

Out of
Scope

Attachments: [Talking points for Cabinet papers at 6 November ECO Committee - DOC-7791666.pdf](#)
[Talking points for Cabinet papers at 6 November ECO Committee - DOC-7791666.docx](#)
Importance: High

From: Amanda Peterson <@..>
Sent: Monday, 4 November 2024 12:35 pm
To: Peter Galvin Sec 9(2)(a)
Cc: Ruth Isaac <@..>; Siân Roguski <@..>; James Johnson (Policy Manager) <@..>; Caroline Reid <@..>; Government Services <@..>; Climate Change Response Team <@..>
Subject: RE: Talking points for other Minister's Cabinet papers - ECO 6 November
Importance: High

Kia ora Peter

Please see attached the document requested ahead of the Officials meeting (talking points for ECO 6 Nov).

Ngā mihi
Amanda

Amanda Peterson
Senior Policy Advisor | Kaitohutohu Kaupapa Mahere
Conservation House | Whare Kaupapa Atawhai
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From: Peter Galvin Sec 9(2)(a)
Sent: Thursday, October 31, 2024 5:52:22 pm
To: Government Services <xxxxxxxxxxxxxxxxxxxx@xxx.xxxx.xx>; Siân Roguski <xxxxxxxx@xxx.xxxx.xx>; James Johnson (Policy Manager) <xxxxxxxxxxxx@xxx.xxxx.xx>; Caroline Reid <xxxxxxxx@xxx.xxxx.xx>
Cc: Kayla Wilson Sec 9(2)(a)
Subject: Talking points for other Minister's Cabinet papers - ECO 6 November

Kia ora koutou

Can we please commission the below – realising these are underway eh? No other memo needed thanks, and a single document will be perfect for tabling at the Officials hui on Monday 4th in support of the agenda item.

Cheers

Peter

Cab paper talking points		
Paper title/subject	<p>Three Cabinet papers led by other Ministers:</p> <ul style="list-style-type: none"> • Options Relating to the Sale of Ruapehu Alpine Lifts (RAL) Whakapapa Ski Field • Afforestation on Crown-Owned Land • NZ's Second Emissions Reduction Plan: Finalising and Publishing the Plan 	
Due to Office	Monday 4 November	
Context	The Minister has had regular briefings on the above papers, including advice for Ministerial consultation. The Talking Points are as a prompt for him to recall the key interests he has in the papers, and to highlight any matters in them for his colleagues.	
Officials needed	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If officials needed, describe	For ECO on the 6 th at 9am	

ENDS

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Talking points for the Minister of Conservation at 6 November ECO Committee

This note provides talking points to support you at the 6 November ECO Committee. There are three papers being presented by other Ministers that have relevance to the Conservation portfolio. The talking points highlight the key interests you have in the papers and matters that you may wish to highlight to your colleagues.

Out of Scope [Redacted]

- [Redacted]
- [Redacted]

- [Redacted]
 - [Redacted]

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

- [Redacted]
- [Redacted]

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Out of Scope [Redacted]

[Redacted]

- | [Redacted]
- | [Redacted]

Options Relating to the Sale of Ruapehu Alpine Lifts (RAL) Whakapapa Ski Field (Minister of Regional Development)

- Sec 9(2)(h) [Redacted]
- DOC estimates that decommissioning all infrastructure at Whakapapa could cost as much as [Redacted] Sec 9(2)(j).
- Any money spent on decommissioning redundant ski field infrastructure will be money that can't be spent on conservation.
- I would make the following observations/comments about the different options before us:

Option 1: No Crown support for WHL's bid

- Sec 9(2)(j), Sec 9(2)(f)(iv) [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]

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- Sec 9(2)(f)(iv) [Redacted]

Option 2 – Crown provides WHL with a loan of up to \$5 million

- Supporting WHL’s bid would delay the need to fulfil the decommissioning obligation but would not remove it.
- If we support WHL’s bid, I will ensure that DOC processes their concession application by 31 March 2025.
- DOC will be responsible for removing infrastructure not included in the sale and purchase agreement, which DOC estimates would cost around Sec 9(2)(j), Sec 9(2)(g) and will be met from within baselines.

