



# Permission Decision In Principle Support Document

## Application Details

Decision Maker	Jo Macpherson – Eastern South Island Director of Operations
Applicant	Mount Cheeseman Ski Club Incorporated
Permission Number	36477-FAU
Permission Type	Concession – lease / licence

## Key Dates

Application received	06 May 2014
Task Assignment assigned	06 May 2014
Context Meeting	21 June 2018
Check-In Meeting	N/A
Decision due	3 July 2018

## Document Links

Application	<a href="#">DOCDM-1401296</a> and update to application at <a href="#">7501588</a>
Task Assignment	<a href="#">DOC-5481347</a>

## Resources

Permissions Advisor	Darcy Liddell
District Office/s	Community Ranger – Emma Hunt

## Executive Summary - Whakarāpopoto ā kaiwhakahaere

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1. Mount Cheeseman Ski Club Incorporated (the Applicant) has applied for a lease, licence and easement concession (the “Application”) associated with the operation of the skifield during the winter, and hiring out accommodation to the public outside of the ski season to facilitate recreational and educational use of the ski field and surrounding area. To avoid confusion and providing unnecessary information at the public notification stage, the easement component is being considered in a separate report.
2. The lease is over 7.5527 ha and comprises land used for: ski field base buildings, accommodation at different parts of ski field, equipment sheds and utility huts, ski tow infrastructure, fuel storage and associated equipment, and ice skating infrastructure. The licence is over 442.7 hectares comprising the land extent to which non-exclusive interest of the ski area activity may extend, being the 'skiable' terrain and includes the management and control of all activities related to the operation, and maintenance of a club ski field.
3. The application is to replace expired authorisations and is for existing and future activities. The Department has confirmed to the Applicant that as there is no detail or adequate assessment of effects for future activities, a variation will be required to obtain approval to future activities.
4. The ski area is located on the Craigieburn Range, 99km west from Christchurch. A term of 30 years is applied for and is recommended. The Application has been considered under the Notified process.
5. The key advice from the District Office, and management planning staff is to ensure ongoing control of weeds and exotic trees, and account for lack of snow in future.
6. Treaty Partner Ngai Tūāhuriri did not raise any concerns. Treaty Partner Taumutu requested two extensions to provide comment. One extension was given. Taumutu will have the opportunity to make a submission on the public notification of the decision in principle.
7. The Canterbury Aoraki Conservation Board are not supportive of the application due to the proposed future activities including expansion into the Tarn Basin. The Department will not be considering future activities due to lack of detail or adequate assessment of effects. The board are supportive of existing activities but requests that “legacy rubbish” be removed, and that access road maintenance be resolved. Conditions are recommended to address these issues. The Board suggested the commissioning of an Environmental Impact Assessment but is not considered necessary as no future activities are being considered and recommended conditions will address effects of existing activities.
8. The Board recommended that a cultural report be prepared regarding cultural impacts. As only existing activities are considered, and conditions are recommended to address cultural impacts such as kea protection and weed and pest incursion, a cultural report is not necessary. The Board was concerned about the viability of the skifield due to climate change. A condition recommends that all infrastructure be removed within a specified timeframe should the skifield operations close. A bond for infrastructure removal is not recommended as the Department is yet to put a skifield bond policy in place.
9. Lease/Licence Authorisation for approval ([DOC-5562336](#)).

## 1. Purpose

To make a decision on the application.

## 2. Context

### Background

The administration of Mount Cheeseman Ski Area was transferred to the Department around 2004 coinciding with the Nature Heritage Fund (“NHF”) purchasing land that was formerly part of the Castle Hill Station Pastoral Lease. The existing ski field authorisations were issued under the Land Act 1948 on 1 January 1991 for a term of 30 years (expiry 31 December 2020), with the lease and easement interests registered against the land title (see [DOC-2339068](#) for a copy of the old authorisations). The existing lease part of the Mount Cheeseman Ski Area was transferred from Land Information New Zealand (LINZ) to the Department to rationalise management. The recreation permit (licence area) part of the Mount Cheeseman Ski Area could not be transferred to the Department; however, the intention at the time of the NHF purchase was to replace the existing special lease, recreation permit and an easement covering utilities with one overarching concession.

As the land is now held as conservation area under the Conservation Act 1987, many of the conditions of the historic authorisations are no longer relevant.

Mount Cheeseman Ski Club Incorporated (the Ski Club), in response to the change in land administration, have applied to the Department for a concession to cover the existing ski field and ancillary activities for a 30-year term. The application also indicated proposals for future improvements to the ski area.

If the decision is to approve this application and issue a new concession lease/licence and easement, then it will be necessary to cancel the historic easement.

### Notified Lease / Licence Application

In 2014, the Department received an application for a lease, licence and easement concession. The following report covers the lease / licence application:

- A lease over 7.5527 ha being areas C, D and L on SO17780 (See [DOC-6004485](#) and [DOC-6004405](#)) and comprising land used for: ski field base buildings, accommodation at different parts of the ski field during the year, equipment sheds and utility huts, ski tow infrastructure, fuel storage and associated equipment, and ice skating infrastructure. As part of the transfer of the Ski Field from LINZ to the Department the lease areas are now under new titles as Sec 13 – 15 SO 387006 (See [DOC-6004437](#)). Outside of the ski season the accommodation lodges are available to the public to book as they facilitate recreation opportunities for mountain bikers, hikers and other interest groups, such as education and environmental groups and schools.
- A licence over 442.7 hectares comprising the land extent to which non-exclusive interest of the ski area activity may extend, being the 'skiable' terrain and includes the management and control of all activities related to the operation, and maintenance of a club ski field. The licence land is now part of Section 3 SO 495427 (See [DOC-6004485](#) and [DOC-6004437](#)).

The application lists several proposed activities in section 7 including new buildings, a new ski area named “Tarn Basin” and associated infrastructure, a terrain park, snow making and mountain bike tracks. Clause 3 of their old lease states that the following activities are permitted: Skiing, skating, snowboarding, tobogganing and activities in support of these activities. No new structures are proposed. The applicant understands a separate application is required to include proposed

activities. The Applicant was also advised that an addition of a new learner lift called “magic carpet” would also require a separate application.

The Applicant also clarified that the application did not include summer activities but included hiring of accommodation to facilitate summer activities in the area. The Applicant also advised to remove proposed ski touring from the application.

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

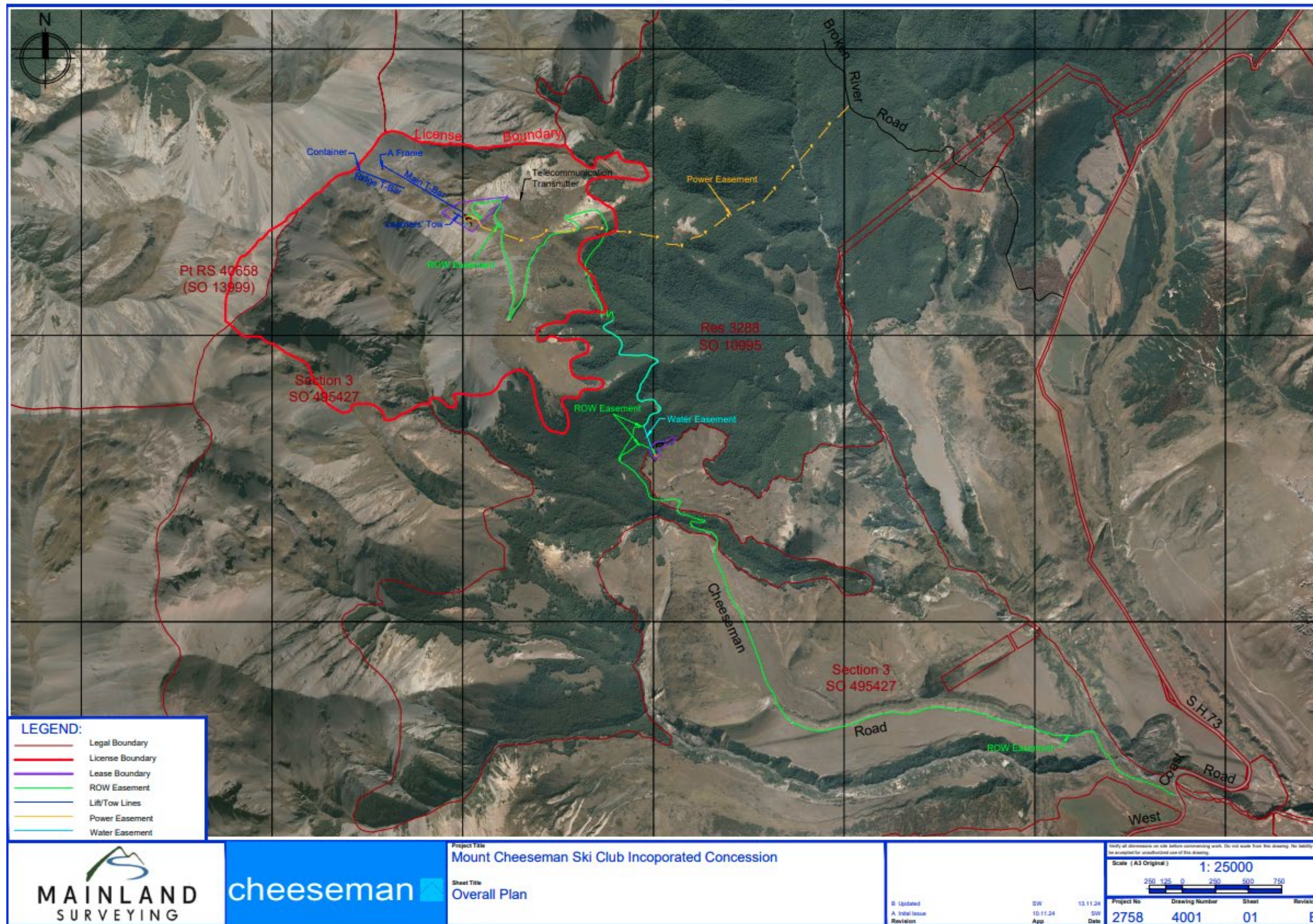
The ski area (~450 ha) is located on the Craigieburn Range, 99km from Christchurch. The underlying land status is Conservation Area – Castle Hill (K34047) and Conservation Park – Craigieburn Forest Park (K34002).

