

Ruapehu Alpine Lifts Limited

Decision on an application for a resource consent to **remove accumulated silt from a snowmaking pond and discharge to land to utilise for parking lot maintenance at Turoa Ski Field, Ohakune Mountain Road, Mt Ruapehu.**

Application Reference: APP-2019202310.00

Decision Date: 5 February 2020

Expiry Date: 1 July 2029

Application Summary

Proposal

Ruapehu Alpine Lifts (the Applicant) has applied for resource consent to discharge silt material from the base of the snowmaking pond to land, being the adjacent carparking area. The silt/material in the pond is transported to the pond from the surrounding area by rain, stormwater and wind. The pond is dewatered, and then silt removed by hand (shovel) and placed into sandbags. The silt in the bags is then discharged to land, being the adjacent gravel carpark to fill in pot holes etc.

The discharge is to occur on a bi-annual basis. The Applicant has been unable to provide a definitive volume of material to be discharged to land, but has advised that it varies depending on the frequency of de-silting. The pond is 760 square metres (760 m²) and 5 metres (5m) deep. The Applicant advised that it is typically a few ute loads.

The Applicant originally sought a term of 30 years for this consent. The Applicant amended their application to reflect a term of consent to 1 July 2029 as a result of consultation with Ngāti Rangī.

Resource consent is required under Rule 14-30 as a Discretionary Activity. While there is a Permitted Activity rule for discharges to land under Rule 14-27, the proposal is unable to meet the requirement for discharges to be located at least 50m from historic heritage. Mt Ruapehu in its entirety is historic heritage, therefore the proposal cannot meet this standard.

Activity Summary

Activity Description	Status	Authorisation Number
Discharge to Land , discharge silt to land from snowmaking pond at Turoa Ski Field, Ohaukune Mountain Road, Mt Ruapehu	14-30 (Discretionary Activity)	ATH-2019202647.00

Assessment Summary

The application has been assessed against the following:

1.1 Environmental Effects (Section 104(1)(a))

Actual and Potential Environmental Effects

Discharge Effects

The application has been assessed by Harold Barnett, Environmental Scientist, Manawatū-Whanganui Regional Council. Mr Barnett has advised that given the material is to essentially be returned to its source (the carpark/mountain), that the effects of this discharge will be less than minor on surface waterbodies. The Department of Conservation have provided their written approval to the application.

Cultural Effects

Mount Ruapehu is of significance to local iwi, being Ngāti Rangi and Ngāti Uenuku. The application notes that the material is returned to the source, being the mountain, in accordance with iwi request.

Karen Mitchell from Ngāti Rangi Trust has provided a letter with respect to this application. Ms Mitchell advises that *“Matua te Mana, more commonly referred to as Ruapehu, is our ancestral maunga and the source of our cultural and spiritual identity. Koro Ruapehu is the anchor for us to our whenua, and he exists as the stronghold of our people. From Te Wai a-moe and rom Koro’s slops spring forth our waterways, which carry mouri and mana directly to our landscape, and to our people. We recognise that use, and management of that use, has an impact on him and the forests that cover his lower flanks”*.

Ngāti Rangi recognise that the Turoa Ski Field exists within the Tongariro National Park and is a long standing business that utilises the maunga and provides a service to the location community, national and international visitors. Ms Mitchell advised that the protection of Koro, significant sites and cultural heritage is a priority for Ngāti Rangi, particularly the peaks and Te Mai a-moe. On that basis Ngāti Rang made the following comments on this application:

1. Ngāti Rangi acknowledges the ongoing impact activities, continued use and projected expansion has on the mouri and the tapu of our ancestral maunga.
2. Koro and in this instance Turoa Ski Field, has its own unique character that should not be compromised. Each and every application must take into consideration the local environment and surrounding cultural values.
3. Ngati Rangi Trust understand that silt will be removed periodically from the snowmaking pond adjacent to Turoa Ski Fields car parking area once drained. The silt will be shovelled (by hand) into sand bags, carried out and spread across the dirt parking lots to fill pot holes and low ground levels.
4. Ngati Rangi Trust acknowledge that the car parking areas are highly modified.

