



Department of Conservation
Te Papa Atawhai

To: Aaron Fleming, Director Operations, Southern South Island, as Delegate of Minister of Conservation

From: Deidre Ewart, Business Support Manager – Planning, Permissions and Land (PPL) and David Griffin, Acting Permissions Manager - Planning, Permissions and Land (PPL) as Delegates of Director General of Conservation

Date: 14 December 2018

Submission Summary Recommendation Report

This report is to the Decision Maker pursuant to section 49(2)(d) of the Conservation Act 1987. It provides a summary of all objections and comments received in response to public notification, and recommendations as to the extent to which they should be allowed or accepted.

Concession Application

Concession Applicant: NZSki Limited

Permission Number: 69588-SKI

The purpose of this report is to provide you with:

- A summary of the objections and comments received
- A recommendation as to the extent to which the objections and comments should be allowed or accepted
- A recommendation for the Minister to consider if further information is required to enable full assessment of the application.

For the purposes of this report, submissions which are ‘allowed’ are submissions which are relevant for you to consider pursuant to the Conservation Act 1987. Allowed submissions are then analysed as to the extent to which they should be ‘accepted’ by the Minister. This requires consideration of:

- Information provided under Part 3B of the Conservation Act 1987, and relevant statutory management planning documents under Conservation legislation; or
- Any new information or a perspective not previously considered.

The implications of allowed and accepted submissions are noted for you 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.

I note any recommendation I, as the Director General’s delegate, make to you in no way fetters your discretion in considering relevant issues. You may have regard to, or choose to disregard recommendations made by me in making your final decision, subject to administrative law principles.

This Hearing recommendation report will form part of, and be embodied in the Decision Support Document (DSD).

1.0 BACKGROUND

Summary of Proposal

The applicant proposes to establish a replacement passenger lift system within the Sugar Basin locality at the Remarkables Ski Area at Rastus Burn Recreation Reserve, Queenstown.

The proposal involves earthworks and indigenous vegetation clearance to build new ski trails, installation of a bottom station/base terminal and utility hut, installation of a top station/top terminal and service hut, towers, lift cables, ski lift chairs, utility services, snow making infrastructure, and removal of the decommissioned Sugar Bowl Chairlift (including rehabilitation of the ground area of the drive stations and tower foundations).

Note: As the installation of the bottom station/base terminal and utility hut will be constructed within an authorised lease area, this part of the proposal will be considered for consent in accordance with provisions contained within this lease. It has been included in this notification to give context to the entire proposal.

Concession Applied for: Lease and Licence and Easement

Lease - top station/terminal and service hut

Licence - new ski trails

Easement - towers, lift cables, ski lift chairs, utility services, snow making infrastructure.

Full details of the proposal are recorded under the following linked documents:

[DOC-5562023](#): Application

[DOC-5598781](#): Further information requested

[DOC-5646571](#): Modified Plan

The application was publicly notified in the following newspapers:

(a) Otago Daily Times and The Southland Times on Wednesday, 7 November 2018; and

(b) Mountain Scene on Thursday, 8 November 2018

The application was also notified on the DOC website.

Public notification ran for 20 working days and closed on Wednesday, 5 December 2018. Submitter's were requested to submit on the Department's submissions comment form template by email or post.

25 submissions were made on the application (19 in support, 1 neutral and 5 opposed). 4 of the submitter's specifically requested to be heard and 21 submitter's did not request to be heard. 4 submitters were confirmed as to be heard at the public Hearing. The written submissions are recorded as [DOC-5647333](#)¹.

¹ Summary of submissions recorded as [DOC-5641447](#)

Table 1

Submission Number	Submitter	Submission Date (Received)
9	Winter Games NZ Charitable Trust (submitted by Sir Eion Edgar, Chairman)	29 November 2018
13	Emeritus Professor Sir Alan Mark	5 December 2018
23	Warren Cooper	5 December 2018
24	Forest and Bird (submitted by Sue Maturin, Regional Manager, Otago Southland)	5 December 2018

2.0 DETAILS OF HEARING

Date: 14 December 2018

Time: 9:00 am to 12:00 pm

Location: Whakatipu-wai-Māori / Queenstown Office, Cavells Building, 1 Arthurs Point, Queenstown

Chair: Deidre Ewart (Business Support Manager, Planning Permissions and Land)

Advisory Panel Members: Brian Rance - Technical Advisor Ecology; Kelvin Brown - Permissions Advisor, Dunedin Service Centre

