


Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 3:55 pm
To: Sec 9(2)(a)
Cc:
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement with TRoNT
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - TRoNT Engagement - DOC-7816204.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder which includes full unredacted documents  [MSTL Reconsideration v1](#)

Note: the OneDrive folder  [MSTL Reconsideration v2](#) contains redacted documents sent to Papatipu Rūnanga and third parties.

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Ao Tūroa



26 November 2024

Te Rūnanga o Ngāi Tahu (Te Rūnanga)

Sec 9(2)(a)

By email to: Sec 9(2)(a)

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation (“the Minister”) received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL’s Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

The following documents are included as a OneDrive folder link in the email to accompany this letter:

- The agreed reconsideration procedure document, including timeframes,
- A previously released copy of MSTL’s request for reconsideration to Te Rūnanga only,
- A previously released copy of the original decision report (Part One) to Te Rūnanga only.

Please provide any comments you may have on this reconsideration to me by 6 December 2024 (5pm). We acknowledge this is a tight timeframe for your initial feedback, but you will also have the opportunity to comment on the draft report which will be provided to you on 13 December 2024 with a longer time for feedback, due 14 February 2025.

Once your comments are received this information is subject to the Official Information Act 1982 and may be released under that Act. If you wish to keep any part of your comments confidential, you need to state this in writing when making providing your feedback.

In addition, and in the interests of natural justice, MSTL may receive copies of any feedback.

For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.

Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai


Cc'd to: Sec 9(2)(a)

Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 3:57 pm
To: 'office@awaruarunaka.iwi.nz'
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Te Rūnanga o Awarua
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Te Rūnanga o Awarua - DOC-7816282.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder  [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa



Department of Conservation
Te Papa Atawhai

26 November 2024

Te Rūnanga o Awarua

Attention: Sec 9(2)(a)

Sec 9(2)(a)

By email to: office@awaruarunaka.iwi.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

The following documents are included as a OneDrive folder link in the email to accompany this letter:

- The agreed reconsideration procedure document, including timeframes,
- A previously released redacted copy of MSTL's request for reconsideration,
- A previously released redacted copy of the original decision report (Part One).

Please provide any comments you may have on this reconsideration to me by 6 December 2024 (5pm). We acknowledge this is a tight timeframe for your initial feedback, but you will also have the opportunity to comment on the draft report which will be provided to you on 13 December 2024 with a longer time for feedback, due 14 February 2025.

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For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)



Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 3:58 pm
To: Waihopai Runaka
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Waihōpai Rūnaka
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Waihōpai Rūnaka - DOC-7816673.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa

26 November 2024

Waihōpai Rūnaka

Attention: Sec 9(2)(a)

Sec 9(2)(a)

By email to: info@waihopai.org.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

The following documents are included as a OneDrive folder link in the email to accompany this letter:

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- A previously released redacted copy of the original decision report (Part One).

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In addition, and in the interests of natural justice, MSTL may receive copies of any feedback.

For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)



Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 4:00 pm
To: Oraka-Aparima Runanga office
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Te Rūnanga o Ōraka-Aparima
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Te Rūnanga o Ōraka-Aparima - DOC-7816674.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa



26 November 2024

Te Rūnanga o Ōraka-Aparima

Attention: Sec 9(2)(a)
Sec 9(2)(a)

By email to: office@orakaaparima.org.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

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In addition, and in the interests of natural justice, MSTL may receive copies of any feedback.

For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)



Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 4:01 pm
To: DLVC_HOKONUI RUNANGA
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Hokonui Rūnaka
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Hokonui Rūnaka - DOC-7816676.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder ☐ [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa



26 November 2024

Hokonui Rūnaka

Attention: Sec 9(2)(a)

Sec 9(2)(a)

By email to: hokonui.office@ngaitahu.iwi.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation (“the Minister”) received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL’s Milford Sound Visitor Terminal and related facilities.

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The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

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For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)




Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 4:03 pm
To: DLVC_TE RUNANGA O OTAKOU INC
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Te Rūnanga Ōtākou Incorporated
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Te Rūnanga Ōtākou Incorporated - DOC-7816677.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder  [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa



26 November 2024

Te Rūnanga Ōtākou Incorporated

Attention: [redacted] Sec 9(2)(a)

[redacted] Sec 9(2)(a)

By email to: office@tro.org.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe [redacted] Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

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For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)



Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 4:05 pm
To: 'admin@puketeraki.nz'
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Kāti Huirapa Rūnaka ki Puketeraki
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Kāti Huirapa Rūnaka ki Puketeraki - DOC-7816678.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder  [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - *Tākina te hī, Tiakina, te hā o te Āo Tūroa*



26 November 2024

Kāti Huirapa Rūnaka ki Puketeraki

Attention: Sec 9(2)(a)

Sec 9(2)(a)

By email to: admin@puketeraki.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

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For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)



Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 4:06 pm
To: 'moeraki.runanga@ngaitahu.iwi.nz'
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Te Rūnanga o Moeraki
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Te Rūnanga o Moeraki - DOC-7816679.pdf

Tēnā koe. Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa

26 November 2024

Te Rūnanga o Moeraki

Attention: Sec 9(2)(a)

Sec 9(2)(a)

By email to: moeraki.runanga@ngaitahu.iwi.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

The Minister has also agreed that engagement should reoccur with our Treaty Partner with an interest at this location, and that is the purpose of this letter.

The following documents are included as a OneDrive folder link in the email to accompany this letter:

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Please contact me if you have any questions on this request/contents of this letter.

Thank you for your engagement in this process.


Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:

Sec 9(2)(a)



Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 26 November 2024 4:08 pm
To: DLVC TE RUNANGA O MAKAAWHIO
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement - Te Rūnanga o Makaawhio
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Papatipu Rūnanga Engagement - Te Rūnanga o Makaawhio - DOC-7816680.pdf

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder [MSTL Reconsideration v2](#)

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa

26 November 2024

Te Rūnanga o Makaawhio
Attention: Sec 9(2)(a)
Sec 9(2)(a)

By email to: makaawhio.admin@ngaitahu.iwi.nz

RE: Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Treaty Partner Engagement - Our Reference: 91556-OTH

Tēnā koe Sec 9(2)(a)

The Minister of Conservation ("the Minister") received a request for reconsideration under section 17ZJ of the Conservation Act 1987 from Milford Sound Tourism Limited (MSTL) in relation to decisions made on MSTL's Milford Sound Visitor Terminal and related facilities.

The Minister has accepted and agreed to be the decision maker on this reconsideration.

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- A previously released redacted copy of MSTL's request for reconsideration,
- A previously released redacted copy of the original decision report (Part One).