Status	CIR	NaPALIS ID	Legal description
Lease land	575302	2953254	Sec 13 – 15 SO 387006
Licence land	569891	2808625	Section 3 SO 495427

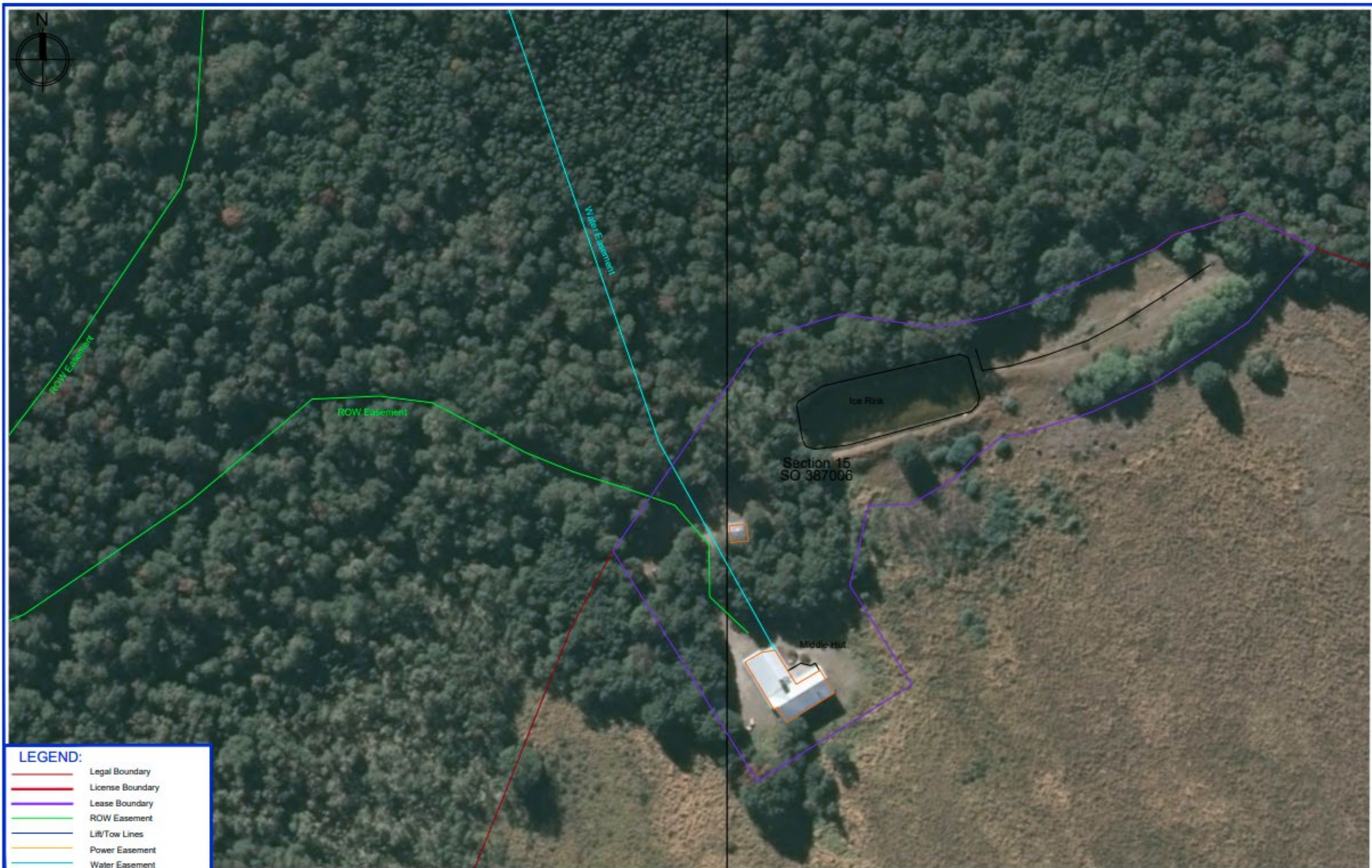
A series of maps below illustrates the location of the skifield and facilities at site and the geographic location.



# Concession Maps







**LEGEND:**

- Legal Boundary
- License Boundary
- Lease Boundary
- ROW Easement
- Lift/Tow Lines
- Power Easement
- Water Easement



**cheeseman**

**Project Title**  
Mount Cheeseman Ski Club Incorporated Concession

**Sheet Title**  
Forest Lodge

B Updated  
A Initial Issue  
Revision

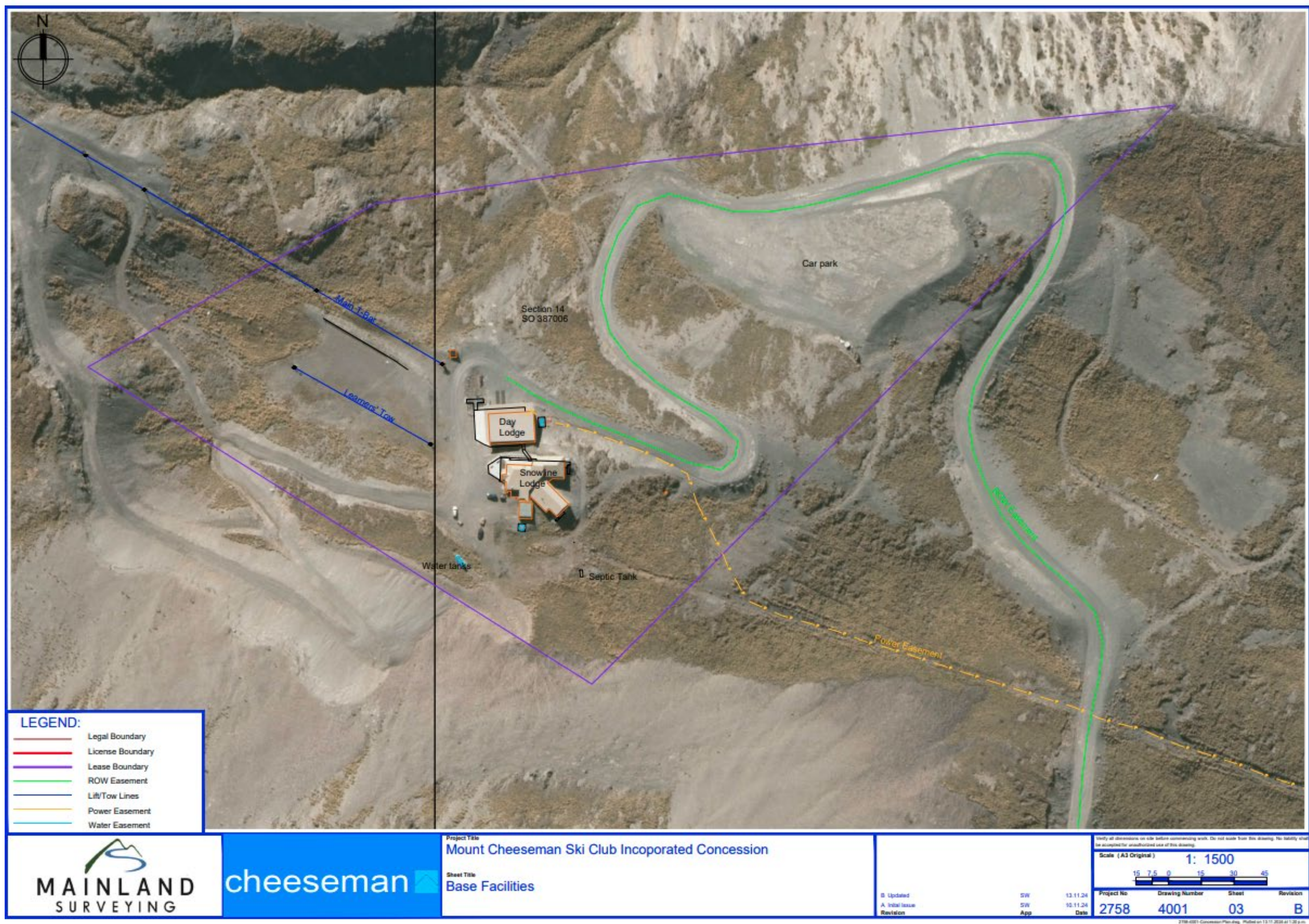
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13.11.24  
10.11.24  
Date

Verify all dimensions on site before commencing work. Do not scale from this drawing. No liability shall be accepted for unauthorised use of this drawing.			
Scale (A3 Original) 1: 1000			
Project No	Drawing Number	Sheet	Revision
2758	4001	04	B

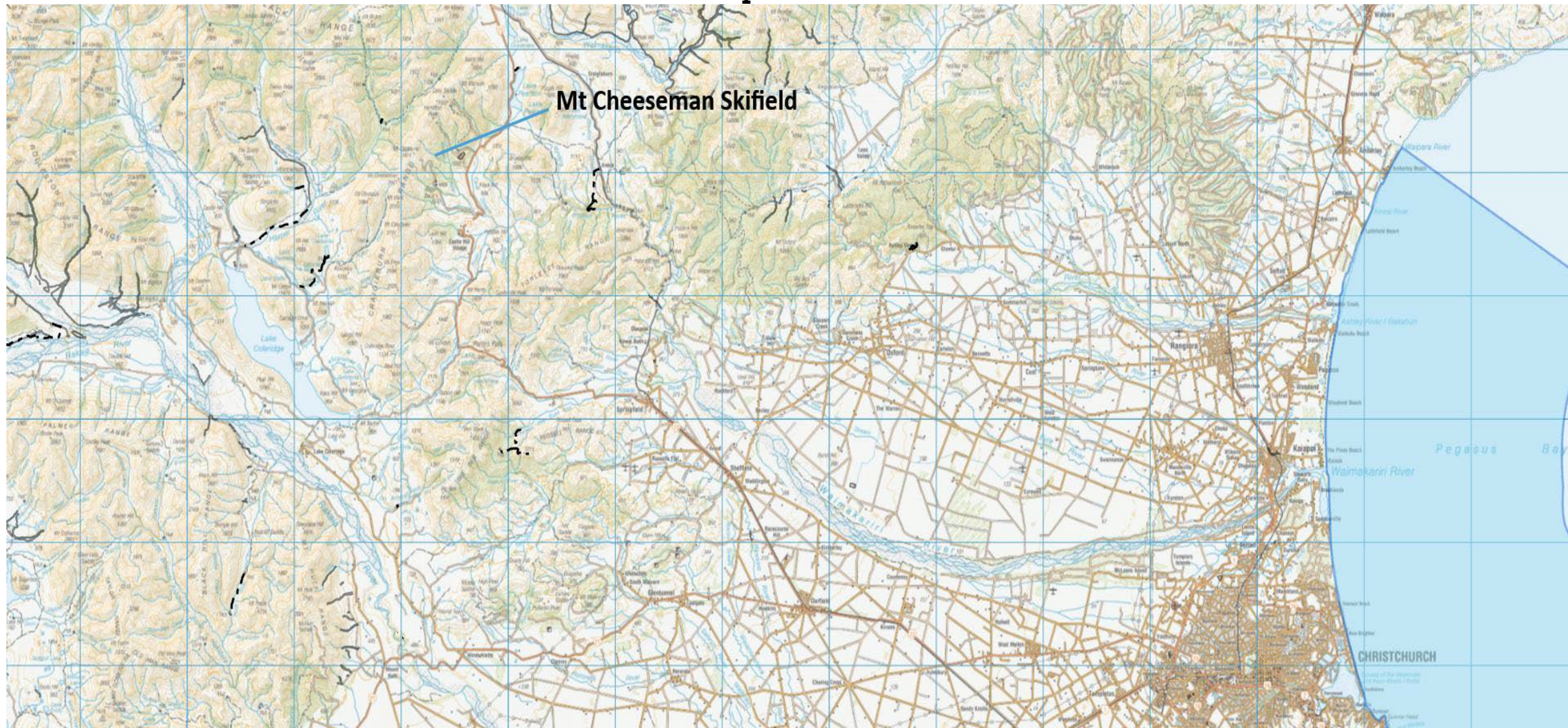
2758-0001 Concession Plan.dwg Plotted on 13.11.2024 at 1:26 p.m.





