

Before the Expert Panel

Under the

Fast-track Approvals Act 2024

And

In the Matter of

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

**Memorandum of Counsel on behalf of
NZSki Limited
in response to Request for Information 1**

Dated: 13 October 2026

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MAY IT PLEASE THE EXPERT PANEL

1. This Memorandum of Counsel is filed on behalf of NZSki Limited (**NZSki**) in response to the Expert Panel's Request for Information dated 29 September 2026 (**RFI**) under Section 67 of the Fast-track Approvals Act 2024 (**FTA**).
2. The RFI seeks additional information relating to Project Overview Conference materials, additional visual simulations, capacity limits and legal matters be provided by 13 October 2026.

Project Overview Conference Materials

Request 1 – Visual fly through

3. The RFI requests a copy of the visual fly through presented at the Project Overview Conference.
4. The visual fly through is at the following link: <https://youtu.be/rKkv59SNKjw>.
5. The fly through was prepared by a videographer to provide a general overview of the Project to a casual observer. It was not prepared by a landscape or visual simulation expert and therefore does not incorporate every aspect of the substantive application.
6. The fly through is not presented as complying with Section 8.5(g) of the Environment Court Practice Note 2023 in that it has not necessarily been prepared according to the New Zealand Institute of Landscape Architects Guidelines but is provided for background purposes.

Request 2 – Draft site specific Erosion and Sediment Control Plan

7. The RFI asks NZSki to direct the Expert Panel to the draft site-specific Erosion and Sediment Control Plan (Alpine Project Area).
8. These documents were submitted as part of the substantive application for the Project on 20 May 2026:
 - (a) a copy of the draft Erosion and Sediment Control Plan for the Project is included within B-28 Construction and Environmental Management Plan at Section 4.0 – Erosion and Sediment Control and Appendix 1 – Erosion and Sediment Control Plan;¹ and

¹ Links to these documents as provided on the fast-track website are as follows (Section 4.0 and Appendix 1 are contained in Parts 1 and 2): [B-28A Construction Environmental Management Plan, Part 1](#), [B-28A Construction Environmental Management Plan, Part 2](#) and [B-28A Construction Environmental Management Plan, Part 3](#).

- (b) an assessment of the proposed Erosion and Sediment Control Plan is also contained within B-27 Erosion and Sediment Control Assessment.²

Request 3 – Further information to be received

- 9. The RFI seeks that NZSki confirm timing on the further information listed at request 3.
- 10. NZSki provides an update on this information as follows:
 - (a) The Queenstown Strategic Network is a New Zealand Transport Agency Waka Kotahi (NZTA) document. The document was formally issued by NZTA on 6 October 2026. A copy of the document can be found here: <https://www.nzta.govt.nz/partners/planning-and-investment/planning/strategic-transport-planning/queenstown-strategic-network-plan>. NZSki understands that the relevance of this document to the Project will be addressed in NZTA's Section 53 comments.
 - (b) Regarding the wastewater report, this assessment will be provided to the Expert Panel as part of NZSki's response to Section 53 Comments.
 - (c) NZSki has liaised with Kā Rūnaka regarding the anticipated delivery of the Treaty Impact Assessment. Kā Rūnaka have advised that this document will be formally provided to the Expert Panel as part of their Section 53 comments.

Visual simulations

Request 4 – Additional visual simulations

- 11. The RFI requests additional visual simulations which clearly show the Doolans Base Building and the Gondola Mid-Station at an appropriate viewing distance.
- 12. Boffa Miskell is currently preparing these visual simulations but has advised that additional time is required.
- 13. Counsel respectfully seeks directions allowing for further time to provide the simulations to the Expert Panel by 23 October 2026.

Capacity limit

Requests 5 and 6 – Capacity and regulatory limits

- 14. The RFI asks NZSki to confirm current and proposed capacity numbers and whether these are subject to regulatory limits.

² Link to this document as provided on the fast-track website is as follows: [B-27A Erosion and Sediment Control Assessment](#).

15. There are no capacity limits within any existing approvals applying to the existing Remarkables Ski Field operation.
16. The current “*capacity*” of 3,500 people at the existing Remarkables Ski Field operation is a theoretical capacity based on practical limitations such as car parks, available ski terrain and building design capacity.
17. This capacity refers to the number of skiers present onsite at one time. In practice skiers come and go throughout the day, therefore the actual number of individuals visiting the ski area on a single day may be higher.
18. As far as NZSki is aware, upper limits or thresholds are not imposed on ski areas throughout New Zealand.
19. Accordingly, the proposed capacity of 6,000 people is based on similar practical limitations for the Project and is not proposed to be a regulatory limit.

