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

Statement of Evidence of **Kirsty Elizabeth O'Sullivan** on behalf of NZSki Limited in response to Section 53 Comments

Planning

Dated: 3 November 2026

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INTRODUCTION

1. My full name is Kirsty Elizabeth O'Sullivan.

2. I hold a Bachelor of Science and a Master of Planning, both obtained from the University of Otago. I am a Partner at the environmental and resource management consultancy Mitchell Daysh Limited. Prior this role, I have held both central and regional government roles in the resource and environmental management sectors.

3. Over the past 13 years I have provided consultancy advice with respect to regional and district plan and policy review processes, private plan changes, resource consents, designations and environmental effects assessment.

4. Although this is not an Environment Court proceeding, I confirm my compliance with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

Scope of Evidence

5. This statement is given as part of NZSki Limited's (**NZSki**) response to comments on the Remarkables Ski Area Upgrade and Doolans Expansion (**Project**) made under Sections 51 and 53 of the Fast-track Approvals Act 2024 (**FTA**). This statement responds to specific comments raised by:

   (a) Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka Aparima **(Kā Rūnaka)**;

   (b) The Otago Regional Council (**ORC**);

   (c) Central Otago District Council (**CODC**);

   (d) Queenstown Lakes District Council (**QLDC**) and

   (e) Department of Conservation (**DOC**).

6. Mitchell Daysh Limited prepared the original Substantive Application documents for this project. My role in the preparation of these documents was around the overall management and oversight of the application and peer review. Post lodgement, I have maintained oversight of the various project inputs.

7. In preparing this statement of evidence, I have reviewed the draft statements of evidence prepared by the following experts in response to the Section 51 and Section 53 comments received:

(a) Paul Anderson – Corporate;

(b) Louise McQuillan – Corporate;

(c) Ross Lawrence – Corporate;

(d) John Kyle – Planning;

(e) Doyle Richardson – Wastewater (Planning);

(f) Dr Gary Bramley – Terrestrial Ecology;

(g) Liam Salemink-Waldren – Terrestrial Ecology;

(h) Rebecca Teele – Terrestrial Ecology;

(i) Carey Knox – Lizards;

(j) Trudy Anderson – Lizards;

(k) Dr Richard Allibone – Freshwater Ecology;

(l) Mark Hamer – Freshwater Ecology;

(m) Marc Jensen – Wastewater;

(n) Simon Bloomberg – Wastewater;

(o) Alexandra Badenhop – Hydrology;

(p) Tom Grandiek – Erosion and Sediment Control;

(q) Benje Patterson – Economic;

(r) Chris Rossiter – Transport;

(s) Yvonne Pfluger – Landscape;

(t) Dr Dawn Cropper – Heritage;

(u) Rob Greenaway – Recreation;

(v) Professor Nicolas Cullen – Climate Change; and

(w) Derek Chinn – Natural Hazards.

8. For the purposes of this evidence, when referring to the statements of evidence prepared by Liam Salemink-Waldren, Rebecca Teele and Glenn Davis (each which

append a jointly prepared memorandum), I herein refer to their statements as the "e3 Ecological SOEs".

SUMMARY OF FINDINGS

9. The evidence concludes that the Project must be assessed under the integrated FTA framework, giving greatest weight to the Act's purpose and the Project's regional and national benefits. Inconsistency with relevant legislation or statutory planning documents remains relevant but is not, by itself, a basis for declining the applications.

10. The evidence identifies a functional need for the expansion and its proposed location. Further assessment has addressed alternatives, including Lake Alta and alternative reservoir sites, although expert disagreement remains over whether Tarn 3 is a natural inland wetland. Avoidance, minimisation and remediation have substantially informed the design, but operational effects management requires further attention.

11. Residual ecological effects will remain. NZSki accepts Dr Bramley's preliminary offsetting recommendations, with further discussion recommended with regulators and Kā Rūnaka. The package does not strictly comply with the effects management hierarchy, and compensation for remaining residual effects has not been pursued.

GENERAL MATTERS

Overview of the criteria for applications under the FTA and weighting of statutory policy documents

12. The Project requires resource consents, concessions and wildlife permits under the FTA. All approval types are determined within the integrated decision-making framework established by the FTA, although they are subject to different statutory criteria.

13. Common to the consideration of all three of the approval types is the requirement to give the greatest weight to the purpose of the FTA[1] and, by necessity, the regional and national benefits delivered by the Project.[2] The adverse impacts of the Project also require consideration by the Panel, particularly if the Project engages with the proportionality test set out in Section 85(3) of the FTA.

[1] Fast-track Approvals Act 2024, Schedule 5, clause 17(1)(a) for resource consent; Schedule 6, clause 7(1)(a)(i) for a concession; Schedule 7, clause 5(a) for a wildlife approval.
[2] Fast-track Approvals Act 2024, Section81(4) FTA.

14. In relation to the resource consent applications, the Panel must also consider certain provisions of the Resource Management Act 1991 (**RMA**),[3] including relevant planning documents made under it. In relation to the concession applications, Schedule 6, clause 7 requires the Panel to consider matters including parts of relevant conservation legislation, the purpose for which the affected land is held, and relevant conservation management documents. In relation to the wildlife approval application, Schedule 7, clause 5 requires the Panel to consider the purpose of the Wildlife Act 1953 and information and requirements relating to the avifauna and lizards to be covered by the approval, including information and requirements in the New Zealand Threat Classification System or any relevant international conservation agreement.

15. It is noted that planning instruments prepared under the RMA are relevant to the resource consent assessment but, in my opinion these are not relevant considerations in the concession or wildlife approval assessments because they have no linkage to clause 7 of Schedule 6, or clause 5 of Schedule 7, respectively. Likewise, the matters relevant to concessions and wildlife approvals, beyond the common matters mentioned above, are not relevant considerations in the assessment of the resource consents sought. DOC's experts rely heavily on the framework set out in planning instruments under the RMA and it is not clear how or if this distinction has been made by DOC.

16. With the greatest weight required to be given to the purpose of the FTA for all approvals sought, the Panel's task is not simply to assess whether the Project is consistent with the legislation under which the approvals would typically be sought. Instead, a broader assessment under the FTA is required. The relevant provisions of other statutes that the Panel is directed to consider, and any relevant documents made under those statutes, are relevant to the Panel's consideration depending on the issues raised by the Project, but in my view, are not determinative. This is because while the decision making processes in the schedules relevant to the Project require the Panel to take into account specific matters relevant to those approval types, in all instances the schedules require the greatest weight to be given to the purpose of the FTA.[4] In this context relevant documents made under those statutes inform the Panel's overall evaluative judgement as to whether the Project should be approved having regard to the purpose of the FTA.

17. This is reinforced by the FTA's direction that a Panel may not conclude that an adverse impact reaches the relevant statutory threshold to enable the application to be declined solely because it is inconsistent with, or contrary to, a specified Act or

[3] Fast-track Approvals Act 2024, Schedule 5, clause 17(1)(b).
[4] Fast-track Approvals Act 2024, Clause 7 of Schedule 6 (concessions), Clause 5 of Schedule 7 (wildlife approvals), Clause 17 of Schedule 5 for resource consents.

another document that the Panel is required to consider.[5] I therefore consider that this confirms that inconsistency with other legislation and any subordinate documents may be relevant, but cannot by itself establish an unacceptable adverse impact or be the basis on which an application is declined.

SPECIFIC RESPONSE TO COMMENTS – SECTION 51

Conservation Act considerations under Clause 7 of FTA

18. Clause 7 of Schedule 6 to the FTA sets out the criteria for assessing applications for concessions. In undertaking that assessment, the Panel is directed take into account various specific matters drawn from the relevant conservation legislation, while giving greatest weight to the purpose of the FTA. In my opinion, the individual matters identified in clause 7 are not to be considered in isolation. Rather, they form part of an integrated statutory assessment that must ultimately be undertaken through the FTA lens which requires that the greatest weight in decision making is given to the purpose of the FTA.

19. In its Section 51 report, DOC considers the application of clause 7 and, for the purposes of clause 7(1)(a)(ii), identifies the provisions of Part 3B of the Conservation Act 1987 that it considers relevant to the Panel's assessment.[6] DOC provides an assessment against those matters in turn before considering the matters set out in clause 7(1)(a)(iii)-(xii).

20. This evidence responds to the key matters raised by DOC that are relevant to the Panel's consideration of clause 7. Rather than respond in turn to every matter considered in DOC's Section 51 report, my evidence addresses the broader themes relating to the provision of further information, effects and conditions are in later sections. This section of my evidence responds to key specific matters drawn from the relevant conservation legislation, namely:

    (a) the consideration of alternatives under Section 17U(4) of the Conservation Act 1987;

    (b) the relationship between the Project and the relevant Conservation Management Strategy under Section 17W of the Conservation Act 1987; and

    (c) the purpose for which the relevant public conservation land is held.

[5] Fast-track Approvals Act 2024, Section 85(4) FTA.
[6] Paragraphs 36-39, s51 Report.

21. While I address each of these matters separately for the purposes of clarity, it is important that they are considered in the wider context of the clause 7 assessment as a whole. In my opinion, the matters relating to alternatives, the Conservation Management Strategy, and the purpose for which the land is held are relevant considerations under clause 7, but they are not standalone approval tests. Rather, they form part of the broader evaluative judgement required of the Panel when applying Schedule 6 and determining the concession applications in accordance with the FTA, giving greatest weight to the purpose of that Act.

Section 17U(4) Consideration of Alternatives

22. DOC consider that the information provided in the application documents does not demonstrate that alternatives have been sufficiently identified, particularly in relation to:

    (a) loss of Tarn 3 and use of Lake Alta as an alternative water source;[7] and

    (b) tracks, crossings, and infrastructure effects on wetlands.

23. ORC expresses the same view, albeit in the context of the resource consent application as opposed to the concession. Similarly, DOC repeats these comments in its Section 53 response with respect to resource consents.

24. Attachment A to Part A.21 of the Substantive Application and the evidence provided by Ms McQuillan describes the range of alternative expansion options considered for the Project. Generally, these were assessed during the early master planning process as unable to provide the combination of terrain capacity, operational efficiency, climate resilience, accessibility, and commercial viability required to accommodate the forecast growth. The Doolans Basin has been identified as the only area capable of delivering a substantial increase in ski terrain, capacity and long-term operational resilience while remaining integrated with the existing ski area and associated infrastructure. The evidence concludes that no alternative location outside the Doolans Basin has been identified that would be both operationally and commercially feasible while meeting the requirements of the proposed expansion.

25. Applying a more localised lens to the Doolans Basin specifically, the site-selection process involved considering the functional requirements of the expanded ski area alongside the physical and environmental characteristics of the project area. As identified by Ms McQuillian, this included topography, elevation and aspect, terrain suitability, ecological values, wetlands and waterways, landscape values, natural hazards, ropeway engineering requirements, construction access, maintenance requirements and long-term operational safety.

[7] 11A Attachment 1 – DOC Expert Statement – Planning – J Macleod, Para 66-71

26. With respect to the loss of Tarn 3, Ms Badenhop has completed further analysis around the use of Lake Alta and the potential drawdown effects on the Rastus Burn from a hydrology perspective. Mr Hamer has considered this at a high level from a freshwater ecology perspective and Ms Pfluger from a landscape and natural character perspective. Ms Quillian has contextualised this further with an operational overview of how snowmaking would operate across the two basins and infrastructure that would be required. While this information does not completely eliminate the use Lake Alta as a reservoir, there are still a number of significant effects arising from its development and use which would make this option challenging.

27. Ms McQuillian, Dr Bramley and the ecological statement of evidence also consider a third option, an alternative reservoir site north of Tarn 3. Based on the ecological advice received, this option is less preferred than Tarn 3. With respect to tracks, crossings and infrastructure crossing wetlands and waterbodies more generally, both Ms McQuillan and Ms Badenhop(hydrology) address this in their statements of evidence. Most notably, the main ski trail and access road alignment sought to avoid such features in the first instance, following minimisation of the crossing width. The specific crossing type selected was based on the nature of the feature being crossed and its hydrological functioning.

28. The Substantive Application, supplemented with the additional information provided through NZSki's responses to the Section 51 and Section 53 comments provides further consideration of the alternatives identified by DOC and ORC.

Section 17W Relationship with Conservation Management Strategy

29. A number of comments were made by DOC regarding the Project's consistency with the Conservation Management Strategy (**CMS**).

30. The Substantive Application contained a high-level assessment of the Project against the CMS. I recognise that a fuller, more detailed evaluation of each project aspect and policy would have more expressly identified where tension exists between the various Project elements and the relevant outcomes, objectives and policies of the CMS.

31. Where DOC has identified in its Section 51 comments (specifically in Appendix K) that the Project is inconsistent or contrary to a provision within the CMS, I have further reviewed and reevaluated whether the Project is consistent with those provisions. In instances, the Project may be identified as being fully, or partially consistent or inconsistent with the provisions identified. A copy of this evaluation is contained in **Appendix 1** of this statement.

The purpose for which the land is held

32. Clause 7(1)(a)(vi) of Schedule 6 to the FTA requires the Panel to take into account the purpose for which the land is held. In my opinion, that obligation requires the Panel to genuinely consider the matter and give it such weight as is appropriate in the circumstances, alongside all other relevant considerations. However, while it is relevant to the Panel's assessment, as set out in Clause 7(1)(a)(i), the greatest weight must be given to the purpose of the FTA.

33. DOC considers that the activities proposed within the Rastus Burn Recreation Reserve are consistent with the purpose for which that land is held. However, DOC's position is that those components of the Project located within the Remarkables Conservation Area, including parts of Doolans Basin, Helicopter Ridge and adjoining areas, are inconsistent with the purpose for which that land is held.

34. DOC assesses the Remarkables Conservation Area as stewardship land managed under Section 25 of the Conservation Act. Section 25 requires stewardship areas to be managed so that their natural and historic resources are protected. Importantly, "protection" in relation to a resource is defined in the Conservation Act as meaning maintenance of a resource, so far as is practicable, in its current state. In my view, the "so far as is practicable" qualifier recognises 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.

35. In this regard, it is noted that DOC acknowledges that the Project will provide for public recreation and enjoyment. In my opinion that benefit is relevant because the concept of conservation which underpins the Conservation Act is not confined to protection alone.[8] Conservation also encompasses the provision of recreational enjoyment by the public and in the opinion of the planning experts, this is a relevant consideration in assessing whether the Project is consistent with that aspect of the conservation purpose.

36. Ski field development and expansion have been approved through standard concession processes on conservation land, including stewardship land and land with higher conservation statuses. For example:

    (a) Treble Cone Ski Field operates within the Motatapu Conservation Area which is stewardship land;

[8] s2 Conservation Act:
conservation means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations

(b) Ohau Snow Fields operates within the Ruataniwha Conservation Area which is stewardship land;

(c) Rainbow Ski Area operates within the Rainbow Conservation Area which is stewardship land;

(d) Mount Dobson and Roundhill ski fields operate within the Te Kahui Kaupeka Conservation Park;

(e) Mount Hutt Ski Field operates within the Hakatere Conservation Park;

(f) Numerous ski fields operate within the Craigieburn Forest Park (e.g. Craigieburn, Broken River, Mount Cheesman, Mount Olympus);

(g) Temple Basin Ski Field operates within the Arthurs Pass National Park; and

(h) Whakapapa and Tukino ski fields operate within the Tongariro National Park which is also a dual World Heritage area.

37. The above examples demonstrate that the Project is not unusual in this regard and that ski field development and expansion cannot inherently be incompatible with the purpose of stewardship land, or the broader purpose of the Conservation Act, provided adverse effects are appropriately managed.

38. Importantly, a key conventional test for concessions, set out in Section 17U(3) of the Conservation Act 1987, has been expressly excluded from the Panel's decision-making framework. Under the Conservation Act, a concession application must not be granted where the proposed activity is contrary to the provisions of the Act or the purpose for which the land is held. The exclusion of that provision from the FTA framework is significant. It indicates that, under the FTA framework, inconsistency with the purpose for which land is held is not, of itself, a reason to decline an application. Rather, it is one matter to be weighed in the overall exercise required by the Act.

39. More fundamentally, DOC's conclusion is that the Project is *inconsistent* with the purpose for which the land is held. DOC does not conclude that the Project is *contrary to* that purpose. In my experience, there is a material distinction between those concepts. An activity may be inconsistent with aspects of a statutory purpose without necessarily being contrary to that purpose. That distinction is reflected in the conventional concession test in Section 17U(3), which requires the higher “contrary to” threshold to be met before a concession must be declined.

40. Even had the application been assessed under the conventional Conservation Act framework, I do not consider that the Project is contrary to either the provisions of

the Act or the purpose for which the land is held. While it is accepted that DOC has identified a degree of tension between the proposed activities and the protective function of stewardship land, that is not necessarily equivalent to establishing the higher "contrary to" threshold.

41. While the purpose for which the land is held is a relevant matter that must be taken into account within the broader FTA framework, it is my opinion that the deliberate exclusion of Section 17U(3) from the FTA framework materially reduces the weight that should be attached to any identified inconsistency with that purpose. The planning experts accept that any inconsistency is a relevant factor weighing against the grant of concessions. However, it is not a basis for an application to be declined under the FTA. Rather, it must be balanced against the Project's effects, proposed mitigation measures, recreational benefits, economic benefits, and the broader purpose of the FTA.

42. For the reasons set out above, it is my opinion that limited weight should be given to DOC's conclusion that the parts of the Project located within the Remarkables Conservation Area are inconsistent with the purpose for which that land is held. In my view, the conclusion is largely driven by DOC's assessment of environmental effects. However, the statutory framework established by the FTA anticipates that such effects are to be weighed against the Project's broader benefits. In that context, any tension between the Project's effects and the purpose for which the land is held is a relevant consideration to the Panel's decision making but must not be treated as necessarily requiring the application for concessions to be declined.

Further Information Required

43. In both their Section 51 and Section 53 comments, DOC identified a range of matters on which it considered further information was required to fully understand the actual and potential effects of the proposal. In combination, the matters to which these requests are made include:

    (a) mapping of terrestrial naturally uncommon ecosystems ("**NUE**"s), and quantification of the area of each type of NUE that will be lost;[9]

    (b) demonstration on how avoidance of effects of Tarn 3 has been undertaken, including whether reviews of current consent conditions are required and what the ecological effects of alternative sources of water for snow making are;[10]

[9] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[10] DOC s51(2)(a) – Concessions Report Para 197.

(c) a foot survey of the area of the proposed weir and water intake at Doolans Creek, to search for heritage sites;[11]

(d) comprehensive data on invertebrate values in the project area – information is currently limited by the absence of sampling during early to mid-summer, and no reporting of abundance data;[12]

(e) a survey of lizards in the proposed Transit Hub area next to SH6;[13]

(f) alternatives to the proposed option of taking water for snowmaking from Doolans Creek and storing it in a reservoir at the site of Tarn 3 should be more fully assessed, including comparison of the potential ecological and landscape effects of each option;[14]

(g) assessment of effects on geomorphology;[15]

(h) assessment of the anticipated trajectory of climate change from a suitably qualified professional, how this will be responded to in regard to the longevity of the skifield, additional snow making, and where any additional water required for this will be sourced from and stored;[16]

(i) assessment of operational effects from snow making, snow grooming, skiing, visitor use and road use on freshwater, vegetation and ecosystem, and invertebrate values, taking into account the effects of climate change over the requested term of the concession (40 years);[17]

(j) assessment of the combined and cumulative effects of all elements of the project, particularly on freshwater and vegetation/ecosystem values;[18] and

(k) measures to suitably avoid, remedy or mitigate natural hazard risks, and in particular rockfall risk and road stability on the proposed access track and skier return trail above Swan Lake.[19]

44. Additional technical assessment has been undertaken in relation to a number of the matters raised by DOC. This includes further consideration of climate change effects through the evidence of Professor Cullen and supplementary assessment of snowmaking water demand and supply by Ms Badenhop. Further assessment has

[11] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[12] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[13] 11 – DOC s53 Comments, Para 20.
[14] 11 – DOC s53 Comments, Para 20.
[15] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[16] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[17] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[18] 11 – DOC s53 Comments, Para 20 and DOC s51(2)(a) – Concessions Report Para 197.
[19] DOC s51(2)(a) – Concessions Report Para 197.

also been undertaken in relation to operational effects, including the effects of snowmaking, snow grooming, skiing, visitor activity and associated infrastructure, as addressed within the e3 ecological SOE where relevant.

45. As noted above, additional analysis has been undertaken and is outlined in the evidence of Ms McQuillan in relation to alternatives for water storage and supply, including consideration of the Lake Alta option and the alternative reservoir options. This is also briefly addressed by the relevant hydrology, landscape and terrestrial ecology experts. Further investigations have also been completed in relation to the proposed Lower Remarkables Transit Hub, while additional information relating to natural hazard risks and the management of those risks is provided and secured through proposed conditions.

46. In relation to a number of the remaining requests, including to the mapping of NUEs, a heritage foot survey of the Doolans Creek intake area, and the collection of additional invertebrate data, NZSki's experts have concluded that further assessment or investigation is not required. The reasons for those conclusions are set out in the relevant technical evidence.

Concession and Wildlife Permit Conditions

47. The draft concession and wildlife permit conditions have been updated in response to the section 51 comments received from both DOC and evidence of NZSki's technical experts. These are shown as tracked changes in the updated conditions provided as part of NZSki's response to comments package.

48. Where an amendment has been made to a condition, the source of the change has been identified. Where a change has been recommended in Section 51 comments but not accepted or a new condition added, a brief note has been made regarding the background of the change and why it has been included or not accepted.

49. The amendments also include minor editorial changes such as updated numbering, improved consistency of terms, and formatting and style amendments.

50. Broadly, the amendments to the conditions seek to:

Concessions

(a) **Remarkables Upgrades Concession:** Make administrative changes to Schedule 1 and amend and include new special conditions in Schedule 3 in general accordance with changes suggested by DOC.

(b) **Doolans Expansion Concession:** Make administrative changes to Schedule 1, amend and include new special conditions in Schedule 3 in

general accordance with changes suggested by DOC and update Schedules 1, 3 and 4 to accurately capture all relevant activities sought under the concession.

Wildlife Permits

(c) Lizard Wildlife Approval: Make editorial changes.

(d) Avifauna Wildlife Approval: Amend and include new special conditions in Schedule 3 in general accordance with changes suggested by DOC.

51. Further rationale for the approach taken with respect to the changes relating to compensation (or the Residual Effects Management package) is provided below.

Residual Effects Management Package

52. DOC comments on the draft concession conditions included a placeholder for compensation related conditions. In principle, I do not have any issues with conditions relating to the Residual Effects Management Package being included in the concession provided they address the same effect in single holistic way, not on an approvals basis which risks double counting.

53. Having reviewed other FTA decisions, such as the Southland Wind Farm, one approach to addressing this is to include a cross reference within the concessions and wildlife permits to the overarching resource consent conditions. This is the approach that has been recommended in the revised drafting of the concession and wildlife permit conditions provided as part of NZSki's response to comments package.

SPECIFIC RESPONSE TO COMMENTS – SECTION 53

Kāi Tahu Values Assessments

54. Two key themes in the Section 53 comments received by Kā Rūnaka is the adequacy of the Substantive Application's assessment of Kāi Tahu effects and Kā Rūnaka involvement in governance, monitoring, review, restoration and decommissioning.

55. As identified across the various statements provided by Kā Rūnaka, the matters requiring further evaluation include effects on the cultural and spiritual integrity of Kawarau and the wider wāhi tīpuna landscape, including its visual and spiritual presence, wairua and mauri; alpine ecosystems, associated waterways and taoka species, and the exercise of kaitiakitaka; and whānau access to, use of and relationships with the mauka, including the intergenerational transmission of

mātauraka and cultural identity. Effects on whānau ora and manaakitaka arising from increased visitor activity and cumulative pressures on housing, infrastructure and the capacity of mana whenua to host and care for people and place was also raised, along with concerns around the ability of Kā Rūnaka to exercise substantive rakatirataka through meaningful participation in design, management and decision-making over the life of the Project and the proposed concessions.