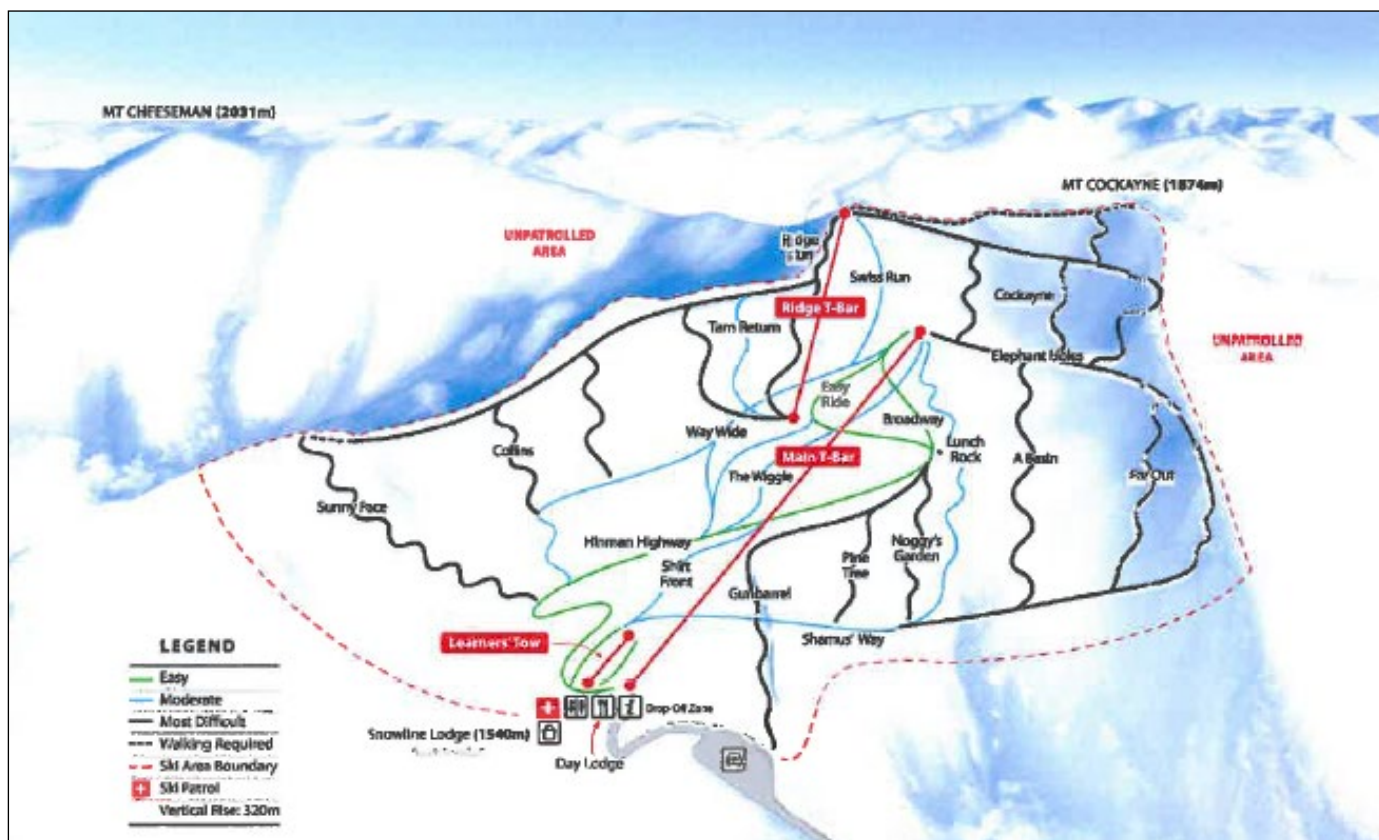


## Location Map





# Mt Cheeseman Ski Area



## Proposed Term

30 years

## Location

The activity has been applied for at the following locations:

Conservation area	Land status	District Office	Activity
<i>Craigieburn Forest Park</i>	<i>Conservation Park</i>	<i>North Canterbury</i>	<i>Ski Field</i>
<i>Castle Hill Conservation Area (Stewardship Area)</i>	<i>Conservation Area</i>	<i>North Canterbury</i>	<i>Parking</i>



### 3. Consultation with Treaty Partners

North Canterbury – Monica Bean

#### SECTION A: Treaty Settlement implications

*If you have any questions about Treaty Settlement implications of an application, contact the Treaty Negotiations Team.*

- Is any site subject to the application due to be transferred to whānau, hapū, or iwi?  
If no, delete questions 2-3 and go to question 4. If yes, identify the site.

no

- If your Treaty Partners have settlement legislation in place already, are there any specific post-settlement implementation obligations that relate to the site or proposed activity?

NA

#### SECTION B: Marine and Coastal (Takutai Moana) Area Act 2011

NA

1. Is the location subject to any applications or approvals for customary marine title or protected marine rights under the Marine and Coastal (Takutai Moana) Act 2011? If no, delete question 2. If yes, identify the Treaty Partners who have either applied for or had approved customary marine title or protected marine rights at the location.
2. Has the Applicant provided evidence of consultation with these Treaty Partners? *The Applicant has a requirement to consult with anyone who has an application under the Act that is additional to DOC's consultation with Treaty Partners. See the Concessions Guidance Document for more information).*

#### SECTION C: Whānau, hapū, and iwi consulted

*Complete the Consultation Summary table – copy this table if more columns are required.*

Consultation Summary			
Treaty Partner consulted with	Ngai Tūāhuriri		
Date consultation was sent out	19 April 2024		



Consultation time frame end date	20 working day – due back 17 May 2024		
Consultation method (email, phone, face to face etc)	e-mail		
How many attempts made to consult?	Three		
DOC-CM link to any consultation emails received	<a href="https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7834652">https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7834652</a> <a href="https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7834655">https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7834655</a> <a href="#">docCM - Comments on 36477-SKI Mt Cheeseman Ski Field</a>		

#### SECTION D: Consultation with Ngai Tūāhuriri

- Does this application activate any agreed triggers for consultation with Treaty Partners?

Yes

- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C.

No

- What is the interest of the whānau, hapū, or iwi in the site or activity?

In their takiwā

- What are their views on the activity (taking place at the specified site)?

NA

- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?

NA

- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?



NA

- Summarise any other information provided by the whānau, hapū, or iwi.

Nil response

Consultation Summary			
Treaty Partner consulted with	Taumutu		
Date consultation was sent out	29 January 2025		
Consultation time frame end date	20 working day – due back 27 February 2025		
Consultation method (email, phone, face to face etc)	e-mail		
How many attempts made to consult?	One		
DOC-CM link to any consultation emails received	<a href="#">docCM - RE Consultation 36477-SKI Mt Cheeseman Ski Field due 27 February</a>		

#### SECTION D: Consultation with Taumutu

- Does this application activate any agreed triggers for consultation with Treaty Partners?  
The Department engaged with Te Taumutu as per the Department's section 4 CÄ1987 obligations to ensure an informed decision was made. The Department had not engaged with the iwi previously as there was some uncertainty around the Te Taumutu and Ngāi Tūāhuriri coordination of advice on concession applications to the Department. It was thought that Ngāi Tūāhuriri represented Te Taumutu. However, for this application Te Taumutu wished to be engaged with separately.



- Did the whānau, hapū, or iwi engage in consultation on this application? If not, ensure attempts to engage are detailed in Section C.

Yes, to request two extensions. The first was accepted and the second declined.

- What is the interest of the whānau, hapū, or iwi in the site or activity?

In their takiwā

- What are their views on the activity (taking place at the specified site)?

NA

- What sort of adverse effects do the whānau, hapū, or iwi believe the activity will have on their interests (at the specified site)?

NA

- Have the whānau, hapū, or iwi identified any methods to avoid, remedy, or mitigate these effects?

NA

- Summarise any other information provided by the whānau, hapū, or iwi.

Nil response

## 4. Contributions

**Ian Wightwick**

**Senior Visitor Advisor**

I have read the application and Permission Support document and I think that given the term of concession is 30 years we need to describe the risk and vulnerability of the ski field to the impacts of climate change.

This is a critical issue given climate change projections and the vulnerability of the Mount Chessman Access Road to increasing number of extreme rainfall events. This could be described in in the section Departments Assessment of Effects Page 19.

The applicant states on page 11 of their application 9/9/2013 that : *This committee has identified climate change and rising operational costs as strategic issues and is working on sound governance and financial management plans to effectively mitigate these risks and these risks and ensure longevity of the Club.* However the Club does not describe how they will adapt and or manage the risk associated climate change given NIWA's 2020 projections.

Since the date of the applications (9/9/2013), the impacts of climate change are being better understood. The Department has Canterbury Region Climate Change Projections from NIWA (reference Department of Conservation [Regional Climate Change Projections - DOC Intranet](#)) to inform climate change adaptation pathways, refer summary below .

Climate change projections are provided for two time periods, 2040 and 2090. The projections for each period are 20-year ensemble average projections (i.e. projections for “2090” are the 20-year average of 2081 – 2100). Changes presented are relative to 1995 (i.e. the 1986 – 2005 average). The climate change projections are modelled using Representative Concentration Pathway 8.5(RCP 8.5) This is a high greenhouse gas concentration scenario and serves the purpose of defining the upper envelope of likely futures required for risk impacts.

A potential scenario is the Club may need to close the ski field should snow levels retreat and make the club operation unviable or it is not viable to reinstate the access road should significant and costly repairs need to be made.

