

Departmental Memo

To	Minister of Conservation	Date submitted	12 May 2023
GS tracking #	23-B-0210	DocCM	DOC-7340445
Security Level	In Confidence		
From	Karl Beckert, Director, Operations Support, 9(2)(a)		
Subject	Update on Ruapehu Alpine Lifts Limited in voluntary administration		
Attachments	No attachments		

Purpose – Te aronga

1. The purpose of this memo is to update you on Ruapehu Alpine Lifts Limited's (RAL) voluntary administration process, including options for the future of the ski fields being developed by MBIE's Kānoa – Regional Development and Investment Unit, upcoming iwi consultation on the concession transfer process, and our statutory role.

Background and context – Te horopaki

2. RAL operates two ski fields in Tongariro National Park under concessions from us, one at Whakapapa and one at Tūroa.

3. [Redacted] Out of Scope [Redacted]

■ [Redacted]

■ [Redacted]

■ [Redacted]

Concessions to operate ski fields

7. There are two concessions that cover most of RAL's operations: the first to operate a ski field at Whakapapa, and the second to operate a ski field at Tūroa.
8. The Whakapapa concession was granted in 2016 for 30 years and expires in 2046, with provision to extend the concession by up to 30 years until 2076.
9. The Tūroa concession was granted in 2017 for 25 years and expires in 2042. Similarly, it includes provision to extend the concession by up to 35 years until 2077.

Out of Scope

Purchasers want to remove make good clause from concessions

22. Both potential purchasers have advised Kānoa they do not want to accept the make good clause currently included in each concession. Kānoa is likely to support the removal of this clause, but may negotiate that this clause will not apply to existing infrastructure, but will apply to all new infrastructure.
23. The make good clause can be removed by varying the concessions at the same time the concessions are assigned to new operators.
24. If the ski fields no longer operate in the future, iwi and many stakeholders will expect the infrastructure to be removed and the land remediated, regardless of whether the make good clause is in the concession. This liability will therefore sit with the Crown – DOC alone cannot carry the liability given the potential costs involved. It is likely that iwi will require commitment from the Crown to fulfil the make good clause as part of the consultation process to assign and vary the concessions.
25. If Cabinet accepts the removal of the make good clause, it is in no worse a position than it is now without an operator in place, as the Crown is practically responsible for this liability currently.

26. Out of Scope

Other requests from potential purchasers

Allowing other concession activities may require a change to Tongariro National Park Management Plan

27. We are aware the potential purchasers are interested in expanding the activities permitted under the concession, specifically mountain biking. Currently, the only activities allowed are those that are consistent with running a ski field, including selling food and beverages, ski lessons, and ski gear hire.
28. The concessions can be varied to allow other activities; however, those activities must be consistent with the Tongariro National Park Management Plan (TNPMP). The TPNMP currently only allows mountain biking in specified areas near Ohakune, and would need to be reviewed to allow mountain biking in the ski field areas.

29. Out of Scope

Out of Scope

30.

Out of Scope

Interest in the Chateau Tongariro

31.

Out of Scope

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Consultation with iwi

36.

Out of Scope

Risk assessment – Aronga tūraru

37. The significant risks in deciding whether to proceed with any assignment of concessions are:

- Iwi have expressed a desire for full and meaningful consultation. There are very short timeframes that could be perceived as being too quick, and could harm DOC's Treaty relationships
- Removing the 'make good' provisions on existing infrastructure will mean the Crown as a whole is liable for the potential costs. They are of a magnitude that DOC alone could not manage and would have a precedent setting effect with other operators with significant infrastructure on conservation land.

- There will likely be an expectation from interested parties in the expanding of activities in Tongariro, such as mountain biking. This expectation, which requires a plan change, is likely to be difficult to meet in the near future.

Next steps – Ngā tāwhaitanga

38. We will consult with iwi (Ngāti Tūwharetoa (via Te Kotahitanga o Ngāti Tūwharetoa), Ngāti Rangī, Ngāti Hikairo, Ngāti Haua, and Uenuku) on the process to assign RAL's concessions as soon as possible. We will consult with iwi on the specific proposals once Kānoa have completed their consultation.
39. We are preparing for the assignment process, which will formally start after the watershed meeting, currently scheduled on or before 13 June 2023.
40. We will continue to work with Kānoa as they progress negotiations with the potential purchasers.

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Meeting Memo

Ruapehu Alpine Lifts – Ministers meeting

To	Minister of Conservation	Date submitted	6 June 2023
GS tracking #	23-M-0072	DocCM	DOC-7361664
Security Level	In Confidence		

Meeting date/time	07/06/2023, 5.45pm
Meeting location	Parliament Buildings
Attachments	<p>Attachment A – Talking points</p> <p style="text-align: center;">Out of Scope</p> <p style="text-align: center;">Out of Scope</p>

Key contacts			
Name	Organisation	Role	Cell phone
Marie Long	DOC	Deputy Director-General, National Operations and Regulatory Services	9(2)(a)
Stacey Wrenn	DOC	Principal Advisor, Operations Support	9(2)(a)

Executive summary

1. Out of Scope
2. [Redacted]
3. DOC's primary interests are as the land manager, Treaty partner relationship holder, and regulator. If the deals are successful, we will be asked to transfer RAL's concessions to a new operator/s. This is a regulatory process that includes consultation with iwi. We also need to ensure the new operators have the capability to run the ski fields and manage health and safety risks.
4. Out of Scope

5. Kānoa are proposing the new operators will not be required to remove existing infrastructure at the expiry of the concessions, known as the make good provisions. If Cabinet agrees to this proposal, the cost to fulfil this provision must be met by the Crown, rather than DOC.

Context and purpose

6.

Out of Scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] DOC officials have supported Kānoa about matters relating to DOC, including the potential impacts on DOC funding and the potential transfer of RAL's concessions to operate the ski fields to a new operator/s.
10. Any deals agreed to by Cabinet will be put to creditors at the watershed meeting, currently scheduled for 20 June 2023. If successful, RAL's voluntary administrator will then apply to you to transfer RAL's concessions to the new operator/s. This is a regulatory decision. You may make this decision, or you may delegate this to a DOC official.

Strategic objectives

11.

Out of Scope

[Redacted]
12. As the land manager for Tongariro National Park, DOC's primary interest is ensuring any company that takes over RAL's operations has the capability and resources to run the ski fields and comply with the terms of RAL's concessions, including having the capability to manage health and safety risks.
13. Transferring RAL's concessions to a new operator/s is a regulatory process, and includes meaningful consultation with Treaty partners. It is important Ministers understand this should be a robust process, and that the outcome is not predetermined.
14.

