

# Notified Concession Final Report to Decision Maker

**Final Report to Decision Maker:** Mike Slater, Deputy Director General, Operations

## Notified Application for a Licence Concession

**Applicant:** Ruapehu Alpine Lifts Limited

**Permission Record Number:** 48601-SKI

**File:** PAC-00-18-08

The purpose of this report is to provide a thorough analysis of the application within the context of the legislation, the statutory planning framework and actual and potential effects, so the Decision Maker can consider the application and make a decision whether it should be granted or declined.

## 1.0 Summary of proposal

A decision in principle was made to grant this concession on 24 August 2016. It was publicly notified in early September 2016, with notification closing on 4 November 2016. A total of 811 submissions were received. Of those, 742 were in support, 67 in opposition, and two were neutral. Of those submitters, 107 in support and 27 in opposition requested the right to be heard. Many of these requestors later withdrew their requirement to be heard. A hearing was held at Te Pae Tata on Ohakune on the 24<sup>th</sup> and 25<sup>th</sup> November 2016. The outcomes of public notification are dealt with in sections 7 & 8 of this report.

**Type of concession sought:** Notified Licence

**Term sought:** 60 years, made up on an initial 25 year term with a further seven 5 year extensions if defined criteria are met.

**Description of the proposed activity:** Ski field – Turoa.

A Licence to occupy land, to conduct a ski field on land. The application is for the continuing operation of the Turoa Ski Area, for which the Applicant currently holds a licence.

**Description of locations where activity is proposed:**

The location is defined by the ski area boundary and the location of the buildings and infrastructure as depicted in schedule 4 of the draft licence. [DOC-2861087](#) and [DOC-2861088](#)

A copy of the application can be viewed at [DOC-2704240](#) and is attached as Appendix One to this report.

A copy of the first determination can be viewed at [DOC-2837530](#) report is attached as Appendix Two to this report.

A copy of the draft licence can be viewed at [DOC-2837532](#) is attached as Appendix Three to this report.

## 2.0 Information available for consideration

**First Determination report:**

This report, attached as Appendix Two provides a thorough analysis of the application within the context of the legislation, the statutory planning framework and actual and potential effects. The decision of the first determination report was to approve the application in principle, subject to the public notification process.

**Additional information available:**

In the period of time since the notification of the first determination report and the submission of this final report for consideration, RAL has entered into separate relationship agreements with Ngati Rangi and Uenuku Charitable Trust respectively. These agreements follow a similar form and purpose to that between RAL and Ngati Tuwharetoa for the purposes of management of the Whakapapa skifield.

Both Ngati Rangi and Uenuku Charitable Trust have provided letters of support to the Department for the approval of this application. They note that the relationship agreements provide a mechanism to ensure that the cultural impacts of the activity are addressed on an ongoing basis. In addition information from the relationship group/s will be a primary factor for decision making on the extension periods that will be available to RAL, should the agreed performance criteria be met. RAL and the Department have also completed consultation with Ngati Haua.

**THE PUBLIC NOTIFICATION PROCESS**

**Analysis of Submissions:**

A total of 811 submissions were received. Of those, 742 were in support, 67 in opposition, and two were neutral. Of those submitters, 107 in support and 27 in opposition requested the right to be heard. This number reduced by the date of the hearing, as many submitters withdrew their request to be heard.

To facilitate the submission process, RAL provided on their website, a standardised submission letter for submitters to use. This enabled submitters to submit on the points that they agreed with and to further detail their personal connections to the Ski area. Many submitters also provided additional information for consideration, over and above the standardised submission provided by RAL.

A number of ski clubs submitted in support as follows:

- Iwikau Ski Club
- Slope Ski Club
- Taupo Ski Club
- Downhill Ski Club
- Ruapehu Ski Club
- Ngauruhoe Ski Club
- Aorangi Ski Club
- Tongariro Ski Club
- Serac Ski Club Inc.
- Tauranga Ski Club
- Gisborne Ski Club
- Turoa Alpine Ski Club Incorporated

A number of Council and community based marketing and promotional organisations submitted in support, these included:

- Ruapehu Mountain Clubs Association
- Ruapehu District Council
- Visit Ruapehu Regional Tourism Organisation Trust
- National Park Village Business Association Incorporated

A number of business, including local accommodation providers, local businesses, ski areas and others also submitted in support:

- Flag-Inn Limited
- Parkview Lodge Ltd
- Breckenridge Alpine Lodge
- TCB Ski, Board and Bike
- Ellerslie Athletic and Harrier Club Inc.
- Hutt Valley Tramping Club Inc.