5. As with all works of this kind, there is the potential to impact on waterways and puna as a result of the activity. Ngati Rangi Trust require adequate measure be put in place to ensure that sediment does not enter out local waterways and puna as a result of this activity.
6. Ruapehu is home to many sensitive, threatened and culturally significant species. We expect that care is taken to mitigate any impacts on these sites.
7. Our landscape is unique and we pride ourselves in our environment; we expect visitors and users of our special places to minimise their footprint by adopting a zero waste approach.
8. Ngati Rangi have recently signed out Deed of Settlement, Rukutia Te Mana, with the Crown. We also recognise that a concurrent Treaty settlement negotiation process for Tongariro National Park is imminent. Further expansion or works on the maunga may have detrimental effects on the future landscape of any settlement.
9. With the settlement of Tongariro National Park in mind we requires that the term of any consent be aligned with the expiry date (1 July 2029) of the existing consent to drain water from the snowmaking pond. Further to this we also request alignment of the review date (July 2024).

The Applicant has amended their application to reflect a term of consent to 1 July 2029 in line with Ngati Rangi's request. On the basis of the feedback provided by Ngati Rangi, and acknowledging the special relationship they have with Mount Ruapehu, it is considered that the cultural effects of this specific application on Ngati Rangi will be less than minor.

The Applicant has consulted with Ngāti Uenuku who have advised that they have no concerns with the general maintenance of de silting the snow ponds. They have suggested that the recovered pond silt could be used for back fill (if needed) of the proposed trench maintenance of the Giant Chairlift.

On the basis of the feedback received from Ngāti Rangi Trust and Ngāti Uenuku, the effects on the historic heritage and cultural effects are considered to be less than minor.

CONCLUSION

On the basis of the review of Mr Barnett and the feedback received from Ngāti Rangi Trust and Ngāti Uenuku, the effects of the proposed discharge is considered to be less than minor.

1.2 Relevant Provisions (Section 104(1)(b))

Relevant Provisions

National Policy Statement for Freshwater Management (7 September, 2017)

- OBJECTIVE A4 Enable Communities in Sustainable Management of Freshwater Quality
- OBJECTIVE A2 Overall Fresh Water Quality Maintained or Improved
- OBJECTIVE A1 Safeguard Life-Supporting Capacity & Health of Communities

NATIONAL POLICY STATEMENT CONSIDERATIONS

The Objectives and Policies of the National Policy Statement for Freshwater Management seek to ensure that any discharges do not adversely affect the life supporting capacity of freshwater. Based on the assessment of Mr Barnett, I consider the proposed discharges will have less than minor effects on surface water and therefore the proposal is considered to be consistent with the National Policy Statement for Freshwater Management.

One Plan, Regional Policy Statement, 2018

- OBJECTIVE 2-1 Resource Management
- POLICY 2-1 Hapu & Iwi Involvement in Resource Management
- POLICY 2-2 Wahi Tapu, Wahi Tupuna & Other Sites of Significance
- POLICY 2-4 Other Resource Management Issues
- OBJECTIVE 5-1 Water Management Values
- POLICY 5-1 Water Management Zones and Values
- POLICY 5-10 Point Source Discharges to Land
- OBJECTIVE 6-2 Outstanding Natural Features and Landscapes and Natural Character
- OBJECTIVE 6-3 Historic Heritage
- POLICY 6-6 Regionally Outstanding Natural Features and Landscapes
- POLICY 6-11 Historical Heritage

REGIONAL POLICY STATEMENT CONSIDERATIONS

Objective 2-1 seeks to have regard to the mauri of natural and physical resources and enable hapū and iwi to provide for their social, economic and cultural wellbeing. It is implemented by Policies 2-1, 2-2 and 2-4 which seeks to encourage resource consent applicants to consult directly with iwi and hapū and to address issues raised by iwi and hapū in a specific manner. In this case the Applicant has consulted with Ngāti Rangī Trust and Ngāti Uenuku. On the basis of their feedback the application is considered to be consistent with this Objective and Policies.