9(2)(i)

[Redacted]
15. As part of the deals negotiated, the new operators will not be taking on the liability to remove existing infrastructure at the termination or expiry of the concessions, known as the make good provisions. We have estimated this will cost between \$47 million and \$88 million. If the make good provisions are removed from the concessions, the Crown must underwrite this cost.

Likely agenda items

The proposed deals

16.

Out of Scope

Write off of RAL's debts to DOC

17.

Out of Scope

- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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'Make good' provisions

- 25. Under the terms of RAL's concessions, they are required to remove all infrastructure and remediate the land at the termination or expiry of their concessions (**make good provision**). The voluntary administrators have advised us RAL are unable to meet this obligation.
- 26. If RAL enters liquidation without a new operator in place, fulfilling the make good provisions will practically fall to DOC and the Crown. We have estimated the cost to remove the infrastructure across both ski fields and remediate the land as between \$47 million and \$88 million. This is based on a desktop assessment, and would need to be assessed by a quantity surveyor to be estimated more accurately. Decisions would also need to be made about the extent of infrastructure to be removed (for example, some infrastructure may be sold and removed separately; some infrastructure may remain operational such as the Sky Waka) and the timeframe for its removal.
- 27. Both Whakapapa Holdings and Pure Tūroa are not willing to take on the make good provisions for infrastructure currently on the ski fields. The conditions will either be removed from the concessions, or a separate agreement will be made between the operators and the Crown, facilitated by Kānoa.

28. **Out of Scope**

[Redacted]

Accounting treatment of liability created from the make good provisions

30. **Out of Scope**

[Redacted]

Watershed meeting

33. **Out of Scope**

[Redacted]

Process to transfer RAL's concessions

37. If Cabinet agrees to the deals negotiated by Kānoa, and creditors accept these proposals at the watershed meeting, the voluntary administrators will immediately apply to you to transfer RAL's concession/s to the new operator/s. This is a regulatory process under the Conservation Act 1987.
38. Kānoa have advised us the concessions need to be transferred as quickly as possible, and definitely before 30 June 2023.
39. We are preparing for this process currently, including by:
 - Consulting with iwi: Ngāti Tūwharetoa, Ngāti Rangī, Ngāti Haua, and Uenuku. We have received one formal response, from Ngāti Rangī. We are likely to hear from other iwi during the week starting 6 June 2023, and will follow up with them.
 - Advising the potential new operators what information they need to provide, including demonstrating they have the right capabilities in their team to run the ski field and manage health and safety risks.
40. Kānoa have consulted with iwi as they have prepared and negotiated the deals. We are undertaking our own consultation, to ensure we are giving effect to the principles of the Treaty of Waitangi (s4 of the Conservation Act 1987), and acting as an honourable Treaty partner.
41. We first discussed RAL entering voluntary administration and what that might mean for the concessions with iwi in late 2022. We have continued to discuss the potential of transferring the concessions in 2023, and discussed the process for formal consultation in April and May. In May 2023, we sent letters to each iwi formally initiating consultation, and iwi indicated they would respond within two weeks.
42. We are prepared to process the concession transfers quickly, provided we can ensure we have run a robust regulatory process with meaningful consultation. We will know more about the timeframes this will take when we have heard back from iwi.
43. We are keeping Kānoa updated on the timeframes for this process.

Allowing other activities as part of the concessions

44. Kānoa have advised us the potential new operators may be interested in expanding the activities they can undertake as part of the concession, including to allow mountain biking.
45. All concessions must be consistent with the relevant statutory planning documents, in this case the Tongariro National Park Management Plan (TNPMP). The TNPMP currently restricts the activities that can take place in the ski field areas to those related to skiing only.

46. We have previously provided you with advice about the options to allow activities under the concessions (23-M-0066 refers), and you discussed this matter with the Minister for Regional Development. [REDACTED] 9(2)(g)(i)

47. [REDACTED] Out of Scope

Risks & implications

48. [REDACTED] Out of Scope

50. When processing any applications to transfer RAL's concessions, we need to balance the expectation that we will process the concession transfers very quickly with the requirement that we run a robust regulatory process with meaningful consultation. This remains a risk, as there may be matters we need to work through with iwi to ensure we are giving effect to the principles of the Treaty. We will keep you and Kānoa informed about our likely timeframes as our consultation with iwi progresses in the week starting 6 June 2023.

51. [REDACTED] Out of Scope

END

- [Redacted] Out of Scope [Redacted]
[Redacted]
[Redacted]

Watershed meeting

- [Redacted] Out of Scope [Redacted]
[Redacted]
[Redacted]

Allowing other activities as part of the concessions

- **Concession activities must be consistent with the Tongariro National Park Management Plan**
 - The National Park Management Plan doesn't currently allow mountain biking, or other activities not related to skiing in the ski field areas.
 - Changing the plan will take 1-2 years, require a public notification process, and the outcome is not guaranteed.
 - I am discussing other options for an accelerated process to allow other activities to take place in the ski field areas with the Minister for Regional Development.

Update on Chateau Tongariro – if required

- [Redacted] Out of Scope [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Out of Scope

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Departmental Memo

To	Minister of Conservation	Date submitted	16 June 2023
GS tracking #	23-B-0269	DocCM	DOC-7371269
Security Level	In Confidence		
From	Marie Long, Deputy Director-General National Operations and Regulatory Services, 9(2)(a)		
Subject	Update on iwi consultation regarding potential transfer of Ruapehu Alpine Lifts Limited's concessions		
Attachments	No attachments		

Purpose – Te aronga

1. The purpose of this memo is to update you on how iwi consultation is progressing regarding the potential transfer of Ruapehu Alpine Lifts Limited's concessions to operate ski fields in Tongariro National Park.