56. The Substantive application documents sought to recognise and acknowledge that the Project would give rise to effects on cultural values, however it did not go as far as to identify or assess those effects. This was very intentional as Kā Rūnaka is best placed to speak to those matters and inform those assessments. The application therefore sought to provide the opportunity for those assessments to be undertaken by NZSki and Kā Rūnaka working in collaboration to assess the effects and how they might be managed.

57. Mr Anderson has described in his evidence the previous and ongoing attempts NZSki has put into establishing an enduring relationship with Kā Rūnaka to ensure their role as kaitiaki and their ability to exercise rakatirataka over the mauka and wider Whakatipu basin is recognised and provided for. The proposed Mana Whenua Advisory Group (proposed through conditions) is intended to demonstrate NZSki's ongoing commitment to establishing a working relationship that endures beyond the immediate application process and for the entire duration of the consents sought. It was signaled in the Substantive Application that the final purpose and function of the group (including the frequency of any hui), and any associated programme of works was to be agreed with Kā Rūnaka.

58. In my view, further engagement should enable Kā Rūnaka and NZSki to evaluate the nature, magnitude and cumulative impacts of these effects and work through whether, and how, they can be addressed. Without predetermining the outcomes of any such discussion, potential responses could include, for example, amendments to the location or design of the development (within the scope of the application); protection of cultural access and relationships with the mauka; restoration of the taiao; appropriately resourced cultural monitoring and kaitiaki roles; and measures addressing pressures on whānau wellbeing and the host community. This engagement should also consider meaningful Kā Rūnaka involvement on management plans, the incorporation of mātauraka on terms agreed with Kā Rūnaka, and ongoing review arrangements. These are matters for discussion between NZSki and Kā Rūnaka, not agreed measures or a conclusion that the effects can be resolved.

Tarn 3 and the definition of a Wetland

59. Various comments[20] have been received regarding the proposed loss of Tarn 3 and its values as a natural inland wetland.

60. There are differing views between ecologists whether Tarn 3 comprises a wetland or a water body. Based on the terrestrial ecology report prepared by e3 Scientific (contained in B.11 of the Substantive Application) and the e3 ecological SOE, Mr Liddell (CODC's terrestrial ecology expert) and Dr Bramley (NZSki's independent ecology peer reviewer), Tarn 3 does not meet the definition of a natural inland wetland. Conversely, the evidence of Dr Susan Walker (DOC's terrestrial ecology expert), Dr Kavazos (DOC's freshwater ecology expert) and Mr Rossaak (ORC's wetland expert) suggests Tarn 3 is a natural inland wetland.

61. This distinction is important as it has implications for the interpretation of various national and regional policies and rules. Most notably, it impacts the application of Policy 6 and clause 3.22 of NPS-FM, as well as whether consent is required under NES Regulation 46. It also sets expectations around the extent of compensation required due to the loss of the tarn.

62. Irrespective of the classification of Tarn 3, alternative water storage options have been explored by NZSki as part of its project development, and subsequently through the further analysis undertaken by NZSki's terrestrial ecology, hydrology, freshwater ecology and landscape experts.

63. If Tarn 3 is assumed to be a wetland, from an effects management hierarchy perspective, consideration of alternatives which avoid the loss of Tarn 3 fulfils the first limb of the hierarchy as it demonstrates that avoidance is not practicable.

64. The Project's application of the effects management hierarchy is addressed in further detail in the following section.

Effects Management Hierarchy

65. The following parties have provided general comments or their own assessments of the Project against the relevant objectives and policies of RMA statutory planning documents that include the need to adhere to the effects management hierarchy:

    (a) DOC;

[20] Department of Conservation, Section 51 Covering Report, Appendix B, Statement of Advice of Dr C Kavazos (Freshwater), 12 October 2026 at [21]–[24], [51]–[54], [105]–[112] and [219]–[221]; Appendix A, Statement of Advice of Dr S Walker (Terrestrial Flora and Ecosystems), 7 October 2026 at [57(a)]; Otago Regional Council, Section 53 Comments, 23 October 2026 at [56], [98]–[102] and Table 2; and Appendix 1, Wetland Report of A Rossaak, 12 October 2026 at sections 3.1 and 3.4.

(b) ORC; and

(c) CODC.

66. With respect to national policy statements and national environmental standards, the key focus of the comments from the above parties relate to the objectives and policies of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-FM**), the National Policy Statement for Freshwater Management 2020 Amended December 2025 ("**NPS-FM**") and the National Policy Statement for Indigenous Biodiversity 2023 Amended December 2025 ("**NPS-IB**"). In summary, the parties variously consider that the Project is contrary to number of directive avoidance policies in relation to:

(a) The requirement to achieve a no net loss in indigenous biodiversity, by not being able to fully apply the effects management hierarchy regarding offsetting and compensation principles in the NPS-IB; and

(b) The requirement to achieve no further loss of extent of natural inland wetlands, by not being able to fully comply with the effects management hierarchy regarding offsetting and compensation principles in the NPS-FM.

67. From the outset it has been acknowledged in the Substantive Application that the Project will result in residual environmental effects once all avoidance, minimisation and remediation measures have been implemented.

68. The evidence of Dr Bramley provides details the nature and scale of a residual effects management package he recommends to address the residual effects of the Project. Overall, while the Residual Effects Package has been guided by the principles set out in NPS-FM and the NPS-IB, it does not strictly adhere to them.

69. It is noted that if the Project was being considered under the more traditional decision-making framework of the RMA, any potential inconsistencies with strongly worded avoidance provisions in national policy statements (including how they guide offsetting and compensation) may result in resource consent not being granted. This is not the case for the decision-making under the FTA. As previously discussed above.

70. Section 85(4) of the FTA explicitly states that a decision maker must not decline an application solely on the basis that a project is inconsistent with a provision in a relevant plan or policy statement. The effect of Section 85(4) means that inconsistency with provisions of statutory planning documents, such as directive avoidance policies in the NPS-IB and NPS-FM, is not a 'fatal flaw' or a basis on its own to decline an application under the FTA.

71. This said, for clarity, the following sections set out how the Project has been guided where appropriate by the relevant matters of the NPS-FM and NPS-IB.

Relevant Clauses of the NPS-FM and NPS-IB

72. A key matter raised in both ORC and DOC's Section 53 comments pertains to the assessment of the Project against Policies 6 and 7 of the NPS-FM and Policy 7 of the NPS-IB. The following section sets out how the Project has stepped through what is required by these specific policies.

73. Policy 6 of the NPS-FM requires that *"there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted."* Supporting Clause 3.22 requires regional councils to include a new policy in their regional plans which guides how this policy will be implemented at a regional level. Collectively, these provisions direct that natural inland wetland loss should be avoided; however, 3.22(1)(b) provides for unavoidable wetland loss.

74. Policy 7 of the NPS-FM similarly requires that *"the loss of river extent and values is avoided to the extent practicable"* with supporting clause 3.24 requiring regional councils to include a new policy in their regional plans which guides how this policy will be implemented at a regional level. Whilst avoidance is directed, as with clause 3.22(1)(b) above, 3.24(1) provides for unavoidable river loss.

75. Policy 7 of the NPS-IB requires that *"SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development"* with supporting clauses 3.10(3), 3.10(4) and 3.11(1)[21] providing the pathway for managing adverse effects on SNAs when avoidance is not practicable.

76. Although relating to different matters, the pathways set out in the NPS-FM and NPS-IB involve a similar effects response for activities seeking to give effect to the above policies. In brief, the matters detailed in NPS-FM Clauses 3.22 and 3.24, and NPS-IB Clauses 3.10, and 3.11, each broadly require demonstration of how:

    (a) the activity / effect is necessary for the purpose of the construction or upgrading of specified infrastructure;[22]

    (b) the specified infrastructure will provide significant national or regional benefits;[23]

[21] NPS-IB Clause 3.11 sets out exceptions to 3.10(2).
[22] NPS-FM Clause 3.22(1)(b)(i), NPS-IB Clause 3.11(a)(i)
[23] NPS-FM Clause 3.22(1)(b)(ii), NPS-IB Clause 3.11(a)(i)

(c) there is a functional need for the specified infrastructure in that location,[24] with no practicable alternative to that location;[25]

(d) each step of the effects management hierarchy has been applied;[26] and

(e) principles applying to offset and compensation have been complied with.[27]

77. The Project's consideration of each matter listed above and how the Project has been guided by the relevant directives is described in the following subsections. Greater detail is contained in:

(a) Part A.21 to the Substantive Application and Attachment A;

(b) Part A.14 to the Substantive Application; and

(c) the statement of evidence of Dr Bramley.

Specified Infrastructure

78. Specified infrastructure has the meaning given by the NPS-IB and NPS-FM, that is: "regionally or nationally significant infrastructure identified as such in a National Policy Statement, the New Zealand Coastal Policy Statement, or a regional policy statement or plan". The NPS-FM also identifies ski infrastructure and specified infrastructure.

79. The Operative Otago Regional Policy Statement (**RPS**) defines regionally significant infrastructure as including:

> (14) *ski area infrastructure at Remarkables, Cardrona, Treble Cone and Coronet Peak…*

80. The Project involves the use and development "ski area infrastructure" and therefore falls within scope of the NPS-FM and the NPS-IB definition of specified infrastructure.

National and Regional Benefits

81. As described in Part A.21 to the Substantive Application, the benefits of the Project include:

(a) An increase in the skier capacity of the Remarkables Ski Area from approximately 3,500 skiers at one time to 6,000 skiers, providing greater skiing opportunities for local and international visitors.

[24] NPS-FM Clause 3.22(1)(b)(iii), NPS-FM Clause 3.24(1)(a), NPS-IB Clause 3.11(b) and (c)
[25] NPS-IB Clause 3.11(1)(c)
[26] NPS-FM Clause 3.22(3)(a)(i), NPS-FM Clause 3.24(3)(a)(i), NPS-IB Clause 3.10(3)
[27] NPS-FM Clause 3.22(3)(a)(ii), NPS-FM Clause 3.24(3)(a)(ii), NPS-IB Clause 3.10(4)(b)

(b) An increase in annual holidaymaker spend of between $112 to $168 million, attributable to the Remarkables Ski area.

(c) The contribution of the Remarkables Area to the regional GDP is forecast to increase by between $170 and $197 million (2025 pricing).

(d) Job opportunities are forecast to increase by between 1,242 and 1,851 across the Otago region.

(e) During construction alone, the $193.3 million in capital infrastructure investment by NZSki will result in a GDP effect of $61.9 million, and approximately 81 annualised construction jobs in the heavy and civil construction sector will be generated. However, when focussed on the short construction window (November to May), a peak employment will be in the order of the 150+ jobs over the construction season.

(f) The Project will enable the development of additional "ski area infrastructure", which is considered regionally significant infrastructure and specified infrastructure (respectively) in relevant regional and national policy documents.

(g) The Project will increase the ski area's resilience to the effects of climate change and increasingly variable weather patterns by virtue of Doolans Basin being on a south-facing slope. The Doolans Basin, therefore, has a greater capacity to retain snow, improving its longer-term resilience to potential effects of climate change.

82. The Project therefore meets the regional benefits test of the of the NPS-FM and NPS-FM.

Functional Need

83. As described above, ORC and DOC consider the assessment of alternatives to be insufficient, primarily in relation to:

(a) loss of Tarn 3 with a lack of assessment of Lake Alta as an option for water take; and

(b) alternative track alignments and crossing locations that would better avoid or minimise effects on high-value freshwater habitats / wetlands.

84. Ms McQuillan has provided in her statement of evidence an assessment of functional needs of various aspects of the Project. This has assessed a range of

relevant factors to show why elements of the Project can only occur where they are planned to occur. Briefly, as outlined in the attachment to Ms McQuillan's evidence:

(a) Ski areas have a functional need to be located within alpine environments that provide reliable snowfall and can support the infrastructure required for safe and commercially viable operations, including lifts, ski trails, snowmaking systems, visitor facilities, access, utilities and operational infrastructure.

(b) Significant investment has already been made within the existing Remarkables Ski Area to increase capacity. However, assessments undertaken for NZSki indicate that the capacity of the existing ski area has effectively been reached, with constraints now arising from the availability of ski terrain rather than lift capacity. The expansion is intended to address existing and forecast long-term demand by providing additional terrain and improving the overall visitor experience.

(c) The layout of the ski infrastructure included in the Substantive Application was selected after an extensive master planning process, including site selection workshops which considered the functional, operational, environmental, technical and commercial factors that influence the feasibility and performance of the expanded ski area. Key considerations that impacted this selection included engineering, geographic, cost and construction constraints, environmental effects and disturbance avoidance, natural hazard areas, and long-term operability and reliability.

(d) A range of alternative expansion options were considered, with further consideration applied to the use of Lake Alta and alternative reservoir sites as described earlier, with similar or greater levels of effect as those options proposed anticipated.

(e) The proposed expansion relies on an integrated network of infrastructure, including lift access, ski trails, snowmaking infrastructure, visitor facilities, utilities, transport and operational infrastructure. The location and design of individual components are influenced by the need for the ski area to operate as a connected and functional system. The proposed lift infrastructure, snowmaking systems, buildings, transport facilities, power upgrades and wastewater infrastructure are described as essential components of the expanded ski area. The evidence states that these elements are necessary to support the construction, operation and long-term viability of the expansion.

85. Accordingly, there is a clear functional need for both the expansion associated with the Project, and for this expansion to locate where it has been proposed. As such, I consider that the Project is consistent with the criteria set out in NPS-FM Clause 3.22(b)(i)-(iii), NPS-FM Clause 3.24(1)(a) and (b), and NPS-IB Clause 3.11(1)(a)(i), (b) and (c).[28]

86. Following this assessment, the NPS-FM and NPS-IB require that infrastructure demonstrate how the effects management hierarchy[29] has been applied to:

(a) Any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values.[30]

(b) Any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity.[31] and

(c) Any adverse effects on an SNA of a new subdivision, use, or development that occur as a result of the exception in clause 3.11.[32]

87. The extent to which the Project has followed the effects management hierarchy is summarised in the following subsection.

Effects Management Hierarchy

88. Both the NPS-FM and NPS-IB require the effects of an activity to be managed through an application of the effects management hierarchy wherein:

(a) Adverse effects are avoided where practicable; then

(b) Where adverse effects cannot be avoided, they are minimised where practicable; then

(c) Where adverse effects cannot be minimised, they are remedied where practicable; then

(d) Where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic/ biodiversity offsetting is provided where possible; then

[28] Clause 3.11 of the NPS-IB sets out the exceptions to Clause 3.10(2).
[29] and NPS-IB Clause 3.10(3) and (4)(a)
[30] NPS-FM Clause 3.22(3)(a)(i).
[31] NPS-FM Clause 3.24(a)(i).
[32] NPS-IB Clause 3.10(3).

(e) Where aquatic/ biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

(f) If aquatic/ biodiversity compensation is not appropriate, the activity itself is avoided.

89. As described in the Mitchell Daysh memorandum attached to Part A.21 to the Substantive Application, the Project's infrastructure alignment(including the main ski trail and access road), afforded priority to the avoidance of the following areas:

(a) cushion bogs, seepage wetlands, and riparian wetlands;

(b) permanent or intermittent watercourses or flow paths;

(c) high-value snowbank habitats of limited extent;

(d) high-value cushionfield areas;

(e) known locations of abundant or highly isolated rare or threatened species, whereby the disturbance may result in a proportionally large number of species being affected; and

(f) terrain where disturbance would present elevated instability or debris flow risk or require larger disturbance extent to be functional.

90. NZSki preferentially avoided *Dracophyllum* shrubland, cushionfield and wetlands because effects on those ecological values were considered by the Project ecologists to be more severe. The Project infrastructure alignment is therefore preferentially located within rockfield (no vegetation present) or tussock grassland (some of the lower value vegetation communities within the Project area) because these areas are likely to be more resilient to the types of effects expected. As complete avoidance is not practicable, minimisation became NZSki's focus, followed by remediation.

91. Part A.21 to the Substantive Application provides summaries of the ecological impact assessments undertaken for the Project, with Table 1 pertaining to terrestrial ecology, and Tables 2, 3, and 4 providing equivalents for wetlands and streams all of which replicate tables prepared by e3 Scientific. The tables generally describe the effect itself, the values affected, the pre-management level of effect, the minimisation and/ or remediation proposed, and the level of residual effect. Where residual effects were greater than "low", it was recognised that such effects would need to be offset or compensated for if the Project was to follow a traditional NPS-IB or NPS-FM approach to effects management. It was identified by the terrestrial ecology experts engaged by NZSki that offsetting would be challenging in the alpine

environment and therefore compensation would be required. The Biodiversity Compensation Package was prepared by NZSki in response to those residual effects.

92. Following the feedback section 51 and 53 comments received, Dr Bramley has subsequently undertaken a peer review of Project's application of the effects management hierarchy. In his assessment (refer paragraphs 58 onwards):

    (a) The avoidance element of the hierarchy has been comprehensively applied to the construction phase of the Project. Dr Bramley considers however, that further investigation of Lake Alta is warranted and considers that the loss of Tarn 3 is preferable from an ecological perspective the alternative reservoir site located north of the tarn. Note that further consideration has been given to this matter by Ms McQuillan and other experts (terrestrial ecology, hydrology, landscape and freshwater ecology).

    (b) Operational avoidance has not yet been demonstrated. However, Dr Bramley notes and considers the management measures proposed in the e3 ecological SOE with respect to snow making and grooming are an acceptable avoidance measure for string mire and cushion bog.

    (c) A number of the minimisation measures could be strengthened, including those relating to:

        (i) sediment discharge limits

        (ii) supervision of lizard habitat clearance and lizard relocation protocols;

        (iii) management of construction noise for birds and invertebrates; and

        (iv) operations have not minimisation measures.

    (d) Remediation is provided through the direct transfer of vegetation.

93. Dr Bramley's recommendations have been provided to NZSki's relevant experts for consideration and conditions has been updated to address his comments.

94. Based on Dr Bramley's evidence, the first three steps of the effects management hierarchy (being (a) to (c)) have therefore been met, with the exception of the operational parameters. It is also noted that lizard management has adopted a different strategy based on the advice of NZSki's herpetological advice (which is broadly supported by DOC's herpetologist).

95. Offsetting and compensation the two remaining steps of the effects management hierarchy.

96. The relevant subclauses of the NPS-FM[33] and NPS-IB[34] describe the principles to which proposed offsetting and / or compensation measures should (if strict adherence is being followed) either comply with[35] or have regard to.[36] These principles are described in further detail in the NPS documents but, in brief, relate to:

(a) adherence to effects management hierarchy;[37]

(b) when aquatic/ biodiversity offsetting/ compensation is not appropriate;[38]

(c) no net loss and preferably a net gain;[39]

(d) scale of aquatic/ biodiversity compensation;[40]

(e) additionality;[41]

(f) leakage;[42]

(g) long-term outcomes;[43]

(h) landscape context;[44]

(i) time lags;[45]

(j) trading up;[46]

(k) financial contribution;[47]

(l) science and mātauranga Māori;[48]

[33] NPS-FM Clause 3.22(3)(a)(ii) and Clause 3.24(3)(a)(ii).
[34] NPS-IB Clause 3.10(4)(b).
[35] NPS-FM Principles 1-6 in Appendices 6 and 7 and NPS-IB Principles 1-6 in Appendices 3 and 4.
[36] NPS-FM Principles 7-11 in Appendix 6 and 7-13 in Appendix 7 and NPS-IB Principles 7-11 in Appendix 3 and 7-13 in Appendix 4.
[37] Principle 1 for all.
[38] Principle 2 for all.
[39] Principle 3 for NPS-FM Appendix 6 and NPS-IB Appendix 3.
[40] Principle 3 for NPS-FM Appendix 7 and NPS-IB Appendix 4.
[41] Principle 4 for all.
[42] Principle 5 for all.
[43] Principle 6 for all.
[44] Principle 7 for all.
[45] Principle 8 for all.
[46] Principle 9 for NPS-FM Appendix 7 and NPS-IB Appendix 4.
[47] Principle 10 for Appendix 7 and NPS-IB Appendix 4.
[48] Principle 9 for NPS-FM Appendix 6 and NPS-IB Appendix 3 and Principle 11 for Appendix 7 and NPS-IB Appendix 4.

(m) Tangata whenua or stakeholder participation;[49] and

(n) transparency.[50]

97. While the Substantive Application identified that offsetting would be very challenging in this alpine environment based on the terrestrial ecology assessment (B.12 Terrestrial Ecology Impact Assessment), Dr Bramley holds a differing view. Dr Bramley considers offsetting of some residual effects if practicable and therefore recommends that this be undertaken by NZSki.

98. Broadly, Dr Bramley's recommended offsetting measures include:

(a) ungulate control;

(b) wilding conifer control;

(c) associated monitoring, surveys, management, reporting and govenance (including Kā Rūnaka involvement); and

(d) a contingency of 20% for adaptive management.

99. Based on Dr Bramley's preliminary assumptions, the offset would cost approximately $170,000 per year for the first five years, and $100,000 per year thereafter. Over the 40-year concession that equates to approximately $4.3 million in total, or about $2.6 million in present value terms (at a 3% real discount rate).

100. NZSki accepts Dr Bramley's preliminary recommendations regarding offsetting the nature and scale of the package proposed. In my view, however, there would be merit in Dr Bramley and NZSki discussing the offsetting package further with the relevant regulators and Kā Rūnaka to ensure an agreed set of outcomes.

101. While the final step of the effects management hierarchy is then to compensate for the remaining residual effects, Dr Bramley recognises that this is not a strict requirement of applications under the FTA. For the reasons detailed in Mr Anderson's evidence, this final step has not been pursued.

102. Based on the above, while the Project does not strictly adhere to the effects management hierarchy, a strong degree of alignment has been achieved in relation to offsetting. As previously noted, it is my view that a Panel may not conclude that an adverse impact reaches the relevant statutory threshold to enable the application

[49] Principle 10 for NPS-FM Appendix 6 and NPS-IB Appendix 3 and Principle 12 for Appendix 7 and NPS-IB Appendix 4.
[50] Principle 11 for NPS-FM Appendix 6 and NPS-IB Appendix 3 and Principle 13 for Appendix 7 and NPS-IB Appendix 4.

to be declined solely because it is inconsistent with, or contrary to, a specified Act or another document that the Panel is required to consider.[51]

103. This is reinforced by the FTA's direction that inconsistency with other legislation and any subordinate documents may be relevant, but cannot by itself establish an unacceptable adverse impact or be the basis on which an application is declined.

Inconsistency with Resource Management Statutory Planning Documents

104. A number of comments have identified that the Project is inconsistent with various national, regional and district policy statements and plans.

105. The Substantive Application contained a broad statutory assessment for the Project.

106. While the Project will give rise to a number of different effects, those of most significance or those that remain in contention (based on the Section 51 and Section 53 comments) relate to:

(a) effects on terrestrial and freshwater ecology and associated management (including any offset and compensation);

(b) effects of natural character and landscape;,

(c) effects on recreational values; and

(d) effects on Kāi Tahu values.

107. The objectives and policies that relate to these effects are those that give rise to the greatest tensions for the Project. These areas have been identified in the evaluations undertaken by CODC, ORC and DOC in their Section 53 comments.

108. In light of those comments, where it has been identified that the project is inconsistent or contrary to a provision within a national, regional or district policy statement or plan, I have further reviewed those provisions and provided a further evaluation of whether the project is partially or fully consistent or inconsistent with the provision. This can be found in **Appendix 1** to this statement.

109. For the sake of clarity, it is noted that the evaluation uses the now Operative RPS policy reference.[52]

[51] Fast-track Approvals Act 2024, Section 85(4) FTA

[52] The version of the Proposed RPS used for the statutory assessment in the Substantive Application was the decisions version of the Proposed RPS, updated to reflect the Environment Court Consent Orders. The provisions are therefore the same as the Operative RPS, albeit with updated provision references.

Additional resource consents

110. In Appendix I to its Section 53 comments, CODC take the position that the proposed transformers in the Doolans are not provided for under Rule 13.7.6 of the Central Otago District Plan (**CODP**), notwithstanding their compliance with the relevant area and height standards. CODC considers that the proposed transformers cannot rely on this rule because it does not apply within an ONL. It is on that basis that CODC determine the transformers are not otherwise provided for within Section 13 and require discretionary activity consent under Rule 13.6.16 of their District Plan.