Attending DOC Staff: Lisa Wheeler - Permissions Advisor, Dunedin Service Centre

Media presence: Allied Press (Otago Daily Times and Mountain Scene) and Stuff (The Southland Times)

Submitters that were heard (in order):

Submitter Order	Submitter	Submission Number
1	Winter Games NZ Charitable Trust (submitted and represented by Sir Eion Edgar, Chairman)	9
2	Emeritus Professor Sir Alan Mark	13
3	Warren Cooper	23
4	Forest and Bird (submitted and represented by Sue Maturin, Regional Manager, Otago Southland)	24

A written record of the oral submissions are recorded as [DOC-5651358](#). The applicant has also supplied a written version of its right of reply from the Hearing, this is included at the end of Hearing Notes for oral submissions, recorded as [DOC-5651358](#).

3.0 ANALYSIS OF SUBMISSIONS

Both the oral and written submissions have been separated into key themes to enable easier assessment. There is an annotated copy of the written submissions (recorded as [DOC-5689055²](#)), and oral submissions (recorded as [DOC-5689057³](#)), identifying the key themes from submitters. For ease of interpretation, reference will be made to the number allocated to the submission when it was submitted.

3.1 The extent to which the submissions be allowed.

A submission can be allowed or accepted or rejected under the tests of the Conservation Act 1987.

Issue 1.1	Information and detail provided in application
	<p>(a) The application lacks some key information:</p> <ul style="list-style-type: none"> (i) not one document that maps and describes all the various development items (ii) a narrative description of the extent of the reduction in impacts and consequent reassessment of the impacts in relation to the lower Sugar Stash trail (iii) a complete vegetation and habitat map of the Rastus Burn Recreation Reserve (iv) a comprehensive ecological survey of the recreation reserve, analysis of the success of current and previous restoration work (v) assessment of current weeds in the Remarkables Recreational Area (Written and oral Submission 24 – points 5, 6, 16f., 16h., 16i., 16j.). <p>Allowed - Under s.17S(a) of the Conservation Act the applicant is required to provide a “<i>description of the proposed activity</i>”. The Minister is to have regard to a submission that the applicant has not provided enough information about the application on public conservation lands and waters, and if necessary, may request information, especially as this information may impact on Matters to be considered by the Minister under s.17U, in particular 17U(1).</p>

² Annotations made on document [DOC-5641447](#)

³ Annotations made on document [DOC-5651358](#)

	<p>(b) Application carefully crafted in consultation with engineering, ecological and conservation experts (Written Submissions 3, 4, 8, 25)</p> <p>Allowed - Under s.17S(a) of the Conservation Act the applicant is required to provide a “<i>description of the proposed activity</i>”. The Minister is to have regard to a submission that enough information has been provided on the proposed activities on public conservation lands and waters. The Minister may request further information considered necessary to enable a decision to be made.</p>
Issue 1.2	Legislation and policy
	<p>(a) Consistent with the use of this area as a recreation reserve (Written Submissions 3, 4, 8).</p> <p>Allowed – for consideration of the purpose for which the land is held pursuant to s.17 of the Reserves Act 1977.</p> <p>(b) s.17S - Fails to adequately describe the application (Written and verbal Submission 24 – points 24-25, 28).</p> <p>Allowed – Every application for a concession must include the information specified in s.17S. The Minister is to have regard to a submission that the application is deficient in information, especially as this information may impact on Matters to be considered by the Minister under s.17U, in particular 17U(1).</p> <p>(c) s.17U(2) – The impacts of changing the topography through the cutting of ski trails and creation of access tracks cannot be adequately remedied or mitigated and the application should be declined (Written and verbal Submission 24 – points 29-30).</p> <p>Allowed – s.17U(2) provides that: “<i>The Minister may decline any application if the Minister considers that - (b) there are no adequate methods or no reasonable methods for remedying avoiding or mitigating the adverse effects of the activity, structure , or facility</i>”. The Minister is to have regard to a submission that there are no adequate methods to remedy or mitigate adverse effects.</p> <p>(d) s.17U(3) – Application is contrary to the Act and the purpose for which the land concerned is held in respect to recreational use and protecting the natural environment (Written and verbal Submission 24 – points 31-32).</p>