Background and context – Te horopaki

2. Ruapehu Alpine Lifts Limited (RAL) operates ski fields at Whakapapa and Tūroa in Tongariro National Park under concessions granted by the Minister of Conservation. RAL entered voluntary administration on 11 October 2022. John Fisk and Richard Nacey of PricewaterhouseCoopers were appointed voluntary administrators.
3. The voluntary administrators and MBIE's Kānoa – Regional Development and Investment Unit (Kānoa) have been working to identify solutions to allow the ski fields to continue operating. Kānoa have negotiated deals on behalf of Cabinet with two potential purchasers, Whakapapa Holdings Limited for Whakapapa ski field and Pure Tūroa Limited for Tūroa ski field, to purchase RAL's assets.
4. These deals will be put to creditors as part of a resolution recommending RAL is placed into liquidation at the watershed meeting on 20 June 2023, where creditors will vote on what happens next for the company. If the resolution is successful, we will be asked to transfer RAL's concession to the potential purchasers.
5. Transferring RAL's concessions is a regulatory process that requires a statutory decision. As part of this process, we must give effect to the principles of the Treaty of Waitangi (s4 of the Conservation Act 1987). We have been engaging with iwi and hapū throughout the voluntary administration about the potential of transferring RAL's concessions to a new operator and are now consulting with iwi specifically on the proposals to transfer RAL's concessions to the potential purchasers.

Iwi values reflected in RAL's concessions

Whakapapa concession

6. RAL's concession to operate at Whakapapa ski field was granted in 2016. The concession sets out the conditions RAL must meet when operating the ski field.

7. The concession is for a term of 30 years, from 2016 to 2046. The concession includes six rights of extension of five years each. This structure is intended to provide the concessionaire with sufficient security to allow for investment, without committing to a sixty year term (the maximum permitted under the Conservation Act 1987). This approach to the concession term was developed in consultation with Ngāti Tūwharetoa.
8. The rights of extension are conditional on the concessionaire having met the following criteria:
 - a. Satisfactorily recognised and shown respect for Ngāti Tūwharetoa's tikanga and values;
 - b. Appropriately protected and conserved the ski field area;
 - c. Protected and satisfied the people and communities that use the ski field.
9. Under the terms of the concession, we must consult with and seek cultural advice from Ngāti Tūwharetoa when determining if the concessionaire has met these criteria.
10. Ngāti Tūwharetoa and RAL signed a relationship agreement in 2015 that sets out the aspirations of Ngāti Tūwharetoa, notes that Ngāti Tūwharetoa acknowledges RAL has long term aspirations to continue to operate the ski field, and sets out the shared principles of both parties regarding Mt Ruapehu. It also establishes an operational body called Te Pae Maunga that acts in a governance oversight role in relation to the Whakapapa ski field.
11. Te Pae Maunga provides advice on how Ngāti Tūwharetoa's tikanga and values can be recognised and respected, reviews RAL's long term strategies for the ski field operations and infrastructure and undertakes a five yearly view of RAL's performance against the criteria required to grant the right of extension.
12. At the time when the concession was signed, Te Pae Maunga and the conditions included in the concession, linked to the rights of extension, was at the forefront of how we recognised iwi interests in concession documents. There may be an opportunity to further strengthen this by specifically providing for cultural monitoring, underpinned by the values expressed to us by Tūwharetoa and described in Te Pae Maunga.

Tūroa concession

13. RAL's concession to operate at Tūroa, granted in 2017, is similar in substance to the Whakapapa concession. The term of the concession is 25 years, from 2017 to 2042, with seven rights of extension of five years each.
14. The rights of extension are conditional on the concessionaire having met the following criteria:
 - a. The relationship group/s, to be formed with Ngāi Rangī and Ngāti Uenuku, being satisfied with the outcome of its reviews of the concessionaire's performance in respect of both the relationship agreements and the concession;
 - b. Satisfactorily recognised and shown respect for Ngāti Rangī and Ngāti Uenuku kawa, tikanga, and values;
 - c. Appropriately protected and conserved the ski field area.
15. Under the terms of the concession, we must consult with and seek cultural advice from iwi via the relationship groups when determining if the concessionaire has met these criteria.

16. Ngāti Rangī and RAL signed a relationship agreement in 2017 that sets out the position and principles of each party, and the shared principles agreed. The agreement notes that Ngāti Rangī objects to the ski area on Ruapehu but accepts that it provides benefits to local communities including Ngāti Rangī.
17. The relationship agreement establishes a relationship group called Te Pae Toka to give effect to the agreement and monitor RAL's operations. It also states that key performance indicators will be developed, and notes that Te Pae Toka will review RAL's operations for the purposes of the rights of term extension allowed for in the concession.
18. Similar to the Whakapapa licence, we consider there are opportunities to further strengthen how Ngāti Rangī's values, and the role of Te Pae Toka, are reflected in the concession.
19. Ngāti Uenuku have not yet developed a relationship agreement with RAL, as provided for under the concession. We expect this to be a matter raised through consultation, and Ngāti Uenuku may ask that Pure Tūroa commits to developing a relationship agreement with them.

Update on consultation with iwi

20. We attended a hui with the Minister for Regional Development and representatives from Ngāti Tūwharetoa, Ngāti Rangī, Ngāti Uenuku, Ngāti Haua, Ngāti Hikairo, and Ngāti Patutokoko on 12 June 2023. At this hui, Minister Allan invited iwi to consider what changes could be made to the concessions to better recognise their values and interests.
21. Minister Allan asked Lil Anderson, Chief Executive of Te Arawhiti, to facilitate consultation between iwi and hapū, MBIE, and DOC, following this hui. Hui are scheduled with Ngāti Tūwharetoa and Ngāti Hikairo, Ngāti Rangī, and Ngāti Patutokotoko on 17 and 18 June. Te Arawhiti are also attempting to arrange hui with Ngāti Uenuku, Ngāti Haua, and Te Pae Tupua over the same period.
22. We have continued our consultation with iwi since the hui on 12 June. This engagement has helped us to understand what some iwi and hapū are seeking from us through the concession transfer process. Where we have an indication of what iwi and hapū are seeking, we are working with our legal team to determine how we can incorporate these points either into the concessions or a separate agreement with iwi.
23. We will have a better understanding of iwi and hapū views by 18 June, after the consultation scheduled alongside Te Arawhiti. We will brief you on the outcomes of this consultation prior to Cabinet on 19 June.

Timeframe for making a decision on applications to transfer RAL's concessions

24. As we have advised you, MBIE, and others throughout this process, our timeframe for making a decision on applications to transfer RAL's concessions to the potential purchasers is contingent on when we consider we have completed consultation and fully given effect to the principles of the Treaty.
25. While we are hopeful we will be in a position to recommend you, or your delegate, make a decision on the transfer of RAL's concessions during the week starting 19 June, as close to the watershed meeting on 20 June as possible, we cannot commit to this timeframe until we have further consulted with iwi and hapū over the weekend of 17 and 18 June.