Please provide any comments you may have on this reconsideration to me by 6 December 2024 (5pm). We acknowledge this is a tight timeframe for your initial feedback, but you will also have the opportunity to comment on the draft report which will be provided to you on 13 December 2024 with a longer time for feedback, due 14 February 2025.

Once your comments are received this information is subject to the Official Information Act 1982 and may be released under that Act. If you wish to keep any part of your comments confidential, you need to state this in writing when making providing your feedback.

In addition, and in the interests of natural justice, MSTL may receive copies of any feedback.

For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any questions on this request/contents of this letter.


Thank you for your engagement in this process.

Nāku noa, nā



Ruth Isaac
Deputy Director-General Policy and Regulatory Services
Email: risaac@doc.govt.nz
Department of Conservation
Te Papa Atawhai

Cc'd to:
Sec 9(2)(a)



Kelvin Brown

From: Ruth Isaac
Sent: Friday, 20 December 2024 5:33 pm
To: Sec 9(2)(a)
Cc: Kelvin Brown; Sec 9(2)(a)
Subject: Draft Milford concession reconsideration report
Attachments: 91556-OTH - MSTL - DRAFT Reconsideration Decision Report 20 December 2024 - TRoNT.pdf; 91556-OTH - Marked up - MSTL Reconsideration - Third Party responses - Version 2 - DOC-7843375 (2).pdf

Tēnā koe Sec 9(2)(a);

I refer to the letter dated 6 December 2024 from Sec 9(2)(a) and our phone conversation on 13 December 2024 regarding the release of the draft MSTL reconsideration report.

Please find **attached** a copy of the draft MSTL reconsideration report. I note there are redactions of commercially sensitive information. Also **attached** are the responses received from third parties, also with redactions to protect commercial sensitivity and the privacy of natural persons.

There was a significant amount of information to be worked through, and we are aware we have not had substantive feedback as yet from you or MSTL, so we have included several placeholder items in the draft report.

In particular, there are a range of options available to the Minister in reconsidering the concession decision and we have not yet drafted recommendations for the Minister given we have not had your feedback, or MSTL's, on the draft report and our responses to the matters raised. Your feedback on any critical information to be included in the report when the Minister deliberates on the range of options would be appreciated.

It is still the intention of the Department to send relevant portions of the draft reconsideration report to third parties. However, this will not occur until early next year and will be limited to the portions of the report directly relevant to the comments made by those parties, with any commercially sensitive information redacted.

As previously discussed and reflected in the reconsideration procedure, we would appreciate your feedback on the draft report by **Friday, 14 February 2025** (by 5pm).

For administrative purposes, please include Kelvin Brown, Permissions Advisor, in any response, by email to kibrown@doc.govt.nz.

Please contact me if you have any queries, noting that I am on leave until 6 January.

Ngā mihi
Ruth

Ruth Isaac

Deputy Director-General, Policy and Regulatory Services
Department of Conservation | Te Papa Atawhai
Mobile +64 Sec 9(2)(a)
Email: risaac@doc.govt.nz

EA: Rebecca Worthington: rworthington@doc.govt.nz

Mobile +64 Sec 9(2)(a)

Conservation House Wellington | Whare Kaupapa Atawhai
Level 3, 18 - 32 Manners St | PO Box 10 420, Wellington 6143

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Department of
Conservation
Te Papa Atawhai

Released under the Official Information Act

Kelvin Brown

From: Sec 9(2)(a)
Sent: Friday, 6 December 2024 1:54 pm
To: Kelvin Brown
Cc: Sec 9(2)(a)
Subject: RE: 91556-OTH - MSTL reconsideration - Treaty Partner engagement with TRoNT
Attachments: 2024-12-6 LET - Initial response to DOC re MSTL reconsideration.pdf

Kia ora Kelvin,

Please see attached for an initial response from Te Rūnanga o Ngāi Tahu to Ruth Isaac.

Ngā mihi,

Sec 9(2)(a)

Sec 9(2)(a)

Te Rūnanga o Ngāi Tahu

Te Whare o Te Waipounamu | 15 Show Place | Addington | PO Box 13 046 | Christchurch 8024 | Aotearoa

Sec 9(2)(a)



Te Rūnanga o NGĀI TAHU

From: Kelvin Brown <kibrown@doc.govt.nz>
Sent: Tuesday, 26 November 2024 3:55 p.m.
To: Sec 9(2)(a)
Cc: Sec 9(2)(a)
Subject: 91556-OTH - MSTL reconsideration - Treaty Partner engagement with TRoNT

Caution: This is an EXTERNAL email. Please consider safe cyber security practices.

Tēnā koe Sec 9(2)(a)

Please find **attached** a letter from Ruth Isaac, Deputy Director-General Policy and Regulatory Services.

This letter refers to the documents contained in the following OneDrive folder which includes full unredacted documents [MSTL Reconsideration v1](#)

Note: the OneDrive folder [MSTL Reconsideration v2](#) contains redacted documents sent to Papatipu Rūnanga and third parties.

Ngā mihi,

Kelvin Brown

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

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Te Rūnanga o NGĀI TAHU

6 December 2024

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

By email: <mailto:risaac@doc.govt.nz>

Tēnā koe Ruth,

RE: Reconsideration – MSTL Concession in respect of the Milford Sound Visitor Terminal

Thank you for the opportunity to provide initial feedback on the Milford Sound Tourism Limited (MSTL) reconsideration.

Te Rūnanga o Ngāi Tahu (Te Rūnanga) does not support the reconsideration. From our perspective, the Department of Conservation's (the Department's) December 2023 decision to issue concessions to MSTL for a shorter time period and to run an allocation process under section 17ZG(2)(a) of the Conservation Act 1987 was a reasonable one. We consider that the decision was consistent with the Department's obligations under section 4 of the Conservation Act and appropriately reflected Ngāi Tahu rights and interests in Piopiotahi.

Te Rūnanga will provide a substantive response to the reconsideration report in time. However, as noted in my letter of 18 October, engaging in the reconsideration procedure will draw on the already-stretched capacity of Te Rūnanga and Papatipu Rūnanga. It is disappointing that the Department is not able to offer remuneration for Papatipu Rūnanga or Te Rūnanga engagement, particularly given the time and resource we have invested in our response to this concession process to date.

Of greater concern is that the request made by MSTL for a reconsideration demonstrates a fundamental misunderstanding of the Department's obligations as a Treaty partner to Ngāi Tahu. Te Rūnanga will continue to hold the Department to account as it continues its journey towards true Treaty partnership and being a 'honourable Treaty Partner'. This includes in how the Department manages this current situation.