111. In brief, I do not agree with this assertion as:

(a) the rules in Section 13 apply specifically to 'utilities';

(b) the definition 'utility' under the CODP is *"shall have the same meaning as that of "network utility operation" as set out in section 166 of the Resource Management Act 1991 and for the purposes of this Plan also includes navigation and survey aids and beacons, irrigation works and meteorological activities and 'utility' shall have the same meaning"*;

(c) the definition of 'network utility operator' and 'network utility operation' have corresponding meanings under Section 166 of the RMA;

(d) the relevant clause under the definition of 'network utility operator' is *"an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section"*; and

(e) as the transformers are private and NZSki is not captured by the definition of 'network utility operator'; then

(f) the transformers do not meet the definition of utilities under the CODP and therefore do not require consent under Section 13.

112. However, if the Panel reaches a different view, it is noted that the application sought consent for all necessary land use consents (as approvals sought under the RMA) to authorise all activities associated with the construction, operation, and maintenance of the Project.

113. If it is determined that Rule 13.6.16 of the CODP is triggered, the Substantive Application has described and assessed the effects of the transformers, and this constitutes 'applying for' a resource consent for that activity, even if it has not been specifically identified as a rule for that activity in *Part G.01 – Rules Assessment Updated 3 September 2026*.

RESOURCE CONSENT CONDITIONS

114. The draft resource consent conditions have been updated in response to the Section 53 comments and the associated statements of evidence, memoranda, and statements of advice received from both the Section 51 and 53 commenter's and NZSki's experts. These are shown as tracked changes in the updated conditions provided as part of NZSki's response to comments package

115. Where an amendment has been made to a condition, the source of the change has been identified. Where a change has been recommended but not accepted or a new condition added, a brief note has been made regarding who sought the change and why it is or is not necessary.

116. Broad comments around the drafting style or approach (without any specific drafting provided) have not been addressed.

117. Whilst there remain some differences between the drafting style and approach adopted by me and those of the Section 51 and Section 53 commenters, it is anticipated that these can undergo further refinement through informal workshops between NZSki and the relevant authorities.

118. It is also noted that a "conditions matrix" was submitted with the substantive application. This matrix identified which conditions would apply to each resource consent. In light of comments received from CODC, this matrix has not been updated as their preference is for separate approvals to be prepared with consent authority specific conditions. In this respect, it should be noted that the conditions have been drafted as an integrated suite to ensure they work across jurisdictional boundaries. For this reason, the conditions do not always adopt specific Council guidelines as these can differ between jurisdictions and could give rise to inconsistent effects management across the project footprint. Notwithstanding, I remain open to the idea of preparing consent authority specific approvals, provided the integrated drafting approach remains.

119. In addition to the tracked changes to conditions, a potential framework for the drafting further condition amendments relating to management plans and the Residual Effects Package is set out below.

Geomorphology

120. Dr Barrell has provided evidence on behalf of DOC with respect to the geomorphology of the Doolans Basin. More specifically, he has identified what he considers to be a potentially nationally significant late glacial moraine sequence preserved within the Project footprint.

121. Dr Barrell identifies that obtaining age and climatic data from the Doolans Creek Right Branch Basin late-glacial moraine sequence will fill a considerable geographic gap in the Southern Alps late-glacial moraine chronology and paleoclimatic dataset and will feed into internationally relevant climatic assessments. The ability to obtain this data is lost if the sequence is disturbed.

122. NZSki has advised that they would be willing to provide support to a research institute to assist with access and co-ordination of the dating of this moraine sequence prior to works commencing and reporting of that dating, to ensure that the opportunity to gain the age and climatic data is not lost as a result of the project. This financial support can be assured through a condition of the resource consents.

Management Plans

123. Various comments have been made regarding the extent to which different agencies should be involved with the certification of management plans.

124. The Project traverses the jurisdictional boundaries of two District Councils, one Regional Council and DOC. Kā Rūnaka have also signalled an interest in the certification of management plans. This results in a complex certification process with five entities sharing similar interests in the same management plan.

125. I am aware of other large scale or complex projects establishing certification frameworks, whereby:

    (a) The applicant identifies four or five independent and suitably qualified and experienced persons relevant to each management plan and submits it to the relevant authorities;

    (b) The relevant authorities collectively agree on a single independent peer reviewer from the list for each management plan being submitted.

    (c) The management plan is submitted to the independent peer reviewer agreed to by the relevant authorities for their detailed comment and review.

    (d) The applicant updates the management in response to the independent peer review comments and submits the final management to the relevant authority for certification.

126. Given the overlapping and/or similar functions of the authorities involved in this application, it is considered there would be merit considering this option further. I would therefore welcome the opportunity to workshop conditions to the effect of the framework set out above.

Residual Effects Package

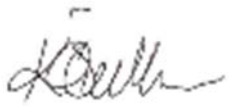
127. As identified earlier, Dr Bramley has reviewed and identified an offsetting package for the Project which seeks to achieve outcomes with greater alignment with the offsetting principles of the NPS-IB and NPS-FM. I have also recommended that this package be further discussed with the relevant regulators and Kā Rūnaka.

128. The original Biodiversity Compensation Package conditions will require further amendment to ensure the conditions acutely reflect the offsetting outcomes sought (and hopefully agreed) by the regulators and Kā Rūnaka. This cannot be achieved until the outcomes sought are finalised, including through engagement with Kā Rūnaka and regulators, and will therefore be subject to further development once the package is confirmed.

CONCLUSION

129. The comments received under Sections 51 and 53 raise a range of planning matters, including the statutory assessment framework, alternatives and functional need, ecological effects and the effects management hierarchy, Kāi Tahu values, and the proposed conditions. I have addressed these matters in this evidence as appropriate, drawing on the relevant technical evidence.

130. There are a number of areas where I have identified that further engagement with the administering agencies and Kā Rūnaka would beneficial to refine conditions, the proposed offsetting package and to further understand the Kai Values effected by the Project. I anticipate that this will occur through the course of the wider FTA process.



Kirsty Elizabeth O'Sullivan

3 November 2026

Appendix 1: Further evaluation of statutory planning provisions

Red text: **What commenter says needs to be address**

TABLE 1 NATIONAL POLICY STATEMENT-FRESHWATER MANAGEMENT (NPS-FM)

Identified Provision	Analysis
Policy 1 Freshwater is managed in a way that gives effect to Te Mana o te Wai. Policy 2 Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.	Policy 1 of the NPS-FM seeks to ensure that freshwater is managed in a way that gives effect to Te Mana o te Wai. Policy 2 seeks to ensure that tangata whenua are actively involved in freshwater management and Māori freshwater values are identified and provided for. The NPS-FM defines the ski area infrastructure as specified infrastructure, being regionally significant infrastructure identified in the Otago RPS. NZSki acknowledges the concept of Te Mana o te Wai and the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. The Project has incorporated measures through site selection and design evolution to avoid and minimise effects on the freshwater environment. Additionally, Mrs McQuillan's evidence responds to concerns about an inadequate assessment of alternatives – particularly in respect to the loss of Tarn 3. In accordance with Te Mana o te Wai, the activities proposed as part of the Project have been designed to avoid and minimise impacts on the health and mauri of waterways, wetlands and tarn features, as summarised in Section 6.6 of the Substantive Application. 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 role of Kā Rūnaka as kaitiaki and rakatirataka, also that there will be residual cultural effects of the Project. Mr Anderson's evidence outlines that NZSki is committing to addressing these and invites further input from Kā Rūnaka through the mana whenua advisory group. The Legal Submission further

Identified Provision	Analysis
	addresses Treaty of Waitangi matters and responses from Kā Rūnaka and Kāi Tahu regarding cultural effects. Dr Bramley's evidence has revised the proposed ecological effects assessment and proposed additional management measures. He has recommended an amended residual effects management package guided by the NPS-IB and NPS-FM principles for offsetting and compensation to respond to concerns raised in comments. NZSki needs to continue engaging with Kā Rūnaka and Kāi Tahu on cultural values and effects to determine whether the Project is consistent with or inconsistent with Policies 1 and 2.
Policy 3 Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.	Policy 3 of the NPS-FM requires that freshwater is managed in an integrated way that considers the effects of the use of land and development of land on a whole-of-catchment basis, including the effects on the receiving environments. While this policy focuses on actions to be undertaken by the regional councils, NZSki's commissioned technical assessments have considered the actual and potential effects of the Project on land and freshwater resources in an integrated manner. This includes considering the potential effects of the Project at both a localised scale, and project wide scale, as set out in Section 6.6 of the Substantive Application. As outlined in Section 9.3.8 in Part A.16 of the Substantive Application, integrated management of freshwater is at the centre of NZSki's management approach, not just for the Project, but its wider operations. The Legal Submission summarises the loss of Tarn 3 and effects on wetlands and streams in relation to freshwater ecology. This is further supported by the evidence of Mr Salemink-Waldren, Ms Teele and Mr Davis and Mr Allibone regarding land development across the whole-of-catchment area. Dr Bramley has peer-reviewed e3 Scientific's approach, which is summarised within his evidence. Dr Bramley has revised the proposed residual effects management package for the Project as a whole. He has recommended an amended residual effects

Identified Provision	Analysis
	management package guided by the NPS-IB and NPS-FM principles for offsetting and compensation to respond to concerns raised in comments (noting that consistency with the NPS-IB and NPS-FM is not achieved in its entirety). 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 managed in an integrated way, therefore, generally consistent with the relevant NPS-FM Policy 3.
Policy 5 Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.	Policy 5 of the NPS-FM relates to the National Objectives Framework ("NOF") and ensuring the health and wellbeing of degraded water bodies and freshwater ecosystems is improved, and that where water is not degraded it is maintained or improved (if the community chooses). The NOF directs how councils must set objectives, policies, and rules regarding freshwater in their regional plans. They must do this by establishing freshwater management units across their regions and identifying the values that communities hold for the water in those areas. Councils are required to maintain or improve water quality within their region. It is acknowledged that the Project will result in the loss of Tarn 3 which will be converted to a lined water storage reservoir. This is an adverse effect on a freshwater body (alpine lake) that has not been avoided, and cannot be remedied or fully mitigated. In my opinion, there are no policy provisions in the NPS-FM that require offsetting or compensating for the loss of Tarn 3. As per Section 9.3.8 of Part A.16 of the Substantive Application, in respect of wastewater, the Wastewater Discharge Impact Assessment concludes that the wastewater generated as a result of the Project, while increasing wastewater flows, will result in a nutrient loading and water quality commensurate with the existing wastewater discharge, which has acceptable effects, with no increase in the scale or intensity of effects to that which is currently occurring in the catchment. The Doolans Freshwater Ecology Assessment and Wastewater Discharge Impact Assessment have concluded that any discharges within the

Identified Provision	Analysis
	Doolans Creek Right Branch, unnamed wetlands or watercourses as assessed in Section 6 of the application will have minor effects and are unlikely to impact on the ability to achieve the applicable freshwater objectives and compulsory national values. That said, as contained in the evidence of Mr Richardson, conditions have been amended so that the wastewater aspects of the proposal, particularly those concerning the proposed wastewater nitrogen load limit, are generally consistent with the relevant NPS-FM policies.
Policy 6 There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted. Policy 7 The loss of river extent and values is avoided to the extent practicable.	Policy 6 of the NPS-FM requires that activities should not result in further loss of the extent of natural inland wetlands and that their restoration be promoted. It also requires that the values of natural inland wetlands are protected. Supporting Clause 3.22 requires regional councils to include a new policy in their regional plans which guides how this policy will be implemented at a regional level. Collectively, these provisions direct that natural inland wetland loss should be avoided; however, 3.22(1)(b) provides for unavoidable wetland loss. Amongst other considerations, this subclause requires proposed activities to step through the effects management hierarchy. Similarly, Policy 7 of the NPS-FM and its supporting Clause 3.24 set out the equivalent requirements for rivers. Appendices 6 and 7 particularise the effects management hierarchy required by Clauses 3.22 and 3.24 by describing the principles for offsetting (Appendix 6) and compensation (Appendix 7). I acknowledge the comments received by the ORC and DOC concerning the Project's compliance with the effects management hierarchy, consideration of alternatives (particularly that of Lake Alta as an alternative water source – this is discussed in the evidence of others), and proposed residual effects management measures. NPS-FM Policies 6 and 7, their associated clauses (3.22 and 3.24), and the appendices referenced by those clauses (6 and 7) are discussed in further detail in

Identified Provision	Analysis
	the my evidence. In short, I recognise that the Project will have residual effects due to the loss of natural inland wetlands, which cannot be avoided or restored due to the positioning of ski infrastructure, which is required in these locations due to the functional need of the Project. For completeness, Tarn 3 does not meet the definition of a wetland and therefore is not assessed under Policy 6. For Policy 7, I recognise that the Project will result in impacts on river extent and values due to the proposed weir installation, water take, crossings and culverts, and stormwater and wastewater discharges impacting the Rastus Burn, Doolans Creek Right Branch, and various tributaries. Similarly, the effects cannot be avoided due to the functional need to position infrastructure or operational constraints, as outlined in the evidence of Mrs McQuillan. Additionally, Mrs McQuillan's evidence responds to concerns about an inadequate assessment of alternatives. 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. 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. For example, the gondola positioning, Doolans Basin expansion footprint and access routes were refined following input from NZSki's ecology, landscape and engineering experts. This process ensured avoidance of high-value areas such as cushion bog, wetlands and rare species habitat. It is my view that neither Policy 6 or 7 expressly apply to Tarn 3 which is categorised as an alpine (not a natural inland wetland or a river / stream) Given these conclusions, I consider that the effects management hierarchy has been applied in respect to avoidance, minimisation and remediation. In respect to offsetting and compensation, in my opinion the Project is inconsistent with the NPS-FM Policies 6 and 7 and their associated clauses and appendices.
Policy 9	

Identified Provision	Analysis
The habitats of indigenous freshwater species are protected. Policy 10 The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9. Policy 11 Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided. Policy 12 The national target (as set out in Appendix 3) for water quality improvement is achieved. Policy 13 The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.	Protection of habitats of indigenous freshwater species, trout and salmon is the focus of Policies 9 and 10, respectively. The Doolans Creek Right Branch is naturally fishless at the weir site and contains no native fish or macroinvertebrates downstream due to the distance inland, elevation and barriers downstream, and the Rastus Burn contains a naturally low macroinvertebrate diversity and is naturally fishless. The efficient use of freshwater, the phasing out of existing over-allocation and the avoidance of future over-allocation is the focus of Policy 11 of the NPS-FM. The proposed water take represents 1% of the available allocation and therefore can be taken as primary allocation and will only be taken during the months of May to October (inclusive). Consequently, the proposed water take meets the intention of Policy 11. Policy 12 of the NPS-FM sets a national target for increasing proportions of rivers (and lakes) that are suitable for primary contact to at least 80% by 2030 and 90% no later than 2040. Based on the conclusions of the Doolans Freshwater Ecology Assessment, Rastus Burn Wastewater Assessment, and Roads & Crossings Assessment, the activities occurring as part of this Project will not impede ORC's ability to achieve the requirements of Policy 12 of the NPS-FM. The focus of Policy 13 of the NPS-FM is to ensure that the condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends. NZSki is proposing to undertake a comprehensive range of monitoring of its existing proposed and expanded operations with respect to water bodies and freshwater ecosystem, with action taken where freshwater is degraded and to reverse declining trends.
Policy 15 Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.	Enabling communities to provide for their social, economic and cultural wellbeing, in a manner that is consistent with the NPS-FM, is the focus of Policy 15. The Project is being undertaken in a manner that is broadly consistent with the relevant policy directives of the NPS-FM, including Policy 15. The Project provides

Identified Provision	Analysis
	ongoing social, recreational, and economic benefits from alpine recreation while ensuring health and safety considerations and environmental management measures are appropriately addressed. This balance is sought from Policy 15 and enables the community to continue to provide for its social and economic wellbeing in a manner consistent with the NPS-FM.

Clause 3.22 Natural inland wetlands

Every regional council must include the following policy (or words to the same effect) in its regional plan:

1. The loss of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

...

(b) the regional council is satisfied that:

i. The activity is necessary for the construction or upgrade of specified infrastructure; and

ii. The specified infrastructure will provide significant national or regional benefits; and

iii. There is a functional need for the specified infrastructure in that location; and

iv. The effects of the activity are managed through applying the effects management hierarchy.

...

(2) Subclause (3) applies to an application for a consent for an activity that:

(a) is for a purpose referred to in subclause (1)(a) to (f), other than the purpose referred to in paragraph (1)(a)(i); and

(b) would result (directly or indirectly) in the loss of extent or values of a natural inland wetland.

(3) Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless:

(a) the council is satisfied that:

i. the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in

Clause 3.22 supports the outcome of NPS-FM Policy 6 in setting out how local authorities are to manage activities that may result in the loss of natural inland wetland in relation to their extent or values.

One of the key concerns raised in the Section 53 comments pertains to the application of the effects management hierarchy and specifically the adequacy of proposed ecological effects management measures. I acknowledge that consistency with Clause 3.22 of the NPS-FM is not achieved in its entirety. Residual effects on natural inland wetlands will remain after avoidance, minimisation, and remediation measures are implemented and the residual effects management package set out in the evidence of Dr Bramley does not strictly adhere to all of the applicable principles – although the package guided by the NPS-IB and NPS-FM principles for offsetting and compensation.

Further assessment relating to Clause 3.22 is set out above for NPS-FM Policy 6, being that it is directly related to that intended outcome, noting that the Project's adherence to the effects management hierarchy is discussed further in my evidence and the appropriateness of compensation is discussed in the evidence of Dr Bramley in relation to the proposed residual effects management package.

relation to the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and

ii. if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and

iii. there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and

(b) any consent granted is subject to:

i. conditions that apply the effects management hierarchy; and

ii. conditions that specify how the requirements in (a)iii. will be achieved.

Identified Provision	Analysis
Clause 3.24 Rivers Every regional council must include the following policy (or words to the same effect) in its regional plan: 1. "The loss of river extent and values is avoided, unless the council is satisfied that: a. there is a functional need for the activity in that location; and b. the effects of the activity are managed by applying the effects management hierarchy." 2. Subclause (3) applies to an application for a consent for an activity: a. that falls within the exception to the policy described in subclause (1); and b. would result (directly or indirectly) in the loss of extent or values of a river. 3. Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless: a. the council is satisfied that: i. the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and ii. if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and	Clause 3.24 supports the outcome of NPS-FM Policy 7 in setting out how local authorities are to manage activities that may result in the loss of rivers in relation to their extent or values. The evidence off Mr Hamer sets out that the loss of 55 m of intermittent stream (loss of stream extent) is characterised as a 'low' level of effect, as it relates to 3% of intermittent tributary stream length within the Doolan Basin and 0.67% of total stream length within the Doolans Basin. The evidence of Ms McQuillian sets out the avoidance and minimisation approaches that were part of site selection and master planning process. Several resource consent conditions have been developed (based on recommendations from freshwater ecology experts) to ensure river values are maintained (aside from the loss of stream described above). On the basis of a low level of effect, no compensation or offsetting is required (or proposed) specially for loss of stream extent. However, I note that the residual effects management package described in the evidence of Dr Bramley proposes a framework for the management of residual effects as a whole. In respect to streams and rivers it is my opinion that the Project is consistent with this clause.

Identified Provision	Analysis
iii. there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and b. any consent granted is subject to: i. conditions that apply the effects management hierarchy; and ii. conditions that specify how the requirements in (a)(iii) will be achieved. ...	
Appendix 7 – Principles for aquatic compensation These principles apply to the use of aquatic compensation for the loss of extent or values of natural inland wetlands and rivers ("extent or values" below). 1. Adherence to effects management hierarchy: Aquatic compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted. 2. When aquatic compensation is not appropriate: Aquatic compensation is not appropriate where, in terms of conservation outcomes, the extent or values are not able to be compensated for. Examples of aquatic compensation not being appropriate would include where: a. the affected part of the natural inland wetland or river bed, or its values, including species, are irreplaceable or vulnerable: b. effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:	For Appendix 7 of the NPS-FM, the first two principles seek to ensure that aquatic compensation is employed after all other components of the effects management hierarchy have been exhausted, and only where compensation is capable of delivering meaningful and achievable conservation outcomes for the affected values. One of the key concerns raised in the Section 53 comments pertains to the application of the effects management hierarchy and specifically the adequacy of proposed ecological effects management measures. Residual effects on natural inland wetlands and rivers will remain after avoidance, minimisation, and remediation measures are implemented and offsetting and compensation are difficult to achieve in this environment. Therefore, I acknowledge that the Project is inconsistent with Appendix 7 - principle 1 and 2. Further assessment relating to Appendix 7 is set out above for NPS-FM Policy 6 and 7, being that it is directly related to the outcomes intended by those policies. Further, the Project's adherence to the effects management hierarchy is discussed in my evidence and the appropriateness of compensation is discussed in the evidence of Dr Bramley in relation to the proposed Residual Effects Package, which gives effect to the Appendix 7 principles.

Identified Provision	Analysis
c. there are no technically feasible options by which to secure gains within an acceptable timeframe. 3. Scale of aquatic compensation: The extent or values to be lost through the activity to which the aquatic compensation applies are addressed by positive effects that outweigh the adverse effects. 4. Additionality: Aquatic compensation achieves gains in extent or values above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity. 5. Leakage: Aquatic compensation design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the compensation site). 6. Long-term outcomes: Aquatic compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring. 7. Landscape context: An aquatic compensation action is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial and hydrological connections, and ecosystem function. 8. Time lags: The delay between loss of extent or values at the impact site and the gain or maturity of extent or values at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years). 9. Trading up: When trading up forms part of aquatic compensation, the proposal demonstrates that the aquatic extent or values gained are demonstrably of greater or higher value than those lost. The proposal also	

Identified Provision	Analysis
shows the values lost are not to Threatened or At Risk/Declining species or to species considered vulnerable or irreplaceable. 10. Financial contribution: A financial contribution is only considered if it directly funds an intended aquatic gain or benefit that complies with the rest of these principles. 11. Science and mātauranga Māori: The design and implementation of aquatic compensation is a documented process informed by science where available, and mātauranga Māori at place. 12. Tangata whenua or stakeholder participation: Opportunity for the effective and early participation of tangata whenua or stakeholders is demonstrated when planning aquatic compensation, including its evaluation, selection, design, implementation, and monitoring. 13. Transparency: The design and implementation of aquatic compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.	

TABLE 2 NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER(NES-FM)

Identified Provision	Analysis
Regulation 45: Standards for other activities that relate to freshwater, Subpart 1 – Natural inland wetlands – Construction of specified infrastructure (1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure. (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure. (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it— (a) is for the purpose of constructing specified infrastructure; and (b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland. (4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the activity is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and	Regulation 45 of the NES-FM relates to effects on natural inland wetlands from the construction of specified infrastructure. As set out in Section 4.2.1 of Part A.11 to the substantive application, the Project involves several activities that require resource consent under the NES-FM. These include: > Land use consent as a discretionary activity is required for the clearance of vegetation across the Site within 10 m of natural inland wetlands (45(1)); > Land use consents as discretionary activities are required for earthworks across the Site within 10 m of natural inland wetlands (45(2)); > A water permit (damming) as a discretionary activity is required for damming of the tarn within 100 m of natural inland wetlands (45(4)); and > A discharge permit as a discretionary activity is required for discharge of wastewater into the wastewater dispersal fields within 100 m of natural inland wetlands (45(5)). Therefore, Clause 45(6) of the regulation applies. In accordance with Clause 45(6), resource consent must not be granted unless the Project has demonstrated the significant national or regional benefits for the Project as specified infrastructure (45(6)(a)), the functional need for its location (45(6)(b)), and the application of the effects management hierarchy (45(6)(c)). In regard to (a), as set out in Section 9.3.3 of Part A.16 to the Substantive Application, the Project involves the use and development of “ski area infrastructure” and is defined as regionally significant infrastructure in the Operative RPS, therefore falling within the scope of the NPS-FM definition of

Identified Provision	Analysis
(c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland. (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if— (a) the discharge is for the purpose of constructing or upgrading specified infrastructure; and (b) there is a hydrological connection between the discharge and the wetland; and (c) the discharge will enter the wetland; and (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland. (6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first— (a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and (b) satisfied itself that there is a functional need for the specified infrastructure in that location; and (c) applied the effects management hierarchy.	specified infrastructure. Moreover, there are clear significant national and regional benefits, as described in Part A.21 to the Substantive Application, which briefly include: > Increases in skier capacity and therefore skiing opportunities for local and international visitors; > An increase in annual holidaymaker spend; > Increases in job opportunities across the Otago region during construction and operation; > Increases in the regional GDP; > Development of additional "ski area infrastructure" which is considered regionally significant (and specified) infrastructure; and > Increased resilience to the effects of climate change and increasingly variable weather patterns for the ski area, specifically in the Doolans Basin which is south-facing. Regarding (b), there is a functional need for the specified infrastructure to be located in an alpine location generally, and specifically in the area of the Remarkable Ski Field, given it is an extension to the existing ski field. Furthermore, as outlined in the evidence of Mrs McQuillan, there is a demonstrated functional need for the proposed infrastructure configuration. I note that 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. 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. For example, the gondola positioning, Doolans Basin expansion footprint and access routes were refined following input from NZSki's ecology, landscape and engineering experts. This process ensured avoidance of high-value areas such as cushion bog, wetlands and rare species habitat.

