

Ministerial decision on a request from Ruapehu District Council to call in a matter under section 142 of the Resource Management Act 1991 - Telecom Mobile Limited's proposed mobile phone facility at the Whakapapa ski field, Tongariro National Park

Having had regard to all the relevant factors, pursuant to section 142 of the Resource Management Act 1991 (RMA), I consider that the application for resource consent (the matter) from Telecom Mobile Limited (Telecom) for a proposed mobile phone facility (the proposed facility) at the Whakapapa ski field, Mount Ruapehu, Tongariro National Park (the Park), is not or is not part of a proposal of national significance and therefore I will not call in the matter.

My reasons for this decision are as follows:

Scale and nature of the proposed facility

1. I consider that the structure, land use, and likely effects of the proposed facility are not significant or extraordinary, particularly given the existing development in the ski field area the proposed facility is to be located in. Therefore, I consider that the matter, of itself, is not or is not part of a proposal of national significance.

Relevant factors in section 142(3)(a) of the RMA

Factor (iii): affects or is likely to affect a structure, feature, place, or area of national significance

2. I recognise that the Park is an area of national significance with highly significant cultural, geological, ecological and recreational values.
3. The RDC has an operative and a proposed resource management plan that applies to activities in the Park, which it has publicly consulted on and adopted. I have no reason to believe that this framework is inadequate to guide decision making on this matter.
4. I therefore consider that the matter, taking into account the scale and nature of the proposed facility, is not or is not part of a proposal of national significance although it is to occur in an area of national significance.

Factor (iv): affects or is likely to affect or is relevant to New Zealand's international obligations to the global environment

5. The Department of Conservation's Tongariro National Park Management Plan takes account of New Zealand's international obligations with regard to the Park's World Heritage Site status. A resource consent could not be exercised without a separate concession and works approval from the Department. My decision relates only to the matter under the RMA not the Department's approval process. However, I consider that New Zealand's international obligations will be addressed through the Department's existing approval process.
6. I therefore consider that the matter, taking into account the scale and nature of the proposed facility, is not or is not part of a proposal of national significance in terms of the New Zealand's international obligations.

Factor (vii): is or is likely to be significant in terms of section 8 of the RMA

7. I recognise that:
 - the matter is located in an area of great cultural and spiritual significance to Ngāti Tūwharetoa and Ngāti Hikairo and that their relationship with the Park is significant;
 - the Park's dual World Heritage status recognises both its outstanding ecological value and the cultural significance of the site;
 - the Crown and Ngāti Tūwharetoa are in a pre-negotiations phase of Treaty settlement negotiations;
 - the Park is part of the National Park District Inquiry of the Waitangi Tribunal that has yet to be reported on; and

- Te Runanganui o Ngāti Hikairo ki Tongariro has stated that they oppose the matter, and oppose development on the mountains within the Park as the mountains are considered sacred tupuna (ancestors).
8. I consider that the principles of the Treaty of Waitangi are relevant to matters that affect an area of significance to iwi, and to which the iwi have an interest. However, I have no reason to believe that the RDC cannot take into account the principles of the Treaty of Waitangi in deciding this matter, as required under the RMA.
 9. I therefore consider that the matter of itself, taking into account the scale and nature of the proposed facility, is not or is not part of a proposal of national significance in terms of section 8 of the RMA.

Factor (x): relates to a network utility operation that extends or is proposed to extend to more than one district or region

12. I consider that, taking into account the scale and nature of the proposed facility, the fact that the matter relates to a nationwide telecommunications network utility operation is not significant and therefore the matter is not or is not part of a proposal of national significance in terms of this factor.

Precedent

10. I consider that calling in this matter may create a precedent and an expectation that other matters of this scale and nature in the Park, any other national park, or any area of significance to iwi, will be called in.



Dated at Wellington this 17th day of October 2011

Hon Dr Nick Smith
Minister for the Environment