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From: [Stacey Wrenn](#)
To: [Redacted]; Sec 9(2)(a)
Cc: [Ruth Isaac](#); [Government Services](#); [Rebecca Worthington](#)
Subject: 24-B-0574 - Email - Options relating to the sale of RAL's Whakapapa ski field
Date: Friday, 8 November 2024 1:14:00 pm
Attachments: [image001.png](#)
[24-B-0574 - Email - Options relating to the sale of RAL's Whakapapa ski field - Attachment A - DOC-7807458.docx](#)

Hi Peter,

Please see below DOC's advice to support the RAL Cabinet paper on Monday, and attached talking points.

Ngā mihi,
 Stacey

FOR DISCUSSION OF RAL PAPER AT CABINET MONDAY 11 NOVEMBER - DOC ADVICE:

Purpose

To provide you with additional information and talking points (Attachment A) on the Minister of Regional Development's Cabinet paper 'Options relating to the sale of Ruapehu Alpine Lifts Limited's Whakapapa ski field' following the Economic Policy Committee's (ECO) discussion on 6 November 2024. We previously provided you with advice and talking points prior to ECO (24-B-0548 refers).

We proposed updated recommendations for the Cabinet paper that have not been incorporated

- Sec 9(2)(f)(iv) [Redacted]
 - [Redacted]
- [Redacted] We proposed to include:

Substance of recommendation	Comment
A noting recommendation that under existing legislation a lease or licence concession can be granted for a term of up to 30 years, or 60 years in exceptional circumstances (exceptional circumstances could include to provide certainty required for investment).	The decision maker must give effect to the principles of the Treaty when making their decision on the application. We know iwi are not likely to support a concession term that extends beyond the likely timeframe for Treaty settlement for Tongariro National Park. The decision maker would need to consider this when making their decision.
Sec 9(2)(f)(iv), Sec 9(2)(j) [Redacted]	[Redacted]

<p>Sec 9(2)(j), Sec 9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>Sec 9(2)(h)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

- Sec 9(2)(g)(i) [Redacted]
[Redacted] You may wish to speak to these points at Cabinet.

- Sec 9(2)(f)(iv) [Redacted]
- [Redacted]
[Redacted]

Proposed recommendation	Comment
<p>Sec 9(2)(f)(iv) [Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

<p>Sec 9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Sec 9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p>

Stacey Wrenn (she/her)

Chief Advisor, Regulatory Modernisation
Whare Kaupapa Atawhai | Conservation House

Phone: Sec 9(2)(a)

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Attachment A

Talking points for Cabinet

Sec 9(2)(f)(iv)

[Redacted]

- Sec 9(2)(f)(iv)
[Redacted]

- Sec 9(2)(f)(iv)
[Redacted]

- Sec 9(2)(f)(iv)
[Redacted]

Concession term and decision making

- A lease or licence can be granted for a term of up to 30 years, or 60 years in exceptional circumstances such as to provide certainty for necessary investment.
- As decision maker, I must give effect to the principles of the Treaty when making a decision on concession applications, and would need to consider this alongside what the applicant is seeking and other considerations.
- Sec 9(2)(h), Sec 9(2)(g)(i)
[Redacted]

Sec 9(2)(f)(iv)

[Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

Sec 9(2)(f)(iv)

[Redacted]

[Redacted]

Legislative change may be an option to transfer RAL's concession

- Sec 9(2)(h), Sec 9(2)(f)(iv)
[Redacted]

- Sec 9(2)(f)(iv), Sec 9(2)(g)(i)
[Redacted]

[Redacted]

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Proposed recommendations to table

1. Sec 9(2)(f)(iv) [Redacted]
2. Sec 9(2)(f)(iv) [Redacted]

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Memo: Next steps for Whakapapa ski field

To	Minister of Conservation	Date submitted	14 November 2024
GS tracking #	24-B-0586	DocCM	DOC-7812268
Security Level	In Confidence		
From	Ruth Isaac, Deputy Director-General, Policy and Regulatory Services, Sec 9(2)(a)		Sec 9(2)
Subject	Next steps for Whakapapa ski field		
Attachments	Attachment A: Excerpt of previous advice on Cabinet paper (8 November 2024)		

Purpose – Te aronga

1. This memo describes the potential options for next steps for Whakapapa ski field relating to DOC's regulatory role, following Cabinet's discussion of the Minister for Regional Development's Cabinet paper '*Options relating to the sale of Ruapehu Alpine Lifts Limited's (RAL) Whakapapa ski field*' (the Cabinet paper) on 11 November 2025.