Identified Provision	Analysis
	For subclause (c), the application of the effects management hierarchy has been primarily discussed in Table 1 above in relation to Policy 6 and 7 of the NPSFM (and their associated clauses 3.22 and 3.24). However, I acknowledge that, as above in regard to subclause (b), the master planning process was iterative and focused on avoiding, minimising, and remediating adverse effects where practicable. Specifically, Mrs McQuillan's evidence responds to concerns about an inadequate assessment of alternatives. Her evidence further demonstrates that the proposed alternatives each result in a similar (or greater) level of effect as what has been proposed. This said, where the application of avoidance, minimisation, and remediation measures still result in higher than 'low' residual effects, offsetting and compensation measures were considered. The evidence of Dr Bramley provides the framework for how the residual effects of the project can be managed. The Project is therefore inconsistent with clause 45(6) of the NES-FM. Notwithstanding, given the purpose of the Act, this inconsistency is not a 'fatal flaw' with the Project, as is outlined in my evidence.

TABLE 3 NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY (NPS-IB)

Identified Provision	Analysis
Objective 1 (1) The objective of this National Policy Statement is: (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and (b) To achieve this: (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and into the future	The NPS-IB seeks to provide direction to councils to protect, maintain, and restore indigenous biodiversity, requiring at least no further reduction nationally, and contains a singular objective (Objective 1) to this end. The Project acknowledges Objective 1 of the NPS-IB. The assessment also relates to policies 3, 4, 7, 8, and 10, which apply in this context, as discussed in the following rows. It is acknowledged that the Project does not seek to demonstrate that there will be no net loss, so it is acknowledged that the Project will not result in this objective being achieved (in the context of the Remarkables conservation area). However, the evidence of Dr Bramley sets out an approach to addressing the residual effects of the Project on biodiversity values that will result in tangible ecological benefits while enabling the Project to occur. In respect of the matters set out in (b(i), NZSki has sought to engage with Kā Rūnaka in a manner that addresses their kaitiaki role. My statement of evidence explains how further engagement, including as part of ongoing operations, would enable this kaitiaki role on an enduring basis.
Policy 3 A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.	Policy 3 of the NPS-IB seeks to adopt a precautionary approach when considering adverse effects on indigenous biodiversity. The Terrestrial Ecology Assessment, and the evidence of Mr Salemink-Waldren, Ms Teele and Mr David (of e3 Scientific) has considered the actual and potential

Identified Provision	Analysis
	effects of the Project on terrestrial ecology values within the Project Area. The evidence of the various ecologists makes it explicit that the Project area is a complex alpine environment. In that regard, I consider that and a precautionary approach has been taken – with Terrestrial Ecology Assessment assuming a total loss of vegetation that includes areas that will be rehabilitated, and the proposed conditions requiring delineation of the disturbance footprint, plant translocations, performance standards in respect of those translocations and ongoing monitoring requirements to ensure survival.
Policy 4 Indigenous biodiversity is managed to promote resilience to the effects of climate change.	Policy 4 of the NPS-IB seeks to manage indigenous biodiversity to promote resilience to the effects of climate change. To the extent practicable, the Project has considered the potential climate related impacts within the Project area and will improve long term resilience to variable weather patterns. In response to the comments from CODC setting out that it is unlikely that the Project will improve the long-term climate change resilience of the terrestrial ecological values on-site, I note that this would likely be challenging for any Project with adverse effects on biodiversity values to demonstrate.
Policy 7 SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.	Policy 7 of the NPS-IB requires that adverse effects from activities be avoided or managed in order to protect SNAs. Clause 3.10 supports the outcome of Policy 7 in that it requires regional councils to include a new policy in their regional plans which guides how this policy will be implemented at a regional level. Collectively, these provisions direct that activities within SNAs should be avoided; however, clause 3.10(3) provides for unavoidable use and development, provided the activity meets the requirements outlined in clause 3.11. Subclause 3.10(3) requires proposed activities to step through the effects management hierarchy. Subclause 3.10(4) particularises this requirement, requiring applications to demonstrate how each step of the effects management hierarchy has been applied (3.10(4)(a)) and comply with NPS-IB Appendices 3 and 4.

Identified Provision	Analysis
	Appendices 3 and 4 particularise the effects management hierarchy required by Clause 3.10 by describing the principles for offsetting (Appendix 3) and compensation (Appendix 4). I acknowledge the comments received by various parties concerning the Project's adherence to the effects management hierarchy, consideration of alternatives, and appropriateness of proposed residual effects management measures given the nature of what is being compensated for. In short, I recognise that the Project will have residual effects due to the fact that the Doolans Basin is located within three SNAs (SN18 Cone Peak, SN26 Glenroy and SN28 Wentworth). Notwithstanding these mapped areas, most vegetation communities within the Project area meet the significance criteria of the NPS-IB so they have been treated as if they are SNAs. Site selection and design has prioritised avoidance where practicable. It is also noted specifically noted that the effects on lizards are being managed through a comprehensive lizard compensation package within the alpine project areas. This is detailed in the evidence of Mr Knox and Ms Anderson. It is acknowledged that the Project will result in more than minor residual effects on terrestrial ecology following the implementation of the suite of minimisation and remediation measures proposed within the various conditions and management plans (noting again that the avoidance step was captured through the site selection and design process). I am not proposing that the residual effects management package demonstrate 'no net loss' through the application of offset or compensation modelling. However, the evidence of Dr Bramley which addresses residual ecological effects provides a framework for achieving tangible ecological outcomes, without strict adherence to the offsetting / compensation principles of the NPS-IB. The Project is therefore inconsistent with Policy 7 as effects of the Project on terrestrial biodiversity values (most of which qualify as being SNAs despite not being mapped as so) are not being avoided, and the existing values of some of the impacted terrestrial ecosystems cannot be protected while enabling the Project.

Identified Provision	Analysis
Policy 8 The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.	Policy 8 of the NPS-IB (and associated clause 3.16) seeks to recognise and provide for the importance of maintaining indigenous biodiversity outside of SNAs and requires that adverse effects on indigenous biodiversity which is not protected by an SNA be managed by applying the effects management hierarchy where those effects are significant. The analysis undertaken in respect of NPS-IB Policy 7 above is considered to equally apply to in this case. Likewise, I acknowledge that the Project is inconsistent with Policy 8, and associated Clause 3.16.
Policy 10 Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.	Policy 10 seeks to recognise and provide for activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing. As described in Section 3 of the Substantive Application, the primary objective of the Project is to provide a world class multi-valley ski area that will attract local and international visitors and cater to both the existing and future visitor demands for ski tourism in the district and region. This contributes to New Zealand's social and economic well-being. The Project has also been designed to improve the overall resilience of the ski area to the effects of climate change and increasingly variable weather patterns. The Doolans Basin is also located on a south facing slope and therefore, has a heightened ability to retain snow, improving its longer-term resilience to the potential effects of climate change – as described in the evidence of Professor Cullen. The proposed conditions show NZSki's commitment to include mana whenua in the Project by establishing a mana whenua working group who can share and advocate for cultural and Māori values. NZSki has proposed multiple consent conditions which relate to the establishment of the mana whenua advisory group, enabling mana whenua representatives to provide ongoing advice and input into implementation, management measures, and matters relevant to Kā Rūnaka values associated with the Project. Additionally, amendments have been made to the TEMP to acknowledge concerns from CODC's s53 comments and implement monitoring requirements (and it is

Identified Provision	Analysis
	noted that the version of the TEMP provided is a draft and will need to be certified prior to construction works occurring). Accordingly, the Project is assessed as aligning with NPS-IB Policy 10.
Clause 3.6(1) Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by: (a) allowing and supporting the natural adjustment of habitats and ecosystems to the changing climate; and (b) considering the effects of climate change when making decisions on: (i) restoration proposals; and (ii) managing and reducing new and existing biosecurity risks; and (c) maintaining and promoting the enhancement of the connectivity between ecosystems, and between existing and potential habitats, to enable migrations so that species can continue to find viable niches as the climate changes.	Clause 3.6(1) supports the outcome of NPS-IB Policy 4 in setting out how local authorities (not consent applicants) are to manage indigenous biodiversity to promote resilience to climate change. DOC considers that snowmaking and snow grooming could impact the ability of terrestrial ecosystems to adapt to climate change. I note that this clause sets out that resilience to climate change is to be 'promoted' – it does not require activities that do not assist with climate change resilience be avoided. The proposed Snowmaking and Grooming Management Plan provides a framework for monitoring the ongoing effects of snowmaking and snow grooming on vegetation communities / habitats and wetlands. The plan will set out trigger levels for remedial actions to be implemented if these ski related activities are shown to have adverse effects. If these remedial actions do not sufficiently reduce the adverse effects, then these effects will need to be compensated for (the details of which will need to be included in the Snowmaking and Grooming Management Plan). This approach acknowledges the uncertainties regarding how vegetation communities may adapt to climate change and how ski related activities may impact climate change resilience (as described int eh evidence of Mr Salemink-Waldren, Ms Teele and Mr Davis). Based on the above, I consider that the Project is consistent with this clause – again noting that the responsibility for this clause rests with local authorities.
Clause 3.7 Local authorities must adopt a precautionary approach toward proposed activities where:	Clause 3.7 of the NPS-IB supports the implementation of Policy 3 by requiring local authorities to adopt a precautionary approach when effects on indigenous

Identified Provision	Analysis
(a) the effects on indigenous biodiversity are uncertain, unknown, or little understood; but (b) those effects could cause significant or irreversible damage to indigenous biodiversity.	biodiversity are uncertain, unknown, little understood, or could cause significant or irreversible damage. The evidence of Mr Salemink-Waldren, Ms Teele and Mr Davis describes the comprehensive approach to assessing the existing terrestrial ecological values within the Project area, and assessing the effects of this Project on those values. The proposed conditions include a comprehensive suite of conditions that manage effects on terrestrial ecological values. The conditions also include the requirement to prepare a Terrestrial Ecology Management Plan and a Snowmaking and Grooming Management Plan which will provide clear management expectations and monitoring requirements that will confirm that the effects of the project no not exceed the level of effects addressed int eh terrestrial ecology assessment supporting the Substantive Application. NZSki will be required to report annually on the implementation of the management plans. The proposed conditions include review clauses (section 128 of the RMA) which can be triggered if there are unanticipated effects. Despite this, it is acknowledged that the Project will have residual effects on indigenous biodiversity once all avoidance, minimisation, and remediation measures are implemented, and the residual effects management approach proposed in the evidence of Dr Bramley does not adhere to the offsetting / compensation requirements of the NPS-IB. The Project is partially consistent with this policy – the approach to assessing effects and avoiding, minimising and remediating those effects is, in my opinion, consistent with this policy. The approach to addressing the Project's residual effects, while providing environmental benefits, does not adhere to the NPS-IB and therefore it cannot be said that the Project is entirely 'precautionary'.
Clause 3.10 Managing adverse effects on SNAs of new subdivision, use, and development 1. This clause applies to any new subdivision, use, or development that is in, or affects, an SNA, except as provided in:	The assessment relating to clause 3.10 of the NPS-IB refers to the analysis of NPS-IB Policy 7, set out above. Clause 3.10 supports the outcome of NPS-IB Policy 7 in setting out how local authorities are to manage activities that may result in adverse effects on SNAs.

Identified Provision	Analysis
a. subclause (6); and b. clauses 3.12 and 3.18 (about SNAs on specified Māori land); and c. clause 3.13 (about geothermal SNAs); and d. clause 3.14 (about plantation forestry activities). 2. Each of the following adverse effects on an SNA of any new subdivision, use, or development must be avoided, except as provided in clause 3.11: a. loss of ecosystem representation and extent: b. disruption to sequences, mosaics, or ecosystem function: c. fragmentation of SNAs or the loss of buffers or connections within an SNA: d. a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems: e. a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle. 3. Any adverse effects on an SNA of a new subdivision, use, or development that are not referred to in subclause (2), or that occur as a result of the exceptions in clause 3.11, must be managed by applying the effects management hierarchy. 4. Where adverse effects on an SNA are required to be managed pursuant to subclause (3) by applying the effects management hierarchy, an applicant must be required to demonstrate: a. how each step of the effects management hierarchy will be applied; and b. if biodiversity offsetting or biodiversity compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 3 and 4	Clause 3.11 (assessed in the following row of this table) provides a pathway for certain activities impacting a SNA where the activity does not have to be avoided, the activity can processed provided the effects management hierarchy is implemented. One of the key concerns raised in the comments pertains to the adequacy of proposed ecological effects management measures, and specifically to the application of compensation measures. I acknowledge that consistency with Clause 3.10 of the NPS-IB is not achieved in terms of the application of the effects management hierarchy. Residual effects on indigenous biodiversity will remain after avoidance, minimisation, and remediation measures are implemented. In light of this, Dr Bramley's evidence has revised the proposed ecological effects assessment and has proposed additional management measures. He has recommended an amended residual effects management package guided by the NPS-IB and NPS-FM principles for offsetting and compensation to respond to concerns raised in comments, while acknowledging that the amended residual effects management package does not adhere to all relevant offsetting / compensation principles. Given this, the Project is not consistent with this clause.

Identified Provision	Analysis
and has had regard to the remaining principles in Appendix 3 and 4, as appropriate. 5. If land in an SNA is covered by a specified covenant or kawenata, a local authority may, at the request of the landowner or lessee, allow certain specified activities within the SNA that may not be consistent with policy statements and plans made under this clause, provided that: a. the local authority is satisfied that the specified activities: b. are consistent with the specified covenant or kawenata and any current management plan approved by the covenantee; and c. are for the purpose of protecting, restoring or accessing the SNA's ecological values; and d. the covenantee gives its prior written consent to the exemption for the specified activities; and e. if the land is Crown owned, the appropriate Crown agency gives its prior written consent to the exemption for the specified activities. 6. Nothing in this clause applies to adverse effects on an SNA from any of the following: a. any use or development required to address a high risk to public health or safety: b. the sustainable customary use of indigenous biodiversity conducted in accordance with tikanga: c. work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes), provided that the work or activity: i. is undertaken in a way that is consistent with any applicable conservation management strategy, conservation management plan, or management plan	

Identified Provision	Analysis
established under the Conservation Act 1987, or any other Act specified in Schedule 1 of that Act; and ii. does not have a significant adverse effect beyond the boundary of the land: d. work within Te Urewera of Te Urewera Board, the chief executive of Tūhoe Te Uru Taumatua, or the Director-General of Conservation, provided that the work: i. is for the purpose of managing Te Urewera under the Te Urewera Act 2014 and is consistent with the Te Urewera Act and the management plan under that Act; and ii. does not have a significant adverse effect on the environment beyond the boundary of Te Urewera; and e. the harvest of indigenous tree species from an SNA that is carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949. Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.	
Clause 3.11 Exceptions to clause 3.10(2) 1. Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new subdivision, use or development must be managed in accordance with clause 3.10(3) and (4), if: a. the new subdivision, use or development is required for the purposes of any of the following: i. construction or upgrade (if the upgrade does not meet the requirements of clause 3.15(2)) of specified infrastructure that provides significant national or regional public benefit:	Clause 3.11 sets out a number of pathways under which activities resulting in effects on SNAs can be managed, rather than avoided entirely. I consider that the evidence demonstrates that the Project meets the requirements of subclause 3.11(1)(a)(i), (b) and (c) and is thereby not captured by Clause 3.10(2), for the following broad reasons (more detail provided in my statement of evidence and the Substantive Application): > The Project meets the definition of specified infrastructure and will provide significant national/ regional benefits; > There is a functional need for the proposed infrastructure layout; and

Identified Provision	Analysis
ii. the extraction of minerals and ancillary activities that provides significant national or regional benefit: iii. quarrying activities that provides significant national or regional benefit; and b. there is a functional need or operational need for the new subdivision, use or development to be in that particular location; and c. there are no practicable alternative locations for the new subdivision, use or development. 2. Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new use or development must be managed in accordance with clause 3.10(3) and (4), if: a. the new use or development is associated with a single residential dwelling on an allotment created before the commencement date; and b. there is no practicable location within the allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in clause 3.10(2). 3. If a new use or development is for the purpose of maintaining or restoring an SNA and does not involve the permanent destruction of significant habitat of indigenous biodiversity, clause 3.10(2) does not apply, and any adverse effects on the SNA must be managed: a. in accordance with clause 3.10(3) and (4); or b. under any alternative management approach that is consistent with the objectives, policies and methods developed for the purpose of clause 3.21.	> There are no practicable alternative locations for the infrastructure associated with the Project. In respect to clause 3.10(3) and (4), as previously described the Project does not adhere to the effects management hierarchy in relation to offsetting and compensation (as no net loss is being demonstrated and the various principles are not proposed to be adhered to).

Identified Provision	Analysis
4. Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new use or development must be managed in accordance with clauses 3.10(3) and (4), if the use or development: a. is in an area of indigenous vegetation or habitat of indigenous fauna (other than an area managed under the Forests Act 1949) that was established and is managed primarily for a purpose other than the maintenance or restoration of that indigenous biodiversity; and b. the loss of indigenous biodiversity values is necessary to meet that purpose. Clause 3.10(2) does not apply, and any adverse effects on an SNA of a new use or development must be managed in accordance with clause 3.10(3) and (4), if the use or development is an activity associated with the harvest of indigenous tree species from an SNA carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949, such as track clearance or timber storage, but not the harvesting of the trees itself (see clause 3.10(6)(e)).	
Clause 3.16 Indigenous biodiversity outside SNAs 1. If a new subdivision, use, or development is outside an SNA and not on specified Māori land, any significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy. 2. All other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA (other than indigenous biodiversity on specified Māori land (see clause 3.18)), must be managed to give effect to the objective and policies of this National Policy Statement. Every local authority must make or change its policy statements and plans to be consistent with the requirements of this clause.	The assessment relating to clause 3.16 of the NPS-IB refers to the analysis of NPS-IB Policy 8, and thereby Policy 7, set out above. Regarding concerns from Dr Walker for DOC that the loss of Naturally Uncommon Ecosystems (**NUE**) cannot be compensated and should be avoided, Dr Bramley considers that NUE status alone does not make a feature irreplaceable. The evidence of Mr Salemink-Waldren, Ms Teele and Mr Davis disagrees with much of Dr Walker's analysis relating to NUEs (that were not already addressed in the vegetation communities considered in the terrestrial ecology assessment). Based on this evidence, it is my opinion that the Project appropriately focusses its key effects management measures on vegetation communities / habitats with high ecological values.

Identified Provision	Analysis
	Notwithstanding this, as has already been discussed the Project is broadly inconsistent with the NPS-IB regarding the management of residual ecological effects.
Appendix 4 – Principles for biodiversity compensation These principles apply to the use of biodiversity compensation for adverse effects on indigenous biodiversity: 1. Adherence to effects management hierarchy: Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted. 2. When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where: a. the indigenous biodiversity affected is irreplaceable or vulnerable; b. effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible; c. there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes. 3. Scale of biodiversity compensation: The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects.	The Project is inconsistent with both Appendix 3 and 4 as the residual effects management approach does not adhere to the principles of offsetting / compensation – as described throughout this table.

Identified Provision	Analysis
4. Additionality: Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity. 5. Leakage: Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location. 6. Long-term outcomes: Biodiversity compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring. 7. Landscape context: Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function. 8. Time lags: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years). 9. Trading up: When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity gains are demonstrably greater or higher than those lost. The proposal also shows the values lost are not to Threatened or At Risk (declining) species or to species considered vulnerable or irreplaceable. 10. Financial contributions: A financial contribution is only considered if:	

Identified Provision	Analysis
a. there is no effective option available for delivering biodiversity gains on the ground; and b. it directly funds an intended biodiversity gain or benefit that complies with the rest of these principles. 11. Science and mātauranga Māori: The design and implementation of biodiversity compensation is a documented process informed by science, and mātauranga Māori. 12. Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring. 13. Transparency: The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.	

TABLE 4 OTAGO REGIONAL POLICY STATEMENT (RPS)

Identified Provision	Analysis
EIT-INF-P4 - Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment When providing for new infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment: (1) avoid, as the first priority, locating infrastructure in all of the following: (a) significant natural areas, (b) outstanding natural features and landscapes, (c) natural inland wetlands and rivers, (d) outstanding water bodies, (f) areas or places of significant or outstanding historic heritage, and (g) wāhi tupuna, and (2) if it is not reasonably practicable to avoid locating in the areas listed in (1) above because of the functional needs or operational needs of the infrastructure, nationally significant infrastructure and regionally significant infrastructure manage adverse effects as follows: (a) for nationally significant infrastructure, regionally significant infrastructure, or electricity distribution networks: (i) in significant natural areas, in accordance with ECO-P4, ECO-P5, and ECO-P6, (ii) in natural inland wetlands or rivers, in accordance with LF-FW-P11 and LF-FW-P14, (iii) in outstanding water bodies, in accordance with LF-FW-P13,	The Project is recognised as regionally significant infrastructure and has demonstrated the economic benefits as agreed with all consent authorities and the Department of Conservation, as stated in the Statement of Evidence of Benje Patterson. The Project has undergone site selection and design evolution when locating infrastructure and prioritising avoidance of the feature listed in policy EIT-INF-P4 (1)(a-g). Where the Project has not been able to reasonably avoid locating infrastructure in these areas, this is due to a functional and operational need for regionally significant infrastructure that is inherently land-extensive and location-dependent. In circumstances where avoidance is not reasonably practicable, the Project adopts an effects management approach – as set out in the evidence of the various ecological experts on behalf of NZSki. For regionally significant infrastructure, management of effects on significant natural areas is to be in accordance with Policies ECO-P3, ECO-P5 and ECO-P6. As discussed in respect of the NPS-IB and NPS-FM, the Project is inconsistent with these policies because it cannot fully apply the effects management hierarchy, including offsetting and compensation principles. In addition, the Project is also not inconsistent with the management of effects on natural inland wetlands or rivers under policies LF-FW-P11 and LF-FW-P14. From the outset, it has been acknowledged that the Project will result in residual environmental effects once all avoidance, minimisation and remediation measures have been implemented; these measures are primarily described in the evidence of Dr Gary Bramley. The proposed conditions include a placeholder for the development of a residual effects management package, the contents of which will be informed by the evidence of Dr Bramley and in consultation with various commentors. This package is intended to address the Project's residual effects in an integrated manner, including terrestrial and freshwater-related effects.

