

16 December 2020



Dear 

I refer to your request, transferred on 18 November 2020, pursuant to the Official Information Act 1982 (OIA), requesting:

“Any briefings, communications or any other documents relating to the Light Rail proposal for Auckland, since July 2020, sent or received by the office of the Transport Minister.”

The table below details the documents that fall within the scope of your request and our response. The package of documents being released to you have been attached to this letter.

	Document	Description of information withheld under the OIA
1	Email chain – FW: Formal complaint regarding story on Guardians' of NZ Superannuation and CDPQ Infra's Auckland Light Rail proposal	Some material withheld under section 9(2)(a). This document includes several related emails
2	Briefing – OC200600 Auckland Light Rail-Proactive release of documents-Briefing Paper	Some material withheld under section 9(2)(a).
3, 5, 10	Email with attachment – OC200639 Auckland Light Rail-progressing IP discussions and project scope-Briefing Paper	Some material withheld under sections 9(2)(a), 9(2)(i), 9(2)(g)(i), 9(2)(j) and 9(2)(f)(iv). This briefing was attached numerous times within an administrative email chain. For clarity, documents 3, 5, and 10 are the same.
4	Email – RE: ALR workplan timeline	Some material withheld under section 9(2)(a) and 9(2)(i).
6	Email – RE: Proactive release-query on document 10a	Some material withheld under sections 9(2)(a), 9(2)(b) and 9(2)(ba).
7	Email – FW: Media inquiry light rail	Some material withheld under section 9(2)(a).
8	Email – RE: Thomas Coughlan media query	Some material withheld under section 9(2)(a).



9	Email – FW: OC200639 Auckland Light Rail-progressing IP discussions and project sc.._(002)	Some material withheld under sections 9(2)(a), 9(2)(f)(iv), 9(2)(g)(i) and 9(2)(i).
11	Email chain – 2.RE_ Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal	Some material withheld under sections 9(2)(a), 9(2)(b)(ii), 9(2)(ba)(ii), 9(2)(g)(i) and 9(2)(i).
12	Email – RE: Proactive release of Auckland Light Rail documents	Some material withheld under section 9(2)(a).
13	Email – ALR-updates on meetings	Some material withheld under section 9(2)(a).
14	Email – RE: URGENT – Media Query FW: Winston Peters on light rail	Some material withheld under sections 9(2)(a) and 9(2)(f)(iv).
15	Email – Draft response to NZ Infra's letter	Some material withheld under sections 9(2)(a), 9(2)(h) and 9(2)(g)(i).
16	Briefing – MOF Signed – T2020 2544 Auckland Light Rail-next steps	Some material withheld under sections 9(2)(a), 9(2)(b)(ii), 9(2)(f)(iv), 9(2)(g)(i) and 9(2)(h).
17	Email – CC2M presentation to Tāmaki Makaurau Mana Whenua Forum co-chairs tomorrow	Some material withheld under section 9(2)(a).
18	Email – Media coverage-key messages for meeting this week	Released in full.
19	Letter – NZSF letter to M Wood 17 November 2020 (003)_Marked up	Withheld in full under section 9(2)(f)(iv).
20	Email – FW:INV20-070 Auckland rapid transit-discussion with the Minister	Some material withheld under section 9(2)(a). Attachments refused under section 18(d) as these are publicly available online: Light Rail - A letter to the Minister of Transport Heart of the City: Auckland's city centre business association (https://www.hotcity.co.nz/latest-updates/light-rail-letter-minister-transport) 200228 Follow up letter to Minister on Rapid Transit FINAL (https://www.greaterauckland.org.nz/wp-content/uploads/2020/03/2020-02-28-Letter-to-Minister-Twyford-re-Rapid-transit-2.pdf).



21	Email – FW_ OC200890 Briefing - Progressing the CC2M project through a public service delivery model - COMMERCIAL IN CONFIDENCE	Some material withheld under section 9(2)(a) and 9(2)(f)(iv).
22	Briefing – OC200890 Briefing - Progressing the City Centre to Māngere Project through a Public Service Delivery Approach - Commercial in confidence	Withheld in full under section 9(2)(f)(iv).

Certain information has been held under the following sections of the OIA:

- Section 9(2)(a) relating to protecting the privacy of natural persons, including that of deceased natural persons
- Section 9(2)(ba)(ii) relating to unreasonable prejudice to the commercial position of a person
- Section 9(2)(ba)(i) relating to the confidential information and prejudice to its future availability
- Section 9(2)(ba)(ii) relating to confidential information and damage to the public interest
- Section 9(2)(f)(iv) relating to the constitutional conventions which protect the confidentiality of advice administered to Ministers or officials
- Section 9(2)(g)(i) relating to the effective conduct of public affairs through free and frank expression of opinion by Ministers or officials
- Section 9(2)(i) relating to enabling to commercial activities to be carried out without prejudice or disadvantage
- Section 18(d) relating to information requested that is or will soon be publicly available.



Ministry of **Transport**

TE MANATŪ WAKA

With respect to the information that has been withheld under section 9 of the OIA, I do not consider there are any other considerations which render it desirable, in the public interest, to make the information available.

You have the right under section 28(3) of the Official Information Act to make a complaint to the Ombudsman about the refusal to make information available. The Ombudsman can be contacted at info@ombudsman.parliament.nz.

The Ministry publishes our OIA responses and the information contained in our reply to you will be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Yours sincerely

Gareth Fairweather
Manager Placemaking and Urban Development

www.transport.govt.nz

HEAD OFFICE: PO BOX 3175, Wellington 6140, New Zealand. TEL: +64 4 439 9000, FAX: +64 4 439 9001

AUCKLAND OFFICE: NZ Government Auckland Policy Office, PO Box 106 238, Auckland City 1143, New Zealand. TEL: +64 9 985 4827, FAX: +64 9 985 4849

From: Conor Roberts
Sent: Tuesday, 3 March 2020 3:21 PM
To: [REDACTED]
Subject: FW: Formal complaint regarding story on Guardians' of NZ Superannuation and CDPQ Infra's Auckland Light Rail proposal

FYI

Withheld under section 9(2)(a) of the Official Information Act 1982

From: Conor Roberts
Sent: Tuesday, 3 March 2020 3:14 PM
To: [REDACTED]@stuff.co.nz
Cc: [REDACTED]@stuff.co.nz
Subject: Formal complaint regarding story on Guardians' of NZ Superannuation and CDPQ Infra's Auckland Light Rail proposal

Dear Mr [REDACTED],

The Guardians of NZ Superannuation ("Guardians") wishes to lodge a formal complaint with regard to a story run by Stuff online and in various print publications titled "*Government splits three ways on light rail as more details emerge of dramatic super fund plan*".

The story was written by Thomas Coughlan and ran online on 2 March 2020 and was syndicated across several print publications the following day. It related to the Guardians' and CDPQ Infra's proposal to partner with the Government to design, build, own and operate the Auckland Light Rail line.

We believe this story breached several of the Media Council's principles as outlined below.

Background

Our communications team was first contacted by the journalist on 27 February who invited us to respond to the following four claims about our proposal from an anonymous source:

1. *The PPP is based on a 50 year concession.*
2. *The Canadian partner controls 70 per cent of the JV with NZ Super as junior partner controlling 30 per cent.*
3. *There will not be competitive tendering on components.*
4. *Land development will be controlled by NZ Infra.*

We responded that afternoon stating that the four points were incorrect. No follow up was received from the journalist.

Stuff then chose to publish the story anyway based on the first two claims. Subsequent to that, we immediately contacted the journalist, Political Editor Luke Malpass and you, seeking to correct factually inaccurate statements.

Our complaint

1. Accuracy, Fairness and Balance

- We pointed out that the published anonymous claim that the ownership structure of the joint venture is tilted 70/30 in favour of our Canadian was incorrect (noting Companies Office records show it is a 50/50 structure) and asked that it be removed. While the story was updated to clarify the ownership structure, further incorrect claims from an anonymous source were added to the story stating funding/returns could be split 70/30 in favour of our Canadian partner. These were not put to us before entering the

public arena. Failing to give us the chance to respond to the additional erroneous claims from an anonymous source goes against journalistic standards of accuracy, fairness and balance.

- The story also contains a claim from an anonymous source that cost estimates for the project are now as high as \$20 billion. This figure was never put to us before it entered the public arena. In our subsequent correspondence with you, we stated while we will not comment on the commercial parameters of our proposal, had your journalist put that figure to us, we would have said also it was incorrect. Your journalist invited us to then comment on the anonymous cost estimate, which we did, yet you failed to update the story and continue to use the incorrect 70/30 return split and incorrect cost estimate to make false claims about returns to our Canadian partner.

2. Comment and Fact

- Therefore, in addition to our complaint that your story fails the principle of accuracy, balance and fairness, it also fails to draw a distinction between comment and fact, and even it were to be considered the opinion of an anonymous source or your journalist as to what could be in our proposal, the story fails to base that opinion on material facts.

3. Headline

- Our complaint also relates to the headline of the story (*Government splits three ways on light rail as more details emerge of dramatic super fund plan*), which fails to accurately or fairly convey the substance or a key element of the report. The headline leads the reader to believe that the story will include accurate details of our proposal, yet the story is based off erroneous anonymous claims. This is neither accurate nor fair.

4. Corrections

- Finally, you have failed to correct or update the story with regard to our responses that the 70/30 funding/return claim and the cost estimate anonymous claims are incorrect.

We believe the story was irresponsible and ought to be removed or substantially amended to take out all incorrect claims from the anonymous source and suggest Stuff stop allowing this person to pursue his or her negative agenda with regard to our proposal.

We also request Stuff publish an apology for the way it has managed this story, given the detrimental impact it has had on the reputation of the NZ Super Fund and our Canadian partner.

Yours sincerely,

Conor

Conor Roberts

Senior Communications Strategist



DDI: +64 9 366 4924

Mobile: +64 21 124 6004

Email: croberts@nzsuperfund.co.nz

PO Box 106 607, Auckland 1143, New Zealand
Level 12, 21 Queen Street, Auckland, New Zealand
Office: +64 9 300 6980 | Fax: +64 9 300 6981 | Web: www.nzsuperfund.nz



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Please consider the environment before printing this e-mail.

From: Conor Roberts
Sent: Wednesday, 4 March 2020 11:43 AM
To: Tom James
Subject: Fwd: Super Fund FEC appearance + media stand up
Attachments: FEC MW media stand up.m4a

FYI

Conor Roberts
NZ Super Fund
Senior Communications Strategist
+64 21 124 6004

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Wednesday, March 4, 2020 11:42:10 AM
To: alrmedia@transport.govt.nz <alrmedia@transport.govt.nz>
Cc: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>; James Bews-Hair [REDACTED]
Subject: Super Fund FEC appearance + media stand up

Withheld
under section
9(2)(a) of the
Official
Information
Act 1982

Hello,

As you will be aware we were in front of the Finance and Expenditure Select Committee for our annual review today.

Our CEO fielded several questions on light rail. You can listen to these here (approx 30 min in)

https://www.facebook.com/FESCNZ/videos/507060029978618/?_tn=%2CdkC-R&eid=ARCLXosY4zTlr-kulWrHDdwRub7WnCxtuViqroYxW5aJIs8MbDXUTVxyHk4664tSdRlmlaYNo4d6vgDr&hc_ref=ARTgN-NQ-1CAAa6JX5bMjGwlUCa6KSZmP5retOt9kDIUM4X5U6hKoF7ai5RCz4j9mA9g

Following the committee he did a stand up with several journalists (including Stuff, Newsroom and Newshub), which also covered light rail. I have attached a recording of the Q&A.

Please let me know if you have any questions.

Conor

Conor Roberts
NZ Super Fund
Senior Communications Strategist
+64 21 124 6004

From: Conor Roberts
Sent: Friday, 15 May 2020 3:25 PM
To: [REDACTED]
Subject: FW: Auckland Light Rail

Categories: In eDOCS, #2970885

FYI

Hope you are going well mate

C

From: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Sent: Friday, 15 May 2020 2:19 PM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: Re: Auckland Light Rail

Alert: External Email. If unknown sender or email address do not click links/attachments and never give out your username or password.

Yep, it's an add to a story going online about cost rises and delays to the Puhoi to Warkworth highway.

Bernard Orsman
Super City Reporter
New Zealand Herald
Tel: (09) 373-6008 (021) 681-647

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Friday, May 15, 2020 2:16 PM
To: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Subject: RE: Auckland Light Rail

No worries. You putting anything together on it?

From: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Sent: Friday, 15 May 2020 2:13 PM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: Re: Auckland Light Rail

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Thanks Conor.

Bernard Orsman
Super City Reporter
New Zealand Herald
Tel: (09) 373-6008 (021) 681-647

From: Conor Roberts
Sent: Friday, 29 May 2020 9:23 AM
To: Tom James
Subject: Fwd: light rail hold up

Here's where we go to with that herald enquiry. Derek is going to write it up today I think

Hope you are well

C

Conor Roberts
NZ Super Fund
Senior Communications Strategist
+64 21 124 6004

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Friday, May 29, 2020 8:49 AM
To: Suzanne Cookson; Catherine Etheredge
Cc: James Bews-Hair; Steph Ward; ALR Queries
Subject: RE: light rail hold up

Hello all,

Thanks for your help with this yesterday. Strong messaging I think. Hopefully the story is a positive one.

For the records, here's what went over to the Herald:

Director of NZ Infra Will Goodwin says:

"We understand and accept Government has been totally focused on its response to the Covid crisis. The Prime Minister has said the project remains on the Government's agenda and we understand cabinet will consider it shortly.

"NZ Infra remains committed to delivering light rail from the city centre to Māngere and the airport.

"We've also seen speculation of costings blowing out to as much as \$10 billion. While we cannot get into specifics about what the cost of our proposal will be, we've previously said this speculation is substantially wide of the mark.

"Costs incurred to date are commercially sensitive and confidential."

The Ministry of Transport has provided the following comments:

The preferred delivery partner, when chosen, will run a procurement process to select those it will partner with in building and operating the project. The preferred delivery partner will also be required to run a comprehensive public consultation and consenting process.

Given the size of the project, the initial preparatory phases alone require investing significant resources and will help with the country's economic recovery, even before construction starts.

The project will revolutionise transport in Auckland and represents a substantial investment in future-proofing the region's growth and sustainably increasing productivity."

From: Conor Roberts **Withheld under section 9(2)(a) of the Official Information Act 1982**
Sent: Thursday, 28 May 2020 10:31 AM
To: 'Suzanne Cookson' [REDACTED]; Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Cc: James Bews-Hair [REDACTED]; Steph Ward [REDACTED]; ALR Queries <ALRqueries@transport.govt.nz>
Subject: FW: light rail hold up

Hello all,

I received a media enquiry from Derek Cheng at the Herald following the comments by the Deputy Prime Minister and questions in the House to Minister Twyford over light rail.

Cheng is interested in speculation about cost blow outs and progress of the project. I called him to ask about deadlines and he is happy with something today. He also asked about cost we have incurred, if we'd be going back to the market (likely following the question line from Bishop in the house), and how shovel ready it is.

I would like to offer him substantive responses based off existing messaging. I have reiterated the comments from the PM about the project still being on the govt's agenda and the Minister about Cabinet timing.

As you know, we have had correspondence with stakeholders about the postponement of the project – so I have reiterated our commitment to it and its importance to Auckland. I've also included the line we agreed last time about resource investment in the preparatory phases to respond to the shovel ready question.

The line about cost blow outs and costings is the same as the one we gave at the time of our select committee appearance, and it is important to reiterate it so the public retains confidence in the project. I've emphasised the project will be subject to open procurement and consultative processes – again so as to retain public confidence. We won't provide detail to the cost incurred question (the response is from the Q&A).

Please let me know if this is ok.

Thanks,

Conor

"We understand and accept Government has been totally focused on its response to the Covid crisis. The Prime Minister has said the project remains on the Government's agenda and we understand cabinet will consider it shortly.

"NZ Infra remains committed to delivering light rail from the city centre to Māngere and the airport. The project will revolutionise transport in Auckland and represents a substantial investment in future proofing the region's growth and sustainably increasing productivity.

"Given the size of the project, the initial preparatory phases alone require investing significant resources and will

help with the country's economic recovery, even before we commence construction.

"We've also seen speculation of costings blowing out to as much as \$10 billion. While we cannot get into specifics about what the cost of our proposal will be, we've previously said this speculation is substantially wide of the mark.