26. We have developed initial drafts of the concession transfer documents and have shared these with Chapman Tripp, who are advising MBIE and Kānoa. We shared the draft documents with iwi, hapū, and the potential purchasers on 16 June.
27. We will update you on our likely timeframes based on how consultation progresses prior to Cabinet on 19 June.

Risk assessment – Aronga tūraru

28. There is a risk the potential purchasers may not agree to the changes to the concessions proposed by iwi, or other solutions proposed to matters raised by iwi through consultation. We are in regular contact with the potential purchasers in the lead up to the watershed meeting on 20 June and have requested to meet with each of the purchasers on 19 June to discuss the outcomes of iwi consultation. We will need to work closely with iwi, hapū, and the potential purchasers to determine solutions that all parties will agree to.
29. There is a risk iwi and hapū will propose changes to the concessions, or make other proposals, that are inconsistent with one another. This is a particular risk as Ngāti Tūwharetoa and Ngāti Rangi have made settlement agreements with the Crown, whereas other iwi are still working through this process. We will work to mitigate this risk as best we can as we consult with each iwi and develop solutions to the matters raised by each iwi and hapū.
30. Only limited changes are possible without publicly notifying the transfer of the concessions. If matters are raised that make significant changes to the concessions, we will need to consider whether we should publicly notify the transfer of the concessions. This will require public notification for at least 20 working days, followed by public hearings, before we can make a decision on the transfer of the concessions.

Out of Scope

31. We may not be in a position to consider we have fully met our obligations under s4 of the Conservation Act 1987 during the week starting 19 June, as this is entirely dependent on how consultation with iwi and hapū progresses. We have advised Chapman Tripp and MBIE this may be the case and are working through possible solutions with them that will allow us further time to complete consultation without the deals with the potential purchasers failing. We will update you on whether this is likely to be an issue, and possible solutions, prior to Cabinet on 19 June.

Next steps – Ngā tāwhaitanga

32. We are continuing to consult with iwi and hapū on the proposed transfer of RAL's concessions to the potential purchasers, including alongside Te Arawhiti and MBIE on 17 and 18 June.
33. We are considering how to better reflect the interests and values of iwi and hapū into the concession documents. We are also considering other mechanisms outside of the concession to reflect iwi and hapū interests and values.
34. We will brief you prior to Cabinet on 19 June about how consultation has progressed and the likely timeframes for processing the proposed transfer of RAL's concessions to the potential purchasers.

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Departmental Memo

To	Minister of Conservation	Date submitted	1 September 2023
GS tracking #	23-B-0409	DocCM	DOC-7437396
Security Level	In Confidence		
From	Marie Long, Deputy Director-General National Operations and Regulatory Services		
Subject	Ngāti Tūwharetoa withdrawal from RAL (in liquidation) purchase process		
Attachments	[Redacted] Out of Scope		
	[Redacted] Out of Scope		

Purpose – Te aronga

1. This memo is to provide you with our initial analysis of the implications for the Department of Conservation (DOC) resulting from the position Ngāti Tūwharetoa (Tūwharetoa) has taken with respect to the sale of Ruapehu Alpine Lifts (in liquidation). Officials will provide further advice in due course as the situation develops, including input into the draft Cabinet paper being led by the Ministry of Business, Innovation and Employment (MBIE).

Background and context – Te horopaki

2. [Redacted] Out of Scope
- [Redacted]
 - [Redacted]
 - [Redacted]

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Out of Scope

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Iwi interests in the ski field areas

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Out of Scope

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14. RAL formed relationship agreements with Ngāti Tūwharetoa for Whakapapa ski field, and Ngāti Rangī for Turoa ski field. During our Crown engagement with iwi in June 2023 about the potential transfer of RAL's concessions, Ngāti Rangī advised us they want to see their relationship agreement extended to include Whakapapa ski field. Similarly, Ngāti Haua and Ngāti Uenuku both advised us they want to form relationship agreements with any operators holding concessions for either of the ski fields.

15. When making decisions on any potential future concession application, should this still be required, we must give effect to the principles of the Treaty of Waitangi, including ensuring we are informed of and understand the views and interests of all iwi with an interest in the ski field areas. Different iwi are likely to hold different views on continuing ski field operations on one or both sides of the maunga, and we need to consider each of these views carefully before making a decision on any concession application to

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operate the ski fields. It is therefore critical that DOC remain engaged closely with any consultation undertaken by other agencies.

The views expressed by Te Ariki Tā Tumu will impact any future concessions process

16. Tūwharetoa stating they will oppose any applications for ski field concessions does not necessarily mean a concession application cannot be considered or granted. However, it almost certainly means that the process would take longer, have a higher degree of uncertainty of outcome, and significantly increased risk of litigation by Ngāti Tūwharetoa. [REDACTED] 9(2)(h). As noted in paragraph 3, three bidders lodged their applications for Liquidator approval and MBIE support yesterday.
17. At the time of writing, we have not received any indication that those applications will be withdrawn in light of Tuwharetoa's correspondence. However, would-be operators are likely to (in due course) understand these risks, and so may no longer be interested in seeking to acquire RAL's assets. It might be that no one applies to DOC for new concession(s).
18. [REDACTED] Out of Scope

General concessions process information

19. The Department of Conservation is responsible, among other things, for administering activity on public conservation land. Certain activities require permission from DOC to operate. In this case, RAL holds concessions, easements and licenses to operate the two ski fields, and undertake associated activities.
20. Requests to operate on Public Conservation Land are subject to a public application process unless certain exceptions are met. An application for exclusive use and a period of 10 years or more requires mandatory notification, an opportunity for public submissions and consultation with iwi. Statutory timeframes apply to these processes.
21. Although Crown financial support is likely to be necessary for a viable commercial offer to be accepted by the liquidators, we could receive an application for a concession at any time irrespective of support from iwi, the liquidator's approval of a specific bid, or Cabinet decisions about financial support. If an application is received, the consideration process will be complex and would require significant engagement with all iwi in the area, including Ngāti Tūwharetoa.
22. [REDACTED] 9(2)(i)
23. Given Ngāti Tūwharetoa's position, consultation with them is likely to at least result in delays in concession processing timeframes (assuming a concession(s) application is received at all). It is not possible to estimate what the length of any delays might be.

Operational implications are significant

24. [REDACTED] Out of Scope

25.

Out of Scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Financial commitments exceed regional operational capacity

29.

Out of Scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Relationships with community and iwi face test

33.