Objective 5-1 seeks to manage surface waterbodies in a manner which safe guards their life supporting capacity and recognises and provides for the values in Schedule B. These Objectives are supported by Policies 5-1 and 5-10 which seek to manage discharges to land in a specific manner. The proposed discharge has been assessed by Mr Barnett and the effects have been determined to be less than minor in nature.

Objective 6-2 and 6-3 seek to protect the characteristics and values of the Regions outstanding nature features and landscapes from inappropriate development, and to protect historic heritage from activities which would significantly reduce heritage qualities. These Objectives are supported by Policies 6-6 and 6-11. Mount Ruapehu is considered both an outstanding natural landscape and meets the definition of historic heritage. The proposed discharge is not considered to adversely affect these values.

One Plan, Regional Plan, 2018

OBJECTIVE 12-2 Consent Duration, Review and Enforcement

POLICY 12-5 Consent Durations

POLICY 12-6 Consent Review

OBJECTIVE 14-1 Management of discharges to land and water and land uses affecting groundwater and surface water quality

POLICY 14-2 Consent Decision-Making for Discharges to Land

REGIONAL PLAN CONSIDERATIONS

Objective 12-2 and Policies 12-5 and 12-6 provides guidance to Council on setting duration of consent and frequency of review. These are considered further in section 1.5 below.

Objective 14-1 and Policy 14-2 provides guidance to Council on matters to be considered when processing applications to discharge contaminants to land such as the Objectives and Policies of Chapter 5 with respect to groundwater, avoiding effects on sensitive receiving environments, and avoiding discharges which contain persistent contaminants. These matters have been considered in the assessment of this application. The proposed discharge is not considered to adversely affect the quality of surface or groundwater.

CONCLUSION

Based on the assessment above, the proposed discharge is considered to be consistent with the relevant provisions of the National Policy Statement for Freshwater Management and the One Plan.

1.3 Matters Relevant to Certain Applications (Section 105)

Relevant Matters

With respect to the proposed discharge, there has been regard to the matters in s105 of the Resource Management Act 1991. It has been assessed that the Applicant's reasons for the proposed choice of discharge are appropriate. The provisions of s105 have been met as it has been determined any effects associated with the proposed discharge on the receiving environment to be less than minor.

1.4 Discharge Permit Restrictions (Section 107)

Relevant Matters

S107(1) of the Resource Management Act 1991 places restrictions on the granting of certain discharge permits that would contravene s15 and 15A. The proposed discharge of contaminants, in this case, silt to land, is not expected to result in any of the effects set out in s107 if the activity is undertaken in accordance with the application provided by the Applicant, and the conditions of consent.

1.5 Duration and Reviews

Relevant Matters

The proposed discharge will occur within the Lower Whangaehu Water Management Zone (Whau_3). The common catchment expiry dates for the Lower Whangaehu Water Management Zone is July 2019. The Applicant originally sought a term of 30 years for this consent. The Applicant amended their application to reflect a term of consent to 1 July 2029 as a result of consultation with Ngāti Rangī. Policy 12-5 states that consent durations will generally be set to the next common catchment expiry date or in 10 year increments where a term longer than 10 years can be granted. In this case, a term of approximately 9 years with an expiry date of 1 July 2029 is considered appropriate for the consent. The ability to undertake a review in July 2024 is recommended.

1.6 Purpose and Principles (Resource Management Act Part 2)

Principles

Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the Davidson Decision (*RJ Davidson Family Trust v Marlborough District Council* [2018] Court of Appeal Decision) there is the ability to recourse to Part 2 when *it is appropriate to do so*. In this case, recourse to Part 2 is not required as it is not considered there is any illegality, uncertainty or incompleteness in the relevant part of the One Plan 2018. Recourse to Part 2 would not provide any further guidance to the decision maker for this consent. Further no such issues have been identified and as such no further assessment against Part 2 of the Resource Management Act, 1991 is considered necessary.

