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 **John Clifford Kyle** on behalf of NZSki Limited in response to Section 53 Comments

Planning

Dated: 3 November 2026

Lane Neave
Level 1, 2 Memorial Street
PO Box 7348
Queenstown
Solicitors Acting: Joshua Leckie/Charlotte Coyle
Email: joshua.leckie@laneneave.co.nz/
charlotte.coyle@laneneave.co.nz
Phone: 03 409 0321

lane neave.

INTRODUCTION

1. My full name is John Clifford Kyle.

2. I am a founding director of the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.

3. I hold an honours degree in Regional Planning from Massey University, obtained in 1987.

4. I have been engaged in the field of resource and environmental management for almost 40 years. My experience includes a mix of local authority and consultancy resource management work. For the past 34 years, this experience has retained a particular emphasis on providing consultancy advice with respect to regional and district plans, designations, resource consents, environmental management, and environmental effects assessment.

5. My work has me involved with projects in the renewable energy generation sector (hydro, wind, solar and recently green hydrogen), extractives (quarrying and mining), infrastructure (ports, airports, network utilities), industrial processing (fertiliser, meat, forestry), aquaculture, recreation facilities, land development (urban expansion, new town development), government facilities (regional prisons, youth justice facilities), health and aged care (hospitals and retirement villages) and water (irrigation, water storage, wastewater treatment).

Code of Conduct

6. 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

7. I have been asked to provide a statement 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**). In particular, I have been asked to review and comment on the Brief of Evidence of Ms O'Sullivan dated 3 November 2026, insofar as it addresses matters within the scope of my expertise.

8. In terms of my expertise, I have extensive experience in consenting large scale, often nationally significant projects involving inputs from a multidisciplinary team. I am frequently called upon to provide advice on consenting risk and strategy, which involves identifying and assessing the key provisions of the relevant planning

instruments and identifying what the relevant environmental considerations are as well as their significance to the outcome. I have been involved in a number of applications under the FTA and to date my firm has been involved with 23 applications under the FTA.

9. I have read the evidence of Ms O'Sullivan. I have also read the 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) Department of Conservation (**DOC**).

10. My firm prepared the original Substantive Application documents for this project. My role in the preparation of these documents centred on overall management and oversight of the application and I undertook a peer review of a number of elements of the application. Post lodgement, I have assisted NZSki in a strategic advisory role with respect to the FTA process and the issues arising.

OPINION

11. The evidence prepared by Ms O'Sullivan with respect to the matters raised by the s51 and s53 commenters is extensive and comprehensive. Ms O'Sullivan evaluates:

   (a) general matters including an overview of criteria for FTA and weighting of statutory policy documents;

   (b) specific responses to Section 51 comments, in particular those concerning:

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

      (ii) consistency of the Project with the Conservation Management Strategy under Section 17(W) of the Conservation Act 1987; and

      (iii) the purpose for which the relevant public conservation land is held under Clause 7(1)(a)(vi) of Schedule 6 of the FTA;

   (c) the range of matters identified as requiring further information and the additional technical assessment undertaken;

(d) updates to draft concession and wildlife permit conditions;

(e) specific responses to Section 53 comments, in particular those concerning:

(i) Ka Rūnaka comments on the adequacy of the Kāi Tahu values assessments;

(ii) conflicting assessments of Tarn 3 and the implications on various national and regional provisions;

(iii) application of the effects management hierarchy, specifically in regard to the NPS-FM, NES-FM, and NPS-IB;

(iv) inconsistency with various national, regional, and district policy statements and plans;

(v) additional resource consents and scope provided in the application; and

(vi) updates to resource consent conditions.

12. I agree with Ms O'Sullivan that:

(a) Matters under the RMA, Conservation Act, and Wildlife Act are relevant considerations for the Panel, but importantly a focused assessment of the Project under the FTA statutory framework is required, with the purpose of the FTA carrying the greatest weight.

