



**To:** THE HONOURABLE TAMA POTAKA, The Minister of Conservation  
**From:** Connie Norgate, as Delegate of Director-General of Conservation  
**CC:** Stephanie Bowman, Permissions Regulatory Delivery Manager  
Clint Green, Deputy Chair, Tongariro and Taupo Conservation Board  
**Date:** 28 March 2024

## OBJECTION AND SUBMISSION SUMMARY RECOMMENDATION REPORT

### 1.0 APPLICATION DETAILS

**Applicant:** *Pure Tūroa Limited*

**Permission Number:** *109883-SKI*

**Permission Type:** *Concession lease and licence (notified)*

#### **Brief activity description:**

Pure Tūroa Ltd (PTL) have applied to operate the existing Tūroa ski field on Mt Ruapehu, Tongariro National Park. Tūroa ski field was previously operated by Ruapehu Alpine Lifts Ltd (RAL).

The application covers the ski area as previously operated by RAL, except for the Nga Wai Heke chairlift, which will be removed by the Department. There are some minor additions to the activity which include:

- Retail activities for food, beverages, equipment rentals, ski school and sporting accessories;
- Summer use of retail spaces;
- The use of drones and aircraft to support the day-to-day operation of the ski field; and
- Filming for promotional purposes.

The application includes a Draft Indicative Development Plan, which is a requirement of the Tongariro National Park Management Plan. It should be noted that this must be agreed to by the Department, but this can only happen after the granting of the concession.

The application is for a 10-year lease/licence.

### 2.0 PURPOSE

This report is provided pursuant to section 49(2)(d) of the Conservation Act 1987 (CA). It provides you with:

- A summary of all submissions received; and

- Recommendations as to the extent to which the submissions should be allowed or accepted.

This report, and the recommendations and summaries contained, are provided to assist you in forming a view 'before deciding whether or not to proceed with the proposal', pursuant to section 49(2)(e) of the Conservation Act 1987. Where submissions have been recommended as allowed (i.e. they relate to relevant matters for your consideration), I have made recommendations, to the extent I am able to, on the extent to which I consider they should be accepted. The Decision Support Document will include more substantive commentary on the merits of those submissions that I recommend should be allowed.

I note that any recommendation, as the Director General's delegate, that I make to you in no way fetters your discretion in considering all the relevant issues of this application.

I also note that engagement with Treaty partners (and PTL) has continued following the hearing. These processes may raise new concerns or mitigations measures and will be addresses in the Decision Support Document.

### 3.0 BACKGROUND

The application was received on 7 December 2023 and publicly notified on 20 December 2023 in the newspapers listed below and on the Department of Conservation website, with the notification period closing on 9 February 2024. The dates between 20 December and 10 January are not considered working days under the Conservation Act 1987. Therefore, the notification period was 20 working days.

The application was advertised in the following newspapers:

- New Zealand Herald (Auckland) – 19th December 2023
- The Post (Wellington) – 19th December 2023
- The Press (Christchurch) – 19th December 2023
- Otago Daily Times (Dunedin) – 19th December 2023
- Ruapehu Bulletin – 20th December 2023
- Taupo Times – 22nd December 2023
- Taupo Turangi Herald 21st December 2023
- Taumarunui Bulletin – 21st December 2023

483 objections and submissions were received. Originally 83 objectors/submitters asked to be heard, although many of these subsequently withdrew as they chose to be heard by proxy as part of the Ruapehu Skifields Stakeholders Association. The hearing panel heard 27 submitters over 4 days.

### 4.0 DETAILS OF HEARING

**Date/Location**

22 and 23 February 2024 – Ohakune

26 and 27 February 2024 - Turangi

**Chair:**

Connie Norgate, Kaihautū Ngā Whenua Rāhui

**Panel members:**

Stephanie Bowman, Permissions Delivery Manager

Clint Green, Deputy Chair Tongariro Taupo Conservation Board

#### Objectors and Submitters that were heard:

- Mike Wiggins and Ben Scarf, Convenors, Ohakune Business Network
- Willie Aitken, [REDACTED] 9(2)(a)
- Mark Armstrong, [REDACTED] 9(2)(a)
- Paul Green, [REDACTED] 9(2)(a)
- Samuel Mayston, [REDACTED] 9(2)(a)
- Pim de Monchy, [REDACTED] 9(2)(a)
- David Seifert, Tūroa Alpine Ski Club Inc
- Karen Grimwade [REDACTED] 9(2)(a)
- Rod McIntyre, [REDACTED] 9(2)(a)
- Jon Sanford, [REDACTED] 9(2)(a)
- Aiden Gilbert, Uenuku Charitable Trust
- Hayden Tūroa, Nick Tūroa, Te Kurataiaha Waikau-Tūroa, Patutokotoko hapu
- Andrew Holroyd, [REDACTED] 9(2)(a)
- Helen Leahy, Michael Morris, Fred Clark, Ngāti Rangī
- David Krebs, [REDACTED] 9(2)(a)
- Roberts Krebs, [REDACTED] 9(2)(a)
- Richard Neeson, [REDACTED] 9(2)(a)
- Warren Furner, [REDACTED] 9(2)(a)
- Sam Clarkson, [REDACTED] 9(2)(a)
- Sam Clarkson and Jason Platt, RSSA
- Roger Boyd, The Liquidation Committee of Ruapehu Alpine Lifts Ltd
- Wayne Grattan, [REDACTED] 9(2)(a)
- Jay Waters, [REDACTED] 9(2)(a)
- Glenn Broadbent (no address supplied)
- Suzienne Slegers, [REDACTED] 9(2)(a)
- Ann Mitcalfe, [REDACTED] 9(2)(a)
- Maxine Ketu, Ngāti Hāua Iwi Trust

**Applicant's representatives:** Greg Hickman and Cam Robertson attended the hearing for half of day 1. Sarah Hunt (Cheal Consultants Limited) attended the hearing on the last day on behalf of the applicant to present the Applicants right of reply.

**Media presence:** Sam Kelway from TVNZ attended on day 1 of the hearing. Other media representatives such as Azaria Howell from Newstalk ZB and Robert Milne from Ruapehu Press attended parts of the hearing virtually.

#### 5.0 SUMMARY OF KEY POINTS FROM OBJECTIONS AND SUBMISSIONS/COMMENTS- BOTH WRITTEN AND AT THE HEARING

483 written objections and submissions/comments were received as part of the public notification phase. Of the 483 submissions, 148 opposed the application, 14 were neutral and 319 supported the application.

A summary of the submissions received is attached to this report as Appendix 1. In the analysis below any direct quotes from submitters have been italicised.

The submissions have been documented below under the following themes:

	Theme	Subtheme
1	Statutory Planning	1a) Tongariro National Park Management Plan and Tongariro/Taupo Conservation Management Strategy 1b) Legislation including National Parks Act 1980 and Conservation Act 1987 1c) World Heritage Status 1d) Concession type
2	Applicant	2a) Change from not-for-profit to commercial 2b) Comments on the applicant 2c) Comments on the applicant's financial status
3	Term	3a) 10-year term b) 3-year review
4	Process	4a) Application - Insufficient information 4b) Timing of notification, hearings and concession process 4c) Separation of ski fields 4d) Ruapehu Alpine Lifts Ltd 4e) Government/MBIE 4f) Make good provisions and contingent liabilities
5	Nature and Effects of Activity	5a) Use of aircraft/drones 5b) Effect of climate change on the ski area 5c) Dark Sky Initiative 5d) Effects outside the lease/licence area boundary 5e) Environmental effects 5f) Human waste 5g) Monitoring 5h) Recreational benefits
6	Treaty Relationships	6a) Pending Treaty Claim Settlement 6b) Existing Treaty Claim Settlement legislation and Deeds of Settlement 6c) S4 of the Conservation Act 1987
7	Future Operations	7a) Infrastructure changes 7b) Transport 7c) Snowmaking
8	Stakeholders	3a) Existing users and Life Pass holders
9	Economic	
10	Miscellaneous	10a) General support 10b) Transport and travel 10c) Concession fee 10d) Comments on iwi/Treaty settlement

## 6.0 SUMMARY OF OBJECTIONS AND SUBMISSIONS/COMMENTS, AND RECOMMENDATIONS

### **[1] Statutory Planning**

#### ***(a) Consistency with the Tongariro National Park Management Plan and Tongariro/Taupo Conservation Management Strategy***

Submissions in support of the proposal noted that it is generally consistent with the Tongariro National Park Management Plan's (TNPMP) objectives and policies. Submitters emphasised the recognition the TNPMP gives to the national importance of the area for skiing, highlighting that the Plan provides for skiing related activities in the Tūroa Amenities Area.

For example:

Liam Buck (submission 440)

*As noted on p35 of the Tongariro National Park Management Plan (2006) Mt Ruapehu is 'nationally important' for skiing as it is the only place in the North Island where lift-serviced alpine snow sports can be provided (notwithstanding a small club field at Taranaki). Given the failure of Ruapehu Alpine Lifts, it is important to ensure that another entity takes over immediately. Snow sports account for about half of all TNP visitors according to the TNPMP.*

*The proposal is within the amenity area of Tūroa Ski Area identified in the TNPMP and is generally consistent with the TNPMP's objectives.*

Submissions in opposition stated that the application is inconsistent with the conservation strategy and management plans without providing further details, expressed concern that the proposal does not "align" with the TNPMP or detailed the aspects they considered to be inconsistent e.g. the preference indicated in the TNPMP for a single concessionaire for both of the Mt Ruapehu ski fields. Several submitters also referenced future works proposed in the Draft Indicative Development Plan and questioned their consistency with the TNPMP.

