

## MINISTERIAL BRIEFING NOTE

<b>Subject</b>	Delegation approval for temporary speed limits for Ara Tūhono Puhoi to Warkworth
<b>Date</b>	11 May 2023
<b>Briefing number</b>	BRI-2760

Contact(s) for telephone discussion (if required)				
Name	Position	Direct line	Cell phone	1 <sup>st</sup> contact
Brett Gliddon	Group General Manager Transport Services		s 9(2)(a)	✓

### Action taken by Office of the Minister

- ☐ Noted
- ☐ Seen by Minister
- ☐ Agreed
- ☐ Feedback provided
- ☐ Forwarded to
- ☐ Needs change [please specify]
- ☐ Withdrawn
- ☐ Overtaken by events

11 May 2023

**Hon Michael Wood – Minister of Transport**

## DELEGATION APPROVAL FOR TEMPORARY SPEED LIMITS FOR ARA TŪHONO PUHOI TO WARKWORTH

### Purpose

1. This briefing seeks your approval to allow Northern Express Group (NX2) to sub-delegate specific powers and functions of Waka Kotahi NZ Transport Agency under Section 7 of the Setting of Speed Limits Land Transport Rule 2022.
2. The delegation approval is attached for your signature by 17 May 2023.

### Background

3. Northern Express Group has partnered with Waka Kotahi to deliver the Ara Tūhono Pūhoi to Warkworth Motorway. The motorway is nearing completion and is expected to open in the second quarter of 2023 (April – June). The road opening is decided by the contractor NX2, and advice that an Independent Reviewer is satisfied that all contractually agreed safety and quality assurance requirements and tests have been met.
4. NX2 (or its maintenance sub-contractor) will require the powers to set temporary speed limits, in order to operate and maintain the motorway. The attached approval allows NX2 to sub-delegate these powers to its sub-contractor.

### Key points

5. The Pūhoi to Warkworth Public Private Partnership Contract (the Contract) includes a 25-year operating term during which time NX2 is responsible for operation and maintenance of the motorway. NX2 (or its sub-contractor) will require the power to set temporary speed limits to fulfil its operational and maintenance obligations.
6. The power to set temporary speed limits aligns with other powers under the Government Rooding Powers Act which have already been delegated to NX2, along with the authority to sub-delegate.
7. This Land Transport Rule came into effect after the Contract, and so was not included in the original delegation instrument for the Contract. Similar delegation approval was sought for the Transmission Gully Motorway in November 2021.
8. Waka Kotahi has discussed and agreed the need to delegate these powers with NX2.

**Next steps**

9. Once Waka Kotahi has received the signed approval from your office, the delegation instrument will be signed by Nicole Rosie, Chief Executive Waka Kotahi, and issued to NX2.

**It is recommended that you:**

1. **Note** that your approval is required to allow NX2 to sub-delegate powers under the Setting of Speeds Rule 2022 to set temporary speed limits for Ara Tūhono Pūhoi to Warkworth. **Noted**
2. **Sign** the attached delegation approval and return to Waka Kotahi by 17 May 2023 **Yes / No**



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**Brett Gliddon**

Group General Manager, Transport Services

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**Hon Michael Wood, Minister of Transport**

Date: 2023

## Approval of sub delegations relating to Temporary Speed Limits by NX2 LP

## Pūhoi to Warkworth

11 May 2023

This approval to sub-delegate relates to **NX2 LP**, being the private sector person who entered into a written agreement (the Agreement) with the New Zealand Transport Agency to construct and operate the Pūhoi to Warkworth roads and only to the extent necessary to enable it to lawfully perform its obligations under the Agreement.

The Minister of Transport **approves the sub-delegation** by NX2 LP of any of the New Zealand Transport Agency's functions and powers under:

- Section 7 of the Land Transport Rule: Setting of Speed Limits 2022 (but not clause 7.2(4), 7.2(5) and 7.3 of that Rule)

**NX2 LP may sub-delegate these functions and powers to:**

- Any person engaged by NX2 LP from time to time as may be permitted by the Agreement to procure the provision of the Services (or any of them) (as defined in Part 1 Clause 1.1 of the Agreement); and
- any other person that is engaged (at any tier) to act as a sub-contractor for the purposes of the Agreement.

**Provided that:**

- The relevant function and/or power has already been delegated by the New Zealand Transport Agency to NX2 LP; and
- the New Zealand Transport Agency has given prior written approval to such sub delegation by NX2 LP.

**This delegation approval is subject to:**

- the Agreement; and
- section 73 of the Crown Entities Act 2004.

This approval takes effect on the date below and continues until such time as it is revoked by the Minister of Transport.

This approval does not revoke any previous approval by the Minister of Transport for the New Zealand Transport Agency to delegate to any person.

SIGNED at                      this                      day of May 2023

**Hon Michael Wood**

Minister of Transport

Under Crown Entities Act 2004, s73(1)(d) and (e)