Te Rūnanga reserves all rights in relation to this matter.

Nāku noa, nā

Sec 9(2)(a)

Te Rūnanga o Ngāi Tahu

15 Show Place, Addington, Christchurch 8024

PO Box 13-046, Christchurch, New Zealand

Phone + 64 3 366 4344, 0800 KAI TAHU

Email: info@ngaitahu.iwi.nz

Website: www.ngaitahu.iwi.nz

Kelvin Brown

From: Ruth Isaac
Sent: Monday, 25 November 2024 11:01 am
To: Sec 9(2)(a)
Subject: 91556-OTH - MSTL - Correspondence - Reconsideration - Revised timeframes
Attachments: 91556-OTH - MSTL - Correspondence - Reconsideration - Revised Timeframes.pdf;
91556-OTH - Milford Sound Tourism Limited MSTL - Reconsideration Procedure.pdf

Tēnā koe Sec 9(2)(a)

Please see attached correspondence regarding the MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Reconsideration Timeframes.

Nāku noa, nā

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

Deputy Director-General, Policy and Regulatory Services

Department of Conservation | Te Papa Atawhai

Mobile +64 Sec 9(2)(a)

Email: risaac@doc.govt.nz

EA: Rebecca Worthington: rworthington@doc.govt.nz

Mobile +64 Sec 9(2)(a)

Conservation House Wellington | Whare Kaupapa Atawhai

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

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Department of Conservation
Te Papa Atawhai



25 November 2024

Sec 9(2)(a)

Te Rūnanga o Ngāi Tahu (Te Rūnanga)

By email to: Sec 9(2)(a)

Tēnā koe Sec 9(2)(a)

Reconsideration – MSTL Concession Applications in respect of the Milford Sound Visitor Terminal – Reconsideration Timeframes - Our Reference: 91556-OTH

Following on from our recent phone conversation, I refer to your letter of 18 October 2024, in response to my letter of 10 October 2024, on the draft reconsideration procedure for MSTL's reconsideration of 2023 concession decisions in respect of the Milford Sound Visitor Terminal.

In my letter of 7 November 2024, I stated that Te Rūnanga had not provided any comments on the procedure document. I wish to apologise as I now understand this was not the case. Unfortunately, I was unaware of the 18 October letter that was not sent directly to me, and I was not in a position to respond to the concerns raised in that letter, and potentially revise the contents of the procedure document in conjunction with the comments received from MSTL.

This led to a final procedure document being sent to both yourself and MSTL without addressing feedback from Te Rūnanga. MSTL were advised in a letter that no comments on the draft procedure had been received from Te Rūnanga, and that there were only minor amendments to paragraphs 5 and 6 that resulted from comments received from MSTL.

If I had been aware of the feedback, I would have considered the topics raised so I want to address those in this letter.

(a) the timeframes are not conducive to a process of genuine Treaty partnership

It is appreciated that you recognise in your letter the positive steps taken to date by the Department in respect of engagement when processing MSTL's renewals. This displays our commitment to meet our section 4 obligations and more work is required.

(b) competing demands on mana whenua time

I appreciate your sentiments on the demands that this reconsideration may impose on mana whenua, especially over the Christmas/New Year period. The intention is to engage with Te Rūnanga and the eight Papatipu Rūnanga individually as part of this process, and this will include a reasonable opportunity to provide feedback.

I have covered the revised indicative timeframes further below.

(c) your reference to this reconsideration process being rushed

All reconsiderations are processed on a case-by-case basis and the time required will vary depending on the complexity of matters to be considered. MSTL's request for a reconsideration was received on 31 May 2024 and sufficient time has elapsed to give this reconsideration a degree of urgency so the Minister has a report to deliberate on, and to make a decision.

After considering the contents of your 18 October letter, I have extended the indicative timeframes to allow for further comments from Te Rūnanga and the eight Papatipu Rūnanga to be received in relation to the draft reconsideration report up until 14 February 2025.

The intention is to send to you, under separate cover by 25 November 2024, an email with a OneDrive folder link to several key documents that will canvass any comments you may have on matters raised in MSTL's reconsideration letter. Any initial comments will still be due by 6 December 2024, with the draft reconsideration report circulated on 13 December 2024.

We are also taking the step of engaging with other third parties. We will provide you with this list of third parties once we are in a position to confirm the final list.

I have **attached** a revised procedure document, noting that the only revision is the revised indicative timeframes in the Appendix. There are no changes to paragraphs 1-34 in the body of the document.

(d) the costs associated with carrying out the reconsideration, and where they lie.

I can confirm that any costs associated with the reconsideration are to be recovered from MSTL, and this is to be limited to the Department's staff time and disbursements. There will be no remuneration by the Crown for iwi engagement in relation to this reconsideration.

If you have any queries regarding this letter or the process to be followed, then please do not hesitate to contact me.

Nāku noa, nā



Ruth Isaac
Deputy Director-General, Policy and Regulatory Services
Department of Conservation
Te Papa Atawhai

Milford Sound Tourism Limited (MSTL)

Reconsideration Procedure (Final)

Introduction

1. Milford Sound Tourism Limited (MSTL) (the applicant) requested a reconsideration of the decision on its application under section 17ZJ(b)¹ of the Conservation Act 1987.
1. Reference to the Minister in this document is to the Minister of Conservation.

Purpose

2. This is a procedural document intended to support the Minister during the reconsideration under section 17ZJ(b) and to provide MSTL with guidance as to likely procedural steps and timeframes. The Minister may depart from the process set out in this guidance document where appropriate.

Background and context – Te Horopaki

3. MSTL operates the visitor terminal and associated infrastructure at Milford Sound Piopiotahi under a number of separate permissions. The main permissions are a lease and licence which both date from 1991 and which were granted prior to the inception of the concessions regime in 1996. These are collectively referred to as the authorisations. They are not concessions. In 2004 MSTL obtained a modern concession which permitted it to expand the visitor terminal by building additions to both storeys (the extension lease).
4. Although MSTL's authorisations provided a single right of renewal (each for a further 30 years), MSTL required a modern concession to continue operating beyond the expiry of its original authorisations (i.e. beyond 17 December 2020). MSTL sought renewals of its authorisations (and disputes that a concession is required). The Department processed the requests for renewals as applications under the modern concessions regime. In addition, MSTL triggered the right of renewal provided for in the 2004 extension lease to renew this portion of the lease until 2050.