"Our proposal included a robust, competitive and realistic costing which will form part of the negotiations with the government should we be chosen as preferred delivery partner. If we're successful, we'll run a comprehensive public consultation and consenting process and open the project up to the market with a transparent and fair tendering process to select those who will partner with us in building and operating the network.

"NZ Infra put in an innovative and substantial proposal that will help to transform Auckland. Costs incurred to date are commercially sensitive and confidential."

From: Derek Cheng <derek.cheng@nzme.co.nz>
Sent: Wednesday, 27 May 2020 4:38 PM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: light rail hold up

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Hi Conor

Is NZ Infra saying anything about the light rail hold up and Winston Peters' comments about cost blow outs, no progress in the immediate future, and his party's preference for heavy rail?

I note the PM has said the issue is still alive and will be considered by Cabinet in due course.

Derek Cheng
New Zealand Herald
Parliamentary Press Gallery
04 817 9151
027 242 4395

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From: Conor Roberts
Sent: Friday, 12 June 2020 7:53 AM
To: [REDACTED]
Subject: FW: RNZ this morning

FYI

From: Conor Roberts
Sent: Friday, 12 June 2020 7:49 AM
To: Suzanne Cookson [REDACTED]; Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Cc: James Bews-Hair [REDACTED]; Steph Ward [REDACTED]; ALR Queries <ALRqueries@transport.govt.nz>
Subject: FW: RNZ this morning

Hi team,

I had a follow up to RNZ's story about the letter from NZ First to Twyford. I've provided the following response. I think it is important to point out the letter from NZ First was sent on 29 Feb and the govt has been pretty clear since then it remains under consideration, and to set out what the next steps of the process would be.

I'll let you know if we have any additional enquiries.

Thanks,

Conor

From: Conor Roberts
Sent: Friday, 12 June 2020 7:39 AM
To: 'Derek Cheng' <derek.cheng@nzme.co.nz>
Subject: RE: RNZ this morning

Hi Derek,

It is important to note, the letter RNZ is referring to is dated 29 February.

Subsequent to that the PM confirmed the project is still on the government's agenda and the Minister has said it will be considered by cabinet in due course.

We remain committed to delivering light rail from the city centre to Māngere and the airport. Should we be chosen as the preferred delivery partner, NZ Infra will then enter into a period of commercial negotiations with government on the project.

If commercial agreement can be reached, there will be a comprehensive public consultation and consenting process, and we will undertake an open procurement process to select partners for building and operating the project.

The last time you and I communicated about this the Ministry of Transport said:

"Given the size of the project, the initial preparatory phases alone require investing significant resources and will help with the country's economic recovery, even before construction starts.

The project will revolutionise transport in Auckland and represents a substantial investment in future-proofing the region's growth and sustainably increasing productivity."

Hope this helps.

Let me know if you need anything else.

Kind regards,

Conor

From: Derek Cheng <derek.cheng@nzme.co.nz>
Sent: Friday, 12 June 2020 7:14 AM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: RNZ this morning

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Reporting nzf not supporting light rail before the election

Please let me know any response

Cheers

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From: Tom James [REDACTED]
Sent: Wednesday, 24 June 2020 11:22 AM
Subject: PR: Phil Twyford - Auckland Light Rail process ended

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Hon Phil Twyford

Minister of Transport
MP for Te Atatū

24 June 2020



PĀNUI PĀPAHO
MEDIA STATEMENT

Auckland Light Rail process ended

Cabinet has agreed to end the twin track Auckland Light Rail process and refer the project to the Ministry of Transport for further work, Transport Minister Phil Twyford says.

Despite extensive cross-party consultation, Government parties were unable to reach agreement on a preferred proposal. The future of the project will now be decided by the government following September's general election.

Phil Twyford says two credible and deliverable proposals were received.

"I'd like to thank NZ Infra and Waka Kotahi NZ Transport Agency for their work and innovative proposals.

"Either would have created hundreds of jobs and resulted in an Auckland metro that offered Aucklanders a 30 minute trip from the CBD to the Airport."

Auckland Light Rail remains a project in the Auckland Transport Alignment Project (ATAP), he said.

"The Ministry of Transport and the Treasury will report back after the general election on the best option for this project to be delivered by the public sector. The Ministry of Transport and the Treasury will also engage with NZ Infra and Waka Kotahi about how work done on this project can support the next phase.

"The Government remains committed to fixing congestion in Auckland and boosting jobs through building infrastructure. We've made good progress on ATAP with construction starting this term on the Eastern Busway, Matakana Link Road, SH20B upgrades, the Puhinui Interchange, Karangahape Road Cycleway, and the Constellation Bus Station upgrade, to name a few.

"Auckland Light Rail will be New Zealand's most complex infrastructure project in decades and it's vital we get it right for future generations," Phil Twyford said.

Notes to editors:

- Work on the Auckland Light Rail was part of the confidence and supply agreement between Labour and the Greens. This work continues with the Ministry of Transport.

- The Ministry of Transport and the Treasury will work with both Auckland Council and Auckland Transport, as well as other agencies including the Ministry of Housing and Urban Development to prepare options for the new government to consider.
- They will also address the policy and system changes needed to help build rapid transit projects of this scale in our largest cities.

Media contacts: Tom James [REDACTED]

Danya Levy [REDACTED]

Tom James | Press Secretary
Office of Hon. Phil Twyford
Minister for Urban Development
Minister of Transport
Minister for Economic Development

Withheld under section 9(2)(a) of the Official Information Act 1982

[REDACTED] | [REDACTED]
[REDACTED]

Authorised by Jacinda Ardern MP, Parliament Buildings, Wellington

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

From: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Sent: Tuesday, 3 March 2020 1:23 PM
To: Emma Kear [REDACTED]
Cc: [REDACTED] Will Goodwin; Conor Roberts; James Bews-Hair; [REDACTED] Alice Mew
Subject: Meeting with Minister of Transport

Categories: In eDOCS Sent for filing

Dear Emma,

We are writing to request a meeting between your Minister and senior leadership from the NZ Super Fund and CDPQI (collectively NZ Infra). As you will know, NZ Infra has developed a proposal to finance build and operate the CC2M project through a light metro model (ALM).

We realise that such a meeting would be inappropriate during the Cabinet decision-making process to select a preferred delivery provider (PDP). We believe, however, that once a PDP is selected (and if that partner is NZ Infra), and prior to any announcement being made, such a meeting would be both appropriate and invaluable.

CC2M is increasingly, and will remain, a controversial project, the victim of significant misinformation. This is, unfortunately, a reality to be expected when dealing with large scale infrastructure investment as transformational as ALM will be. In light of this, tight, joined up and compelling messaging is essential. To advance this, we believe it is crucial that the Minister and the leadership of NZ Infra have an opportunity to discuss and develop an clear understanding of each other's thinking, vision and imperatives.

In addition, CDPQI's parent, CDPQ, recently appointed a new Chief Executive. Given that, it would be timely and valuable for our Canadian partner to have an opportunity to reemphasise their commitment and interest in the New Zealand infrastructure market and, importantly, the strategy behind that commitment.

We are making this request now due to the pressures and demands undoubtedly on the Minister's time, alongside the need for participants from our side to travel from Canada and Australia. We informed the Ministry of Transport of our intention to make this request and have discussed it briefly with your Ministerial Advisor. Please call me if you want to discuss this in more detail, otherwise we look forward to hearing from you.

Kind regards
Catherine

Catherine Etheredge
Head of Communications

DDI: +64 9 366 4905
Mobile: +64 27 4777 501
Email: cetheredge@nzsuperfund.co.nz

PO Box 106 007, Auckland 1143, New Zealand
Level 12, 21 Queen Street, Auckland, New Zealand
Office: +64 9 300 6980 | Fax: +64 9 300 6981 | Web: www.nzsuperfund.nz



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From: Emma Kean [REDACTED]
Sent: Tuesday, 3 March 2020 1:36 PM
To: 'Catherine Etheredge'
Cc: [REDACTED] Will Goodwin; Conor Roberts; James Bews-Hair; [REDACTED] Alice Mew
Subject: RE: Meeting with Minister of Transport

Categories: In eDOCS Sent for filing

Alert: External Email. If unknown sender or email address do not click links/attachments and never give out your username or password.

Good afternoon Catherine,

Thank you for your email.

We appreciate you contacting us to arrange a meeting. We agree that a meeting would be beneficially and I will be in touch in due course to arrange something.

Kind regards,

Emma

Emma Kean
Senior Private Secretary

Office of Hon Phil Twyford
Minister of Transport | Minister of Urban Development | Minister for Economic Development

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

[REDACTED]
[REDACTED] www.labour.org.nz
Authorised by Hon Phil Twyford, Parliament Buildings, Wellington

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From: Conor Roberts
Sent: Tuesday, 3 March 2020 1:59 PM
To: [REDACTED]
Subject: FW: Meeting with Minister of Transport

From: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Sent: Tuesday, 3 March 2020 1:55 PM
To: Emma Kean [REDACTED]
Cc: [REDACTED] Will Goodwin [REDACTED] Conor Roberts <CRoberts@nzsuperfund.co.nz>; James Bews-Hair [REDACTED] [REDACTED] [REDACTED] Alice Mew [REDACTED]
Subject: RE: Meeting with Minister of Transport

Thank you, Emma.
Catherine

Withheld under section 9(2)(a) of the Official Information Act 1982

From: Emma Kean [REDACTED]
Sent: Tuesday, 3 March 2020 1:36 PM
To: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Cc: [REDACTED] Will Goodwin [REDACTED] Conor Roberts <CRoberts@nzsuperfund.co.nz>; James Bews-Hair [REDACTED] [REDACTED] [REDACTED] Alice Mew [REDACTED]
Subject: RE: Meeting with Minister of Transport

Alert: External Email. If unknown sender or email address do not click links/attachments and never give out your username or password.

Good afternoon Catherine,

Thank you for your email.

We appreciate you contacting us to arrange a meeting. We agree that a meeting would beneficially and I will be in touch in due course to arrange something.

Kind regards,

Emma

Emma Kean
Senior Private Secretary

Office of Hon Phil Twyford
Minister of Transport | Minister of Urban Development | Minister for Economic Development

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

[REDACTED]
[REDACTED] www.labour.org.nz

Authorised by Hon Phil Twyford, Parliament Buildings, Wellington

Withheld under section 9(2)(a) of the Official Information Act 1982

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Withheld under section 9(2)(a) of the Official Information Act 1982

From: Catherine Etheredge [mailto:CEtheredge@nzsuperfund.co.nz]

Sent: Tuesday, 3 March 2020 1:23 PM

To: Emma Kean [REDACTED]

Cc: [REDACTED] Will Goodwin [REDACTED] Conor Roberts
<CRoberts@nzsuperfund.co.nz>; James Bews-Hair [REDACTED]

[REDACTED] Alice Mew [REDACTED]

Subject: Meeting with Minister of Transport

Dear Emma,

We are writing to request a meeting between your Minister and senior leadership from the NZ Super Fund and CDPQI (collectively NZ Infra). As you will know, NZ Infra has developed a proposal to finance build and operate the CC2M project through a light metro model (ALM).

We realise that such a meeting would be inappropriate during the Cabinet decision-making process to select a preferred delivery provider (PDP). We believe, however, that once a PDP is selected (and if that partner is NZ Infra), and prior to any announcement being made, such a meeting would be both appropriate and invaluable.

CC2M is increasingly, and will remain, a controversial project, the victim of significant misinformation. This is, unfortunately, a reality to be expected when dealing with large scale infrastructure investment as transformational as ALM will be. In light of this, tight, joined up and compelling messaging is essential. To advance this, we believe it is crucial that the Minister and the leadership of NZ Infra have an opportunity to discuss and develop an clear understanding of each other's thinking, vision and imperatives.

In addition, CDPQI's parent, CDPQ, recently appointed a new Chief Executive. Given that, it would be timely and valuable for our Canadian partner to have an opportunity to reemphasise their commitment and interest in the New Zealand infrastructure market and, importantly, the strategy behind that commitment.

We are making this request now due to the pressures and demands undoubtedly on the Minister's time, alongside the need for participants from our side to travel from Canada and Australia. We informed the Ministry of Transport of our intention to make this request and have discussed it briefly with your Ministerial Advisor. Please call me if you want to discuss this in more detail, otherwise we look forward to hearing from you.

Kind regards

Catherine

Auckland Light Rail - Proactive release of documents

Reason for this briefing	This briefing provides you with a proposed pack of documents for proactive release regarding Auckland Light Rail. Your feedback on this pack is appreciated, so that we can consult with the Respondents and agencies.
Action required	Provide feedback on the proposed pack of documents.
Deadline	Monday 3 August
Reason for deadline	To meet Ombudsman guidance on appropriate timelines when a request is being refused under section 18(d) – that is, that the information requested will soon be publicly available (around 4-6 weeks).

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Steph Ward	Project Director	[REDACTED]	✓
Siobhan Routledge	Director, System Strategy & Investment	[REDACTED]	
Bryn Gandy	DCE- System Strategy & Investment	[REDACTED]	

MINISTER'S COMMENTS:

Withheld under section 9(2)(a) of the Official Information Act 1982

Date:	28 July 2020	Briefing number:	OC200600
Attention:	Hon Phil Twyford	Security level:	In confidence

Minister of Transport's office actions

- Noted*
 Seen
 Approved
- Needs change*
 Referred to
- Withdrawn*
 Not seen by Minister
 Overtaken by events

Purpose of report

1. This briefing recommends the proactive release of documents relating to the Auckland Light Rail project. This follows termination of the Proposals Process by Cabinet and the receipt of three Official Information Act (OIA) requests.
2. You have refused two of these requests under section 18(d) of the OIA – that is, that the information requested will soon be publicly available [OC200530/OC200537 refers, and are attached]. We have taken the same approach in the request to the Ministry.

Documents to be released

Summary

3. We have reviewed 110 documents to determine what could and should be released proactively. Where possible, we have sought to release as much as possible to provide a clear narrative and improve public understanding of the process. Given the decision to refuse the OIA requests under section 18(d), we have proposed redactions as if the documents for release were being considered under the provisions of the OIA. In summary, we propose to:
 - 3.1. release 61 documents in full or in part. The redactions are primarily for reasons of commercial sensitivity, confidentiality, or future negotiations.
 - 3.2. not release 49 documents. Of these documents, 19 are draft versions of documents circulated to the ALR Advisory Group or Ministerial Oversight Group where the final version is released, or they are documents sensitive enough to be fully withheld. The remaining 30 documents comprise documents related to the development and evaluation of the proposals or the proposals themselves. There are two substantive reasons not to release this information; (1) it is subject to specific confidentiality arrangements with the Respondents, and is commercially sensitive, (2) the information is subject to future negotiations between the Crown and the Respondent for the acquisition of Intellectual Property. There are multiple grounds under the OIA that are applicable here; relating to commercial sensitivity, confidentiality, or future negotiations.
4. As discussed with your Office, we have not included the 30 documents relating to the development and evaluation of the proposals or the proposals themselves in the pack. Many of these documents contain references to the Respondents' materials and as they have not been previously shared with your Office, we are under obligations of confidentiality not to share this content. These documents would not be released as part of the proactive release. Other documents in this list are project management documents that we would not usually proactively release as there is low public interest in them, but we would consider releasing them if they were in the scope of an OIA request.
5. The documents will be made available on the Ministry website on the Auckland Light Rail Project page. This page will describe the process that was used to develop and evaluate the proposals and will group the documents into categories with a supporting narrative.
6. Appendix One provides a full list of the above categories of documents, and the equivalent grounds for withholding under the OIA.

Information released previously

7. As part of this package, we have also reviewed other Auckland Light Rail documents that have been previously released in part or withheld under the OIA. Given the termination of the Proposals Process, some of these documents can now have additional information released by reversing earlier redactions.
8. We are providing the documents to you in the first instance to seek agreement on the approach taken. We will circulate this package to the Respondents and other agencies so that they have an appropriate opportunity to provide feedback consistent with the consultation provisions of the OIA. Once we have feedback from Respondents and agencies, we will prepare a final pack for your review.
9. If you agree with the approach taken, we will work with your Office to determine the appropriate timing for the proactive release. We recommend that the information is released during the week commencing 10 August 2020 or at the latest, the week commencing 17 August 2020. This would be consistent with the Ombudsman's guidance that 4-6 weeks is an appropriate timeline for release following the refusal of an OIA request on the basis that the information is soon to be made publicly available. This timeline also provides sufficient time for consultation.
10. A full table of all documents considered is appended to this briefing, and the equivalent grounds for withholding under the OIA.

