

28 June 2021

Redacted - Out of scope

NZ Transport Agency  
PO Box 5084  
Wellington 6140

Attention: Redacted - Out of scope

Dear Redacted - Out of scope

### Transmission Gully Project – Notification of Service Commencement

Wellington Gateway Partnership (**WGP**) issues this notice per Clause 29.3 b) i).

We note the same notification has been issued by the Builder to both WGP and the Sub-Independent Reviewer under the D&C Agreement.

Yours sincerely

s 9(2)(a)

s 9(2)(a)

s 9(2)(a) Wellington Gateway Partnership

Cc. Redacted - Out of scope, NZTA Representative.

Level 7, The Majestic Centre  
100 Willis Street  
PO Box 5084  
Wellington 6011  
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30 June 2021

s 9(2)(a)  
s 9(2)(a) and Contractor's Representative  
Wellington Gateway Partnership No. 2 LP  
PO Box 50009  
Porirua 5240

Dear s 9(2)(a)

**TG-GC-120: WGP Notice under PA Clause 29.3(b)(i)**

We refer the Project Agreement between the NZ Transport Agency (**Waka Kotahi**) and Wellington Gateway Partnership No.2 LP (**WGP**) relating to the Transmission Gully PPP Project, as amended and restated on 17 December 2020 (**Project Agreement**). Capitalised terms used in this letter have the same meanings given to them in the Project Agreement, and clause references are to clauses in the Project Agreement.

We also refer to WGP's letter addressed to Waka Kotahi dated 28 June 2021 giving notice under Clause 29.3(b)(i) of the Project Agreement. Waka Kotahi acknowledges receipt of the letter and the notification by WGP.

Given the 60 Business Day notice period, the timing of the notice indicates that Road Opening Completion is projected to be achieved on 20 September 2021. Can WGP confirm whether this date has been specified by the Builder, and whether WGP considers this is the date Road Opening Completion is expected (acting reasonably) to be achieved?

We also refer to the Independent Reviewer's letter to Waka Kotahi and WGP dated 17 June 2021, which noted the Independent Reviewer's view that Stage 1 Works Completion would not be achieved by 27 September 2021. You have previously advised that WGP was working with the Builder to respond and report back to Waka Kotahi on this matter. Could you please let us know whether this has been advanced, given its relevance to the notices and timing referred to above. Waka Kotahi requests that WGP provide the actual notice from the Builder so all parties are clear on the notice and timing being provided.

Please provide a response to the matters set out above within two (2) Business Days. Please feel free to contact either Redacted - Out of scope or myself if you have any questions about this letter.

Yours sincerely

Redacted - Out of scope

Redacted - Out of scope

Transport Agency's Representative

Copies to: Redacted - Out of scope (Waka Kotahi), Redacted - Out of scope (Waka Kotahi), s 9(2)(a) (WGP)

2 July 2021

Redacted - Out of scope

NZ Transport Agency  
PO Box 5084  
Wellington 6140

Attention: Redacted - Out of scope

Dear Redacted - Out of scope

### Transmission Gully Project – Notification of Service Commencement

Capitalised terms and clause references retain the same meaning as the Project Agreement unless otherwise stated.

This letter should be read in conjunction with;

1. Wellington Gateway Partnership (**WGP**) Clause 29.3 b) i) notice issued on the 28<sup>th</sup> of June 2021, and;
2. Waka Kotahi, New Zealand Transport Agency (**WK**) letter titled *TG-GC120; WGP Notice Under PA Clause 29.3 (b)(i)* dated the 30<sup>th</sup> of June 2021.

Furthermore, we attach the Builders notification of the same as issued to WGP pursuant to the D&C Agreement.

#### *Correction and Confirmation*

3. We acknowledge that our notice per point 1 above omitted the date in which the Builder notified WGP, we apologise and make the following correction;

The Builder has advised WGP, and therefore WGP advises WK the same that, the Builder reasonably expects Road Opening Completion to occur on Friday the 24<sup>th</sup> of September 2021

4. WGP continues to ask and the Builder advises that it is not in delay and that Service Commencement Date will be as notified. To that end, WGP reasonably believes the Road Opening Completion Date will be achieved as notified.

#### *Independent Reviewer Letter*

5. WGP acknowledge the Independent Reviewer has confirmed on 30<sup>th</sup> June 2021 (via correspondence addressed to both WGP and WK "*Transmission Gully Project; Works Completion and Road Opening Completion Date*) the contractual status of their Letter.

6. Given above point 5, WGP and the Builder continue to work on the matter and anticipate to be in a position to further advise WK by the close of business on the 6<sup>th</sup> of July.

Yours sincerely

s 9(2)(a)

[Redacted signature]

s 9(2)(a)

s 9(2)(a) Wellington Gateway Partnership

Released under the Official Information Act

7 July 2021

Redacted - Out of scope

NZ Transport Agency  
PO Box 5084  
Wellington 6140

Attention: Redacted - Out of scope

Dear Redacted - Out of scope

### Transmission Gully Project – Aurecon Communication

Capitalised terms and clause references retain the same meaning as the Project Agreement unless otherwise stated.

1. We refer to
  - a. Aurecon's letter of 17 June 2021 (Aurecon Letter) and its further letter of 30 June 2021, and;
  - b. Wellington Gateway Partnership (WGP) Clause 29.3 b) i) notice issued on the 2<sup>nd</sup> of July 2021, Second Letter.
2. We continue to seek clarification from the Builder as to its view in relation to the Aurecon Letter, including whether the Builder agrees or disagrees with the IR / SIR's position, and whether or not the Builder's view is that there will or is likely to be a delay in the Builder Works such that the Availability Criteria may not be met as at the Planned Service Commencement Date.
3. As you will appreciate, without further information from the Builder, WGP is not in a position to assess the accuracy of the views in the Aurecon Letter, nor whether there will or is likely to be a delay in the Works Provisioning such that the Availability Criteria may not be met as at the Planned Service Commencement Date. We will continue to press the Builder to provide information on this and will report this to you as and when this becomes available.

Yours sincerely

s 9(2)(a)

s 9(2)(a)

s 9(2)(a) Wellington Gateway Partnership

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Wellington Gateway Partnership No 2 LP