(i) It follows that any inconsistencies with the provisions contained in the relevant statutory planning documents, including the NES-FM, NPS-FM, and NPS-IB, are to be considered but are not 'fatal flaws', provided it is determined the Project meets the purpose of the FTA.

(b) The Panel is required to take into account the purpose for which the land is held, within the context that the purpose of the FTA. Ms O'Sullivan notes that ski field development and expansion has been approved through standard concession processes on conservation land and that the Project is therefore neither unusual nor inherently incompatible with the purpose for which the land is held I agree with that summation.

(i) Further to the above point, under Section 17U(3) of the Conservation Act, a concession application cannot be granted specifically where it is contrary to the Act or purpose for which the land is held. This provision is notably excluded from the FTA framework thereby reducing the weight it should carry for the Panel.

Overall, this reaffirms my opinion that consistency with the broader purpose of the FTA requires greater consideration over provisions such as these.

(c) The Mana Whenua Advisory Group, as described by by Ms O'Sullivan, will give space for ongoing and meaningful involvement of Kā Rūnaka, which will be necessary if matters identified by Kā Rūnaka as requiring further evaluation are to be resolved.

(d) Whilst the Project will result in residual ecological effects, Ms O'Sullivan has appropriately considered and applied the effects management hierarchy contained within the NES-FM, NPS-FM and NPS-IB. In doing so, she has drawn on the evidence of the various technical experts and that of Ms McQuillan. In particular, I agree that:

(i) the Project satisfies the key considerations underpinning Policy 6 and Policy 7 of the NPS-FM and Policy 7 of the NPS-IB, including that the Project constitutes specified infrastructure, delivers significant regional and national benefits, and has a demonstrated functional need to be located and configured as proposed;

(ii) the evidence demonstrates a comprehensive consideration of the effects management hierarchy, including extensive efforts to avoid, minimise and remedy residual effects. In relation to Tarn 3 specifically, regardless of if it has or has not been properly characterised as a natural inland wetland, the evidence demonstrates that avoidance options have been thoroughly explored, including consideration of Lake Alta as an alternative water source. Likewise, the evidence from Ms McQuillan demonstrates alternative locations and alignments for tracks, crossings and associated infrastructure to reduce effects on wetlands, freshwater habitats and indigenous biodiversity values have been extensively considered. These matters are also relevant to the Panel's consideration of alternatives under section 51 of the FTA; and

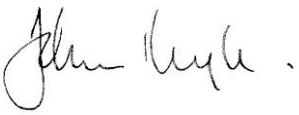
(iii) reliance on Dr Bramley's evidence and Residual Effects Package is appropriate in my view. His evidence demonstrates how the Project has sought to align with the intent and principles of the NPS-FM and NPS-IB where residual effects remain following avoidance, minimisation, and remediation measures.

13. Ms O'Sullivan also responds to the comment by CODC that an element of the Project, being the proposed transformers located in the Doolans, was not identified as requiring consent under Section 13 of the District Plan. I agree with her assessment about the section 166 definition of 'network utility operator/ operation' which does not capture the proposed transformers. Notwithstanding, I agree there remains scope for the transformers to be consented if Section 13 is found to apply by the Panel.

14. Additionally, I agree that adequate consideration has been given to the comments requesting further information, primarily those identified in DOC's Section 51 and Section 53 comments. The combined additional technical assessments undertaken by NZSki's experts either provide the necessary information or include an adequate explanation for why it is not pertinent to the approval of the Project.

15. Ms O'Sullivan outlines how the draft concession, wildlife permit, and resource consent conditions have been updated to reflect the advice of Section 51 and Section 53 commenters and NZSki's technical experts. I broadly agree that the amendments or additions made are appropriate and give effect to concerns raised by the various technical experts to the extent that it is necessary to do so.

16. I have also reviewed the contents contained in Appendix 1 to Ms O'Sullivan's statement of evidence. I broadly agree with the assessments made against the provisions of the CMS, NES-FM, NPPS-FM, NPS-IB, and Otago RPS.



John Clifford Kyle

3 November 2026