Figure 1: Full list of grounds used to withhold information

- 9(2)(a) – which relates to the privacy of natural persons.
- 9(2)(ba)(i) – which relates to the information requested being subject to an obligation of confidence or was legally compelled to provide and the release would be likely to prejudice the supply of similar information or information from the same source which is in the public interest should continue to be supplied.
- 9(2)(b)(ii) – which relates to the information being commercially confidential and the release would be likely to unreasonably prejudice the commercial position of a person who supplied or is the subject of the information.
- 9(2)(f)(iv) – which relates to maintaining the constitutional conventions which protect the confidentiality of advice tendered by Ministers and officials.
- 9(2)(g)(i) – which relates to maintaining the effective conduct of public affairs through the free and frank expression of opinions.
- 9(2)(h) – which relates to maintaining legal privilege.
- 9(2)(i) – which relates to enabling commercial activities to be carried out without prejudice or disadvantage.
- 9(2)(j) – which relates to enabling negotiations to be carried out without prejudice or disadvantage.

Public interest

11. As this is a proactive release, the express requirements of section 9(1) – in terms of public interest – do not need to be satisfied. However, as noted above, the release is being treated as if it were a request under the OIA.
12. To that end, we consider that the basis on which the information is being redacted is not outweighed by 'other considerations which render it desirable in the public interest to make that information available'.

Risks

13. As noted above, there is ongoing public, market and media interest in the Auckland Light Rail project.
14. Key risks include:
 - 14.1. The quantity of information that has been redacted. This will be especially apparent in the draft and final Cabinet papers where all reference to the content and evaluation of the Proposals is proposed to be withheld.
 - 14.2. Information relating to the Proposals received by the Ministry. This information remains commercially sensitive to the Respondents.
 - 14.3. We propose to release the Response Requirements Document (RRD). We have proposed a small number of redactions from this document, on the basis of where it may impact future work. While this will provide a high degree of transparency of approach to the proposals process, the redactions may result in a negative reaction from interested industry stakeholders.
 - 14.4. Given the extent and the complexity of the material, there may also be minor risks that emerge from its release. We anticipate that the material may, for example, result in further questions being asked about the process that was followed and on the roles of partner agencies. We are preparing a reactive set of Q&As to address any questions that arise.

Recommendations

15. The recommendation is that you:
 - (a) **agree** that the Ministry release this information proactively on its website, at a date to be confirmed with your Office. Yes/No
 - (b) **provide** feedback on the approach outlined in this note by 3 August. Note that we are not seeking detailed feedback at this first review stage, but rather to gauge your overall comfort on the approach taken to the categories of information. Yes/No
 - (c) **note** that the Ministry will consult with partner agencies and Respondents to ensure alignment prior to making the proactive release available. Yes/No
 - (d) **note** that a final pack will be provided to you in the week of 10 August 2020 for detailed review. Yes/No

Steph Ward
Project Director, Auckland Light Rail

MINISTER'S SIGNATURE:

DATE:

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Appendix 1- Documents considered for proactive release

Documents marked for release in full or in part

Number	OC number	Title	Document type	Proposed action
1	OC190674	Auckland Light Rail briefing for Ministerial Oversight Group	Aide Memoire	Partially release - withheld some content under sections 9(2)(f)(iv) and 9(2)(a)
2	OC190709	Auckland Light Rail – key decisions sought from Ministerial Oversight Group	Aide Memoire	Partially release - withheld some content under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i)
3	OC190788	Light Rail Announcement - information for the Ministerial Oversight Group	Aide Memoire	Partially release - withheld phone number under section 9(2)(a).
4	OC190879	Auckland Light Rail update briefing for Ministerial Oversight Group - September 2019	Briefing Paper	Partially release - withheld some content under sections 9(2)(a) and 9(2)(f)(iv)
5 5a	OC190989	Auckland Light Rail update briefing for Ministerial Oversight Group 21 October 2019	Aide Memoire and Briefing Paper	5 - Partially release - withheld phone number under section 9(2)(a) 5a – Partially release - withheld some content under sections 9(2)(a) and 9(2)(b)(ii)
6	OC190990	Meeting with Infrastructure New Zealand CE Paul Blair on 11 September 2019	Aide Memoire	Partially release - withheld phone number under section 9(2)(a)
7	OC191024	ALR Evaluation Framework	Aide Memoire to Peter Mersi	Partially release - withheld some content under sections 9(2)(a) and 9(2)(f)(iv)
8	OC191156	Auckland Light Rail- decisions on next stage	Briefing Paper, letter to NZTA Chair	Partially release - withheld some content under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(j)

9, 9a and 9b	OC191179	Ministerial Oversight Group November 2019	Aide Memoire, Briefing and appendix	Partially release - withheld phone number under section 9(2)(a). Release appendix (9b) in full
10 and 10a	OC200006	Auckland Light Rail - Recommendation for Preferred Delivery Partner	Cabinet paper	Partially release - withheld some content under sections 9(2)(b)(ii), 9(2)(g)(i) and 9(2)(f)(iv)
11	OC200048	Briefing on recommendation and next steps	Aide Memoire	Partially release - withheld some content under sections 9(2)(b)(ii) and 9(2)(f)(iv)
12	OC200089	Auckland Light Rail – decisions on next stage Meeting with stakeholders on Auckland's Rapid Transit Programme – Wednesday 19 February 2020	Briefing Paper	Partially release - withheld phone number under section 9(2)(a). Appendix withheld in full under section 9(2)(ba)(i)
13	OC200122	City Centre to Mangere - late Budget initiative for next phase	Briefing Paper	Partially release PDF of briefing only - some content withheld under sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i) and 9(2)(j). All appendices withheld under 9(2)(f)(iv)
14	OC200146	Update to Ministerial Group for 24 February 2020	Briefing Paper	Partially release - withheld phone numbers and some names under section 9(2)(a)
15	OC200164	Auckland Light Rail - March 2020 update for the Ministerial Oversight Group	AM	Partially release - withheld phone numbers under section 9(2)(a)
15a	OC200220	Auckland Light Rail Update (Risk Transfer)	AM	Partially release- some content withheld under sections 9(2)(a) and 9(2)(g)(i)
16	OC200231	Auckland Light Rail update (Cover note to PMO accompany doc bundle)	AM	Partially release- withheld some content under sections 9(2)(g)(i), 9(2)(f)(iv), 9(2)(b)(ii), 9(2)(h) and 9(2)(a)
16a	OC200234	Auckland Light Rail Update (Crown delivery)	AM	Withheld in full under sections 9(2)(f)(iv), 9(2)(b)(ii), 9(2)(h) and 9(2)(a)
16b	OC200235	Auckland Light Rail - Governance of the Next Phase	AM	Partially release - withheld some content under sections 9(2)(g)(i), 9(2)(f)(iv), and 9(2)(j)
17	OC200233	Update to Ministerial Oversight Group	AM	Partially release - withheld some content under sections 9(2)(a) and 9(2)(f)(iv). Group with 9b

18	OC200238	Update to Ministerial Group for 13 March 2020	Briefing Paper	Partially release - withheld some content under sections 9(2)(a) and 9(2)(f)(iv)
19	OC200239	Auckland Light Rail - update (Cover note for PM, MOF and MT)	AM	Partially release - withheld some content under sections 9(2)(f)(iv), 9(2)(h) and 9(2)(a)
20	OC200261	Auckland Light Rail - considerations for the next phase	AM	Partially release - withheld some content under sections 9(2)(f)(iv), 9(2)(b)(ii), 9(2)(g)(i) and 9(2)(a)
21	OC200329	Auckland Light Rail update	Briefing Paper	Partially release - withheld some content under sections 9(2)(f)(iv), 9(2)(b)(ii), 9(2)(a) and 9(2)(j)
22	OC200501	Auckland Light Rail - next steps	Cabinet paper	Partially release - withheld some content under sections 9(2)(h), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(j) and 9(2)(b)(ii)
23	OC200395	CC2M Approach to Governance	Briefing Paper	Partially release - withheld some content under sections 9(2)(a) and 9(2)(g)(i)

Number	Title	Document type	Proposed action
24	Outcomes Framework	Plan document	Release in full
25	Memo - process to develop Outcomes	Memo	Partially release - withheld names under section 9(2)(a) as per agreed approach
26	Response Requirements Document (RRD)	RRD	Partially release - withheld some content under sections 9(2)(f)(iv), 9(2)(g)(i), 9(2)(j) and 9(2)(b)(ii)
27	Memo - Process to develop RRD	Memo	Partially release - withheld some content under sections 9(2)(a), 9(2)(ba)(ii), 9(2)(f)(iv) and 9(2)(g)(i)
27a	MoT response to Auckland Council feedback on draft RRD 090819	Consultation document	Release in full
27b	MoT response to Auckland Transport feedback on draft RRD 090819	Consultation document	Partially release - withheld some content under section 9(2)(g)(i)
27c	MoT response to MfE feedback on draft RRD 090819	Consultation document	Partially release - withheld some content under section 9(2)(g)(i)

27d	MoT response to MHUD feedback on draft RRD 090819	Consultation document	Release in full
27e	MoT response to Treasury feedback on draft RRD 090819	Consultation document	Partially release - withheld some content under section 9(2)(g)(i)
28	Questions and Answers - for public use	Communications	Release in full
29	Key messages on Light Rail in Auckland	Communications	Release in full
30	Notices to Respondents (Changes to RRD)	Procurement	Partially released - withheld some content under sections 9(2)(a), 9(2)(b)(ii) and 9(2)(f)(iv)
31	OET- Terms of reference	Governance	Release in full
32	MOG- Terms of reference	Governance	Release in full
33	Agenda and Papers 21 June 2019 meeting	Email plus attachments	Partially release - withheld some content under sections 9(2)(a), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(b)(ii) and 9(2)(ba)(ii)
34	Agenda Auckland Light Rail Governance Group 18 July 2019	Agenda	Release in full
34a	Minutes from 21 June 2019 meeting	Email plus attachments	Partially release - withheld some content under sections 9(2)(b)(ii), 9(2)(f)(iv), 9(2)(g)(i) and 9(2)(a)
34b	180719 Auckland Light Rail Governance Group cover report	Report	Release in full
34c	ALR Board A3- draft 17 July 2019	Presentation	Partially release - withheld some content under section 9(2)(ba)(ii)
35	Agenda Auckland Light Rail Advisory Group 14 August 2019	Agenda	Release in full
35a	140819 Auckland Light Rail Advisory Group cover report	Report	Partially release - withheld some content under sections 9(2)(f)(iv) and 9(2)(a)
35b	ALR Governance Advisory Group- 18 July 2019 DRAFT MINUTES	Minutes	Partially release - withheld some content under sections 9(2)(b)(ii), 9(2)(j) and 9(2)(f)(iv)

35c	ALR Advisory Group TOR - 14 August 2019 - FINAL APPROVED	TOR	Release in full
36	Agenda Auckland Light Rail Advisory Group 15 November 2019	Agenda	Release in full
36a	ALR Advisory 15 November 2019 briefing paper	Briefing	Partially release - withheld some content under section 9(2)(f)(iv), 9(2)(g)(i), 9(2)(ba)(ii) and 9(2)(b)(ii)
36b	Minutes Auckland Light Rail Advisory Group 14 August 2019	Minutes	Partially release - withheld some content under section 9(2)(f)(iv)
36c	Stakeholder Management Principles Letter MASTER	Draft document	Release draft letter in full - appendix withheld in full under section 9(2)(ba)(i)
36d	Version 2 A3 Advisory Group meeting 15 November	Presentation	Release in full
37	ALR Advisory email update	Briefing	Partially release - email address withheld under section 9(2)(a)
37a	Minutes Auckland Light Rail Advisory Group 15 November 2019	Minutes	Partially release - withheld some content under section 9(2)(g)(i)
38	Minutes Auckland Light Rail Advisory Group 29 January 2020	Minutes	Partially release - pages 2-5 withheld under sections 9(2)(b)(ii) and 9(2)(j)

Documents to be withheld in full

Number	OC number	Title	Document type	Proposed action
39	OC191008 / T2019/3327	Financing for Auckland Light Rail	Briefing Paper	Withheld in full under sections 9(2)(a) and 9(2)(f)(iv)
40	OC200113	Auckland Light Rail - Circulation of Proposal Materials	Aide Memoire	Withheld in full under section 9(2)(g)(i)
41	OC200126	Meeting Advice - NZTA briefing on mode shift	Aide Memoire	Withheld in full under section 9(2)(f)(iv)

42	OC200276	Auckland Light Rail - mobilisation planning	Aide Memoire	Withheld in full under sections 9(2)(a), 9(2)(b)(ii), and 9(2)(f)(iv)
43	OC200292	Funding options for the Auckland Light Rail project costs	Briefing Paper	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
44	OC200387	Auckland Light Rail draft Cabinet Paper update	Aide Memoire	Withheld in full under sections 9(2)(b)(ii) and 9(2)(f)(iv)
45	OC200463	Auckland Light Rapid Transit - MoUs with Respondents	Aide Memoire	Withheld in full under sections 9(2)(b)(ii) and 9(2)(f)(iv)
46	OC200472	CC2M Implications	Aide Memoire	Withheld in full under sections 9(2)(b)(ii), 9(2)(h) and 9(2)(f)(iv)
16c	OC200229	Legal advice regarding CC2M project	Aide Memoire	Withheld paper and attachment in full under section 9(2)(h)

Number	Title	Document Type	Proposed action
47	Backpocket Q&As	Communications	Withheld in full under sections 9(2)(f)(iv) and 9(2)(g)(i)
48	ALR Governance Advisory Group TOR draft 16 July 2019 - clean	Terms of reference	Withheld - draft document
49	ALR Governance Advisory Group TOR draft 16 July 2019 - tracked	Terms of reference	Withheld - draft document
50	Draft CC2M Objectives Framework GG 16 July 2019	Draft document	Withheld - draft document
51	Draft Response Requirements Document GG 16 July 2019	Draft document	Withheld - draft document
52	ALR Advisory Group TOR- 14 August 2019 - amendments for clarity (clean)	Terms of reference	Withheld - draft document
53	ALR Advisory Group TOR - 14 August 2019 - amendments for clarity (tracked)	Terms of reference	Withheld - draft document

54	TRACKED CHANGE Minutes Auckland Light Rail Advisory Group 14 August 2019	Minutes	Withheld - draft document
55	Clean Minutes Auckland Light Rail Advisory Group 14 August 2019	Minutes	Duplicate - refer to document 36b

Documents to be withheld in full that have not been supplied for consideration

Document title	Document type	Proposed action
NZ Infra - IEP meeting schedule	Respondent Information	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZTA - IEP meeting schedule	Respondent Information	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZ Infra - IEP meeting presentations	Respondent Information	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZTA - IEP meeting presentations	Respondent Information	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZ Infra Clarification Questions	Respondent Information	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZTA Clarification Questions	Respondent Information	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZ Infra Early Deliverables	Various	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
NZTA Early Deliverables	Various	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Data Room documents - used by Respondents	Various	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
ALR Probity Plan	Plan document	Not included in Proactive release. Under OIA could be released with some redactions
CC2M Evaluation process guide	Presentations	Not included in Proactive release. Under OIA could be released with some redactions
Evaluation framework	Plan document	Not included in Proactive release. Under OIA could be released with some redactions
Evaluation plan	Plan document	Not included in Proactive release. Under OIA could be released with some redactions
ALR Evaluation logistics and process plan	Plan document	Not included in Proactive release. Under OIA could be released with some redactions

Evaluation criteria	Plan document	Not included in Proactive release. Under OIA could be released with some redactions
SMET Report - Iwi & Stakeholder Engagement	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
SMET Report - Commercial & Financial	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
SMET Report - Technical	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
SMET Report - Service Delivery	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
SMET Report - Key Outcomes Narrative	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Legal DD Report	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Pricing DD Report	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Policy DD Report	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
OET Report	Final Evaluation Report	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
ALR Consultation documents	Various	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Draft NZ Infra MOU for PDP	Commercial	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Draft NZTA MOU for PDP	Commercial	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Funding MOU for ALR (MOT and NZTA)	Commercial	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)
Variation to funding MOU for ALR	Commercial	Withheld in full under sections 9(2)(b)(ii), 9(2)(f)(iv) and 9(2)(j)

Auckland Light Rail - progressing IP discussions and work on project scope

Reason for this briefing	This briefing outlines the Ministry's work to identify the choices required to be made by an incoming Government to determine the scope of the Auckland Light Rail project. It also includes an overview of our approach to obtaining Intellectual Property rights from both respondents.
Action required	Discuss with Ministry officials and share this briefing with the Minister of Finance.
Deadline	3 August 2020.
Reason for deadline	To allow the Ministry to mobilise the resources necessary to undertake this work.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Bryn Gandy	DCE, System Strategy & Investment	██████████	✓
Siobhan Routledge	Director, System Strategy & Investment	██████████	
Gareth Fairweather	Manager, Placemaking & Urban Development	██████████	

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MINISTER'S COMMENTS:

Date:	31 July 2020	Briefing number:	OC200639
Attention:	Hon Phil Twyford Minister of Transport	Security level:	COMMERCIAL IN CONFIDENCE

Minister of Transport's office actions

 Noted

 Seen

 Approved

 Needs change

 Referred to

 Withdrawn

 Not seen by Minister

 Overtaken by events

Purpose of report

- 1. This report responds to your request for:
 - 1.1. more information on the timeframes and process for managing the intellectual property discussions with Waka Kotahi and NZ Infra
 - 1.2. more work to be undertaken to develop a detailed project scope for the City Centre to Mangere (CC2M) light rail line, to enable the incoming Government to make decisions on its requirements for the scheme. This work is additional to that requested by Cabinet.