¹ 17ZJ Reconsideration of decisions

Without limiting any other provision in this Part, upon application by an applicant for a concession,—

- (a) where the Minister has declined to grant a concession to the applicant, the Minister may reconsider that decision;
- (b) where the Minister has decided to grant a concession to the applicant, the Minister may reconsider any decision made by the Minister in relation to the proposed concession if the application under this section is made before a concession document is executed.

Section 17ZJ: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

5. In December 2023, the Minister's delegated decision maker, the Deputy Director-General Regional Operations (the decision maker), made three decisions in respect of MSTL:
 - (a) A renewal of the extension lease for a period of 30 years commencing on 18 December 2020 and expiring on 17 December 2050;
 - (b) A concession of 8 years be granted to replace the authorisations with the new concession commencing on 18 December 2020 (backdated) and expiring on 17 December 2028; and
 - (c) That an allocation process would be run under s17ZG(2)(a) of the Conservation Act prior to MSTL's new concession expiring in 2028. The competitive allocation process would be between MSTL and Te Rūnanga o Ngāi Tahu (Te Rūnanga) and would determine who will operate the visitor terminal in the future, beyond December 2028.
6. The Department approached processing of MSTL's application in two stages, referred to as Part One and Part Two. Part One involved the broad decision about whether to grant a concession at all and, if so, for what duration. If a decision was made in favour of granting a concession during Part One, Part Two was to be used to decide the detailed terms and conditions that ought to be imposed. The original decision, made in December 2023, was made in respect of Part One only.
7. MSTL has advised the Department its focus is on its reconsideration application. For now, it does not plan to provide further detailed feedback on the draft concession (provided as part of the Part Two process).
8. MSTL's 1991 lease and 1991 licence each provided for a single 30 year right of renewal (to December 2050). Legislative reforms in 1996 mean MSTL requires a concession under Part 3B of the Conservation Act if it wishes to operate beyond the first expiry of its authorisations.

Reconsideration acceptance and determination of Minister

9. MSTL wrote to the Minister of Conservation directly on 31 May 2024 asking that the Part One concession decision be reconsidered under s17ZJ(b) of the Conservation Act 1987. MSTL asks that the Part One decisions are replaced with decisions to:

"Grant to MSTL permissions replacing the 1991 lease and 1991 Licence for 30 years expiring on 17 December 2050, on reasonable terms consistent with the 1991 lease and 1991 Licence to be finalised through the Part Two process."
10. Section A3, page five of MSTL's letter provides an overview of MSTL's reasons for the reconsideration application. The arguments in favour of reconsidering the decision fall into five general categories:
 - (a) That the process underpinning the Part One decision was unfair to MSTL.
 - (b) The original decision did not properly reflect the rights held by MSTL to continue operating for a further 30 years (until 2050) via the rights of renewal in its authorisations. MSTL does not agree that its rights of renewal were extinguished by the legislative reforms in 1996.
 - (c) MSTL's history of use and future needs were not properly reflected in the original decision and nor were the impacts on six vessel operators who rely upon MSTL's infrastructure to operate at Milford Sound.

- (d) The original decision fails to give effect to certain provisions of the National Parks Act that provide for enjoyment of the Park which MSTL asserts its activities enable.
 - (e) The original decision misunderstood and failed to properly apply Treaty principles in the context of MSTL's application.
11. There are two statutory decisions required by the Minister when undertaking a s17ZJ(b) reconsideration:
- (a) Whether to carry out the reconsideration at all; and
 - (b) Whether to change the decision.
12. On 22 August 2024 the Minister agreed to accept the reconsideration application for further processing. The Minister also agreed to be the Decision Maker.
13. MSTL was advised of these decisions on 25 September 2024 by the Minister. Te Rūnanga was advised of these decisions on 30 September 2024 by the Department.

Second Statutory Decision

14. Making this first statutory decision (to accept the reconsideration for further processing) does not pre-empt the second statutory decision: whether or not to change the original decision.
15. Further careful analysis is required prior to the Minister making a final decision.
16. The Department will support the Minister throughout the reconsideration and will be the primary conduit for engagement with MSTL and any other relevant parties.

Engagement with Te Rūnanga o Ngāi Tahu (Te Rūnanga)

17. MSTL provided Te Rūnanga with a full copy of its request for reconsideration on 12 August 2024.
18. The Minister will give meaningful effect to section 4 of the Act and the relevant principles of the Te Tiriti o Waitangi / Treaty of Waitangi during the reconsideration process.
19. The Department will engage with Te Rūnanga as part of the reconsideration process and include Te Rūnanga's position when providing advice to the Minister. The Department may also engage with local Papatipu Rūnanga.
20. Time to undertake this engagement with Te Rūnanga is reflected in the **Appendix**.

Third party involvement

21. There are six operators that use the visitor terminal at Milford Sound / Piopiotahi, under sub-licence and sub-lease agreements with MSTL. Two of these companies, Real Group Limited and Skeggs Group Limited, each hold 49% of MSTL's shareholding. There may also be other third-parties who have an interest in the reconsideration decision, or who have information that is relevant to the issues raised by the concession applications (e.g. coach operators and those who make use of the wastewater facilities provided by MSTL).
22. The Department will take appropriate steps to manage third-party input, including from vessel operators, and to ensure that the requirements of natural justice are met.

23. This third-party involvement is reflected in the timeframes in the **Appendix**.

The Reconsideration Process

24. MSTL will be sent a cost estimate, as all costs associated with the reconsideration are fully cost recoverable unless a fee waiver has been approved. MSTL will be kept informed of any changes to the costs/cost estimate during the process.
25. The Minister may seek further contributions including additional expert/technical advice or reports from third parties to inform the reconsideration. Any such contributions or reports will be provided to MSTL for comment.
26. To support the Minister, Department staff will prepare a draft Reconsideration Report outlining the reconsideration steps taken, the information considered, recommendations to the Minister and reasons for the recommendations.
27. The Reconsideration Report will, as a minimum, consider:
- (a) the original Decision Support Document;
 - (b) all supporting information from the original assessment;
 - (c) the decision letter dated 4 December 2023; and
 - (d) information from the applicant in its letter of 31 May setting out its grounds for reconsideration.
28. The draft Reconsideration Report will be sent to the applicant and Te Rūnanga for comment (comments should be received within 10 working days, unless otherwise agreed). The draft Reconsideration Report, in full or in part, may also be shared with third parties (for example, it may be appropriate to share sections of the draft Reconsideration Report that refer to material provided by third parties with those parties, to allow them the opportunity to comment on how that material has been described and assessed).
29. Comments from the applicant and Te Rūnanga, and any other party with whom part of or all of the draft report has been shared, will be assessed prior to the Department producing a final Reconsideration Report.
30. The Department will send the final Reconsideration Report to the Minister for his consideration.
31. The Minister will make the reconsideration decision under s17ZJ(b).
32. Reasonable timeframes will be provided through-out the process to accord with natural justice. Indictive timeframes are set out in the **Appendix**.
33. Kelvin Brown, DOC Permissions Advisor, based in the Dunedin Office will, in the first instance, co-ordinate the reconsideration process. A Conflict-of-Interest form has been completed for Kelvin Brown, DOC Permissions Advisor².