Legal matters

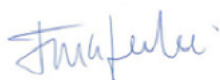
Request 7 – Legal opinion

20. The RFI asks NZSki to provide a legal opinion addressing the relevance and impacts of the following on this fast-track process:
 - (a) the Planning Act 2026 and Natural Environment Act 2026; and
 - (b) the Local Government (System Improvements) Amendment Act 2026, in particular the provisions which address changes to development contributions.
21. We provide this legal opinion as **Appendix A** to this memorandum.

Reserves Act 1977

22. At the Project Overview Conference, the Expert Panel raised the relevance of the Reserves Act 1977 to the Project. For completeness we provide a memorandum addressing this point at **Appendix B**.

Dated 13 October 2026



Joshua Leckie and Charlotte Coyle
Counsel for NZSki Limited

Appendix A

Legal Opinion

Memo

To: Panel Chair **Cc:**
From: Lane Neave **Date:** 13 October 2026

Subject: Response to Request for Further Information dated 29 September 2026 – Legal Matters

Introduction and Summary

1. The Planning Act 2026 (**Planning Act**) and the Natural Environment Act 2026 (**Natural Environment Act**) passed their third readings on 22 September 2026 and received Royal Assent on 30 September 2026.
2. On 29 September 2026, the Environmental Protection Authority (**EPA**) made a Request for Information (**RFI**) in relation to the Remarkables Ski Area Upgrade and Doolans Expansion (**Project**) under the Fast Track Approvals Act 2024 (**FTA**).
3. The purpose of this memorandum is to respond to the following legal matters raised in the RFI:
 - (a) The relevance and impacts (if any) of the following on the FTA process:
 - (i) the Planning Act and Natural Environment Act; and
 - (ii) the Local Government (System Improvements) Amendment Act 2026 (**LGA Amendment Act**) and in particular the provisions which address changes to development contributions.
4. In summary, the Planning Act and Natural Environment Act have not introduced any amendments which impact the Project.
5. Separate to the Expert Panel's decision making, if resource consent is granted for the Project, the LGA Amendment Act now allows Queenstown Lakes District Council (**QLDC**) and Central Otago District Council (**CODC**) to require development contributions if they can demonstrate that they will incur expenditure in relation to any assets required for the Project and the statutory process followed.

Amendments to the Fast Track Approvals Act 2024

6. The Natural Environment Act does not introduce any amendments to the FTA. The Planning Act makes a number of amendments to the FTA.

Amendments with Immediate Legal Effect

7. Amendments to the FTA as set out in Part 1 of Schedule 12 of the Planning Act came into force on the day after Royal assent. The Planning Act received Royal assent on 30 September 2026. The amendments to the FTA in Part 1 of Schedule 12 therefore took effect on 1 October 2026.
8. These amendments can be summarised as:
 - (a) removing references to Mana Whakahono ā Rohe from the FTA; and

- (b) inserting a new Part 3 into Schedule 1 of the FTA, which contains transitional provisions for certain applications made under the FTA that were lodged prior to and during the transitional period)
9. There are no Mana Whakahono ā Rohe agreements between QLDC or CODC and Te Rūnanga o Ngāi Tahu. The removal of references to Mana Whakahono ā Rohe from the FTA therefore does not affect the Project.
 10. The new Part 3 of Schedule 1 of the FTA introduces transitional provisions into the FTA.
 11. Under new Clause 19 of Part 3, Schedule 1 of the FTA, if a substantive application seeking an approval under Section 42(4)(a), (b), (c) or (d) is lodged before the transition period commences, the application must continue to be processed and determined under the FTA and the RMA as it was in force at the time the application was made. The transition period commences on 30 October 2026, being one month after Royal assent of the Planning Act, and ends when the RMA is repealed by Order in Council, which is a date yet to be specified.
 12. Approvals under Sections 42(4)(a), (b), (c) and (d) of the FTA relate to the following:¹
 - (a) resource consent that would otherwise be applied for under the RMA;
 - (b) a change or cancellation of a resource consent condition that would otherwise be applied for under the RMA;
 - (c) a certificate of compliance that would otherwise be applied for under the RMA; and
 - (d) a designation or an alteration to an existing designation for which a notice of requirement would otherwise be lodged under the RMA.
 13. The Project requires approvals under Section 42(4)(a) of the FTA, being resource consents that would otherwise be applied for under the RMA.
 14. The substantive application for the Project was lodged on 20 May 2026, prior to the transitional period under the Planning Act commencing. Pursuant to new Clause 19 of Schedule 1 of the FTA, the Project must be processed and determined under the FTA and the RMA as in force at the time the application for the Project was lodged.²
 15. The version of the FTA and RMA that applies to the Panel's decision-making on the Project is the version that existed prior to the amendments introduced by the Planning Act.