Background and context – Te horopaki

2. The Cabinet paper sets out two options that could be progressed following negotiations between RAL's receivers and Whakapapa Holdings Limited (WHL) about the purchase of RAL's Whakapapa ski field assets. The two options presented are:
 - for Cabinet to decline to provide financial support to WHL Sec 9(2)(f)(iv) or
 - to provide the financial support requested by WHL.
3. Sec 9(2)(f)(iv)
4. We have previously provided you with advice on the Cabinet paper (24-B-0548 and 24-B-0574 refer; an excerpt from 24-B-0574 is included as Attachment A).
5. You have asked to meet with the Minister for Regional Development and senior officials. Your office is arranging this meeting.

DOC did not advise WHL that it could not apply for a concession term of longer than ten years

6. Sec 9(2)(g)(i) A lease or licence can be granted for up to 30 years, or up to 60 years in exceptional circumstances (providing certainty of tenure to allow for significant investment may be considered an exceptional circumstance).

7. DOC advised WHL that the decision maker will need to consider the views of iwi and hapū under s4 of the Conservation Act 1987 and Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (Te Awa Tupua) when considering whether to grant a concession for the ski field. We understand iwi have told WHL they do not want to see a concession term longer than ten years to account for upcoming Treaty of Waitangi negotiations for Tongariro National Park. This will have been a factor in WHL deciding to apply for a concession term of ten years.

8. Sec 9(2)(b)(ii), Sec 9(2)(j) [Redacted]

9. In March 2024, Cabinet directed officials to remove regulatory barriers to enable a commercial operator to take over Whakapapa ski field. Sec 9(2)(h) [Redacted]

Sec 9(2)(g)(i) [Redacted]

WHL informed us and Kānoa they intended to apply for a ten year concession Sec 9(2)(g)(i) [Redacted]

WHL submitted its application for a ten year concession in October 2024.

Potential options as a result of Cabinet decisions

Concession decision required by 31 March 2025

10. If Cabinet decides to fund WHL or WHL decides to progress with the purchase of Whakapapa ski field assets without Crown funding, a concession decision may be required by 31 March 2025. Sec 9(2)(b)(ii) [Redacted]

11. The concession process includes public notification, public hearings, iwi consultation and statutory analysis of the application. It may be possible to complete this by 31 March 2025 if a concession application is ready for public notification in December 2024. However, this will be a very tight timeframe with no room for errors or delays, similar to the Pure Tūroa Limited (PTL) concession process earlier this year.

12. If a concession application is notified in January 2025 or later, it will not be possible to make a decision on the application before 31 March 2025.

13. Sec 9(2)(g)(i) [Redacted]

14. Sec 9(2)(h) [Redacted]

Sec 9(2)(f)(iv)

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

Legislation change under urgency remains an option

- 19. Sec 9(2)(h), Sec 9(2)(f)(iv) [Redacted]
- 20. Sec 9(2)(g)(i), Sec 9(2)(f)(iv) [Redacted]

Risk assessment – Aronga tūraru

- 21. The longer it takes to get certainty about the next steps, the less likely it is that DOC can process any required concession application/s by 31 March 2024. We are working with Kānoa to provide updated advice to Cabinet as quickly as possible, to support Cabinet to make decisions.
- 22. WHL has asked DOC why we have not yet notified its concession application, given the need for a concession decision by 31 March 2025. Sec 9(2)(g)(i) [Redacted]
Kānoa has advised WHL decisions about funding need to be made. We will advise WHL that we are waiting for these funding decisions before publicly notifying the application.
- 23. Iwi and hapū are not likely to support a concession term over ten years. If an applicant applies for a longer concession term, then considering it's consistency with section 4 and Te Awa Tupua will be a matter for the decision maker to determine.
- 24. Sec 9(2)(g)(i) [Redacted] The Cabinet paper recommends Cabinet directs the application is processed by 31 March 2025. This will help us to communicate that we do not have discretion about the speed of the concession process.

Next steps – Ngā tāwhaitanga

- 25. We are working with Kānoa officials to provide further advice to Cabinet as requested.