For example:

Rob Eller - Ruapehu Skifields Stakeholders Association (submission 258)

*The importance of the mountain to everyone is eloquently captured in the Tongariro national park Management Plan where it says, "In New Zealand, national parks are areas of publicly owned land that are preserved in perpetuity for their intrinsic worth and for the benefit, use and enjoyment of the public." The management plan reflect the intent of the National parks Act..... We do not believe that the application for concessions by Pure Tūroa Limited is well aligned with the Management Plan (or Act) just quoted with other earlier and current proposed options being more aligned.*

Submissions also stressed the importance of ensuring that the objectives of the TNPMP are met.

For example:

Scott Cursons (submission 359)

*Adherence to the Tongariro National Park Management plan must be followed. It is a good document and offers a checklist to the complete consideration of the bigger picture and the concession process it. It must be followed.*

A neutral submission noted their desire for the proposal to adhere to the TNPMP objectives, stating that if it does then they support the application.

For example:

Karen Grimwade (submission 78)

*Tongariro National Park Management Plan states in Section 5.2.1 – under Objectives (d): To ensure that the operations of ski areas does not adversely affect the experience of park visitors, the natural landscape and the biophysical environment beyond ski area boundaries. This section really sums up my concerns and if it is adhered to – then I support the application.*

I recommend that submitters' comments regarding the consistency of future operations with the TNPMP are **not allowed** because they are not matters for decision as part of this application. The Draft Indicative Development

Plan is consistent in general terms with the activity applied for but will be further considered by the Department before it is signed off. The detailed proposals that might form part of the Draft Indicative Development Plan, including any future developments on the mountain, will be subject to separate works approval and related processes.

I recommend that all other comments summarised above relating to the consistency of the application with the TNPMP are **allowed** as a relevant consideration under section 17W(1) of the Conservation Act 1987.

The Minister must have regard to the consistency of the Application with the TNPMP, and I recommend that these comments be **accepted** to the extent of being relevant matters for the Minister to consider.

It is my view that the Application is broadly consistent with the relevant sections of the TNPMP. The Tūroa Ski Area is primarily within an identified Amenities zone as identified in the TNPMP and plays an important part of the recreational mix of opportunities in the park attracting 20-30% of all park visitors. A more detailed analysis of the application against the TNPMP will be contained in the Decision Support Document.

### **(b) Consistency with Conservation legislation including the National Parks Act 1980 and Conservation Act 1987**

Submissions in support of the proposal noted the general consistency of the application with relevant legislation. Some submitters made specific reference to section 6(e) of the Conservation Act, highlighting their view that the proposal will “foster” recreation.

For example:

Pim de Moncy and family (submission 61)

*Granting the concession would foster recreation and therefore be consistent with section 6(e) of the Conservation Act, which states: ‘to the extent that the use of any natural or historic resource for recreation or tourism is inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism.’*

Conversely, submissions in opposition were concerned that the activity was inconsistent with the National Parks Act, would restrict public access or made general statements regarding a lack of consistency with “conservation strategy.”

For example:

Daniel Costello (submission 144)

*The application does not meet Part 1 of the National Parks Act under section 4, specifically, “intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand” and “the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation, and other benefits that may be derived from mountains, forests, sounds, seacoasts, lakes, rivers, and other natural features.’*

Jay Waters (submission 454)

*The application is inconsistent with the conservation strategy and management plan.*

I recommend that submitters’ comments about the need for consistency with the legislation are **allowed** as a relevant consideration.

The Minister must have regard to the consistency of the Application with the relevant legislation, and I recommend that these comments be **accepted** to the extent of being relevant matters for the Minister to consider, noting that this is an application in relation to a national park.

In my view the Application is broadly consistent with the purpose of the National Parks Act and relevant considerations under the Conservation Act and it would support the public's continued recreational use and enjoyment of a national park. The Decision Support Document will contain the Departments more detailed analysis of the Application against the relevant legislation.

### **(c) World Heritage Status of Tongariro National Park**

Submitters opposed the application on the basis it would compromise the World Heritage Status of the Park and may risk losing the status entirely.

For example:

Ann-Louise Mitcalfe (submission 476)

*Application content has inadequate environmental research or analysis and no evidence of cultural awareness for operating in a UNESCO dual World Heritage site of global significance.*

I recommend that submitters' comments about World Heritage Status are **allowed** as a relevant consideration under section 17U(3) and section 17W(1) of the Conservation Act 1987.

I recommend that these comments be **accepted** to the extent of being a relevant consideration, but otherwise given limited weight.

It is my view that granting the Application does not compromise the World Heritage Status of the Park, as the ski field infrastructure was present on the mountain when World Heritage Status was conferred in 1993 and the Application is essentially a like for like replacement, which will allow the Applicant to continue existing operations (bar the removal of the Ngā Wai Heke lift). The Decision Support Document will contain a more detailed assessment of the purpose for which the land is held, including its World Heritage Status.

### **(d) Concession type**

Submissions in support, opposition and with a neutral position voiced concern about the issuing of a lease for the operation, querying the need for the change from a licence and the potential impacts a lease may have on public access.

For example:

Murray Wilson (submission 357)

*Concessions have operated for many years successfully without a lease. It seems that this becomes another bureaucratic impediment without any practical application. The aspects of safety should be covered by the day-to-day operations and not by a lease. I do not support the need for a lease when a licence should be satisfactory.*

Karen Grimwade (submission 78)

*I have concerns about the plan to include 'leases' in the concession as this has the potential to impede public access.*

The "exclusivity" created by a lease was of particular concern, due to a belief that lessors do not have to take into account the views of the general public resulting in public alienation from the land and a sense of private ownership. Submitters also questioned whether leases are more complex to administer.

For example:

Paul Green (submission 74)

*A lease on the other hand, provides essentially exclusive ownership rights to land and increases the impacts of development, through a greater area of land being included in the leased area.*

I recommend that submitters' comments regarding the necessity for a lease are **allowed** as a relevant consideration under sections 17U(5) and 17U(6) of the Conservation Act 1987.



The Minister may not grant a lease unless the conditions in s17U(5) and (6) are satisfied; and in particular must be satisfied that exclusive possession is “necessary” for protection of public safety, physical security of the activity, or competent operation of the activity concerned. Over the vast majority of the ski field terrain, the Applicant is only seeking a licence (not a lease). Public access to the ski field generally will not be impeded. The Applicant seeks a lease in relation to the comparatively small areas of land on which its structures and facilities would be located, in order to ensure physical security, competent operation, and public safety.

Accordingly, I recommend that these comments be **accepted** to the extent of being relevant matters for the Minister to consider, but in my view so long as the lease areas are limited to the truly necessary areas, this will not impede public access to the National Park. The exact details of the proposed lease areas will be discussed in more detail in the Decision Support Document.

## **[2] Applicant**

### ***(a) Change from a not-for-profit model to a commercial operation***

Submitters were opposed to the Tūroa ski field being operated by a for-profit company, which they said was a change from RAL’s model, raising concerns about privatisation of the National Park, and the ski field. They also raised concerns that costs to skiers would increase, and the ski field would become too expensive for many users.

For example:

Graeme Wrack (submission 279)

*Privatisation of one ski field is detrimental to the current users and will result in significant price increases. The not-for-profit ownership model worked well for many decades, and with (willing) community investment and new management, it can correct itself and continue to flourish. Rather than a select few profiting from Tūroa – the community should be given the opportunity to invest and enjoy Tūroa in perpetuity.*

I recommend that the submitters’ comments summarised above are **not allowed** as the merits of an alternative ownership model are not a relevant consideration for the Minister under the Conservation Act 1987 / National Parks Act.

### ***(b) Comments on the Applicant***

Submitters opposing the applicant raised concerns that the application relied heavily on RAL’s last application, and that the applicant does not have the required experience to operate the ski field. There were also concerns that the applicant does not respect the maunga’s place in the community or the environment.

For example:

Stephen Prendergast (submission 430)

*The applicant refers (p28) to RAL behaviour as an indication of compliance with policy. RAL is not the applicant and this reliance provides no comfort that the applicant will behave as required. Indeed it further indicates that the applicant has some way to go before it properly digests and understands the responsibilities of the concession.*

Roger Boyd - The Liquidation Committee of Ruapehu Alpine Lifts Ltd (submission 428)

*New Zealand has two major commercial ski operators: NZ Ski and Real NZ. Both had long experience in either the ski industry, or tourism, or both, before entering the ski market. The terrain at Turoa is an order of magnitude greater than anything those companies have to deal with. It requires people with deep experience and expertise in the ski industry. PTL was only formed in 2023. What little has emerged about it suggests the people behind it appear to lack the required experience and expertise.*



Submitters supporting the applicant highlighted their strong local relationships, and that as locals they would support local communities. Others highlighted the applicant's well thought out plan for the ski field, and that they would provide a better solution for investment in the Tūroa field; their perception being that the combined concession formerly held by RAL saw most of the investment go to Whakapapa. There was also support for PTL's commitment to iwi collaboration and recognising the cultural significance of the maunga.

