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [24].
[208] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [24].
[209] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [24].
[210] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [25].

190. Mr Knox confirms that the eDNA research project proposed as compensation will provide a tangible outcome directly informing survey and monitoring methods for threatened alpine lizard species and therefore supporting their conservation management.[211] The study is specific, measurable and relevant to the Project Area.[212]

191. In relation to additionality raised by Mr Harker for DOC,[213] Mr Knox has met with herpetologist Samuel Purdie from Southern Lakes Sanctuary in relation to its proposed eDNA project. Mr Knox and Mr Purdie agree that the two research projects are different but complementary to each other.[214] NZSki's proposal will complement the ambitions of Southern Lakes Sanctuary and allow the resourcing to be used to further enhance either this proposal, or others, should they wish to do so.[215]

192. Mr Harker also considers the additional $20,000 payable if NZSki did not comply with the requirements of the Lizard Management Plan regarding temperature thresholds and removal of vegetation should be included in the resource consent conditions.[216] We submit that this measure is appropriately contained in the Lizard Management Plan, the implementation of which is required by the consent conditions.

193. Mr Knox, Ms Anderson and Dr Maseyk (for DOC) agree that the translocation of Lakes skink will have significant conservation benefit.[217] Further Mr Knox, Ms Anderson, Dr Bramley and Mr Harker (for DOC) agree that the proposal is likely to provide a *"net benefit"* for lizards.[218]

Invertebrates

194. DOC's invertebrate ecology expert Dr Watts considers that adverse effects on invertebrates are insufficiently addressed.[219]

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[211] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [26].
[212] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [26].
[213] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix D, Statement of Evidence of Nicolas Harker at [46].
[214] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [27].
[215] Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [29].
[216] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix D, Statement of Evidence of Nicolas Harker at [48].
[217] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix J, Statement of Evidence of Fleur Maseyk at [90] and Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [32].
[218] Department of Conservation, Section 51 Report, 12 October 2026 at Appendix D, Statement of Evidence of Nicolas Harker at [54], Statement of Evidence of Carey Knox and Trudy Anderson, 3 November 2026 at [35] and Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [109].
[219] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [144].

195. NZSki's experts have proposed robust measures to address effects on invertebrates. Mitigation measures include translocation of host plant species and protection of habitat.[220]

196. For the residual adverse effects expected despite the various remedial measures proposed and which primarily arise as a result of habitat loss,[221] compensation is proposed.[222]

Operational effects

197. DOC considers that further information is needed on operational effects from snow making, snow grooming, skiing, visitor use and road use on freshwater, vegetation, ecosystem, and invertebrate values, taking into account the effects of climate change over the proposed 38 year concession term.[223]

198. e3 Scientific addresses these matters as follows:

(a) Effects of increased human presence such as a startling response from fauna or trampling of vegetation have been assessed as negligible to moderate.[224] Specific mitigation has been implemented in response to any adverse effects greater than low or where physical harm could be incurred by a protected species.[225]

(b) Snowmaking is proposed to be primarily directed to the main ski trail only and will be almost entirely contained within areas proposed to be disturbed and altered as a result of construction works which are areas already assessed as total loss in the TEcIA.[226] In relation to any artificial snow which would leak into adjacent vegetation communities, effects will be negligible.[227]

[220] A-13 Substantive Application Report, Section 6 – Assessment of Environmental Effects, updated 3 September 2026 at [6.4.1.6].
[221] A-13 Substantive Application Report, Section 6 – Assessment of Environmental Effects, updated 3 September 2026 at [6.4.1.6].
[222] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [71] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[223] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [197].
[224] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [54] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[225] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [54] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[226] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [57] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[227] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [59] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).

(c) In relation to snow grooming, there is a lack of information as to how altered snowpack may affect ecological values within the groomed trail footprint.[228] e3 Scientific therefore proposes monitoring and an adaptive management approach including equiring a minimum snow depth of 40cm within groomed areas and the implementation of a Snowmaking and Grooming Management Plan.[229]

Freshwater ecology

199. Key themes in comments which raise freshwater ecology matters are as follows:

(a) the loss of Tarn 3;[230]

(b) effects on wetlands;[231] and

(c) effects on streams.[232]

Tarn 3

200. The loss of Tarn 3 is raised in comments from DOC, ORC and Kā Rūnaka. They consider that potential alternatives to the use of Tarn 3 as a reservoir for water have not been adequately explored, and DOC suggests the use of Lake Alta as an alternative water source.[233] DOC also considers that Tarn 3 meets the definition of *"natural inland wetland*" under the NPS-FM.[234]

201. We submit that the evidence does not support a finding that Tarn 3 is a wetland and that alternatives to the use of Tarn 3 as a water reservoir would result in a higher magnitude of effect.

202. Dr Allibone considers that Tarn 3 is not a threatened habitat and scores Tarn 3 low for rarity and moderate for distinctiveness and diversity.[235] Dr Bramley considers that Tarn 3 has low biodiversity.[236]

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[228] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [67] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[229] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [67] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[230] Otago Regional Council, Department of Conservation, Kā Rūnaka and New Zealand Conservation Authority.
[231] Otago Regional Council, Department of Conservation, Central Otago District Council, Otago Conservation Board and Kā Rūnaka.
[232] Otago Regional Council. Department of Conservation, Central Otago District Council and Kā Rūnaka.
[233] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [78].
[234] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [77].
[235] Statement of Evidence of Richard Allibone, 3 November 2026 at [42]-[43].
[236] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [24].