Out of Scope

[Redacted]

[Redacted]

[Redacted]

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Next steps – Ngā tāwhaitanga

36. As noted above, MBIE is running its own process to assess the viability of any bids received and make recommendations to Cabinet regarding Crown financial support. It is important that the Minister of Conservation or their delegate makes their own decision on any concession applications, and that this is not perceived to be influenced by the Crown's commercial interests.

37. [Redacted] Out of Scope [Redacted]

[Redacted]

[Redacted]

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Briefing: Ruapehu Alpine Lifts and Mt Ruapehu ski fields

To	Minister of Conservation	Date submitted	7 December 2023
Risk Assessment	High Decisions on future management of the Mt Ruapehu ski fields will attract significant public scrutiny	Priority	High
Reference	23-B-0466	DocCM	DOC-7515948
Security Level	In Confidence		
Action sought	Note the upcoming key decisions. Meet with Ministers for Regional Development and Minister for Treaty of Waitangi Negotiations to discuss the matters raised here.	Timeframe	20 December 2023
Attachments	No attachments		
Contacts			
Name and position			Cell phone
Ruth Isaac, Deputy Director-General, Policy and Regulatory Services			9(2)(a)
Stacey Wrenn, Senior Manager, Regulatory Delivery (Acting)			9(2)(a)

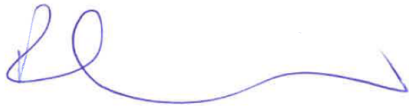
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Executive summary – Whakarāpopoto ā kaiwhakahaere

1. The Mt Ruapehu ski fields (Whakapapa and Tūroa) within Tongariro National Park were previously managed by Ruapehu Alpine Lifts (RAL) via concessions administered by the Department of Conservation (the Department).
2. Further information about the Department's regulatory system, including concessions, is included in your introductory briefings. As Minister of Conservation, you have a role in making regulatory decisions relating to concession applications. Your key strategic decisions for Mt Ruapehu will include options for:
 - removing redundant infrastructure from Tongariro National Park; and
 - the future management of the ski fields, including a possible new concession/s (these decisions may be delegated to a Department official).
3. RAL was placed into liquidation in June 2023, and into receivership by the Ministry of Business, Innovation and Employment (MBIE) (acting through Crown Regional Holdings Ltd) on behalf of the Crown. The receiver is currently operating both ski fields. The sale of RAL's assets on Tūroa ski field to Pure Tūroa Limited (PTL), with Crown support, is in the final stages of negotiation. MBIE is leading this work. 9(2)(j)
[REDACTED]
4. We expect to receive a concession application shortly, potentially before the sale and purchase agreement is finalised. PTL has indicated to MBIE that they would need a concession in place by end of March 2024 to prepare for the winter 2024 ski season. Therefore, we are treating 31 March 2024 as the date by which key decisions on any concession applications will need to be made.
5. Timeframes for concluding the application process by March 2024 will be very tight, so pre-work on the application is already underway.
6. We are aware Whakapapa Holdings Limited (WHL) is also discussing a potential sale and purchase agreement with MBIE to purchase RAL's assets on Whakapapa ski field. WHL has also signalled that it is likely to submit a concession application to operate Whakapapa ski field. It is unclear whether a sale and purchase agreement will be finalised before the application is received.
7. You also have a role to advise on the impacts of the future of RAL's operations at Cabinet. If RAL's concessions are terminated, the current concession requires RAL to remove all infrastructure and remediate the land (the 'make good' provision).
8. As RAL cannot afford to do this, the cost would practically fall to the Department and the Crown – estimated at between \$47 million and \$88 million, with 9(2)(f)(iv)
[REDACTED] 9(2)(g)(i)
[REDACTED]
9. [REDACTED] 9(2)(g)(i)
[REDACTED]
10. [REDACTED] 9(2)(f)(iv)
[REDACTED]
11. Some iwi/hapū and Māori representative groups have previously indicated they would not support continuation of commercial ski fields on Ruapehu in their current form, and [REDACTED] 9(2)(g)(i)
12. Noting the short timeframe in which decisions will need to be made, we recommend an urgent meeting between yourself, the Minister for Regional Development, and the Minister for Treaty of Waitangi Negotiations to discuss engagement with Treaty partners and the concession process. This matter also engages your role as Minister for Māori Crown Relations: Te Arawhiti.

We recommend that you ... (Ngā tohutohu)

		Decision
a)	Note the contents of this briefing, including the offer to meet with officials and discuss the issues in greater detail.	<input checked="" type="checkbox"/> Noted
b)	Agree to meet with Hon. Shane Jones, Minister for Regional Development and Hon. Paul Goldsmith, Minister for Treaty of Waitangi Negotiations to discuss the future process and government decision-making in respect of RAL.	<input checked="" type="checkbox"/> Yes / No



Date: 7/12/2023

Ruth Isaac
Deputy Director-General, Policy and
Regulatory Services
For Director-General of Conservation



Date: 11/12/2023

Hon. Tama Potaka
Minister of Conservation

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Purpose – Te aronga

1. This briefing provides a summary of the context and issues concerning the current state, and future management of, Whakapapa and Tūroa ski fields. It notes your key strategic decisions concerning Mt Ruapehu, and next steps.

Background and context – Te horopaki

2. RAL is a limited-purpose public benefit entity that does not pay company tax or dividends to shareholders – instead, it is required to invest profits into the ski field activities to benefit the public on Mt Ruapehu within the Tongariro National Park.
3. In October 2022, RAL entered voluntary administration with around \$25 million of deferred maintenance and debt of close to \$45 million. A significant amount of this debt was owed to the Crown, including loans from the Provincial Growth Fund.
4. On 21 June 2023, RAL was subsequently placed into liquidation by the High Court following an unsuccessful attempt during voluntary administration to sell the fields to private buyers.
5. Crown funding saw RAL able to operate through the 2023 ski season before it was placed into receivership by MBIE (acting through Crown Regional Holdings Ltd) on 2 November 2023. This decision allowed more time to determine a solution on the future of the ski fields.
6. RAL has operated Whakapapa ski field since 1953 and Tūroa since 1999 under concessions granted by the Minister of Conservation. The current Whakapapa concession expires in 2051 (with rights of renewal of up to 25 years) and the current Tūroa concession expires in 2042 (with rights of renewal of up to 35 years). RAL (in liquidation and receivership) continues to manage ski field operations under the existing concessions.
7. We have been working with MBIE, Treasury and Te Arawhiti to identify options for the future management of the ski fields. MBIE is the lead agency for RAL's commercial arrangements (including the receivership) and regional economy matters. The Department of Conservation (the Department) is the lead agency for land management matters. Te Arawhiti has primarily supported both agencies in their engagement with iwi and hapū with interests in Mt Ruapehu.
8. A potential new operator, Pure Tūroa Limited (PTL), is interested in taking over RAL's operations for Tūroa ski field, subject to PTL being granted a concession to operate the ski field prior to the winter season in 2024. We understand PTL are currently preparing a concession application to submit to us.
9. At this stage, we understand there are no formal deals being advanced with any potential operators for Whakapapa ski field, but that MBIE is currently discussing a possible deal with WHL.