I think the Decision -maker will need to understand what assurance the Club can provide that they have a plan and resources to adapt to climate change and/or a plan remove infrastructure and remediate the area when no longer needed.

### Summary of projected changes:

	Direction of Change	2040	2090
Mean annual temperature (°C)	↑	Increase by 1.0°C (0.6-1.6°C)	Increase by 3.0°C (2.2-4.3°C)
Annual number of hot days (>25°C)	↑	5-20 more hot days for most of region. 20-40 days more about Mackenzie Basin.	20-60 more for most of region. 60-85 more for inland basins.
Annual number of frost nights (<0°C)	↓	1-10 fewer for east of the region. 10-20 fewer inland.	5-30 fewer for east of the region. 30-50 fewer inland.
Potential evapotranspiration deficit (mm) ( <i>Drought</i> )	↑	In most eastern parts of the region, 50-100 mm per/year. In some inland areas, 100-150 mm/year.	Increase of 100-200 mm per/year for inland Canterbury and Christchurch. In the southeast a small decrease of up to 25 mm.
Annual number of dry days (<1mm rainfall)	↔	Decreases near the east coast and Canterbury plains. Increases elsewhere.	1-15 fewer dry days in the east. 1-15 more dry days per year for the rest of the region.
Mean annual wind speed	↑	Increases up to 5% for most of the region.	2-10% increase in annual mean wind speed.
Sea-level rise (m)	↑	0.21 m	0.67 m
Mean annual rainfall (mm)	↔	± 5% across the region.	± 10% for most of the region. + 10-25% for coastal south Canterbury.
Extreme rainfall (1-in-50-yr-storm)	↑	11% increase in intensity for 1-hr duration rainfall events 5% increase in intensity for 5-day duration rainfall events	35% increase in intensity for 1-hr duration rainfall events. 15% increase in intensity for 5-day duration rainfall events.

I am happy to join in a check in meeting if required.

Ian Wightwick  
Senior Visitor Advisor  
29/9/2022



### **North Canterbury District Office Comments**

Ongoing effect of any terrain modification, structures, and ski field accessories, which may have a large landscape effect, need to be monitored. Ecological effect from the activities will also need monitoring, and opportunities explored for the Club to undertake restoration work if required.

Operational management issues:

- Ice-skating pond: The Club needs to ensure that the control of weeds and exotic trees is continued to be carried out around the ice-skating pond near the Forest Lodge.
- The Club needs to discuss options with the Department for managing the Alder trees on the ski field road (which help stabilise the road) and removing Wilding pines.
- Historic names: The Club may establish signage of their own branding associated with historic names along the ski field road.
- Mountain biking: Downhill Mountain biking is not permitted on the ski field.
- Forest Lodge: The Club will maintain complete responsibility for the Lodge and an annual programme meeting will be had with the Department during monitoring of the concession or if requested by either party.
- Pest control: If the Club wish to carry out wasp or possum control, they must ensure that the appropriate permits are sought to ensure the correct methods of pest control and that legislative policies are complied with. The Club must also not employ the use of poison on the land other than specific poison bait used for pest control, except with the written consent of the North Canterbury Operations Manager. Pest control in the Craigieburn catchment is currently overseen by the Craigieburn Trapping Alliance through a community agreement with DOC. Any pest control by the Club needs to be coordinated through the Alliance.

Special conditions are required to manage the operational management issues as identified in Section 2.

Merrilyn Grey  
May 2014

### **Planning Advice**

Poma Palmer  
Statutory Management Planner / Kaiwhakamahere  
26/02/15

Updated by Mary-Anne Baxter  
January 2022

There are several relevant parts of the Canterbury CMS:

1. Section 1.5.1 Natural Heritage, Objective 1.5.1.1 emphasises a) priority ecosystem units, b) supporting the work of others to maintain & restore ecosystem types selected from Appendix 2, and e) conserving significant...landscapes including those listed in Appendix 9.

The CMS did have a priority ecosystem unit covering all/most of the Craigieburn Range, but this unit was not included in the updated Appendix 4 within the CMS. However, the initial identification suggests there may be biodiversity values present that are more significant than for public conservation land areas not initially identified as priority ecosystem units.

The application does demonstrate both past and future actions and intentions to maintain and restore vegetation where disturbed by earthworks.

Appendix 9 lists the “Waimakariri Basin” as one of the Outstanding Natural Features and Landscapes (ONF&L) as identified in the Canterbury Regional Landscape Study; this area includes the Craigieburn Range. The ski field may have to get Selwyn District Plan consent for some development proposals.

2. Part Three, Ski fields (pg 161 in CMS) introduces the joint DOC/industry ‘partnership’ and ‘precautionary’ approach to ski field management in the face of climate change and other influences. Policy 3.25.1 seeks management, in this case, in accordance with Policy 2.5.9.
3. Place 2.5 Southern Conservation Parks has relevant Outcome statements (pg 83, 1st para) for protecting ONF&L and for community groups actively contributing to conservation park management. The 5th para seeks prominent ridge protection, with some allowance for ski field structures. The 8th para seeks more people engaging in recreation and acknowledges intensive use areas such as ski fields. The 4th para under Craigieburn acknowledges the four Craigieburn ski fields providing intensive use visitor experiences and between these fields an off-piste experience free of structures.
4. Place 2.5, Policy 2.5.9, b) to d) are all especially relevant.

Taking all the CMS provisions into account, the application, both in respect to the current developed ski field area has a high degree of consistency with the CMS.

The application acknowledges climate change effects and uncertainties and the field’s need to adapt, to consolidate activity & structures on the current operational area. All these are what the CMS also seeks. Note that the ski field ski area runs between about 1540 and 1860 m elevation; this straddles the 1650 m elevation below which H&H (2011) predict the greatest decline in number of snow days (acknowledging that there are other factors which influence this on a field by field basis).

The club is clearly actively contributing to conservation park management (2.5 Place Outcome), by providing an intensive-use public facility.



06/05/2024

The Board is not supportive of the application as it stands. In forming this opinion, the Board has had a glimpse into the complexity of this application. More details on the Board's opinion (points 1-10 below) with regards to the proposed activities (section #5 in the application) are provided below. The Board is in favour of allowing and fostering opportunities for sustainable recreation in its rohe, which includes winter-time recreation, such as skiing and provision of related infrastructure on PCL. However, this application does not provide the details required to truly assess current and future effects and impacts of the activity. The Board trusts that it is in the best interest of the Department to fully understand these before issuing a concession. Hence, the Board would like to recommend that DOC decline the application and request it be re-submitted with additional information provided.

Importantly, the Board considers that this application should focus on the core current activities and infrastructure that form the 'business as usual' for Cheeseman ski field, that is, a concession for the existing terrain, infrastructure and activities. Any expansion to terrain, infrastructure or activities should be applied for in a following separate application that should have a requirement of being publicly notified, given that these activities take place on Public Conservation land, land that has been identified as having unique biodiversity qualities (e.g. Mark 2012)<sup>1</sup>, although these are not identified by the applicant). We also note that knowledge of climate change and its effects on ski fields has greatly advanced in the ten years since 2013. This has an important bearing on the scope and intensity of the changes proposed and is an additional reason for the application to be re-submitted.

A bullet point list follows which provides details of the Boards recommendations for consideration of the Department:

1. The Board supports continuation of snow-based recreational activities, such as skiing, as well as continued use and ongoing maintenance of existing infrastructure (lifts, lodges and other club buildings, access tracks and roads) of the existing ski field for as long as is viable.
  - This is aligned with the outcomes sought for this place ("More people participate in recreation in conservation parks. Visitors are offered a wide range of experiences, [...], such as ski fields and their related accommodation." (CMS, p.51)
  - Addresses described activity 5.1 + 5.2 + 5.5 + 5.7 (partially)
2. The Board does not support any expansion of the Mount Cheeseman skifield - not into the area considered backcountry of the Craigieburn Range, nor to any other (ski) area in the Craigieburn Range, nor any development to make Tarn Basin more accessible.
  - This aligns with Policy 2.2.9.b. The Board considers any development outside the current ski field's boundary is impacting negatively on the natural values at place.

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<sup>1</sup> Mark, A F (2012). *Above the treeline: A nature guide to alpine New Zealand*, Craig Potton Publishing, Nelson, for example pages 70, 84, 136.

- Tarn Basin having an elevation of 1600-1800m above sea level (asl), snow levels for skiing will not be sufficient for skiing by 2040, if considering current moderate estimates (e.g. Anderson et al. 2021<sup>2</sup> & Macara et al. 2020<sup>3</sup>).
  - Any development into the Tarn Basin will have lasting negative impacts on endemic, and often fragile, biodiversity, particularly scree plants and alpine tarns.
  - Importantly, research has identified (Barclay, 2020) that alpine tarns in the Craigieburn range are home to several rare species and unique ecosystems. Any ski field development into tarn basin would put these unique ecosystems at risk.
  - In addition, as found in Mark (2012)<sup>1</sup>, several relatively rare scree plants make their home in the Craigieburn Range, including on the slopes of Mt Cheesman which is in immediate proximity to Tarn Basin. Had the applicant done an Environmental Impact assessment (EIA), these important conservation values may have been identified.
  - While the Board is opposed to any such expansion, if the Club wished to explore this, then this should be required to be a separate concession application that is subject to public notification and not 'tagged-on' to an application for business-as-usual activities.
  - Addresses described activity 5.10
3. The Board does not support the development of snow making facilities (including water ponds) in the current ski field area.
- This aligns with Policy 2.2.9.c. The Craigieburn Range is, in the context of projected climate warming, at relatively low-elevation and as a result, in a zone that will be highly impacted by it. This means that even current infrastructure is at risk of abandonment with low-snow ski seasons (such as 2020) or with future snowline rise.
  - Indeed it is acknowledged in the application (Section 7.6.3) that no suitable terrain exists for such a facility, indicating that extensive terrain modification would be required in order to create a water storage pond and/or drill a bore to obtain adequate water for such a venture. Such a major modification cannot be 'tagged-on' to a concession for operation of a club skifield as 'business-as-usual'.
  - Addresses described activity 5.8
4. The Board supports continued maintenance of the ice skate rink and ancillary structures near Forest Lodge as-is. But it questions the viability of the future of this asset considering the warmer winter temperatures due to climate change. Given that this facility is at much lower elevation than the ski field.
- Addresses described activity 5.6 (partially)
5. The Board supports the development of a written, joint agreement between the applicant and the Department re responsibility for the access road, its maintenance, development of a framework detailing the need for road closures, as well as any work required to ensure the road is safely accessible throughout the year.
- Addresses described activity 5.3 + 5.4

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<sup>2</sup> Anderson, B, Mackintosh, AN, Dadic, R, Oerlemans, J, Zammit, C, Doughty, A. (2021). Modelled response of debris-covered and lake-calving glaciers to climate change, Kā Tiritiri o te Moana/Southern Alps, New Zealand. *Global and Planetary Change*, 205(103593): 1-15.