"Natural inland wetland"

203. CODC and NZSki's experts agree that Tarn 3 does not meet the definition of wetland.[237]

204. However, Dr Kavazos's view is that Tarn 3 meets the definition of a *"natural inland wetland*" under the NPS-FM.[238]

205. We submit that the evidence of CODC and NZSki's experts should be preferred.

206. The RMA defines wetland as including *"permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions"*.[239]

207. Dr Bramley and e3 Scientific confirm that Tarn 3 does not meet this definition as survey has confirmed that it does not include *"a natural ecosystem of plants and animals that are adapted to wet conditions".*[240]

208. Tarn 3 therefore cannot meet the NPS-FM definition of natural inland wetland which is defined as a wetland (according to the RMA definition set out above) that meets certain criteria.[241]

Effects on Tarn 3

209. Although he considers the magnitude of effect on Tarn 3 to be high, Dr Allibone emphasises the importance of assessing the loss of Tarn 3 at the scale of the Doolans Basin.[242] His reasons are that the decision to use the Tarn 3 area has was made within the context of the habitat and features of the Doolans Basin and to not underestimate the loss of a natural uncommon habitat type.[243]

210. Dr Allibone confirms that every species detected in Tarn 3 is found in other tarns in the basin, so no species will be lost from the basin.[244] If the tarn was removed, the effect on the ecological community would be moderate.[245]

[237] Central Otago District Council, Comments, 27 October 2026, Appendix B - Terrestrial Ecology at [4.1].
[238] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [77].
[239] Resource Management Act 1991, Section 2.
[240] Statement of Evidence of Dr Gary Bramley, 3 November 2026 at [24] and e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [37]-[40] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[241] National Policy Statement for Freshwater Management 2020, Clause 3.21(1).
[242] Statement of Evidence of Richard Allibone, 3 November 2026 at [46].
[243] Statement of Evidence of Richard Allibone, 3 November 2026 at [46].
[244] Statement of Evidence of Richard Allibone, 3 November 2026 at [47].
[245] Statement of Evidence of Richard Allibone, 3 November 2026 at [47].

Alternative reservoir location

211. We disagree with comments which suggest that an alternative to Tarn 3 would result in a more favourable ecological outcome as this is not supported by evidence.

212. During the site selection and footprint design phase, NZSki commissioned e3 Scientific to investigate an alternative reservoir location to Tarn 3. e3 Scientific considered a second option approximately 150m northeast of Tarn 3 (**Option 2**).[246]

213. e3 Scientific confirms that Option 2 was not progressed due to:

(a) Terrestrial habitat loss under Option 2 would be approximately 3.3 times greater than for Tarn 3.[247]

(b) The terrestrial ecological values present, specifically species being the only recorded individuals within the study area.[248] This option would also increase potential loss of other high value plant species and intersect an area actively patrolled by kārearea/eastern falcon.[249]

214. e3 Scientific identify that that the use of Tarn 3 would avoid approximately 1 hectare of additional direct disturbance relative to Option 2, representing an important avoidance measure.[250] It considers that the use of Tarn 3 represents the ecologically preferable reservoir location in terms of terrestrial ecological values.[251] As outlined above, Tarn 3 does not meet the criteria for classification as a wetland and it is not considered to make a material hydrological contribution to downstream wetlands, streams or wider ecosystem function.[252] Accordingly, its presence does not alter the comparative assessment of ecological effects.[253]

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[246] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [79] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[247] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [82] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[248] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [84] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[249] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [87] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[250] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [83] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[251] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [89] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[252] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [89] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[253] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [89] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).

215. In relation to Lake Alta as an alternative for water take, Ms McQuillan's evidence is that NZSki did not consider Lake Alta as a viable alternative for a number of reasons including that the consented drawdown limit already constrains current snowmaking, a lower drawdown level would be required for the Project and additional infrastructure would be required for the water take.[254] In addition, Lake Alta is a Significant Natural Area and geopreservation site.[255]

216. Ms Badenhop has undertaken a hydrological assessment of the use of Lake Alta which she provides as Appendix A to her evidence.[256] Her results indicate that full snow making capacity would be significantly restricted by the lake level drawdown limits.[257] The additional take would result in the lake level recovering weeks later than it otherwise would have and therefore there would be later recommencement of flows in the Rastus Burn.[258] To enable required snowmaking, the lake drawdown limit would need to be amended, as would the consented maximum rate of take.[259] She outlines that a further assessment of environmental effects would be required for this to be considered a viable option.[260]

217. In addition, Ms Pfluger's landscape and visual amenity evidence considers that effects on Lake Alta would be at least high adverse since pumping infrastructure and extensive earthworks will be required to convey the water into the Doolans catchment over 1km away.[261] Currently, Lake Alta is largely unmodified and highly frequented by visitors year-round.[262] Ms Pfluger does not consider that high adverse effects on this identified geopreservation site would be preferable.[263]

Wetlands

218. DOC and ORC's comments raise concerns in relation to effects on wetlands.

219. Dr Kavazos considers that the loss, fragmentation, hydrological disconnection and sedimentation of the wetland complex, including the seepage, cushion bog and string mire wetlands is a very high level of effect despite proposed mitigation.[264]

220. ORC considers that total habitat loss of natural inland wetlands has not been clearly addressed by NZSki.[265] ORC considers that NZSki has not demonstrated that