Identified Provision	Analysis
(iv) in relation to wāhi tūpuna, in accordance with HCV-WT-P2, (v) in other areas listed in EIT-INF-P4(1) above, the adverse effects of the infrastructure on the values that contribute to the area's importance shall be: (I) remedied or mitigated to the extent practicable, and (II) where they cannot be practicably remedied or mitigated, regard shall be had to offsetting and/or compensation of more than minor residual adverse effects, and (b) for all infrastructure that is not nationally significant infrastructure, regionally significant infrastructure or electricity distribution networks, avoid adverse effects on the values that contribute to the area's outstanding nature or significance except in relation to historic heritage which is not significant or outstanding, then HCV-HH-P6(3) will apply.	The Project Area contains no Appendix 10 actively conserved historic places or scheduled cultural heritage sites. The proposed conditions require adherence to the accidental discovery protocol to address the potential for unexpected discovery of archaeological material and require notification to the Heritage New Zealand Regional Archaeologist and tangata whenua entities if the site appears to be of Māori origin. Establishing a Mana Whenua Advisory Group provides a formal mechanism to build relationships with Kāi Tahu and support the identification and management of places of importance according to their values. Dr Dawn Cropper provides further evidence on why the use of an accidental discovery protocol is appropriate in this context, and the accidental discovery protocol condition has been amended to include post-1900 heritage material. Therefore, the Project is consistent with EIT-INF-P4 (1)(f).
IM-P6 – Effects of climate change Recognise and provide for the effects of climate change by: (1) identifying the effects of climate change in Otago, including from the perspectives of Kāi Tahu as mana whenua, (2) assessing how the effects are likely to change over time, and (3) taking into account those changes in resource management processes and decisions.	The Project is aware of the effects of climate change on the region, which is a key driver behind this application. The Project will increase the ski area's resilience to climate change and increasingly variable weather patterns, as Doolans Basin sits on a south-facing slope. Doolans Basin therefore has a greater capacity to retain snow, improving its longer-term resilience to potential climate change effects. NZSki has assessed the implications of climate change for the proposed Doolans Basin expansion at The Remarkables Ski Area, drawing on published New Zealand and international research, historical snowpack modelling, and recent advances in snowmaking technology, as part of Professor Cullen's statement of evidence. The Project has taken climate change effects into account as part of the planning assessment, and, consistent with this policy, the available scientific evidence supports the proposed Doolans Basin expansion as an important component of a long-term climate adaptation strategy for The Remarkables Ski Area. The Project will increase the ski area's resilience to the effects of climate change and increasingly variable weather patterns because Doolans Basin is on a south-facing slope. The Doolans Basin, therefore, has a greater capacity to retain snow,

Identified Provision	Analysis
	improving its longer-term resilience to potential effects of climate change. Accordingly, the Project is assessed as consistent with Policy IM-P6.
LF-WAI-P1 – Prioritisation In all decision-making affecting fresh water in Otago, prioritise: (1) first, the health and well-being of water bodies and freshwater ecosystems (te hauora o te wai) and the exercise of mana whenua to uphold this,[46] (2) second, the health needs of people, (te hauora o te tangata) interacting with water through: (a) ingestion (such as drinking of water and consuming resources harvested from the water body), (b) immersive activities (such as harvesting resources and primary contact), and (c) personal hygiene activities (such as food preparation, utensil washing, oral hygiene, showering and flushing the toilet), and (3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future. [46] In matters of mana, the associated spiritual and cultural responsibilities connect natural resources and mana whenua in a kinship relationship that is reciprocal and stems from the time of creation.	Policy LF-WAI-P1 establishes a clear hierarchy for freshwater decision-making, prioritising the health and wellbeing of waterbodies and freshwater ecosystems, followed by the health and needs of people, and then the social, economic and cultural wellbeing of communities. NZSki also focused on avoiding effects on water bodies and freshwater ecosystems within the alpine project area through siting design. NZSki has committed to protecting any natural inland wetlands potentially affected by the Project from the early design phase. Careful design has been undertaken to minimise effects on wetlands where practicable, including minimising the extent of any wetland crossing and using permeable access design to maintain hydrological functioning. This is supported by Mrs McQuillan's evidence responding to concerns about an inadequate assessment of alternatives. A range of alternative expansion options were considered, with further consideration applied to the use of Lake Alta, alternative reservoir sites (as alternative to Tarn 3), and freshwater crossing options, as described in my evidence, with similar or greater levels of effect as those options proposed. In respect to ORC's comments regarding the application of the effects management hierarchy to address the loss of Tarn 3, no policy provisions require the effects management hierarchy to be applied – given the Tarn is not a river / stream or a natural inland wetland. The Project has been designed to sustain the form, function and natural behaviours of freshwater bodies by avoiding disturbance of the highest-value wetlands, waterways and tarns where practicable, and by carefully managing unavoidable interactions through design and mitigation measures. The use of land and water is controlled through limits on the rate, timing and duration of water takes, erosion and sediment controls, and weed management measures to avoid adverse effects on instream values and natural character. Hydrological assessment confirms that the proposed water takes result in only

Identified Provision	Analysis
	minor, short-duration changes to water levels and do not compromise downstream wetland or river functioning. Therefore, the Project is consistent with these policies (2) and (3). From the outset, it has been acknowledged that the Project will result in residual environmental effects once all avoidance, minimisation and remediation measures have been implemented. Dr Gary Bramley's evidence describes these measures. Due to these residual effects on water bodies and freshwater ecosystems – namely wetlands - the Project is inconsistent with policy (1).
LF-FW-O8 In Otago's water bodies and their catchments, the significant and outstanding values of Otago's outstanding water bodies are identified and protected.	The assessment relating to NPS-FM equally applies here.
LF-FW-O9 Otago's wetlands are protected from inappropriate subdivision, use and development and, where degraded, restoration is promoted so that: 1. mahika kai and other mana whenua values are sustained and enhanced now and for future generations, 2. in relation to the extent and diversity of indigenous ecosystem types and habitats: a. for wetlands outside the coastal marine area, there is no net decrease, and preferably an increase, and b. for natural inland wetlands, there is no decrease, and preferably an increase, other than as provided by the NPSFM, and 3. there is no reduction and, where degraded, there is an improvement in wetland ecosystem health, hydrological functioning, amenity values, extent or water quality, and	The assessment relating to the NPS-FM equally applies here, with the overall conclusion that as the residual effects on wetlands are not being addressed via an approach that conforms with the principles of offsetting / compensation, the Project is generally not consistent with wetland related directives.

Identified Provision	Analysis
their flood attenuation and water storage capacity is maintained or improved.	
LF-FW-P11 – Managing wetlands Otago's wetlands are managed: (1) in the coastal environment, in accordance with CE – Coastal Environment, and (2) by applying clause 3.22(1) to (3) of the NPSFM to natural inland wetlands, and (3) to improve the ecosystem health, hydrological functioning and extent of wetlands that have been degraded or lost by promoting: (a) an increase in the extent and condition of habitat for indigenous species, (b) the restoration of hydrological processes, (c) control of pest species and vegetation clearance, and (d) the exclusion of stock, except where stock grazing is used to enhance wetland values, and (4) to sustain and enhance Māori freshwater values.	The assessment relating to the NPS-FM equally applies here, with the overall conclusion that as the residual effects on wetlands are not being addressed via an approach that conforms with the principles of offsetting / compensation, the Project is generally not consistent with wetland related directives.
LF-FW-P14 – Preserving natural character and instream values Preserve the natural character and instream values of lakes and rivers and the natural character of their beds and margins by: (1) avoiding the loss of values or extent of a river, unless: (a) there is a functional need for the activity in that location, and (b) the effects of the activity are managed by applying the effects management hierarchy (in relation to natural inland wetlands and rivers), (2) not granting resource consent for activities in (1) unless the consent authority is satisfied that:	The analysis of the NPS-FM provisions relating to stream extent and values is considered to equally apply here.

Identified Provision	Analysis
(a) the application demonstrates how each step of the effects management hierarchy (in relation to natural inland wetlands and rivers) will be applied to the loss of values or extent of the river, and (b) any consent is granted subject to conditions that apply the effects management hierarchy (in relation to natural inland wetlands and rivers) in respect of any loss of values or extent of the river, (c) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in APP5 and APP6, and has had to regard to the remaining principles in APP5 and APP6, as appropriate, and (d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes, (3) establishing environmental flow and level regimes and water quality standards that support the health and well-being of the water body, (4) to the extent practicable, sustaining the form and function of a water body that reflects its natural behaviours, (5) recognising and implementing the restrictions in Water Conservation Orders, (6) preventing the impounding or control of the level of Lake Wānaka, (7) preventing modification that would permanently reduce the braided character of a river, (8) controlling the use of water and land that would adversely affect the natural character of the water body, and (9) maintaining or enhancing the values of riparian margins to support habitat and biodiversity, reduce contaminant loss to water bodies and support natural flow behaviour.	

Identified Provision	Analysis
LF-FW-P17 – Discharges of wastewater, animal effluent, sewage, greywater and industrial and trade waste Minimise the adverse effects of direct and indirect discharges of wastewater, animal effluent, sewage, greywater and industrial and trade waste to fresh water by: (1) phasing out existing discharges of wastewater, sewage or industrial and trade waste directly to freshwater to the extent practicable, (2) requiring: (a) new discharges of wastewater, sewage or industrial and trade waste to be to land, unless: (i) the adverse effects associated with a discharge to land are demonstrably greater than a discharge to fresh water, or (ii) the adverse effects associated with a discharge to water are significantly less than, and replace, an existing discharge(s), or (iii) the discharge is to a constructed water body from which there is no discharge of water or contaminants, and (b) discharges of animal effluent from land-based primary production to be to land, (c) that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water, (d) implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated wastewater systems, (e) on-site wastewater systems and animal effluent systems to be designed and operated in accordance with best practice standards,	Policy LF-FW-P17 aims to minimise the adverse effect of direct and indirect discharges of wastewater, animal effluent, sewage, greywater and industrial and trade waste to fresh water. As assessed in part A.16 of the Substantive Application in Section 9. The proposal was considered consistent with LF-FW-P17, through wastewater management incorporates source control measures including separation of clean stormwater from wastewater, minimisation of wastewater volumes, and appropriate operational controls, consistent with this policy. As per Section 9.3.8 of Part A.16 of the Substantive Application, in respect of wastewater, the Wastewater Discharge Impact Assessment concludes that the wastewater generated as a result of the Project, while increasing wastewater flows, will result in a nutrient loading and water quality commensurate with the existing wastewater discharge, which has acceptable effects, with no increase in the scale or intensity of effects to that which is currently occurring in the catchment. The Doolans Freshwater Ecology Assessment and Wastewater Discharge Impact Assessment have concluded that any discharges within the Doolans Creek Right Branch, unnamed wetlands or watercourses as assessed in Section 6 of the application will have minor effects and are unlikely to impact on the ability to achieve the applicable freshwater objectives and compulsory national values. That said, as set out in sections 16 – 33, the evidence of Mr Richardson indicates that the conditions have been amended so that the wastewater aspects of the proposal, particularly those concerning the proposed wastewater nitrogen load limit, are generally consistent with the relevant policy LF-FW-P17.

Identified Provision	Analysis
(f) that any discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe, (3) to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and (4) promoting source control as a method for reducing contaminants in discharges.	
LF-LS-O12 The use, development, and protection of land and soil: 1. safeguards the life-supporting capacity of soil, 2. sustains the potential of land and soil to meet the reasonably foreseeable needs of future generations while recognising the extractive nature of mining, 3. contributes to achieving environmental outcomes for fresh water, an 4. recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago's people and communities.	The Project acknowledges Objective LF-LS-O12 of the Otago RPS. The assessment also relates to policies LF-LS-P19 to P21, which apply in this context, as discussed below.
LF-LS-P19 Maintain soil quality by managing both land and freshwater resources, including the interconnections between soil health, vegetative cover and water quality and quantity.	Policy LF-LS-P19 requires maintaining soil quality by managing land and freshwater resources, including the connections between them. As set out in Section 9.3.11 of Part A.16 of the Substantive Application, the Project site is in an alpine environment, and none of the land could be used productively. The site contains no 'productive' soils and, consistent with these policy directives, the Project does not affect the productive capacity of any highly productive land. All works will be undertaken in accordance with the CEMP and associated erosion and sediment control measures outlined in Enviroscope (2026). An erosion and sediment control plan will document specific measures to reduce the potential for runoff into wetlands, watercourses, and neighbouring vegetation communities. These measures are key to managing sedimentation effects on terrestrial ecology and freshwater environments. During construction of the Project, all practicable

Identified Provision	Analysis
	measures will be applied to minimise the potential for sediment discharges to the environment. The Project is therefore consistent with policy LF-LS-P19.
LF-LS-P20 Maintain the health and productive potential of soils, to the extent reasonably practicable, by managing the use and development of land in a way that is suited to the soil characteristics and that sustains mauri through healthy: 1. soil biological activity and biodiversity, 2. soil structure, and 3. soil fertility.	As above, the Project site is located within an alpine environment, and is not currently used for 'productive' purposes. The Project is located within, and adjacent to, an established alpine ski area environment and does not involve land that is used for, or has potential for, primary production due to elevation, climate, slope and soil limitations. Accordingly, the Project does not result in the loss or fragmentation of highly productive land or impact the soil characteristics; therefore, the Project is consistent with policy LF-LS-P20.
LF-LS-P21 – Soil erosion Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by: (1) maintaining vegetative cover on erosion-prone land, to the extent practicable, (2) implementing management practices to minimise the potential for soil to be discharged to water bodies, including by controlling the timing, duration, scale and location of soil exposure, and (3) promoting activities that enhance soil retention.	Policy LF-LS-P21 ensures minimised soil erosion and sedimentation in water bodies from land use activities. The Project has prepared a Construction Environmental Management Plan (CEMP) that is fit for purpose and will be certified by the appropriate Consent Authority before earthworks commence in the Alpine Project Area, as secured through the conditions plus general construction management conditions. The Erosion and Sediment Control Plan (ESCP) must be certified by the appropriate Consent Authority before earthworks commence within each earthwork development stage, as secured through the conditions plus general erosion and sediment control conditions. The Project concludes that specific elements of the CEMP and ESCP have informed their assessment. This includes a range of erosion and sediment control measures that are proposed to manage sedimentation-related effects. Given the high ecological value of the streams, verification monitoring is proposed to confirm the effectiveness of erosion and sediment control measures. This will involve annual summer monitoring of deposited fine sediment using the SAM 2 method at two representative downstream locations. The results will be compared to pre-works conditions, with deposited sediment levels remaining within 10%, to

Identified Provision	Analysis
	ensure no adverse ecological effects occur. The Project is therefore consistent with policy LF-LS-P20.
ECO-O1 Otago's indigenous biodiversity is healthy and thriving and, at a minimum, any overall decline in condition, quantity and diversity is halted.	The Project acknowledges Objective ECO-O1 of the Otago RPS. The assessment also relates to policies ECO-P4 to P8, which apply in this context, as discussed below.
ECO-P4 – Protecting significant natural areas and taoka Except as provided for by ECO-P1, ECO-P5, and ECO-P6: (1) protect significant natural areas by first avoiding the following adverse effects: (a) loss of ecosystem representation and extent, (b) disruption to sequences, mosaics, or ecosystem function, (c) fragmentation of significant natural areas or the loss of buffers or connections within an SNA, (d) a reduction in the function of the significant natural area as a buffer or connection to other important habitats or ecosystems, or (e) a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use a significant natural area for any part of their life cycle, and (2) protect indigenous species and ecosystems that are taoka by first avoiding adverse effects that result in any loss of taoka values identified by mana whenua as requiring protection under ECOP3(2), and (3) after (1) and (2), applying the effects management hierarchy (in relation to indigenous biodiversity) to areas and values other than those covered by ECO-P4(1), and	The analysis in respect of the NPS-IB is considered to equally apply here. NZSki acknowledges the significance of wāhi tapu and wāhi taoka, the cultural and spiritual importance of wai, and the importance of mahika kai and access to traditional food-gathering resources. No known wāhi tapu or wāhi taoka are identified within the Project site within the CODC district; however, NZSki recognises that Kā Rūnaka are best placed to articulate cultural values and associations connected to the wider landscape and water resources. Therefore, to continue engaging with Kā Rūnaka and Kāi Tahu on wāhi tapu and wāhi taoka are needed to determine whether the Project is consistent with or inconsistent with ECO- P4 (2) and (4).

Identified Provision	Analysis
(4) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified and mapped in accordance with ECO-P3, adopt a precautionary approach towards activities in accordance with IM-P4(2).	
ECO-P5 – Provision for specified new activities Except as provided for by ECO-P1, maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity) when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka (but are not specified highly mobile fauna) that have been identified by mana whenua as requiring protection: (1) except as provided for in (2), new subdivision, use or development for the purpose of the construction or upgrade of specified infrastructure that provides significant national or regional public benefit that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations, (2) the development, operation, maintenance or upgrade of renewable electricity generation that provides significant national or regional public benefit that has a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and alternative sites, methods and designs have been considered under EIT-EN-P17, (3) new subdivision, use or development for the purpose of mineral extraction that provides a significant national public benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations,	This policy ECO-P5 (1) applies to new development to construct or upgrade specified infrastructure, including ski infrastructure associated with the Remarkables. The infrastructure must deliver significant national and regional public benefits and have a functional or operational need to be located within the relevant significant natural areas, or may adversely affect indigenous species or ecosystems that are taoka, with no practicable alternative locations available. This is discussed above in Table 1 NPS-FM, Table 3 NPS-IB, and referenced in sections 80- 84 of my evidence. Where areas of higher ecological value or indigenous vegetation are present, site selection and design have prioritised avoidance to the extent practicable. Where complete avoidance is not possible because of the functional and operational requirements of the ski field infrastructure, effects are managed through a combination of minimisation and mitigation. Residual Compensation Package will be designed and implemented to address residual effects as far as practicable, as described earlier in this section in relation to Policy 6 of the NPS-IB. The Project provides regional public benefits by supporting recreation, tourism and economic wellbeing. Its location within an established ski area reflects the lack of practicable alternative locations for this type of infrastructure. As described in relation to the NPS-IB, the Project is not consistent with the broad direction of statutory planning provisions requiring no net loss of indigenous biodiversity values.

Identified Provision	Analysis
(4) new subdivision, use or development for the purpose of aggregate extraction that provides a significant national or regional benefit that could not otherwise be achieved within New Zealand and that have a functional need or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka, and there are no practicable alternative locations, and (5) the sustainable use of mahika kai and kaimoana (seafood) by mana whenua. (6) activities that are for the purpose of protecting, maintaining, restoring or enhancing a significant natural area or indigenous species or ecosystems that are taoka, (7) activities that are for the purpose of addressing a severe or immediate risk to public health or safety, (8) activities that are for the purpose of developing a single residential dwelling on an allotment that was created before 4 August 2023, and can demonstrate there is no practicable location within the allotment where a single residential dwelling and essential associated on-site infrastructure can be constructed, or (9) activities that are for the purpose of harvesting indigenous tree species from a significant natural area carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949.	
ECO-P6 – Managing adverse effects of established activities on significant natural areas Except as provided for by ECO-P7, enable established activities (excluding activities managed under ECOP4 and ECO-P5) where the effects of the activity, including cumulative effects, on a significant natural area: (1) are no greater in intensity, scale, or character over time than at 4 August 2023, and	This is discussed above in Table 1 NPS-FM, Table 3 NPS-IB and referenced in my evidence. The Substantive Application acknowledges that the Project will have residual environmental effects once all avoidance, minimisation, and remediation measures are implemented. As described in relation to the NPS-IB, the Project is not consistent with the broad direction of statutory planning provisions requiring no net loss of indigenous biodiversity values.

Identified Provision	Analysis
(2) do not result in the loss of extent or degradation of ecological integrity of a significant natural area, subject to ECO-P11.	
ECO-P7 – Maintaining indigenous biodiversity Except as provided for by ECO-P1, and excluding areas protected under ECO-P4, manage Otago's indigenous biodiversity by all of the following: (1) applying the effects management hierarchy (in relation to indigenous biodiversity) to manage significant adverse effects on indigenous biodiversity and recognising and providing for the protection of significant indigenous biodiversity values identified under ECO-M2(5), (2) requiring the maintenance of indigenous biodiversity for all other adverse effects of any activity, and (3) notwithstanding (1) and (2) above, for regionally significant infrastructure and nationally significant infrastructure that is either renewable electricity generation or the National Grid avoid, remedy or mitigate adverse effects to the extent practicable, and (4) when significant indigenous biodiversity values are identified under ECO-M2(5), protecting those values in district plans.	Outside of significant natural areas, indigenous biodiversity is to be managed by ECO-P7 and excludes areas protected under ECO-P4 as analysed above. However, given the sensitive alpine location, effectively all biodiversity meets the significance criteria of the NPS-IB. In that respect, the analysis of Policy ECO-P4 is considered equally applicable here, as discussed above. While the Terrestrial Ecology Assessment has not assessed the vegetation communities within the Project area against APP2, this appendix is largely identical to the NPS-IB criteria. The analysis in respect of Policy 6 of the NPS-IB (Table 6 below) confirms that several vegetation communities within the Project area meet the significance criteria of the NPS-IB. Where areas of higher ecological value or indigenous vegetation occur, site selection and design have prioritised avoidance to the extent practicable. Where complete avoidance is not possible due to the functional and operational requirements of the ski-field infrastructure, effects are managed through a combination of minimisation and mitigation, with a Residual Compensation Package to be designed and implemented to address residual effects as far as practicable As described in relation to the NPS-IB, the Project is not consistent with the broad direction of statutory planning provisions requiring no net loss of indigenous biodiversity values.
ECO-P8 – Restoration and enhancement The extent, occupancy and condition of Otago's indigenous biodiversity is increased by: (1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species,	Policy ECO-P8 addresses the restoration and enhancement of indigenous biodiversity, seeking to increase the extent, occupancy, and condition of Otago's indigenous biodiversity, including by restoring and enhancing habitat for indigenous species and improving the health and resilience of indigenous biodiversity, including ecosystems and species. To the extent practicable, the Project has been designed to protect biodiversity. Where this is unavoidable, management measures have been proposed to minimise effects, and the

Identified Provision	Analysis
(2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, ecosystem function, and intrinsic values, (3) buffering or linking ecosystems, habitats and ecological corridors, ki uta ki tai, and (4) prioritising all the following for restoration: (a) significant natural areas whose ecological integrity is degraded, (b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems, (c) areas that provide important connectivity or buffering functions, (d) areas of indigenous biodiversity on native reserves and Māori land where restoration is advanced by the Māori landowners, (e) any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.	implementation of the Residual Compensation Package will address residual effects by enhancing and restoring biodiversity outside the Project area, consistent with policy ECO-08. As described in relation to the NPS-IB, the Project is not consistent with the broad direction of statutory planning provisions requiring no net loss of indigenous biodiversity values.
APP3 – Principles for biodiversity offsetting These principles apply to the use of biodiversity offsets for adverse effects on indigenous biodiversity. An applicant is to comply with principles 1 to 6 and have regard to the remaining principles as appropriate. … (2) When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where: (a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected: (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible:	The Residual Effects package will be guided by the NPS-IB and NPS-FM but not strictly adhered to. Therefore, the Project is inconsistent with these provisions, as further outlined in my evidence.

Identified Provision	Analysis
(c) there are no technically feasible options by which to secure gains within an acceptable timeframe. (d) the loss from an ecological district of Threatened taxa, other than kānuka (Kunzea robusta and Kunzea serotina), under the New Zealand Threat Classification System (Rolfe et al, 2022); or (e) the likely worsening of the conservation status of any Threatened or At Risk indigenous biodiversity as listed under the New Zealand Threat Classification System (Rolfe et al, 2022); or (f) the removal or loss of ecological integrity and resilience of a naturally uncommon ecosystem type that contains indigenous vegetation or habitat for indigenous fauna. ...	
APP4 – Principles for biodiversity compensation These principles apply to the use of biodiversity compensation for adverse effects on indigenous biodiversity. An applicant is to comply with principles 1 to 6 and have regard to the remaining principles as appropriate. (1) Adherence to effects management hierarchy: Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted. (2) When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where:	As described in relation to the NPS-IB, the Project is not consistent with the broad direction of statutory planning provisions requiring no net loss of indigenous biodiversity values.

Identified Provision	Analysis
(a) the indigenous biodiversity affected is irreplaceable or vulnerable; (b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible; (c) there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes; (d) the loss from an ecological district of Threatened taxa, other than kānuka (Kunzea robusta and Kunzea serotina), under the New Zealand Threat Classification System (Rolfe et al, 2022); (e) removal or loss of viability of the habitat of a Threatened indigenous species of fauna or flora under the New Zealand Threat Classification System (Rolfe et al, 2022); (f) the removal or loss of ecological integrity and resilience of a naturally uncommon ecosystem type that contains indigenous vegetation or habitat for indigenous fauna; (g) the likely worsening of the conservation status of any Threatened or At Risk indigenous biodiversity listed under the New Zealand Threat Classification System (Rolfe et al, 2022). (3) Scale of biodiversity compensation: The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects. (4) Additionality: Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.	