- Alpine Sports Club, Auckland
- Tararua Tramping Club
- University of Auckland Snowsports Club
- Scouts New Zealand

### **Summary of comments in Support**

The greatest numbers of submissions were received from either individuals or families who submitted in support on their own account or on behalf of their family. These submissions numbered 567 and also include those submissions where it was unclear whether the submitter was representing an organisation and submitting on their behalf. Many submitters stated they are avid skiers (often holding life passes) who have a strong connection and visit Mt Ruapehu every year and would like to see the ski area renewed to allow their children/grandchildren to also enjoy skiing at Turoa. These submitters recognised and supported RAL as a constant presence on the mountain since 1953, noting the Applicant's contribution to the stewardship of the World Heritage site. Submitters also noted that RAL have protected the cultural values and environment within the Tongariro National Park, noting they are a good operator with excellent governance. Submitters were aware that the Applicant is a Public Benefit Entity with all profits are reinvested in the maintenance and development of the infrastructure.

Submissions noted that the Applicant is a key contributor to regional tourism and recreational activities. They believe that approving the application will ensure a high-quality tourism product which operates as a 12-month tourism business. The 60-year term is important to ensure ongoing investment and involvement necessary to provide quality of services for customers. The structure of the term means there will always be a period of 25 years to run until the proposed expiry date of 2076 to enable ongoing investment in major infrastructure. Application is consistent with the Tongariro National Park Management Plan and the key management principles of the Tongariro Taupo Conservation Management Strategy 2002-2012.

Additional information regarding the development plans and economic benefits of the concession were received from a further six submitters, with further information regarding the benefit of the activity to health being noted by a further four submitters.

Recommendation: It is recommended that the comments be noted.

Several individual submitters supplied comments additional to the template form. The comments as well as the individual that submitted them can be seen as follows:

- Allister Hunter - Significant value which would like to see maintained as an asset for NZ. Also, positive flow on business and social effects from visitors for locals and business is significant. Support proposed development. Impressed with holistic approach RAL takes to all aspects of its operation and being sensitive to the environment and tangata whenua.
- Ellen Forch - RAL shown consistent and strengthening resolve to include local iwi in the decision-making processes and transmits cultural appropriate messaging and behaviour. RAL responsive to minimising their footprint, while maintaining and improving visitor experience. Contribution to the health and appearance of facilities beyond what directly responsible for. Market is difficult and its NFP status is a big plus in ensuring sustainability and commitment to the region.
- Kevin Neil Robertson - Expect the conditions to continue to afford protection to the natural values of the park. Support RAL plans to enhance ski field provided it can be done sensitively to the environment. Apart from a glitch with a leaking fuel tank in general the management and staff operate ski field with respect for the environment, local iwi and their nearby communities. Local towns benefit significantly from ski fields. Customer service is getting better and staff always seek to maximise customer experience.
- Adrian Adriaansen, Ruapehu Ski Club - Club formed over 100 years ago and largely responsible for introducing skiing to the mountain. Family oriented club (1,600 members), also hosts many school groups and runs a 'Ski for Life' programme for underprivileged teenagers in conjunction with RAL. RAL also had significant involvement in other major projects which have facilitated outdoor recreation for all National Park users.

- Russell Oliver, Hutt Valley Tramping Club - Membership of over 300 and club active on the mountain since 1948. Cater for members and school and youth activities. Also, assist in search and rescue. For future use and enjoyment, it is vital that an experienced operator continues the ski field.
- John Martin - Impact of RAL's investment and activities are necessary and far-reaching. Many tourists (domestic and international) have benefitted from RAL's operations. Threat of removing licence is a threat to local jobs and the New Zealand way of life. Users have a connection to the mountain which would be threatened if extension is not granted. Understand Mt Ruapehu has deep spiritual and cultural significance and grateful it was gifted to all New Zealanders by chief Te HeuHeu Tukino IV. Hope RAL continues to improve environmental standards in operating within a National Park.
- Kispfen Beck - RAL shown respect and care for the habitat and local Maori community which brings a substantial return to tourism sector. Brings employment and training to area. Highly sought after destination internationally (e.g. Thailand) along with other attractions such as trout fishing and tramping.
- Alexandres Ingram - Without RAL the beauty of the mountain would not be appreciated or use it. The staff are all passionate about the beauty of the land. If declined economic loss and Ohakune township will die.
- Murray Johns, Ohakune 2000 Inc - While Whakapapa has 12-month operation – Turoa is only 4-5 months. Urge RAL to leverage current summer tourist boom (Ohakune exceeding winter figures). RAL has mountain biking plans but most international tourist want to sightsee and walk. Summer activities should not be ignored.