[254] Statement of Evidence of Louise McQuillan, 3 November 2026 at [47]-[52].
[255] Statement of Evidence of Louise McQuillan, 3 November 2026 at [54].
[256] Statement of Evidence of Alexandra Badenhop, 3 November 2026 at Appendix A.
[257] Statement of Evidence of Alexandra Badenhop, 3 November 2026 at [21].
[258] Statement of Evidence of Alexandra Badenhop, 3 November 2026 at [21].
[259] Statement of Evidence of Alexandra Badenhop, 3 November 2026 at [22].
[260] Statement of Evidence of Alexandra Badenhop, 3 November 2026 at [22].
[261] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [33].
[262] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [33].
[263] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [33].
[264] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [77].
[265] Otago Regional Council, Comments, 27 October 2026 at Table 1, page 2.

effects on high value wetlands from proposed tracks, crossings and infrastructure layout have been avoided or minimised to the extent practicable.[266]

221. We submit that extensive effort has been made in project planning to avoid, then minimise effects on wetlands. Any adverse effects are appropriately addressed through proposed effects management measures.

222. All wetlands within the Project Area were avoided as a priority.[267] As the first step in the design and planning process for the Project, wetlands and other ecological features were mapped and surveyed within the Project Area.[268] The Project was then designed to avoid and then minimise effects on these areas.[269] For example, the location of the Doolans base platform was chosen over other options as it avoids wetlands.[270] In addition, only one skier trail was proposed rather than the originally suggested network of trails to minimise effects on wetlands.[271]

223. e3 Scientific confirms that the Project will avoid effects on string mire and cushion bog.[272] Given these are not affected by the Project, and no adverse effects are expected to occur, they were not included in the TEcIA.[273]

224. Where effects on wetlands were not able to be avoided due to the functional and operational needs of ski infrastructure, minimisation and remediation measures have been proposed.[274] These are summarised further by e3 Scientific. Residual effects greater than low will be addressed through offsetting and compensation measures.

Streams

225. DOC's expert, Dr Kavazos, considers that the loss of stream habitat for culverting and the loss of intermittent stream length for creation of the reservoir inflow diversion should be treated as a permanent loss of river extent.[275] He considers that effects on tributaries, including the permanent loss of approximately 95 m of natural stream, stormwater metals and new didymo transfer pathways would result in a high level of effect despite proposed mitigation.[276]

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[266] Otago Regional Council, Comments, 27 October 2026 at Table 1, page 2.
[267] A-21 Effects Management and Compensation Overview Addendum at [3.2].
[268] A-21 Effects Management and Compensation Overview Addendum at Attachment A.
[269] A-21 Effects Management and Compensation Overview Addendum at Attachment A.
[270] A-21 Effects Management and Compensation Overview Addendum at Attachment A.
[271] A-21 Effects Management and Compensation Overview Addendum at Attachment A.
[272] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [29] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[273] e3 Scientific, Response to Section 53 and 51 Comments, 3 November 2026 at [29] (provided as Appendix A to the Statements of Evidence of Liam Salemink-Waldren, Rebecca Teele and Glenn Davis).
[274] A-21 Effects Management and Compensation Overview Addendum at [3.2].
[275] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [60].
[276] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [77].

226. Dr Rossaak, ORC's wetland ecology expert also raises concerns in relation to the loss of stream extent however his position is inconsistent with ORC's freshwater ecology expert Dr Greer.[277]

227. We submit that the evidence of Mr Hamer, which agrees with Dr Greer, should be preferred.

228. Mr Hamer has considered the concerns raised and outlines that there will be a loss of 0.67% of Doolans Basin stream length and a loss of 3% of intermittent stream channel within the Doolans Basin.[278] Mr Hamer concludes that this is a low level of effect.[279] Mr Hamer's opinion aligns with that of Dr Greer who considers that effects on stream habitat are unlikely to be significant.[280]

Transport

229. QLDC, NZTA and Kā Rūnaka raise transport matters in their comments.

230. Key concerns raised relate to additional traffic generation and effects on SH6 and across the wider Queenstown transport network as well as effects management. QLDC and NZTA consider that NZSki should be responsible for roading upgrades.[281]

231. These matters are addressed in detail in Mr Rossiter and Mr Lawrence's evidence which outlines that SH6 is currently operating at or above capacity due to growth in the Southern Corridor, in agreement with QLDC's transport report. We submit that NZSki can only be required to address effects of the Project and cannot be held responsible for fixing an existing district-wide issue. Funding for improvements, which are required regardless of the Project, should be provided for through a cost share agreement outside the FTA process with NZTA and QLDC as these improvements will not directly manage or mitigate an effect of the Project. This aligns with the Expert Panel's decision on the Pound Road project, where the Expert Panel stated it would be "*unfair to the parties and disproportionate if the consent holder was somehow bound to contributing to upgrade costs that did not reasonably relate to the development or accurately reflect its agreed share of the actual costs."*[282]

232. The nature of the Southern Corridor transport environment is fast changing due to continuing growth. NZSki cannot predetermine or know how the transport environment will function in terms of intersections by 2030 and beyond.

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[277] Otago Regional Council, Comments, 23 October 2026 at Appendix 1 – Wetlands and Tarn Technical Expert Advice at [3.2].
[278] Statement of Evidence of Mark Hamer, 3 November 2026 at [59].
[279] Statement of Evidence of Mark li, 3 November 2026 at [59].
[280] Otago Regional Council, Comments, 27 October 2026 at [70].
[281] Queenstown Lakes District Council, Comments, 27 October 2026 at [1.1] and New Zealand Transport Agency Waka Kotahi, Comments, 27 October 2026 at [9.2].
[282] *Record of Decision of the Expert Panel, Pound Road Industrial Development,* 1 May 2026 at [312].

