

20 April 2023

Out of
Scope

REF: OIA-12311

Dear Out

Request made under the Official Information Act 1982

Thank you for your email of 27 March 2023 requesting the following information under the Official Information Act 1982 (the Act):

Can I get, under the OIA, details of all payments made to the Gateway Partnership since the opening of Transmission Gully?

The following payments have been made to Wellington Gateway Partnership (WGP) since the opening of Transmission Gully:

- Quarterly Unitary Payments, which take account of any charges or deductions where the required performance standards, key performance indicators and/or road availability criteria were not achieved, all as calculated in accordance with the Project Agreement
- Periodic Payments calculated in accordance with the Integrated Settlement Agreement dated September 2020, and;
- Prolongation Costs calculated in accordance with Waka Kotahi NZ Transport Agency's instruction to WGP to open the Transmission Gully Motorway early in March 2022.

To explain the terms above:

- **Quarterly Unitary Payments** are the payments made to WGP each quarter (3 months) during the 25-year operating period of the Public Private Partnership (PPP) contract, to reimburse WGP for the agreed design and construction costs (plus interest) and the ongoing operations and maintenance costs of the project.
- **Periodic Payments** are payments made for additional costs caused by the Covid-19 pandemic to complete the construction of the project.
- **Prolongation Costs** are various additional costs incurred by WGP due to prolongation of the contract, including unavoidable contractor's costs, various financing costs and commercial negotiation costs.

The Project Agreement is available on our website at:

<https://www.nzta.govt.nz/projects/wellington-northern-corridor/transmission-gully-motorway/about-the-project/public-private-partnership/ppp-contract-development/>

I am withholding the amounts of these payments under section 9(2)(b)(ii) of the Act. Section 9(2)(b)(ii) provides for withholding information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

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 the Ombudsman to review my decision to withhold some of the requested 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, with personal information removed.

If you would like to discuss this reply with Waka Kotahi, please contact Andy Knackstedt, Senior Manager Media, by email to andrew.knackstedt@nzta.govt.nz.

Yours sincerely



Andrew Robertson
National Manager – Commercial Delivery