Cabinet decisions to date

10. The issues surrounding the ski fields have been considered at various points by Cabinet under the previous Government, with the most recent decisions made on 2 October 2023. At this time, Cabinet agreed to support a potential buyer for the Tūroa field and keep the Whakapapa business afloat while other options are developed for Cabinet consideration in March 2024. The specific commitments were:
 - agreed in-principle to provide \$3.05 million of support to PTL to purchase and operate RAL assets on the Tūroa ski field, subject to PTL being granted a concession and final Cabinet approval;
 - agreed to move RAL out of liquidation and into receivership;
 - agreed that Kānoa, through Crown Regional Holdings Limited (CRHL) will purchase for \$1 ANZ's security interest associated with \$15 million of debt, making the Crown the majority secured creditor in RAL;

- agreed to provide RAL with a \$4.3 million loan to continue operating until the end of March 2024;
 - [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
11. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED].
12. Cabinet has also agreed to fund the removal of infrastructure that RAL was previously required to remove under the terms of their concessions – known as ‘currently redundant infrastructure’. As RAL cannot afford to remove this infrastructure, the cost would practically fall to the Department and Crown.
13. Cabinet has approved up to [REDACTED] 9(2)(j) [REDACTED] for the Department from the current financial year [REDACTED] 9(2)(f)(iv) [REDACTED] for this work.

Key upcoming Ministerial and Departmental decisions

14. As Minister of Conservation, the decision to grant a concession (permission required to authorise commercial activity in a conservation area) sits with you, unless delegated to a Department official. Ski field concessions are usually granted by your delegate, but this can be revisited according to your views.
15. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
16. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
17. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
18. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
19. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]

Timeframes for the Tūroa concessions process

20. PTL is currently in the final stages of negotiating a sale and purchase agreement with MBIE for the transfer of RAL’s operations and assets on Tūroa ski field. This agreement is conditional on a new concession being granted and is subject to final approval from Cabinet, as to date Cabinet has only provided agreement in principle for funding to PTL.
21. We are expecting to receive a concession application from PTL no later than 8 December. PTL has indicated they need a concession in place by end of March 2024, to allow sufficient time to prepare for the winter 2024 ski season.

32. An earlier WHL bid was rejected by MBIE as the bid contained unfavourable terms for the Crown and potentially exposed the Crown to significant costs.
33. As with PTL, the Department would need to receive an application in early December 2023, in order to make a concession decision for Whakapapa ski fields in March 2024. Taking this matter to Cabinet would need to occur concurrently to the application being processed, to enable a decision on the concession application to be made by March 2024.

34. [REDACTED] 9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 9(2)(g)(i) [REDACTED]

35. An efficient concession process with robust public notification and engagement with Treaty partners is the most feasible and preferable option to allow PTL to takeover RAL operations at Tūroa ski field, noting that any concession application must be considered on its merits.

36. [REDACTED] 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 9(2)(g)(i) [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 9(2)(g)(i) [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 9(2)(g)(i) [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9(2)(g)(i)

Engagement with iwi to date, and going forward

44. Section 4 of the Conservation Act requires the Crown to give effect to the principles of the Treaty of Waitangi.
45. When making decisions on a concession application for Mt Ruapehu, this will require as a first step ensuring we are informed of and understand the views and interests of all iwi/hapū and Māori representative groups with an interest in the ski field areas (such as Te Pou Tupua which represents the legal person Te Awa Tupua, established through the Whanganui River settlement).
46. We have been engaging with iwi/hapū throughout this process, both directly and via other agencies (Te Arawhiti and MBIE).
47. We have sent introductory letters concerning the pending PTL and potential WHL concession applications to our Treaty partners to further support this engagement.

48. 9(2)(ba)(i)

49. 9(2)(ba)(i)

50. We have continued to engage with iwi including to explore options for how the concerns raised can be mitigated. One of the options being discussed is a shorter concession term (up to 10 years rather than 30+), which would enable the concession to be revisited closer to the conclusion of the Tongariro National Park negotiations.

51. Irrespective of discussions to date, formal consultation with our Treaty partners still needs to take place after a concession application is received to ensure we meet our responsibilities under s4 of the Conservation Act.

52. We have good relationships with iwi leaders at an operations level, which will support engagement during the anticipated concession processes.

53. 9(2)(g)(i)

54. 9(2)(g)(i)

Tongariro National Park Treaty negotiations

55. The Crown is committed to collective negotiations with iwi with interests in Tongariro National Park (including Ngāti Hāua, Ngāti Rangī, Ngāti Tūwharetoa, and the iwi of Te Korowai o Wainuiārua).

56. Tongariro National Park collective negotiations have not yet commenced. However, as part of engagement on the future of RAL, Ngāti Tūwharetoa requested the Crown progress discussions on the future of Tongariro National Park, which the Crown agreed to do with “some urgency”.

57. [REDACTED] 9(2)(j)
[REDACTED]
[REDACTED]
[REDACTED]

58. On 11 September 2023, the former Minister of Conservation and Minister for Treaty of Waitangi Negotiations met with representatives of Te Kotahitanga o Ngāti Tūwharetoa, Ngāti Hāua, Ngāti Rangī and Te Korowai o Wainuiārua, as well as Te Ariki Tā Tumu Te Heuheu and his office, to engage about when iwi may be ready to commence negotiations.

59. [REDACTED] 9(2)(ba)(i)
[REDACTED]
[REDACTED]
[REDACTED]

60. [REDACTED] 9(2)(ba)(i)
[REDACTED]
[REDACTED]

61. You will receive a separate briefing related to the status of current Treaty negotiations in due course.

Ski field infrastructure on Mt Ruapehu is a significant Crown/Departmental liability

62. There is substantial ski field infrastructure on Mt Ruapehu – such as chair lifts, buildings, chemical storage and other structures. Under the terms of RAL’s concessions, RAL must remove all infrastructure and remediate the land on termination of their concessions – known as the ‘make good’ provision. As RAL cannot afford to fulfil the make good provision, this cost would practically fall to the Department, and therefore the wider Crown.