For example:

Hollie Reed (submission 272)

*I support Pure Turoa in their venture to take over operations of Turoa Ski Field. They are the right organisation for the job and I know many agree. It's a special place that can only be run by local people with the right knowledge and Pure Turoa are those people. It is not fair to the people who love Turoa and use it yearly if this doesn't go to plan. Pure Turoa will take care of the maunga and have the locals best interests at heart. I know that if this application is successful the operations of Turoa will advance in new directions and be taken care of well.*

I recommend that the submitters' comments are **allowed** as a relevant consideration under section 17S(f) and section 17U of the Conservation Act 1987.

The Minister must have regard to the ability of the applicant to undertake the activity under section 17S(f) and section 17U, and I recommend that these comments be **accepted** to the extent of being relevant matters for the Minister to consider. The Decision Support Document will contain the Department's assessment of the Applicant's ability to carry out the activity.

### ***(c) Comments on the applicant's financial status***

Submitters supporting the applicant see them as the best option to ensure that Tūroa ski field can continue operating.

For example:

Olivia Stewart (submission 263)

*Tūroa ski field requires effective financial and operational management for a considerable time period. Pure Tūroa Ltd's proposal stands out as the most thorough and practical plan among those submitted for achieving this objective.*

Submitters opposing the applications raised concerns that there was insufficient financial information from the applicant to determine whether the ski field was likely to be successful financially, with some submitters noting that the company is a new concessionaire and has no track record. Submitters were also concerned that if the company fails, the government (in particular the Department) would be required to step in. Some commented on the reliance of the company on the investment by Kanoa as the only way to be financially viable.

Roger Boyd - The Liquidation Committee of Ruapehu Alpine Lifts Ltd (submission 428)

*The supplied financial material is totally inadequate to judge the commercial viability of the PTL proposal. The Committee contains members with many years experience of assessing new business proposals. At the heart of those proposals is always the financial projections. Which generally run to many pages. And the key variables looked at are the assumptions underlying the summary line-items. PTL has supplied no information to credibly enable a financial assessment of its proposal. Nothing at all.*

Ruapehu Skifields Stakeholders Association (submission 258)

*The PTL proposal has redacted the financial forecast and key assumptions. The RSSA cannot make an informed opinion on whether PTL have the financial capacity to fund the ski operations long term and whether their business model is financially sustainable.*

I recommend that the submitters' comments are **allowed** as a relevant consideration under section 17S(f) and section 17U of the Conservation Act 1987.

The Minister must have regard to whether the applicant has supplied sufficient information to determine the applicant's ability to carry out the competent operation of the proposed activity under section 17S(f) and section 17U, and I recommend that these comments be **accepted** to the extent of being relevant matters for the Minister to consider.

On the extent to which these comments are accepted, it is relevant for the Minister to take into account the Applicant's ability (including financial ability) to carry out the proposed activity. As recorded in the Decision Support Document, the Department has considered the financial information submitted by the Applicant and is satisfied that the Applicant is capable of carrying out the proposed activity.

### **[3] Term of Concession**

#### ***(a) 10 year term***

Submitters raised similar concerns regarding the proposed term, whether they were in support of the application or opposed to it. Comments included that a longer term would provide certainty for the operator and users, that it would provide more incentive for investment in the ski area, and more time for return of capital investment.

For example:

Myles Perry (submission 406)

*It will be hard for PTL to adequately fund capital projects without a longer guaranteed pay-back period.*

Some opposing the application saw the short term applied for as a lack of commitment to the operation with the risk of commercial priorities taking precedence over public interest, or a lack of willingness to invest in the ski area. Concerns were raised that a 10-year term would not be sufficient for PTL to execute its infrastructure plans.

For example:

Shaun Galway (Submission 354)

*The short length of the concession sought indicates a clear lack of a long-term commitment to the operation, to the wider area and opens the door for asset stripping and an imbalance between commercial priorities and public interest. Environmentally, the longer the commitment to a place, the more invested a party is in the sustainability of a place. The PTL concession falls short on this front.*

Submitters in support of the 10-year term state that the 10-year term is a reasonable trial period for PTL to deliver on the content of the application.

For example:

Scott Tansley (submission 61)

*Whilst some people will be concerned at the 10-year concession being too short. I believe that it allows Pure Tūroa to be tested, for a trial period to be undertaken. I hope that in that time they will provide themselves to be strong stewards and guardians. I also hope they live up to their vision. If, and only if, they do that they we will support an extension to the concession if it's applied for.*

Although PTL has expressed interest in seeking (in due course) a longer term, PTL has only applied for a 10-year concession. To the extent that submitters are suggesting that you should now grant a longer term than that applied for by PTL, I recommend that those comments are **not allowed**, as that does not form part of the application under consideration.

To the extent that submitters are raising a concern that a 10 year term indicates that PTL will not make adequate investments, or is insufficiently committed, I recommend that those comments are **allowed**.

I recommend that these comments be **accepted** to the extent of being relevant for the Minister to consider, as these comments are potentially relevant to PTL's ability to carry out the proposed activity (s 17S(f)) and compliance with the TNPMP (s17W(1)). The Decision Support Document will describe the background to, and reasons for, the proposed 10-year term.

### **(b) 3-year review**

One submitter raised concerns about the proposed review at year 3 of the concession to assess PTL's performance against iwi expectations, to then allow them to apply for an additional 20-year term, and whether the review would be of sufficient quality.

For example:

Roger Boyd (Liquidation Committee) submission 428

*PTL's timeline includes a review after three years. But this is just a check against a few pre-identified non-operational matters. If the pre-selected benchmarks are met, it's an automatic pass mark. This looks like an avoidance of genuine scrutiny.*

I recommend that the submitters' comments regarding the additional 20 year term are **not allowed** because this appears to be based on a misunderstanding of the application. The proposal for the additional 20-year term was removed from the application and this amendment was shared with the public during the notification process. The application being considered is for 10 years.

I recommend that the submitters' comments regarding the 3-year review are **allowed** and **accepted** to the extent that it will be relevant for the Minister to consider the proposed terms and conditions of the concession, including whether the proposed terms and conditions are sufficient to manage the effects identified under section 17U(1) of the Conservation Act 1987 and obligations under relevant Treaty settlement legislation. The Decision Support Document will contain more information about the proposed 3-year review.

## **[4] Process**

### **(a) Application – Insufficient information**

Submitters in opposition considered that the application lacks sufficient information to enable them to evaluate it or to provide confidence in the viability of the operation. Redactions of applicant's governance and management personnel, and redactions of financial forecasts and key assumptions were noted as concerns. This lack of information was viewed as leaving it unclear whether the business would be financially viable and whether the applicant has sufficient experience and expertise to run the ski field.

For example:

Graeme Wrack (Submission 279)

*Insufficient disclosure of information to assess whether the applicant is financially and professional sound to run Tūroa. My understanding is that they were bought in by the administrators to advise – and then (by having insider knowledge) became the preferred bidders. There has been extremely limited information available regarding Pure Tūroa Ltd, their financial, capacity, and expertise in running this skifield – and why they have been selected over others. This appears underhanded and a conflict of interest.*

Rob Eller -Ruapehu Skifields Stakeholders Association (submission 258)

*The PTL proposal has redacted the names and experience of key governance and management personnel. The RSSA cannot make an informed opinion on whether PTL have the appropriate level of experience to operate a skifield (note earlier concerns regarding slope capacity limitations of proposed tow line model).*

Submitters noted redactions of iwi engagement, suggesting that this gives the impression that consultation was inadequate. Submitters stated that any concession needs to show partnership and/or endorsement from mana whenua.

For example:

Lisa Bamberger (submission 296)

*I agree with all the points made here but this is the most important to me.....Iwi engagement has been completely redacted. I am very unhappy that our natural guardians of the land are not being allowed the last word on how our precious mountain is going to be desecrated for the profit of a very few.*

*I repeat my objection is primarily on grounds that this is a rushed, botched, process. The apparent lack of transparent consultation with Tanaga tawhenua will result in further insult to the maunga's mana.*

Submitters were also critical of the quality (or lack) of information regarding various evidence and assessments. They noted that the application lacks a Cultural Impact Assessment. They also noted that the Assessment of Landscape and Visual Effects, Ecological Assessment, and Economic Assessment provided in the application are those used in the 2014 RAL application, suggesting that it is not acceptable for the Department to assess the application based on information written a decade ago, and that the applicant should be using up-to-date data and commissioning its own reports.

For example:

Patutokotoko (Submission 463)

*Owing to the copy-and-paste plagiarism of previous documents it is noted that some of the knowledge and claims being shared in both the Application and Indicative Plan are quite simply factually incorrect.*

(...)

*If PTL are well aware of the need for a concession application to be made and had at least six months to prepare, does the Department agree with the above PTL statement that it is acceptable to assess this application based on information written a decade ago in 2014?*

Heather Krebs (Submission 378)

*Minimal environmental impact data provided for a concession in a World Heritage national park.*

Sarah Rodgers (submission 391)

*The Ecological Assessment of the Tūroa ski area is dated 2011 and was written for RAL and RAL's IDP, not the applicant's draft IDP. Again, the reason given was 'time constraints'. I don't consider it sufficient that the applicant made an assessment themselves that an update Ecological Assessment wasn't necessary (p27 Application for licence and Lease).*

I recommend that submitters comments about inadequate information be **allowed** as relevant. The Minister should have regard to whether the applicant has supplied sufficient information (s 17S) and, if necessary, may request further information under sections 17SD or 17SE. You may decline the application if you consider the information available is insufficient or inadequate to enable you to assess the effects of the proposed activity, including the effects of any proposed methods to mitigate adverse effects (s 17U(2)).