Recommendation: It is recommended that the comments be noted.

A number of submissions were grouped as they collectively submitted on the following:

- General submissions of support for RAL and Turoa have been received, often with the submitter has strong skiing/holidaying connections to Turoa.
- Submissions in support for the economic and social well-being of Ohakune and nearby towns through tourism (also often strong connection, own property in area and is enjoyed by many). Some also support additional development such as mountain biking or extending lifts higher.
- Submissions in support of RAL, specifically the professionalism and service it provides to the North Island. This group of submitters also support the way RAL endorse their cultural (iwi) and environmental responsibilities and supports local economy. They support the Public Benefit Entity structure and the proposed development plans including summer activities (some submitters also request mountain-biking).
- Submissions in favour as the Turoa Ski Field provides enjoyment and access for large number of people to the World Heritage Area. Keeps skiing affordable as do not have to travel to South Island or crowding Whakapapa. Environmental impact small (provided conditions adhered to) especially when compared to larger Tongariro National Park and economic benefits are great. RAL has been a responsible operator but needs certainty going forward

Recommendation: It is recommended that the comments be noted. The Applicant has not applied to extend lifts outside of the ski area boundary nor to undertake the activity of mountain biking. Therefore this report does not consider those activities.

Other submissions received in support are as follows:

- RAL has worked hard with local iwi and other interest groups to sensitively develop ski areas. Fantastic ski area providing healthy leisure activity to thousands a week. Provides employment to hundreds and local economy. If declined would place enormous pressure on Whakapapa's infrastructure and environs.

- Been holidaying to Mt Ruapehu for decades and 100% support licence. To even have to apply is strange concept – term should be 1000 years. Questions licence regime – only causes delays to investment on mountain. RAL well organised to provide fantastic service. Everyone treats mountain with respect.
- Mt Ruapehu is a national treasure. Should not be any prejudicial right to groups based on racial preference. Treaty of Waitangi created equal rights for all New Zealanders. Licence needs to be granted under correct and proper conditions without racial prejudice or preference.
- Support term as allows for development. Limited other ski fields in North Island. Turoa has more beginner runs to grow sport. Respect significance of mountain to local iwi.
- Support but believe further extension should be limited to a replacement basis, ski field users should be educated to respect Maori beliefs by not climbing to top to ski/board down. At least no accommodation at Turoa – sewage can be properly disposed of in Ohakune. Believe need to respect Maori king who donated park to the country by minimising our impact and expansion. Do not believe infrastructure needs to be further extended, a wait in a queue never hurt anyone.
- Represents 53 member clubs (apx. 20,000 people). Since RAL acquired ski-field it has been hugely upgraded and renewed. A long term licence is essential for future investment. Clubs dependent on ski-field to continue. Members contribute to economy, and continuation of ski-field is a key economic driver of progress and employment in area, bringing revenue to area (including DOC). RAL has a proven commitment to the local area and learnt from the recent oil issue.
- Support intention and term. DOC needs to make park accessible for nation to enjoy. Ski field is a tiny fraction of the park and allows many thousands to explore in a safe and supervised environment. RAL has well managed not for profit role in administering area. Precedent by approving Whakapapa concession. Consistent with Tongariro Taupo Conservation Management Strategy 2002-2012.
- Support 60-year concession. Important for Ohakune economy. Healthy activity to ensure people love great outdoors and can afford to ski.
- Support RAL public company structure which values and objectives in keeping with National Park plans. Process of negotiation with iwi and DOC shows RAL understands importance of park values and iwi. Understand iwi strongly engaged in process. Need approved for investment. Economy of Ohakune and area will deteriorate, granting lease important for future investment.
- Positive endorsement for 60 year licence. As RAL operates within a World Heritage Park, RAL must understand importance of communicating with all stakeholders. Ski field small relative size to overall park and large financial contribution are a positive consideration. With tourism growth ski fields need to be maintain and advanced and developed – commercially viable and positive but sensitive to pressures that expanding tourism creates.
- Strongly support renewal on terms requested. Skiing is an excellent recreation, vital to regional and local economy. Provides basis for other activities. RAL must be held to account for its stewardship under the licence. DOC needs to be more supportive and systematic, enquiring and challenging of RAL's performance.
- Ruapehu is NZ's most visited winter sports area. Notes RAL is a public benefit entity which reinvests all dividends. Renewing lease allow RAL to reinvest. Generate economy in Ohakune. Consistent with Tongariro National Park Management Plan and key management principles of the Tongariro Taupo Conservation Management Strategy 2002-2012.
- RAL ethos consistent with National Parks Act – National parks to be preserved in perpetuity for the “benefit, use and enjoyment of the public”. RAL's six company values consistent with