<sup>3</sup> Macara, G, Woolley, J-M, Pearce, P, Sanjay, W, Zammit, C, Sood, A, Stephens, S. (2020). *Climate Change Projections for the Canterbury Region*, Report prepared for Environment Canterbury, National Institute of Water & Atmospheric Research Ltd (NIWA), 2019339WN, Wellington, pp 156.



6. The Board does not support any additional (new) building structures on site but supports ongoing maintenance and improvements to existing structures. This includes support for renewal of the learner platter and replacement of existing t-bars with chairlifts. Importantly, any upgrade to infrastructure must stay within the current infrastructure's existing footprint and it must be ensured that all obsolete building materials and structures are removed from the mountain. This club has had a documented issue with 'legacy rubbish'; old building materials, machinery left in piles around the skifield that have not been removed in a timely fashion. Any maintenance or upgrade should only be permitted with a guarantee from the club that the old/obsolete structures and material will be completely removed from the site.  
➤ Addresses described activity 5.7 (partially) + 5.9 + 7.5.2 + 7.5.3
7. The Board supports the maintenance and upgrading of existing power supply communication lines where this can be achieved alongside the current access road or existing ski field tracks. The Board encourages the Department to ensure such developments are aligned with the current access road to minimise any impacts on native biodiversity and/or geology.  
➤ Addresses described activity 5.11 + 5.12
8. The Board supports the utilisation and maintenance and/or upgrade of currently existing infrastructure for summer use.  
➤ Addresses described activity 5.13
9. The Board supports some improvements and maintenance of access tracks to ensure safe usage of these existing facilities and to improve skier flow and safety. However, the Board does not support the development of a terrain park and provision of half pipes, or any modification of the terrain in the ski field area. It is the Board's view that for more extensive earthworks, as would be required for the latter, would need to be considered in a separate application which was accompanied by an Environmental Assessment of the area proposed for significant modification.  
➤ Addresses a point that is not listed in Chapter 5 - "Description of the activity"  
➤ 7.3 + 7.5.
10. The Board considers an independently developed Environmental Impact Assessment and a report on the cultural significance of the area are necessary building blocks for this application yet are not available. The Board suggests that DOC:
  - Require an Environmental Impact Assessment be prepared by an independent consultant with experience in assessing flora, fauna, geology and climate change impacts in the Canterbury foothills and sub-alpine ranges to supplement the current application to ensure the impact of current and the proposed activities are fully understood and any impacts on natural, cultural or heritage values at place can be avoided, or (if necessary) be suitably mitigated.  
It is apparent that such an EIA needs to consider differences of summer- and winter-time operations.
  - Request a cultural significance report be developed by suitable experts to highlight the relevance of the area, taonga species which reside (even temporarily) in the area, any impacts current and proposed activities have on the area and to provide clear expectations for future operation that are aligned with cultural needs.

The following items are of significance to the Board, and we suggest that DOC:

- Publicly notify this application and actively seek input from impacted stakeholders.
- Ensure that the applicant is consulting with/has consulted with tangata whenua (as well as Te Runanga o Ngai Tahu).

- Section 2.2. of the CMS (p. 45) recognises the importance of the Craigieburn and Torlesse Ranges as traditional mahinga kai gathering sites.
- Consider a significantly shorter concession timeframe. The Board suggests a 20-year term. Even though this will impact on the applicant's need for consistency and future planning, the Board considers climate change impacts to be impacting on viability of the ski field within this time frame.
- Take a precautionary approach to any proposed development and terrain modification of this concession - as indicated in section 2.2. of the CMS.
- Understand that the CMS is highlighting that operation of small or non-commercial ski fields is highly fragile in the light of climate change and associated global warming, and that some fields may not survive or only operate infrequently and only when (snow) conditions permit.
- Request that maintenance work on building infrastructure ensures that environmental impacts of these are minimized through means such as sewage systems and thermal insulation be installed (and used!) or upgraded<sup>4</sup>.
- Request that waste and rubbish removal is immediate, and no such materials are stockpiled on site for extended periods of time. The Board considers obsolete building materials, trailers, parts of ski tows, etc. to be "waste". The Board is aware that piles of such materials are currently on-site for lengthy periods of time.
- Similarly, the Board considers that the applicant should be required to collect and dispose of any waste exposed after snowmelt.
- The operating costs of ski fields are enormous and may not be viable for a long time. With the past 2 ski seasons not having provided sufficient snow for sustained operations of the ski field - and hence associated income loss to the club, the Board sees it as extremely imperative that any concession contains conditions that require the applicant to "have an envelope" for remediation of the occupied area for when operations cease.
- Take an approach like Caroline Hut, instead of issuing a lease and exclusive use concession.

**Comment:**

The Application does include discussion of future activities as mentioned by the Board. The Department has confirmed to the Applicant though that as there is no detail or adequate assessment of effects for future activities, a variation will be required to obtain approval to future activities. The Department notes the Board's support for existing activities and recommends they continue and also supports ongoing maintenance and improvements to existing structures subject to removal of "legacy rubbish". A condition is recommended that requires removal of all obsolete machinery and other materials prior to commencement of the lease/licence concession activity.

As the application is for a lease the legislation requires that any intention to grant be publicly notified. In the event such a decision is made, public notification will commence.

A condition is recommended for the easement concession that addresses who maintains the access road throughout the year and to what standards. In the event of a major slip or other natural event that affects the access road, a condition is recommended that requires both parties to discuss options for a way forward. In the event there is no written confirmation of a commitment by either party to repair the road to make it usable for safe access within 3 months



of the natural event occurring, the Grantor has the discretion to terminate the easement concession.

It is not considered necessary to require the commissioning of an Environmental Impact Assessment by an independent consultant. Future activities mentioned in the application are not being considered due to lack of detail. In terms of effects from current activities at the skifield it is considered that the effects of the ski field operation are considered to be adequately managed by the recommended special conditions.

In terms of cultural significance of the skifield area the Canterbury (Waitaha) Conservation Management Strategy states that the Craigieburn and Torlesse ranges were well-used mahinga kai for Kaiapoi Ngāi Tahu. Taonga species present in the wider area include kea, and may include mountain daisy and silver tussock alpine vegetation. A condition is recommended to protect kea on the skifield. The Applicant supports the removal of wild pine and other non-native vegetation and conditions are recommended to address introduction and management of weeds and pests and removal of exotic vegetation. These conditions will mitigate loss of indigenous species. The Department's records do not show any archaeological sites located at the skifield and the nearest site (ruin/midden shell dump) is at Castle Hill Village 7 kilometres away. Mana whenua Ngai Tūāhuriri were engaged on the application and did not provide any comment. As only existing activities are applied for it is not considered that a cultural report is necessary.

In terms of potential permanent closure of the skifield due to climate change a condition recommends that all infrastructure be removed and the land reinstated to the same or better condition it was before any approved works within a specified timeframe. A bond policy or similar mechanism for ski field infrastructure removal is yet to be developed by the Department but may occur during the term of this concession. A condition is therefore recommended that allows the Department to add conditions to the lease such as a bond or other mechanism in the future should such a policy be developed and it is deemed necessary.

#### **Section 4: Giving effect to the Principles of The Treaty of Waitangi - Ngā mātāpono Tiriti**

Four principles have been identified as most relevant to the work of Te Papa Atawhai: Partnership, Informed Decision-Making, Active Protection, and Redress and Reconciliation.

Partnership - Mutual good faith and reasonableness has been undertaken by both the crown and our treaty partners through open communication and consultation on the application in question. Feedback has been sought and a follow up made but no response was forthcoming.

Informed decision making - Both the crown and iwi have been provided with sufficient information and time to make a well-informed decision on the application. Such efforts have included the provision of reasonable time for feedback and ensuring that iwi had an easily interpretable summary of the proposed activity. Treaty Partner Taumutu requested two extensions to provide comment. One extension was given. The second extension request was not granted as it is considered important to progress the processing of the application. Taumutu will also have the opportunity to make a submission on the public notification of the decision in principle, and will be given notice of when public notification is to occur.

Active Protection - The Crown has actively protected Māori interests through undertaking consultation which enables the Department to consider varying perspectives and make a well-

informed decision on the proposed activity. Conditions are also recommended to protect Māori interests such as conditions that address pest control, cultural interpretation, and prohibiting additional mountain bike tracks.

Redress and reconciliation – Redress and reconciliation will be taken into consideration with iwi informed of the final decision and the reasoning behind it. Further discussions will be held if issues emerge or questions emerge from our treaty partners before, during, or after the operation.

## **Statutory Analysis: Notified Concession under Part 3B of the Conservation Act 1987**

### **Darcy Liddell, Permissions Advisor**

Note: Future developments mentioned in the application are not assessed in this report as they are not activities currently sought (see section 4 above).

#### **S17S: Contents of application**

To be complete (s17S(1)), an application for a concession must include:

- A description of the proposed activity;
- A description of the locations for the proposed activity;
- A description of the potential effects of the proposed activity and proposed action to avoid, remedy, or mitigate adverse effects;
- The proposed term and reasons for that term;
- Relevant information about the application (as requested in the application form).

#### **Criteria for decision:**

- Does the application include all the required information as per s17S?

Yes, all the above components have been included in the Application

#### **S17T: Process for complete application**

The intention to grant a concession must be publicly notified if it meets any of the following criteria:

- The concession type is a lease – this is for exclusive use of public conservation land;
- The term of the concession exceeds ten years (unless it is an easement – an easement may be granted for a term exceeding ten years without public notification);
- The effects of the activity mean it is appropriate to do so.

#### **Criteria for decision:**

- Is public notification required?

Yes

#### **Discussion:**

The application is for a lease and licence which has a high public interest and so public notification is required.



### **S17U(1) and (2): Analysis of effects**

#### **Criteria for decision:**

- Is the activity consistent with s17U(1) and (2) of the Conservation Act?

Yes

#### **Discussion:**

##### **The Applicant's Assessment of Effects:**

In terms of positive effects, the Applicant considers recreational and training opportunities for other users are enhanced by the ski area activities, as the field provides access to back country areas for summer and winter recreation. In addition, the Club offers snow safety courses and the use of Club facilities for these.

The Club advises, due to the long-established use of the land for a ski field, that many of the associated adverse environmental effects are already established. There are no known adverse effects on the cultural values of tangata whenua, and no cultural issues have been raised. The Club considers adverse effects are somewhat minimised by the field's modest accommodation and services and the Club's promotion of environmentally responsible activities. Potential risks to the natural environment from ski field operations are avoided, remedied or mitigated as follows.