2. [Redacted]

3. [Redacted]

4. [Redacted]

Withheld under section 9(2)(f)(iv) of the Official Information Act 1982

Clarifying your objectives

- 5. We have reflected on the feedback you provided when you met with officials on 27 July 2020.
- 6. Our understanding is that you have asked for more specific work to be undertaken by the Ministry to develop the scope of the CC2M project. You would like this work to be of sufficient detail to enable an incoming Government to make decisions relating to its requirements for the CC2M proposal, as soon as possible after the election. This will be based on a series of design choices, which would allow the new Government to set out the parameters of the project from the outset.
- 7. This work would be separate from, and in addition to, the work we will be undertaking jointly with the Treasury to prepare advice for an incoming government as requested by Cabinet and outlined in our earlier advice. Whilst our joint advice with Treasury would be based on further discussions with ATAP partners and others, this additional work would be undertaken solely by the Ministry and external advisors. The Treasury, as the Government's economic advisor, does not consider that it has the capability or capacity to undertake this technically oriented work.

8. [Redacted]

9. [Redacted]

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- 10. The attached A3 provides a high level overview of the process and timelines associated with all three areas of work. This shows how different work streams would interface with each other.

11. We would appreciate your confirmation that we have understood your expectations correctly. An overview of the approaches and any key issues or risks for each of these work streams is provided below.

Executing the intellectual property negotiations - NZ Infra

12. [REDACTED]

13. The project IP is not necessarily focused on the submitted proposals. Much of the value for the Crown is in the optioneering and studies that sit underneath them. These contain the detail on things like outcomes along the corridor, urban development opportunities, and the feasibility of various design and commercial approaches. The delivery entity will need this supporting material more than it needs the proposals themselves.

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14. There is also value in the way the respondents may have framed the questions in this material. [REDACTED] Some of this may not be readily replicated by the Crown.

15. There are a few key considerations to these discussions:

15.1. establishing what categories of IP will be of greatest value, and which (such as asset management frameworks) are not of interest. [REDACTED]

15.2. how the IP is acquired so that it meets the Crown's needs. In some cases full assignment of the IP rights may be needed, but in others it may be sufficient to licence the rights. Similarly, the term of the use will need to be worked through - e.g. perpetual or fixed term

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15.3. structuring the IP negotiations so we acquire the most useful IP first to feed into the technical work, and in a way that delivers greatest value for the [REDACTED] that is available

15.4. ensuring that the Crown receives value for money. Technical advice will be needed to ensure that the Crown is purchasing genuine IP that isn't otherwise available from agencies such as AT or is in the public domain, or is industry standard.

16. [REDACTED]

17. We will use members of our existing lead team (Sarah Sinclair, MERW; Fiona Mules, independent commercial advisor) to front these discussions, supplemented by our technical advisors Mott MacDonald, and we are currently seeking to appoint a senior infrastructure leader. We have invited AT to assist us in determining the categories of IP that are likely to

be most valuable for public service delivery. We are currently discussing how this could work with AT.

18. We see the key next steps as being:

18.1. [REDACTED]
[REDACTED]
[REDACTED]

18.2. seek to meet and agree a framework in the next 2 weeks

18.3. discovery and review process over approximately 8 weeks

18.4. agree a valuation, terms and a draft contract

18.5. seek Minister of Finance and Minister of Transport agreement to conclude the contract and make the payment.

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under section
9(2)(g)(i) and
9(2)(j) of the
Official
Information
Act 1982

19. We will impress on NZ Infra that we would like to conclude these discussions as quickly as possible, so that the IP can support the work on public service delivery. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Intellectual property discussions with Waka Kotahi

20. The discussions with Waka Kotahi can be undertaken more quickly and are expected to be simpler. We plan to follow a structured, but light-touch, approach to the discussions. This is important to demonstrate continued good faith and fair treatment of the two respondents.

21. This also reflects that there is more involved than just transferring information. In particular, it will be important that the Ministry (and ultimately a delivery entity) has an in-depth understanding of the studies and reports that Waka Kotahi commissioned, so that we can identify the purpose of these, how they ultimately informed the proposal, and the evidence underpinning them. Other key issues to resolve are likely to include:

21.1. clarifying arrangements for the Ministry and the Treasury being able to use IP as appropriate for the next phase of the CC2M Project. This may include sharing elements of the content with other government and council agencies and transferring, as appropriate, content to a public service delivery entity for its use

21.2. whether the government can either acquire the IP outright or only a right to use that IP (for example, ownership versus access to any particular reports and studies that informed the Proposal)

21.3. how limitations on rights on use of the IP may materially impact a delivery entity

21.4. determining what IP is severable from within the Proposal.

22. We have written to Waka Kotahi to initiate this process. We understand that Waka Kotahi is very willing to work with us on this matter.

23. We are planning for these discussions to take place directly between the Ministry and Waka Kotahi, as the assistance of our lead team is not required. However, we expect to draw on

support from MERW and Mott MacDonald to assist with any legal or technical matters around the transfer and use of the IP.

Developing advice on the key choices and trade-offs relating to project scope

24. Between now and the delivery of a scheme, a series of choices relating to project scope will be needed. Initially, these choices can inform the preferences of an incoming Government, to help set the parameters of a project to be taken forward by a delivery entity. The Government may want to set over-arching parameters for the project, or define key features such as termination points for the line and key stations.
25. More detailed matters will emerge as part of the technical design and assessment of the project, sometimes as a consequence of the Government's key parameters. We expect many of the choices relating to these more detailed matters to be made by the delivery entity itself.
26. Our advice will provide the incoming Government with a set of choices and trade-offs relating to project scope. These will be based on the best evidence available at the time, and will relate to matters for which it is important for the Government to express clear preferences. Following subsequent decisions made by Ministers, this will inform a letter of expectations to a future public-sector delivery entity.
27. Below, we have identified three sequential categories of decision making which will inform the scope and detailed design of the project. Whilst some choices can be made by the incoming government in October, others either cannot be made in this timeframe, or are consequential decisions that will need to be considered by a delivery entity.

Tier 1: High-level choices

28. Decisions will be needed by the Government that confirm its core expectations around the nature, form and function of the project. These would be based on the agreed project outcomes, the strategic case provided through ATAP, and a clear understanding of the overall needs and priorities of the corridor and its communities.
29. Such decisions would confirm the Government's preferences on matters such as:
 - 29.1. journey time and modal preferences
 - 29.2. key interchanges
 - 29.3. terminus locations (e.g. Wynyard vs city centre, Airport)
 - 29.4. principles for station placement (e.g. the distance between stops) and integration with key development opportunities.
30. Whilst ongoing technical work, as well as the views of ATAP partners, stakeholders such as MHUD and Kainga Ora, and local communities, will ultimately be needed to confirm the suitability of these choices, it is appropriate for the Government to express a series of preferences. Our advice in October will clarify how these preferences would be expected to be taken forward by a delivery entity, and also how the associated governance arrangements would ensure that these can be refined and tested as the project advances.
31. In developing our advice, the Ministry will continue to have regard to the agreed project outcomes and the strategic case for the project that has been established through ATAP. We will also refer to the original RRD, which provides a framework for key technical and service

delivery matters involved in developing a light rail project. We anticipate that this framework can be used to work through these key choices.

Tier 2: Decisions relating to more specific trade-offs

32. The second tier of decision making requires a more detailed understanding of key trade-offs along the corridor, informed by more comprehensive engagement with stakeholders and a higher degree of technical analysis.
33. The aspects of the design in this second-tier would support choices in relation to matters including:
- 33.1. the alignment of the scheme along either [REDACTED], as well as other matters relating to the precise route of the scheme
 - 33.2. the level of connectivity for the Mangere town centre and other areas such as the University/AUT and hospital
 - 33.3. the level of connectivity to planned urban renewal and housing intensification projects led by Kainga Ora
 - 33.4. the degree of vertical segregation of the scheme (i.e. the extent to which the scheme has tunnelled and/or elevated sections)
 - 33.5. the phasing of project delivery.
34. Refining the design to this level of detail would need to respond to a series of more detailed engineering and transport planning considerations, environmental impact assessment, and stakeholder and community feedback. The degree of land acquisition required, the desired interaction between the project and other modes, overall costs and affordability and construction feasibility will also constrain the Government's ability to make choices on these matters in October.
35. Furthermore, whilst the Government could state its preference for these more specific aspects of the project's design, a future delivery entity would be expected to refine this based on extensive further analysis, engagement and technical assessment.
36. Our advice in October will enable the Government to state a preference for some of these issues, where we already have (or have successfully obtained) a sufficient level of evidence to support this.

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Tier 3: Detailed specifications

37. Given the timeframes and the level of analysis required, we will not be in a position by October to support the Government to make choices in relation to the detailed specifications of the project. This includes choices relating to:
- 37.1. detailed alignment issues (e.g. around the Airport)
 - 37.2. the design and location of infrastructure (stations, vent shafts, depots etc)
 - 37.3. the specific land parcels needed for acquisition
 - 37.4. urban design considerations, and
 - 37.5. details of how the scheme integrates with other transport modes.

38. Such detailed choices are unlikely to be determined until more detailed design, geotechnical, environmental and operational assessments have been undertaken. This would be within the remit of a future public sector delivery entity.

The role of intellectual property

39. The IP that we are seeking to obtain from Waka Kotahi and NZ Infra will greatly assist the Ministry in setting out the nature of the choices and trade-offs for the project. However, it is possible that this will not be available (or may not have been available for long) in its entirety by October. While we will be able to progress with some analysis, based on our knowledge and previous assessments, we must be mindful that the IP is essential to help validate our advice, so that Ministers can make choices with confidence.
40. We will be supported throughout our assessment by our technical consultants, Mott MacDonald. As part of this, we may also commission Mott MacDonald to provide a focussed assessment in specific areas which we expect would be of most interest to ministers. Within the time available, we may need to prioritise this work in order to advise an incoming Government on the most critical considerations requiring early direction from ministers.

Key risks

41. There are risks associated with providing the incoming Government with this advice in the timeframes you have set.
42. In the time available, we will be unable to substantially engage with key stakeholders. In order to develop targeted advice within three months, supported by appropriate technical analysis, the Ministry will need to work with only very limited input of others including AT, Auckland Council, the Treasury or Kainga Ora.
43. Our initial discussions with AT and Auckland Council have highlighted that they generally support the key outcomes for the project, but have not settled on a higher speed system as a preferred solution. Proceeding straight to this type of design may make it harder to reach agreement across the ATAP partners on the best arrangements for project delivery.
44. The Ministry also has no control over the timescales associated with obtaining NZ Infra's IP. We believe it is likely that they will want to resolve the negotiations at a reasonable pace, but if the negotiations take longer then the Ministry's advice in October will solely rely on the evidence established in existing documentation and resources made available by or technical consultants. This will have a bearing on the extent to which all relevant choices can be presented to ministers in October.

Financial implications

45. In our briefing of 24 July (OC200555 refers) we sought agreement that \$1m of Green Transport Card funding be repurposed for the light rail work programme. In light of the additional work requested by you, we are seeking an additional [REDACTED] of funding.

46. We had originally provisioned for IP negotiations and for some project scope work to be funded from the \$1m we sought. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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We recommend repurposing funding allocated to the Green Transport Card

- 47. The Ministry has \$4.64 million in its 2019/20 baseline allocated to the establishment of the Green Transport Card. Given the likelihood that the Green Transport Card will not proceed within this Parliamentary term, the Minister of Transport has previously agreed with the Ministry's recommendation to repurpose this funding to support the exclusive negotiation phase of the Auckland Light Rail project [OC200292 refers]. In June 2020, the Ministers of Transport and Finance agreed to an in-principle expense transfer for \$4.640 million from 2019/20 to 2020/21 for establishing a Green Transport Card within the Ministry's Policy Advice appropriation [OC200442 refers].
- 48. In addition to our earlier recommendation that \$1 million of the \$4.64 million Green Transport Card funding be repurposed for the Auckland Light Rail project, we propose that an additional [REDACTED] is provided to the Ministry for the additional work covered in this briefing.
- 49. If no additional funding is secured, the work programme detailed above is unlikely to be able to be delivered within the proposed scope and timeframes, and is likely to result in heavily scaled back advice being provided to the incoming government.
- 50. We are seeking early confirmation of a total of [REDACTED] of this in-principle expense transfer. This requires approval by the Minister of Transport and the Minister of Finance. In-principle expense transfers are usually confirmed through the October 2020 Baseline Update once 2019/20 year-end results are confirmed. The Ministry is confident that none of the Green Transport Card funding was spent in 2019/20 so the [REDACTED] being sought for early confirmation is available.

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Recommendations

- 51. The recommendations are that you:
 - (a) **Discuss** this advice with officials from the Ministry of Transport. Yes/No
 - (b) **Share** this briefing with the Minister of Finance, and seek his joint agreement to the financial recommendations below. Yes/No
 - (c) **Note** that the Minister of Transport and Minister of Finance have previously approved an in-principle expense transfer of up to \$4.640 million from 2019/20 to 2020/21 for establishing a Green Transport Card.
 - (d) **Agree** to an early confirmation of [REDACTED] of the in-principle expense transfer for establishing a Green Transport Card. Yes/No **\$1.0m**
 - (e) **Approve** the following changes to appropriations to provide for the decision in recommendation (d) above, with no impact on the operating balance across the forecast period: Yes/No **\$1.0m**

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Vote Transport Minister of Transport	\$m – increase/(decrease)				
	2020/21	2021/22	2022/23	2023/24	2024/25 and Out years
Multi-Category Expenses and Capital Expenditure:					
Policy Advice and Related Outputs MCA					
Departmental Output Expenses:					
Policy Advice	[REDACTED]	-	-	-	-

(f) **Note** that the Ministry of Transport expects [REDACTED] of funding is required to implement the next stage of the Auckland Light Rail project.

