

6 September 2024

s9(2)(a)

Via email: s9(2)(a)

Dear s9(2)(a)

Thank you for your Official Information Act request, received on 26 July 2024. You requested:

*"...all weekly updates, memos/advice/aide memoirs/briefings/updates to the Minister relating to infrastructure. This request is limited to information created between 20 June and 12 July."*

We emailed you on 16 August 2024 to advise that we were working to reply to your request by 23 August 2024 at the latest. We provided you with a list of documents identified as being in scope of your request and asked you to clarify which documents you are specifically seeking. The list of advice was:

- PPP policy update: issues list, Aide memoire for the Minister and US Court, sent 20 June
- PPP policy update: project readiness, Aide memoire sent 20 June
- Weekly status report for the week beginning 24 June, sent 20 June
- Aide memoire to inform Ministerial consultation on Cabinet paper: Public consultation on the second emissions reduction plan, sent 25 June
- Weekly status report for the week beginning 1 July, sent 27 June
- Talking points for speech to Civil Contractors New Zealand AGM, Wellington-Wairarapa Branch on 3 July, sent 2 July
- Weekly status report for the week beginning 8 July, sent 4 July
- Feedback to inform Ministerial consultation on a Cabinet paper about the Northland Corridor Road of National Significance, Aide memoire sent 4 July
- Draft Cabinet Paper on the National Infrastructure Plan (draft for Minister's feedback), Aide memoire sent 4 July
- Draft paper for the Infrastructure and Investment Ministers Group (IIMG) on the workplan for improving the PPP model and policy framework, Aide memoire sent 4 July



- Draft Cabinet paper on the National Infrastructure Plan (final Cabinet paper), Aide memoire sent 17 July
- Weekly status report for the week beginning 22 July, sent 18 July.

On 20 August 2024, you replied to clarify that you are seeking the following papers:

1. *"Feedback to inform Ministerial consultation on a Cabinet paper about the Northland Corridor Road of National Significance, Aide memoire sent 4 July*
2. *Aide memoire to inform Ministerial consultation on Cabinet paper: Public consultation on the second emissions reduction plan, sent 25 June*
3. *PPP policy update: project readiness, Aide memoire sent 20 June*
4. *Draft paper for the Infrastructure and Investment Ministers Group (IIMG) on the workplan for improving the PPP model and policy framework, Aide memoire sent 4 July*
5. *Draft Cabinet Paper on the National Infrastructure Plan (draft for Minister's feedback), Aide memoire sent 4 July*
6. *Draft Cabinet paper on the National Infrastructure Plan (final Cabinet paper), Aide memoire sent 17 July*
7. *Weekly status report for the week beginning 22 July, sent 18 July."*

On 22 August, we advised that we needed to extend the time limit for reply by ten working days to 6 September to allow time for further consultation and review.

We have assessed these documents for information that can be released to you under the Act. Our decisions are set out below and are summarised in the table at Annex 1.

## Publicly available information

The following information is covered by your request but is, or will soon be, publicly available. Accordingly, I have refused your request for the documents listed in the table below under section 18(d) of the Official Information Act: the information requested is or will soon be publicly available.

Item	Date	Document Description	Decision
2	25 June 2024	Aide memoire: Public consultation on the second emissions reduction plan – Cabinet paper consultation	Refused – available on our website here: <a href="https://media.umbraco.io/te-waihanga-30-year-strategy/wgdlfomk/oia-">https://media.umbraco.io/te-waihanga-30-year-strategy/wgdlfomk/oia-</a>



			<a href="#">response-draft-second-emissions-reduction-plan-14-august.pdf</a>
5	4 July 2024	Aide memoire: Draft Cabinet Paper on the National Infrastructure Plan	Refused – will soon be available on our website here: <a href="https://tewaihanga.govt.nz/national-infrastructure-plan">https://tewaihanga.govt.nz/national-infrastructure-plan</a>
6	17 July 2024	Aide memoire: Final Draft Cabinet paper on the National Infrastructure Plan	Refused – will soon be available on our website here: <a href="https://tewaihanga.govt.nz/national-infrastructure-plan">https://tewaihanga.govt.nz/national-infrastructure-plan</a>
7	18 July 2024	Infrastructure weekly update for the week starting 22 July	Refused – will soon be published on our website here: <a href="https://tewaihanga.govt.nz/about-us/corporate-documents-official-information/information-releases">https://tewaihanga.govt.nz/about-us/corporate-documents-official-information/information-releases</a>

We periodically publish proactive information releases on our website here: <https://tewaihanga.govt.nz/about-us/corporate-documents-official-information/information-releases>. This is where you can find our Infrastructure weekly updates. Some parts of these information releases are not appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Items 1, 2, 5 and 6 of your request are aides memoire with advice about draft Cabinet papers. The final versions of the Cabinet papers referenced in these aides memoire have been released, or will soon be proactively released, on the websites of the lead agencies, as set out in the table below.