##### *Access tracks*

The Club acknowledges that access track maintenance (for use by skiers and machinery) has ongoing potential for substantial adverse effects on conservation values. To minimise these effects, track clearing (to clear debris) is undertaken, where possible, in early spring rather than summer to allow vegetation regeneration while there is still good soil moisture.

Club machinery drives only on established tracks to limit disturbance, and where possible, slopes of tracks are battered to limit erosion. Vegetation is retained as far as practicable to limit erosion and to maintain the visual amenity values associated with the natural landscape.

##### *Other*

- Visual amenity values, particularly from SH73, are maintained as much as possible through the use of neutral paint colours for structures.
- Explosives for avalanche control and hazardous substances are stored in approved storage facilities with warning signage where appropriate.
- Public access, safety and education
  - Ski area staff are trained to industry standards
  - Signage is in place to warn the public of dangers
- Environment
  - The Club undertakes active removal of wilding pines and other non-native species
  - Actively supports natural revegetation
  - Feeding of kea is actively discouraged
  - Possum and wasp control undertaken
  - Rubbish is separated, recycled and removed off-site and organic waste is removed weekly to avoid attracting vermin and kea
  - Effluent and waste-water are contained within approved septic tanks and removed off-site by certified operators.

#### Department's Assessment of Effects

Alpine ski areas require additions to the landscape and terrain modification to facilitate the activity. Their impact on the ecology and visual amenity of the land is higher than most other commercial recreation activities conducted on public conservation land ("the land") but these effects are generally recognised as being consistent and acceptable in terms of a ski field operation. It is recognised that the ski-field is an existing activity and as such there are existing effects on the land. The buildings and other infrastructure are already in place and no new structures are proposed, and there are not expected to be any additional effects from the continued use of the existing infrastructure. The assessment of effects therefore covers the on-going use of the site and any new activities.

Adverse effects can result from activities such as improper use and storage of machinery and hazardous substances, construction and maintenance, and improper disposal of waste. The effects of the ski field operation are considered to be adequately managed by the special conditions recommended in section 7 and by the standard terms and conditions of the concession contract. The Department recognises the positive recreational benefits ski areas provide to users of the land.

#### *Environmental effects*

While the Club already undertakes some ecological mitigation/restoration in the form of weed and pest control, the District Office considers there is potential for more weed and wilding conifer control to be undertaken, particularly around the ice-skating pond and along the access road. As with other ski fields along the Craigieburn Range, the Department will require wilding conifers growing on the land to be removed. A condition is recommended in this regard along with a requirement to control possum and wasps.

Any pest control work undertaken must have the appropriate authorisations and must comply with the relevant legislation to avoid environmental harm or hazards to public safety. The Department wishes to continue working with the Club over the potential for ecological restoration work and so a condition is recommended to facilitate the development of restoration programmes.

#### *Public access, safety and education*

Conditions are recommended to address public safety such as 'out of zone' ski terrain, not impeding the public conducting their own activity, and eliminating or minimising health and safety risks.

Legislative requirements govern the use and storage of fuels and hazardous substances and conditions of the concession (if granted) will require the Applicant's to comply with these legislative requirements, and any containment and emergency procedures.

If granted, the Applicant will be required to obtain audited safety plans that include avalanche hazard mitigation works, visitor safety and management of road hazards. Membership of Ski Areas Association of New Zealand (SAANZ) which provides self-regulation of the industries activities through the Ski Area Management Safety Strategy (SAMSS) document will also be required. The Department supports the ability of the Club to continue closing the access road as necessary to maintain public safety.

#### *Future developments*

It is considered future developments can be assessed via concession variations but that minor works can be assessed via a more streamlined process. Generally speaking, minor works are repairs and replacement of structures with similar effects on the land whereas future



developments are considered to be new significant structures and land modification. The Department will provide the Applicant a steer on whether a particular proposal is a development or minor works.

#### *Cumulative Effects*

Approval of this concession application will allow the existing ski field occupation of the land to be legally formalised in the long term and to have improved conditions to manage adverse effects. Overall, the granting of a concession to allow continuation of the existing operation of the Mt Cheeseman ski area is not expected to result in any increase in the current level of adverse effects.

#### *Climate Change Considerations*

Given the warming of our planet it is possible that the operation of the skifield could be rendered unviable due to lack of snow in the future or due to some other natural event. In relation to this a slip on the access road in 2022, that was later repaired, has raised the possibility that future slips may occur which may be more difficult/expensive to repair. Condition 33 in section 7 is therefore recommended to address any future slip or other natural event that affects the access road.

In the event the concession is terminated due to lack of snow in the future or due to some other natural event such as a slip on the access road, the removal of all infrastructure and reinstatement of the land needs to be addressed. Condition 34 in section 7 of this report is recommended to address this. A bond policy or other mechanism for infrastructure removal is yet to be developed and so condition 41 is recommended that allows the Department to add conditions to the lease such as a bond or other mechanism in the future should such a policy be developed, and it is deemed necessary.

The activity will use diesel for heating and electricity generator purposes and therefore will emit greenhouse gas emissions that will contribute to climate change and is an adverse effect on New Zealand's natural and historic resources in terms of s17U(1). The activity's contribution to climate change is relevant to the purpose of the Conservation Act, and the Conservation General Policy, in particular Policy 4.6 Ecosystem Services of the CGP (avoiding or otherwise minimising adverse effects on the quality of ecosystem services).

The 2050 target for emissions reductions in the Climate Change Response Act 2002 is also relevant in assessing the application and is consistent with the purpose of the Conservation Act.

Reducing greenhouse gas emissions requires measuring the emissions of the activity, developing and implementing a plan to reduce those emissions, and if appropriate, offsetting those emissions. The Permissions Advisor recommends, if the application is approved, to include special conditions 37-41 enabling the Department to require greenhouse gas emissions data from the applicant during the term of the concession, and to amend the conditions to reflect climate change-related legislation and government or Departmental policy and that those conditions may, amongst other things, require the applicant to measure, manage and reduce the greenhouse gas emissions of the proposal.

#### Monitoring

In accordance with the CMS provisions, regular monitoring of the ski field is required and should occur on a cost recovery basis. Monitoring frequency will be influenced by the proposed works programme for any particular year but is recommended to be undertaken at least annually.

**S17U(3): Purpose for which the land is held**

A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held.

**Criteria for decision:**

- Is the activity not contrary to s17U(3) of the Conservation Act? (That is, consistent with the purpose for which the land is held – although note that ‘not contrary to’ is not as high as a test as ‘consistent with’).

Yes

**Discussion:**

The land under application is held under two sections of the Conservation Act 1987, being conservation area (stewardship area under s25) and conservation park (s.19). The purpose of the Conservation Act 1987 is to manage for conservation purposes, all land, and all other natural and historic resources.

The purpose of Conservation Areas is for the protection of natural and physical resources.

Every conservation park shall so be managed that its natural and historic resources are protected to facilitate public recreation and enjoyment.

A ski field is not contrary to the purposes for which the land is held as it provides for public recreation and enjoyment and adverse effects will be avoided remedied or mitigated as shown in the effects section above.

It is considered that the proposed activity is consistent with the purpose for which the land is held.

**Consistency with all relevant statutory planning documents including the Conservation General Policy**

**Darcy Liddell, Permissions Advisor**

**Criteria for decision:**

- Is the activity consistent with all relevant statutory planning documents including the relevant General Policy/Policies?

Yes

**Discussion:**

**The Canterbury Conservation Management Strategy 2016**

Part One

Section 1.5.1 Natural Heritage, Objective 1.5.1.1 emphasises a) priority ecosystem units, b) supporting the work of others to maintain & restore ecosystem types selected from Appendix 2, and e) conserving significant...landscapes including those listed in Appendix 9. Appendix 9 lists the “Waimakariri Basin” as one of the Outstanding Natural Features and Landscapes (ONF&L) as identified in the Canterbury Regional Landscape Study; this area includes the Craigieburn Range.

Section 1.5 – Canterbury by 2026:

Section 1.5.3.12 - Encourage recreational opportunities on public conservation lands and waters, especially within the extensive conservation parks and conservation areas of Canterbury, that are consistent with outcomes for a Place.

Part Two

Section 2.2 Southern Conservation Parks Place

Outcome - More people participate in recreation in conservation parks. Visitors are offered a wide range of experiences including intensive use

General Comment:

In terms of maintaining and restoring ecosystem types and conserving significant landscapes the application demonstrates both past and future actions and intentions to maintain and restore vegetation where disturbed by earthworks. Any significant earthworks will only be associated with what is termed “future developments” and will require a variation to this concession, if granted. Similarly, any other proposed development involving impact on landscape or vegetation will require a variation to the concession.

As a ski area Mount Cheeseman is in accordance with the outcome of providing a wide range of recreational activities in intensive use areas to the public. The ski field also provides accommodation available to the public which is also a place outcome. The Applicant also encourages non-skier and/or non-ski season visitor use of the ski field, and visitor use beyond the ski field such as walking but leaves this to other operators to organise. It is noted that the Concessionaire provides access to the field and facilities to cater for a range of activities and they mention that the ski area provides ideal recreation opportunities for mountain bikers. It is recommended that the Applicant be made aware of the Department’s



areas such as ski fields and their related accommodation. Four ski fields in the Craighburn area provide intensive use recreational experiences for visitors. Mountain biking takes place on the Craighburn ski field roads and managed mountain bike tracks, but down-hill mountain biking does not occur off roads.

Policy 2.2.5 - Down-hill mountain biking should not be permitted other than on formed roads, and the ferrying (shuttling) by vehicles (including aircraft) of mountain bikes to higher altitudes to enable down-hill mountain biking other than on formed roads should not be permitted. There is no definition of formed road but the CMS glossary defines a road as one that is either formed or marked for public use.

Policy 2.2.9 (d)- where practicable, encourage non-skier and/or non-ski season visitor use of the ski field, and visitor use beyond the ski field consistent with outcomes at Place.

#### Section 2.4 High-Country Basins Place – Waimakariri Basin

Policy 2.4.20 - Work with the community, including through the Waimakariri Ecological and Landscape Restoration Alliance and the Waimakariri Ecological and Recreation Committee, on wilding tree management and protection of landscape and biodiversity values.

#### Part Three

Section 3.1.9 - Process authorisations in accordance with the relevant legislation, this CMS and the provisions of the Conservation General Policy 2005 and the General Policy for National Parks 2005.

3.1.11 Should not grant authorisations that are inconsistent with the objectives, outcomes and policies in Parts One, Two and Three.