	<p>Allowed – Under s.17U(3) the Minister “<i>shall not grant an application for a concession if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held</i>”. The Minister is to have regard to a submission that a proposal is contrary to the Act and purpose for which the land concerned is held.</p> <p>(e) s.17U(4) – Application provides no evidence as to why the chair lift cannot be replaced in the same position. It appears that the proposal is for providing enhanced access to new areas within the Sugar Basin rather than a replacement or extension of the existing structure. Before this consent can be granted the Minister has to be satisfied that the activities cannot reasonably be undertaken on the existing line of the passenger lift and on the existing trails. This would mean that the potential adverse effects would be significantly less and largely avoided (Written and verbal Submission 24 – points 33 & 34).</p> <p>Allowed – Under s.17U(4)⁴ and in particular s.17U(4)(ii) and s.17U(4)(b). The Minister must have regard to a submission that an activity could reasonably use an existing structure or facility, rather than building a new structure or facility.</p> <p>(f) s.17W – Not enough assessment and analysis carried out by the applicant in relation to various sections and policies of the Otago CMS in relation to the Remarkables Ski Area located within the Western Lakes and Mountains Place in the Otago CMS 2016 and recreation use within the Remarkables Hector Area in relation to:</p> <ul style="list-style-type: none"> (i) Remarkables- Hectors (p62-65) (ii) Taking a precautionary approach in terms of new and additional structures and terrain modification
--	--

⁴ **17U Matters to be considered by Minister**

- (4) *The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity—*
- (a) *could reasonably be undertaken in another location that—*
 - (i) *is outside the conservation area to which the application relates; or*
 - (ii) *is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or*
 - (b) *could reasonably use an existing structure or facility or the existing structure or facility without the addition.*

	<p>(iii) Policies on p69-70, 155, in particular policies 2.3.21, 2.3.22 and 3.25.1-3.25.6 (Written and verbal Submission 24 - points 35- 47).</p> <p>Allowed – Under S17W(1) of the Conservation Act, “a concession shall not be granted in that case unless the concession and its granting is consistent with the strategy or plan”. The Minister is to have regard to a submission that the activity is inconsistent with the CMS.</p> <p>(g) s.17X(d) – No mention of payment of compensation for any adverse effects of the activity to compensate for the permanent damage to the landscape and outstanding natural environment – potential compensation options outlined in point 50 (Written and verbal Submission 24 – point 48-50).</p> <p>Allowed – Under s.17X(d) the Minister may impose such conditions as she considers appropriate relating to, or providing for, “the payment of compensation for any adverse effects of the activity on the Crown’s or public interest in the land concerned, unless such compensation has been provided for in the setting of rent.”</p>
Issue 1.3	Amenity values
	<p>(a) Already enough development, infrastructure will be intrusive and further degrade the experience of walking (Written Submission 1).</p> <p>(b) Will allow easier access to the Ridge line + into the Doolans effectively extending the applicants area of activity beyond the Rastus Burn Recreation Reserve (Written Submission 20).</p> <p>(c) The proposed extensions of capacity, length and new trails will lead to further experiences of crowding (road access, parking, on-piste) as perceived by New Zealanders, and should not be exacerbated by commercial use of public land by tourist concessionary activity (Written Submission 20).</p> <p>(d) Need to consider access by road users during construction (Written Submission 12).</p> <p>(e) Commit to maintaining access to other non-skier visitors (Written and verbal Submission 13 – point 2).</p> <p>(f) Walking access to the Doolan’s Saddle which is an important landscape feature (Written and verbal Submission 13 – point 8).</p>

	<p>(g) Investment will ensure better access, while also enhancing the overall experience for mountain users (Written Submission 22).</p> <p>Allowed – The Minister is to have regard to relevant submissions in accordance with the provisions of s17U, in particular s.17U(1)(b) “<i>effects of the activity, structure, or facility</i>”.</p>
Issue 1.4	Effects on landscape values
	<p>(a) Impact on landscape values extremely minimal (Written Submission 3, 4, 8).</p> <p>(b) Visual impacts from the Wakatipu basin will be minimal (Written Submission 5).</p> <p>Allowed – Under s17U(1)(b) when considering the “<i>effects of the activity, structure, or facility</i>”. The Minister is to have regard to submissions regarding the adequacy of the information provided on the landscape values of the activities on public conservation lands and waters. The Minister may request further information.</p> <p>(c) Visual impact will be apparent when viewed from surrounding mountain ranges (Written Submission 2).</p> <p>(d) Overall impact to be considerably more than minor, contrary to Landscape Assessment (Written and verbal Submission 13 – point 2).</p> <p>(e) Proposed activities are substantial and have significant environmental and landscape impacts which cannot be mitigated to the point where they could be described as less than minor (Written and verbal Submission 24 – point 11).</p> <p>Allowed – Under s17U(1)(b) when considering the “<i>effects of the activity, structure, or facility</i>”. The Minister is to have regard to submissions regarding the adequacy of the information provided on the landscape values of the activities on public conservation lands and waters. The Minister may request further information, especially when this information may impact on matters to be considered by the Minister under s.17U(2).</p> <p>(f) Inadequacy of the Patch Landscape assessment – overly narrow; does not adequately address the biophysical, aesthetic values and associative dimensions of the landscape; qualities of the reserve under s.17(1)(c) of Reserves Act 1977; cumulative effects - policy</p>