(g) **Agree** to reallocate [REDACTED] from the Green Transport Card funding to support the Auckland Light Rail project. **\$1.0m**

Yes/No

(h) **Approve** the following fiscally neutral adjustment to provide for recommendation (g), with no impact on the operating balance and net core Crown debt: **\$1.0m**

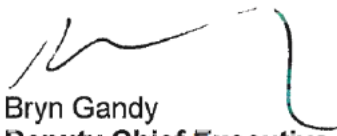
Yes/No

Vote Transport Minister of Transport	\$m – increase/(decrease)				
	2020/21	2021/22	2022/23	2023/24	2024/25 and Out years
Multi-Category Expenses and Capital Expenditure: Policy Advice and Related Outputs MCA					
Departmental Output Expenses: Policy Advice	[REDACTED]	-	-	-	-
Departmental Output Expense: Transport – Policy advice, ministerial servicing, governance, and other functions	[REDACTED]	-	-	-	-

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(i) **Agree** that the proposed change to appropriations for 2020/21 above be included in the 2020/21 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Yes/No

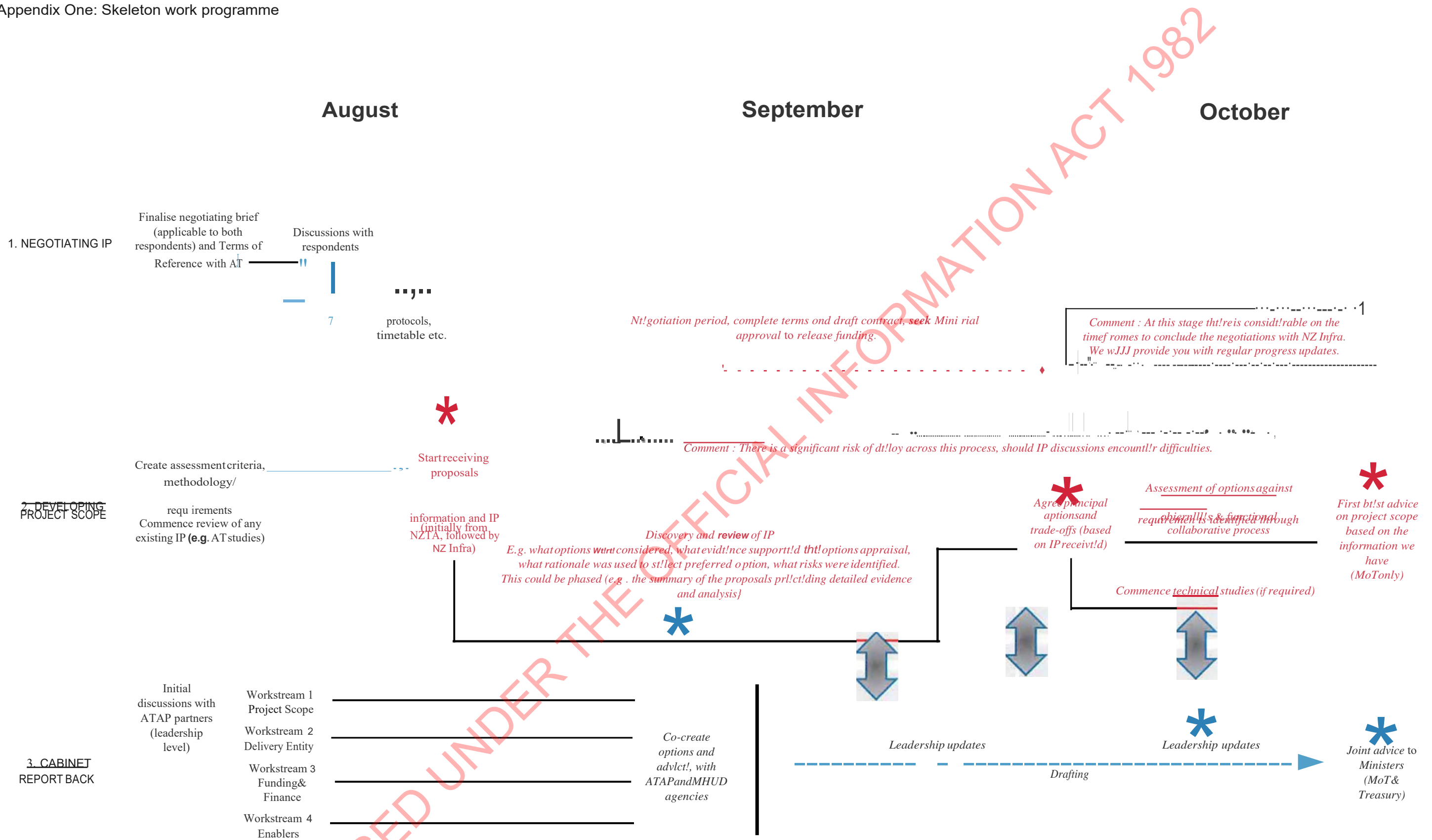


Bryn Gandy
Deputy Chief Executive, System Strategy and Investment

MINISTER'S SIGNATURE:



DATE: 21.8.20



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From: Hugh Mazey
Sent: Tuesday, 11 August 2020 10:34 AM
To: Siobhan Routledge; Bryn Gandy
Cc: ALR Queries
Subject: RE: ALR workplan timeline

Hey Siobhan,

Just heard back from Beth, the Office just needs the additional info around the costings please 😊

Kind Regards,

Hugh Mazey

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From: Siobhan Routledge [redacted]
Sent: Monday, 10 August 2020 3:25 PM
To: Hugh Mazey [redacted] Bryn Gandy [redacted]
Cc: ALR Queries <ALRqueries@transport.govt.nz>
Subject: RE: ALR workplan timeline

Hi Hugh,

We weren't proposing to do a specific work plan – but do let me know if the office had another expectation.

Very happy to send through some information on how we see the costs landing, with legal, financing and technical components being the driver of these costs. [redacted]

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Perhaps give me a call to discuss?

Cheers, Siobhan

From: Hugh Mazey [redacted] Withheld under section 9(2)(a) of the Official Information Act 1982
Sent: Monday, 10 August 2020 1:08 PM
To: Bryn Gandy [redacted] Siobhan Routledge [redacted]
Cc: ALR Queries <ALRqueries@transport.govt.nz>
Subject: ALR workplan timeline

Hi team,

[redacted]

Can you please let me know what the timeframe is for receiving the workplan?

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Ngā mihi

Hugh Mazey | Private Secretary (Transport)

Office of Hon Phil Twyford

Minister for Economic Development | Minister of Transport | Minister for Urban Development

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

Office Phone: +64 4 817 8704 Email: phil.twyford@parliament.govt.nz

MINISTRY OF TRANSPORT

Wellington (Head Office) | Ground Floor, 3 Queens Wharf | PO Box 3175 | Wellington 6011 | NEW ZEALAND | Tel: +64 4 439 9000 |

Auckland | NZ Government Auckland Policy Office | 45 Queen Street | PO Box 106238 | Auckland City | Auckland 1143 | NEW ZEALAND | Tel: +64 4 439 9000 |

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From: Hugh Mazey
Sent: Tuesday, 18 August 2020 4:34 PM
To: ALR Queries
Cc: Siobhan Routledge; Steph Ward; Suzanne Cookson; Michael Wilkinson
Subject: RE: Proactive release- query on document 10a

Thanks Aimee 😊

Kind Regards,

Hugh Mazey

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From: ALR Queries [mailto:ALRqueries@transport.govt.nz]
Sent: Tuesday, 18 August 2020 4:32 PM
To: Hugh Mazey
Cc: Siobhan Routledge; Steph Ward; Suzanne Cookson; Michael Wilkinson
Subject: RE: Proactive release- query on document 10a

Fantastic thank you!

We will circulate the final version with the Respondents so they are aware of exactly the messaging we are using and will await the go ahead to release everything.

Ngā mihi
Aimee

Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

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From: Hugh Mazey
Sent: Tuesday, 18 August 2020 4:28 PM
To: ALR Queries <ALRqueries@transport.govt.nz>
Cc: Siobhan Routledge; Steph Ward; Suzanne Cookson; Michael Wilkinson
Subject: RE: Proactive release- query on document 10a

Scratch that, he has 😊
Attached

Kind Regards,

Hugh Mazey

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From: Hugh Mazey
Sent: Tuesday, 18 August 2020 4:28 PM
To: 'ALR Queries' <ALRqueries@transport.govt.nz>
Cc: Siobhan Routledge [REDACTED] Steph Ward [REDACTED] Suzanne Cookson [REDACTED] Michael Wilkinson [REDACTED]
Subject: RE: Proactive release- query on document 10a

He is sick today, so I do not think so sorry.

Kind Regards,

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Hugh Mazey
[REDACTED]

From: ALR Queries [<mailto:ALRqueries@transport.govt.nz>]
Sent: Tuesday, 18 August 2020 4:26 PM
To: Hugh Mazey [REDACTED] ALR Queries <ALRqueries@transport.govt.nz>
Cc: Siobhan Routledge [REDACTED] Steph Ward [REDACTED] Suzanne Cookson [REDACTED] Michael Wilkinson [REDACTED]
Subject: RE: Proactive release- query on document 10a

Thanks for the update Hugh- understood

Has Tom been able to look at the web copy as yet?

Ngā mihi
Aimee

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Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

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From: Hugh Mazey [REDACTED]
Sent: Tuesday, 18 August 2020 4:23 PM
To: ALR Queries <ALRqueries@transport.govt.nz>
Cc: Siobhan Routledge [REDACTED] Steph Ward [REDACTED] Suzanne Cookson [REDACTED] Michael Wilkinson [REDACTED]
Subject: RE: Proactive release- query on document 10a

Kia ora Aimee,

I won't have an answer for you re timing until I hear back from other Offices which I am hoping will occur tomorrow. If it does not I will follow up with them first thing Thursday morning.

Kind Regards,

Hugh Mazey
[REDACTED]

Withheld under section 9(2)(a) of the Official Information Act 1982

From: ALR Queries [<mailto:ALRqueries@transport.govt.nz>]

Sent: Monday, 17 August 2020 12:00 PM

To: Hugh Mazey [REDACTED]

Cc: Siobhan Routledge [REDACTED]

Steph Ward [REDACTED]

Suzanne

Cookson [REDACTED]

Michael Wilkinson [REDACTED]

Subject: Proactive release- query on document 10a

Hi Hugh

Thanks for the feedback on the documents- I will add the extra name mark ups to document 18 as requested

As for document 10a (copy attached), we are happy to release recs 11 and 19 but we are keen to retain at least some of the redaction to rec 10 [REDACTED]

10. Note that the Secretary for Transport's recommendation is that NZ Infra be appointed as the Preferred Delivery Partner for the CC2M [REDACTED]

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In terms of the timescales, we would like this to be up before the end of this week (preferably Wednesday) as this then is still within Ombudsman guidance for an appropriate timescale after OIAs have been refused on the grounds that the information will be shortly made publicly available. As mentioned, one of the requestors has also lodged an Ombudsman complaint that would be largely resolved by this proactive release. With the election being pushed out by four weeks, this does mean that we would also be getting the update in place before the dissolution of parliament.

We appreciate the worry that it may look like we are trying to release when there are other more pressing issues in the media but our intention is also to reach out to all interested stakeholders to advise of the release. This includes:

- the original OIA requestors (Matt Lowrie, Thomas Coughlan and Chris Bishop);
- partner agencies;
- advisers;
- interest groups (AA, Greater Auckland etc);
- other industry parties like Infrastructure NZ and ACENZ; plus
- the Respondents.

Please let me know asap if this week is really not possible.

In the meantime, noted that Tom is reviewing the web copy – Suzanne needs to circulate this with the Respondents as part of our ongoing no surprises arrangement so please let me know if Tom needs more time to review.

Ngā mihi

Aimee

Aimee Webb

Project Co-ordinator – Auckland Light Rail

Ministry of Transport – Te Manatū Waka

[REDACTED] www.transport.govt.nz

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From: Suzanne Cookson
Sent: Wednesday, 19 August 2020 12:15 PM
To: Tom James; Danya Levy
Subject: FW: Media inquiry light rail

Hi Tom and Danya

FYI we've received the below query and I'm working on a response now. Neither of the Respondents have been approached.

Suzanne

From: Thomas Coughlan <thomas.coughlan@fairfaxmedia.co.nz>
Sent: Wednesday, 19 August 2020 11:12 am
To: Media Mailbox <media@transport.govt.nz>
Subject: Media inquiry light rail

Hello,

I'm working on a story about the next phase of the Auckland Light Rail project and the role that MoT will play in it. I've just got a couple of questions for that story and **I was wondering if I could get a response to them, preferably by 5pm tonight:**

- 1) How does the work being undertaken by MoT now relate to what was done under the twin track process?
- 2) Will the two parties (NZINFRA and NZTA) to the twin track process be involved - if so, how?
- 3) How do you plan to respect the intellectual property of those parties going forward?
- 4) The press release announcing the end of twin track process says ""The Ministry of Transport and the Treasury will report back after the general election on the best option for this project to be delivered by the public sector" - does this mean that MoT won't be using the PPP model? or engaging with partners like NZSF/NZINFRA?

Best,

Thomas Coughlan

Political Reporter

M: 022 516 0748 | T: 64 4 817 9252

Stuff, Press Gallery, Parliament Buildings room G-045,

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From: Suzanne Cookson
Sent: Wednesday, 19 August 2020 2:02 PM
To: Tom James; Danya Levy
Cc: ALR Queries; ALR Media
Subject: RE: Thomas Coughlan media query

Hi Tom and Danya

Here's the signed off version.

How does the work being undertaken by MoT now relate to what was done under the twin track process?

The Ministry of Transport and the Treasury have been tasked with preparing advice for the new government on a public service delivery model for the Auckland Light Rail project with support from Auckland Council, Auckland Transport, Ministry of Housing and Urban Development, Kainga Ora and others. In ending the parallel process (or twin track process) Cabinet ruled out progressing with either proposal, and the work being done now is separate to that process. However, the Ministry on behalf of the Crown has the option of negotiating rights to intellectual property in the proposals - which were developed at the Respondents' own cost and risk. The Ministry has initiated IP discussions with both Respondents.

Will the two parties (NZINFRA and NZTA) to the twin track process be involved - if so, how?

The Ministry and the Treasury will provide advice on a public sector delivery model for Auckland Light Rail. This model will not be based on either of the proposals but, depending on the outcome of IP discussions, may draw on technical evidence from the proposals. Waka Kotahi will necessarily be involved to some extent given their role as the government's agency responsible for the delivery of transport infrastructure, as will the other ATAP agencies.

How do you plan to respect the intellectual property of those parties going forward?

The proposals belong to the Respondents and contain intellectual property that the Ministry does not currently have rights to. Throughout the parallel process the Ministry protected the confidentiality of the IP in the proposals and has a responsibility to continue to do so. The Ministry cannot use or make public any elements of a proposal without first seeking permission from the relevant Respondent.

The press release announcing the end of twin track process says ""The Ministry of Transport and the Treasury will report back after the general election on the best option for this project to be delivered by the public sector" - does this mean that MoT won't be using the PPP model? or engaging with partners like NZSF/NZINFRA?

Until we have done the work we cannot know what advice we will give the new government in terms of delivery model or commercial arrangements.

Thanks
Suzanne

Suzanne Cookson
Communications and Stakeholder Engagement – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

| www.transport.govt.nz

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From: Tom James <Tom.James@parliament.govt.nz>
Sent: Wednesday, 19 August 2020 1:59 PM
To: Suzanne Cookson [REDACTED] Danya Levy [REDACTED]
Cc: ALR Queries <ALRqueries@transport.govt.nz>; ALR Media <alrmedia@transport.govt.nz>
Subject: RE: Thomas Coughlan media query

Thanks Suzanne. Let us know where you get to after Bryn takes a look.

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(www.blackberry.com)

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From: Suzanne Cookson [REDACTED]
Date: Wednesday, 19 Aug 2020, 1:44 PM
To: Tom James [REDACTED] Danya Levy [REDACTED]
Cc: ALR Queries <ALRqueries@transport.govt.nz>, ALR Media <alrmedia@transport.govt.nz>
Subject: Thomas Coughlan media query

Hi Tom and Danya

Below are the draft answers to Thomas's questions. I haven't had an opportunity to show these to Bryn yet, but wanted to send you the draft now rather than close to the 5pm deadline.

How does the work being undertaken by MoT now relate to what was done under the twin track process?

The Ministry of Transport and the Treasury have been tasked with preparing advice for the new government on a public service delivery model for the Auckland Light Rail project. In ending the parallel process (or twin track process) Cabinet ruled out progressing with either proposal, and the work being done now is separate to that process. However, the Ministry on behalf of the Crown has the option of negotiating rights to intellectual property in the proposals - which were developed at the Respondents' own cost and risk. The Ministry has initiated IP discussions with both Respondents.

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Until we have done the work we cannot know what advice we will give the new government in terms of delivery model or commercial arrangements.

Thanks
Suzanne

Suzanne Cookson
Communications and Stakeholder Engagement – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

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From: ALR Queries
Sent: Friday, 21 August 2020 2:54 PM
To: Hugh Mazey
Subject: FW: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Hi Hugh

Below from Nicole- do we think there's any chance we can get MOF to sign the amended paper for now?