26. We will support you at your meeting with the Minister for Regional Development when this is scheduled.

27. Sec 9(2)(g)(i) [Redacted]

28. We are preparing to publicly notify WHL's concession application in its current form, if required.

ENDS

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Attachment A: Excerpt of previous advice on Cabinet paper (8 November 2024)

We proposed updated recommendations for the Cabinet paper that have not been incorporated

- Sec 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted] We proposed to include:

Substance of recommendation	Comment
<p>A noting recommendation that under existing legislation a lease or licence concession can be granted for a term of up to 30 years, or 60 years in exceptional circumstances (exceptional circumstances could include to provide certainty required for investment).</p>	<p>The decision maker must give effect to the principles of the Treaty when making their decision on the application. We know iwi are not likely to support a concession term that extends beyond the likely timeframe for Treaty settlement for Tongariro National Park. The decision maker would need to consider this when making their decision.</p>
<p>Sec 9(2)(i) Sec 9(2)(j), Sec 9(2)(b)(ii) [Redacted]</p>	<p>[Redacted]</p>
<p>Sec 9(2)(f)(iv) [Redacted]</p>	<p>Sec 9(2)(f)(iv) [Redacted]</p> <p>Sec 9(2)(h) [Redacted]</p> <p>9(2)(f)(iv) [Redacted]</p>

[Redacted] 9(2)(f)(iv) [Redacted]

- Sec 9(2)(g)(i) [Redacted]

9(2)(f)(iv) [Redacted]

- [Redacted]

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

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From: [Stacey Wrenn](#)
To: Sec 9(2)(a)
Cc: [Ruth Isaac](#); [Rebecca Worthington](#); [Government Services](#)
Subject: 24-B-0607 - Email advice - Options relating to the sale of RAL's Whakapapa ski field
Date: Tuesday, 3 December 2024 6:02:00 pm
Attachments: [image001.png](#)
 Out of Scope
 Sec 9(2)(g)(i)

Kia ora Sec 9(2)(a),

Please see below requested DOC comments on the RAL Cabinet paper to inform Ministerial consultation.

I spoke to MBIE officials today about when this paper is going to Cabinet. They are hoping to lodge the paper this week to go to Cabinet on Monday for a decision, without going to EXP. They will let me know when/if this approach is confirmed.

I haven't been able to address all the Minister's questions on the paper (attached) in my comments below, so here are some additional comments on the questions the Minister has asked:

- PTL performance under Tūroa concession: We covered this briefly in the memo for today's meeting. Please let me know if you need more detail in a talking points memo for Cabinet.
- Make good obligation: Our understanding is the Crown has an obligation to remove infrastructure Sec 9(2)(f)(iv) but that it can make decisions about when and how much infrastructure is removed. This will need to be accounted for in the future, but not until the likely costs are better understood. Sec 9(2)(f)(iv)
- Make good costs: The wide range of potential make good costs is because the actual costs will depend on how much infrastructure is left after the wind up process and if any infrastructure will continue to be in use. We will obtain more accurate estimates of the costs once we understand the extent of infrastructure to be removed, if required.
- Trade creditors: Sec 9(2)(f)(iv), Sec 9(2)(j)
- Sec 9(2)(f)(iv), Sec 9(2)(j)
- Public hearing closing date conflicting with law reform engagement: We will consider this in the timeframe for the concession and ideally bring the hearing dates forward.

Ngā mihi,
Stacey

Advice about the Minister for Regional Development's Cabinet paper: Options relating to the sale of RAL's Whakapapa ski field

Following the meeting between you, Minister of Finance, Minister for Regional Development and Minister for Social Development today, we understand MBIE is redrafting the Cabinet paper to reflect the recommendation Ministers are collectively making to Cabinet. We recommend still submitting comments through Ministerial consultation, as the feedback below will also be relevant for the updated Cabinet paper.

Concession process

- The paper should include that you (or your delegate) will be the decision maker on the concession application, that Cabinet cannot direct the outcome of the concession decision, and that the concession decision must be made in line with the substantive and procedural requirements of the Conservation Act 1987 and Te Awa Tupua (Whanganui River Settlement Claims) Act 2017.
- The paper could include more detail about engagement with iwi and hapū in the concession process (that we must give effect to the principles of the Treaty and meet the requirements of Te Awa Tupua; ^{Sec 9(2)(h)} [REDACTED]) and be stronger about the feedback iwi and hapū have given to date about not supporting a concession with a term longer than ten years. DOC has previously provided feedback about this to MBIE.
- Paragraph 88 should note that the time required to process the concession is to ensure all statutory requirements are met (including public notification, hearings and iwi engagement).

We do not recommend you comment on this, but want to draw your attention to it – please note that the paper currently sets out timeframes for processing the concession application by 30 April 2025. This is later than earlier versions of the paper, that set out timeframes for processing an application by 31 March 2025 if publicly notified by 25 November 2024 at the latest. As we were unable to publicly notify the application by 25 November, we do not think it is possible to make a robust and lawful decision by 31 March.