Identified Provision	Analysis
(5) Leakage: Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location. (6) Long-term outcomes: Biodiversity compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring. (7) Landscape context: Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site taking	
HCV-HH-O3 Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, people's understanding and appreciation of it is enhanced, and it is protected for future generations against inappropriate subdivision, use and development.	The Project acknowledges Objective HCV-HH-O3 of the Otago RPS. The assessment also relates to policy HCV-HH-P6, which applies in this context, as discussed below.
HCV-HH-P6 – Managing historic heritage Except as provided for in EIT-INF-P4 and EIT-INF-P9, protect historic heritage from inappropriate subdivision, use and development by: (1) requiring the use of accidental discovery protocols in accordance with APP13, (2) avoiding adverse effects on areas or places which have been identified as having special or outstanding historic heritage or qualities, except that in circumstances (a) to (f) below, they are remedied or mitigated to the extent practicable: (a) where HCV-HH-P7 applies, or (b) a project has significant public benefit that outweighs the loss of historic heritage; or	The Project is recognised as regionally significant infrastructure as discussed under policy EIT-INF-P4, which is provided in this policy. However, the Project has been informed by a detailed Heritage Assessment, which has identified and evaluated historic heritage values within and in the wider context of the site, and confirms that no significant historic heritage features are located within, or are unlikely to be located within, the immediate development footprint. Notwithstanding this, accidental discovery protocols will be in place throughout construction to ensure that any unanticipated archaeological finds are appropriately protected and managed. The Project Area contains no Appendix 10 actively conserved historic places or scheduled cultural heritage sites. The proposed conditions require adherence to the accidental discovery protocol to address the potential for unexpected discovery of archaeological material and require notification to the Heritage New Zealand Regional Archaeologist and tangata whenua entities if the site appears to

Identified Provision	Analysis
(c) the activity has functional or locational constraints: (i) and has a significant public benefit; or (ii) will enable access to, and enhance people's understanding and appreciation of, the historic heritage area or place, or (d) the area or place is already impacted by an existing, lawfully established activity; or (e) there is significant risk to safety or property; or (f) any adverse effects are minor and relate to work necessary to adapt a historic heritage building to modern use and; (3) avoiding, remedying or mitigating adverse effects on other areas or places with historic heritage values or qualities.	be of Māori origin. Establishing a Mana Whenua Advisory Group provides a formal mechanism to build relationships with Ngāi Tahu and support the identification and management of places of importance according to their values. Dr Dawn Cropper provides further evidence on why the use of an accidental discovery protocol is appropriate in this context. The Project is therefore consistent with policy HCV-HH-P6.
NFL-P2 Protect outstanding natural features and landscapes from inappropriate subdivision, use and development by: (1) maintaining the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, (2) avoiding, remedying or mitigating other adverse effects; and (3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P4 and EIT-INF-P9.	The Project acknowledges NFL-P2 of the Otago RPS. The assessment also relates to EIT-INF-P4 as discussed above. The Project has adverse effects on the values that contribute to the natural features and landscape within the Doolans Valley. While those effects have been minimised to the extent practicable, residual effects remain. Notwithstanding, the effects of the Project are being managed in accordance with EIT-INF-P4 insofar as relevant for this policy.

TABLE 5 REGIONAL PLAN: WATER FOR OTAGO

Identified Provision	Analysis
Objective 5.3.1 To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago's lakes and rivers.	The Project has been designed to maintain at a minimum the natural and human use values of the rivers, wetlands and margins of the waterbodies affected by the Project. This has occurred through prioritisation of avoidance of effects on freshwater systems and associated values where practicable.
Objective 5.3.2 To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kāi Tahu, identified in Schedule 1D, as these relate to Otago's lakes and rivers.	As outlined in Part A.16 of the Substantive Application, NZSki recognises Kāi Tahu's interests in the Rastus Burn and the Doolans Creek and its tributaries and is committed to ongoing engagement through the development of the Project. The mana whenua advisory group (as proposed through the conditions of consent) provides a potential platform to ensure Kā Rūnaka's interests continue to be recognised and provided for; however, it acknowledges that Kā Rūnaka may wish to explore other options, which NZSki is open to discussing further with Kā Rūnaka in due course. While the Project's ability to meet this objective is currently uncertain, it may be capable of being met through further engagement with Kā Rūnaka and appropriate management of effects on Kāi Tahu values.
Objective 5.3.3 To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development.	From a natural character and values perspective, the Project has sought to avoid or minimise direct instream works wherever possible, through an iterative siting and design process (as described in Sections 1 and 3). Notwithstanding, certain discrete infrastructure components that are limited in scale and extent and are vital to the successful construction and operation of ski field activities have a

Identified Provision	Analysis
	functional and operational (as identified within Section 10.3.8) need to be located within or directly interact with waterbodies. These include: > The snow-making water reservoir within Tarn 3; > The tyrolean weir within Doolans Creek Right Branch; and > Wetland and water crossings (splash crossings and culverts). Given the Project relates to regionally significant infrastructure which will give rise to regionally significant economic benefits, and the efforts gone to alternative siting and design, minimisation, remediation and offsetting of effects, the Project does not comprise "inappropriate" development, particularly when considered in the wider context of the Remarkables / Hector Ranges.
Objective 5.3.4 To maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins.	The Project has been designed to ensure effects on the amenity values of the surface water bodies within the Dolans Creek and Rastus Burn catchments and downstream of the project will minimised. The proposed management framework, including residual flow requirements, erosion and sediment controls, wetland and stream protection measures, and rehabilitation of disturbed areas, will ensure that the amenity values are maintained over the long term
Objective 5.3.5 To maintain or enhance public access to and along the margins of Otago's lakes and rivers.	NZSki have ensured that the project maintain and enhances public access in the area including through expanded recreational opportunities within the Remarkables Ski Area while minimising the effects on the environmental values that underpin public use and enjoyment of these environments. Management and mitigation measures will ensure that public access and recreational experiences continue to be available.
Objective 5.3.6 To provide for the sustainable use and development of Otago's water bodies, and the beds and margins of Otago's lakes and rivers.	Consent conditions have been proposed to ensure the sustainable use and development of the waterways within the project area and the wider catchment. These conditions include residual flow requirements, continuous flow monitoring,

Identified Provision	Analysis
	restrictions on abstraction during low-flow periods, and measures to manage effects on streams, wetlands and riparian environments.
Objective 5.3.7 To maintain the heritage values associated with Otago's lakes and rivers, and their margins.	The Project acknowledges Objective 5.2.7 as part of the Regional Plan. The assessment also relates to the Otago RPS policy, which applies in this context, as discussed above.
Objective 5.3.8 To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago's lakes and rivers.	The Project acknowledge Objective 5.3.8 as part of the Regional Plan. The policy analysis relating to the objective is discussed below.
Policy 5.4.1 To identify the following natural and human use values supported by Otago's lakes and rivers, as expressed in Schedule 1: (a) Outstanding natural features and landscapes; (b) Areas with a high degree of naturalness; (c) Areas of significant indigenous vegetation, significant habitats of indigenous fauna, and significant habitats of trout and salmon; (d) Ecosystem values; (e) Water supply values; (f) Registered historic places; and (g) Spiritual and cultural beliefs, values and uses of significance to Kāi Tahu.	Policy 5.4.1 identifies the following natural and human use values supported by Otago's lakes and rivers; in particular, DOC consider that the application does not meet policy (f). The following analysis therefore focuses on (f) only. As discussed above, Table 4 (Otago RPS policies EIT-INF-P4 (1)(f) and HCV-HH-P6) shows the Project is consistent because the Project Area contains no actively conserved historic places or scheduled cultural heritage sites. The proposed conditions require adherence to the accidental discovery protocol to address the potential for unexpected discovery of archaeological material and require notification to the Heritage New Zealand Regional Archaeologist and tangata whenua entities if the site appears to be of Māori origin. Establishing a Mana Whenua Advisory Group provides a formal mechanism to build relationships with Ngāi Tahu and support the identification and management of places of importance according to their values. Dr Dawn Cropper provides further evidence on why the use of an accidental discovery protocol is appropriate in this context, and the accidental discovery protocol condition has been amended to include post-1900 heritage material. Therefore, the Project is consistent with this policy.

Identified Provision	Analysis
Policy 5.4.2 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating: (1) Adverse effects on: (a) Natural values identified in Schedule 1A; (b) Water supply values identified in Schedule 1B; (c) Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river; (d) Spiritual and cultural beliefs, values and uses of significance to Kāi Tahu identified in Schedule 1D; (e) The natural character of any lake or river, or its margins; (f) Amenity values supported by any water body; and (2) Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.	With respect to Policy 5.4.2 (c), DOC consider that the application does not provide sufficient information to determine whether these Regional Plan provisions are met. As discussed above and further discussed in Dr Dawn Cropper's evidence, further explain why the use of an accidental discovery protocol is appropriate in this context, plus the proposed conditions require adherence to the accidental discovery protocol to address the potential for unexpected discovery of archaeological material and have been amended to include post-1900 heritage material. Additionally, Mrs McQuillan's evidence responds to concerns about an inadequate assessment of alternatives. The Project used an effects-led design approach, with the initial siting of ski infrastructure and trails designed to avoid areas of highest ecological and landscape value. 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. Therefore, the Project is consistent with the policy for managing any activity involving surface water or a river, and adverse effects on registered historic places or archaeological sites.
Policy 5.4.2A The loss of river extent and values is avoided, unless the council is satisfied: (a) That there is a functional need for the activity in that location; and (b) The effects of the activity are managed by applying the effects management hierarchy.	Policy 5.4.2A has been inserted into the Water Plan to give effect to Policy 7 of the NPS-FM through the associated Clause 3.24, which sets out the requirement for every regional council to include the words of this policy. Given that in the context of the Act, greater weight is given to higher order policies, the extent to which the Project complies with this policy has been assessed in relation to Policy 6 and 7 of the NPS-FM located in Table 1 above. For brevity, as effects on the extent and values of the Rastus Burn, Doolans Creek Right Branch, and tributaries are unavoidable. There is a demonstrated functional need for the activities associated with the Project to locate where they have been proposed, as described in the evidence of Mrs McQuillan, and the avoidance, minimisation and remediation steps of the effects management hierarchy have

Identified Provision	Analysis
	been exhausted, as demonstrated by Dr Bramley and my evidence. Notwithstanding, due to constraints on offsetting and compensation measures as outlined in Dr Bramley's evidence, it is acknowledge that the Project is inconsistent with Policy 5.4.2 as adherence to the last limb of the effects management hierarchy has not been achieved.
Policy 5.4.5 To recognise the Water Conservation (Kawarau) Order 1997 by: (a) Preserving, as far as possible, the waters set out in Schedule 1 of the Water Conservation Order in their natural state; (b) Protecting the outstanding characteristics of waters set out in Schedule 2 of the Water Conservation Order; and (c) Sustaining the outstanding amenity and intrinsic values set out in Schedules 1 and 2 of the Water Conservation Order.	The Project is located within Schedule 2 of the Water Conservation Order where the "outstanding characteristics" of the waters are to be protected. For the "Nevis River Tributaries", the native fishery habitat of non-migratory galaxiids is identified as the sole outstanding characteristic. As there are no fish within the Project area and the effects on Doolans Creek life supporting are low, the relevant outstanding characteristic is protected consistent with this policy.
Policy 5.4.6 Legal public access to and along the margins of lakes and rivers will only be restricted where necessary: (a) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; (b) To protect Kāi Tahu spiritual and cultural beliefs, values and uses; (c) To protect the health or safety of people and communities; (d) To ensure a level of security consistent with the purposes of a resource consent; or (e) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.	This policy recognises that it may be necessary to restrict legal public access in certain circumstances. The Project will not limit access to or along the margins of lakes and rivers. The Project is therefore consistent with this policy.

Identified Provision	Analysis
Policy 5.4.8 To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character: (a) The topography, including the setting and bed form of the lake or river; (b) The natural flow characteristics of the river; (c) The natural water level of the lake and its fluctuation; (d) The natural water colour and clarity in the lake or river; (e) The ecology of the lake or river and its margins; and (f) The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above.	The project design and infrastructure / building placement has considered the features and natural character of the surrounding waterbodies. The Project has also been assessed within the context of the existing ski area environment and the degree of existing modification within the catchment. Through careful management of construction and operation, compliance with consent conditions and management plans the physical, hydrological, ecological, natural character and landscape attributes will continue to be recognised and any adverse effects can be avoided, remedied or mitigated as necessary.
Policy 5.4.9 To have particular regard to the following qualities or characteristics of lakes and rivers, and their margins, when considering adverse effects on amenity values: (a) Aesthetic values associated with the lake or river; and (b) Recreational opportunities provided by the lake or river, or its margins.	The Project will not impact upon other recreational opportunities available in respect of the waterbodies present on site and does not propose to restrict legal access to any waterbody (unless required temporarily for health and safety), and there are no downstream uses that will be affected by the proposed activities. I therefore consider the Project is consistent with this policy.
Policy 5.4.10 In the management of any activity involving surface water or the bed or margin of any lake or river, particular regard will be given to the heritage value of any site, building, place or area.	Refer to Policy 5.4.1 and 5.4.2 above; an analysis has been undertaken and concluded that the Project is consistent with the Regional Plan provisions.
Objective 6.3.1 To retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character.	Objective 6.3.1 and the relevant policies (6.4.1, 6.4.7, and 6.4.16) seek to ensure that water takes are managed to maintain sufficient flows to protect aquatic ecosystem health and natural character, while providing for the sustainable allocation and use of water resources.

Identified Provision	Analysis
Policy 6.4.1 To enable the taking of surface water, by: (a) Defined allocation quantities; and (b) Provision for water body levels and flows except when … [exceptions are not relevant to the proposal]	As part of the Project, a new water take will be established in Doolans Creek via a new Tyrolean Weir. The water, taken at a maximum rate of 30 L/s, will supply potable water, firefighting, and snowmaking within the Doolans Ski Area. The water take is approximately 1% of the available allocation in the Nevis River catchment. Accordingly, the surface water take is a justified and efficient allocation limited to supply the needs of the site at the nearest practicable source. E3 considers that the effect of the taking of water as proposed on the flows of the Doolan's Creek Right Branch is 'low'. Further, the taking of water for snowmaking will only occur during the winter months, when irrigation related water takes are not abstracting water from the catchment. A residual flow of 33.5 l/s is to be maintained in the creek downstream of the point of abstraction at all times and water takes will cease during low flow conditions. It is also noted that a comprehensive measurement and reporting regime will include installation of water meters, use of data loggers and provision for telemetry to Otago Regional Council ensuring adherence to the allocation limits for the Nevis River Catchment. NZSki acknowledge that the Site may be impacted by future climate changes. Regardless of any changes in flows in the Doolans Creek Right Branch resulting from climate change, e3 considers that the requirement to maintain a residual flow within the creek downstream of the water take location will mitigate any climate change induced flow changes. The Project is therefore consistent with Objective 6.3.1 and Policies 6.4.1, 6.4.7, and 6.4.16.
Policy 6.4.7 The need to maintain a residual flow at the point of take will be considered with respect to any take of water, in order to provide for the aquatic ecosystem and natural character of the source water body.	
Policy 6.4.16 In granting resource consents to take water, or in any review of the conditions of a resource consent to take water, to require the volume and rate of take to be measured in a manner satisfactory to the Council unless it is impractical or unnecessary to do so.	
Objective 7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.	The Project acknowledges Objective 7.A.1 of the Water Plan which seeks to maintain existing water quality within Otago's lakes, rivers, wetlands and groundwater, whilst further requiring improvement where water quality has been degraded. The Project incorporates a range of measures designed to avoid, minimise and manage adverse effects on freshwater environments, including wastewater

Identified Provision	Analysis
	treatment upgrades, erosion and sediment controls, and operational management measures. As per Section 9.3.8 of Part A.16 to the Substantive Application, in respect to wastewater, the Wastewater Discharge Impact Assessment concludes that the wastewater generated as a result of the Project, while increasing wastewater flows, will result in a nutrient loading and water quality commensurate with the existing wastewater discharge, which has acceptable effects, with no increase in the scale or intensity of effects to that which is currently occurring in the catchment. The Doolans Freshwater Ecology Assessment and Wastewater Discharge Impact Assessment have concluded that any discharges within the Doolans Creek Right Branch, unnamed wetlands or watercourses as assessed in Section 6 of the application will have minor effects and are unlikely to impact on the ability to achieve the applicable freshwater objectives and compulsory national values. This said, as contained in the evidence of Mr Richardson, conditions have been amended such that the wastewater aspects of the proposal, in particular those concerning the proposed wastewater nitrogen load limit, are generally consistent with the objectives in the Water Plan insofar as they give effect to the relevant NPS-FM policies. Additionally, all works will be undertaken in accordance with the CEMP and associated erosion and sediment control measures outlined in Enviroscope (2026). An erosion and sediment control plan will document specific measures to reduce the potential for runoff into wetlands, watercourses, and neighbouring vegetation communities. These measures are key to managing sedimentation effects on terrestrial ecology and freshwater environments. During construction of the Project, all practicable measures will be applied to minimise the potential for sediment discharges to the environment. On balance, the Project is therefore generally consistent with Objective 7.A.1 and its attendant policies, noting that the Project was found to be generally consistent with this chapter by both ORC and DOC in their s53 comments.

Identified Provision	Analysis
Objective 8.3.1 To maintain: (a) The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river; (b) The stability of the bed and bank of any lake or river; and (c) The flood and sediment carrying capacity of any lake or river.	As previously described, the proposed works have been designed to avoid adverse effects of the beds and margins of rivers and lakes where practicable. Notwithstanding, limited and localised disturbance bed and margins of rivers and lakes is restricted to discrete elements of the Project including: > The removal of 20 m^2 of river bed extent to accommodate the tyrolean weir intake; > Construction of culvert stream crossings (where fords/splash crossings are not practicable) equating to an area of approximately 40m^2; and > The conversion of an alpine tarn into a reservoir for snow-making purposes. The proposed structures will be designed, constructed and maintained in accordance with standard engineering practises to minimise erosion or instability. The Reservoir has been designed with a specific geometry and safety features to optimize performance and stability and designed to avoid overtopping and the effects of wind-wave processes. The flood risk with respect to the snowmaking reservoir has been managed through diversion of flows conveying the 1 in 100 AEP event through perimeter swales, diversion swales preventing sediment-laden flows entering the tarn and through local shaping to manage small catchments meeting the NZSOLD Dam Safety Guidelines for a Low Potential Impact Classification. In respect to Tarn 3, the Project is converting this alpine lake into a lined reservoir which will impact (remove) any natural bed / bank. As described in relation to the NPS-FM and the relevant RPS policies, I am not aware of any RMA planning provisions that require the application of the effects management hierarchy (including offsetting / compensation) to waterbodies that are not rivers / streams or natural inland wetlands.
Objective 8.3.2 To minimise reduction in water clarity caused by bed disturbance.	Project design, proposed conditions of consent and management plans will ensure disturbances in and around water bodies are minimised. The erosion and sediment control measures, construction management practices, and site

Identified Provision	Analysis
	rehabilitation measures that limit sediment generation and transport reduce the likelihood of sediment entering waterways and ensure that any effects on water clarity are appropriately avoided, remedied, or mitigated.
Objective 8.3.3 To maintain the integrity of existing defences against water.	The Project acknowledge Objective 8.3.3 as part of the Regional Plan. The policy analysis relating to the objective is discussed below and in Table 1 NPS-FM and Table 2 NES-FM.
Objective 8.3.5 To maintain the passage of fish, or improve the passage of fish, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.	There are no fish within the Project area, given the altitude.
Policy 8.4.1 When managing activities in, on, under or over the bed or margin of any lake or river, to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects: (a) On the stability and function of existing structures located in, on, under or over the bed or margin of any lake or river; (b) Arising from associated erosion or sedimentation of the bed or margin of any lake or river, or land instability; or (c) Arising from any reduction in the flood carrying capacity of any lake or river.	Conditions of consent require that works within Doolans Creek Right Branch associated with the construction of the weir will only occur under low flow conditions with the works area isolated and dewatered to ensure natural flow processes and conveyance is maintained. Where cement is required, this will be managed to isolate and dispose of high alkalinity water so that no contaminants enter the receiving environment. In addition, the design of the water intake in Doolans Creek Right Branch incorporates a sediment flushing system returning captured sediment to the stream to maintain natural sediment transport process.
Policy 8.5.1 To require, where necessary, desirable and practicable, any structure in or on the bed of any lake or river to provide for fish migration through or past it, or alternative remedial measures where fish migration is not practicable.	The waterways associated with project have been deemed to be fishless, therefore fish passage is not necessary in relation to this project

Identified Provision	Analysis
Policy 8.6.1 In managing the disturbance of the bed or margin of any lake or river, to have regard to any adverse effect on: (a) The spawning requirements of indigenous fauna, and trout or salmon; (b) Bed and bank stability; (c) Water quality; (d) Amenity values caused by any reduction in water clarity; and (e) Downstream users.	The design and placement of project elements locating within or adjacent to the bed or margin of lakes and rivers have been considered with respect to the features and natural character of the surrounding waterbodies. The Project has also been assessed within the context of the existing ski area environment and the degree of existing modification within the catchment. Through careful management of construction and operation, compliance with consent conditions and management plans the physical, hydrological, ecological, natural character and landscape attributes will continue to be recognised and any adverse effects can be avoided, remedied or mitigated as necessary.
Policy 8.6.2 To promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect.	Policy 8.6.2 of the Water Plan seeks that activities occurring within or adjacent to the bed of lakes and rivers employ best management practices so that adverse effects are avoided, remedied, or mitigated. As previously described, the proposed works have been designed to avoid adverse effects of the beds and margins of rivers and lakes where practicable. Notwithstanding, limited and localised disturbance bed and margins of rivers and lakes is restricted to discrete elements of the Project including: > The removal of 20 m^2 of river bed extent to accommodate the tyrolean weir intake; > Construction of culvert stream crossings (where fords/splash crossings are not practicable) equating to an area of approximately 40m^2; and > The conversion of an alpine tarn into a reservoir for snow-making purposes. The proposed structures will be designed, constructed and maintained in accordance with standard engineering practises to minimise erosion or instability. The Reservoir has been designed with a specific geometry and safety features to optimise performance and stability and designed to avoid overtopping and the effects of wind-wave processes.

Identified Provision	Analysis
	With respect to the snowmaking reservoir, flood risk has been managed through diversion of flows conveying the 1 in 100 AEP event through perimeter swales, diversion swales preventing sediment-laden flows entering the tarn and through local shaping to manage small catchments meeting the NZSOLD Dam Safety Guidelines for a Low Potential Impact Classification. In respect to Tarn 3, the Project is converting this alpine lake into a lined reservoir which will impact (remove) any natural bed / bank. As described in relation to the NPS-FM and the relevant RPS policies, I am not aware of any RMA planning provisions that require the application of the effects management hierarchy (including offsetting / compensation) to waterbodies that are not rivers / streams or natural inland wetlands. Accordingly, the Project is considered to be consistent with Policy 8.6.2 insofar as best management practices are employed to avoid, mitigate or remedy adverse effects resulting from the elements described above.
Policy 8.7.1 To promote the creation, retention and enhancement of appropriate riparian vegetation where it will: (a) Maintain or enhance water quality, through the interception of non-point source contamination from adjacent land; (b) Enhance the aquatic ecosystems within a water body, and the habitat for flora and fauna on the margins; (c) Maintain or enhance the natural character of lakes and rivers and their margins; (d) Maintain or enhance amenity values; (e) Avoid, remedy or mitigate the adverse effects arising from flooding or erosion; (f) Be unlikely to have a significant adverse effect on desirable species already present, or adjacent to, and downstream from, that riparian vegetation;	Policy 8.7.1 of the Water Plan seeks to promote the establishment, retention and enhancement of riparian vegetation where it contributes to improved water quality, enhances aquatic and riparian habitat, maintains or enhances natural character and amenity values, assists in managing flooding and erosion effects, and enhances mahika kai values, while avoiding significant adverse effects on existing ecological, heritage, public access and infrastructure values.