	<p>2.3.22 of Otago CMS; impact on public use and enjoyment (Written and verbal Submission 24 – points 18-22, Table 2).</p> <p>Allowed – Under s17U(1)(b). The Minister is to have regard to submissions regarding the adequacy of the information provided on the landscape values of the activities on public conservation lands and waters. The Minister may request further information, especially when this information may impact on matters to be considered by the Minister under s.17U(2).</p> <p>Also, under s.17SE(1)(a) <i>“the Minister may, at the applicant’s expense – (a) commission a report or seek advice from any person (including the Director General) on any matters raised in relation to an application”</i>. The Minister is to have regard to submissions regarding the adequacy of the information provided and may request or commission further information.</p> <p>(g) Taken together and despite the proposed mitigations, all of these impacts will significantly degrade the natural environment, landscapes and natural character of the Rastus Burn Recreational Reserve. It is not possible to mitigate the long term and permanent impact of terrain modification and loss of wetland communities (Written and verbal Submission 24 – point 23)</p> <p>Allowed – Under Section 17U(i)(b) the Minister must consider the <i>“effects of the activity, structure, or facility”</i> on public conservation lands and waters. The Minister is to have regard to submissions that the natural environment, landscape and character of the location may be significantly degraded by the proposed activities.</p>
Issue 1.5	Effects on ecological and geological values
	<p>(a) Downgrade of natural environment due to earthworks and indigenous vegetation clearance (Written Submission 2).</p> <p>(b) You cannot rehabilitate an alpine ecosystem back to its original state (Written Submission 2).</p> <p>(c) No further expansion of man-made ski field infrastructure in the alpine ecosystem (Written Submission 2).</p> <p>(d) Erosion problems (Written and verbal Submission 13 – point 2).</p> <p>(e) Protect vulnerable cushionfield vegetation (Written and verbal Submission 13 – point 3).</p> <p>(f) Agree that ecological values of the area to be disturbed are ranked as high while the threatened avifauna are ranked as “very high to moderately high (Written and verbal Submission 13 – point 4).</p>

	<ul style="list-style-type: none"> (g) The proposal to safely transplant certain alpine species are likely to be fraught with difficulty (Written and verbal Submission 13 – point 5). (h) Transplanting of cushionfield vegetation is unlikely to be successful (Written and verbal Submission 13 – point 6). (i) Seedling of locally sourced native species is unlikely to be successful (Written and verbal Submission 13 – point 7). (j) The Sugar Bowl Basin is described as spectacular and significant, ecologically (Written and verbal Submission 13 – point 8). (k) Location of bottom station – negative effects on Rastus Burn stream (Written Submission 20). (l) New trail development massive – lead to excessive loss + effects on biodiversity (Written Submission 20). (m) Proposed activities are substantial and have significant environmental and landscape impacts which cannot be mitigated to the point where they could be described as less than minor (Written and verbal Submission 24 – point 11). (n) Inadequacy of the E3 Scientific ecological assessment with respect to cumulative impacts (as well as direct impacts); cumulative impacts on the outstanding ecological values 2.3.22 of Otago CMS; focus on vegetation rather than invertebrates and reptiles, wildlife; light summary, not comprehensive; (Written and verbal Submission 24 – points 14, 15, 16 (a-j), 17 (including Table 1 – Ecological Effects). (o) Taken together and despite the proposed mitigations all of these impacts will significantly degrade the natural environment, landscapes and natural character of the Rastus Burn Recreational Reserve. It is not possible to mitigate the long term and permanent impact of terrain modification and loss of wetland communities (Written and verbal Submission 24 – point 23). (p) Ecological/environmental impacts should be minimised with respect to new chair lift and removal of existing (Written and verbal Submission 13 – point 1, outcome point 1). (q) Wetland areas to be excluded (Written and verbal Submission 13 – point 3). (r) As long as vegetation etc is re-instated as good or as or better than prior to the work (Written Submission 14). (s) Removal of lower Sugar Stash Trail will reduce the extent of earthworks and vegetation clearance and may avoid passing
--	--