ENDS

² [DOC-7747398](#): Conflict of Interest Form – Kelvin Brown

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APPENDIX: Indicative Reconsideration Timeframes

Step Task	Responsibility	Timeframe/s (specified date or date range)
Proposed Reconsideration Procedure document sent to MSTL & Ngāi Tahu for comment.	DOC	10/10/24
Comments received from MSTL & Ngāi Tahu on proposed Reconsideration Procedure.	MSTL and Ngāi Tahu	By 18/10/24
MSTL & Ngāi Tahu comments on procedure document considered and amendments made (if required). Finalised Procedure Document shared with the Minister, MSTL and Ngāi Tahu.	DOC	By 23/10/24
Send cost estimate to MSTL.	DOC	By 23/10/24
Work commences on the draft Reconsideration Report.	DOC	24/10/24
Engagement with Ngāi Tahu and third parties commences	DOC	25/11/24
Engagement comments due from Ngāi Tahu and third parties	DOC	06/12/24
Draft Reconsideration Report sent to MSTL and Ngāi Tahu for comment. Pertinent portions of the draft report may be sent to third parties (if any) as appropriate.	DOC	13/12/24
Ngāi Tahu, and, where relevant, third parties, provide feedback on draft Reconsideration Report or portions of it as appropriate.	Ngāi Tahu and third parties (where relevant)	14/02/25
MSTL feedback on draft Reconsideration Report and Ngāi Tahu and third party responses due	MSTL	21/02/25
Department assesses feedback and prepares finalised Reconsideration Report.	DOC	17/02/25 - 20/03/25
Finalised Reconsideration Report shared with Minister for Minister's final decision.	DOC	21/03/25
MSTL and Ngāi Tahu notified of outcome	DOC	When the Minister has made his decision

Kelvin Brown

From: Ruth Isaac
Sent: Tuesday, 12 November 2024 5:09 pm
To: Sec 9(2)(a)
Cc: Phillippa Fox; Celia Haden; Kelvin Brown; Sec 9(2)(a)
Subject: RE: Milford Sound Tourism Ltd concession reconsideration

Kia ora Sec 9(2)(a)

I am very sorry to hear this happened. I've got your email now, and we will consider it and respond asap.

Ngā mihi
Ruth

Ruth Isaac
DDG Policy and Regulatory Services
Department of Conservation
Mobile +64 Sec 9(2)(a)

From: Sec 9(2)(a)
Sent: Tuesday, 12 November 2024 4:39 pm
To: Ruth Isaac <risaac@doc.govt.nz>
Cc: Phillippa Fox <pfox@doc.govt.nz>; Celia Haden <chaden@doc.govt.nz>; Kelvin Brown <kibrown@doc.govt.nz>; Sec 9(2)(a)
Subject: RE: Milford Sound Tourism Ltd concession reconsideration

Kia ora Ruth

Thank you for your email yesterday on the MSTL concession reconsideration procedure.

I was surprised to read that Te Rūnanga had not responded to the draft Procedure. I sent the attached email to Department officials on 18 October 2024. While I regrettably missed your name from the addressee line, my email did go to both Stacey Wrenn and Philippa Fox.

I note that the final procedure you've shared includes engagement with Ngāi Tahu from 24 October, before the draft reconsideration report is shared with Ngāi Tahu on 29 November. I understand that Te Rūnanga has not been involved in the drafting of the reconsideration report yet. As per our October response, the timeframes are of particular concern to us – 10 working days is not sufficient for us to engage with mana whenua and seek their feedback on this matter.

I would appreciate it if you could please consider the attached Te Rūnanga response and advise how our feedback will be incorporated into the procedure.

Ngā mihi
Sec 9(2)(a)

From: Ruth Isaac risaac@doc.govt.nz
Sent: Monday, 11 November 2024 7:46 a.m.
To: Sec 9(2)(a)

Cc: Phillippa Fox <pfox@doc.govt.nz>; Celia Haden <chaden@doc.govt.nz>; Kelvin Brown <kibrown@doc.govt.nz>
Subject: Milford Sound Tourism Ltd concession reconsideration

Caution: This is an EXTERNAL email. Please consider safe cyber security practices.

Kia ora Sec 9(2)(a)

Please see attached.

Ngā mihi
Ruth

Ruth Isaac

Deputy Director-General, Policy and Regulatory Services
Department of Conservation | Te Papa Atawhai
Mobile +64 Sec 9(2)(a)
Email: risaac@doc.govt.nz

EA: Rebecca Worthington: rworthington@doc.govt.nz
Mobile +64 Sec 9(2)(a)

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

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Kelvin Brown

From: Kelvin Brown
Sent: Tuesday, 12 November 2024 11:10 am
To: Phillippa Fox; Stacey Wrenn
Cc: Helen Martin
Subject: FW: OIAD-4616 - MSTL request for information

Tracking:	Recipient	Delivery
	Phillippa Fox	Delivered: 12/11/2024 11:10 am
	Stacey Wrenn	Delivered: 12/11/2024 11:10 am
	Helen Martin	Delivered: 12/11/2024 11:10 am

Hi Pip & Stacey

Please refer to email train below.

Sec 9(2)(a) has confirmed that Te Rūnanga did respond to the MSTL reconsideration approach.

Can someone please send me a copy of this response, as it may fall within the period MSTL's OIA request relates to i.e. 9 July 2024 to 25 October 2024 (inclusive).

Regards,

Kelvin

Kelvin Brown | Permissions Advisor
Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |
PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |
Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - *Tākina te hī, Tiakina, te hā o te Āo Tūroa*

From: Sec 9(2)(a)
Sent: Tuesday, 12 November 2024 10:52 am
To: Kelvin Brown <kibrown@doc.govt.nz>
Subject: RE: OIAD-4616 - MSTL request for information

Kia ora anō, Kelvin

Re-reading your email, I can advise that Te Rūnanga did respond to the MSTL reconsideration approach. It went to Stacey Wrenn and Pip Fox, although I note it didn't go to Ruth Isaac directly.