Ngā mihi
Aimee

Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

[Redacted] | www.transport.govt.nz

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From: Nicole Rarity [Redacted]
Sent: Friday, 21 August 2020 2:48 PM
To: ALR Queries <ALRqueries@transport.govt.nz>; Alison Kelly [Redacted]
Cc: Siobhan Routledge [Redacted] Jonathan Luo [Redacted]
Subject: RE: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

The other option is MoF is asked to sign the second briefing [Redacted]

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Cheers
Nicole

Nicole Rarity
Financial Accounting Team Leader
Ministry of Transport – Te Manatū Waka

[Redacted] | www.transport.govt.nz

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From: Nicole Rarity
Sent: Friday, 21 August 2020 2:47 PM
To: ALR Queries <ALRqueries@transport.govt.nz>; Alison Kelly [Redacted]
Cc: Siobhan Routledge [Redacted] Jonathan Luo [Redacted]
Subject: RE: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Hi Aimee

I don't think this is the best way forward [Redacted]

Happy to raise this with Paul if you are wanting to test the position on this.

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Thanks
Nicole

Nicole Rarity
Financial Accounting Team Leader
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: ALR Queries <ALRqueries@transport.govt.nz>

Sent: Friday, 21 August 2020 2:44 PM

To: Nicole Rarity [REDACTED] Alison Kelly [REDACTED]

Cc: Siobhan Routledge [REDACTED] Jonathan Luo [REDACTED]

Subject: RE: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Hi Nicole

I just got off the phone with Hugh. [REDACTED]

Is there no way we can move forward with the 2 signed briefings?

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Ngā mihi
Aimee

Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: Nicole Rarity [REDACTED]

Sent: Friday, 21 August 2020 2:33 PM

To: ALR Queries <ALRqueries@transport.govt.nz>; Alison Kelly [REDACTED]

Cc: Siobhan Routledge [REDACTED] Jonathan Luo [REDACTED]

Subject: RE: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Thanks Aimee

Withheld under section 9(2)(i) of the Official Information Act 1982

Thanks
Nicole

Nicole Rarity
Financial Accounting Team Leader
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: ALR Queries <ALRqueries@transport.govt.nz>
Sent: Friday, 21 August 2020 2:29 PM
To: Nicole Rarity [REDACTED] Alison Kelly [REDACTED]
Cc: Siobhan Routledge [REDACTED] Jonathan Luo [REDACTED]
Subject: RE: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Hi Nicole

Apologies [REDACTED]

I'll call Hugh as I am assuming this is still not quite what we need!

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Ngā mihi
Aimee

Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: Nicole Rarity [REDACTED]
Sent: Friday, 21 August 2020 1:53 PM
To: ALR Queries <ALRqueries@transport.govt.nz>; Alison Kelly [REDACTED]
Cc: Siobhan Routledge [REDACTED] Jonathan Luo [REDACTED]
Subject: RE: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Hi Aimee

Can you please send through the Minister of Finance's signed copy of this briefing too?

Thanks
Nicole

Nicole Rarity
Financial Accounting Team Leader
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: ALR Queries <ALRqueries@transport.govt.nz>
Sent: Friday, 21 August 2020 11:56 AM
To: Alison Kelly [REDACTED] Nicole Rarity [REDACTED]
Cc: Siobhan Routledge [REDACTED] Jonathan Luo [REDACTED]
Subject: FW: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Hi all

Please see attached signed agreement for the new ALR budget

Ngā mihi
Aimee

Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

[REDACTED] www.transport.govt.nz

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From: Hugh Mazey [REDACTED]
Sent: Friday, 21 August 2020 11:52 AM
To: ALR Queries <ALRqueries@transport.govt.nz>
Cc: Siobhan Routledge [REDACTED]
Subject: FW: OC200639 Auckland Light Rail - progressing IP discussions and project sc.._ (002).pdf

Kia ora,

Please find attached the agreement from Minister Twyford [REDACTED]

[REDACTED]

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Kind Regards,

Hugh Mazey

[REDACTED] Withheld under section 9(2)(a) of the Official Information Act 1982

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From: [Bryn Gandy](#)
To: [Peter Mersj](#); [Siobhan Routledge](#); [Karen Lyons](#)
Cc: [Gareth Fairweather](#)
Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf
Date: Saturday, 2 February 2019 7:18:10 PM
Attachments: [Image.png](#)
[Image.png](#)
[Image-3.png](#)
[Image-2.png](#)

On the final day today, we visited the Canada Line in Vancouver.

Jean-Marc led the deal and construction for the line before being hired by CDPQ (which is one-third owner) and a number of CDPQ's people are drawn from the project. Both CDPQ and Canada Line personnel were with us, and we had lunch with the Chair of InTransit BC - the provincial transit authority.

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[REDACTED] - of its 18.5km, 7.6km is evaluated, 9.1km is underground (including 20m underneath the sea), and 1.8km is at grade. Cars are fully automated. The deal was a PPP with an availability payment arrangement.

Vancouver's planning laws seem more like our own (about a 2 year process), and the city is quite directive in its urban planning. The tour included a look at the urban development along the corridor which has been significant. One of the lessons from InTransit (the General Manager was a tour guide) was that the foregone land value capture had been significant - though the developments had included very high density housing (towers) in relatively large numbers, and there is a wide corridor around the rail.

We were able to establish that the Auckland proposal is based on studies of the Auckland area, [REDACTED] It's also clear that they need further information to develop the proposal more, and we got some clarity of what the next stage of a design process would be like from CDPQ's perspective.

A question had been raised about the challenges of tunneling through volcanic rock. While the rock in Vancouver is quite soft, they have had to tunnel through granite in Montreal.

We also talked with [REDACTED] of the Canada Infrastructure Bank, who had been a consultant to the CIB on the REM line deal.

[REDACTED]
[REDACTED]
[REDACTED] CDPQ had hired a number of people from the Canada Line project and they are "sophisticated, talented light rail builders". They are also "professional but tough and sophisticated negotiators".

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We are interested in the terms of the financing agreement with the CIB and it seems likely that if CDPQ agrees to its release (which we will ask it to do), CIB will not object.

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[REDACTED]

s9(2)(a)

We asked [REDACTED] how he thought CDPQ would go outside of Montreal - [REDACTED]

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[REDACTED] - and it was clear from conversations with CDPQ today that they will be taking away the points we've made about the New Zealand context to think about.

It's good to be through the week, and we'll see you all in a few days :)

Bryn

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From: Bryn Gandy [REDACTED]
Sent: Thursday, January 31, 2019 11:16 PM
To: Peter Mersi; Siobhan Routledge; Karen Lyons
Cc: Gareth Fairweather
Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Today was the last day of really cold weather in Montreal. Based on Ottawa temperatures I'd guess the wind chill approached -40 at one point (it was almost unbearable to walk just two blocks between meetings), so Vancouver is sounding very tropical! We're making the 5 hour flight there now.

There had been some re-arranging of the programme today. We met first with [REDACTED] who was the Chief Investment Officer of the Canada Infrastructure Bank at the time it did the CDPQ deal. Then we had a session with CDPQ focused on how they had managed consenting, environmental and community issues. Lastly we met with PwC Montreal, who advised NZTA - but also supported a Montreal transport authority (ARTM) in its negotiations with CDPQ as part of the REM Project.

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In terms of [REDACTED] session:

- He shed some light on the circumstances of the Bank (it did the CDPQ deal while it was

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being set up) and its arms length nature, and there was an acknowledgment that [REDACTED]

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[REDACTED]

The PwC Session:

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[REDACTED]

- PwC described CDPQ as strong technically, financially and commercially and that they hired the best people. They said a well-run negotiation could get a good deal, which matches the assessment we have reached over the week.

The interesting session was the one with CDPQ. We got more into the detail of how they managed consenting and environmental processes. [REDACTED] A good discussion of their approach (which is a good process that is open to adopting community-generated solutions to problems) led to a frank session on the New Zealand context. [REDACTED]

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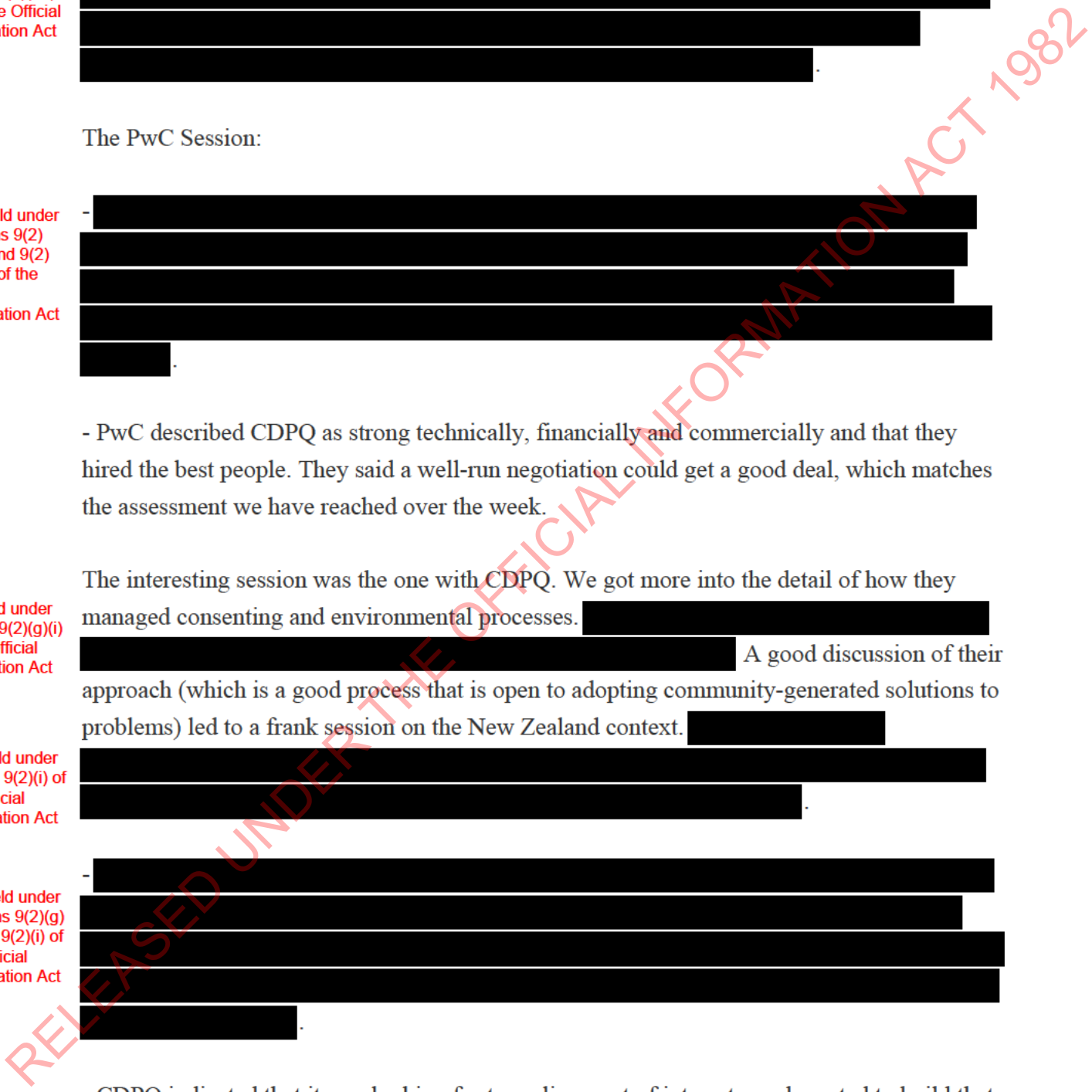
[REDACTED]

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[REDACTED]

- CDPQ indicated that it was looking for true alignment of interests, and wanted to build that in the long run. So it sees its relationship with NZSF as a wider partnership, from a cultural and values perspective - and over the longer term.

- Their intention in the project would be to effect a skills transfer to the NZSF in a number of areas.



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- [REDACTED]

- We also set some more realistic expectations about the level of concession that could be expected in respect of legislative enablement, and gave a pretty clear sense that there was limited room to move for us.

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- [REDACTED]

It was a robust conversation but we were direct, tactful and straightforward. We think this was well received and set good expectations - as well as giving CDPQ some things to consider. [REDACTED]

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[REDACTED]

Tomorrow we will visit the Canada line, and a focus for us will be understanding how developed the Auckland proposal is. There are a few other meetings alongside this, but we're pretty sure we just about have what we came here for. So it must almost be time to come home!

Bryn

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From: Peter Mersi [REDACTED]
Sent: Wednesday, January 30, 2019 11:50 PM
To: Bryn Gandy; Siobhan Routledge; Karen Lyons
Cc: Gareth Fairweather
Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Out of scope

[REDACTED]

Sent from mobile

From: Bryn Gandy [REDACTED]

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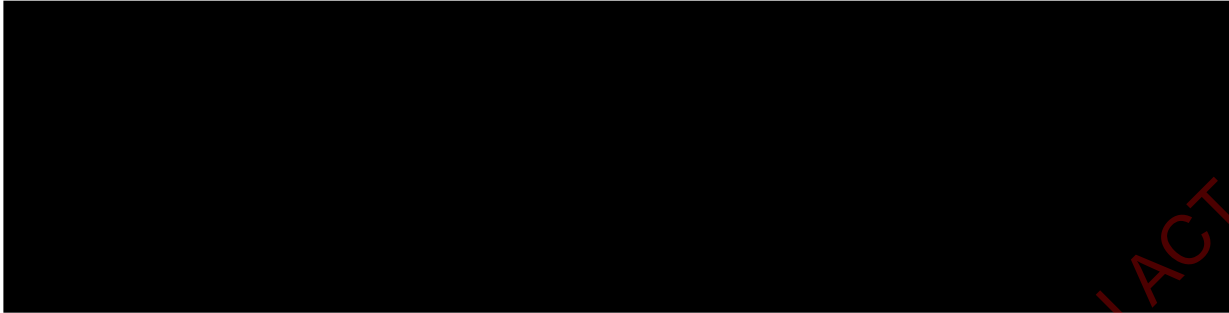
Sent: Thursday, January 31, 2019 17:26

To: Siobhan Routledge; Karen Lyons

Cc: Gareth Fairweather; Peter Mersi

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

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From: Bryn Gandy [REDACTED]

Sent: Wednesday, January 30, 2019 6:51 PM

To: Siobhan Routledge; Karen Lyons

Cc: Gareth Fairweather; Peter Mersi

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi everyone

We met today with the Deputy Minister of the Quebec Government Treasury, and a group of senior officials from the Transport Ministry - and are now driving back to Montreal for our meetings with officials there tomorrow. We will also meet the PwC people who conducted NZTA's assessment.

I think we are seeing a clear story start to emerge from the engagements overall, which is good! We're definitely all of the view that we're making good progress, and today was probably helped by a later start as well.

Key points out of today were:

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[REDACTED]

Withheld under sections 9(2)(g)(i) and 9(2)(ba)(i) of the Official Information Act 1982

[REDACTED]

Withheld under sections 9(2)(g) (i) and 9(2)(ba) (i) of the Official Information Act 1982

[Redacted]

Withheld under sections 9(2)(g) (i) and 9(2)(ba) (i) of the Official Information Act 1982

[Redacted]

Withheld under section 9(2)(ba) (i) of the Official Information Act 1982

[Redacted]

Withheld under sections 9(2)(g) (i) and 9(2)(i) of the Official Information Act 1982

[Redacted]

- Some legislative enablement was needed (we got a full briefing on this), principally to enable the government to expropriate property on CDPQ's behalf. There are arrangements in the contract that require the government to provide experts to assist CDPQ with resource management and other issues, and deliver a timely service through its existing process.