233. We also highlight that some matters raised in QLDC's comments sit outside its jurisdiction and should therefore be treated with caution. QLDC raises the cost of additional traffic generation and delays on the state highway which is a matter for NZTA.[283]

Effects on the State Highway

234. Mr Rossiter, QLDC and NZTA agree that there are existing traffic issues on SH6 caused by overall growth along the Southern Corridor rather than the existing Remarkables Ski Field operations or the Project.[284] Further, NZTA's comments identify a need for improvements to SH6 regardless of the Project.[285]

235. In response to Mr Shane Ellison for Kā Rūnaka, Mr Rossiter's evidence is that the traffic volumes Mr Ellison identifies are more dispersed in time than suggested.[286] The hourly traffic figures raised by Mr Ellison are also not possible due to car park capacity constraints.[287]

236. Mr Rossiter agrees that improvements to the SH6/Remarkables Ski Area Access Road intersection are necessary. However, the form, timing and funding must reflect the fact that the need for improvements is being driven primarily by growth in highway volumes rather than by the Project.[288] Mr Rossiter notes that the intersection improvements proposed in the Te Tapuae Southern Corridor Structure Plan (**Structure Plan**) reflected the fact that an increase in intersection capacity was required because of the growth in highway volumes not because of any changes in Remarkables Ski Area activity.[289] The Structure Plan states that responsibility for improvements to the SH6/Remarkables Ski Area Access Road lies with QLDC and NZTA and that improvements were to be undertaken before 2028.[290]

237. Intersection improvements should not be fully funded by NZSki as annual growth in highway volumes is being driven by development that is outside of NZSki's control.[291] Mr Rossiter also identifies that the full benefits of any intersection capacity improvements will only be achieved when capacity constraints along the whole Southern Corridor are eliminated which is a matter for NZTA to address.[292]

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[283] Queenstown Lakes District Council, Comments, 27 October 2026 at Appendix 1, Transport at [3] and Local Government Act 1974, Section 316(4).
[284] Statement of Evidence of Chris Rossiter, 3 November 2026 at [17], Queenstown Lakes District Council, Comments, 27 October 2026 at [3.4] and New Zealand Transport Agency, Comments, 27 October 2026 at [4.5].
[285] New Zealand Transport Agency, Comments, 27 October 2026 at [4.5].
[286] Statement of Evidence of Chris Rossiter, 3 November 2026 at [61].
[287] Statement of Evidence of Chris Rossiter, 3 November 2026 at [61].
[288] Statement of Evidence of Chris Rossiter, 3 November 2026 at [18].
[289] Statement of Evidence of Chris Rossiter, 3 November 2026 at [18].
[290] Statement of Evidence of Chris Rossiter, 3 November 2026 at [33].
[291] Statement of Evidence of Chris Rossiter, 3 November 2026 at [33].
[292] Statement of Evidence of Chris Rossiter, 3 November 2026 at [32].

238. Mr Rossiter considers that the provision of long term capacity for through movement should therefore be funded via a cost share agreement with NZTA and QLDC.[293]

239. Mr Rossiter has proposed a concept design drawing for safety improvements that could be undertaken in advance of the long-term solution being implemented. These involve widening of the SH6 carriageway to enable a right turn bay to be marked and formalisation of the left-turn out only arrangement that currently operates during the ski season only.[294]

Temporary traffic management

240. QLDC and NZTA raise concerns in relation to proposed temporary traffic management measures.

241. Since visitor numbers are not expected to increase before the Project is operational, Mr Rossiter's evidence is that it will be several years before an increase to intersection capacity is required due to the changes in the Remarkables Ski Area activity.[295] However, in the interim period he considers that there is still a need for alterations to the existing traffic management to address existing congestion.[296]

242. Mr Rossiter considers that a long term design solution could not realistically be implemented prior to the 2027 ski season therefore there is still a need for a Traffic Management Plan to address the seasonal effects of the Remarkables Ski Area on SH6.[297] Mr Rossiter has recommended targeted improvements to the intersection in the interim period. These are recorded and required by the proposed conditions of consent.

Recreation

243. The key recreation issue raised in comments is that the Project will change the character of the recreation setting from a backcountry setting to a front country one.[298]

244. These comments are addressed by Mr Greenaway.

245. We submit that although the Project will modify existing recreation values, the Project's significant recreation benefits must also be considered. The Project will not block the land from continued public recreation use and proposed mitigation

[293] Statement of Evidence of Chris Rossiter, 3 November 2026 at [33].
[294] Statement of Evidence of Chris Rossiter, 3 November 2026 at [34] and Appendix C.
[295] Statement of Evidence of Chris Rossiter, 3 November 2026 at [27].
[296] Statement of Evidence of Chris Rossiter, 3 November 2026 at [27].
[297] Statement of Evidence of Chris Rossiter, 3 November 2026 at [27].
[298] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [190], Otago Conservation Board, Comments, 27 October 2026 at page 5, Queenstown Mountain Guides, Comments, 9 October 2026 at [1].

measures have been designed to address specific recreation effects. Importantly, NZSki is committed to continuing to maintain the Remarkables Access Road which provides the public, including recreational and commercial users, with access to the Remarkables and surrounding conservation land.[299] NZSki will continue to work to maintain safe public access including in times of high risk due to snow conditions.[300]

246. Mr Greenaway's evidence is that the Project will provide a range of substantial recreation benefits including:[301]

(a) enhanced visitor experience by providing more lift-served skiing terrain and a wider choice of slopes;

(b) the new gondola and associated infrastructure are expected to open up the alpine environment to a wider range of users, including families, beginners, and individuals with limited mobility who may not currently be able to access backcountry areas; and

(c) while some existing ski touring routes would be impacted, the new lift infrastructure could also open up more efficient and safer access to more remote zones, potentially reducing travel times for backcountry users.