Ngā mihi nui

Sec 9(2)(a)

From: Kelvin Brown <kibrown@doc.govt.nz>
Sent: Tuesday, 12 November 2024 7:33 a.m.
To: Sec 9(2)(a)
Subject: RE: OIAD-4616 - MSTL request for information

Caution: This is an EXTERNAL email. Please consider safe cyber security practices.

Kia ora Sec 9(2)(a)

Thanks for your confirmation.

Ngā mihi,

Kelvin

Kelvin Brown | Permissions Advisor

Department of Conservation | Te Papa Atawhai | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

Office Ph: 03 477 0677 | DDI: 03 471 7462 | Email: kibrown@doc.govt.nz | Web: www.doc.govt.nz

Conservation leadership for our nature - Tākina te hī, Tiakina, te hā o te Āo Tūroa

From: Sec 9(2)(a)

Sent: Monday, 11 November 2024 8:49 pm

To: Kelvin Brown <kibrown@doc.govt.nz>

Subject: RE: OIAD-4616 - MSTL request for information

Tēnā koe, Kelvin

Thank you for your email.

I can confirm that we are comfortable with the proposed release. I would appreciate it if you could please send a copy of the response when it goes out, as you have previously.

Ngā mihi nui

Sec 9(2)(a)

From: Kelvin Brown <kibrown@doc.govt.nz>

Sent: Wednesday, November 6, 2024 8:01 AM

To: Sec 9(2)(a)

Subject: OIAD-4616 - MSTL request for information

Caution: This is an EXTERNAL email. Please consider safe cyber security practices.

Kia ora Sec 9(2)(a)

The Department has received a request from Milford Sound Tourism Limited (MSTL), for information relating to the processing of its renewal applications at Freshwater Basin, Milford Sound / Piopiotahi.

The period this request relates to is 9 July 2024 to 25 October 2024 (inclusive).

Attached is a PDF copy of an email sent to you on 10 October 2024 from Ruth Isaac on MSTL's application for reconsideration of Part One decisions. This information is in scope, and I have 'boxed in red' information to be withheld.

In conjunction with the release of this information, the Department is considering advising MSTL that no comments were received from Te Rūnanga on the draft reconsideration procedure document attached to this email (by the due date of 18 October 2024).

Please advise if you have any concerns or comments regarding the release of this information.

It would be appreciated if you could respond to this email by Wednesday, 13 November 2024 (5pm).

Ngā mihi,

Kelvin

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

PO Box 5244, Dunedin 9054 | Level 1, John Wickliffe House, 265 Princes Street, Dunedin 9016 | New Zealand |

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Conservation leadership for our nature - *Tākina te hī, Tiakina, te hā o te Āo Tūroa*

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Kelvin Brown

From: Ruth Isaac
Sent: Monday, 11 November 2024 7:46 am
To: Sec 9(2)(a)
Cc: Phillippa Fox; Celia Haden; Kelvin Brown
Subject: Milford Sound Tourism Ltd concession reconsideration
Attachments: 91556-OTH - Milford Sound Tourism Ltd - Correspondence - Reconsideration - Final Procedure sent to TRoNT - DOC-7806266.docx; 91556-OTH - Milford Sound Tourism Limited MSTL - Reconsideration Procedure - DOC-7757925 (1).docx

Kia ora Sec 9(2)(a)

Please see attached.

Ngā mihi
Ruth

Ruth Isaac
Deputy Director-General, Policy and Regulatory Services
Department of Conservation | Te Papa Atawhai
Mobile +64 Sec 9(2)(a)
Email: risaac@doc.govt.nz

EA: Rebecca Worthington: rworthington@doc.govt.nz
Mobile +64 Sec 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.
To work with others to increase the value of conservation for New Zealanders.

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Department of Conservation
Te Papa Atawhai



Our Ref: 91556-OTH

07 November 2024

Sec 9(2)(a)

Te Rūnanga o Ngāi Tahu

By email to Sec 9(2)(a)

Tēnā koe Sec 9(2)(a)

MILFORD SOUND TOURISM LIMITED (MSTL) - RECONSIDERATION OF PART ONE DECISIONS

I refer to my letter of 10 October 2024 where I requested your comments on the draft reconsideration procedure document for MSTL's reconsideration of 2023 concession decisions in respect of the Milford Sound Visitor Terminal.

I note that Te Rūnanga did not provide any comments on the procedure document. I have attached a copy of the final reconsideration procedure document that includes some minor amendments to paragraphs 5 and 6.

In accordance with the timeframe included as an Appendix in this final version of the procedure, a draft copy of the reconsideration report will be sent to you for comment on 29 November 2024.

If you have any queries regarding this letter or the process to be followed, then please do not hesitate to contact me.

Nāku noa, nā

Ruth Isaac
Deputy Director-General, Policy and Regulatory Services
Department of Conservation
Te Papa Atawhai

Milford Sound Tourism Limited (MSTL)

Reconsideration Procedure (Final)

Introduction

1. Milford Sound Tourism Limited (MSTL) (the applicant) requested a reconsideration of the decision on its application under section 17ZJ(b)¹ of the Conservation Act 1987.
2. Reference to the Minister in this document is to the Minister of Conservation.

Purpose

3. This is a procedural document intended to support the Minister during the reconsideration under section 17ZJ(b) and to provide MSTL with guidance as to likely procedural steps and timeframes. The Minister may depart from the process set out in this guidance document where appropriate.

Background and context – Te Horopaki

4. MSTL operates the visitor terminal and associated infrastructure at Milford Sound Piopiotahi under a number of separate permissions. The main permissions are a lease and licence which both date from 1991 and which were granted prior to the inception of the concessions regime in 1996. These are collectively referred to as the authorisations. They are not concessions. In 2004 MSTL obtained a modern concession which permitted it to expand the visitor terminal by building additions to both storeys (the extension lease).
5. Although MSTL's authorisations provided a single right of renewal (each for a further 30 years), MSTL required a modern concession to continue operating beyond the expiry of its original authorisations (i.e. beyond 17 December 2020). MSTL sought renewals of its authorisations (and disputes that a concession is required). The Department processed the requests for renewals as applications under the modern concessions regime. In addition, MSTL triggered the right of renewal provided for in the 2004 extension lease to renew this portion of the lease until 2050.

¹ 17ZJ Reconsideration of decisions

Without limiting any other provision in this Part, upon application by an applicant for a concession,—

- (a) where the Minister has declined to grant a concession to the applicant, the Minister may reconsider that decision;*
- (b) where the Minister has decided to grant a concession to the applicant, the Minister may reconsider any decision made by the Minister in relation to the proposed concession if the application under this section is made before a concession document is executed.*

Section 17ZJ: inserted, on 1 July 1996, by section 7(1) of the Conservation Amendment Act 1996 (1996 No 1).