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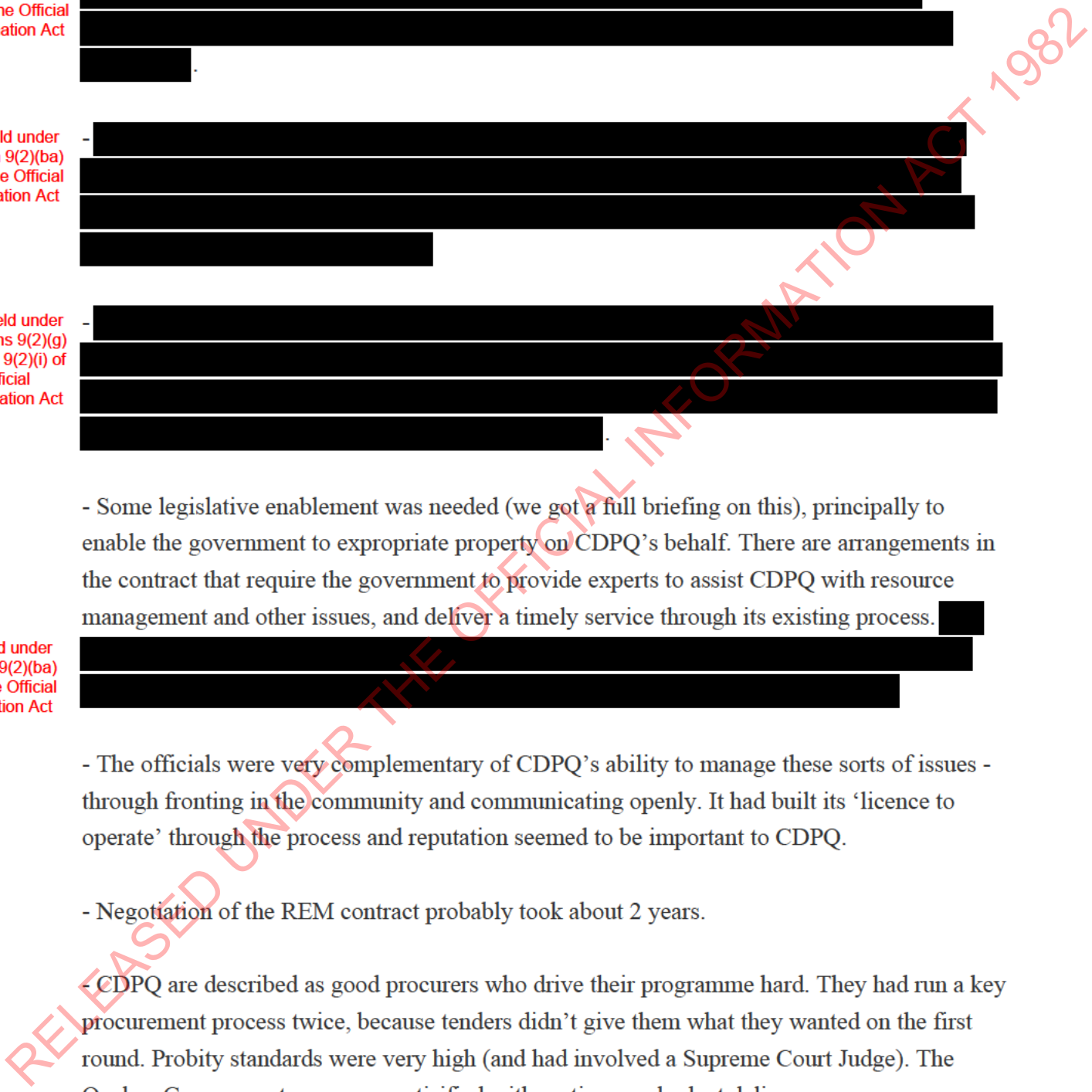
[Redacted]

- The officials were very complementary of CDPQ's ability to manage these sorts of issues - through fronting in the community and communicating openly. It had built its 'licence to operate' through the process and reputation seemed to be important to CDPQ.

- Negotiation of the REM contract probably took about 2 years.

- CDPQ are described as good procurers who drive their programme hard. They had run a key procurement process twice, because tenders didn't give them what they wanted on the first round. Probity standards were very high (and had involved a Supreme Court Judge). The Quebec Government were very satisfied with on time, on budget delivery.

- The partnered arrangement with CDPQ had led to innovation in design, and this isn't at odds with our PPP framework which is much more flexible than that used in Canada (and it's unlikely that CDPQ has compared the two PPP arrangements, though Fiona was able to walk them through this to some extent yesterday).



- The ongoing relationship with CDPQ is good, it is managed at a senior level, and the key people are available “at any time”.

- There is an urban development plan for Montreal, and that is aligned with the REM development.

- The operating context here is interesting too, 82 city authorities, 14 regional authorities, and 5 public corporations alone in Montreal. We had been unsure that CDPQ’s claims around its approach to consultation was actually unique, and while others may be equally good, we did get a sense that the project here in Montreal is very complex and has required a sophisticated touch to navigate through the various interests.

Some really good opportunities to test things further tomorrow, and we have some specific questions from our day with CDPQ (like what permitting was needed to dig a giant hole next to students, children and pedestrians) to dig into. Tomorrow night we’re on a plane to Vancouver - where temperatures of 0-8 degrees sound much warmer than they would have a week ago.

Bryn

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From: Siobhan Routledge [REDACTED]
Sent: Tuesday, January 29, 2019 6:28 PM
To: Bryn Gandy; Karen Lyons
Cc: Gareth Fairweather; Peter Mersi
Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ’s Light Rail Proposal.pdf

This isn’t a very good photo, but to the left are some of the elevated piles that have gone up. They were still putting them up in this weather. Challenging conditions to say the least.



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From: Bryn Gandy [REDACTED]
Sent: Tuesday, January 29, 2019 6:12 PM
To: Karen Lyons

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Cc: Gareth Fairweather; Peter Mersi; Siobhan Routledge

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi everyone

Today was CDPQ's day to manage.

We spent the morning looking at the REM project in Montreal, including site visits. These were to look at the way pylons were being erected in the middle of a motorway (with slowing the flow of traffic), and a site where a 70 metre hole was being excavated and dynamited (twice daily) to allow a station to be built.

We had a working lunch with the CDPQ CE/President (we talked about our stable funding system, and our approach to unsolicited proposals, as well as the new infrastructure entity), and in the afternoon we worked through the REM Project's commercial arrangements.

The day went better than expected. We saw some very good examples of problems being solved so legislative or other remedies weren't needed (the 70m hole is being dug within 5 metres of academic buildings, including a journalism school), but there had also been voluntary concessions to preserve agricultural land, preserve challenging sight lines, and look after indigenous animals.

CDPQ says it isn't expecting legislative enablement for resource management decisions, and had considered our framework - but it isn't clear if this is a detailed assessment. We do understand their approach better and will meet with Environment officials on Thursday (in Montreal again) to pick up this conversation.

We spent some time focusing on the question of concessions. [REDACTED]

[REDACTED]

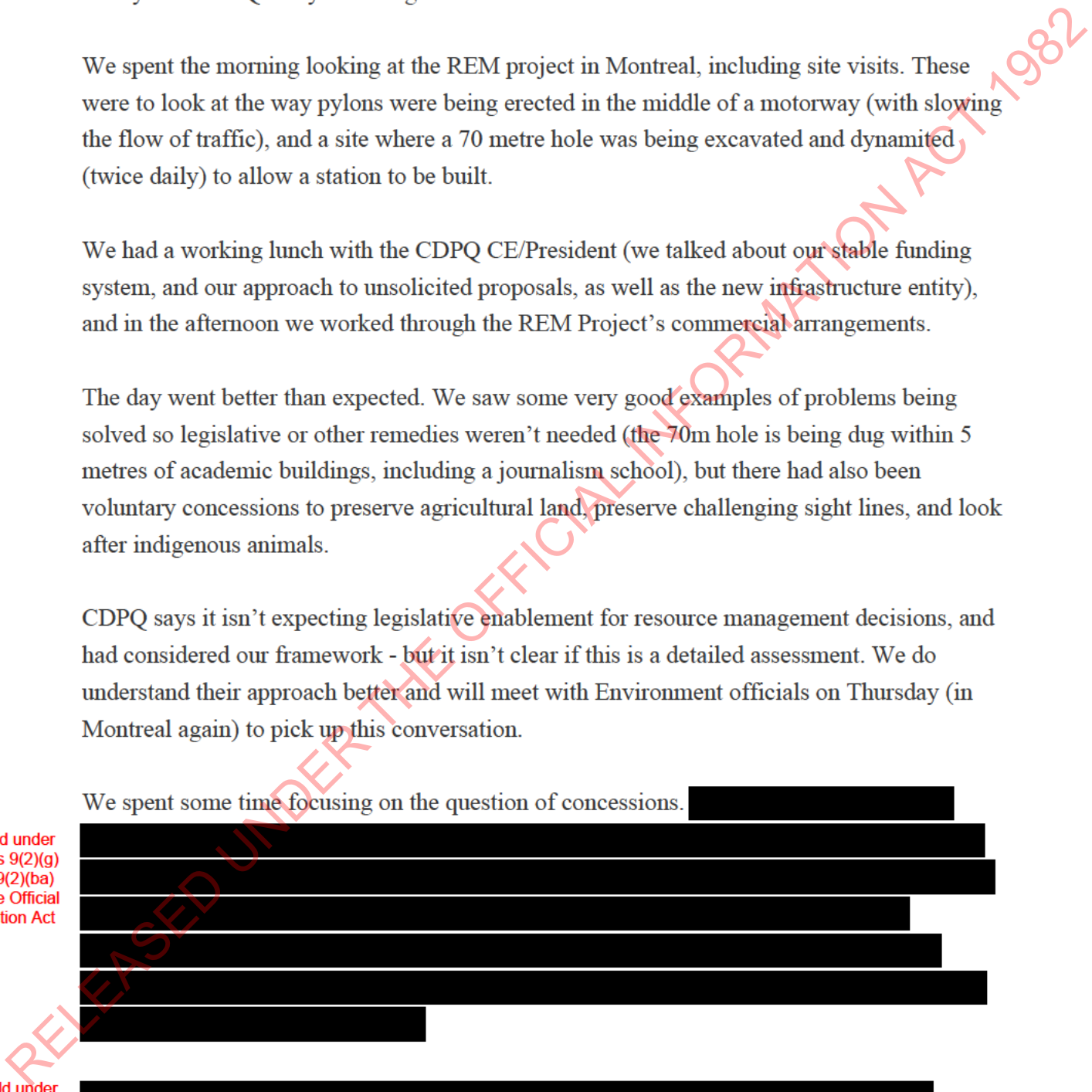
[REDACTED]

[REDACTED]

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Withheld under section 9(2)(b) (ii) of the Official Information Act 1982

Withheld under section 9(2)(i) of the Official Information Act 1982



Withheld under section 9(2)(i) of the Official Information Act 1982

[REDACTED]

Withheld under section 9(2)(g)(i) of the Official Information Act 1982

[REDACTED]

[REDACTED] We don't have a clear view on whether they would walk away if the project went back to market (on balance we think they could stay in, but it would depend on the process) - rather what we saw was a willingness to engage in a different way, that enables higher levels of co-design than perhaps what has been offered to date. [REDACTED]

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[REDACTED]

Withheld under section 9(2)(j) of the Official Information Act 1982

In terms of pressing them on procurement options, [REDACTED] - but would still need to discharge its commitments to engage with the market in an open way. I think we did build understanding of the obligations we have, and Fiona's reflection was that [REDACTED]

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[REDACTED]. Fiona put her NIAB hat on at one point and told CDPQ that the delegation was a serious step for the government, both on this project and generally. This was helpful and I think the conversation is in a good place for us to pick up again on Friday in Vancouver.

We're in the car on the way to Quebec City now. It will be pretty cold there, but we're well placed to get value from our conversations tomorrow with the senior transport, infrastructure and treasury officials there.

Bryn

10%

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From: Karen Lyons [REDACTED]

Sent: Tuesday, January 29, 2019 1:31 AM

To: Bryn Gandy

Cc: Gareth Fairweather; Peter Mersi; Siobhan Routledge

Subject: RE: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi Bryn

Likewise – thanks very much for the update. I did note you and Siobhan at the managers meeting

today for achievement of the week – battling those extremities

Peter updated the Minister on your trip today. The Minister had read the briefing that went up on Friday and seemed comfortable with that. He reconfirmed what he was expecting in March – a cabinet paper from MoT/Tsy and input from NZTA with a comparative analysis of the two approaches (noting they are not directly comparable).

Keep wrapped up!

Karen

Ngā mihi | Thank you

Karen Lyons

Director – Auckland, Strategy & Investment
Ministry of Transport – Te Manatū Waka

M: [REDACTED] www.transport.govt.nz

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From: Peter Mersi [REDACTED]

Sent: Tuesday, 29 January 2019 2:02 PM

To: Bryn Gandy [REDACTED]; Siobhan Routledge [REDACTED]

Cc: Brigid Wills [REDACTED]; Karen Lyons [REDACTED]; Gareth Fairweather [REDACTED]

Subject: RE: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Thanks Bryn,

I really appreciate the update and, on the assumption that you took the briefing on frostbite to heart, look forward to your next typed message. 😊

Peter

From: Bryn Gandy

Sent: Tuesday, 29 January 2019 1:35 PM

To: Peter Mersi [REDACTED]; Siobhan Routledge [REDACTED]

Cc: Brigid Wills [REDACTED]; Karen Lyons [REDACTED]; Gareth

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Fairweather [REDACTED]

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

We have managed the weather and meetings today and are now on the train bound for Montreal.

We start with CDPQ at 8am tomorrow, and at 4 we will barrel into a car bound for Quebec through the snow.

Today we meet with the City of Ottawa to discuss their O-train RTN project, the Canada Infrastructure Bank, and Transport Canada to discuss a range of issues including coastal shipping but excluding light rail.

The O-Train session was useful as it is potentially more analogous to ALR than either of Sydney or Vancouver. It is the first light rail network in a city of about a million people that is experiencing sprawl. I think we saw the value of taking longer to plan your procurement process, and of working across government more.

For example, the O-Train project has identified all the remedial and upgrade works that would be needed anyway near its route, and work with a range of other infrastructure providers to bring delivery together. They had considered the procurement in relation to the value of existing contracts and suppliers as well. [REDACTED]

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[REDACTED]

A further take-out was confirmation that overheading of light rail wasn't necessarily more expensive (and could be cheaper) but protecting viewshafts was contentious.

The Canada Infrastructure Bank is a government entity that invests in revenue-generating infrastructure projects with the private sector. The CAB negotiated the commercial/funding end of the deal with CDPQ and we met with [REDACTED] who managed that process.

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Key take-outs were that:

[REDACTED]

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[Redacted]

- A negotiation will require very clear parameters, and a very strong negotiating team
- In the market generally there is a lot of capital out there and funds are looking to diversify their investments - with NZ, Australia and Singapore being attractive places to do so.

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[Redacted]

[Redacted]

Withheld under sections 9(2)(ba) (ii) and 9(2)(j) of the Official Information Act 1982

[Redacted]

[Redacted]

We expect a lot of “show and tell” from CDPQ tomorrow. We will get a site tour etc, and there is half an hour set aside for questions. We have a few things in mind to cover in that time. We will work them through the criteria for an unsolicited proposal (as this is key to how the government will choose to proceed - and why); be clear that we would view the terms and value of any deal holistically; and ask for some time to talk to CDPQ without NZSF in the room either tomorrow or Friday. We will ask them if they would retain interest in the project, if their arrangement with the NZSF didn’t work on its agreed terms.

The High Commission were great today, including by giving us a lovely health and safety briefing on frostbite.

We’ll try and keep you posted on how it all goes.