Amendments with Staged Legal Effect

16. Further amendments contained in Part 3 and Part 5 of Schedule 12 of the Planning Act come into force one month after Royal assent (for the amendments in Part 3) and on a date set by Order in Council which has not been specified (for the amendments in Part 5).
17. Given that the transitional provisions require the Project to be assessed against the provisions of the FTA and the RMA that applied at the time the substantive application was lodged, these amendments do not apply to the Project. We have therefore not addressed these amendments in this memorandum.

¹ Fast-track Approvals Act 2024, Section 42(4)(a-d).

² With the exception of Mana Whakahono ā Rohe agreements, which have immediate legal effect from 1 October 2026. Clause 53 of Schedule 1 of the Planning Act explicitly states that all Mana Whakahono ā Rohe agreements cease to have legal effect on the day after royal assent (1 October 2026) and the transitional provisions in new Clause 19 of Schedule 1 of the FTA do not preserve Mana Whakahono ā Rohe agreements for substantive applications lodged prior to the transitional period.

Amendments to Other Legislation

18. With respect to the other legislation under which approvals are required to authorise the Project, (i.e. other than the RMA and the FTA), the Planning Act and the Natural Environment Act do not propose any substantive amendments, apart from consequential and technical amendments to refer to the Planning Act and Natural Environment Act instead of the RMA.

Local Government (System Improvements) Amendment Act 2026

19. The LGA Amendment Act provides territorial authorities with increased powers to require development contributions. Territorial authorities can now require development contributions for developments that have a resource consent approval under the FTA if the effect of the development is to require new or additional assets of increased capacity and the territorial authority incurs expenditure in relation to those additional assets.³ Before doing so, a council must adopt or amend a Development Contributions Policy for that specific development within six months of approval being granted.⁴
20. The changes have legal effect the day after Royal Assent.⁵ The LGA Amendment Act received Royal Assent on 18 September 2026 and therefore comes into force on 19 September 2026. However, the provisions of the LGA Amendment Act do not apply to:
 - (a) applications that have already been granted prior to the LGA Amendment Act coming into force;⁶ and
 - (b) substantive applications where the applicant has already received a draft decision under Section 69 of the FTA, or draft conditions under Section 70 of the FTA.⁷
21. The ability to require development contributions therefore extends to fast-track projects for which no draft decision or draft conditions had been issued by 19 September 2026.
22. Accordingly, if resource consent is granted for the Project, QLDC and CODC may be able to require development contributions in respect of the Project if they can demonstrate that they will incur expenditure in relation to any assets required for the Project and the statutory process followed.

³ Local Government (System Improvements) Amendment Act 2026, Section 29.

⁴ Local Government (System Improvements) Amendment Act 2026, Section 21.

⁵ Local Government (System Improvements) Amendment Act 2026, Section (2).

⁶ Local Government (System Improvements) Amendment Act 2026, Schedule 2, Clause 71.

⁷ Local Government (System Improvements) Amendment Act 2026, Schedule 2, Clause 71.

Appendix B

Memorandum - Reserves Act 1977

Memo

To: Panel Chair **Cc:**
From: Lane Neave **Date:** 13 October 2026

Subject: Reserves Act 1977 Approvals

Introduction and Summary

1. NZSki Limited (**NZSki**) has submitted a substantive application under the Fast-track Approvals Act 2024 (**FTA**) for the Remarkables Ski Area Upgrade and Doolans Expansion (**Project**).
2. The Project seeks approvals for concessions under both the Reserves Act 1977 (**Reserves Act**) and Conservation Act 1987 (**Conservation Act**).
3. During the Project Overview Conference, NZSki was asked to clarify how the application for the Project is subject to the Reserves Act.
4. The Reserves Act applies to the Project for the following reasons:
 - (a) the Project takes place partially within the Rastus Burn Recreation Reserve; and
 - (b) activities which take place within a reserve held under the Reserves Act require a concession to be granted under the Reserves Act.
5. The process and test for a concession applied for under the FTA is substantially the same regardless of whether it is sought under the Reserves Act or the Conservation Act.
6. NZSki acknowledges that there are parts of the application which should reference more clearly both the Reserves Act and Conservation Act, and do not.¹ As the process for each approval is substantially the same, the application addresses all requisite matters. Accordingly, no issues of scope arise and NZSki does not propose to amend the application unless requested to do so.
7. NZSki is grateful to the Expert Panel for drawing this to its attention.