this principle. Visitors able to enjoy recreational opportunities to a greater extent. Those not using RAL's lifts and services not hindered in their enjoyment. RAL's community involvement – active community participation in local towns. Manawatu Whanganui Growth study specifically supports ongoing investment to facilitate all-year use and enjoyment of Tongariro National Park. DOC's destination management plan assumes importance of RAL's role in future of Tongariro National Park. Licence is consistent with Tongariro National Park Management Plan and key management principles of Tongariro Taupo Conservation Management Strategy 2002-2012. Tourism (economic and social benefits) – RAL nucleus for tourist infrastructure and economic benefit. RAL clear aims and aspirations for ski field. 60 year licence and term structure supported and enables confidence. RDC believes tenure of RAL's licence should be repeated for other Concessionaires in Tongariro National Park. Amenity areas integral to the use enjoyment and protection of the World Heritage area. RDC supportive of RALs continued existence as sole provider of winter sport and summer recreation activity to use and protect the World Heritage National park.

- Ruapehu District blessed with abundance of natural assets. RAL fundamental in growing winter tourism. RAL consistent and competent stewardship of World Heritage site, strong foundation for the future sustainability. RAL operates in culturally and environmentally significant and challenging location with competence. RAL is the districts largest commercial activity operator and are a key partner to District. Public Benefit Entity structure supported with profits reinvested. Summer operations lead to consistent growth of district. 60-year term powerful to provide investment for RAL and wider industry. Application is consistent with Tongariro National Park Management Plan and key management principles of the Tongariro Taupo Conservation Management Strategy 2002-2012. All growth must be managed to protect the cultural significance. Success of RAL comes from ability to scale across two ski-areas. Competent operator.
- Strongly support – ongoing certainty, economic wellbeing for district and ongoing development provides confidence for future community. Many locals are employed by RAL or related business. Support extending to summer activities. RAL have supportive relationship with local community. Support 5 year rolling review periods as transparent. Collaborative approach with iwi encouraging, more to be done to educate ski customers on cultural and spiritual importance. Many people feel connection to Tongariro National Park. Proposal for RAL should be assessed on performance criteria of its commitment to culture, conservation, community and customer is supported. RAL proactive is sharing situation with local businesses.

**Recommendation:** It is recommended that the comments be noted.

Several conditional submissions in support were made, with the name of the submitter noted as follows:

- Mark Davies, Flag-Inn Ltd and My Super submissions - Support subject to recommendations
  - Licence should place a realistic restriction on 'skiers per day' 5,500 skiers are unrealistic based on current infrastructure – wait times excessive at lifts, parking issues and health and safety. Propose clauses 1.1(a) Schedule 3 be amended to a formula on lift wait time.
  - Guaranteed Investment path – 60-year term powerful tool, condition should be RAL guarantee their investment path for major infrastructure upgrades including timeframes to ensure high standard facilities. If not a condition is there limited ability for DOC to hold RAL to account in first 25 years?
  - Vehicle access – licence should impose a fee for each vehicle accessing licence area, RAL should be required to run frequent transport from Ohakune to accommodate 60% per day. This will allow greater access for more visitors
- Nick MacDonald - Support RAL – subject to RAL maintaining good relationships with local iwi and environmental concerns are taken into account - including good risk management plan for water that supplies nearby townships.
- Nicci Coffey - Submit in support with suggested modifications.
  - Sub-licencing be subject to a 'fair and reasonable' test. Currently RAL has sole right whether to allow a sub-licence creating a monopoly on the use of the mountain for ski services. RAL must give "fair and reasonable consideration" to any requests to provide

alternative or complementary services at ski-field which can be reviewed by DOC or Commerce commission. Eg independent ski instructors.