^{Sec 9(2)(b)(ii)} [REDACTED]

We will provide you with detailed timeframes for processing WHL's concession application tomorrow as discussed.

Financial impacts on DOC

- The paper could be clearer about the impact of the make good provisions, including that Cabinet will be able to make decisions about when to remove infrastructure from the ski field and that the wide range of potential make good costs is due to us not knowing how much infrastructure will be DOC's responsibility to remove after the proposed wind up process if this option is progressed.
- While the paper includes a recommendation that ^{Sec 9(2)(f)(iv)} [REDACTED] in outstanding concession revenue is paid to DOC if the sale to WHL is progressed, this is not completely clear in the body of the paper. We recommend making it clearer that outstanding concession revenue will be paid to DOC (paragraph 85 of current version of paper).
- ^{Sec 9(2)(f)(iv), Sec 9(2)(j)} [REDACTED]
[REDACTED]
[REDACTED]

Sec 9(2)(j), Sec 9(2)(f)(iv)

- The paper notes that it will cost DOC approximately Sec 9(2)(j), Sec 9(2)(a)(i) per annum to maintain the ski field and manage hazards if RAL is wound up and that this will be met from DOC's baseline. We recommend you seek funding from Cabinet to cover this cost rather than meet it from DOC's baseline.

- Sec 9(2)(f)(iv)
[Redacted text block]

Other

- The paper recommends the Minister of Finance and Minister for Regional Development are delegated to make further funding decisions related to Cabinet's decision. We recommend you are delegated alongside these Ministers.

Stacey Wrenn (she/her)

Chief Advisor, Regulatory Modernisation
Whare Kaupapa Atawhai | Conservation House
Phone: Sec 9(2)(a)

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Meeting Memo

Whakapapa ski field sale options

To	Minister of Conservation	Date submitted	3 December 2024
GS tracking #	24-M-0149	DocCM	DOC-7827501
Security Level	In Confidence		

Meeting date/time	Tuesday 3 December, 2024, 11.30am
Meeting location	Beehive
Attachments	No attachments

Key contacts			
Name	Organisation	Role	Cell phone
Ruth Isaac, Deputy Director-General, Policy and Regulatory Services	DOC	DOC meeting support	Sec 9(2)(a)
Stacey Wrenn, Chief Advisor, Regulatory Modernisation	DOC	DOC meeting support	Sec 9(2)(a)

Context & purpose

1. You are meeting with the Minister of Finance, Minister for Regional Development and Minister for Social Development to discuss options for the sale of Ruapehu Alpine Lifts Limited's (RAL) Whakapapa ski field.
2. The Minister for Regional Development intends to re-lodge his Cabinet paper on this matter, 'Options relating to the sale of RAL's Whakapapa ski field', this week. The Cabinet paper is expected to be discussed at the Cabinet Expenditure and Regulatory Review Committee (EXP) on 10 December 2024 and Cabinet on 16 December 2024.
3. Sec 9(2)(f)(iv), Sec 9(2)(j)

- Whakapapa Holdings Limited (WHL): WHL is seeking Crown funding of \$5 million to support its proposal to operate Whakapapa ski field. Sec 9(2)(f)(iv) WHL has already submitted a concession application to us and is applying for a ten year concession. Cabinet approval is required for WHL's proposal as it is seeking Crown funding.

- Sec 9(2)(f)(iv)

Sec 9(2)(f)(iv)

4. There are three options broadly available to Cabinet:
 - Do not provide WHL with funding and move to wind up RAL. Note that WHL may choose to continue with the sale and purchase agreement without Crown funding (and potentially seek a concession with a longer term to compensate for the lack of funding) as part of the wind up process, Sec 9(2)(f)(iv), Sec 9(2)(b)(ii)
 - Sec 9(2)(f)(iv)
 - Agree to provide Crown funding to Whakapapa Holdings Limited (WHL). If this option is supported, we will process the application for a ten year concession that WHL has already submitted to us.
5. The draft Cabinet paper has been sent to you for Ministerial consultation. We are reviewing the paper and will provide you with feedback on 3 December 2024.
6. We will brief you prior to EXP and Cabinet.

Strategic objectives

7. The main objective of this meeting is for the primary Ministers with an interest in Whakapapa ski field to discuss the proposed options in detail and potentially reach agreement about their preferred options, before the paper goes to EXP.
8. Your objectives for the meeting are to be clear about the requirements of the Conservation Act 1987 (and related legislation including Te Awa Tupua (Whanganui River Settlement Claims) Act 2017) when considering the proposed options and explain the potential impacts of each option on DOC, including financial impacts.