#### Section 3.25 Ski fields

Policy 3.25.1 - Manage ski fields in accordance with Policy 2.2.9 above.

Policy 3.25.2 - Process all applications for renewals of existing expired authorisations for ski fields as concessions.

stance against Down-hill mountain biking on unformed roads and that they do not encourage this on the ski field. A condition is also recommended that the Concessionaire does not alter or establish new mountain bike tracks on the ski field.

Weed and wild conifer control is required on the ski field and so a condition is recommended to address this.

Future developments will be assessed via variation applications to this concession, if granted.

<p><u>Conservation General Policy</u></p> <p>The CGP has provisions relating to ‘People’s Benefit and Enjoyment’ (Policy 9) and general provisions relating to ‘Activities Requiring Specific Authorisation’ (not covered elsewhere) (Policy 11). Policies 11.1 (a) to (d) will apply as they relate to all activities.</p> <p>Policy 9 ‘Planning and management for people’s benefit and enjoyment’ of the CGP states that careful planning and management is needed to make a range of recreational opportunities available to people, consistent with the statutory purpose for which the place is held, while avoiding any adverse impacts on natural resources and cultural heritage and the experiences of other people.</p> <p>In summary the CGP policies 11.1(a) to (d) state the following: An application for a concession will be consistent with the objectives of the relevant Act, the purpose for which the land is held, and any conservation management strategy or plan, all activities which require a concession should avoid, remedy or mitigate any adverse effects and that the effects would be monitored, and concessionaires and any subsequent contractors, or staff would be responsible for ensuring the safe conduct of their operations.</p>	<p><u>Comment:</u></p> <p>Subject to adherence to the standard and special conditions of the concession it is considered that the proposed activity will not be inconsistent with the CGP.</p>

## 5. Proposed Operating Conditions

### General Special Conditions

#### Concession Activity

1. The Concession Activity is defined as:
  - a) Operation of a 442ha ski area as shown within the licence area on map 1 at Schedule 5 for winter activities including skiing, snowboarding, ski hire, ski tuition, ski touring, avalanche awareness & qualifications courses, on-field accommodation, food & beverage sales (including alcohol) and shuttle bus services to and from the field.
  - b) Maintenance and upgrade of buildings and lift infrastructure as set out in Schedule 4.
  - c) Maintenance and upgrading of existing ski area access tracks
  - d) Provision of day and overnight accommodation at the Forest Lodge and Ski Base Area.

#### In respect to Ngāi Tahu

2. The Concessionaire is requested to consult the relevant Papatipu Rūnanga (See <https://ngaitahu.iwi.nz/te-runanga-o-ngai-tahu/papatipu-runanga>) if they wish to use Ngāi Tahu cultural information. If the Concessionaire wishes to use the Tōpuni or statutory acknowledgement information contained in schedules 14-108 of the Ngāi Tahu Claims Settlement Act 1998, or any Department produced interpretative material in respect to Ngāi Tahu cultural information, they are requested to notify the relevant Papatipu Rūnanga, as a matter of courtesy.
3. The Concessionaire must, as far as practicable, attend any workshops held by the Department for the purpose of providing information to Concessionaires, which is to include the Ngāi Tahu values associated with Tōpuni areas.
4. The Concessionaire must ensure any persons employed by the Concessionaire are requested to recognize and provide for Ngāi Tahu values in the conduct of their activities.

#### Interpretation Materials and Cultural Values

5. If the Concessionaire intends to undertake any written interpretation materials (panels, brochures etc) that include Māori/iwi values of the area, then this shall be done in partnership with Ngāi Tahu. The Concessionaire shall contact the Papatipu Rūnanga (as set out above) and Te Rūnanga o Ngāi Tahu.





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### **Accidental Discovery Protocol**

6. The Concessionaire must take all reasonable care to avoid any archaeological values on the Land which includes (but is not limited to) historic sites and protected New Zealand objects on the Land. In the event that archaeological sites or other features with heritage values are found during any approved earth disturbance work on the Land:
  - a) Work must cease immediately until further notice and advice must be sought from the Grantor;
  - b) If it is an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014 then Heritage New Zealand must be contacted and their advice also sought;
  - c) If it is an archaeological site relating to Māori activity then the Papatipu Rūnanga must be contacted and their advice sought;
  - d) If it is an artefact as defined by the Protected Objects Act 1975 then the Ministry for Culture and Heritage must be notified within 28 days;
  - e) If it is human remains the New Zealand Police should also be notified;
  - f) In the event of cessation of approved work because of discovery of potential historical artefact or archaeological site the Concessionaire must not recommence work until permitted to do so by the Grantor.

### **Operation of plant, machinery and equipment**

7. The Concessionaire must operate all plant, machinery (including snow tows) and equipment on the Land to required standards, codes of practice and legislative requirements. The Concessionaire shall at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.
8. Plant, machinery and equipment used in conducting the Concession Activity must be maintained at all times to prevent leakage of oil and other contaminants onto the Land.

### **Maintenance work program**

9. The Concessionaire shall meet with the Grantor annually to discuss a yearly maintenance work program for skifield facilities, Forest Lodge, wilding pines and the exotic trees around the ice-skating pond near the Forest Lodge. The Grantor shall provide at least 1 months' notice of such a meeting being held. The Concessionaire shall adhere to the yearly

maintenance work programme, and any other directions of the Grantor regarding maintenance.

### **Fuels, Hazardous Materials, Chemicals and Waste**

10. The Concessionaire must dispose of all waste (including wastewater) at a resource recovery centre, Council landfill or other authorised facility. Waste held on the Land prior to its removal must be stored in a manner so as to ensure it does not become a contaminant or is not blown by wind or present a potential hazard to wildlife, including kea.
11. The Concessionaire must ensure that all vehicles, machinery, and hazardous materials including paints, fuels and other chemicals are stored in a secure enclosed facility onsite, including the provision of any spill clean-up kits used to contain and/or absorb all hazardous substances used in the concession activity.
12. In the event of any hazardous substance spill the Concessionaire must:
  - a. Take all practicable measures to stop the flow of the substances and prevent further contamination onto land or water;
  - b. Immediately contain, collect and remove the hazardous substances and any contaminated material, and dispose of all such material in an appropriate manner/authorised facility;
  - c. Notify the Grantor as soon as practicable;
  - d. Undertake any remedial action to restore any damage to the land; and
  - e. Take all measures to prevent any reoccurrence.

### **Weed and Pest Management**

13. To minimise the introduction of weed species, the Concessionaire must ensure that all machinery, tools and equipment used on the Land is cleaned and weed free prior to being brought onto the Land. Any gravel, other materials and construction material used for any approved works must be sourced from an approved weed free source.
14. The Concessionaire must maintain all creeks, drains, ditches and water courses and keep them clean and clear of weeds and obstructions, while ensuring that fish passage (if relevant) is maintained.
15. The Concessionaire must ensure that the control of weeds and exotic trees is continued to be carried out around the ice-skating pond near the Forest Lodge.
16. The Concessionaire must control wasps and possums on the Land in accordance with an annual pest control programme that must first be approved by the Grantor. The Concessionaire must consult with the Craigieburn Trapping Alliance when preparing the pest control programme.
17. The Concessionaire must comply and ensure its clients comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at - <http://www.biosecurity.govt.nz/cleaning>. The Concessionaire must regularly check this website and update their precautions accordingly.
18. The Concessionaire shall comply with the following regarding Myrtle Rust:

19. The Authority Holder and members of their team shall know the plants that are affected by myrtle rust, and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (*Myrtaceae*) family which includes pohutukawa, manuka, kanuka, and ramarama. See <http://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust>.
20. The Concessionaire and members of their team shall not park vehicles under myrtle species where vehicles can easily be contaminated while undertaking the Authorised Activity.
21. The Concessionaire shall carry large black plastic bags and ties, 2% SteriGENE spray bottle and Isopropanol wipes while undertaking the Authorised Activity on Public Conservation Land where *Myrtaceae* are part of the flora.
22. If the Concessionaire or any members of their team believe they have seen the symptoms of myrtle rust, they are not to touch the plant.
23. Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66.
- a) If possible, take clear photographs, including the whole plant, the whole infected leaf, and a close-up of the spores/affected area of the plant.
  - b) Do not touch or try to collect samples as this may increase the spread of the disease.
  - c) If the Concessionaire or members of their team believe they are in an infected area, all team members must decontaminate with SteriGENE as per below:
    - i. Spray obviously contaminated clothing/hats and then place items in a large plastic bag;
    - ii. Tie and spray the outside of the bag;
    - iii. Mist spray other clothing being worn;
    - iv. Clean and spray all footwear and equipment, including packs, phones, glasses, watches etc.;
    - v. Repeat decontamination steps again at 100m from the infected area and before entering a vehicle.
  - d) The Concessionaire and their team members shall have a hot shower and clean their hair as soon as possible to remove any spores (which may be invisible). Clothing worn while undertaking the Authorised Activity must be washed in a hot wash with detergent.

### **Monitoring and Compliance**

24. The Grantor may recover from the Concessionaire the reasonable costs associated with any site visits to confirm the Concessionaire's compliance with Concession conditions. The Department's charge out rates are \$130.00 per hour plus GST plus \$0.79/km + GST mileage costs.
25. Where the Concessionaire has been required by the Grantor to provide documentary evidence of compliance the Concessionaire must provide such documentation to the Grantor within thirty (30) days of the date of any written notice requesting the documentation, or such timeframe mutually agreed between the Grantor and Concessionaire.



### **Public access, safety and education**

26. The Concessionaire must clearly define, mark and control areas deemed unsafe for the public on the Land, and educate paying visitors about the danger of skiing or going outside these areas.
27. The Concessionaire must take reasonable care to manage any approved works, structures or landscaping on the Land to ensure that users of conservation land are not adversely impeded.
28. The Concessionaire must allow access to members of the public through the Land who are passing through the Land to conduct their own, not-for-profit recreational activities, but without guns and animals.
29. Clause 14.6(d) in Schedule 2 is replaced with the following:
  - a. *The Concessionaire must:*
  - b. *Report to the Grantor all accidents involving serious harm that are reportable to WorkSafe in accordance with the Concessionaire's health and safety plan and applicable legislation;*
  - c. *Provide the report within 3 days of providing a report to WorkSafe;*
  - d. *Provide to the Grantor at the Grantor's request any weekly or monthly reports generated by the Concessionaire and derived from the Concessionaire's accident reporting database.*
30. In order to comply with its obligations under the Health and Safety at Work Act 2015 to eliminate or minimise risks to health and safety so far as is reasonably practicable, the Concessionaire may, when undertaking activities such as slope safety, road safety, snow grooming and avalanche control work, control, limit or restrict public access to the specific area of the Land where the activity is to be carried out for a period not exceeding 2 days.
31. If the particular activity in clause 29 in Schedule 3 will require more than 3 days or if the Concessionaire considers an extension beyond the period of 3 days is necessary, the Concessionaire must advise the Grantor of the time sought and the reasons for it and comply with any directions the Grantor may give concerning the matter.
32. The Concessionaire must be a member of the "Ski Areas Association of New Zealand (SAANZ)".