6. In December 2023, the Minister's delegated decision maker, the Deputy Director-General Regional Operations (the decision maker), made three decisions in respect of MSTL:
- (a) A renewal of the extension lease for a period of 30 years commencing on 18 December 2020 and expiring on 17 December 2050;
 - (b) A concession of 8 years be granted to replace the authorisations with the new concession commencing on 18 December 2020 (backdated) and expiring on 17 December 2028; and
 - (c) That an allocation process would be run under s17ZG(2)(a) of the Conservation Act prior to MSTL's new concession expiring in 2028. The competitive allocation process would be between MSTL and Te Rūnanga o Ngāi Tahu (Te Rūnanga) and would determine who will operate the visitor terminal in the future, beyond December 2028.
7. The Department approached processing of MSTL's application in two stages, referred to as Part One and Part Two. Part One involved the broad decision about whether to grant a concession at all and, if so, for what duration. If a decision was made in favour of granting a concession during Part One, Part Two was to be used to decide the detailed terms and conditions that ought to be imposed. The original decision, made in December 2023, was made in respect of Part One only.
8. MSTL has advised the Department its focus is on its reconsideration application. For now, it does not plan to provide further detailed feedback on the draft concession (provided as part of the Part Two process).
9. MSTL's 1991 lease and 1991 licence each provided for a single 30 year right of renewal (to December 2050). Legislative reforms in 1996 mean MSTL requires a concession under Part 3B of the Conservation Act if it wishes to operate beyond the first expiry of its authorisations.

Reconsideration acceptance and determination of Minister

10. MSTL wrote to the Minister of Conservation directly on 31 May 2024 asking that the Part One concession decision be reconsidered under s17ZJ(b) of the Conservation Act 1987. MSTL asks that the Part One decisions are replaced with decisions to:
- "Grant to MSTL permissions replacing the 1991 lease and 1991 Licence for 30 years expiring on 17 December 2050, on reasonable terms consistent with the 1991 lease and 1991 Licence to be finalised through the Part Two process."*
11. Section A3, page five of MSTL's letter provides an overview of MSTL's reasons for the reconsideration application. The arguments in favour of reconsidering the decision fall into five general categories:
- (a) That the process underpinning the Part One decision was unfair to MSTL.
 - (b) The original decision did not properly reflect the rights held by MSTL to continue operating for a further 30 years (until 2050) via the rights of renewal in its authorisations. MSTL does not agree that its rights of renewal were extinguished by the legislative reforms in 1996.
 - (c) MSTL's history of use and future needs were not properly reflected in the original decision and nor were the impacts on six vessel operators who rely upon MSTL's infrastructure to operate at Milford Sound.

- (d) The original decision fails to give effect to certain provisions of the National Parks Act that provide for enjoyment of the Park which MSTL asserts its activities enable.
 - (e) The original decision misunderstood and failed to properly apply Treaty principles in the context of MSTL's application.
12. There are two statutory decisions required by the Minister when undertaking a s17ZJ(b) reconsideration:
- (a) Whether to carry out the reconsideration at all; and
 - (b) Whether to change the decision.
13. On 22 August 2024 the Minister agreed to accept the reconsideration application for further processing. The Minister also agreed to be the Decision Maker.
14. MSTL was advised of these decisions on 25 September 2024 by the Minister. Te Rūnanga was advised of these decisions on 30 September 2024 by the Department.

Second Statutory Decision

15. Making this first statutory decision (to accept the reconsideration for further processing) does not pre-empt the second statutory decision: whether or not to change the original decision.
16. Further careful analysis is required prior to the Minister making a final decision.
17. The Department will support the Minister throughout the reconsideration and will be the primary conduit for engagement with MSTL and any other relevant parties.

Engagement with Te Rūnanga o Ngāi Tahu (Te Rūnanga)

18. MSTL provided Te Rūnanga with a full copy of its request for reconsideration on 12 August 2024.
19. The Minister will give meaningful effect to section 4 of the Act and the relevant principles of the Te Tiriti o Waitangi / Treaty of Waitangi during the reconsideration process.
20. The Department will engage with Te Rūnanga as part of the reconsideration process and include Te Rūnanga's position when providing advice to the Minister. The Department may also engage with local Papatipu Rūnanga.
21. Time to undertake this engagement with Te Rūnanga is reflected in the **Appendix**.

Third party involvement

22. There are six operators that use the visitor terminal at Milford Sound / Piopiotahi, under sub-licence and sub-lease agreements with MSTL. Two of these companies, Real Group Limited and Skeggs Group Limited, each hold 49% of MSTL's shareholding. There may also be other third-parties who have an interest in the reconsideration decision, or who have information that is relevant to the issues raised by the concession applications (e.g. coach operators and those who make use of the wastewater facilities provided by MSTL).
23. The Department will take appropriate steps to manage third-party input, including from vessel operators, and to ensure that the requirements of natural justice are met.

24. This third-party involvement is reflected in the timeframes in the **Appendix**.

The Reconsideration Process

25. MSTL will be sent a cost estimate, as all costs associated with the reconsideration are fully cost recoverable unless a fee waiver has been approved. MSTL will be kept informed of any changes to the costs/cost estimate during the process.
26. The Minister may seek further contributions including additional expert/technical advice or reports from third parties to inform the reconsideration. Any such contributions or reports will be provided to MSTL for comment.
27. To support the Minister, Department staff will prepare a draft Reconsideration Report outlining the reconsideration steps taken, the information considered, recommendations to the Minister and reasons for the recommendations.
28. The Reconsideration Report will, as a minimum, consider:
- (a) the original Decision Support Document;
 - (b) all supporting information from the original assessment;
 - (c) the decision letter dated 4 December 2023; and
 - (d) information from the applicant in its letter of 31 May setting out its grounds for reconsideration.
29. The draft Reconsideration Report will be sent to the applicant and Te Rūnanga for comment (comments should be received within 10 working days, unless otherwise agreed). The draft Reconsideration Report, in full or in part, may also be shared with third parties (for example, it may be appropriate to share sections of the draft Reconsideration Report that refer to material provided by third parties with those parties, to allow them the opportunity to comment on how that material has been described and assessed).
30. Comments from the applicant and Te Rūnanga, and any other party with whom part of or all of the draft report has been shared, will be assessed prior to the Department producing a final Reconsideration Report.
31. The Department will send the final Reconsideration Report to the Minister for his consideration.
32. The Minister will make the reconsideration decision under s17ZJ(b).
33. Reasonable timeframes will be provided through-out the process to accord with natural justice. Indicative timeframes are set out in the **Appendix**.
34. Kelvin Brown, DOC Permissions Advisor, based in the Dunedin Office will, in the first instance, co-ordinate the reconsideration process. A Conflict-of-Interest form has been completed for Kelvin Brown, DOC Permissions Advisor².