247. His evidence is that the existing ski area currently facilitates guided and independent access through its road, carparks and lifts showing how ski area infrastructure can facilitate access to the wider backcountry.[302]

248. Mr Greenaway also identifies that the Doolans Basin is not the only high-quality easily accessible backcountry ski area in the Southern Lakes and that there are alternatives which provide valued regional backcountry opportunities.[303]

249. In relation to proposed mitigation measures such as maintaining physical access, continuing one-up passes and a RUG, Mr Greenaway considers these are practical measures to maintain a quality recreation experience within the changed setting and access to the wider mountains.[304] This evidence is reinforced by CODC's comments which state that the Project will provide positive regional benefits by increasing commercial ski terrain and access opportunities.[305] CODC supports the establishment of a RUG to assist in managing adverse recreation effects and facilitating future recreational opportunities.[306]

[299] Statement of Evidence of Paul Anderson, 3 November 2026 at [38]-[40].
[300] Statement of Evidence of Ross Lawrence, 3 November 2026 at [36].
[301] Statement of Evidence of Rob Greenaway, 3 November 2026 at [6]-[8] and B-07 Recreation Assessment at [5.1.4] and pages 48-49.
[302] Statement of Evidence of Rob Greenaway, 3 November 2026 at [14].
[303] Statement of Evidence of Rob Greenaway, 3 November 2026 at [12].
[304] Statement of Evidence of Rob Greenaway, 3 November 2026 at [10].
[305] Central Otago District Council, Comments, 27 October 2026 at page 4.
[306] Central Otago District Council, Comments, 27 October 2026 at page 4.

Commercial effects

250. QMG considers that the Project will result in adverse effects on it and other guiding companies' commercial activities.[307]

251. There is no requirement under the Conservation Act or FTA to consider how the grant of a concession will negatively affect an existing concession holder's business. However, we consider that these kinds of effects could be considered relevant under Schedule 6, Part 1, Clause 7(3)(b). This clause provides that in decision making on the concessions sought, the Expert Panel must, among other matters:

(a) take into account whether the land is subject to any existing arrangements that create obligations in relation to the land; and

(b) decline the concession application if giving effect to the concession would result in the conferral of an interest in land that is incompatible with an existing interest in land.

252. In relation to these specified matters, we submit that:

(a) Considering QMG and other guiding companies' concessions as existing arrangements that create obligations in relation to the land, Mr Patterson confirms that the economic scale of commercial activity that could be displaced by the Project is small.[308] Although visitor numbers alone do not determine recreation value,[309] the backcountry use of the Doolans Basin on its busiest days including recreation is approximately 1% of the daily use of the ski area, while QMG's commercial clients represent about 0.1% of annual skier days at the Remarkables each year.[310] In monetary terms, the value of this guiding activity by QMG is minimal compared to the $115 million of GDP estimated to be generated in Otago each year at present because of holidaymakers who ski at the Remarkables.[311] In addition, the Project would not remove opportunities for QMG and others as backcountry terrain beyond the boundary of the Project will remain, and the proposed new lift infrastructure will make some of that terrain easier to reach.[312] This will provide opportunities to substitute into adjacent terrain some of which is currently too far to reach during day trips.[313]

[307] Queenstown Mountain Guides, Section 53 Comments, 9 October 2026 at [5].
[308] Statement of Evidence of Benje Patterson, 3 November 2026 at [51].
[309] Statement of Evidence of Rob Greenaway, 3 November 2026 at [7].
[310] Statement of Evidence of Benje Patterson, 3 November 2026 at [51].
[311] Statement of Evidence of Benje Patterson, 3 November 2026 at [51].
[312] Statement of Evidence of Benje Patterson, 3 November 2026 at [52].
[313] Statement of Evidence of Benje Patterson, 3 November 2026 at [52].

(b) Granting the Project would not result in the conferral of an interest in land that is incompatible with an existing interest in land. As set out in DOC's Section 51 report the existing concessions held by third parties including QMG do not create interests in the land as they are licences and permits.[314] In addition, concessions contemplate that concessionaires will co-site on conservation land.[315] This happens currently in the Rastus Burn where various other companies operate guiding activity through and beyond the ski area.

Landscape and visual amenity

253. Landscape and visual amenity effects are raised in comments from QLDC, DOC, Kā Rūnaka and OCB.

254. The key concern is the scale of landscape effects and proposed management measures.[316] Kā Rūnaka also raises that the Landscape Assessment does not consider cultural landscape values.[317]

255. These comments are addressed by Ms Pfluger.

256. Noting that Ms Pfluger confirms her conclusions in the Landscape Assessment,[318] we submit that taking the existing and anticipated environment into account, landscape and visual amenity effects will be appropriate.