Remarkables Ski Area Upgrade and Doolans Expansion Project

8. The Project takes place partially within the Rastus Burn Recreation Reserve. As the Rastus Burn Recreation Reserve is held as a recreation reserve under the Reserves Act,² any activities on it require a concession under the Reserves Act.³
9. Outside of the FTA, a concession sought over recreation reserve is applied for under the Reserves Act. It is processed and administered by the Department of Conservation.⁴
10. The remainder of the Project comprises of works within the Remarkables Conservation Area, excluding the works at the lower car park. Works within the Remarkables Conservation Area require a concession under the Conservation Act.

¹ For example, the following documents should reference both Acts but do not: A-02: Legal Overview at [19], A-11: Substantive Application Report Section 4 Approvals Required at 4.1 and 4.3, A-17: Substantive Application Report - Section 10 Approvals Relating to the Conservation Act, Condition Sets H.03-.05 where relevant.

² I.03 Combined Records of Title - Project Site.

³ Reserves Act 1977, Section 59A.

⁴ Reserves Act 1977, Section 59A.

Concessions under the Fast-track Approvals Act 2024

11. A “*concession*” as defined in the FTA includes a concession that would otherwise be applied for under the Conservation Act or a “*Reserves Act approval*”.⁵ The Project seeks both concessions that would otherwise be applied for under the Conservation Act and Reserves Act approvals.
12. “*Reserves Act approval*” is defined as:⁶
 - (a) a concession being a lease, licence, permit or easement that would otherwise be applied for under the Reserves Act in respect of a Crown-administered reserve; or
 - (b) a lease, licence, permit, or easement in respect of a reserve other than a Crown-administered reserve.
13. Clause 7 of Schedule 6 provides the criteria for assessing an application for a *concession*. This includes:⁷
 - (a) the purpose of the FTA (which is given the greatest weight);⁸
 - (b) relevant sections of the Conservation Act;⁹
 - (c) relevant planning documents;¹⁰ and
 - (d) ownership and existing arrangements and obligations in relation to the land.¹¹
14. Except as summarised below, the FTA criteria are identical regardless of whether the applicant is using the FTA process to apply for concessions under the Reserves Act or concessions under the Conservation Act.
15. The two tests are differentiated by:
 - (a) What purpose the land is held for. Concessions under the Conservation Act are assessed against the conservation purpose which the land is held for.¹² Concessions under the Reserves Act are assessed against the purpose of the reserve.¹³
 - (b) For concessions under the Reserves Act an analysis is required of the relevant reserve management plan, or approval from the relevant local authority, where the reserve is managed outside the Crown.¹⁴ As the Rastus Burn Recreation Reserve is managed by the Crown, there is no requirement to comply with this provision and in any event, there is no applicable reserve management plan under Section 41 of the Reserves Act.
16. There are no additional requirements for Conservation Act concessions that are not already considered for a Reserves Act concessions.¹⁵

⁵ Fast-track Approvals Act 2024, Schedule 6, Clause 1.

⁶ Fast-track Approvals Act 2024, Schedule 6, Clause 1 referencing Reserves Act 1977, Section 2(1) and Section 59A.

⁷ Fast-track Approvals Act 2024, Schedule 6, Clause 7(1)(a).

⁸ Fast-track Approvals Act 2024, Schedule 6, Clause 7(1)(a)(i).

⁹ Fast-track Approvals Act 2024, Schedule 6, Clause 7(1)(a)(i) and Clause 7(1)(a)(ii).

¹⁰ Fast-track Approvals Act 2024, Schedule 6, Clause 7(1)(a)(vii), Clause 7(1)(a)(viii), Clause 7(1)(a)(ix) and Clause 7(1)(b).

¹¹ Fast-track Approvals Act 2024, Schedule 6, Clause 7(a)(x) and Clause 7(a)(xi).

¹² Fast-track Approvals Act 2024, Schedule 6, Clause 7(1)(a)(vi).

¹³ Fast-track Approvals Act 2024, Schedule 6, Clause 7(1)(a)(vi).

¹⁴ Fast-track Approvals Act 2024, Schedule 6, Clause 3(e) and 3(m).

¹⁵ Fast-track Approvals Act 2024, Schedule 6, Clause 7.

17. Functionally, the process and test for applying for a concession under either Act through the FTA is the same.¹⁶

¹⁶ Fast-track Approvals Act 2024, Schedule 6, Clause 7.