

9 April 2024

Stephen Prendergast
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Tēnā koe Stephen

Thank you for your request to the Department of Conservation, received on 16 January 2024, in which you asked for:

'Information from 1 May 2023 by the Regulatory services unit covering the advice provided to Penny Nelson or DOC SLT, the Minister, or MBIE regarding the issuing of concessions to PTL NWHL for Turoa and Whakapapa ski fields'.

We have considered your request under the Official Information Act 1982 (OIA).

On 16 January we contacted you and sought to refine your request. This was because the request (as previously framed) would likely have involved substantial collation and research. On 31 January you agreed to our proposed refinement and the request was amended to:

1. *Formal advice to the Minister of Conservation primarily related to the concession process for Mt Ruapehu, since 1 May 2023.*
2. *Formal advice to the Director-General of Conservation primarily related to the concession process for Mt Ruapehu, since 1 May 2023.*

On 29 February we extended the timeframe to respond to your request to 5 April. This was due to research necessary to identify all in scope information and undertake associated consultation.

Context

After extensive review of material potentially within scope of your request we located a limited number of Memo's, Briefings and email chains which primarily related to formal advice provided on the concession process for Mt Ruapehu. To account for this, we have also provided Memo's and Briefings which do not primarily relate to the concession process for Mt Ruapehu however contain excerpts which concerned these processes (subject to relevant redactions).

As you are aware a concession application to operate the Tūroa ski-field was made by Pure Tūroa Limited in December 2023. The Minister of Conservation, Tama Potaka, is the decision maker for this application. A decision on the application has now been made and the decision report document will be posted on the DOC website.

Your request and our responses are listed below:

1. *Formal advice to the Minister of Conservation primarily related to the concession process for Mt Ruapehu since 1 May 2023.*

Formal advice to the Minister of Conservation primarily related to the concessions process for Mt Ruapehu from 1 May 2023 to 16 January 2024 is provided and accompanies our response as Attachment 1. For further information please refer to Table 1 - Schedule of documents.

2. Formal advice to the Director-General of Conservation primarily related to the concession process for Mt Ruapehu from 1 May 2023 to 16 January 2024 is provided and accompanies our response as Attachment 2. For further information please refer to Table 1 - Schedule of documents.

I have decided to release the relevant parts of the documents listed in the Schedule of documents, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- personal contact details of officials, under section 9(2)(a) – to protect the privacy of natural persons, including deceased people,
- advice still under consideration, section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials,
- free and frank expression under section 9(2)(g)(i) – to maintain the effective conduct of public affairs,
- Information which is subject to an obligation of confidence, under section 9(2)(ba)(i) – to not prejudice the supply of similar information or information from the same source
- commercially sensitive information, under section 9(2)(i) - to enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities, and
- confidential information, under section 9(2)(j) – to enable the Crown to negotiate without disadvantage or prejudice.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests that outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Please note that this letter (with your personal details removed) and attached documents) may be published on the Department's website.

Nāku noa, nā

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a smaller 'B' and some scribbles.

Steve Brightwell
Principal Advisor – Policy and Regulatory Services
Department of Conservation
Te Papa Atawhai

Table 1 - Schedule of documents

OIAD-3715 - Attachment 1 (Ruapehu Alpine Lifts Limited (RAL) formal advice to Minister)			
Item	Date	Document description	Decision
1	12 May 2023	23-B-0210 – Briefing – Update on RAL in voluntary administration	Released in part - Subject to sections 9(2)(a), Out of Scope
2	6 June 2023	23-M-0072 - Memo - RAL - Ministers meeting	Released in part - Subject to sections 9(2)(a), 9(2)(i). 9(2)(g)(i), Out of Scope
3	16 June 2023	23-B-0269 - Memo - Update on iwi consultation regarding potential transfer of RAL concessions	Released in part - Subject to sections 9(2)(a), Out of Scope
4	1 September 2023	RAL memo re Tuwharetoa withdrawal	Released in part - Subject to sections 9(2)(i), 9(2)(h) Out of Scope
5	7 December 2023	23-B-0466 - Briefing - RAL and Mt Ruapehu ski fields	Released in part – Subject to sections 9(2)(a), 9(2)(j), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(ba)(i), Out of Scope

OIAD-3715 - Attachment 2 (Ruapehu Alpine Lifts Limited (RAL) formal advice to DOC Director General)			
Item	Date	Document description	Decision
1	30 June 2023	RE– RAL	Released in part - Subject to section 9(2)(a)
2	28 August 2023	RAL - updated talking points for meeting with MBIE CE	Released in part - Subject to section 9(2)(a)
3	28 August 2023	D-DG talking points (updated 28.8)	Released in part – Subject to section 9(2)(h)
4	15 November 2023	ORS weekly update - fyi and for feedback on level of detail....	Released in part - Subject to section 9(2)(a), 9(2)(g)(i), Out of Scope