257. The existing and anticipated environment for the purpose of assessing landscape and visual amenity effects is addressed in the Legal Overview at paragraphs 139 to 144. In summary, the Project needs to be assessed in the context of the Ski Area Sub Zone of the QLDC Proposed District Plan which applies to the Rastus Burn catchment being part of the Site within the Queenstown Lakes district. The Ski Area Sub Zone anticipates ski area development within this area and provides an exemption from landscape restrictions. The Project also needs to be assessed against the existing ski trails, lifts and structures in the Rastus Burn catchment which have substantially modified the values of the landscape.[319]

258. There is general agreement between Ms Pfluger and the landscape experts for DOC, CODC and QLDC regarding the level of effects and rationale regarding the effects.[320] The Project will result in landscape and visual amenity effects which range

[314] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [266]-[270].
[315] Department of Conservation, Concession Template Document, Schedule 2, Clause 30.
[316] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [175] and Central Otago District Council, Comments, 27 October 2026 at page 3.
[317] Kā Rūnaka, Statement of Evidence of Dr Alayna Rā, 27 October 2026 at [12].
[318] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [63].
[319] B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].
[320] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [7].

in scale from very low due to existing development to high in confined areas.[321] The Project includes comprehensive rehabilitation and mitigation measures to address any adverse effects.[322]

259. QLDC is satisfied that the Project will protect the values of the Outstanding Natural Landscape and that other landscape effects can be adequately avoided, remedied or mitigated subject to the inclusion of a condition relating to the form of the retaining structures.[323] NZSki has agreed to adopt this condition.

260. In relation to geomorphology effects raised by DOC, Ms Pfluger confirms that the geomorphology of the Project Area was addressed in the Landscape Assessment.[324]

261. NZSki does not propose a dedicated Landscape Management Plan as sought by DOC[325] as Ms Pfluger considers that this would provide similar information to monitoring the ecological performance of rehabilitation or earthworks areas.[326]

Cultural landscape effects

262. In response to Dr Rā's evidence, although Ms Pfluger considered cultural values as outlined in the Kauati report on the Remarkables Conservation Area,[327] she acknowledges that the Landscape Assessment has limitations as she cannot speak for mana whenua.[328] Ms Pfluger has reviewed the evidence for Kā Rūnaka to assess if the information provided in relation to cultural values and effects requires amendments to the findings of the Landscape Assessment.[329]

263. While Dr Rā's evidence does not provide an assessment of effects of cultural landscape values, Ms Pfluger has considered all matters raised. Ms Pfluger considers that the Kā Rūnaka evidence has brought cultural perspectives that deepen her understanding of the landscape's values and the implications of the Project across its physical, perceptual and associative dimensions.[330] She considers that the evidence reinforces her assessment of high adverse landscape effects in Doolans Basin and explains how effects on cultural relationships extend beyond the

[321] B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].
[322] B-03 Remarkables Ski Area Upgrade and Doolans Expansion Landscape Effects Assessment at [6].
[323] Queenstown Lakes District Council, Comments, 27 October 2026 at [4.4].
[324] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [25].
[325] Department of Conservation, Section 51 Report, Appendix F – Statement of Evidence of Jeremy Head at [44].
[326] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [36].
[327] Kauati, Remarkables Conservation Area, Summary of Ngāi Tahu Values, Practices and Associations, December 2020.
[328] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [44].
[329] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [44].
[330] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [56].

basin itself.[331] Having considered these perspectives, she retains the landscape effects ratings in the Landscape Assessment, while recognising that, from a mana whenua perspective, the spatial and visual extent of change alone does not fully capture the significance of those relationships or the effects on them.[332]

264. Ms Pfluger however disagrees with Dr Rā that the Landscape Assessment is inconsistent with Te Tangi a te Manu guidelines as Dr Rā's interpretation incorrectly applies the guidelines.[333]

Heritage

265. DOC considers that heritage effects cannot be fully understood because a field survey of the area of the proposed Tyrolean weir and water intake at the Doolans Creek Right Branch has not been undertaken.[334] DOC considers that any heritage values in the Doolans expansion area should be avoided and that an accidental discovery protocol cannot be applied if there is reasonable cause to suspect heritage sites are present and there has not been a survey.[335]

266. CODC agrees with Dr Cropper for NZSki that surveyed areas are unlikely to contain significant archaeological or heritage resources.[336] CODC however considers that additional field investigations are required before construction proceeds to confirm whether heritage values are present in the Doolans water intake and access route and sections of Doolans Creek.[337]

267. We submit that heritage effects can be understood and have been appropriately considered and provided for by Dr Cropper.

268. Dr Cropper carried out a survey across the expansion area where earthworks were proposed, including access roads, ski runs, gondola and chair lift lines, building locations, and other areas of proposed excavation.[338] No heritage sites were identified.[339]

269. The survey did not cover the full route of the access track and water intake area. Dr Cropper has therefore reviewed aerial photography and photography taken by

[331] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [56].
[332] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [56].
[333] Statement of Evidence of Yvonne Pfluger, 3 November 2026 at [57]-[60].
[334] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [25].
[335] Department of Conservation, Section 51 Covering Report, Appendix H, Statement of Evidence of Matthew Schmidt, 12 October 2026 at [45].
[336] Central Otago District Council, Comments, 27 October 2026 at page 3.
[337] Central Otago District Council, Comments, 27 October 2026 at page 3.
[338] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [21].
[339] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [21].

pedestrian survey of the water intake and access road.[340] She concludes that there is no evidence of the presence of heritage features in these areas.[341]

270. In relation to DOC's suggestion that there are high altitude sites within the Project Area that have not been assessed,[342] Dr Cropper confirms that Dr Schmidt's evidence does not demonstrate that there are heritage sites within the Project Area, confirming that *"Browns Hut"* raised by Dr Schmidt is outside of the Project Area.[343]

271. Dr Cropper has undertaken extensive surveys and concludes that there is no reasonable cause to suggest that heritage features are present and will be modified by the Project and therefore accidental discovery protocols are appropriate in the circumstances.[344]

272. We submit that the assessment and evidence of Dr Cropper should be preferred as she is the only heritage expert who has undertaken a site visit. We therefore submit that her evidence can be relied on as to the presence, or lack thereof, of heritage features and the most appropriate effects management measures for the Project Area.