Item	Document Description	Lead agency and website
1	Cabinet paper relating to the Northland Corridor Road of National Significance	Ministry of Transport <a href="https://www.transport.govt.nz/">https://www.transport.govt.nz/</a>
2	Cabinet paper for public consultation on the second emissions reduction plan	Ministry for the Environment <a href="https://environment.govt.nz/">https://environment.govt.nz/</a>
5, 6	Cabinet Paper on the National Infrastructure Plan	Infrastructure Commission <a href="https://media.umbraco.io/te-waihanga-30-year-strategy/grnnv5zh/the-national-infrastructure-plan-to-publish.pdf">https://media.umbraco.io/te-waihanga-30-year-strategy/grnnv5zh/the-national-infrastructure-plan-to-publish.pdf</a>

To the extent your request is for copies of these Cabinet papers, this part of your request is also refused under section 18(d) of the Act as the information soon will be publicly available.

## Information being released

Please find enclosed the following document:

Item	Date	Document Description	Decision
1	4 July 2024	Aide memoire: Cabinet paper consultation: Accelerating Delivery of the Northland Corridor Road of National Significance	Release in part

I have decided to release the document listed above, subject to some information being withheld under the following sections of the Official Information Act:

- s9(2)(a) - To protect the privacy of natural persons.
- s9(2)(f)(iv) - To maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
- s9(2)(j) - To enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).



## Information to be withheld in full

The remaining documents in scope of your request are currently under active consideration. These are:

Item	Date	Document Description	Decision
3	20 June 2024	Aide memoire: PPP policy update – project candidates and readiness	Withhold in full
4	4 July 2024	Aide memoire: Draft paper for the Infrastructure and Investment Ministers Group (IIMG) on the workplan for improving the PPP model and policy framework	Withhold in full

Accordingly, I have decided to withhold these documents in full under the following section of the Official Information Act:

- Section 9(2)(f)(iv) to maintain the confidentiality of advice tendered by Ministers of the Crown and officials.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act.

Please note that this letter (with your personal details removed) and the enclosed documents may be published on Te Waihanga's website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely



Barbara Tebbs  
**General Manager, Policy**



## Annex 1: Document schedule

Documents released			
	Date	Document	Section of the Act applied
1	4 July 2024	Cabinet paper consultation: Accelerating Delivery of the Northland Corridor Road of National Significance Attachment 1 refused under s18(d)	s9(2)(a), s9(2)(f)(iv), s9(2)(j)

Documents withheld or refused			
2	25 June 2024	Public consultation on the second emissions reduction plan – Cabinet paper consultation	s18(d) – available here: <a href="https://media.umbraco.io/te-waihanganga-30-year-strategy/wgdlfomk/oia-response-draft-second-emissions-reduction-plan-14-august.pdf">https://media.umbraco.io/te-waihanganga-30-year-strategy/wgdlfomk/oia-response-draft-second-emissions-reduction-plan-14-august.pdf</a>
3	20 June 2024	PPP Policy Update - Project Candidates & Readiness	s9(2)(f)(iv)
4	4 July 2024	IIMG update on the workplan for PPP model and policy enhancement	s9(2)(f)(iv)
5	4 July 2024	Draft Cabinet paper on the National Infrastructure Plan	s18(d) – will be published here: <a href="https://tewaihanganga.govt.nz/national-infrastructure-plan">https://tewaihanganga.govt.nz/national-infrastructure-plan</a>
6	17 July 2024	Final Draft Cabinet Paper on the National Infrastructure Plan	s18(d) – will be published here: <a href="https://tewaihanganga.govt.nz/national-infrastructure-plan">https://tewaihanganga.govt.nz/national-infrastructure-plan</a>
7	18 July 2024	Infrastructure weekly update for the week starting 22 July	s18(d) – will be published here: <a href="https://tewaihanganga.govt.nz/about-us/corporate-documents-official-information/information-releases">https://tewaihanganga.govt.nz/about-us/corporate-documents-official-information/information-releases</a>