- Special condition 3.1 – public access being maintained. Currently public access is restricted with a ‘premium parking section’. Understand area part of the National Road and not able to be restricted without contravening this licence?
- Chris McGrath - Support – but would like a condition requiring ski field continuation when there is sufficient snow – last year closed too early. Include a surcharge for November skiing?
- Tony Gavigan - Former secretary of Ruapehu Snow Sports Inc & life time pass. In supporting application urge DOC to look at RAL’s shareholder structure which deprives shareholders of voting rights – to be responsible RAL has to be capable of being held accountable to interest holders, please make changes to RAL voting rights accountable as a condition.
- Bruce Simpson - Support as important recreational facility in North Island. Important economically to the Ruapehu region (which has suffered from population loss recently). Safeguards can be included in the terms to limit both ecological and cultural impact. Concerns that RAL have an monopoly should be addressed by imposing Key Performance Indicators in the licence terms and penalties if not met.
- Courtney McNatty - Support the application subject to following concerns being addressed – RAL must place a strong focus on their responsibilities in relation to the environment and health and safety. Must act as kaitiaki in National Park and wider environment. RAL must act in partnership with local communities and iwi, and wider social responsibilities to these groups. Ngāti Rangī’s view must be taken into account in final decision. RAL should be obliged to meet high standards in relation to the environment, health and safety and its iwi/community responsibilities. RAL should encourage their customers to also have an awareness of their responsibilities given the location (rubbish/cigarette butts etc).

**Recommendation:** It is recommended that the comments be noted, with the following further points, to be read as relating to the corresponding bullet point number above:

- Limits on the number of skiers per day and vehicle access are covered in both the planning documents and in the business plan of the Applicant. The activity is consistent with current planning documents, and any changes to the can be considered post settlement for the Tongariro National Park, as a new Management Plan is expected to be developed with the usual public submission process. Noting the business planning aspects of this, as well as the guaranteed investment path, it is noted that the Department cannot dictate how the Applicant chooses to run their business, although the concession recognises the need for tenure certainty for commercial planning.
- The Applicant has taken action as a result of the recent diesel spill affecting the Raetihi water supply. They are acting consistently with updated Departmental requirements in this area.
- Public Access to the Mountain is guaranteed, within the limits prescribed by the Applicant to ensure the health and safety of the operation and members of the public enjoying the facilities they provide.
- Requiring skifield continuation when there is sufficient snow is a business matter for the Applicant’s consideration outside the Department’s mandate.
- Requiring voting rights to the shareholders is contrary to the business structure of the Applicant, and beyond the mandate of the Department to require a certain business structure of a concessionaire.
- Note that Key Performance Indicators are a requirement of the concession operation in accordance with the two relationship agreements with both Ngati Rangī and Uenuku Charitable Trust.
- The licence and relationship agreements with both Ngati Rangī and Uenuku Charitable Trust place strong environmental expectations and requirements on the Applicant.

### **Summary of Comments in Opposition**

Submissions against have been received from members of Ngāti Rangī iwi objecting as Ngāti Rangī did not consider that they were adequately consulted and the Cultural Impact Assessment was not completed, showing disrespect and a lack of commitment (and breaches) to Treaty Principles. General objections were received from 15 submitters.

Additional comments have been received from Ngāti Rangī members as follows:

- Concerns with the impact on the environmental/spiritual mana of Mt Ruapehu/Koro (including ancient burial ground) and the way RAL operate
- Examples of bad management include rubbish littered and oil spills (affecting Raetihi)
- Economic gain for further 60 years for select few at expense of Mt Ruapehu
- Cultural Impact Assessment needs to be completed first to mitigate concerns

The following submissions have been submitted by Ngāti Rangī members, objecting to the lack of consultation. The name of the submitter and the comments they have made are noted as follows:

- Hannah Rainforth:
  - Decision to publicly notify premature – it disadvantages Ngāti Rangī – isolates cultural issues from environmental and planning matters, removes ability of Ngāti Rangī to input into Department's interpretation of environmental and planning aspects, removes ability under Treaty partnerships to make a joint decision, creates expectation licence will be granted. DOC have statutory obligation to consult with iwi which didn't occur. Ngāti Rangī did give permission to notify but not intention to grant being notified.
  - Application states "no new activities, buildings or structures" then provides expansion plans. Expansions contrary to the Ngāti Rangī Environmental Management Plan. Need for stronger protection of iwi values.
  - Ngāti Rangī and Concession Guidance document (developed with DOC) has not been followed.
  - Replicating conditions from Whakapapa ski field disregards iwi concerns.
  - Oppose Preferential Right to Apply – concerns with RAL's operations – i.e. amount of rubbish, failure to remove redundant structures, recent diesel spill. Unclear when preferential right to apply was given, Ngāti Rangī was not involved in this process.
  - Lack of understanding of Ngāti Rangī's issues and concerns on southern side of maunga. Southern side of Ruapehu not part of the 'tuku'.
  - Application relies heavily on He Kaupapa Rangatira to resolve outstanding issues however it remains undeveloped.
  - DOC used published documents in lieu of actual consultation. Application to be put on hold until Cultural Impact Assessment has been developed.
  - Report claims application is in line with He Kaupapa Rangatira – refute this claim as iwi consultation has not occurred so Kawangatanga, tino Rangatiratanga, kaitiakitanga, whakawhanaungatanga, He here kia mohio and whakatika I te Mea He principles and policies not adhered to.
  - Do not support interim decision as not conducted in spirit of Treaty Partnership, not in line with Kaupapa Rangatira, disregards agreed Ngāti Rangī and DOC processes without adequate consideration of the range of effects. Do not support 60-year term.
- Ngāti Rangī Trust
  - Iwi authority for Ngāti Rangī – cultural identify linked to lifeblood of Ruapehu. Acknowledge existing relationships. Process left inadequate time for the Trust to fully consult internally. Iwi values constantly being forced to compromised.
  - Agreed consultation process (with Department) not followed. Request application be withdrawn until all parties have been consulted and agree.
  - Inaccuracies – Turoa not part of gift area – confiscated by Crown.
  - Ngāti Rangī not agreed to DOC approving application without a Cultural Impact Assessment.
  - Emphasise continue a parallel consultation process to address concerns derived from environmental, cultural and spiritual relationship.
  - He Kaupapa Rangatira has not been developed as specified in the Tongariro National Park Management Plan. Ngāti Rangī negotiating Treaty of Waitangi Settlement Claim.
  - Disagree with 60 years – do not agree economic venture in UNESCO World Heritage site provides exceptional circumstances. Further the term does not support the 'dual status' of cultural and natural values of the park. Cannot support 60-year term until iwi carry out due diligence and receive advice on the economic driver for extraordinary circumstances.
  - Environmental Impact Assessment – request more time to translate application details – State of the Environment from iwi perspective is missing. Climate change monitoring needs investigating. Water – possible expectations for increased water



requirements in light of climate change – allocation issues. Indicative Development Plan – no discussion with iwi on these.

- In future – Ngāti Rangi, DOC and RAL need to work together.
- Cheryl Bryers - Acknowledge relationship with DOC and RAL which has led to positive initiatives. Ngāti Rangi remains committed to an engagement plan (Cultural Impact Assessment) with RAL for a new licence to allow concerns to be resolved. Iwi anticipated this to be completed prior to application being notified. Report does not accurately reflect the Ngāti Rangi relationship with Ruapehu and the Crown's assumption of control of the area.
- David Puohotaua - Iwi o Ngāti Rangi is the Paramountcy and any application to utilise the whenua or resource should be made to the Ngāti Rangi tribal authority.
- Keith Paetaha Wood - On behalf of Ngāti Hioi, a hapū of Ngāti Rangi. Object to proposal as does not discuss Ngāti Rangi's view and an appropriate Cultural Impact Assessment has not been prepared. Oppose 60-year term as no exceptional circumstances – RAL have been able to make investment decisions on shorter periods. Deep spiritual and cultural relationship with Ruapehu. Simply insufficient engagement – erodes years of relationship building with DOC. Section 4 disregarded. Concerned National Parks are becoming mere business assets. Report assumes information used for Whakapapa can be transferred over and assumes generalisations on ancestry. Report relies on generalised concepts outline in the He Kaupapa Rangtira section within the Tongariro National Park Management Plan which have not been developed. Disagreed with Section 27 of report which states Ngāti Rangi agree to the application being processed to the public notification phase without a Cultural Impact Assessment or alternative. Shorter 5-year review period more appropriate. Ngāti Rangi does not have confidence of environmental performance – multiple diesel spills. Ngāti Rangi wants to be assured of the highest levels of environmental performance. Future developments involving earthworks difficult for Ngāti Rangi. Development of a Kahui Maunga Management Plan should be a pre-requisite for decision-making). Economic growth doesn't benefit tangata whenua but has impact on environment. Acknowledge work RAL done with iwi to date
- Aroha Dykes - Decision about money and no enough consideration been given to whanau. 60 years is too long to give a company control of the maunga. Reconsider this time and consult with local iwi.
- Shaia Twomey - Disagree with re-lease and will never agree to leasing to anyone other than Maori.
- Te-Oti Mareikura - Oppose as it is a fraudulent case to be in consistent control of Mt Ruapehu and go against what iwi know as First Nations people.
- Aaron Rice-Edwards - Object as insufficient engagement and object to 60-years. Iwi have been marginalised for too long. RAL struggles to mitigate adverse environmental and cultural impacts on environment. Resent easier access chairlifts provide. Engagement not been meaningful – especially with treaty settlements, time pressures to consult resented. Even 25 years until review is too long.
- Nancy Tuaine - Object as proper engagement not completed. Environmental management assurances and other areas of inclusion for iwi that need to be provided for. Questions term when negotiations (with treaty settlement) need to be held.
- Geoffrey Hipangao (Ngaurukehu Incorporated and Farm Trust), Kikoi Te Raiki (Murimotu Trust), Cark Wilson (Tirorangi marae) - Strongly oppose lease for 60 years, treaty settlement has not been completed and term will impact on iwi commercial interests. Environmental changes not being considered, and diesel spill highlights need for DOC to improve concession process and a review should occur before another lease is granted. Request re-licence delayed until after treaty settlement process is completed and consultation has been completed. Reason behind 60-year lease made public. Open to continued ski field provided cultural values and principles are acknowledged and incorporated into licence structure – including periodic rest period.