I recommend that these comments be **accepted** to the extent of being relevant matters for the Minister to consider. The Decision Support Document will include further advice to you on the sufficiency of information.

I recommend that comments regarding the redactions be **not accepted** as any redactions were consistent with redactions under the Official Information Act 1982 such as to protect privacy of natural persons and commercial sensitivities.

### ***(b) Timing of public notification, hearings and concessions process***

Submitters in opposition raised concerns that the “negotiation and consultation” period was too short to allow appropriate consideration of the application by submitters and the Department. They commented that the application process overall had been too fast or “rushed”, noting that previous application timeframes have been four years, and suggesting that the short timeframe has contributed to various problems with the application (e.g. unnecessary use of assumptions) and that this may not lead to the best outcomes for the National Park.

For example:

Steve Tunicliffe (Submission 432)

*Previous concessions negotiations took around four years. The short period of time between the consultation period and opening of the 2024 season means that there cannot be full consideration of important aspects.*

Cornelia Martin-Austin (Submission 304)

*Rushed process not taking into account the special nature/character of the maunga and the need to slow down and get things right.*

Submitters also suggested that the consultation and process was not transparent, and that there was a lack of consultation with affected groups (e.g. users of the mountain).

For example:

Reid Mossman (Submission 355)

*This isn't the way to give an entity a five year lease while there is so much else going on in the public interest with this mountain and this hasn't been consulted on fully and openly, the cards have been held close and tight by Govt Departments – Poorly handled and not in the public interest.*

Submitters raised concerns that appropriate iwi engagement had not been carried out, noting that the timing of the public notification had occurred over the holiday period, and that more broadly iwi had been excluded from the process.

For example:

Aiden Gilbert – Uenuku Charitable Trust (Submission 134)

*The Notification time span for submissions spans December 2023 and January 2024 being the national holiday period when affected iwi parties are not available for internal consultation to develop an effective and informed submission. It is manifest that this period was selected to expedite the procedural demands of public service timetables regarding obedience to the Government's funding cycle with the result that iwi settlement and post settlement procedural needs and timeframes are completely disregarded.*

Submitters in support stated that the consultation requirements had been met, or that they trusted that consultation had been or was being undertaken appropriately.

For example:

Susan Delaney (Submission 278)

*The reason for my strongly supportive submission is based on the view that the concession criteria as stipulated have been met. The applicant has thoroughly addressed the requisite consultation aspects, and these are manifest in the development plan.*

I recommend that submitters' comments regarding the timing of the public notice and hearing process are **not allowed**, as the process was compliant with the notice and hearings provisions in section 49 of the Conservation Act 1987.

To the extent that submitters are concerned that the Department has taken insufficient time to consider the application, the Minister of course needs to be satisfied that he has sufficient information and advice from the Department to make a proper decision. However, in my view, it is not necessarily relevant to compare the length of time spent on this application compared with other applications. I also note this application is for the continued operation of the ski field, but for a much shorter term. The Department has devoted significant resource to considering this application in a shortened time frame. Accordingly, I recommend that submitters' comments regarding the time required for the concession process to be completed are **not allowed**, as the process meets the requirements of the relevant legislation.

Comments from iwi regarding our engagement with them on the concessions process are **allowed and accepted** to the extent that they are relevant to the consideration of a matter which is able to be considered within the legal framework, including section 4 of the Conservation Act 1987 and relevant Treaty settlement legislation. The Decision Support Document will contain detailed analysis of section 4, the Crown's Treaty obligations, and the position of iwi/hapu.

### ***(c) Separation of ski areas***

Submitters (predominantly those who opposed the application) objected to the splitting of the two ski fields, expressing a preference for both Tūroa and Whakapapa to be run by the same operator. Reasons given included that both ski fields were required for the operation to be financially viable due to economies of scale and in case of weather-related closure of one field, as well as for a better user experience (i.e. flexibility to access both fields). Submitters also commented that granting the concession for Tūroa would not provide a "solution" for Whakapapa. Reference was also made to the Commerce Commission decision in 2000 granting authorisation for the skifields to be confined, on the grounds of public benefit.

For example:

Sarah van Munster (Submission 53)

*A lack of synergy between the other snow sports assets on Mt Ruapehu lowers the chance of mitigating partial operational closure across the Maunga – further reducing access for those who have travelled some distance to stay and experience the thrill and majesty of Mt Ruapehu.*

Rob Eller -Ruapehu Skifields Stakeholders Association (submission 258)

*The skiing community wants the skifield operations to be kept together. This provides important benefits including improved financial stability and flexibility of choice for the customer to ski both sides on one pass.*

(...)

*This is also in line with the key recommendations from the Commerce Commission findings when RAL purchased Tūroa in 2000. Specifically, that both ski fields together were substantially stronger.*

A small number of submitters supported the separation of the ski fields as more viable or as benefiting the community.

For example:

Tim Ahie (Submission 330)

*The fact it was run in conjunction with Whakapapa was a major factor in it failing.*

I recommend that submitters' comments regarding the separation of the ski fields are **not allowed** as the Minister must consider the application that has been lodged in accordance with the relevant legislation.

RAL is in receivership and liquidation and is seeking to sell its Tūroa assets to PTL. It is not relevant to the Minister's assessment of PTL's application to consider the hypothetical possibility that RAL simply continues in operation, or that some other purchaser might be found who is willing to purchase both fields.

#### **(d) Ruapehu Alpine Lifts Ltd (RAL)**

Submitters in support of the proposal noted their concerns regarding the RAL model of operation and a perceived lack of investment in the ski field.

For example:

##### Scott Tansley (submission 61)

*The community investment model used by RAL has not been sustainable. For example, there is under investment in safety systems. While there are arguments for a continuation of RAL under a new management structure, I have little confidence in what I have seen.*

Submitters in opposition to the application recommended RAL continue as concession holder while being offered debt forgiveness, stating this is a more appropriate scenario and noting outstanding Treaty claims. They highlighted the expertise and skills they believed RAL possessed and expressed concern at a new concession being offered while RAL still hold the licence for the ski field. Submitters also highlighted the value of the not-for-profit model operated by RAL and advocated for the government to offer more support in light of challenges such as Covid and the difficulty of operating within a national park.

For example:

##### Shaun Galway (submission 354)

*Keeping the existing RAL concession in place provides a safe working relationship while the TNP treaty claims are being negotiated between the Government and various iwi interests over coming years.*

##### Reid Mossman (submission 355)

*I object because RAL could have its dept. forgiven and be restructured in the public interest with full consultation and less expense than this fiasco currently.*

##### Malcom Bates (submission 453)

*I have loved skiing under the Not for Profit model run by RAL for the last 20 years and I was always saddened to see Tūroa almost collapse under earlier 'for profit' models where it was always profit at the expense of people. (...) Here's hoping common sense will prevail and the government department driving this will let (new) RAL rise again to allow the skifields to reinvest their profits into the local communities and skifield infrastructure."*

I recommend that submitters' comments regarding RAL are **not allowed** because the Minister must consider the application that has been lodged in accordance with the relevant legislation. RAL is in liquidation and receivership and is seeking to sell its Tūroa assets. As noted above, it is not relevant to the Minister's assessment of PTL's application to consider the hypothetical possibility that RAL might be able to continue in operation in the longer term.

#### **(e) Government/MBIE**

Submissions referenced the process which has occurred since RAL went into voluntary administration, and subsequent liquidation, including DOC and MBIE's involvement. Submitters expressed concern at the way the



process had been run, including poor consultation with stakeholders, the perceived dominance and lack of transparency by MBIE and a lack of consideration of alternative options. Submitters raised concern over whether DOC had a conflict of interest in the RAL liquidation process. A whole of government holistic approach was sought.

For example:

Richard Berquist (submission 334)

*Those who have being close to the RAL liqutation process have observed MBIE's lack of engagement with the stakeholders, community and iwi. They share a common sense of deep disillusion in the way MBIE have conducted the process and its outcome.*

Melody Krebs (submission 376)

*Conflict of interest by Doc in the Voluntary administration and liquidation process. Eg vote against the DOCA at the watershed meeting in July vetoing 70% support for the DOCA.*

I recommend that submitters' comments regarding MBIE process for assessing commercial bids are **not allowed** as they are not within the scope of the application under consideration, and are not a relevant consideration for the Minister under the Conservation Act / National Parks Act.

#### ***(f) Make good provisions and contingent liabilities***

Submitters who opposed the proposal expressed concern that the 'make good' provisions which were included in the concession held by RAL will not be included in the PTL concession. These required the concessionaire to remove infrastructure should they terminate their concession and withdraw from the ski field. There was particular concern at the cost implications for DOC/the taxpayer and submitters sought clarification on what the cost implications may be and recommended alternative approaches be considered.

Submitters also sought information on DOC and MBIE's contingent and actual liabilities under the proposed arrangement with PTL.