	<p>through significant regional wetlands (Written and verbal Submission 24 – point 6).</p> <ul style="list-style-type: none"> (t) Exhaustive examination of effects, environmental effects minor (Written Submissions 3, 4, 8). (u) Work has been done over many years to mitigate adverse effects (Written Submissions 3, 4, 8). (v) Application carefully crafted in consultation with engineering, ecological and conservation experts (Written Submissions 3, 4, 8, 25). (w) Satisfied that proposed work can be undertaken with care for the alpine environment in both visual and conservation aspects (Written Submission 5). (x) Replanting of tussock and vegetation wherever possible has kept the area well preserved (Written Submission 5). (y) NZSki has a record of taking care and not to inflict permanent damage and visual scarring (Written Submission 5). (z) A balance of conservation + tourist development (on a very small land area) seems fair (Written Submission 19). (aa) The Remarkables Ski field does have a reputation for undertaking successful restoration with tussocks (Written and verbal Submission 24 – point 13). <p>Allowed - The Minister is to have regard to submissions regarding the potential effects of the activity on conservation values.</p>
Issue 1.6	New infrastructure
	<ul style="list-style-type: none"> (a) NZSki should replace existing Sugar Basin lift rather than construct more new manmade structure (Written Submission 2). (b) If “Replacement” lift system is approved it should stay where it is currently located & not moved/extended at bottom end (Written Submission 20). (c) Better roads, modern lifts and base facilities will encourage New Zealanders and foreign tourists alike to visit the mountains – need world class facilities and to keep pace with world standards and other world leaders in sports facilities (Written Submission 8). (d) Current facilities and amount of terrain skiable is small for the amount of people using the field - important to keep upgrading services and offering to the public (Written Submission 16).

	<p>(e) Ongoing investment – can more readily and safely enjoy the outdoors and unique mountain environments (Written Submission 17).</p> <p>(f) The Chairlift is a replacement chair and although land will be disturbed the old lift will be removed and across the whole area disturbance will be minimal (Written Submission 17).</p> <p>(g) The very small land area used by ski areas is acceptable (Written Submission 19).</p> <p>(h) Existing lift old and slow (Written Submission 21).</p> <p>(i) Vital the outdoor facilities such as ski fields that visitors wish to enjoy provide the most up to date, easily accessible and safest possible facilities (Written Submission 25).</p> <p>(j) New lift will provide direct access to and from base building ensuring a major improvement in visitor experience – spread boarders and skiers more evenly across field removing pressure and increase safety (Written Submission 25).</p> <p>Allowed - The Minister to have regard to relevant submissions.</p> <p>(k) NZSki must be able to continue to invest to ensure infrastructure kept to a high standard in terms of safety and service (Written Submissions 3, 4, 8).</p> <p>Not allowed – It is a requirement that the applicant (as the holder of concessions at this site) maintain the relevant areas appropriately. There is no obligation on the Crown to facilitate further investment to enable the applicant to generate funds, and no guarantee that the funds generated will be used for this purpose.</p> <p>(l) Fully support infrastructure development and investment. Current facilities an embarrassment (Written Submission 6).</p> <p>(m) The Remarkables needs multiple new chairlifts & trails to be deemed a modern skifield of international standard (Written Submission 7).</p> <p>Not allowed – Little weight can be accorded such submissions without evidence to support these assertions.</p> <p>(n) Investment of infrastructure is no sinecure. It is a very competitive business and patronage is competed for on an international basis (Written and verbal Submission 23).</p> <p>Not allowed – This is just a commercial decision for the applicant to make.</p>
--	--