Climate change

Implications of climate change

273. DOC considers that an assessment of the anticipated trajectory of climate change from a suitably qualified professional is required.[345]

274. Climatologist Professor Nicolas Cullen's evidence addresses the implications of climate change for the Project.[346] We submit that his evidence reinforces that the Project will likely improve the overall resilience of the ski area to the effects of climate change and increasingly variable weather patterns.

275. Professor Cullen states that climate change is expected to reduce the availability and reliability of natural snow in New Zealand's mountain environments.[347] However, the magnitude of impact varies with elevation, local climate and terrain characteristics.[348]

[340] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [8].
[341] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [11]
[342] Department of Conservation, Section 51 Covering Report, Appendix H, Statement of Evidence of Matthew Schmidt, 12 October 2026 at [26]-[44].
[343] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [16]-[19].
[344] Statement of Evidence of Dr Dawn Cropper, 3 November 2026 at [33].
[345] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [197].
[346] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026
[347] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [8].
[348] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [8].

276. Professor Cullen considers that the proposed expansion into the Doolans Basin would improve the relative climate resilience of the Remarkables Ski Area by increasing access to terrain with favourable natural snow conditions.[349] In addition to elevation, the southerly and southeasterly aspects of parts of Doolans Basin may favour snow retention through reduced incoming solar radiation and greater topographic shading.[350]

277. Professor Cullen concludes that the available scientific evidence supports the Doolans Basin expansion as an important component of a long term climate adaptation strategy for the Remarkables Ski Area.[351] Historical snowpack modelling demonstrates that the Doolans Basin has characteristics that favour natural snow accumulation and retention, providing opportunities to improve snow reliability and adapt to a warming climate.[352] While the magnitude of future snowpack changes within the Doolans Basin has not been quantified, the advantages associated with elevation, aspect and topographic shading are likely to remain important, particularly when combined with advances in snowmaking technology.[353]

Effects on climate change

278. OCB considers that climate adaptation should not automatically justify the Project and that a transparent assessment of the Project's whole of life emissions is required.[354]

279. We disagree with OCB. There is no statutory requirement under the FTA for substantive applications to contain a description of the effects of a project *on* climate change, such as by way of emissions. The only requirement is to provide information on the effects *of* climate change on a project.[355]

280. In terms of decision making, effects of climate change may be considered in relation to the resource consents sought under Section 104.

281. NZSki is committed to achieving net zero Scope 1 and 2 emissions and to being carbon neutral by 2030.[356] Mr Anderson's evidence outlines the actions and progress being made to achieve these commitments and its current target to reduce emissions by at least 5% each year.[357] NZSki has already substantially reduced its

[349] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [20].
[350] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [20].
[351] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [41].
[352] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [41].
[353] Statement of Evidence of Professor Nicolas Cullen, 3 November 2026 at [41].
[354] Otago Conservation Board, 27 October 2026 at page 5.
[355] Fast-track Approvals Act 2024, Section 43(2).
[356] Statement of Evidence of Paul Anderson, 3 November 2026 at [141]-[152].
[357] Statement of Evidence of Paul Anderson, 3 November 2026 at [141]-[152].

net operational emissions and is focused on more difficult sources such as diesel consumption associated with grooming and transport. [358]

Wastewater

282. ORC raises concerns in relation to the proposed total nitrogen limit for wastewater discharge.[359]

283. ORC considers that the existing wastewater discharge is not causing significant adverse effects on surface water ecology. However, it considers the potential effects of the proposed discharge at the requested nitrogen limit have not been adequately demonstrated and that further information or appropriate consent conditions are required to resolve this uncertainty.[360]

284. Kā Rūnaka raises concerns in relation to effects on the mauri of waterbodies.[361]

285. Regarding the mauri of waterbodies, the evidence is that effects on the Rastus Burn and Kawarau River will be appropriate and Mr Bloomberg confirms that microbial risk to the Kawarau River is negligible.[362]

286. Acknowledging Mr Shane Ellison's concerns, we note that he has not reviewed B-11 Wastewater Discharge Impact Assessment or B-18 Wastewater Treatment and Disposal Feasibility Report included in the Substantive Application, therefore his evidence does not take into account all proposed measures for wastewater.

287. We submit that wastewater matters have been appropriately provided for in accordance with the evidence of Mr Jensen, Mr Bloomberg and Mr Richardson which addresses concerns raised in detail.