For example:

Mark Armstrong (submission 76)

*PTL does not address, and DOC seems not to have asked, what make good funding for any contingent or actual liabilities PTL has in the event it surrenders its proposed licence. Is the taxpayer back on the hook?*

Rob Eller -Ruapehu Skifields Stakeholders Association (submission 258)

*The RSSA understands that the PTL concession will exclude the make good provisions. This means at the end of PTL ten-year concession, the cost of removing the infrastructure will fall onto DoC, and therefore onto the taxpayer. The RSSA does not think this is appropriate and alternative approaches should be considered to minimise this burden to the taxpayer.*

Submitters also commented on alternative options.

For example:

Rob Eller -Ruapehu Skifields Stakeholder Association (submission 258)

*For instance, a restructured solvent RAL has lengthy concession in place to accumulate capital to put aside to fund the future make good provisions, therefore minimising the future burden on the taxpayer.*

I recommend that the submitters' comments summarised above regarding the 'make good' provisions are **allowed** as a relevant consideration under section 17U(1)(c) and section 17X of the Conservation Act 1987. The Minister must have regard to any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c), and has a broad power to impose conditions under

section 17X. To the extent that the submitters' concern is about the potential burden on the taxpayer if the Crown needs to "make good" the mountain, I note that RAL will not be able to meet its "make good" obligation in any event due to being in liquidation.

I recommend that the Minister **accept** these comments to the extent of being relevant to the Minister's consideration but note that s17U(1)(c) is concerned with measures that are "reasonable and practicable". The background to PTL's application and the make good obligation, will be discussed in the Decision Support Document.

I recommend that submitters' comments that a restructured RAL would be a better option are **not allowed** because the Minister must consider the application that has been lodged in accordance with the relevant legislation. RAL is in liquidation and receivership and is seeking to sell its Tūroa assets. As noted above, it is not relevant to the Minister's assessment of PTL's application to consider the hypothetical possibility that RAL might be able to continue in operation in the longer term.

## **[5] Nature and Effects of Activity**

### ***(a) Use of aircraft and drones***

2 submitters raised concerns with the inclusion of aircraft/drone use in the concession. One was concerned at the potential increase in the level of usage, which would significantly increase the impacts. They request that usage is limited to that provided for by the Tongariro National Park Management Plan

One submission opposed the application as they were concerned that while the applicant indicates drones will be used for safety management, the concession may allow for blanket use of drones for other reasons.

For example:

Patutokotoko (submission 463)

*While we support the usage of drones for the purposes of safety management and maintenance over the length of any given license length, we do not support this application if it also allows the blanket usage of drones for the purposes of developing any communications collateral [sic].*

Patukotokoto suggest that this is managed by using short term or one-off applications for this use of drones.

I recommend that the submitters' comments are **allowed** as a relevant consideration sections 17U(1) and 17ZF Conservation Act 1987. The Minister must have regard to the effects of an activity under s17U(1)(b), and any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c).

I recommend that the comments be **accepted** to the extent of being relevant to the Minister's consideration. The Decision Support Document will include the more detailed assessment and analysis, and proposed mitigation measures.

### ***(b) Effect of Climate change on ski area***

Several submitters who both supported and opposed the application highlighted the effects of climate change, which could potentially change the areas where skiing is possible in the future.

For example:

Willie Aitken (submission 449)

*Note that climate change will potentially render commercial ski areas on Mt Ruapehu economically unviable at some point during this century if the 2,300m elevation remains the upper limit for development, so allowing lift development in the 1,900m – 2,300m zone within the current ski area boundary may be desirable to ensure that popular and rewarding lift-serviced alpine snow sports can continue on the mountain for as long as possible*

Submitters who opposed and supported the application highlighted the impact of ski field operations on the climate change, seeking a more sustainable approach to operations.

For example:

Anne-Louise Mitcalfe (submission 476)

*Where is the planning for the sustainable electricity generation which is required for the increased energy consumption and fossil fuel emissions caused? These sorts of questions raised are just part of why we need a considered, whole-community approach to continue for Ruapehu rather than encourage or grant this short-term application which could be seen as merely profiteering.*

...

*Alternative and sustainable energy sources more appropriate to operating within a National Park and dual World Heritage area need to be incorporated into the application before it should be further considered or granted.*

Rebecca McMaster (submission 311)

- better management of electricity and diesel use with a move to alternative sustainable fuels
- becoming a zero-waste consumable operation

I recommend that the submitters' comments regarding future changes to the ski field operation are **not allowed** because they are not matters for decision as part of this application. Any future developments on the mountain will be subject to a separate works approval process and related processes, including any signed Indicative Development Plan.

I recommend that the submitters' comments regarding the sustainable operation of the ski field are **allowed** as a relevant consideration under sections 17U(1) of the Conservation Act 1987. The Minister must have regard to the effects of an activity under s17U(1)(b), and any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c), and I recommend that the comments be **accepted** to the extent of being relevant to the Minister's consideration.

### **(c) Dark Sky Initiative**

Submitters raised the District Council's agreement to prepare a Dark Sky Strategy for the Ruapehu District

Murray Wilson (submission 357)

*Dark Sky Initiative: Ruapehu District Council agreed to a proposal of mine to prepare a Dark Sky Strategy for the Ruapehu District in 2021. So far it has published information on its website and there is a great opportunity for Pure Tūroa to adopt any practical means to protect our naturally dark night sky when replacing or installing lighting. Using LED lights and controlling the dispersal of upward and sideways light and excessive use would be a good start. There are commercial opportunities for dark sky tours with the Maori cultural significance of the heavens could be included in a summer programme.*

Dark Sky Places are internationally recognised areas where the conservation of the night sky and nocturnal environment are recognised and protected by use of lighting that reduces the visual effect of artificial lighting.

I recommend that submitters' comments are **allowed** as a relevant consideration sections 17U(1) of the Conservation Act 1987. The night sky is part of the natural environment and a matter for consideration .

I recommend that the comments be **accepted** to the extent that the Minister must have regard to the effects of an activity under s17U(1)(b), and any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c).

It is my understanding that the lighting as it stands in the Application does not increase the lighting allowed under the existing concession activities and will not have an adverse impact on the natural or physical resources. Any future changes to the lighting will be subject to a separate works approval process.

#### ***(d) Effects of the activity outside the boundary of the lease/licence areas***

Submitters raised concerns with the effects of the activity damaging sensitive environments outside of the ski area boundary, including the wilderness areas and surrounding water catchments. Specific concerns include the downstream effects of the existing water-take for snowmaking on the Mangawhero stream, and the potential effects of sediment and spills. There are also downstream 'litter' issues that need to be taken into account and mitigated.

For example:

Jay Waters (submission 454)

*Impacts on the neighbouring wilderness zone and surrounding water catchments are not mentioned.*

Mitigation methods suggested by submitters include:

- A full Botanical Survey of the areas impacted; should not be limited to merely the presently known areas of rare plants nor merely to the presently known rare ecological sites such as the Tūroa alpine flushes.
- Requirement for the removal of litter from the "downstream" zones of Tūroa, as well as inside the lease/licence areas.
- Water testing needs to be performed on a more regular basis.
- Updated ecological assessments, development plan documentation, and subsidiary environmental analysis need to be arranged and incorporated by the applicant before the concession application can be further considered.
- Protection of the alpine flush area by extending the protected areas, no discharge of water into the soaks, protection from silt damage, fencing to keep out hares, regular rubbish removal, and no pushing gravel used for grip in the snow off the carpark.

I recommend that the submitters' comments are **allowed** as a relevant consideration sections 17U(1) Conservation Act 1987. The Minister must have regard to the effects of an activity under s17U(1)(b), and any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c). Impacts of the activity on the Whanganui and Whangaehu rivers and their catchments are also relevant to statutory considerations under Te Awa Tupua Act 2017 and the Ngāti Rangī Claims Settlement Act 2019.

I recommend that these comments are **accepted** to the extent of being relevant to the Minister's consideration. Treaty settlement obligations concerning water catchments that start on the mouna, environmental effects and mitigation measures will be further assessed in the Decision Support Document.

### **(e) Environmental effects**

Submitters supporting the application largely saw it as providing assurance that the sustainability and environmental effects would be managed, and that reduction in the overall footprint would give better environmental outcomes.

For example:

Dr Philip Dabrowski (submission 52)

*I strongly support Pure Tūroa's bid for a concession to operate Tūroa skifield. I believe they have demonstrated and provided a robust plan to care for the maunga and the unique environment of the National Park. I support the reduction of structures on the maunga as a way to both protect and minimise the human impact while also increasing the efficiency and sustainability of the ski area.*

Submitters neutral to or opposing the application raised concerns regarding the need for extensive clean-up and removal of rubbish from waterways. Several submitters raised concerns about the storage of fuel on the ski field (mentioning recent spills), and that some of the activities included in the application could reasonably occur outside the National Park (e.g. ski rentals and ski field office).

For example:

Simon Davies (submission 128)

*I believe that for environmental reasons bulk storage of fuel should be minimised or eliminated from the National Park. The submission refers to the sterling work done by the current concession holder to reduce and manage this, but does not go further in reducing or eliminating storage.*

Submitters raised concerns about the negative effects of ski field operations on the Tūroa alpine flush and upper Mangawhero Stream including the impact of sediment, spills, foot traffic/skiers and the location of snow making machinery around the area. Concerns raised included that the application does not address potential environmental effects well enough and the effects of snow making on vegetation, aquatic ecosystems and landscape values.