	<p>(o) The Department’s approach (operative modis operandi) needs to be more facilitation, and less frustration (Written and verbal Submission 23).</p> <p>Not allowed – This is about process, and the Department of Conservation is following the legislative process.</p>
Issue 1.7	No new trails to be built
	<p>(a) No additional trails to be permitted (Written and verbal Submission 13 – outcome point 2).</p> <p>(b) No new trail construction should be allowed (Written Submission 20).</p> <p>(c) The impacts of the proposed development could largely be avoided should they replace the existing lift in the existing location and utilise the existing trails (Written and verbal Submission 24 – point 23).</p> <p>Allowed – Under s.17U, in particular, s.17U(1)(b) “<i>effects of the activity, structure, or facility</i>” and s.17U(4)(ii) and s.17U(4)(b). The Minister is to have regard to relevant submissions.</p>
Issue 1.8	Rehabilitation of land
	<p>(a) Excellent record to rehabilitate disturbed land over many years (Written Submissions 3, 4, 8).</p> <p>Allowed - Under s.17S(f), <i>the contents of the application must include “relevant information relating to the applicant, including any information relevant to the applicant’s ability to carry out the proposed activity”</i>. The Minister is to have regard to relevant information received under section 17S.</p>
Issue 1.9	Recreational opportunities
	<p>(a) Does not adequately address the impact on natural quiet and current recreational users as per policy 2.3.21 Otago CMS (Written and verbal Submission 24 – point 27).</p> <p>(b) Improved facilities will benefit all skiers using the remarkable ski field and make it possible for the “Winter Games” to hold additional events on this field (Written and verbal Submission 9).</p> <p>(c) Further development will greatly add to the ease of use and the flow of people (Written Submission 14).</p>

	<ul style="list-style-type: none"> (d) Increase of groomed terrain will benefit visitors and local residents and moving people around the ski area will provide an enhanced improve the experience (Written Submission 15). (e) Continue to build world class facilities in order for continued growth in participation (Written Submission 17). (f) Ski area for many years - NZSki need to continue to develop facilities to ensure it retains its appeal (Written Submission 18). (g) People getting benefit from DOC estate and experiencing landscape (Written Submission 18). (h) New proposed lift will cater for more runs for the customer and it will encourage more people up the ski field (Written Submission 21). (i) Enjoy both the skiing experience and the natural beauty (Written Submission 25). <p>Allowed – Several submitters contend that recreational opportunities will be enhanced by this proposal and these comments should be considered by the Minister when considering the purpose for which the land is held under s.17 of Reserves Act 1977, the Conservation General Policy (Part 9. People’s Benefit and Enjoyment), and the Department’s Intermediate Outcomes, in particular <i>“more people participate in recreation”</i>.</p>
Issue 1.10	Concession term sought
	<ul style="list-style-type: none"> (a) s.17Z - Applicant has sought 40 years. Forest and Bird submits that should this concession be granted that 40 years is too long in the face of needing to be precautionary in the face of climate change (Written and verbal Submission 24 – point 51). <p>Allowed – The Minister must be satisfied that exceptional circumstances exist pursuant to s.17Z(1) and s.17Z(3)(a) for a term exceeding 30 years to be granted. The submitter requested consideration be given to the length of term of the activity, especially in the face of climate change and this contention can be considered by the Minister when assessing if exceptional circumstances do exist to warrant a term of 40 years as sought by the applicant. Likewise, if a concession is granted for the proposal, the Minister may consider it appropriate for the term to correspond to the expiry date of the Head Lease for the Remarkables Ski Area, being 28 February 2022.</p>
Issue 1.11	Economic benefits to the community/surrounding area
	<ul style="list-style-type: none"> (a) Will provide economic benefits and prosperity to local communities (Written Submissions 3, 4, 8).

	<ul style="list-style-type: none"> (b) Vibrant update will be essential in the competitive ski industry (Written Submission 5). (c) Tourism must be encouraged (Written Submission 7). (d) Improvements and careful expansion vital factor in continued success of Queenstown’ reputation as a world class destination as competition for visitors increases from other ski destinations (Written Submission 15). (e) Important for Queenstown to keep providing world class skiing facilities for visitors (Written Submission 16). (f) May even bring more people into Queenstown that will spend more money and help local business (Written Submission 21). (g) A new lift system is likely to attract visitors and strengthen its reputation as a major national and international destination (Written Submission 22). <p>Not allowed – Under s.17U(1)(b) the Minister must consider the “<i>effects of the activity, structure, or facility</i>”. This refers to any effects the activity will have on public conservation lands and waters. It is considered the economic benefits of the application does not meet the requirements of s.17U and cannot be considered by the Minister.</p>
Issue 1.12	Ability of the applicant
	<ul style="list-style-type: none"> (a) NZSki has implemented many environmental initiatives over the years and has shown environmental responsibility (Written Submission 17). (b) The company is committed to the highest standards of avoidance, remediation and mitigation of the effects of the installation of this new facility on the environment (Written Submission 25). (c) Ski field operator has invested in new Curvey Basin Lift, a new Base Building and a major upgrade of the access road with much of it sealed – now a world class facility (Written Submission 25). <p>Allowed – Under s.17S(f) of the Conservation Act, an application for a concession must include “<i>relevant information relating to the applicant, including any information relevant to the applicant’s ability to carry out the proposed activity</i>”. The Minister is to have regard to information received under section 17S(f).</p> <ul style="list-style-type: none"> (d) Surprised, almost bewildered that the existing operator with an unblemished record in high class tourism developments is being