63. We have estimated the cost to remove infrastructure and remediate the land to be between \$47 million and \$88 million, based on a desktop analysis. Work is underway to refine this estimate and fully understand the costs involved to meet these liabilities.

64. [REDACTED] 9(2)(g)(i)
[REDACTED]
[REDACTED]
[REDACTED]

Currently redundant infrastructure

65. Since the ski fields were first established, there has been ongoing replacement and renovation of ski facilities, some of which has resulted in redundant infrastructure being left on site.

66. The Tongariro National Park Management Plan and concession agreements require that this infrastructure is removed. As RAL has no ability to remove this, Cabinet has accepted liability for it.

67. Separately, in 2023, Cabinet approved up to [REDACTED] 9(2)(j) from the current financial year [REDACTED] 9(2)(f)(iv) to remove infrastructure which is already redundant as a result of previous RAL developments.

68. We have contracted surveyors and quantity surveyors to provide these costings by February 2024. We are currently procuring the main contractor to remove the already

redundant infrastructure. The contractor should be in place within 3-6 months and works would begin from mid-2024 (with snow cover required to move heavy machinery into place for works).

69. [REDACTED] 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 9(2)(g)(i) [REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

Risk assessment – Aronga tūraru

75. Decisions about the future use of ski fields on Mt Ruapehu have generated a significant amount of public interest. [REDACTED] 9(2)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

76. As above, some iwi have already publicly stated a preference for ski field sales to be halted while the Tongariro National Park Treaty negotiations progress. [REDACTED] 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

77. [REDACTED] 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]

78. There will be pressure on the Department to conclude a concessions process before the end of March 2024, [REDACTED] 9(2)(g)(i) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] To mitigate this risk, we have planned for a timeframe for processing any concession application that, while tight, will ensure we have run a robust process.

79. [REDACTED] 9(2)(g)(i)
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Consultation – Kōrero whakawhiti

- 81. We are working closely with MBIE and Te Arawhiti on matters relating to RAL.
- 82. We have consulted with Te Arawhiti, MBIE, the Treasury, and the Department of Prime Minister and Cabinet on this briefing.

Financial implications – Te hiraunga pūtea

83. [REDACTED] 9(2)(g)(i)
[REDACTED]
[REDACTED]

84. In the event that no new operator takes over the ski fields, the cost of keeping the fields safe and maintained in an “able to be restarted” condition is estimated at [REDACTED]
[REDACTED] 9(2)(g)(i)
[REDACTED]

85. [REDACTED] 9(2)(i)
[REDACTED]

86. There also over 55 ski club huts located in Tongariro National Park, each managed under its own concession. If the ski fields close, we expect many of these clubs would also close. While the clubs have obligations in their concessions to remove their infrastructure once their concessions terminate, few have the means to do this. [REDACTED]
[REDACTED] 9(2)(g)(i)
[REDACTED]
[REDACTED]

87. [REDACTED] 9(2)(g)(i), 9(2)(f)(iv)
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Next steps – Ngā tāwhaitanga

- 89. We suggest a joint meeting between yourself, the Minister for Regional Development and Minister for Treaty of Waitangi Negotiations to discuss these issues in greater detail. Officials can provide additional material to support this meeting.
- 90. We will provide you with further briefings when decisions are required and will also provide regular status updates through your weekly Status Report.

ENDS

Attachment 2 Item 1

From: [Mike Tully](#)
To: [Stacey Wrenn](#); [Marie Long](#); [Damian Coutts](#); [Karl Beckert](#)
Cc: [Irene Lovejoy](#); [Penny Nelson](#)
Subject: RE: RAL
Date: Friday, 30 June 2023 4:11:59 pm
Attachments: [image001.jpg](#)
[image002.png](#)

Hi team

I have spoken to John Fisk.

I outlined a brief of below with the main point being the timeline, subject of course to the changes requested to the concession and the unknown outcome of any required consultation. This timeline (4months) confirmed to him they would likely be managing the site for the whole season.

I think they may try to get a sale in-place subject to the outcome of the concession. I reiterated that dependant on any requests for changes in the new concession, public consultation would have to occur and no one can predict the outcome of that.

He is aware our minister is yet to be briefed.

Cheers

Mike

From: Stacey Wrenn <xxxxxx@xxx.xxxx.xx>

Sent: Friday, June 30, 2023 2:41 PM

To: Marie Long <xxxxx@xxx.xxxx.xx>; Mike Tully <xxxxxx@xxx.xxxx.xx>; Damian Coutts <xxxxxxx@xxx.xxxx.xx>; Karl Beckert <xxxxxxx@xxx.xxxx.xx>

Cc: Irene Lovejoy <xxxxxxx@xxx.xxxx.xx>

Subject: RE: RAL

Hi Mike,

We are updating the Minister on the expected concessions process in a briefing early next week, so the Minister currently does not know the timeframes. We have updated her on the broad process.

Here are some bullet points about the concession process and expected timeframes:

- It will take four months after a preferred operator or operators are identified to complete the process to transfer RAL's concessions.
- This timeframe includes publicly notifying the transfer of the concessions. Based on consultation to date, we expect there will be changes to the concessions that will meet the threshold for public notification.
- We will be continuing our engagement with iwi and working on the draft concession documents while the liquidator determines the preferred operator/s.
- Once the liquidator has determined a preferred operator/s and we have received an application to transfer the concessions from the preferred operator/s, the process will be:
 - Publicly notify the transfer of the concessions for 20 working days
 - Hold public hearings
 - Analyse information presented through notification and at hearings
 - Finalise concession documents and advice to the decision maker
 - Make a decision on the transfer of the concessions

Our understanding from MBIE is that it is likely to take between 6 and 8 weeks for a preferred operator to be identified. This process includes the third bidder undertaking their due diligence, seeking Crown support, and making a formal proposal, and then the liquidator choosing the preferred operator.