288. Mr Richardson's evidence outlines how the total nitrogen limits were determined[363] while Mr Jensen confirms that the limits are conservative and reasonable.[364] NZSki has addressed concerns raised by Dr Greer for ORC regarding uncertainty around the load limits by including an instream ammoniacal nitrogen limit and through conditions requiring the total nitrogen limit to be reviewed.[365]

289. In response to ORC's comments that finalising the proposed wastewater design following consent is unusual, Mr Richardson disagrees and identifies that this approach is particularly common when the wastewater treatment plant upgrade is

[358] Statement of Evidence of Paul Anderson, 3 November 2026 at [150].
[359] Otago Regional Council, Comments, 27 October 2026 at Table 1, page 3.
[360] Otago Regional Council, Comments, 27 October 2026 at [86].
[361] Statement of Evidence of Shane Ellison, 27 October 2026 at [35]-[39].
[362] Statement of Evidence of Simon Bloomberg, 3 November 2026 at [34].
[363] Statement of Evidence of Doyle Richardson, 3 November 2026 at [16]-[22].
[364] Statement of Evidence of Marc Jensen, 3 November 2026 at [32].
[365] Statement of Evidence of Marc Jensen, 3 November 2026 at [31]-[32].

not scheduled to be implemented for several years, as is the case here.[366] Mr Richardson's evidence is that all experts agree that there is a need to upgrade the wastewater treatment plant and this is provided for in Conditions WW.41 to WW.43. Proposed performance standards, environmental limits and triggers are secured by Conditions WW.8A to WW8.G.[367] In Mr Richardson's experience, the proposed approach is common in the consenting of large projects where detailed design work is finalised after consent approval, with the consent conditions providing the necessary framework and controls for that work.[368]

Natural hazards

290. DOC and QLDC raise natural hazard risks in their comments including rockfall risk,[369] road stability on the proposed access track and skier return trail above Swan Lake,[370] and flooding risk associated with the Gondola Base building.[371]

291. We submit that these risks have been appropriately provided for by Mr Chinn.

292. Mr Chinn's evidence confirms that rockfall risk propagated by weather and climate conditions can be managed and reduced by various operational measures including closing the road before forecast rain in summer, the short term nature of summer construction traffic and winter avalanche control measures.[372] In addition, in accordance with QLDC's recommendation, a condition requiring a temporal rockfall hazard risk assessment be undertaken for the construction road/return ski trail located within the rockfall hazard risk area above Swan Lake has been proposed.[373]

293. In relation to the comments of Kā Rūnaka regarding natural hazard risk and climate change, Mr Chinn confirms that climate change scenarios have been taken into account and provided for in his assessments.[374]

294. To address flood risk around the Gondola Base building, NZSki proposes a condition for flood modelling to inform the detailed stormwater management design for the building as recommended by QLDC.[375]

[366] Statement of Evidence of Doyle Richardson, 3 November 2026 at [15].
[367] Statement of Evidence of Doyle Richardson, 3 November 2026 at [15].
[368] Statement of Evidence of Doyle Richardson, 3 November 2026 at [15].
[369] Queenstown Lakes District Council, Comments, 27 October 2026 at [6.10].
[370] Department of Conservation, Section 51(2)(a) Concession Report, 12 October 2026 at [197] and Queenstown Lakes District Council, Comments, 27 October 2026 at [6.11].
[371] Queenstown Lakes District Council, Comments, 27 October 2026 at [6.3].
[372] Statement of Evidence of Derek Chinn, 3 November 2026 at [9].
[373] Statement of Evidence of Derek Chinn, 3 November 2026 at [11].
[374] Statement of Evidence of Derek Chinn, 3 November 2026 at [19].
[375] Statement of Evidence of Derek Chinn, 3 November 2026 at [14].

Cumulative effects

295. OCB states that the CMS emphasises the importance of considering cumulative effects when assessing activities on public conservation land.[376] OCB considers that the Project should be assessed not only as a standalone development but in the context of existing ski field infrastructure and the broader pattern of commercial recreation expansion within the conservation estate.[377]

296. We submit that the cumulative effects of the Project will be appropriate for the following reasons:

(a) In relation to the upgrade of existing infrastructure this will occur within the context of the already modified ski field and outcomes anticipated by the Ski Area Sub Zone.

(b) The expansion footprint will be very small in the context of the scale of the wider catchment and ecological district.

(c) Construction effects will be temporary and staged.

(d) The proposed wastewater upgrade will ensure that water quality is maintained at its current level.

AMENDMENTS

297. In response to comments received, Mr Kyle and Ms O'Sullivan have proposed amendments to the conditions. These amendments are described further in Ms O'Sullivan's evidence and updated condition sets are provided at Part Three of NZSki's response to comments.

298. We submit that the updated conditions resolve any remaining concerns including in relation to acoustic effects and 3 waters matters.

299. ORC considers that ongoing informal workshops will likely resolve any outstanding matters related to formatting, workability and enforceability of conditions.[378]

300. We agree that informal conditions workshopping would be useful to address outstanding matters.

[376] Otago Conservation Board, Comments, 27 October 2026 at page 4.
[377] Otago Conservation Board, Comments, 27 October 2026 at page 4.
[378] Otago Regional Council, Comments, 27 October 2026 at [147].

CONCLUSION

301. The Project will deliver regionally significant economic and other benefits.

302. NZSki has taken a pragmatic and considered approach to issues raised in Section 53 comments and DOC's Section 51 reports and we submit that concerns raised by commenters have been appropriately addressed.

303. 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.

304. We therefore submit that the Project should be granted as it meets the purpose of the FTA and the legal tests for approval.

Dated 3 November 2026



Joshua Leckie / Charlotte Coyle
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