Likely areas of discussion

Concession requirements

9. Any operator of Whakapapa ski field will require a concession. A concession can be granted for up to 30 years, or 60 years in exceptional circumstances (such as security of tenure to justify investment).
10. You, or your delegate, will make the decision on any concession application. Cabinet cannot direct on the decision. The decision maker must make their decision in accordance with the substantive and procedural requirements of the Conservation Act, including giving effect to the principles of the Treaty of Waitangi, and Te Awa Tupua. Under Te Awa Tupua the decision maker must recognise and provide for the Te Awa Tupua status and Tupua te Kawa.
11. Sec 9(2)(h)

Iwi and hapū feedback on the two proposals to date

12. We are aware iwi and hapū do not support a concession term over ten years, as a longer term would exceed expected timeframes for Treaty of Waitangi negotiations over Tongariro National Park.

13. We understand WHL has engaged with all iwi and hapū with an interest in Whakapapa, and has included a cultural impact assessment from Ngāti Hikairo as part of its concession application. [REDACTED]

Sec 9(2)(g)(i)

14. Sec 9(2)(ba)(i), Sec 9(2)(g)(i)

Timeframe for processing a concession application

15. We have previously set out timeframes in the earlier version of the Cabinet paper that would allow us to process WHL’s concession application by 31 March 2025. This timeframe required us to publicly notify the application by 25 November 2024.

16. Based on the paper being considered by Cabinet on 16 December 2024, we will not be able to publicly notify the application before the statutory shut down period (20 December to 10 January inclusive). This means that the 20 working day public notification period would, in the best case scenario, start on 11 January 2025. This will not give us enough time to engage meaningfully with iwi and hapū, run the notification process, analyse submissions, hold hearings and analyse the application in time to make a robust decision by 31 March 2025.

17. We have updated the Cabinet paper to include timeframes that would allow a concession decision to be made by 30 April 2025, if Cabinet directs us to do this.

18. Sec 9(2)(g)(i), Sec 9(2)(b)(ii)

Urgent legislation an alternate option to processing a concession

19. Sec 9(2)(f)(iv), Sec 9(2)(h)

Whatever outcome, it is likely there will be some activities at Whakapapa that require a concession

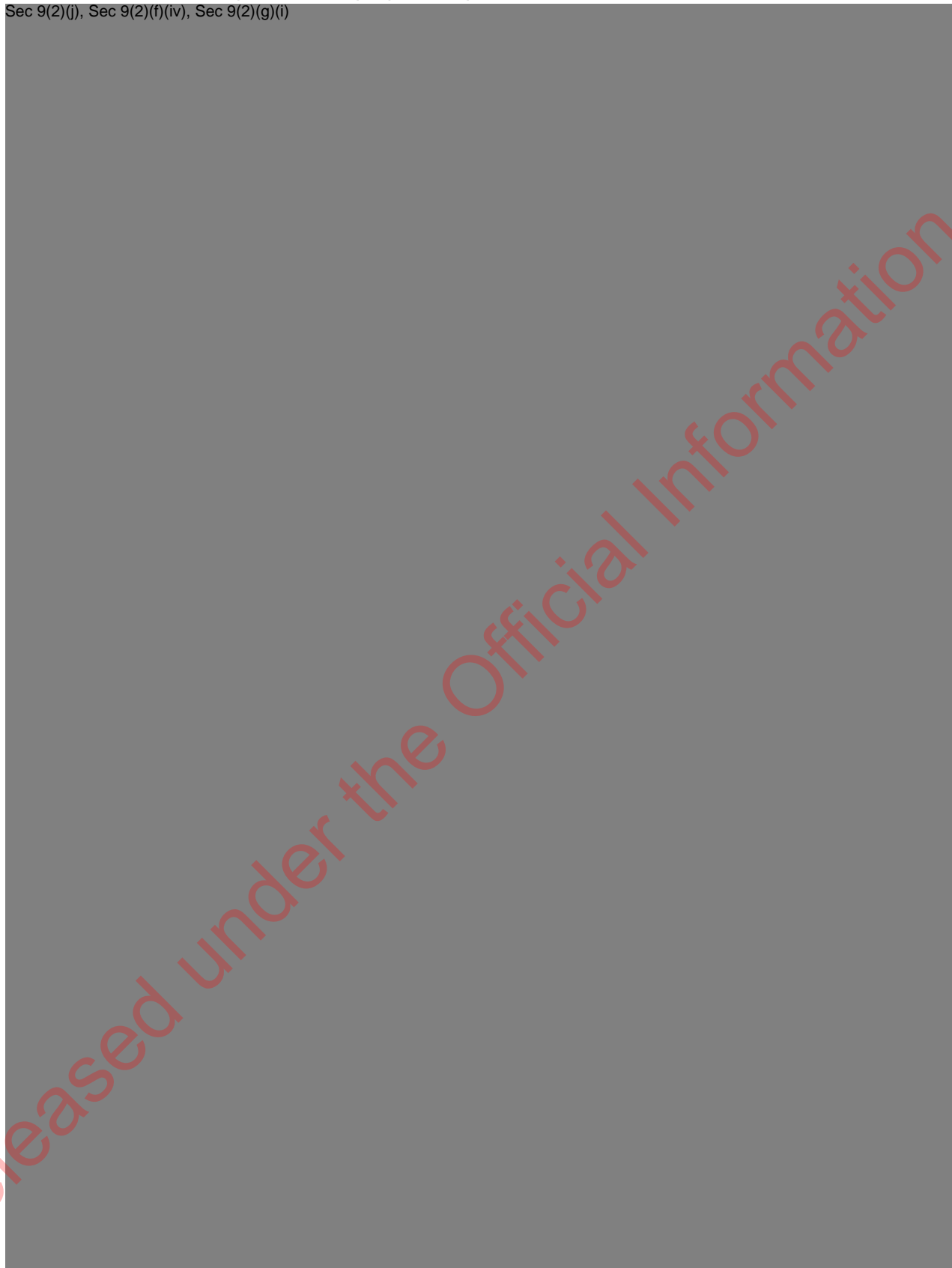
20. Sec 9(2)(f)(iv), Sec 9(2)(j)