	<p>frustrated by the introduction of what appears to be a new raft of procedures (Written and verbal Submission 23).</p> <p>Not allowed – This is a complaint about the process, not the application.</p>
Issue 1.13	Applicant’s profitability
	<p>(a) Applicant already taken over most of the area for their own profits (Written Submission 1).</p> <p>(b) Applicant has already downgraded this alpine environment for their own profits (Written Submission 2).</p> <p>Allowed – s.17R(1) “any person may apply to the Minister for a concession to conduct an activity in a conservation area.” The relevant part of each submission is that “(a) Applicant already taken over most of the area” and “(b) Applicant has already downgraded this alpine environment”, especially as this information may impact on Matters to be considered by the Minister under s.17U, in particular 17U(1)(b).</p> <p>Not Accepted – s.17R(1) “any person may apply to the Minister for a concession to conduct an activity in a conservation area.” With regard to both submissions reference to “...their own profits”. The Conservation Act does not require the Minister to consider if the applicant is profiteering. Also, the Minister, as a condition of granting any concession, can specify that a rent, fee or royalty is payable that may be fixed at the market value pursuant to s.17Y.</p>
Issue 1.14	Financial viability of application
	<p>(a) financially strong and responsible company who will undertake this development in the correct manner (Written and verbal Submission 9).</p> <p>Allowed - Under s.17S(f), an application for a concession must include “relevant information relating to the applicant, including any information relevant to the applicant’s ability to carry out the proposed activity”. The Minister is to have regard to information received under section 17S(f).</p>
Issue 1.15	Conservation/Community Initiatives
	<p>(a) That as a requirement of endorsing the Sugarbowl application NZSki should be required to –</p> <p>(i) Clear all wilding pines from the concession areas at both Coronet and Remarkables.</p>

	<p>(ii) Make a significant financial donation to the community based Wakatipu Conifer Control Group as it seeks to conserve the alpine tussock lands (Written Submission 5).</p> <p>Not allowed – With respect to item (i), the applicant already has weed control and pest control obligations in their current Deed of Lease over an area of 10.5374 ha (refer to the First Schedule), and the various other concession leases and licences pertaining to the Remarkables ski area include conditions for the Land to be “<i>kept free of weeds and all organisms specified as pests</i>”. With regard to item (ii), the Conservation Act does not require the Minister to assess or require financial contributions to third parties/other ventures.</p> <p>(b) NZSki voluntary supports a number of local conservation activities - Kea Conservation Trust, extensive pest and predator control, revegetation and weed/wilding control programmes and support for local schools (Written Submissions 3, 4, 8).</p> <p>Not allowed - Conservation Act does not require the Minister to assess conservation initiatives by the applicant outside conservation lands and waters.</p>
Issue 1.16	Effect of global warming/climate change
	<p>(a) Global warming and predicted reduced snowfalls (Written and Verbal Submission 13 – point 9).</p> <p>(b) Risks and possible impacts of climate change (Written and verbal Submission 24 – point 26 & 45).</p> <p>Allowed – The Minister is to have regard to relevant submissions, especially with regard to Matters to be considered in s.17U, and the Otago Conservation Management Strategy 2016 (“Otago CMS”), Part 3.25 Ski fields, in particular policy 3.25.2.</p>
Issue 1.17	Crown Range Road
	<p>(a) If Remarkables Ski area is not upgraded more people will keep travelling over the Crown Range (a public road) to access alternative Ski areas, putting more stress on an already busy road (Written Submission 16).</p> <p>Not allowed – The Conservation Act 1987 does not require the Minister to consider if the activity impacts on those outside of public conservation lands and waters.</p>