For example:

Ann-Louise Mitcalfe (submission 463)

*Application pays insufficient regard to the wider responsibilities of operating in fragile alpine environment with rare plants and the alpine flush zone, threatens ecosystems - "The entire ecology of the zones impacted upon by this application are fragile - and exist under a delicate seasonal balance. This is more than rare plants - and the beautiful Tūroa alpine flush zones - it is the entire ecology of this area which becomes threatened by hasty decision making."*

Ngā Waihua o Paerangi Trust (Ngāti Rangi) (submission 329)

*Damage to the alpine flush and the upper reaches of the Mangawhero stream, which also has ecological value. These sensitive ecological areas are being degraded from:*

- a. Water being discharged from the cafeteria*
- b. Inadequate fencing to protect from the public and from hares*
- c. Sediment from Clarry's track, earthworks above the Mangawhero stream, diggers operating on Clarry's track, and removal of grit from the carpark onto the flush.*
- d. Rubbish.*
- e. The possibility of cycle trails on the upper areas of the maunga concerns us and could cause more damage to the alpine flush.*

The protection and restoration/revegetation of native biodiversity was seen as important. The difficulties in establishing alpine vegetation and the need for a nursery were also highlighted. The mention of “limited summer activities” was raised as a concern as there was no description of what these would be – in particular concerns about this including mountain biking and the potential effects on fragile alpine environments.

For example:

Ngā Waihua o Paerangi Trust (Ngāti Rangi) (submission 329)

*Ngāti Rangi would prefer to see no increase in the environmental footprint on our maunga at all. Nevertheless, we acknowledge the economic contribution Ruapehu Alpine Lifts (RAL), and now Pure Tūroa Ltd (PTL) are making to the region, and we are prepared to work towards a resolution, provided sufficient mitigation and safeguards to our maunga and awa are met.*

(...)

*Pure Tūroa state they will revegetate areas they have disturbed. Alpine vegetation is hard to establish on site and often requires a separate nursery to grow it to a stage where it can be replanted.*

Mitigation methods suggested by submitters include:

- A full Botanical Survey, not reliance on historical information.
- Exclusion of alpine flush areas, and more visible markers to mark these areas.
- Water testing needs to be performed on a more regular basis.
- Updated ecological assessments, development plan documentation, and subsidiary environmental analysis need to be arranged and incorporated by the applicant before the concession application can be further considered.
- Assurance from applicant that snowmaking will not use additives such as Snomax.
- Monitoring of vegetation, stream flows and ground temperatures under artificial snow.
- Vegetation monitoring at the start of the concession term, at the 3-year point (for proposed renewal clause of concession) and at the 10-year point, and then every 10 years if the concession is renewed.
- Protection of the alpine flush area by extending the protected areas, no discharge of water into the soaks, protection from silt damage, fencing to keep out hares, regular rubbish removal, and no pushing gravel used for grip in the snow off the carpark.
- Continue with the existing agreement between RAL, Department of Conservation and iwi to remove redundant structures. In order to mitigate the increase in environmental footprint from building new structures, these need to include structures other than those listed by Department of Conservation. Ngāti Rangi have identified redundant structures, including a hut used to store rope, and a plastic broken drain leading from the carpark. This was the topic of an incident report by RAL in December. Ngāti Rangi recommended the plastic drain be removed and drainage replaced by underground culverts. Cultural and environmental monitors will identify further redundant structures for removal.
- Pure Tūroa need to employ at least one cultural monitor and guide, who will report to Ngāti Rangi. These people will uphold and administer tikanga and kawa and monitor for accidental discovery.
- Pure Tūroa need to employ at least one environmental monitor who will report to Ngāti Rangi. Environmental monitors will monitor for rubbish removal, sediment control, protection of the awa and maunga and ensure sensitive ecosystems are protected.
- Pure Tūroa not to lower the carpark, or perform any other work that requires substantial earthworks, or develop new tracks for mountain biking.

- Pure Tūroa not to cover the Mangawhero Stream when constructing a new Clarry's track. Not let our awa be buried by snow unless this is a natural occurrence. This will affect the mouri of the awa and of Te Waiū-o-te-ika.
- Pure Tūroa need to provide more detail on their revegetation plan, including locations of off-site nurseries.

I recommend that the submitters' comments are **allowed** as a relevant consideration under section 17U(1) of the Conservation Act 1987. The Minister must have regard to the effects of an activity under s17U(1)(b), and any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c).

My recommendation is that the comments be **accepted** to the extent of being relevant to the Minister's assessment. Environmental effects and mitigation measures will be assessed in the Decision Support Document.

### **(f) Human waste**

The removal of human waste, and the effects of visitors on the local waste infrastructure was raised by one submitter who was neutral to the application.

#### Ngāti Rangī (submission 329)

*Pure Tūroa plan to continue with the present process of removing waste from the maunga to the Ohakune treatment plant. Proper treatment of human waste is an important component of the Taiao Management Plan. However, the present arrangement is contributing to the wastewater plant becoming overburdened in winter. This is due to both direct and indirect effects of the skifield. Directly because of waste being transported from Tūroa. Indirectly because of the impact from ski tourists staying in Ohakune.*

*Pure Tūroa need to pay a levy to Ruapehu District Council towards upgrading their wastewater system to one that can cope with the winter overload. Although waste is removed from the National Park, and much of the waste is not even generated on the National Park, it is still activity in the National Park that is affecting our awa and the town infrastructure.*

I recommend that the submitters' comments are **allowed** to the extent that they are relevant to the consideration of the effects of the activity under section 17U(1) Conservation Act 1987. Impacts of the activity on the Whanganui and Whangaehu rivers and their catchments are also relevant to statutory considerations under Te Awa Tupua Act 2017 and the Ngāti Rangī Claims Settlement Act 2019.

The Minister must have regard to the effects of an activity under s17U(1)(b), and any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity under 17U(1)(c). My recommendation is that the comments be **accepted** to the extent of being relevant to the Minister's assessment. Treaty settlement obligations, environmental effects and mitigation measures will be assessed in the Decision Support Document.

### **(g) Monitoring**

One submitter opposing the application commented that the 3-year review should be judged against more than "iwi expectations" and should include measurement against criteria set by the Department and an organisation representing mountain users as well as iwi. The reason for this being the judgment criteria would otherwise be too narrow, and "other interested parties appear to be devalued".



I recommend that the submitter's comments are **allowed**, and **accepted** to the extent that it will be relevant for the Minister to consider the proposed terms of the concession, and whether the proposed terms are sufficient to achieve the intended purpose.  
The Decision Support Document will contain more information about the proposed 3-year review.

### ***(h) Recreational benefits***

Submitters supporting the application saw it as fostering recreation, providing entertainment for thousands of visitors and fostering the health benefits of recreation. Others highlighted the importance of the maunga for snow sports both nationally and for the North Island specifically. Access to the National Park, public enjoyment, respect and appreciation of the natural environment and the cultural aspects of the Park were also described as benefits. Other submitters see the ski field as a way of ensuring public safety (e.g. avalanche control/ski patrol), providing services that would otherwise not be available to those choosing to ski in the area.

For example:

Rachel Hall (Submission 251)

*Granting the lease will provide for public enjoyment of the natural and cultural heritage of Mt Ruapehu and provide for recreational opportunities for skiers and the public, including tourists and trampers accessing the national park using the skifield access road and skifield lifts.*

Submitters opposing the application were mainly concerned with the reduction in facilities (e.g. removal of lifts), and this reducing the quality of the skiing available, and opportunities for beginner/ first time users.

For example:

Glenn Broadbent (Submission 456)

*The quality of skiing will reduce significantly with less facilities to enable enjoyment of the mountain and to reach those hard-to-reach places with skiers channelled through narrow gulleys and manmade snow. And a lack of lifts to provide safe exit from the mountain in the event of a single lift failure or poor weather conditions. It is very feasible to see that it will result in people having to walk out in dangerous conditions."*

I recommend that submitters' comments regarding general recreational values are **allowed** as a relevant consideration under sections 17U(1) of the Conservation Act 1987.

I recommend these comments are **accepted** as relating to the ability of the public to use and enjoy the area as defined in the National Parks Act.

I recommend that the submitters' comments regarding the recreational effects of PTL's future proposals as defined in the Draft Indicative Development Plan are **not allowed** as the proposals will be further considered by the Department before the Indicative Development Plan is signed off and are not part of the current application and will be subject to a separate works approval and related processes.

## **[6] Treaty Relationships**

### ***(a) Pending Treaty Claim Settlements***

Submitters raised objections relating to making a decision on the concession application prior to settlement of the Kahui Maunga Claim (by iwi and hapu with interest in the Tongariro National Park).

Submissions were also made more generally relating to ongoing negotiations at various stages with individual iwi and hapu of the surrounding area and how the proposed concessions could impact them.

In terms of the section 4 obligation to give effect to Treaty principles in the administration of the Conservation Act, the principle of redress and reconciliation requires the Crown to be cognisant of the potential impact of a decision on future redress.

The principles of Partnership and Informed Decision Making require the Crown and Māori to act towards each other reasonably and in good faith, and to be well informed of each other's views when navigating a decision-making process.

I recommend that the submitters' comments are **allowed and accepted** to the extent that they are relevant to the consideration of a matter which is able to be considered within the legal framework of the Conservation Act 1987.

I consider that it is relevant the PTL application is for a significantly shortened term than what was granted for the RAL concession. It is my view that the continuation of the activity under such a shortened term gives a greater protection to Treaty partner interests, including the future Park negotiations.