- Kaiya Whanau - This is iwi land and need to start listening to it – the land gives us what we need.

Recommendation: It is recommended that the comments be noted. It is noted that the application was notified with the express message that consultation was ongoing, and that the application was missing a cultural impact report. Consultation has been ongoing over the course of processing this application. Similarly to the operation of the Whakapapa licence, the Applicant has consulted with Ngati Rangī and Uenuku Charitable Trust to establish a relationship agreement and Key Performance Indicators to ensure the cultural integrity of this activity on the Mountain is recognised and enhanced. Both Iwi have indicated their support for the application being approved, and have provided letters to this effect. The letter from Ngati Rangī can be seen here, and the letter from Uenuku Charitable Trust here [DOC-3166928](#).

Other submissions in opposition have been received as follows:

- Opposed as report has not discussed Ngāti Patukotoko views who have an inseparable relationship with the mountain and currently have a Waitangi Claim over area. Object to 60-year term – does not foresee iwi development which may take place and change economic landscape, and does not take settlements into account – needs to be substantially reduced. Concern based off limited info on planned development and summer activities. Concession needs consideration to allow greater roles for iwi. Concession should include a review within 5 years on how iwi could be involved. As minor issue the application does not state what the tank is required for and how it is used, how is reduction of 3000 litres to 37,000 litres an improvement?
- No consultation. Currently going through Treaty Settlement in Tongariro National Park, all iwi should have equal rights to consult. Concerns raised for Whakapapa Ski Field remains unresolved. Lack of consultation breaches Treaty of Waitangi, an amicable agreement with iwi, DOC and RAL needs to be formulated. Request all activities in the gift area to cease immediately – condition regarding timeframes to achieve this. Term structure confusing – 60 years is culturally unacceptable regardless of economic investment required and does not meet exceptional circumstances (without engagement and consent of tangata whenua). Ngāti Haaua strongly objects that economic factors outweigh environmental and cultural protection of World Heritage Dual Park status. Want anything culturally inconsistent with customs to be removed.  
Ngaati Haaua wants to monitor conditions and to report annually. They wish to setup lease arrangements, explore royalties and intellectual property rights so as to give effect to the Treaty of Waitangi.  
Ngaati Haaua supports Tongariro Taupo Conservation Management Plan full review, but objects to all concessions with terms greater than 5 years until Treaty claims completed.  
Cultural Impact Report to be commissioned as soon as possible. And the applicant must carry out full and effective consultation with Ngaati Haaua Tribes.
- Skied since 1977. RAL creates monopoly on North Island skiing. Grand plans potentially bad. South Island ski-fields not realistic alternative. RAL culture of dumbing-down lifts, not running some lifts, not using T-bars. Chair-lifts freeze riders. Sent FairGo letter on monopoly – season length reducing, season pass cheapened, spring skiing reduced, slow/no lifts. The Commerce Commission must rule RAL must sell Turoa.

Recommendation: It is recommended that the comments be noted, with the following further points, to be read as relating to the corresponding bullet point number above:

- It is noted that the application was notified with the express message that consultation was ongoing, and that the application was missing a cultural impact report. Consultation has been ongoing over the course of processing this application. The Applicant has noted that they are happy to review the licence upon completion of Treaty of Waitangi settlement.
- It is noted that the application was notified with the express message that consultation was ongoing, and that the application was missing a cultural impact report. Consultation has been ongoing over the course of processing this application. The Applicant has noted that they are happy to review the licence upon completion of Treaty of Waitangi settlement. Following from the feedback of Ngati Haaua, the Applicant did offer a relationship agreement, similar to that

to be entered into with Ngati Rangī and Uenuku Charitable Trust, however this has not been taken up.