Identified Provision	Analysis
(g) Be unlikely to restrict existing public access along the beds and margins of Otago's lakes and rivers; (h) Be unlikely to have a significant adverse effect on the heritage value of any site, building, place or area; (i) Be unlikely to impose any significant operational constraints on existing network utilities; or (j) Enhance mahika kai values.	
Objective 10.3.1 Otago's wetlands and their individual and collective values and uses will be maintained or enhanced for present and future generations.	The Project acknowledges Objective 10.3.1 and 10.3.2 of the Water Plan. The assessment also relates to Policies 10.4.2, 10.4.2A and 10.4.8, which apply in this context, as discussed below. It is noted that these objectives, and their attendant policies below, share the intent of Policy 6 of the NPS-FM in the requirement to protect the values and uses of Otago's wetlands. Being that it is located in a higher order document and is more stringent than these provisions, NZSki has given Policy 6 of the NPS-FM more weight in its assessment against the Project. Accordingly, more detailed assessment is contained in Table 1 above.
Objective 10.3.2 Otago's Regionally Significant Wetlands and their values and uses are recognised and sustained.	
Policy 10.4.2 Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity: (a) Is lawfully established; or (b) Is nationally or regionally significant infrastructure, and has specific locational constraints; or (c) Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.	Policies 10.4.2 and 10.4.2A seek to avoid adverse effects on Regionally Significant Wetlands and their values, while recognising that, in limited circumstances, remediation or mitigation may be appropriate where activities are lawfully established, comprise nationally or regionally significant infrastructure with specific locational constraints, or are undertaken for the purpose of maintaining or enhancing wetland values. Policy 10.4.2A further provides for financial contributions where avoidance, remediation or mitigation is not adequate. Since the drafting of these provisions, the NPS-FM has established a more directive framework for the management of effects on wetlands through Clause 3.22 and associated Policy 6. This policy is also reflected in Policy 10.4.8 of the Water Plan, which was inserted to give effect to the NPS-FM and requires

Identified Provision	Analysis
Policy 10.4.2A Where the avoidance, remediation or mitigation of adverse effects on any Regionally Significant Wetland or any regionally significant wetland value is not adequate, financial contributions, determined in accordance with Chapter 17, may be required.	application of the effects management hierarchy. In accordance with the statutory hierarchy, greater weight is appropriately afforded to the higher-order NPS-FM provisions and their implementation through Policy 10.4.8. Whilst residual adverse effects on wetland extent and values remain, the extent to which those effects are acceptable is more appropriately assessed against the effects management hierarchy contained in Policy 10.4.8 and the NPS-FM. As discussed in relation to those provisions, the Project aligns with the aspects of Policies 10.4.2 and 10.4.2A that recognise the functional and locational requirements of regionally significant infrastructure and, specifically, functional need is demonstrated in the evidence of Mrs McQuillan. Additionally, substantial efforts have been made to avoid, minimise and remediate adverse effects, with a Residual Effects Package proposed for higher than 'low' level effects, as outlined in the evidence of Dr Bramley. As previously described, the Project is generally inconsistent with the statutory planning provisions that require offsetting / compensation to address residual effects.
Policy 10.4.8 The loss of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where: (a) The loss of extent or values arises from any of the following: (i) The customary harvest of food or resources undertaken in accordance with tikanga Maori (ii) Wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management) (iii) Scientific research (iv) The sustainable harvest of sphagnum moss	Policy 10.4.8 has been inserted into the Water Plan to give effect to Policy 6 of the NPS-FM through the associated Clause 3.22, which sets out the requirement for every regional council to include the words of this policy. Given that in the context of the Act, greater weight is given to higher order policies, the extent to which the Project complies with this policy has been assessed in relation to Policy 6 and 7 of the NPS-FM located in Table 1 above. For brevity, as effects on the extent and values of the Rastus Burn, Doolans Creek Right Branch, and tributaries are unavoidable. There is a demonstrated functional need for the activities associated with the Project to locate where they have been proposed, as described in the evidence of Mrs McQuillan, and the avoidance, minimisation and remediation steps of the effects management hierarchy have been exhausted, as demonstrated in the evidence Dr Bramley and my evidence. Notwithstanding, due to constraints on offsetting and compensation measures as

Identified Provision	Analysis
(v) The construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (vi) The maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (vii) Natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or (b) The regional council is satisfied that: (i) The activity is necessary for the construction or upgrade of specified infrastructure; and (ii) The specified infrastructure will provide significant national or regional benefits; and (iii) There is a functional need for the specified infrastructure in that location; and (iv) The effects of the activity are managed through applying the effects management hierarchy. (b) The regional council is satisfied that: (i) The activity is necessary for the construction or upgrade of specified infrastructure; and (ii) The specified infrastructure will provide significant national or regional benefits; and (iii) There is a functional need for the specified infrastructure in that location; and (iv) The effects of the activity are managed through applying the effects management hierarchy; or (c) The regional council is satisfied that:	outlined in Dr Bramley's evidence, I acknowledge that the Project is inconsistent with Policy 10.4.8.

Identified Provision	Analysis
(i) The activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment; and (ii) There is a functional need for the activity in that location; and (iii) The effects of the activity are managed through applying the effects management hierarchy; and (iv) There is no practicable alternative location within the proposal's area of search to undertake the activity that would avoid the loss of extent or values of the natural inland wetland; or (d) The regional council is satisfied that: (i) The activity is necessary for the purpose of the extraction of aggregates; and (ii) The extraction of the aggregate will provide significant national or regional benefits; and (iii) There is a functional need or operational need for the activity to be done in that location; and (iv) The effects of the activity will be managed through applying the effects management hierarchy; or (e) The regional council is satisfied that: (i) The activity is necessary for the purpose of the extraction of minerals and ancillary activities; and (ii) The extraction of the mineral will provide significant national or regional benefits; and (iii) There is a functional need or operational need for the activity to be done in that location; and (iv) The effects of the activity will be managed through applying the effects management hierarchy; or (f) The regional council is satisfied that:	

Identified Provision	Analysis
(i) The activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and (ii) The landfill or cleanfill area: (A) Will provide significant national or regional benefits; or (B) Is required to support urban development as referred to in paragraph (c); or (C) Is required to support the extraction of aggregates as referred to in paragraph (d); or (D) Is required to support the extraction of minerals as referred to in paragraph (e); and (iii) There is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and (iv) The effects of the activity will be managed through applying the effects management hierarchy. Advice note: Refer to clause 3.21 of the National Policy Statement for Freshwater Management 2020 for definitions of “loss of value”, “natural inland wetland”, “effects management hierarchy”, “functional need”, “specified infrastructure” and “restoration”.	

TABLE 6 CODC DISTRICT PLAN

Identified Provision	Analysis
Objective 4.3.2 Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area To protect the Districts outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow Landscape Management Area (including landforms) from the adverse effects of inappropriate subdivision, use and development.	Objective 4.3.2 seeks to protect the District's outstanding natural landscapes, outstanding natural features and significant landforms from subdivision, use and development that would adversely affect the values for which they are recognised. Policy 4.4.1 gives effect to Objective 4.3.2 above and seeks to recognise the District's outstanding natural landscapes and features, and other identified landscape areas, and to protect the natural, cultural, historic and landscape values associated with those areas from inappropriate land-use. While it is acknowledged that components of the Project within the Central Otago District are new and will represent a substantial change to the character of the Doolans Basin which is unmodified, with high natural character and landscape values, and is considered an ONL in the CODC District Plan. The Landscape Assessment, attached as part B.03A to the Substantive Application, identifies that the Project will result in a high level of landscape effects on the ONL, due to the introduction of buildings, gondola infrastructure, ski trails and associated activity into a previously undeveloped alpine basin would noticeably reduce landscape naturalness, intactness and sense of remoteness. To the extent possible, the Project has been designed to minimise landscape effects, but full avoidance of effects is not possible given the Project is seeking to introduce structures within an unmodified landscape. Noting that this area affected by landscape change is confined within a small part of the wider ONL, the Assessment generally identifies a moderate to high natural character effects which are unable to be entirely avoided. Accordingly, the Project is not consistent with Objective 4.3.2 or Policy 4.4.1 of the CODC District Plan.
Policy 4.4.1 Outstanding Natural Landscapes and Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area To recognise the District's outstanding natural landscapes and outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area which: a. Are unique to the district, region or New Zealand; or b. Are representative of a particular landform or land cover occurring in the Central Otago District or of the collective characteristics and features which give the District its particular character; or c. Represent areas of cultural or historic significance in the district, region or New Zealand; or d. Contain visually or scientifically outstanding geological features; or e. Have characteristics of cultural, historical and spiritual value that are significant to Kai Tahu ki Otago;	

Identified Provision	Analysis
f. Have high natural character values and high landscape quality that can be distinguished from the general landscapes of the Central Otago District and provide protection for them from inappropriate subdivision, use and development.	
Objective 4.3.3 Landscape and Amenity Values To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.	Objective 4.3.3 seeks to maintain, and where practicable enhance, the landscape, natural character and amenity values of the rural environment, including the open character of the District's hills and ranges. Policy 4.4.2 gives effect to Objective 4.3.3 and seeks to manage subdivision and development in a manner that avoids, remedies or mitigates adverse effects on the landscape, natural character and amenity values of the rural environment. As above, the Landscape Assessment, attached as part B.03 to the Substantive Application, concludes that the Project would result in moderate to high adverse effects on natural character, which cannot be entirely avoided. Within the CODC ONL, the introduction of buildings, gondola infrastructure, ski trails and associated activities into a currently undeveloped alpine basin would noticeably reduce naturalness, intactness and the sense of remoteness, resulting in a high level of landscape effects. I note that these effects are largely confined to a relatively small portion of the wider ONL. Additionally, visual effects are assessed as moderate to high for users of nearby ridgelines and the upper basin where Project elements visible in the immediate context. The Landscape assessment also identifies moderate cumulative effects within the limited spatial extent of the upper Doolans Basin. It is therefore acknowledged that the Project constitutes a substantial change to the character of the district where infrastructure has been proposed. In relation to clauses (a) and (g) of Policy 4.4.2, whilst the Project has sought to minimise effects through site selection, design refinement and mitigation measures, residual adverse effects on landscape, natural character and visual amenity values that cannot be entirely avoided due to the functional and operational need for ski infrastructure to be located within the alpine environment.
Policy 4.4.2 Landscape and Amenity Values To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through: a. The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features, b. Development which is compatible with the surrounding environment including the amenity values of adjoining properties, c. The ability to adequately dispose of effluent on site, d. Controlling the generation of noise in back country areas, e. The location of tree planting, particularly in respect of landscape values, natural features and ecological values, f. Controlling the spread of wilding trees.	

Identified Provision	Analysis
g. Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces. h. n/a.	Accordingly, the Project is not entirely consistent with Policy 4.4.1, particularly in respect to the residual adverse effects on landscape, natural character and amenity values and therefore not consistent with Objective 4.3.3.
Objective 4.3.8 Significant Indigenous Vegetation and Habitats of Indigenous Fauna To recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Policy 4.4.7 Significant Indigenous Vegetation, Wetlands and Wildlife To protect areas of: a. Significant indigenous vegetation, b. Significant habitats of indigenous fauna, c. Significant wetlands, d. Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and e. Habitats of statutorily managed sports fish and game. from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District.	Objective 4.3.8 seeks to ensure that areas of significant indigenous vegetation and important habitats of indigenous fauna are recognised and protected. Policy 4.4.7 gives effect to Objective 4.3.8 discussed above and seeks to protect significant indigenous vegetation, habitats, wetlands and other important ecological areas from adverse effects, while encouraging their retention, enhancement and restoration where practicable. It is recognised that the Project will have residual effects on significant indigenous vegetation, wetlands, and other ecology due to the fact that the Doolans Basin is located within three significant natural areas (SN18 Cone Peak, SN26 Glenroy and SN28 Wentworth). All impacted vegetation communities in the Central Otago District meet the significance criteria of both the Central Otago District and NPS-IB and are mapped SNAs. Where areas of higher ecological value or indigenous vegetation occur, site selection and design have prioritised avoidance where practicable. It is noted that these provisions reflect the intent of higher order documents, including the NPS-IB and Otago RPS, which carry greater weight. These documents are assessed in Table 3 and 4 above, respectively. In order to implement the direction of the NPS-IB, Policy ECO-P3 (2) of the Otago RPS sets out how significant natural areas are to be protected, including by first avoiding the adverse effects listed in the policy. It is noted that the Project has not been able to avoid adverse effects even after applying the effects management hierarchy through avoidance, remediation, and minimisation where practicable. The Substantive Application acknowledges that the Project will result in more than minor residual effects on invertebrates, wetlands, vegetation, and ecosystems other than wetlands, and offsetting is challenging in this sensitive alpine ecosystem. As is described in my evidence and contained Table 3 above in respect of the NPS-IB, there will be residual effects on the value of the significant natural areas that cannot be fully avoided, remedied

Identified Provision	Analysis
	or mitigated due to the functional and operational need of the ski infrastructure to be located in an alpine environment. The proposed conditions included within the substantive application include the requirement to develop (alongside regulators and iwi) and implement a Residual Effects Package to address the residual effects of the Project. The Residual Effects Package is intended to address the Project's residual effects in an integrated manner, including terrestrial and freshwater-related effects. This is described in further detail in the evidence of Dr Bramley. Accordingly, it is recognised that the Project is not consistent with Objective 4.3.8. or Policy 4.4.7 in that protection of these values is not entirely achieved.
Policy 4.4.14 Back Country Amenity Values To ensure that activities avoid, remedy or mitigate adverse effects on the open space, landscape, historic, natural character, natural quiet and amenity values of the quality and range of recreational opportunities available in, the District's back country and/or remote areas.	Policy 4.4.14 seeks to maintain the open space, landscape, natural character, amenity and recreational values of the District's back country and remote areas by ensuring adverse effects are appropriately managed. The Project will result in substantial physical and experiential change within the Doolans Basin, including the introduction of ski infrastructure, increased visitor activity, and associated changes to the existing backcountry recreation environment. As identified in the Recreation Assessment (attached as Part B.07 to the Substantive Application) and the evidence of Mr Greenaway, this will result in temporary adverse effects during construction and a permanent change in the character of recreation opportunities available within parts of the basin. It is noted that ski area operations and backcountry access can co-exist and that the Project will not block the land from continued public recreation use. Proposed mitigation measures have been designed to address specific recreation effects, such as maintaining physical access, continuing one-up passes and a RUG. These are outlined in the evidence of Mr Greenaway. Importantly, the proposed conditions require NZSki to maintain the Remarkables Access Road which provides the public, including recreational and commercial users, with access to the Remarkables and surrounding conservation land.

Identified Provision	Analysis
	This said, overall, the Project is not entirely consistent with all aspects of Policy 4.4.14, particularly insofar as it will permanently alter some existing backcountry recreation and amenity values within the Doolans Basin.
Policy 4.4.15 Conflict between Recreation Activities To recognise and avoid, remedy or mitigate the potential conflict between different types of recreation activities that occur within the District, whilst encouraging multiple use of public open space and recreation areas wherever this is possible and practicable.	Policy 4.4.15 seeks to ensure that competing recreational activities can coexist by avoiding, remedying, or mitigating conflicts between users, while enabling multiple recreational uses of public open space where practicable. The Project will increase the intensity and diversity of recreational use within the Doolans Basin and will introduce a more managed ski area environment into a location currently valued by some users for its backcountry recreation characteristics. However, the range of recreation experiences available in the Remarkables-Hecter will largely remain the same, with the Wye Creek Valley unimpacted; the Project will represent less than 1% of the total Remarkables Conservation Area, and public access will not be restricted during the Project's operation. In addition, the Project retains public access to all existing summer and winter recreational uses of the Doolans Basin with the wider conservation area. The extent of non-ski season operations/activities within the Remarkables Ski Area is not changing as part of the Project (aside from where public access will need to be temporarily excluded for construction activities). The Project will not result in non-ski season restrictions in respect of public access in the Doolans Basin – it is anticipated that the roading associated with the Project will improve access to the Doolans Basin outside of the ski season. It is therefore considered the Project is consistent with the intent of Policy 4.4.15.
Objective 14.3.2 – Historic Sites To recognise and provide for the protection of those sites that contribute to the District's historic character. Objective 14.3.4 – Archaeological sites	Objective 14.3.2 aims to protect sites that contribute to the District's historic character, while Objective 14.3.4 protects the values associated with the District's archaeological sites. Policy 14.4.6 seeks to conserve values associated with the District's archaeological sites, and Policy 14.4.7 seeks to conserve the values associated with the District's historic sites.

Identified Provision	Analysis
To recognise and provide appropriate protection for the values associated with the District's archaeological sites. Policy 14.4.6– Archaeological sites To provide for the conservation of values associated with the District's archaeological sites by: a. Identifying such registered sites, on the planning maps. b. Ensuring that works carried out within or near such sites recognise and provide for their values where appropriate. Requiring an assessment of the values associated with any such sites as part of any subdivision or land use consent in circumstances where a significant adverse effect may result, and requiring protection where such values are considered to be significant. Policy 14.4.7 – Historic Sites To provide for the conservation of the values associated with the District's historic sites by: a. Identifying significant sites on the register at Schedule 19.4, the list of Historic Reserves and Protected Private Land for Historic Purposes at Schedule 19.10 and on the planning maps. b. Ensuring that works carried out within such sites are consistent with cultural and historical values. Requiring the protection of such sites as a condition of subdivision or land use consent where appropriate.	The Project has been informed by a detailed Heritage Assessment, which has identified and evaluated historic heritage values within and in the wider context of the site, and confirms that no significant historic heritage features are located within, or are unlikely to be located within, the immediate development footprint. The Heritage Assessment identified potential for heritage features to be present within the proposed Doolans Expansion Area, no such features were identified during the survey or the desktop review of the surveyed area, or in the desktop review and review of photographs of the area not surveyed (access track and water intake). The risk of encountering heritage sites is low, and the accidental discovery protocols in place throughout construction will ensure any unanticipated archaeological finds are appropriately protected and managed. The Project Area contains no Appendix 10 actively conserved historic places or scheduled cultural heritage sites. The proposed conditions require adherence to the accidental discovery protocol to address the potential for unexpected discovery of archaeological material and require notification to the Heritage New Zealand Regional Archaeologist and tangata whenua entities if the site appears to be of Māori origin. Establishing a Mana Whenua Advisory Group provides a formal mechanism to build relationships with Ngāi Tahu and support the identification and management of places of importance according to their values. Dr Dawn Cropper provides further evidence on why the use of an accidental discovery protocol is appropriate in this context, and the accidental discovery protocol condition has been amended to include post-1900 heritage material.

TABLE 7 QUEENSTOWN LAKES DISTRICT PLAN

Identified Provision	Analysis
Policy 6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless: a. landscape values are protected; and b. in the case of any subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.	Policies 6.3.3.1, 6.3.3.7, and Objective 21.2.1 of the QLDC District Plan all pertain to protecting Outstanding Natural Features or Landscapes from inappropriate land use or development. In particular: > Policy 6.3.3.1 recognises that subdivision and development within Outstanding Natural Features and Outstanding Natural Landscapes will generally be inappropriate unless the relevant landscape values are protected (a) and any buildings, structures, landform modification or other physical changes remain difficult to perceive from outside the site (b); > Policy 6.3.3.7 seeks to ensure that where regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, significant adverse effects are avoided and all other adverse effects are minimised; and > Objective 21.2.1 seeks to enable a range of rural land uses while protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes (a), maintaining the character and visual amenity of Rural Character Landscapes (b), maintaining or enhancing rural amenity values (c), and maintaining or enhancing nature conservation values (d). As identified in the Landscape Assessment attached as Part B.03A to the Substantive Application, the Project will result in landscape and visual amenity effects that range from very low in areas influenced by existing development through to high within more confined parts of the receiving environment. In
Policy 6.3.3.7 In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.	
Objective 21.2.1 - A range of land uses, including farming are enabled while: a. Protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;	

Identified Provision	Analysis
b. Maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values; c. Maintaining or enhancing amenity values within the rural environment; and d. Maintaining or enhancing nature conservation values.	particular, the introduction of ski infrastructure and associated activities within the alpine environment will result in a reduction in naturalness, intactness and perceptions of remoteness in parts of the landscape. Whilst these effects cannot be entirely avoided, the Project includes comprehensive rehabilitation and mitigation measures to address any adverse effects, as outlined in the Landscape Assessment. In relation to Policy 6.3.3.1 and Objective 21.2.1, it is acknowledged that elements of the Project will remain visible from locations beyond the site boundary and will introduce built development into parts of the ONL. Consequently, the Project does not fully achieve the outcome specifically sought by Policy 6.3.3.1(b), and overall will result in some residual adverse effects on landscape values, natural character and visual amenity. With respect to Policy 6.3.3.7, the Project constitutes regionally significant infrastructure and, due to its functional and operational requirements, cannot avoid all adverse effects on the values associated with the ONL as is outlined in the evidence of Mrs McQuillan. The Landscape Assessment concludes that, while some adverse landscape and visual effects will remain, the extent of those effects varies across the Project area and is generally localised. Additionally, the evidence of Mrs McQuillan identifies that the Project has sought to avoid effects where practicable and minimise residual effects through iterative design, rehabilitation and landscape mitigation measures. Accordingly, the Project is capable of being generally consistent with Policies 6.3.3.1, 6.3.3.7 and Objective 21.2.1, subject to the detailed implementation of the proposed landscape mitigation and rehabilitation measures.
Objective 33.2.1 The District's indigenous biodiversity is protected, maintained or enhanced. Policy 33.2.1.6	Objective 33.2.1 seeks to ensure that indigenous biodiversity is protected and, where possible, maintained or enhanced over time. Additionally, in line with the NPS-IB, Policy 33.2.1.6 establishes an effects management hierarchy for indigenous biodiversity, requiring adverse effects to first be avoided, then remedied or mitigated where avoidance is not possible, with residual effects on

Identified Provision	Analysis
Manage the adverse effects of activities on indigenous biodiversity by: a. avoiding adverse effects as far as practicable; b. requiring remediation where adverse effects cannot be avoided; c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated; d. requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably have a net gain in indigenous biodiversity values, having particular regard to: e. limits to biodiversity offsetting due to the affected biodiversity being irreplaceable or vulnerable; f. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain; Schedule 33.10 – Framework for the use of Biodiversity Offsets; a. enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to: b. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain; Schedule 33.10 – Framework for the use of Biodiversity Offsets. a. This policy does not apply to proposals for the upgrading or development of the National Grid (refer to Policy 30.2.8.2A)	significant biodiversity values to be addressed through offsets that achieve at least no net loss and preferably a net gain. Accordingly, these provisions reflect the intent of higher order documents, including the NPS-IB and Otago RPS, which carry greater weight. These documents are assessed in Table 3 and 4 above, respectively. I recognise that the Project will have residual effects on significant indigenous vegetation, wetlands, and other ecology due to the fact that the Doolans Basin is located within three significant natural areas (SN18 Cone Peak, SN26 Glenroy and SN28 Wentworth). Where areas of higher ecological value or indigenous vegetation occur, site selection and design have prioritised avoidance where practicable. However, it is noted that the Project has not been able to avoid adverse effects even after applying the effects management hierarchy through avoidance, remediation, and minimisation. The Substantive Application acknowledges that the Project will result in more than minor residual effects on invertebrates, wetlands, vegetation, and ecosystems other than wetlands, and offsetting is challenging in this sensitive alpine ecosystem. As is described in my evidence and contained Table 3 above in respect of the NPS-IB, there will be residual effects on the value of the significant natural areas that cannot be fully avoided, remedied or mitigated due to the functional and operational need of the ski infrastructure to be located in an alpine environment. The proposed conditions included within the substantive application include the requirement to develop (alongside regulators and iwi) and implement a Residual Effects Package to address the residual effects of the Project. The Residual Effects Package is intended to address the Project's residual effects in an integrated manner, including terrestrial and freshwater-related effects. This is described in further detail in the evidence of Dr Bramley. Accordingly, it is acknowledged that the Project is not consistent with Objective 33.2 or Policy 33.2.1.6 in that protection of these values cannot be entirely achieved and the effects management hierarchy is not given full effect.