The Decision Support Document will contain detailed analysis of section 4 and the Crown's Treaty settlement obligations.

#### ***(b) Existing Treaty Claim Settlement legislation***

Submissions were received that refer to procedural matters relating to Treaty Settlements and giving effect to the Principles of the Treaty of Waitangi.

There are several mechanisms within existing Treaty Settlement Redress that are relevant to this application and decision, including but not limited to, the Ngāti Rangī Claims Settlement Act 2019, Ngāti Tūwharetoa Claims Settlement Act 2018, and Te Awa Tupua Act 2017.

Submitters objected to the amount of time that iwi and hapu were afforded to participate in the process prior to notification of the application, and the informality of engagement.

I recommend that the submitters' comments are **allowed and accepted** to the extent that they are relevant to the consideration of a matter which is able to be considered within the legal framework of the Conservation Act 1987 and any relevant Treaty settlement obligations. This including the impacts of the activity on the Whanganui and Whangaehu rivers and their catchments, as statutory considerations under Te Awa Tupua Act 2017 and the Ngāti Rangī Claims Settlement Act 2019.

These matters will be analysed in detail in the Decision Support Document.

### **(c) Section 4 of the Conservation Act 1987**

Submitters objected to the amount of time that iwi and hapu were afforded to participate in the process prior to notification of the application, the informality of engagement, and the impact on the maunga and iwi interests.

The principles of Partnership and Informed Decision Making require the Crown and Māori to act towards each other reasonably and in good faith, and to be well informed of each other's views when navigating a decision-making process. The principle of Active protection requires the Crown to actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern.

I recommend that the submitters' comments relating to engagement, consultation and giving effect to the Principles of the Treaty of Waitangi are **allowed** and **accepted** to the extent that they are relevant to the consideration of a matter which is able to be considered within the legal framework of the Conservation Act 1987. The Decision Support Document will contain detailed analysis of section 4, the Crown's Treaty obligations, and the position of iwi/hapu.

### **[7] Future Operations**

#### **(a) Infrastructure changes**

Submissions in opposition objected to the proposed changes to infrastructure, particularly the removal of lifts and reduced skier capacity. They were concerned that this would lead to diminished user experience (increased wait times, more congestion on slopes, fewer options for beginner skiers), cause potential safety issues due to congestion or in case of lift failure, negatively affect economic sustainability, and that reduced capacity would result in increased prices.

Submitters frequently referred to the removal of the Nga Wai Heke chairlift alongside other comments regarding lift removal; the applicant states that they are not applying for the Nga Wai Heke lift, and it will be added to the redundant features list with the intention it will be removed by DOC over the following 3 years.

Submitters also objected on the grounds that changing infrastructure and the associated earthworks would have detrimental environmental effects, e.g. damage to vegetation, sedimentation, and increased foot traffic. Submissions objected to the proposed alterations to access trails, carpark changes, and new buildings, or suggested that new buildings should only be at the foot of the mountain. Submitters also stated more information was needed regarding planned development.

For example:

Glenn Broadbent (Submission 456)

*Removal of lifts and replacement with new facilities in a different location, requiring significant cut and fill within the World Heritage area will have significant effects, altering landforms and tributaries. Carrying out such work will result in significant damage to vegetation that is trying to regenerate and to downstream waterways as sedimentation cannot be controlled even with the use of barriers. Limited lift servicing – overhead access by lifts is best for the environment. Limited lift servicing of lower areas such as removal of Wintergarden lift and the café / storm shelter will result in increased overland traffic that will result in continuing physical damage to the area. Silt, stones and rocks moving, due to increased use of vehicles and ski traffic. Overhead access is best for the environment and necessary to ensure safe evacuation.*

Submissions both in support and neutral commented in support of proposed infrastructure changes, including lift removal and replacements/upgrades. Submitters viewed removal or changes of infrastructure as more environmentally and financially sustainable, as improving user experience, and as aligning with iwi views. Various suggestions were made as to possible lift replacement options. Submitters also commented in favour of proposed changes to other infrastructure, such as field extensions, carparks, and the development of summer infrastructure (e.g. mountain biking).

For example:

Urszula Tansley (submission 60)

*Retirement and removal of legacy infrastructure is to be applauded. The mountain is a beautiful place, and less infrastructure will return the aesthetics. I applaud the central lift access area. This will, hopefully, satisfy and show respect to cultural concerns as well as reducing the impact of infrastructure on the mountain. The proposed snow factory and extension of the base/learner area is also to be applauded. The eventual replacement lifts will provide a safer environment, better access to the mountain. Importantly the investment in the learner area will separate learner and intermediate/advanced skiers and provide a safer environment for all. The improved efficiency and environmental approach to this strategy is respectable.*

Submitters in support of the application also made comments recommending further expansion of facilities and infrastructure higher up the mountain to ensure snow sports remain viable.

For example:

Belinda Meszaros (Submission 381)

*Note that climate change will potentially render commercial ski areas on Mt Ruapehu economically unviable at some point during this century if the 2,300m elevation remains the upper limit for development, so allowing lift development in the 1,900m – 2,300m zone within the current ski area boundary may be desirable to ensure that popular and rewarding lift-serviced alpine snow sports can continue on the maunga for as long as possible.*

I recommend that the submitters' comments are **not allowed** as the proposals for future works are not for decision as part of this application.

The Draft Indicative Development Plan is consistent in general terms with the activity applied for but will be further considered by the Department before it is signed off. The detailed proposals that might form part of the Draft Indicative Development Plan, including any future developments on the mountain, will be subject to a separate works approval and related processes.

### **(b) Transport**

Submitters in opposition objected to the carpark booking system and to proposed fees for the carpark. Concerns were also raised that car park barriers would limit access for public visiting the Tongariro National Park who are not using the applicant's facilities.

For example:

Stephen Prendergast (Submission 430)

*The Application does not address how public access will be maintained or how the above changes will impact public access for those TNP visitors who are not utilising the facilities provided by the applicant. This was raised as an issue at Whakapapa when bookable parking was introduced.*

I recommend that the submitters' comments are **not allowed** as the proposals form part of the Draft Indicative Development Plan and any future developments on the mountain will be subject to a separate works approval and related processes.

### **(c) Snowmaking**

Submitters in opposition commented on the applicant's proposal to increase snowmaking capacity. They noted that RAL's 2019 Draft Tūroa Indicative Development Plan states that "the existing water take from the Mangawhero Catchment and the existing Reservoirs do not provide sufficient capacity for any expansion of the snowmaking system," and noted a lack of information regarding how the applicant plans to increase snowmaking. They stated that this concession pertaining to water take should be publicly notified.

I recommend that the submitters' comments are **not allowed** as the proposals form part of the Draft Indicative Development Plan and any future developments on the mountain will be subject to a separate works approval and related processes.

## **[8] Stakeholders**

### **(a) Existing users and Life Pass holders**

Submitters in opposition raised concern that Life Pass holders were not provided for in the application and that they would be economically disadvantaged if the application is granted. Submitters suggested this added cost would be detrimental both for the skiers and for the ski fields, as the Life Pass model encourages use, especially on marginal weather days.

For example:

Samuel Mayston (Submission 208)

*Not offering any lifeline to current Lifepass holders, who have built the Mountain. These should be honoured and reactivated to continue use.*

Roger Boyd, Liquidation Committee of RAL (Submission 428)

*The PTL proposal offers nothing to Life-Pass Holders. The Liquidation Committee has no intention of sitting idly by while the claims of the biggest creditor class of RAL are extinguished. It should be borne in mind that Life-Pass Holders have been the longest and most reliable source of funding for RAL.*

Conversely, other submitters who stated they were Life Pass holders support the application and have said that the objections of other Life Pass holders should not determine the outcome of the application.

For example:

Susan Delaney (Submission 278)

*I am a Life-pass holder (2019) and have therefore been directly privy to the objections raised by the organisation and groups that have expressed an incrementally subjective opposition to the proposal by PTL. The oppositional voices appear to have been increasingly repetitive of some public assertions made by the more vociferous in the groups, rather than from individuals who have allowed themselves to determine some fundamental facts. I do not see their assertions as objectively founded, nor do I see that they are based on the criteria required to be met for the concession.*

I recommend that comments regarding the contractual rights of RAL's Life Pass holders in relation to PTL are **not allowed**, as 3<sup>rd</sup> party commercial interests are not a relevant matter for the Minister to consider under the Conservation Act 1987 / National Parks Act.

## **[9] Economic Considerations**

Submitters in support described the importance of the Tūroa ski field for the local and regional economy and job opportunities. They considered that the applicant would successfully keep the ski field open and benefit the local economy and community.

For example:

Iain Wilson (Submission 40)

*The local residents and businesses rely on a successful skifield operation at Tūroa to survive. Without some certainty for the future, which Pure Tūroa can provide, the local businesses will not survive and the unemployment in the area will greatly increase. The local economy is reliant on a good skifield operation.*

Submitters in support also recommended the application be approved as soon as possible so the applicant can take steps to ensure the operation is financially viable.

For example:

Iain Wilson (Submission 40)

*The concession needs to be approved, without delay, so Pure Tūroa can initiate a ski pass sales promotion to ensure reliable income for their first year of operation.*

Conversely, submitters opposed the application on the grounds that increased prices and restricted skiing opportunities would reduce accessibility, limit visitors, and have a detrimental effect on the local and regional economy. It was suggested that any concession needs to show active consideration of ongoing accessibility (including socio-economic) to the operation within the National Park.