- [REDACTED]
- [REDACTED]
- [REDACTED]

Potential impacts of the proposals on DOC

21. Some of the impacts of the proposed options on DOC:

Sec 9(2)(j), Sec 9(2)(f)(iv), Sec 9(2)(g)(i)



¹ Based on a desktop assessment.

Sec 9(2)(j), Sec 9(2)(f)(iv), Sec 9(2)(g)(i)



22. \$Sec 9(2)(j) is an estimate to remove all current infrastructure on the ski field, at today's prices. Sec 9(2)(f)(iv), Sec 9(2)(j)

[Redacted]

Costs for Vote Conservation

23. If Whakapapa ski field is closed and DOC is responsible for managing the site, our immediate priority would be addressing any immediate health and safety risks. Our current estimate for the ongoing management and maintenance cost is Sec 9(2)(j) per annum, to cover essential services and hazard management.

24. There are over 50 ski club huts located on and around Whakapapa ski field. Two club huts have recently closed, and it is highly likely many other club huts will also close if there is no longer a ski field at Whakapapa. Sec 9(2)(g)(i), Sec 9(2)(f)(iv)

[Redacted]

25. It is important to ensure any costs associated with Whakapapa ski field are funded by the Crown for DOC, rather than by reprioritisation of other DOC resources.

26. Sec 9(2)(g)(i), Sec 9(2)(f)(iv)

[Redacted]

Risks & implications

27. Sec 9(2)(h)

[Redacted]

28. Sec 9(2)(g)(i) The Cabinet paper recommends Cabinet directs the application is processed by 30 April 2025. This will help us to communicate that we do not have discretion about the speed of the concession process.

29. Sec 9(2)(g)(i)

[Redacted]

MEMO ENDS

Cabinet Paper Talking Points: Options relating to the sale of RAL's Whakapapa ski field

To	Minister of Conservation		
Committee	Cabinet		
Date of meeting	9 December 2024		
GS tracking #	24-K-0040	DocCM	DOC-7830422
Minister lead	Minister for Regional Development		
DOC Contact/s	Ruth Isaac, Deputy Director-General, Policy and Regulatory Services Stacey Wrenn, Chief Advisor, Regulatory Modernisation		
Security Level	In Confidence		

Purpose – Te aronga

- The purpose of this memo is to provide you with information about the Minister for Regional Development's Cabinet paper 'Options relating to the sale of Ruapehu Alpine Lifts Limited's (RAL) Whakapapa ski field' and its implications for DOC that will be discussed on 9 December 2024. We have also provided you with talking points to support you at Cabinet (Appendix 1).