ENDS

² [DOC-7747398](#): Conflict of Interest Form – Kelvin Brown

APPENDIX: Indicative Reconsideration Timeframes

Step Task	Responsibility	Timeframe/s (specified date or date range)
Proposed Reconsideration Procedure document sent to MSTL & Ngāi Tahu for comment.	DOC	10/10/24
Comments received from MSTL & Ngāi Tahu on proposed Reconsideration Procedure.	MSTL and Ngāi Tahu	By 18/10/24
MSTL & Ngāi Tahu comments on procedure document considered and amendments made (if required). Finalised Procedure Document shared with the Minister, MSTL and Ngāi Tahu.	DOC	By 23/10/24
Send cost estimate to MSTL.	DOC	By 23/10/24
Work on the draft Reconsideration Report and engagement with Ngāi Tahu commences (may include third party engagement)	DOC	24/10/24
Draft Reconsideration Report sent to MSTL and Ngāi Tahu for comment. Pertinent portions of the draft report may be sent to third parties (if any) as appropriate.	DOC	29/11/24
MSTL, Ngāi Tahu, and, where relevant, third parties, provide feedback on draft Reconsideration Report or portions of it as appropriate.	MSTL, Ngāi Tahu and third parties (where relevant)	13/12/24
Department assesses feedback and prepares finalised Reconsideration Report	DOC	16/12/24 - 31/01/25
Finalised Reconsideration Report shared with Minister for Minister's final decision.	DOC	31/01/25
MSTL and Ngāi Tahu notified of outcome	DOC	When the Minister has made his decision

Kelvin Brown

From: Phillippa Fox
Sent: Wednesday, 30 October 2024 5:34 pm
To: Kelvin Brown
Subject: RE: 91556-OTH - MSTL - Ngāi Tahu comments on draft reconsideration procedure

Hi Kelvin,

Ruth has not received any comments back on the draft reconsideration procedure.

Thanks
Pip

From: Kelvin Brown <kibrown@doc.govt.nz>
Sent: Wednesday, 30 October 2024 2:24 pm
To: Phillippa Fox <pfox@doc.govt.nz>
Subject: 91556-OTH - MSTL - Ngāi Tahu comments on draft reconsideration procedure

Hi Pip

Following on from our discussion at today's meeting.

Context & Purpose

To confirm if Te Rūnanga o Ngāi Tahu (Te Rūnanga) have provided any comments on the draft reconsideration procedure that was due on 18 October 2024.

Reference

Ruth's email of 10 October 2024 recorded as [DOC-7775708](#) (included covering letter and draft reconsideration procedure).

Background

Did Ruth receive any comments from Te Rūnanga on the draft reconsideration procedure?

Regards,

Kelvin

Kelvin Brown | Permissions Advisor

Department of Conservation | **Te Papa Atawhai** | Dunedin Service Centre |

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DG Meeting Brief

Excerpt/summary under section 16(1)(e) of the Official Information Act 1982

Meeting with 3 representatives from Te Rūnanga o Ngāi Tahu (Te Rūnanga) on 11 December 2024

DOC Attendees	Penny Nelson – Director-General Ruth Isaac – Deputy Director-General, Policy and Regulatory Services
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This hui is the final scheduled engagement between yourself and Te Rūnanga o Ngāi Tahu for 2024. The topics to be discussed at this hui are:

- Milford Sound Tourism Limited

Milford Sound Tourism Limited

- The Minister is the decision-maker for the reconsideration of Milford Sound Tourism Limited concession for operating the visitor terminal and associated infrastructure at Milford Sound Piopiotahi.
- As this is an active statutory process there are limits on what can be said.
- We have just finished seeking initial feedback on the reconsideration request from Ngāi Tahu and the 8 relevant Papatipu Rūnanga. This feedback will be incorporated into the draft Reconsideration Report which will then be provided to Ngāi Tahu on 13 December 2024 for comment due by 14 February 2025.
- After comments from all relevant parties are received in February, the Reconsideration Report will be finalised and is due with the Minister on 21 March 2025.
- The reconsideration only relates to whether or not to grant a concession and the duration, as no decision has yet been made on the conditions of any concessions granted.
- Ngāi Tahu do not support the reconsideration and consider that the decision made to limit the concession duration and run a closed allocation process between Ngāi Tahu and MSTL was a reasonable one.

Milford Sound Tourism Limited

- Ngāi Tahu have raised the issue of cost recovery and we advised them that DOC was not able to recover Treaty partner costs from the applicant
- Ngāi Tahu have stated they consider the request for reconsideration demonstrates a fundamental misunderstanding of the Department's obligations as a Treaty partner but there is a statutory right to request a reconsideration and a statutory process for DOC to follow.

Ministerial 24-B-0613 – DOC/ Ngāi Tahu engagements table

Excerpt in accordance with section 16(1)(e) of the Official Information Act 1982

24-B-0613 – DOC/Ngāi Tahu engagements table

Theme	What's the topic/point of discussion	What's a (very brief) summary of what's being discussed	Next steps
Significant concession decision processes	Reconsideration of Milford Sound Tourism Limited concession for operating the visitor terminal and associated infrastructure at Milford Sound Piopiotahi	<p>This is an active statutory process so there are limits on what can be said or discussed with Ngāi Tahu by the Minister of Conservation at this stage.</p> <p>MSTL has sought a reconsideration of a concession decision related to tourism operations at Milford Sound.</p> <p>DOC has just finished seeking initial feedback on the reconsideration request from both Ngāi Tahu and 8 Papatipu Runanga. Ngāi Tahu do not support the reconsideration as they consider the original decision to be reasonable. This feedback will be incorporated into the draft Reconsideration Report which will then be provided to Ngāi Tahu for comment.</p>	<p>The draft Reconsideration Report will be provided to Ngāi Tahu on 13 December 2024 with comments due by 14 February 2025.</p> <p>After comments from all relevant parties are received the Reconsideration Report will be finalised and is due with the Minister of Conservation on 21 March 2025.</p>
Visitor/Recreation	Milford Opportunities Project	TRONT are represented on the Governance Board supporting this significant project that seeks to reconsider how tourism and recreation should be managed in and around Milford Sound.	Keeping TRONT informed on progress with MOP business case and working with them on next steps following recent Cabinet decisions.