

16 September 2022

Georgina Campbell
Reporter
NZ Herald
georgina.campbell@nzme.co.nz

REF: OIA-10601

Dear Georgina

Request made under the Official Information Act 1982

Thank you for your email of 22 July 2022 requesting the following information under the Official Information Act 1982 (the Act):

All internal and external correspondence about the progress of negotiations to resolve a claim for the impact the Delta outbreak had on the construction of Transmission Gully.

I would ask that this request covers the time period from when the road opened to the current date.

On 19 August 2022 we extended the deadline for responding to this request as allowed for under section 15A of the Act.

The following documents fall in scope of your request:

- TG project – builders claim documents, 11 May 2022
- WK PPP Strategy (draft), 13 May 2022
- RE WK PPP Strategy draft, 13 May 2022
- WK Exec summary of the TG claim for review, 23 May 2022
- I&D agenda and final PPP papers, 23 May 2022
- TG P2WK Board subcommittee meeting, 1 July 2022

As per our previous responses to you on this matter in July 2022, the Public Private Partnership (PPP) agreement includes a contractual process to determine what relief our partners may be entitled to because of the impacts of COVID-19 restrictions on the Transmission Gully project. We continue to work with our PPP partners on those matters. However, these are complex negotiations, and because of their commercial nature, Waka Kotahi is unable to comment further on the negotiations or release the documents that relate to them.

Therefore, I am withholding these documents in full under the following sections of the Act to avoid impacting the ongoing commercial negotiations with Wellington Gateway Partnership and CPB HEB Joint Venture:

- Section 9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonable to prejudice the commercial position of the person who supplied or is subject to the information
- Section 9(2)(j) – to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask to Ombudsman to review my decision to withhold this information. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

In line with Waka Kotahi policy, this response will soon be published on our website.

If you would like to discuss this reply with Waka Kotahi, please contact Felix Marwick, Media Manager, by email to felix.marwick@nzta.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark McKenzie', with a stylized flourish at the end.

Mark McKenzie

Portfolio Manager, Delivery Portfolio E (Special Projects)