

21 November 2022

Darren Conway
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REF: OIA-11063

Dear Darren

Follow up: Request made under the Official Information Act 1982

Thank you for your email of 28 October 2022 requesting us to release the Auckland Harbour Bridge Shared Path Single Stage Business Case in an unredacted form.

To clarify, we would like to reiterate that we are relying upon section 9(2)(i) of the Act, not section 9(2)(j), to withhold certain information in the Single Stage Business Case. Section 9(2)(i) of the Act allows Waka Kotahi to withhold the information to carry out, without prejudice or disadvantage, commercial activities. In withholding this information, Waka Kotahi does not necessarily need to be in an active negotiation.

We have responded to your questions as detailed below.

If the NZTA still believes that s9(2)(j) still justifies redactions, then for each instance I request that NZTA:

- 1. identify the specific negotiations; and***
- 2. explain precisely how release of the information at issue would prejudice or disadvantage them in carrying on those negotiations.***

As noted above, there is no active negotiation, nor does there need to be. The Single Stage Business Case contains commercial information that would affect Waka Kotahi undertaking negotiations for this project in the future, should it be released at this time. Releasing this information would prejudice Waka Kotahi's ability to negotiate with third parties in developing contracts and related arrangements for the work delivering a walking and cycling option across the Waitematā Harbour. The nature of this information is such that its release may impair the Waka Kotahi position in contractual negotiations on other, non-walking and cycling construction projects in Auckland.

Waka Kotahi is currently exploring walking and cycling activities as part of the Additional Waitematā Harbour Connections project. By mid-next year, the Waitematā Harbour Connections team plans to deliver a recommendation for a package of transport improvements as part of a Waitematā Harbour Connections Indicative Business Case. That is likely to encompass all modes including light rail, buses, connections for walking and cycling, vehicles and freight, along with addressing the future use of the Auckland Harbour Bridge. These long-term solutions will require significant investment and

involve complex large-scale construction, anticipated to take more than 15 years of design and construction work. Waka Kotahi will therefore need to engage with contractors on commercial matters that are likely to require it to draw upon the information that has been withheld.

Property Impacts

I have no desire or need to know any information related to specific properties. This does not void the request for identification of specific negotiations and how the release of the information would affect negotiations under s9(2)(j) .

All details of negotiations with private property owners, including value and other terms, are confidential between those owners and Waka Kotahi. That remains so regardless of which stage of negotiations (i.e., whether complete or incomplete).

Tables 8 Project Benefits, 9 Agglomeration Benefits, 10 Tourism Benefits

Given that I already have obtained the SSBC economic analysis under a separate OIA request, I can say with a high level of confidence that the justification for redacting the values in tables 8,9 and 10 under s9(2)(j) is no longer valid, if it ever was. That assumes that the values in the analysis match those in the SSBC.

We have reviewed the documents concerned and have now released the economic benefits costs and the capital cost.

With regard to your concerns on our decision redacting names under section 9(2)(a) of the Act, when we sent our acknowledgement email, you did not clarify whether you wished to receive names, and as such our standard practice is to not release the names of persons not employed by Waka Kotahi, unless requested. We have now released the names of Waka Kotahi staff, but not the name of the Ernst and Young consultant. Should you wish to see this, please let us know as we will require some time to consult Ernst and Young to get their view on the release of the staff member's name.

With regard to your comment about our decision to redact parts of the document under section 9(2)(g)(i), we have now released this to you in full.

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 this information. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with Waka Kotahi, please contact the Ministerial Services team, by email at official.correspondence@nzta.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hume', with a long horizontal stroke extending to the right.

Deborah Hume

National Manager, Multimodal and Innovation