- Commerce Commission approval was sought when the Applicant purchased the Turoa operation, noting they already owned the Whakapapa operation. Approval was granted by the Commerce Commission as it was not considered that RAL would have a monopoly on ski area activity in New Zealand

### **Summary of Neutral Submissions Received**

Two neutral submissions were received, as follows:

- Visitor to New Zealand and bought a season pass. Disappointed with ski field – unprofessional staff, lifts old and slow.
- For any intender users of Turoa/Ruapehu/Tongariro they should leave environment better than they found it and engage a programme of native environmental recovery. This is key to survival and long term prosperity.

Recommendation: It is recommended that the comments be noted.

### **Summary of Hearing:**

Of those submitters, 107 in support and 27 in opposition requested the right to be heard. Many of these requestors later withdrew their requirement to be heard. A hearing was held at Te Pae Tata on Ohakune on the 24<sup>th</sup> and 25<sup>th</sup> November 2016.

The full hearing report can be seen at [DOC-3111509](#), and is attached as Appendix Four to this report.

The main points raised in the hearing can be summarised as follows:

- Many visitors gain enjoyment and inspiration from the National Park because of the opportunities offered to them by the Turoa Ski Area.
- The ski area provides a valuable recreational opportunity for locals and visitors.
- RAL have high standing in the Ohakune community and are a sound operator.
- RAL have a demonstrated commitment to ongoing environmental stewardship.
- The proposed term will provide for ongoing input by iwi and require RAL to undertake ongoing, active management of the ski area.
- Views articulated by members of Ngāti Rangī ranged from the ski area being tolerated and Koro Ruapehu being able to cope with the support of tangata whenua to outright opposition as some considered the presence of the ski field on their ancestral maunga as an assault that causes grave harm.
- Members of Ngāti Rangī did not consider that the consultation process used was adequate for the application.

The recommendation of the hearing panel was for the application to be put on hold while the Applicant and Iwi reached agreement on the cultural impacts of the application and how these matters would be addressed. Since the hearing, the Applicant has worked with both Ngati Rangī and Uenuku Charitable Trust to reach individual relationship agreements. These documents are cross referenced to the licence document to ensure the operation of the business is consistent with the cultural values of these respective Iwi. Consultation was also completed with Ngati Haua.

### **Summary of special conditions proposed in response to analysis above:**

No further special conditions are proposed that are in addition to those proposed in the draft licence document. As outlined in the draft licence document the conditions that give effect to the partnership agreements with Ngati Rangī and Uenuku Charitable Trust have now been inserted.

## **3.0 Acknowledgement of complete application (s17S)**

An application is deemed complete once all information required under section 17S has been received.

### **Comment**

This application is deemed to be complete for the purposes of the Act.

#### **4.0 Analysis of proposal (s17T, 17U, 17V, 17W, 17X, 17Y)**

No further effects affecting the operation of the activity have been identified. As noted in the previous section, relationship agreements with both Ngati Rangi and Uenuku Charitable Trust have been developed to address the cultural, consultation and relationship issues raised through the hearing process.

#### **5.0 Proposed operating conditions**

**Term:** 25 years with the ability to earn a total of seven, five year extensions.

Following consultation, the structure of the term is to be made up of an initial term of 25 years be provided and a further seven extensions for further periods of 5 years each then make up the next 35 years of the term.

**Fees:**

[REDACTED]

[REDACTED]

**Summary of special conditions proposed in response to analysis above:**

No change since the initial report.

#### **6.0 Applicant's comments on draft report**

#### **8.0 Summary and Conclusions**

RAL are a long standing operator of the Turoa Ski area. The application is for the continuation of the existing activity and infrastructure and that infrastructure that has already been authorised for construction.

RAL have entered into a Relationship agreement with both Ngati Rangi and Uenuku Charitable Trust which will provide for more active participation in matters pertaining to the ski area.

The proposed term of 25 years, with the ability to earn seven 5 year extensions will ensure that RAL are active in ensuring ongoing protection and enhancement of conservation, culture, community and customer.

The application is consistent with legislation and statutory plans. The effects are managed by special conditions.

The matters raised in the submissions have been adequately addressed in the special conditions of the draft licence. The overwhelming number of submissions in support from the local community and wider community is especially noted.

#### **9.0 Recommendations to decision maker**

Pursuant to the delegation dated 9 September 2015 it is recommended that the Deputy Director General, Operations approve the granting of a Notified Licence concession to Ruapehu Alpine Lifts Limited subject to the standard concession contract; and the special conditions identified in this report.



Arna Litchfield  
Senior Permissions Advisor  
1 September 2017

**Recommendations:**

**Agree / Disagree**

\_\_\_\_\_  
Michael Slater,  
Deputy Director General,  
Operations

\_\_\_\_\_  
Date