# Cabinet paper consultation: Accelerating Delivery of the Northland Corridor Road of National Significance

**Date:** 4 July 2024

**Report No:** TW-2024-439

To	Action sought	Deadline
Hon Chris Bishop, Minister for Infrastructure	Provide feedback to the Minister of Transport	5 July 2024

## Attachments

Appendix A: Draft Cabinet paper: Accelerating delivery of the Northland Corridor Road of National Significance

## Contact details

Name	Role	Phone
Brendan Herder	Director Investments and Reviews (Acting)	s9(2)(a)
Andy Hagan	General Manager, Infrastructure Delivery	s9(2)(a)

## Purpose

1. The Minister of Transport has invited you to provide feedback on a draft Cabinet paper which seeks agreement to using an accelerated delivery strategy for the Northland Corridor Road of National Significance (RoNS). The Minister intends to lodge this paper on 18 July for consideration at ECO on 24 July, and has asked for your feedback by 5pm 5 July.
2. This aide memoire outlines our feedback to the New Zealand Transport Agency | Waka Kotahi (NZTA) and the Ministry of Transport on this paper, which may be useful in informing your feedback to the Minister.

## Background

3. This Cabinet paper is seeking in principle agreement to a strategy developed by NZTA for accelerating delivery of the Northland Corridor RoNS (State Highway 1 between Whangārei and Auckland). s9(2)(f)(iv)



4. The accelerated delivery strategy has two components – a Progressive Public Private Partnership (PPP) model and s9(2)(f)(iv) [REDACTED] and to provide the confidence the market needs to scale-up to deliver in the proposed timeframe. The paper proposes a report back later in 2024 to provide additional detail on funding and delivery, and to seek agreement to commence the strategy and any policy approvals.

### Comments from Te Waihangā to NZTA and the Ministry of Transport

5. In our feedback to the two transport agencies, we have acknowledged the need to balance rapid progress towards project delivery and ensure that projects are supported by robust planning. We see a risk that the proposed accelerated delivery strategy prioritises speed ahead of other important considerations, and that in doing so it may not deliver the pace or outcomes expected (e.g., s9(2)(f)(iv) [REDACTED] may or may not be able to move faster than existing reform initiatives, and may also be subject to significant resistance).
6. In summary, our feedback has been that:
- The paper understates the significance of the RMA changes and Public Works Act (PWA) review underway, and doesn't sufficiently justify why s9(2)(f)(iv) [REDACTED] is required. The RMA amendments and improvements to the package of national direction (under the RMA) will all come into effect from mid-2025, with the PWA review to land s9(2)(f)(iv) [REDACTED]. Together these provide an alternative pathway to expedite infrastructure projects, but will have much broader application.
  - s9(2)(f)(iv) [REDACTED].
  - There is a risk that any negative public reaction to s9(2)(f)(iv) [REDACTED].
  - s9(2)(j) [REDACTED].
  - s9(2)(f)(iv) [REDACTED].
  - The paper should be more transparent about the uncertainty of current cost estimates, including risks relating to the terrain the highways will traverse and structures required (tunnel and viaduct for the first section). The actual costs could be much higher, and it would not be abnormal for projects of this complexity to cost 50%-100% more than initial estimates.
  - We are concerned about the process by which this project has been identified as being of such high priority for delivery, amid scarce funding. The accelerated delivery strategy seeks further in-principle, and potentially intractable, commitment



to the project ahead of a detailed investment case, which we consider high risk and inconsistent with good practice.

- Overall affordability constraints and the need for careful project selection will not be solved by financing tools, including PPP. There is a risk that the proposed revenue tools (such as tolling and value capture) will fall short of generating the funding required, meaning pressure on the NLTF and Crown funding in the long term.
- Based on historic annual investment by central government and Treasury's projections of future GDP, we estimate this project alone could consume 10% of the total non-maintenance/renewal investment for the next 25 years across all types of central government infrastructure (roads, hospitals, schools, defence, justice, public admin, etc).
- We continue to support the exploration of a progressive/collaborative PPP process for projects of this nature and expect to be involved in further design of the commercial model.