Recommendation

It is recommended that the resource consent application by **Ruapehu Alpine Lifts Limited** to remove accumulated silt from snowmaking pond and discharge to land to utilise for parking lot maintenance at Turoa Ski Field, Ohakune Mountain Road, Mt Ruapehu be granted, subject to the conditions outlined in the attached condition schedule for the following reasons:

- a. the activity has been assessed by **Harold Barnett, Environmental Scientist**, Manawatū-Whanganui Regional Council, who is satisfied the proposal will have minor actual or potential adverse effects on the environment; and
- b. the activity is consistent with the relevant Objectives and Policies of the National Policy Statement for Freshwater Management and the One Plan.

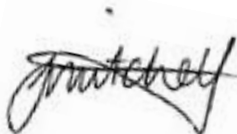


Sara Westcott

SENIOR CONSENTS PLANNER

Decision

The Manawatū-Whanganui Regional Council Team Leader Consents grants resource consent for the reasons stated in the recommendation, to **Ruapehu Alpine Lifts Limited** under sections 104, 104B and 108 of the Resource Management Act 1991 to remove accumulated silt from snowmaking pond and discharge to land to utilise for parking lot maintenance at Turoa Ski Field, Ohakune Mountain Road, Mt Ruapehu for a term expiring on 1 July 2029 subject to the conditions outlined in the attached condition schedule.



Jasmine Mitchell

TEAM LEADER CONSENTS

Made Under Authority Delegated to Team Leader Consents

5 February 2020

1. Discharge Permit, Land, Turoa Ski Field Snowmaking Pond Desilting

The following details the location, classifications and conditions associated with the activity.

Authorisation Number	ATH-2019202647.00
Activity Type	Discharge to Land
Activity Class	Discretionary Activity
Primary Activity Purpose	Industrial, Waste Management, Solid Waste, Cleanfill

Location

The following summarises the authorised location for the consented activity.

Activity Location Description	STATE HIGHWAY 4 RAETIHI
Valuation Number	12660 378 00
Legal Description	Pt Rangataua North 1 Blk
Map References	LOC-2019802125 (Centroid: BJ34:178-461)

Classifications

The following summarises the classifications associated with the application activity.

Groundwater Management Zone	Whangaehu
Water Management Zone	Whangaehu Catchment, Lower Whangaehu, Upper Makotuku (Whau_3b)
Associated River	WHANGAEHU RIVER, Mangawhero River, Makotuku Stream (331161)

Activity Specific Conditions

Descriptive Specification

1. This discharge permit authorises the discharge of silt from the snow making pond on the property legally described as Pt Rangataua North 1 Blk (hereafter referred to as the property) at approximate map reference NZTopo50 BJ34:178-461.
2. The consent holder must undertake the activity in general accordance with the consent application including all accompanying plans and documents first lodged with the Manawatū-Wanganui Regional Council on **8 April 2019**; and
 - a. Further information provided on **3 May 2019** via email being frequency of discharge, source of material and volume; and
 - b. Further information provided on **8 May 2019** via email being volume of material.

Where there may be inconsistencies between information provided by the Applicant, the most recently dated information shall apply. Where there may be inconsistencies between information provided by the applicants and conditions of the resource consent, the conditions of the resource consent apply.

ADVICE NOTE: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Pre-Development Assurance

3. The consent holder shall contact the Manawatū-Whanganui Regional Council's Regulatory Team **ten (10) days prior** to the commencement of each stage of works authorised by this consent and within **twenty-four (24) hours** of completion of the works.

ADVICE NOTE: The Regulatory Team can be contacted on **0508 800 800**, -OR- consents.monitoring@horizons.govt.nz.

Environmental Standards

4. The consent holder shall ensure that the rate, frequency and method of discharge of silt onto land does not result in any contamination of groundwater, surface runoff to any adjacent drains (surface or subsurface), streams or beyond the property boundary.

Duration

5. The resource consent will expire on **1 July 2029**.