### **Climate Change Considerations**

33. It is possible that the access road from State Highway 73 to the Mt Cheeseman base area is affected by natural events that render the road unusable for safe access. In the event this occurs the Department of Conservation (DOC) and the Concessionaire must have a discussion within 1 month of the natural event occurring about what options there are for continuing to keep the road open. Neither party is committed to undertaking repairs in this situation, and the parties are required to discuss what options are available. In the event there is no written confirmation of a commitment by either party to repair the road to make it usable for safe access within 3 months of the natural event occurring, the Grantor has the discretion to terminate the lease/licence concession. The Grantor shall give the Concessionaire at least one month's notice of terminating the concession.

34. In the event climate change renders the concession activity unviable and contract termination is the only option, the Concessionaire shall at its cost remove all parts of that building, structure or facility from the land and reinstate the Land to the same or better condition it was before any approved works commenced on the land in the past, to the reasonable satisfaction of the North Canterbury Operations Manager within 2 years of termination of this concession.
35. The Concessionaire acknowledges that the Grantor and the Department of Conservation are reviewing their obligations under the Climate Change Response Act 2002 and developing responses to address greenhouse gas emissions from activities conducted on public conservation land and waters. The reviews are likely to result in policies which seek to measure, manage and reduce greenhouse gas emissions from Concession Activities. The Grantor wishes to signal to the Concessionaire that new concession conditions related to both climate change mitigation and adaptation may be imposed during the life of this Concession to address greenhouse gas emissions associated with the Concession Activity.
36. If the Grantor requests data relating to greenhouse gas emissions associated with the Concession Activity, the Concessionaire must provide any relevant data that is reasonably available to it within 6 months of the Grantor's request.
37. The Grantor may review and amend the conditions of this Concession to reflect climate change-related legislation and government or Departmental policy and those conditions ("Revised Conditions") may, amongst other things, require the Concessionaire to measure, manage and reduce the greenhouse gas emissions of the Concession Activity.
38. Before amending the conditions of this Concession in accordance with clause 4, the Grantor will provide the Concessionaire the draft Revised Conditions. The Concessionaire may provide written comments on those draft Revised Conditions within 60 days. The Grantor must take into account any comments received from the Concessionaire on the Revised Conditions before finalising the Revised Conditions.
39. The Revised Conditions will apply to the Concession Activity 4 months after the Grantor has notified the Concessionaire of the Revised Conditions in accordance with clause 5 or any later date specified in the Revised Conditions.

#### **Obsolete materials**

40. The Concessionaire must remove all obsolete machinery and other materials within the skifield licence and lease areas prior to commencement of the lease/licence concession activity.

#### **Review of Concession Activity**

41. In addition to the express opportunities the Grantor has to review the conditions elsewhere in this Concession, the Grantor may within three (3) months before or after each Concession Fee Review Date, and after consulting with the Concessionaire, delete, amend, vary or add any condition to more effectively manage the Concession Activity and/or its effects. For the avoidance of doubt, such a review may result in the Concessionaire being required to provide a bond, guarantee or surety bond despite none being imposed at the commencement.

## **LEASE SPECIFIC CONDITIONS**

### **Structures and facilities**

42. The Concessionaire must (at its cost) operate, maintain and repair buildings, equipment sheds, utility huts, lift infrastructure, fuel containment, septic tanks, pumps and other similar devices and apparatus on the Land to required standards, codes of practice and legislative requirements. The Concessionaire must at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.

### **Maintenance**

43. The Concessionaire is authorised to perform the following maintenance work under this Concession on the Land:
- a) Ongoing interior maintenance and modification of any building;
  - b) The exterior maintenance of any building, stationary plant item or structure on the Land where such maintenance does not alter the external appearance of that building or structure, and where consent from the Grantor is not otherwise required under this Concession.

## **LICENCE SPECIFIC CONDITIONS**

### **Main ski field area (skiable terrain)**

44. The Concessionaire must (at its cost) operate and maintain the main ski field area (skiable terrain) on the Land to required standards, codes of practice and legislative requirements. The Concessionaire must at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.

### **Snow-making and grooming**

45. The Concessionaire is permitted to use Snomax® for snow-making purposes and may undertake snow grooming activities, provided that this causes minimal adverse effects to natural values on the Land.

### **Use of explosives**

46. The Concessionaire may use explosives for the purposes of operational snow area safety management.
47. The explosives magazine must have the required certifications/authorisations under the hazardous substance legislation and must be in a location approved by the Grantor.
48. The Concessionaire shall only use explosives for approved terrain modification activities on written approval from the Grantor, which may be subject to conditions.
49. The Concessionaire's safety plan must address risks associated with all explosives activities and include means to avoid, remedy or minimise adverse effects. The Concessionaire must ensure that explosive charges are placed so there is minimal potential for adverse effects to be caused to natural features and wildlife present on the Land.



## General

50. With respect to kea the Concessionaire shall;

- a. Replace lead on existing buildings wherever possible and shall not introduce lead products to the Land;
- b. Ensure kea proof materials are used in building construction e.g. no exposed rubber, soft plastics, and other similarly vulnerable materials. If the use of these materials is unavoidable, materials are to be rendered kea tamper-proof;
- c. Ensure a kea-safe policy is followed during any building or renovation i.e. no rubbish to be left around, site to be clear of any rubbish dumps and all surplus or waste materials to be removed each day or placed in kea-proof storage;
- d. Ensure all skifield fixtures, fittings, wiring, safety features and equipment are kea proof e.g., safety pads around tow towers are made of kea resistant material, Skidoo vinyl seats are replaced/covered with robust material, no exposed wiring, all early warning systems wiring or sensors are secured in conduit or protective cases, etc;
- e. Discourage visitors from feeding kea including the display of signage advising the public not to feed kea or leave food or other kea attractants around.

51. The Concessionaire must not attempt to restrain or interfere with the right of the public, including school groups, to enter and remain on the Land, provided that they conduct themselves in an orderly manner and do not attempt to avail themselves of the privileges of a paying client without the payment of the Concessionaire's application charge.

52. Firearms and dogs (with the exception of guide dogs and avalanche rescue dogs) are prohibited without the approval of the Grantor.

53. The Concessionaire and Grantor acknowledge that the list of improvements attached as "Improvements Schedule" are situated on the Land.

54. No new mountain bike tracks or alteration of existing ski field tracks shall occur unless approved via a new concession.

55. The Concessionaire and its agents must take reasonable and proper care not to damage any property of the Grantor or other authorised Concessionaires. Should any damage occur which is attributable to the actions of the Concessionaire or its agents, the Concessionaire must promptly repair any such damage at its cost.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Term: 30 Years**

It is considered that the term of 30 years provides longterm stability to support continued operation, forward planning and voluntary support. A term of 30 years is also provided for in the legislation under section 17ZC.

**6. Applicant Comments**

**Comments received from Applicant**

The applicant was sent the draft in principle decision support document for the lease/licence and the draft decision support document for the easements for comment on 5 December 2023. Comments were received on 18 April 2023. The applicant’s comments and the Department’s response are outlined below for your consideration.

**Discussion**

Most comments by the Applicant referred to some spelling errors or changes to terminology (i.e replacing tow infrastructure with lift infrastructure), and minor changes requested such as locking the gate when necessary at Forest Lodge for security and public safety reasons. The Club also wanted to know the situation regarding allowing dogs on the skifield (other than rescue dogs). These changes have been agreed and the decision support documents updated accordingly.

The Club did advise though that they did not agree with the proposed concession activity fee stating that they wish to await the outcome of discussions between SAANZ and senior Doc staff regarding consistent activity fees for the ski industry. The proposed fee was [REDACTED] of gross revenue plus GST for 2024, 2025 and 2026 respectively. The Club was then advised by the Department that advice was sought from the DOC representatives on the SAANZ concession working group and the Commercial Team, alongside discussions with Regional Operations, and that following these discussions the Department's position on the proposed concession activity fee for Mt Cheeseman still stands. The Club was also advised that if subsequent discussions with SAANZ leads to a change to the Department's approach to ski field pricing methodology, the Department will undertake an out of cycle fee review to align to the current market and policy rate. The Club was then asked if they wished for the processing of their application to continue given the Department's position. The Club confirmed they wished for the processing of the application to continue and agreed with the concession activity fees on the proviso that the Department perform an out of cycle rent review should there be a change to the Department's approach to ski field pricing Methodology.

A decision on the pricing of Ski Fields was sought from the Minister of Conservation at the end of 2024 as a result of ongoing collaboration with the Ski Area Association of New Zealand (SAANZ). A decision was made and is effective from 1 January 2025 as set out in the Concession Fees section above. The concession fee structure has therefore changed from what was originally proposed and sent to the Applicant for comment.

## 7. Decision Making

### Recommendations

it is considered that the effects of the existing ski field operation are considered to be adequately managed by the recommended special conditions. These cover pest control, restricting mountain bike operations, public access and safety including avalanche hazard mitigation, the use and storage of fuels and hazardous substances, and contingency to account for climate change.

The skifield provides winter recreational activity and encourages summer use of the area through accommodation provision and so is in accordance with the outcome of the Canterbury (Waitaha) Conservation Management Strategy of providing a wide range of recreational activities.

The application to obtain a lease/licence to continue operating the Mt Cheeseman Skifield is considered to be in accordance with the statutory planning documents and legislation and therefore it is recommended that it be approved.

**Decision: Notified Concession under Part 3B of the Conservation Act 1987**

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987:

Agree / ~~Disagree~~

2. Approve in principle the intention to grant a Lease/Licence Concession to Mount Cheeseman Ski Club Incorporated.

Approve / ~~Decline~~

3. Agree that it is considered appropriate to publicly notify the intention to grant the Lease/Licence Concession to Mount Cheeseman Ski Club Incorporated.

Agree / ~~Disagree~~



Signed by Jo Macpherson, Director of Operations Eastern South Island Region  
Pursuant to the delegation dated 9 September 2015

21/4/25

\_\_\_\_\_  
Date

**Decision Maker comments**

I am comfortable to proceed to public notification.

I acknowledge the thoroughness of the Canterbury/Aoraki Conservation Boards thorough feedback to this application, and the effort which went into this. I have considered their comments, along with our section 4 responsibilities, and happy to proceed to public notification.