For example:

Colleen Watts (Submission 137)

*It effectively will make Tūroa an elitist private field as prices will outstrip any family budget. Tūroa was developed for affordable not for profit snow sports. The ongoing effects of the proposed deal is a death bell for Ohakune. No account has been taken of the ongoing effects for Ohakune of down sizing and outpricing visitors.*

I recommend that submitters' comments summarised above relating to economic factors, both in support and opposition, are **not allowed** as these types of economic matters (excepting consideration of economic considerations in an active protection assessment under section 4 context) are not a relevant consideration for the Minister in the context of the National Parks Act and the Conservation Act 1987. (Although economic considerations in an active protection assessment under section 4 context can be considered.)

## **[10] Miscellaneous**

### ***(a) General Support***

A number of submitters stated their general support for the application either without comment or with broad comments about their desire to see the application approved.

For example:

Peter Aagard (submission 49)

*I support the application from Pure Tūroa to be granted the lease and license to operate Tūroa Ski Area on Mount Ruapehu in Tongariro National Park for a period of 10 years including associated aircraft and filming activities.*

Tim Munro (submission 202)

*I believe that the proposal as put forward will be good for the community, Iwi, skiers and environment.*

I recommend that generally stated submitters' comments are **allowed and accepted** under section 17U(1)(a), but that limited weight should be placed on such comments as they do not raise any substantive issues for consideration.

### ***(b) Transport and travel***

Submitters who opposed, supported and were neutral on the proposal commented on the method of transport to the ski field, including a desire for sustainable transport options, the negative environmental impact of travel and the Ohakune Mountain Road.

For example:

Ann Louise Mitcalfe (submission 476)

*Application shows no planning for the negative impacts upon the environment and the community (and our planet!) of encouraging “destination tourism” without the concomitant planning for sustainable transport to, through and at the destination.*

I recommend that submitters’ comments regarding transport and travel outside of the lease and licence area are **not allowed** because they are not within the scope of the application under consideration and therefore are not a relevant consideration for the Minister. Noting, however, the application includes activities to maintain, repair and operate existing carparking facilities for members of the public.

### **(c) Concession Fee**

A submitter commented on the concession fee which they considered appropriate for the applicant to pay, requesting it remain the same as the fee charged to RAL.

Richard Hanson (submission 373)

*I recommend that the proposed concession to Pure Tūroa be no more onerous than the original Concession operated by Ruapehu Alpine Lifts. Any increased cost, obligation or decreased term is a substantial disincentive for the successful operation of the business.*

I recommend that this submitters’ comments regarding the concession fee is **allowed and accepted** in the sense that the Minister will need to consider the appropriate concession fee under section 17Y, but I further recommend that this submission is given very limited weight as it does not relate to any of the matters listed in section 17Y(2).

### **(d) Comments on iwi/Treaty settlement**

Comments below relate to submissions that were not received from our iwi partners.

Submissions in support of the proposal noted their support of partnership and collaboration with iwi but did not believe this should delay the concession process.

For example:

Dennis De Monchy (submission 178)

*While there are reasons to consider delaying the granting of concessions until after Te Tiriti o Waitangi claims have been settled, I believe that the applicant’s growing relationship with Ngāti Rangī and others, combined with the relatively short term sought (compared with the current RAL concession’s 60 years) and the proposal to eventually remove and replace the Ngā Wai Heke, Park Lane, Wintergarden and Giant lifts with one gondola or high capacity chair with a mid-station, plus the fact that the infrastructure will be damaged by ice if not operated each winter, mean granting the concession now and then working with iwi collaboratively is the best approach.*

One submitter supported the application as being in the best interests of Mana Whenua wishes to reduce the infrastructure on the Maunga, also stating that ‘as the iwi entities of Ngāti Rangī and Uenuku continue to build capacity, engagement and understanding of their tools they use to manage the taiao should be employed. Data should be continually provided or available on request early to these groups to allow for early decision making; for example around water leaving the site (contributing to Te Waiū o te Ika) (Megan Younger submission 375).

Submissions that were both neutral and in opposition to the application raised concerns about the poor levels of engagement with iwi through the process, the risk of litigation due to Treaty claims and the potential costs associated with this.



For example:

Nicholas Grove (submission 415)

*Tongariro National Park (TNP) treaty claim(s) may lead to immediate litigation costs. The well publicised interests of other parties (including those under a Treaty claim) in the existing concession and RAL assets mean that should this PTL concession be awarded at this time, there is high risk of conflict and subsequent litigation which will bleed resources which could otherwise be used to enable and ensure equitable access to the assets and the ski field.*

Rob Eller -Ruapehu Skifields Stakeholders Association (submission 258)

*Shifting away from a not-for-profit community based organisation to a private for-profit entity in the midst of Treaty negotiations that encompass the whole mountain, is not only poorly timed but shows a significant lack of respect for the current process and the history behind the creation of Tongariro National Park*

*(...)*

*The RSSA believe that it is highly likely and desirable that Iwi and the skiing community become the owners/guardians of the ski fields and that their ongoing operation should benefit Iwi and all New Zealanders.*

I recommend that comments from submitters (other than iwi/hapu) regarding what is in the iwi interest, and matters under Treaty settlements, are **not allowed**.

The Department's section 4 obligation to give effect the principles of the Treaty of Waitangi and the Crown/Department's obligations under Treaty settlements are a matter to be addressed between the Department and iwi/hapu.

## 8.0 RECOMMENDATIONS

I have made recommendations to you in respect of the extent to which objections and comments should be allowed and submissions accepted.

At the hearing the applicant supplied verbal reply. This can be found in full at [DOC-7585889](#) and is discussed further below.

The applicant provided comment on three themes which are relevant for the Ministers consideration. Additional comments not included below concerned future works (via the Indicative Development Plan) and the commercial benefits of their operation:

### (a) Iwi

*PTL acknowledge the submissions from all iwi groups. Our mission is to ensure a culturally aligned Tūroa and never intended to cause offence. Our goal is to work in conjunction with iwi, and further advance iwi aspirations on the maunga and deliver on our commitments made around the cultural sensitivity of the whenua we propose to operate. PTL have expressed willingness in furthering discussions around the relationship agreements which are currently in place with RAL and look forward to these discussions with iwi partners in the coming months. We will deliver on its commitments by offering sponsorship, work programs, pre employment training, ski and snowboard lessons for Tamariki, and include cultural training for all PTL staff induction programs amongst other initiatives.*

### (b) Licence Term and concession type

*Under the circumstances, a 10-year Concession term was all that was possible to apply for. This is not an ideal timeframe compared with RALs 60-year concession and this has been widely acknowledged by the majority of*

*the submitters. It was also mandated that the licence for any new applicant would be in the form of a Lease/Licence. It is important to note that PTL are operating within the parameters set. All parties involved in the concession process are very aware that certainty around a Concession is required to enable any large capital investment. If granted, we will work closely with DoC and iwi to enable a process that incorporates a stringent review in 3 years, at which stage we then will commence a process to extend the term further.*


**(c) Financial**

*Pure Turoa's financial viability has been thoroughly assessed by Calibre Partners, acting on behalf of MBIE. With a 25% crown shareholding enhancing the company's stability, we are confident in the strength of our application. Furthermore, we are satisfied with the due diligence process that we have undertaken and the advice that we have received around the process to be able to purchase the business and assets of Turoa ski area and be assigned a concession to operate.*

**Panel Recommendations**

The comments provided above give additional context but do not change my recommendations which are as follows:

- (a) That the Decision Maker carry out a comprehensive assessment of the application against all relevant parts of the Tongariro National Park Management Plan, relevant legislation and World Heritage Status based on the variety of matters referred to throughout this Report.
- (b) That the appropriateness of the concession, including the 3-year review, be further assessed.
- (c) That the Applicant 's ability to deliver the concession, including their financial ability, be further assessed.
- (d) That the supporting documentation provided by the applicant is assessed by DOC technical staff to ensure it is of sufficient quality to adequately understand the effects of the activity, and should any deficiencies be found further information is requested.
- (e) That a full assessment on the effects of the activity be carried out and any necessary mitigation measures applied, including with regard to the 'make good' clauses and removal of infrastructure should the concessionaire withdraw from the site.
- (f) That the Department of Conservation is a responsible Treaty Partner and undertakes full engagement with all relevant Treaty Partners to fully understand their views. In addition, the Department of Conservation consider the concerns and mitigations outlined by Treaty Partners.
- (g) That the Decision Maker consider the views outlined by Treaty Partners and assesses the application against section 4 of the Conservation Act and relevant Treaty settlement legislation.

  
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Connie Norgate Kaihautu Nga Whenua Rahui –  
Delegate of the Minister of Conservation as Chair of the Hearing Panel  
Date: 28/3/2024

Recommendation:

1. Note the summary of objections and comments received during the public notification process:

Yes / No

Comments:

2. Note the recommendations as to the extent to which objections should be allowed and submissions should be accepted:

Yes / No

Comments:

3. Note the recommendations on further information to be considered:

Yes / No

Comments:

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Date:

Released under the Official Information Act

Summary of submissions and recommendation on the extent to which they should be allowed

Refer doccm 7413019

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