Cheers,

Stacey

From: Marie Long <xxxxx@xxx.xxxx.xx>

Sent: Friday, June 30, 2023 11:29 AM

To: Mike Tully <xxxxxx@xxx.xxxx.xx>; Damian Coutts <xxxxxxx@xxx.xxxx.xx>; Stacey Wrenn <xxxxxx@xxx.xxxx.xx>; Karl Beckert <xxxxxxx@xxx.xxxx.xx>

Cc: Irene Lovejoy <xxxxxxx@xxx.xxxx.xx>

Subject: RE: RAL

Hi Mike

We are still designing what we will do with this process, but will get Stacey to get you some bullet points. If you want me to discuss this with him I will as I have the knowledge and context of what is happening at the moment.

It is important that what we give him is clear and succinct as he will speak to this externally – this is not really a preference for us.

Cheers

Marie

Marie Long

Deputy Director-General | National Operations and Regulatory Services

Department of Conservation | Te Papa Atawhai

Phone: 9(2)(a) | www.doc.govt.nz

Papatūānuku Thrives email banner.



From: Mike Tully <xxxxxx@xxx.xxx.xx>

Sent: Friday, June 30, 2023 11:24 AM

To: Marie Long <xxxxx@xxx.xxx.xx>; Damian Coutts <xxxxxxx@xxx.xxx.xx>

Cc: Irene Lovejoy <xxxxxxxx@xxx.xxx.xx>

Subject: RAL

Good morning,

I apologise for the quick turnaround and request at no notice however I have been asked to update the RAL Administrator today on the concession process and timeline. Can I please get an email of bullet points on the key steps that outline this. Thank you...

If I can get by 3pm today?

Mike Tully

Deputy Director General - Organisation Support

Department of Conservation | Te Papa Atawhai

Mobile: 9(2)(a)

Conservation House Wellington | Whare Kaupapa Atawhai

18 Manners Street | PO Box 10420 | Wellington 6143

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Item 2

From: [Eamonn Whitham](#)
To: [Lena Sapunova](#); [Leigh-Anne Wiig](#)
Cc: [Sandra Griffiths](#); [Sarah Owen](#); [Steve Brightwell](#); [Rachael Jordan](#); [Marie Long](#)
Subject: RAL - updated talking points for meeting with MBIE CE
Date: Monday, 28 August 2023 2:17:01 pm
Attachments: [image001.png](#)
[DDG talking points \(updated 28.8\).docx](#)

Kia ora kōrua,

Attached as requested are updated talking points for Penny's next meeting/conversation with Carolyn Tremain covering RAL.

Any questions on the content don't hesitate to give me a bell on the number below.

Ngā mihi,

Eamonn Whitham (he/him)
Operations Issues Manager
OSU
M: 9(2)(a)

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Item 3

Talking points for MBIE explaining reason for letter – 21 August 2023 [updated 28 August]

Key points

- It is important that any prospective bidder understand the concessions process, likely timeframes and requirements for DOC to work with Treaty partners and also to seek public input.
- We have written to MBIE to ensure the details of the concessions process is clear. MBIE has shared this information with potential bidders.
- My staff have been clear that we are working to deliver on a four-month processing window from application (expected in early October) to decision. While very tight, this will enable a robust and transparent process to be undertaken.
- We cannot guarantee this timing will not stretch, as it is affected by the level and complexity of issues raised through public notification and consultation process.
- The process must be robust, transparent and take the time required or it will be at risk of judicial review. Judicial review would result in further delays to the decision-making process.

Background

- Cabinet will be asked to make in-principle decisions on support for prospective buyers on 18 September.
- The preferred bidder(s) selected by the liquidators will then need to lodge a formal concession application.
- [REDACTED] 9(2)(h)
- All concession applications must follow a statutory process.
- We are working closely with MBIE, Crown Law and Te Arawhiti to ensure a joined-up approach is taken.
- We are preparing the ground to receive concession application(s) and providing the best possible support to would-be applicants.
- We are meeting with all Ruapehu iwi to understand their values that would need to be addressed in concession conditions.
- Themes from these meetings are being fed back to prospective bidders to ensure they are able to be taken into account during the application process.
- While we are supporting potential buyers as much as we can, we are also being careful to not to do anything which prejudices the Minister or her delegate's decision on the application(s).

Item 4

From: [Ruth Isaac](#)
To: [Penny Nelson](#); [Lena Sapunova](#)
Cc: [Sandra Griffiths](#)
Subject: ORS weekly update - fyi and for feedback on level of detail...
Date: Wednesday, 15 November 2023 5:34:48 pm
Attachments: [image001.jpg](#)

Out of Scope

[Redacted]

[Redacted]

Out of Scope

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]	[Redacted]	[Redacted]
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[Redacted]	[Redacted]	[Redacted]
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[Redacted]

-

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Out of Scope

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Out of Scope

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- [Redacted]

- [Redacted]

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Out of Scope

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- [Redacted]
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- [Redacted]

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Out of Scope

- [Redacted]
- [Redacted]
- [Redacted]
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- [Redacted]

- [Redacted]
- [Redacted]

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Out of Scope

Ruapehu Alpine Lifts (in receivership)

Out of Scope

We still anticipate a concession application will not be forthcoming until after the sale and purchase agreement is signed. Irrespective of the MBIE/PTL negotiations, Regional Ops and Regulatory Services are progressing discussions with PTL on their proposed purchase and what will be required for them to lodge their concession application.

Out of Scope

. If established, such a forum could support the concession process and provide on-going iwi perspectives to future ski field operations. It is yet to be socialised with other agencies and iwi whose participation will be critical to its success.

Out of Scope

9(2)(g)(i)

██████████
Ngā mihi
Ruth

Ruth Isaac ([she/her](#))

Deputy Director-General, Policy and Regulatory Services

Department of Conservation | Te Papa Atawhai

Mobile ██████████ 9(2)(a)

Email: xxxxxx@xxx.xxxx.xx

EA: Rebecca Worthington: xxxxxxxxxxxx@xxx.xxxx.xx

Mobile ██████████ 9(2)(a)

Conservation House Wellington | Whare Kaupapa Atawhai

Level 3, 18 - 32 Manners St | PO Box 10 420, Wellington 6143

Kia piki te oranga o te ao tūroa, i roto i te ngātahitanga, ki Aotearoa.

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[1] <https://www.newsroom.co.nz/mackenzie-solar-farm-rejected>

[2] <https://www.newstalkzb.co.nz/on-air/mike-hosking-breakfast/opinion/mikes-minute-we-cant-save-the-environmentbecause-of-the-environment/>

[3] [Tekapo solar farm application rejected on ecological grounds | RNZ](#)

[4] <https://flip.it/-DV0lz>