Identified Provision	Analysis
Policy 25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.	Policy 25.2.1.1 seeks to ensure that earthworks associated with subdivision and development are undertaken in a manner that minimises erosion, land instability, sediment generation and the off-site discharge of sediment during construction activities. The Project has prepared a Construction Environmental Management Plan (CEMP) that is fit for purpose and will be certified by the appropriate Consent Authority before earthworks commence in the Alpine Project Area, as secured through the conditions plus general construction management conditions. The Erosion and Sediment Control Plan (ESCP) must be certified by the appropriate Consent Authority before earthworks commence within each earthwork development stage, as secured through the conditions plus general erosion and sediment control conditions. The Project concludes that specific elements of the CEMP and ESCP have informed their assessment. This includes a range of erosion and sediment control measures that are proposed to manage sedimentation-related effects. Given the high ecological value of the streams, verification monitoring is proposed to confirm the effectiveness of erosion and sediment control measures. This will involve annual summer monitoring of deposited fine sediment using the SAM 2 method at two representative downstream locations. The results will be compared to pre-works conditions, with deposited sediment levels remaining within 10%, to ensure no adverse ecological effects occur. The Project is therefore consistent with policy 25.2.1.1.

TABLE 8 CONSERVATION MANAGEMENT STRATEGY

Identified Provision	Analysis
Part two – Place	
Policy 2.3.3 Should allow aircraft access within the public conservation lands and waters, only as identified on Map 4, and in Policies 3.6.1-3.6.9 and Table 3.6.2 in Part Three.	Noted – refer to policies 3.6.1 and 3.6.7 below.
Remarkables-Hector **Policy 2.3.21** When considering, applications for new utilities, structures or facilities throughout this Place (with the exception of the upper Wye Creek valley), should have particular regard to the potential adverse effects on: a) natural ecosystems, landscapes and natural character, particularly in areas where structures and facilities are currently absent; b) catchment water quality and quantity, including in Lake Alta; c) priority ecosystem units and threatened species; d) natural quiet; e) current recreational uses; and f) opportunities available for such structures or developments off public conservation lands and waters.	This policy is about process. The policy states that the application for new utilities, structures or facilities "should have particular regard to the potential adverse effects on..." The Substantive Application, subsequent material provided in response to engagement with DOC and the recent provision of additional evidence all have regard to the effects described. This policy has therefore being achieve 3.6.1d by the applicant in preparing its application, and will be achieved by the decision maker when ultimately considering the application.
Policy 2.3.22 May allow further development and/or expansion of The Remarkables ski field (with the exception of the upper Wye Creek valley) in accordance with	DOC considers that the Doolans Expansion is not consistent with this policy given adverse effects on landscape, ecological and backcountry recreational values have not

Identified Provision	Analysis
Policies 3.25.1- 3.25.6 in Part Three, provided that adverse effects (including cumulative effects) are avoided, remedied or mitigated on the following values: a) the outstanding natural landscapes and ecological values of The Remarkables and the Tapuae-o-Uenuku/Hector Mountains; b) the landscape and ecological (including water quantity and quality) values of the priority ecosystem unit at Lake Alta; c) the recreational experiences of other users; and d) the ability of users to access the area year round.	been demonstrated to be adequately avoided, remedied or mitigated (paragraph 17 of Appendix K of DOC's section 53 comments). The policy identifies and allows for further development and/or expansions of The Remarkables Ski field, in accordance with the Ski Field policies under section 3.25 and the policy states, "provided that adverse effects (including cumulative effects) are avoided, remedied or mitigated on the following values…" The Project is proposed to be undertaken in accordance with Policies 3.25.1-3.25.6. The Project occupies a small and discrete footprint within the wider Remarkables Conservation Area (1%). While there will be effects on the outstanding natural landscape and ecological values, these effects diminish considerably when considered in the context of the values of the wider Remarkables and the Tapuae-o-Uenuku/Hector Mountains, as set out in limb (b). With respect to ecological values, these may be capable of being consistent with the policy depending on the nature and scale of the Residual Effects Package. As identified by Mr Greenway, the effects on the values of some recreational users will be high, while for others they will be a benefit. When viewed at a local scale, the effects of the Project are not consistent with limbs (a) and (c), however when applied through the wider lens, the Project does not fall short of this policy directive.
Part three - Specific policy requirements for Otago	
General **Policy 3.1.11** Should not grant authorisations that are inconsistent with the objectives, outcomes and policies in Part One, the outcomes and policies for Places in Part Two-Places, or the policies in Part Three.	The broadly drafted nature of this policy means that it references the vast majority of the CMS. Partial or full inconsistency with a single objective outcome or policy therefore results in partial inconsistency with this policy. Notably however, the policy directive is "should not" and not "will not". The Policy is therefore not directive of a specific outcome and affords discretion to the decision maker whether or not to authorise a concession that is inconsistent with this policy.

Identified Provision	Analysis
Vehicles **Policy 3.2.1** Should allow motorised vehicles only on the roads (including designated parking areas) identified in: a) Part Two-Places; or b) Mount Aspiring National Park Management Plan 2011.	Motorised vehicles will access the Doolans Basin via newly formed construction accessway / ski trails that are not identified in Part Two-Places. The accessways / ski trails are not designed to be used by the general public. While applicable to a different context, it is noted that this policy did not present any challenges for the recently renewed Rastus Burn concession for which motorised vehicles are allowed on "roads" located outside of those identified in Part Two Places.
Vehicles **Policy 3.2.2** May allow motorised vehicles on public conservation lands and waters for the construction, operation and/or maintenance of authorised utilities, farming operations, and restoration activities.	Contrary to the policy above, this policy allows for the use of motorised vehicles on conservation lands for the construction, operation and maintenance of utilities. Insofar as utilities are being provided for within the Doolans Basin, associated vehicle use is consistent with this policy. Despite this, the construction, operation and maintenance of structures is not captured by this policy. In the context of the Doolans Expansion, this is a technical inconsistency as such access and vehicle use is via the same access routes and trails.
Vehicles **Policy 3.2.4** Should follow the statutory CMS amendment or review process when considering the use of motorised vehicles on public conservation lands and waters other than in accordance with Policies 3.2.1 and 3.2.3 and apply the following criteria to the activity: a) is consistent with the purposes for which the lands and waters concerned are held; b) is consistent with the outcome and policies for the Place where the road or site is located;	Motorised vehicles (excluding over snow vehicle use) will only be used within the Doolans Basin via the same formed access routes and trails noted above. They will also only be used for construction and maintenance purposes associated with the Doolans Expansion and are not intended for general access purposes by the wider public. The directive of this policy is that when considering the use motorised vehicles on public conservation lands (not provided above), a statutory CMS amendment or review process "should" be followed, subject to a range of criteria. Whilst the directive is clear, it is noted the policy does not use the language "must" or "will", therefore there is not a strictly mandatory directive of a decision maker and affords some discretion. With respect to clause (a), refer to my Statement of Evidence regarding the purpose for which the land is held.

Identified Provision	Analysis
c) is consistent with the visitor management zones on Map 3 and as described in Appendix 12; d) adverse effects (including cumulative adverse effects) on the road or site and surrounding natural, historic or cultural values are, or can be, avoided, remedied or mitigated; e) adverse effects (including cumulative adverse effects) on the safety and enjoyment of other recreational users are, or can be, avoided, remedied or otherwise mitigated (including conflicts between motorised vehicles/mountain bikes and horses); f) risks of fire and biosecurity are avoided or otherwise carefully managed; and g) the ongoing management implications of providing motorised vehicle access (e.g. in terms of ongoing maintenance costs) are taken into account.	With respect to clause (b), the outcomes for the Remarkables-Hector Ranges, as relevant to access/site can be broadly summarised as follows: > The outstanding natural landscapes and ecological values of The Remarkables and Tapuae-o-Uenuku/Hector Mountains are intact and enjoyed by more people. > Wilding trees and feral goats at sustained at zero density through control. > A range of diverse recreation experiences is available in the Place, ranging from largely unmodified areas with a sense of solitude to the busy Remarkables ski field. > The Nevis River Valley's outstanding natural landscape, indigenous ecosystems and freshwater specifies, intact altitudinal sequeces and historic heritage remain. > The Nevis River remains in its natural state and people appreciate its natural and recreational values. > Accommodate aircraft activity at specified northern landing sites (such as the ridgeline of the Remarkables), with visitors experiencing occasional to regular summer aircraft activity in the Hector Mountains. As noted with respect to Policy 2.33.2, there is a tension between the Project and the outcomes relating to the outstanding natural landscapes and ecological value, as well on recreational users. The scale at which this evaluation is applied is important however, as those effects are not necessary "inconsistent" with outcomes or policies when considered in the wider context of the Remarkables Conservation Area. With respect to limb (c), the use of motorised vehicles within a backcountry area is consistent with aspects of the visitor management zone and Appendix 12, which recognises that there will be some vehicle movements associated for 4WD. Regarding limb (d), the effects of vehicle use for construction, maintenance and operation on the road or surrounding areas on natural, historic and cultural values may appropriately avoided, remedied or mitigated with appropriate management. Limb (e) is focussed on the effects of motorised vehicle use on the safety and enjoyment of recreations users. As identified in the Substantive Application, NZSki will ensure that a route always remains open during constructure of the Doolans Expansion. Existing

Identified Provision	Analysis
	recreational users will also retain their ability to access the Doolans through the existing Remarkables Ski Area. Biosecurity measures will be employed on site to ensure the risk are carefully managed or avoided consistent with limb (f). The ongoing costs associated with access into the Doolans is addressed through NZSki concession terms. The Project is therefore consistent with (a) and (e) to (g), is capable of being made consistent with limb (d), and is partially inconsistent with aspects of limbs (b) and (c).
Aircraft **Policy 3.6.1** Should apply (but not be limited to) the following criteria when assessing concession applications for all aircraft landings: a) is consistent with the outcome and policies for the Place in which the activity is proposed to occur and Table 3.6.1; b) is consistent with the aircraft zoning provisions in this CMS and the aircraft access zones on Map 4; c) is consistent with the purposes for which the lands and waters concerned are held; d) adverse effects on conservation values including adverse effects on natural quiet are avoided, remedied or mitigated; e) adverse effects on other visitors (taking into account the size of zone and the proximity of other ground users) are avoided, remedied or mitigated; f) the need for monitoring the activity using global positioning systems and newer technologies;	The Project is located within the Orange Zone. The only helicopter landings associated with the Project are for construction activities, which will occur over a four-year period, or for search and rescue or emergency response situations (which do not require a concession). Within the Doolans Basin, it is not anticipated that more than 5 landings per day will occur. As previously noted, the policy directive is that the listed criteria "should" be applied when considering an application. It does not expressly state how that assessment should then be applied to decision making process or what weighting it should be afford. Refer to the evaluation with respect to Policy 3.6.5 regarding consistency with the aircraft zoning provisions. Refer to the my Statement of Evidence regarding the purpose for which the land is held, as set out in limb (c). The Project seeks to only use aircraft for construction purposes intermittently, during the summer construction programme. Any effects conservation values will therefore be temporary and will cease on the completion of the construction works. Additionally, public communications during construction will also ensure that visitors to the Doolans Basin are aware of the timing of construction activity, such as helicopter operations, allowing active decisions to be made around the timing and duration of their visitation. Most helicopters contain GPS technologies.

Identified Provision	Analysis
g) landings near tracks, huts and car parks (unless otherwise specified in an outcome or policy for a Place) are avoided; and h) the need to hold and comply with certification in a noise management scheme approved by the Department, in specified locations.	No tracks, huts or car parks are located within the Doolans project area. No noise management scheme or plan is proposed or recommended by NZSki's noise experts. The use of helicopters in association with the construction of the Project is therefore partially consistent with this policy ((c) to (h)).
Policy 3.6.5 May grant, concessions for aircraft landings in the Orange Zone that meet the criteria (a) and (c)-(h) in Policy 3.6.1 and as set out in Table 3.6.2. Any heli-skiing concession that is approved should be on a one operator per block basis, and may be allocated via a limited opportunity process.	General aircraft access within the ski field lease area is controlled by NZ Ski under policy 3.6.5 (Table 3.6.2) and criteria a), c) to h) of policy 3.6.1. Not this policy is a "may" grant concessions and therefore affords discretion to the decision maker.
Aircraft **Policy 3.6.7** May grant concessions for aircraft landings on public conservation lands and waters for: a) the construction, operation and/or maintenance of equipment (e.g. meteorological, seismic) or utilities (e.g. communication systems, transmissions lines) authorised by the Department; or b) wild animal control activities (covered by Policies 3.20.1-3.20.7) that do not meet the limits and/ or criteria for an aircraft access zone and/ or the prescriptions for visitor management zones in Appendix 12.	Aircraft landing or hovering associated with the Project would occur during the construction phase and would be authorised through the concession conditions and construction-related approvals. The potential worst-case is that helicopter noise effects from construction activities will occur predominantly over three summer seasons, with some minor tidy-up works possible in a fourth summer. No discretionary aircraft landing activities are proposed in routine ski area operations. Any commercial operators or third parties wanting to undertake take-off and landings within the ski area are required to hold an appropriate concession that is in possession of the operator.

Identified Provision	Analysis
Structures and Utilities **Policy 3.10.1** Should apply the following criteria when considering applications to erect or retain structures or utilities or for the adaptive reuse of existing structures on public conservation lands and waters: a) the purposes for which the lands and waters concerned are held; b) the outcomes and policies for the Places where activity is proposed to occur; c) whether the structure could reasonably be located outside public conservation lands and waters; d) whether the structure could reasonably be located in another location where fewer adverse effects would result from the activity; e) whether the structure adversely affects conservation, including recreational values; f) whether the structure is readily available for public use; g) whether the structure is consistent with the visitor management zone on Map 3 and as described in Appendix 12; h) whether the activity promotes or enhances the retention of a historic structure; i) whether the activity is an adaptive reuse of an existing structure; j) whether the policies for private accommodation and related facilities should be applied (see Policies 3.11.1 and 3.11.6); and k) whether any proposed road in a national park is provided for in the relevant national park management plan.	In respect of these provisions, the Project has assessed these within Section 10 of the Substantive Application, which have been noted below, highlighting where the Project is inconsistent: a) All structures associated with the Project are expressly for ski field activities, and to enable people to safely use the area for ski activities. Where technically feasible, the Project has utilised existing infrastructure and structures within the existing Remarkables Ski Area to service the ski activities proposed in the Doolans Basin; b) The Project is consistent with the Frontcountry purpose, and the expansion of the Remarkables Ski field in the Rastus Burn Recreation Reserve is consistent with the Otago CMS objectives, outcomes, and policies. The Substantive Application identifies a residual effect due to the loss of the backcountry setting. Overall, the assessment concludes that while the proposal will significantly enhance recreation opportunities and accessibility for more people, it will also result in an unavoidable, permanent loss of backcountry recreation values for existing users of the Doolans Basin. Section 6 of the Substantive Application, subsection 6.13.2, operational phase effect on recreation. During operation, the Project will significantly shift the recreational character of the Doolans Basin, permanently reducing backcountry recreation values for some existing users, particularly backcountry winter ski users. Operational effects on backcountry winter ski sports are assessed as very high or high, reflecting the fundamental and permanent shift of the Doolans Basin from a predominantly backcountry setting to a frontcountry, managed ski area. This change will be characterised by permanent infrastructure, grooming, operational controls, and significantly higher visitor encounter rates, resulting in a loss of solitude, remoteness, and unmodified natural character that currently underpin the Basin's very high recreation value. (Page 279) Therefore, NZSki recognises that the Project is inconsistent with this part of the policy because the Doolans Basin part of the Project would change from backcountry to frontcountry.

Identified Provision	Analysis
	c) The proposed new structures could not be located outside of the conservation estate – ski area activities must be done in alpine locations, as further explained in Attachment A – Infrastructure Site Selection Technical Memorandum, with the A-21 Effects Management and Compensation Overview Addendum. This discusses the site selection process undertaken for the proposed Project infrastructure, with a focus on the Doolans expansion. It demonstrates the functional need to locate the infrastructure in the proposed configuration to enable a commercially viable ski area expansion; d) The Project has been designed to minimise effects as far as practicable, as explained above and within the Substantive Application. The layout of the ski infrastructure included in the substantive application was selected after an extensive master planning process, including site selection workshops which considered the functional, operational, environmental, technical and commercial factors that influence the feasibility and performance of the expanded ski area. To minimise adverse effects, the new ski area in the Doolans Basin is directly adjacent to the existing ski area (in preference to developing an entirely new, separate ski area); e) All structures associated with the Project are to enable ski related recreational activities. The Project will increase accessibility for more people and a range of different users; it will also result in an unavoidable, permanent loss of backcountry recreation values for existing users of Doolans Basin. The proposed management and mitigation measures proposed during the operational phase to mitigate effects on recreational users (when construction occurs) include: • Establishment of a recreational users group to share information about the construction of the project (initially) and recreational opportunities within the Remarkables and the Hectors Mountains; • Only impose physical access restrictions where necessary for safety reasons (for example, avalanche control);

Identified Provision	Analysis
	• Site rehabilitation on closure, as per the concession requirements; and • Continuation of one up, one back life passes for those accessing the backcountry. The Project will have residual environmental effects even after implementing all avoidance, minimisation, and remediation measures. Offsetting is challenging in this sensitive alpine ecosystem; therefore, the Project will implement a Residual Effects Package to address the Project's residual effects. The intention of the Residual Effects Package is to address the Project's residual effects in an integrated manner, including terrestrial and freshwater-related effects. f) Provision for public toilet facilities will be enabled as part of the Project. All facilities proposed as part of the Project are for ski area activities and will be able to be used by visitors to the ski area. The toilet facilities will be available for use outside the ski season, consistent with the private accommodation-related provisions. g) The Project is within two Visitor Management Zones: frontcountry, which covers the existing Remarkables Ski Field and backcountry, in which the Doolans Basin is within. The Backcountry Visitor Zone is Otago's dominant visitor zone. The project area is only a small part of the wider outstanding natural landscape. From a wider landscape perspective, it is preferable to utilise existing infrastructure and access as part of a ski field expansion to support new skiing opportunities. While this would extend man-made modifications and structures into a currently highly natural area (the Doolans Basin), it would maintain the wider Remarkables and Hector Mountains as largely natural conservation land with modifications clustered around the existing ski area. It is acknowledged that the Project will result in the conversion of a backcountry ski area to a front-country area, with the backcountry values being removed. The Project will allow more recreational users to use Doolans Basin

Identified Provision	Analysis
	for ski area activities; however, backcountry skiers currently using the Project-defined area will no longer be able to have the same backcountry ski experience as currently. The Substantive Application also acknowledges residual effects from the loss of the backcountry setting; therefore, the panel should weigh any residual adverse effects that remain after proposed mitigation measures against the project's benefits. For the above reasons, the Project is inconsistent with this part of the policy because the Doolans Basin part of the Project would change from backcountry to frontcountry. h) The Project Area contains no Appendix 10 actively conserved historic places or scheduled cultural heritage sites. The proposed conditions require adherence to the accidental discovery protocol to address the potential for unexpected discovery of archaeological material and require notification to the Heritage New Zealand Regional Archaeologist and tangata whenua entities if the site appears to be of Māori origin. Establishing a Mana Whenua Advisory Group provides a formal mechanism to build relationships with Ngāi Tahu and support the identification and management of places of importance according to their values. Dr Dawn Cropper provides further evidence on why the use of an accidental discovery protocol is appropriate in this context. i) The Project is utilising the existing facilities within the existing Remarkables Ski Area into design of the Project, for example the access road, carparking and existing base building. Also the design has prioritised the co-location of facilities/ infrastructure/ roading to minimise adverse effects. j) Reference back to policy (f). k) N/A.
Ski Field **Policy 3.25.1**	As set out in the Substantive Application, the Project represents an integrated extension of the existing Remarkables Ski Area into Doolans Basin, the gateway to recreation in the wider Hector / Remarkables Mountain areas. The Project builds on a longstanding recreation node (Remarkables Ski Field - where natural values are already modified) and

Identified Provision	Analysis
May allow further development of existing authorised ski fields, where their natural values are already modified, in preference to the development of new ski fields**.**	provides further backcountry access while concentrating ancillary infrastructure and operational management in a defined area.
Ski Field **Policy 3.25.2** Should in considering the development of new and existing authorised ski fields apply a precautionary approach to the approval of new structures, accommodation facilities and terrain modification and consider both the likely effects of water use (for snow-making), the likely longevity of the field in the face of climate change, and any appropriate land remediation and facility removal costs should the ski field cease to operate.	DOC considers the proposed structures and utilities in the Doolans Basin and Helicopter Ridge are not consistent with the precautionary principle (paragraph 20 of Appendix K of DOC's section 51 comments). The effects of new structures and terrain modification are set out in detail in the Substantive Application and subsequent post lodgement material. While these effects are known, where uncertainty exists, management measures are proposed to ensure effects are effectively monitored and remediated if they exceed those anticipated in the application documents. For example – the effects of snow making on indigenous flora. As set out by Dr Cullen, the Project will increase the ski area's resilience to the effects of climate change and increasingly variable weather patterns over the term of the concession. Notably the elevation, aspect and terrain of the Doolans Basin will favour snow retention under a warming climate. When combined with snow making technologies, these characterises will collectively provide significant opportunities maintain snow reliability over the term of the proposed concession. DOC considers the land remediation and facility removal requirements are consistent with this policy (paragraph 14 20 of Appendix K of DOC's section 51 comments). In light of the above, even when a precautionary principle is applied to the proposed Doolans Concession, the evidence and technological advances suggest that skiing within the Doolans Basin will continue to be feasible beyond the term of the proposed concession. In the context of NZSki's wider operations, it should also be noted that this particular policy, and the application of the precautionary principle, did not present any statutory barriers for the recent renewal of the Remarkables Ski Area Concession which was granted for a 38-year term in December 2025.
Ski Field	While DOC considers the Project will increase non-skier and non-ski season access, overall, they consider the Project is not consistent with the place based outcomes and

Identified Provision	Analysis
Policy 3.25.4 Where practicable, encourage non-skier and/ or non-ski season visitor use, and visitor use beyond the ski field consistent with the outcomes at Place.	therefore not consistent with this policy (paragraph 50 of Appendix K of DOC's section 51 comments). The outcomes for the Remarkables-Hector Ranges can be broadly summarised as follows: > The outstanding natural landscapes and ecological values of The Remarkables and Tapuae-o-Uenuku/Hector Mountains are in tact and enjoyed by more people. > Wilding trees and feral goats at sustained at zero density through control. > A range of diverse recreation experiences is available in the Place, ranging from largely unmodified areas with a sense of solitude to the busy Remarkables ski field. > The Nevis River Valley's outstanding natural landscape, indigenous ecosystems and freshwater specifies, intact altitudinal sequeces and historic heritage remain. > The Nevis River remains in its natural state and people appreciate its natural and recreational values. > Accommodate aircraft activity at specified northern landing sites (such as the ridgeline of the Remarkables), with visitors experiencing occasional to regular summer aircraft activity in the Hector Mountains. It is recognised that the Project will affect the outstanding natural landscape and ecological values within a discrete and localised area of the Remarkables -Hector Mountains (1% of Remarkables Conservation Area). However the remaining Place outcomes identified above will be achieved or enhanced by the Project. Notwithstanding, the policy is not directive as it seeks "where practicable" to "encourage" a specific outcome. For the reasons set out in Statement of Evidence of Ms L McQuillan (including the functional and operational requirements of the ski area), it is not practicable to achieve the relevant outcomes with respect to the localised and discrete effects on the outstanding natural landscape and ecological values.
Ski Field	The Project provides opportunities for education and interpretation, similar to those currently found within the Rastus Burn regarding conservation efforts. With agreement of

Identified Provision	Analysis
Policy 3.25.5 Should provide opportunities for conservation education and interpretation.	Kā Rūnaka, opportunities for cultural narratives will also be considered throughout the ski area.