Issue 1.18	<p style="text-align: center;">Dairy Conversion</p> <p>(a) Large scale dairy conversions in the McKenzie basin are a case in point! That is destructive (Written Submission 19).</p> <p>Not allowed - Conservation Act does not require the Minister to assess activities outside public conservation lands and waters.</p>
Issue 1.19	<p style="text-align: center;">Proposed Remarkables National Park</p> <p>(a) Effects on neighbouring DOC estate, currently under proposal for inclusion into new Remarkables National Park (Written Submission 20).</p> <p>Not allowed - Refer to Otago CMS (pages 73-74) “<i>The milestones - outputs</i>” (extracted⁵). Relates to investigations to reclassify public conservation lands and waters in The Remarkables and surrounding public conservation lands and waters to better reflect their value. These milestones – outputs are to be achieved by 2021 and 2026. As the investigation to reclassify has not been achieved, it cannot be presumed at this stage in the process that a new national park will be created therefore, the Minister must not consider this submission.</p>
Issue 1.20	<p style="text-align: center;">Need for long term Management Plan</p> <p>(a) There is need for a long-term management plan that includes the identification of the remaining ecological, natural character and landscape values in addition to the remaining regionally significant wetlands and sets out how these will be protected (Written and verbal Submission 24 – point 12).</p> <p>Allowed - The conservation area to which this application relates is covered by the provisions of the Otago Conservation Management Strategy 2016. The Minister may consider imposing an appropriate condition under s.17X for:</p> <p>(i) the preparation of a long-term environmental management plan (rather than a statutory plan under Part 3A of the Act), for the operational area of The Remarkables Ski Area; and/or</p>

⁵ *Achieved by the end of Year 5 after CMS approval (2021)*

...• Commence an investigation to reclassify public conservation lands and waters in The Remarkables and surrounding public conservation lands and waters to better reflect their value...

Achieved by the end of Year 10 after CMS approval (2026)

...• Progress the reclassification of public conservation lands and waters in The Remarkables and surrounding public conservation lands and waters...

	(ii) an ecological assessment of the entire Rastus Burn Recreation Reserve (approximately 700ha).
--	---

4.0 RECOMMENDATIONS

Recommendation 1 – Confirm the submission analysis

I recommend the above analysis of submissions, regarding what can and cannot be allowed or accepted under the Conservation Act 1987, be approved.

Recommendation 2 – Seek further information on the application

A submitter asserted that several aspects of the application are either incomplete or inadequate, for example:

- it lacks key information pursuant to s.17S(a) – refer to Issue 1.1(a)
- it *“fails to adequately describe the application”* pursuant to s.17S – refer to Issue 1.2(b)
- the Patch Landscape assessment is inadequate – refer to Issue 1.4(f)
- inadequacy of the E3 Scientific ecological assessment with respect to cumulative impacts (as well as direct impacts) – refer to Issue 1.5(n).

With regard to the bullet-points above, the Decision Support Document (DSD) consolidates all relevant information on the application to allow the Minister to deliberate and make a decision. The DSD contains feedback from third parties such as iwi and Conservation Board, DOC district office and technical staff contributions and assessments, analysis of submissions and views heard at the hearing, and statutory analysis.

I recommend that consideration of any perceived incompleteness, insufficiency or inadequacy of the application be considered as part of the Minister’s consideration of the DSD, as the Minister would need to be satisfied that the provisions of Part 3B of the Act have been met, whether or not to proceed with the proposal pursuant to s.49(2)(e), and grant a concession under 17Q.



Deidre Ewart, Business Support Manager
 Planning, Permissions and Land (PPL)

Delegate of the Director General of Conservation as Chair of the Hearing Panel

Date: 25 January 2019



David Griffin, Acting Permissions Manager
Planning, Permissions and Land (PPL), Dunedin Service Centre

Delegate of the Director General of Conservation as Manager of the notification process

Date: 28 January 2019

Recommendations:

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

Yes / ~~No~~

2. Note the recommendations as to the extent to which objections and submissions should be allowed, have regard to them, and consider the extent to which they are accepted:

Yes / ~~No~~

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

Yes / ~~No~~

4. Note that in developing these recommendations neither the submitters nor panel had the benefit of any assessment or analysis of the application by DOC staff:

Yes / ~~No~~



Aaron Fleming,
Director Operations, Southern South Island
Delegate of the Minister of Conservation

Date: 29/01/2019