Paper proposals

- The paper provides Cabinet with two options for Whakapapa ski field:
 - Agree to provide \$5 million funding to Whakapapa Holdings Limited (WHL) to purchase RAL's assets at Whakapapa ski field (recommended option).
 - Refuse to provide funding to WHL, Sec 9(2)(f)(iv), Sec 9(2)(j)

Concession requirements

- Any operator for Whakapapa ski field will require a concession granted by you or your delegate. The decision maker must make their decision in accordance with the substantive and procedural requirements of the Conservation Act 1987 and other relevant legislation including Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (Te Awa Tupua). Cabinet cannot direct the outcome of a concession application.
- WHL has already submitted an application for a ten year concession. While a concession can be granted for up to 30 years (or up to 60 years in exceptional circumstances), WHL decided to apply for a ten year concession after engaging with iwi and hapū.
- We are preparing to publicly notify WHL's application on 16 December 2024, if Cabinet agrees to fund WHL. Prior to public notification we will engage with all iwi, hapū and iwi entities with an interest in Whakapapa ski field: Te Ariki Tā Tumu Te Heuheu (or his office), Te Kotahitanga o Ngāti Tūwharetoa, Ngāti Hikairo, Ngāti Hāua, Ngāti Rangī,

Patutokotoko, Te Korowai o Wainuiārua and Te Pou Tupua and/or Ngā Tangata Tiaki. We will continue to engage with these iwi, hapū and iwi entities throughout the concession process.

6. An earlier version of the Cabinet paper advised a concession decision could be made by 31 March 2025 if the application were to be publicly notified by 25 November 2024. As it is no longer possible to make a robust and lawful concession decision by this date, the Cabinet paper recommends Cabinet direct a decision on the concession application is made by 30 April 2025.
7. This is still a very tight timeframe to meet all required statutory steps for a notified concession of this complexity and undertake meaningful engagement with iwi and hapū. Some iwi and hapū are likely to criticise the proposed processing timeframe. To mitigate this, we are seeking to meet with iwi and hapū to discuss the concession process before the concession is notified. We will also be attempting to progress our existing discussions with Ngā Tangata Tiaki, Ngāti Hāua, Ngāti Rangī, Patutokotoko and Te Korowai o Wainuiārua about urgently commissioning a cultural impact assessment (WHL included a cultural impact assessment from Ngāti Hikairo as part of its application).
8. Sec 9(2)(h) [Redacted]
9. Appendix 2 sets out our proposed timeframe to process the concession application by 30 April 2025.
10. Sec 9(2)(f)(iv), Sec 9(2)(j) [Redacted]

Urgent legislation an alternate option to processing a concession

11. Sec 9(2)(f)(iv), Sec 9(2)(h) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Financial implications for DOC and Vote Conservation

15. There are financial implications for DOC regardless of Cabinet’s decisions (Appendix 3). The Cabinet paper describes two potential costs:

- Sec 9(2)(f)(iv), Sec 9(2)(j) [Redacted]

- If WHL's deal is progressed, there is likely to be costs of approximately \$ [Redacted] to remove existing infrastructure [Redacted]

16. In both cases the Cabinet paper notes that these costs will be met from DOC's baseline. We recommend you seek a decision from Cabinet that these costs are met by the Crown, rather than reprioritisation of DOC resources for conservation.

17. Sec 9(2)(f)(iv) [Redacted]

ENDS

Released under the Official Information Act

Appendix 1: Talking points

Concession requirements and timeframe

- WHL has already submitted its concession application to DOC. If we support WHL's bid, I will instruct DOC to process its concession application by 30 April 2025 and communicate this to iwi and hapū. This will make our expectations of timeframes clear to everyone that DOC consults with on the application.
- DOC has advised me a robust concession decision cannot be made by 31 March 2025.

- Sec 9(2)(h)

- Sec 9(2)(f)(iv), Sec 9(2)(h)

Financial implications

- DOC will be responsible for removing infrastructure not included in the sale and purchase agreement, which DOC estimates would cost around Sec 9(2)(j). This will require reprioritisation of conservation resources on top of significant existing cost pressures.
- If we do not support WHL's bid, there will be significant costs to DOC, including annual costs of approximately \$Sec 9(2)(j) and significant costs to remove infrastructure. These costs cannot be absorbed by DOC. Sec 9(2)(j), Sec 9(2)(f)(iv)