Bryn

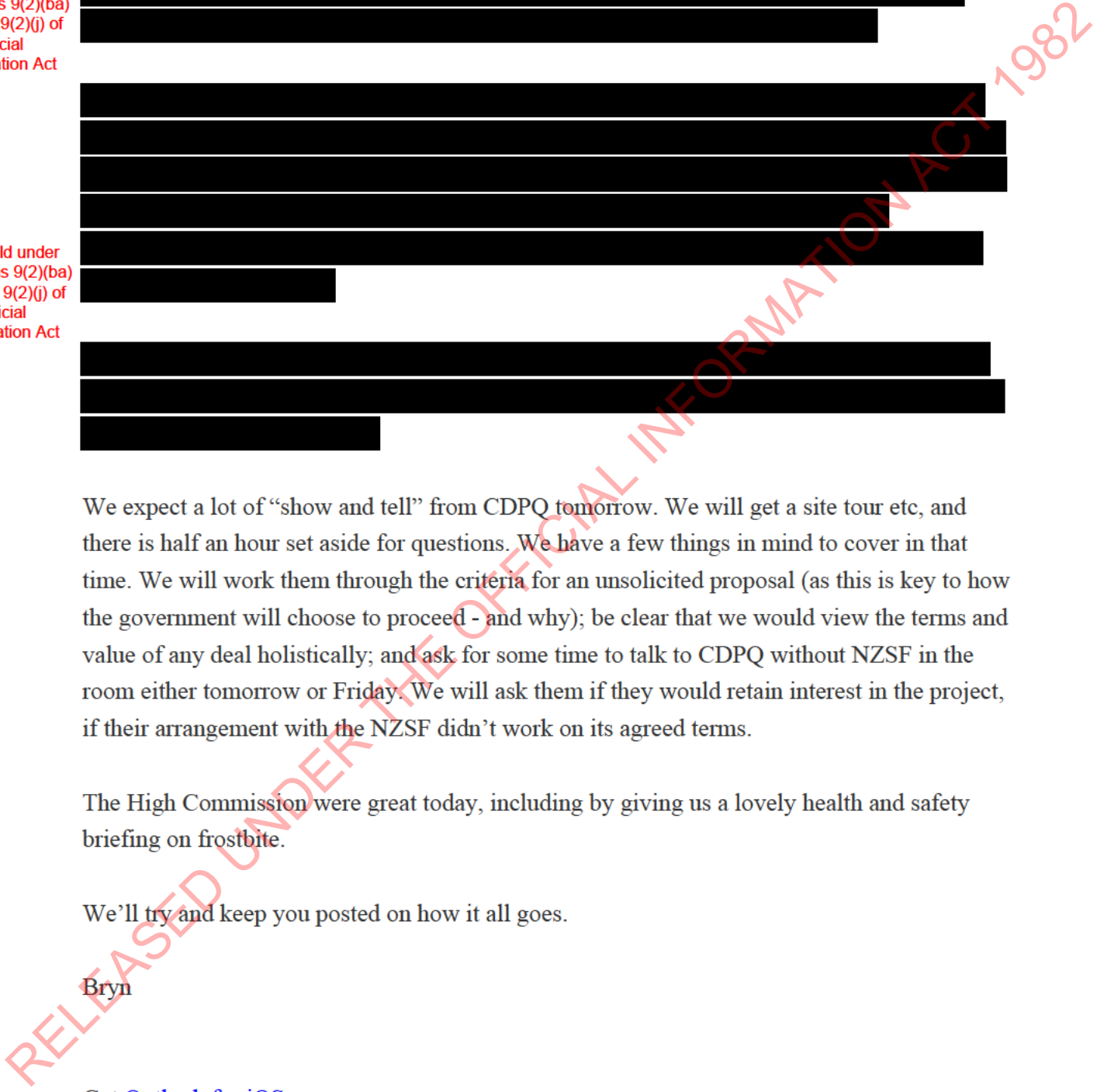
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From: Peter Mersi [Redacted]

Sent: Monday, January 28, 2019 2:34 PM

To: Bryn Gandy; Siobhan Routledge



Cc: Brigid Wills; Karen Lyons; Gareth Fairweather

Subject: RE: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Out of scope

[Redacted]

From: Bryn Gandy

Sent: Tuesday, 29 January 2019 5:20 AM

To: Peter Mersi [Redacted]; Siobhan Routledge [Redacted]

Cc: Brigid Wills [Redacted]; Karen Lyons [Redacted]; Gareth Fairweather [Redacted]

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Out of scope
[Redacted]

Sent by mobile

From: Peter Mersi [Redacted]

Sent: Sunday, January 27, 2019 22:39

To: Bryn Gandy; Siobhan Routledge

Cc: Brigid Wills; Karen Lyons; Gareth Fairweather

Subject: RE: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi Bryn & Siobhan

Out of scope
[Redacted]

Thanks very much for the update. I'll let you know if there is anything to come out of the conversation, but from my perspective it was primarily to give the Minister confidence that we were actively progressing the work – by sending the two of you to minus 25 degrees. 😊

Out of scope
[Redacted]

Peter

From: Bryn Gandy

Sent: Monday, 28 January 2019 4:30 PM

To: Siobhan Routledge <[REDACTED]> Peter Mersi <[REDACTED]>

Cc: Brigid Wills <[REDACTED]>; Karen Lyons <[REDACTED]>; Gareth

Fairweather <[REDACTED]>

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi all

The only thing I'd add to the below is that the key / comms messages for the market could also spark discussion.

While we understand the office is happy with them, these were how we got news of the delay in market process. It's possible this was the case for the Minister as well.

I hope the weather there is as nice there as it looks. Here it's currently "minus fifteen, feels like minus twenty-five"!

Bryn

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From: Siobhan Routledge <[REDACTED]>

Sent: Sunday, January 27, 2019 9:31 PM

To: Peter Mersi; Bryn Gandy

Cc: Brigid Wills; Karen Lyons; Gareth Fairweather

Subject: Re: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi Peter,

Bryn and I noticed that light rail is on the agenda for the Minister's meeting on Tuesday.

You may have some context about the Minister's interest, but a couple of things struck us:

- our paper of Friday notes an indicative set of options for light rail: status quo, enhanced status quo where NZTA would continue to lead the project but would have greater flexibility to seek and consider more innovative approaches, or exclusive negotiations. Other options may emerge, including for example asking another entity to lead the project (forseeably either an existing or new entity). (This option not flagged in the paper.)

The Minister may provide feedback on these options. There are pros and cons with all

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options, with the latter two likely to result in time delays and uncertainty.

- the paper notes that under any scenario, the project is likely to be delayed. While the further assessment of the NZSF proposal is one factor contributing to the delay; other factors include the delay to the legislation and the Board not having yet approved the NZTA model. It isn't clear to us the the Minister has been advised of this by NZTA.

I hope this is useful.

Good night from a very cold Ottawa.

Siobhan

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From: Siobhan Routledge <[REDACTED]>
Sent: Saturday, January 26, 2019 4:57 PM
To: Peter Mersi; Bryn Gandy
Cc: Brigid Wills; Karen Lyons; Kirstie Hewlett; Nick Brown; Robyn Smith
Subject: Fwd: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

Hi Peter,

My apologies, in the rush on Friday I neglected to forward this to you. Please see attached a short update on our current light rail work.

We don't anticipate that the Minister will raise this on Monday, but you never know.

Siobhan

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From: [REDACTED]
Sent: Friday, January 25, 2019 10:59 AM
To: Bryn Gandy; Siobhan Routledge; Dieter Katz [TSY]
Subject: Joint Report T2019-42 Evaluation of NZSF-CDPQ's Light Rail Proposal.pdf

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Hi everyone

Please see attached final Joint Report that will be walked over to Minister Robertson's Office today.

Kind regards

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of the Official
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[REDACTED]

Ngā mihi

[REDACTED] | Team Assistant | National Infrastructure Unit and Regulatory Quality | The Treasury

Tel: [REDACTED]

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From: Elizabeth Houston
Sent: Wednesday, 2 September 2020 2:42 PM
To: ALR Queries
Cc: Hugh Mazey; [REDACTED]; Bryn Gandy; Steph Ward; Siobhan Routledge; Suzanne Cookson
Subject: RE: Proactive release of Auckland Light Rail documents

Thanks all for your work on this.
 Cheers
 Beth

From: ALR Queries [mailto:ALRqueries@transport.govt.nz]
Sent: Wednesday, 2 September 2020 2:41 PM
To: Beth Houston [REDACTED]
Cc: Hugh Mazey [REDACTED]; Freddie Holmes [REDACTED]; Bryn Gandy [REDACTED]; Steph Ward [REDACTED]; Siobhan Routledge [REDACTED]; Suzanne Cookson [REDACTED]
Subject: Proactive release of Auckland Light Rail documents

Hi Beth

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We have just updated the Auckland Light Rail page on the Ministry's website and added a new 'Key documents' page where we have proactively released the key project documents.

The updated 'Auckland Light Rail' main page is [here](#).

The new 'Key documents for Auckland Light Rail' page is [here](#).

As you know from our earlier discussions, our intent was to make as much information as possible available. Where we have withheld or redacted documents we have done this applying the provisions of the OIA. Particular considerations included the ongoing need for good-faith treatment of both Respondents, remaining commercial sensitivity of material that they provided, and that discussions are ongoing with them regarding intellectual property.

Ministers who were members of the Ministerial Oversight Group will likely have an interest in these documents and we request that you inform their offices that this information is now available.

We are also contacting partner agencies and other stakeholders with an interest in this project to let them know these documents are now available.

Please let me know if you have any questions.

Regards
 Siobhan

Siobhan Routledge
 Director, System Strategy & Investment
 Ministry of Transport – Te Manatū Waka

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From: Hugh Mazey
Sent: Wednesday, 23 September 2020 11:14 AM
To: ALR Queries
Cc: Siobhan Routledge; Gareth Fairweather; Kathy MacFarlane; Suzanne Cookson; Alex Jones
Subject: RE: ALR- update on meetings

Thanks Aimee 😊

Kind Regards,

Hugh Mazey
 [Redacted]

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From: ALR Queries [mailto:ALRqueries@transport.govt.nz]
Sent: Wednesday, 23 September 2020 11:09 AM
To: Hugh Mazey [Redacted]
Cc: Siobhan Routledge [Redacted]; Gareth Fairweather [Redacted]; Kathy MacFarlane [Redacted]; Suzanne Cookson [Redacted]; Alex Jones [Redacted]
Subject: RE: ALR- update on meetings

OK thanks Hugh

We will send the slides through for the Planning Committee meeting as soon as we can so that you have a chance to see them and provide feedback before next Wednesday.

Ngā mihi
 Aimee

Aimee Webb
 Project Co-ordinator – Auckland Light Rail
 Ministry of Transport – Te Manatū Waka

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From: Hugh Mazey [Redacted]
Sent: Wednesday, 23 September 2020 10:57 AM
To: ALR Queries <ALRqueries@transport.govt.nz>
Cc: Siobhan Routledge [Redacted]; Gareth Fairweather [Redacted]; Kathy MacFarlane [Redacted]
Subject: RE: ALR- update on meetings

Kia ora Aimee,

Thanks for the update, the time provided is the only time available sorry!

Kind Regards,

Hugh Mazey

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From: ALR Queries [<mailto:ALRqueries@transport.govt.nz>]

Sent: Wednesday, 23 September 2020 10:55 AM

To: Hugh Mazey

Cc: Siobhan Routledge

Gareth Fairweather

Kathy MacFarlane

Subject: ALR- update on meetings

Morena Hugh

We have had a couple of meeting revisions come through that I thought you should be aware of.

The ATAP Governance Group meeting for late October has now been confirmed for 28 October from 10am – 1pm. Initially there was a call to move this to 3 November but Shelley has managed to keep to the original date.

The Auckland Council Planning Committee meeting looks like it will move to 30 September instead of 1 October. I am waiting on final confirmation from Megan Tyler today on times but this does impact the meeting booked with the Minister at 8.30am on 1 October. The plan was to brief the Minister in advance of the Planning Committee meeting but this will now be after the fact. Would you prefer we move the briefing with the Minister to another day/time?

Ngā mihi

Aimee

Aimee Webb

Project Co-ordinator – Auckland Light Rail

Ministry of Transport – Te Manatū Waka

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From: Tom James [REDACTED]
Sent: Tuesday, 29 September 2020 4:47 PM
To: ALR Queries; Danya Levy
Cc: Suzanne Cookson; Hugh Mazey; Bryn Gandy; Siobhan Routledge
Subject: RE: URGENT- Media Query FW: Winston Peters on light rail

Ok, thanks Aimee

From: ALR Queries [mailto:ALRqueries@transport.govt.nz]
Sent: Tuesday, 29 September 2020 4:43 PM
To: Tom James [REDACTED] Danya Levy [REDACTED]
Cc: Suzanne Cookson [REDACTED] Hugh Mazey [REDACTED] Bryn Gandy [REDACTED] Siobhan Routledge [REDACTED]
Subject: RE: URGENT- Media Query FW: Winston Peters on light rail

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Hi Tom

Thank you- and yes that's a fair point.

What we propose to go back with instead is the following:

"Due to the confidentiality arrangements in place we cannot make any comment on the statements made."

Ngā mihi
 Aimee

Aimee Webb
 Project Co-ordinator – Auckland Light Rail
 Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: Tom James [REDACTED]
Sent: Tuesday, 29 September 2020 4:21 PM
To: ALR Queries [REDACTED] Danya Levy [REDACTED]
Cc: Suzanne Cookson [REDACTED] Hugh Mazey [REDACTED]
Subject: RE: URGENT- Media Query FW: Winston Peters on light rail

Hi,

Is it appropriate for the ministry to provide comment on a political statement from leader of New Zealand First during an election campaign? If her question is can you verify his statements, then surely the answer is no due to commercial probity.

Cheers,

Tom

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(www.blackberry.com)

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From: ALR Queries <ALRqueries@transport.govt.nz>
Date: Tuesday, 29 Sep 2020, 1:32 PM
To: Tom James [REDACTED], Danya Levy [REDACTED]
Cc: Suzanne Cookson [REDACTED]
Subject: URGENT- Media Query FW: Winston Peters on light rail

Kia ora Tom and Danya

We received the below enquiry from Amelia Wade at NZME following the article on comments made by Winston Peters about the cost and build time of Auckland Light Rail

[REDACTED]
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Please could you let me know asap whether you are comfortable with this approach?

Ngā mihi
Aimee

Aimee Webb
Project Co-ordinator – Auckland Light Rail
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: Media Mailbox <media@transport.govt.nz>
Sent: Tuesday, 29 September 2020 8:48 AM
To: Suzanne Cookson [REDACTED] ALR Media <alrmedia@transport.govt.nz>
Cc: Aimee Webb [REDACTED]
Subject: FW: Winston Peters on light rail

FYI 😊

Ngā mihi
Sarah

Sarah Royle (She/her/Miss)
Adviser, Engagement and Communications
Ministry of Transport – Te Manatū Waka

[REDACTED] | www.transport.govt.nz

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From: Amelia Wade <amelia.wade@nzme.co.nz>
Sent: Tuesday, September 29, 2020 8:47 AM
To: Media Mailbox <media@transport.govt.nz>
Subject: Re: Winston Peters on light rail

Hey,

Yes please - I can update it.

Cheers

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From: Media Mailbox <media@transport.govt.nz>
Sent: Tuesday, September 29, 2020 8:44:37 AM
To: Media Mailbox <media@transport.govt.nz>; Amelia Wade <amelia.wade@nzme.co.nz>
Subject: RE: Winston Peters on light rail

Morena Amelia

I see you've already run an article on the light rail this morning – just checking if you are still seeking comment from us?

Ngā mihi
Sarah

Sarah Royle (She/her/Miss)
Adviser, Engagement and Communications
Ministry of Transport – Te Manatū Waka

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[REDACTED] | www.transport.govt.nz

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From: Media Mailbox <media@transport.govt.nz>
Sent: Monday, September 28, 2020 4:18 PM
To: Amelia Wade <amelia.wade@nzme.co.nz>; Media Mailbox <media@transport.govt.nz>
Subject: RE: Winston Peters on light rail

Kia ora Amelia

I've passed your request onto the relevant team to review.

Ngā mihi
Sarah

Sarah Royle (She/her/Miss)
Adviser, Engagement and Communications
Ministry of Transport – Te Manatū Waka

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[REDACTED] | www.transport.govt.nz

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From: Amelia Wade <amelia.wade@nzme.co.nz>
Sent: Monday, September 28, 2020 4:10 PM
To: Media Mailbox <media@transport.govt.nz>
Subject: Winston Peters on light rail

Kia ora,

Winston Peters has just said proposals for the light rail project would cost between \$10-\$15b and take a decade.

He said the figure "comes from the fact that I've seen what came into the Government privately, which hasn't been disclosed because of secrecy provisions".

"They're even talking about tunnelling for goodness sake, and the costs will be massive."

If you'd be able to say whether there's truth to these statements, I'd appreciate it.

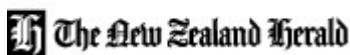
Cheers,

AMELIA WADE

POLITICAL REPORTER

D: +64 4 817 9244 M: 021 029 02526

E: amelia.wade@nzherald.co.nz



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From: ALR Queries
Sent: Thursday, 1 October 2020 5:02 PM
To: Elizabeth Houston; Hugh Mazey
Cc: Bryn Gandy; Gareth Fairweather; Siobhan Routledge
Subject: Draft response to NZ Infra's letter
Attachments: Response to Infra letter of 21 Sept.docx

Hi Beth and Hugh,

Please see also our intended response to the NZ Infra letter of 22 September. This hasn't yet been sent – but we are planning on sending it tomorrow. We're keen to respond as quickly as possible so that we can provide certainty to NZ Infra on IP matters, and to clearly state our position on the involvement of staff on the project.

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We've had MERW review the letter and assist us with drafting our intended response.

We are mindful though that NZ Infra will continue to watch what happens with the project, and we will need to continue to take reasonable steps to maintain confidentiality of its proposal.

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Please let us know if you have any questions.

Siobhan

Siobhan Routledge
Director, System Strategy & Investment
Ministry of Transport – Te Manatū Waka

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Auckland Light Rail - next steps

Reason for this briefing	Cabinet has recently agreed to end the Auckland Light Rail evaluation process and to refer the project to the Ministry of Transport and Treasury for further work. This briefing provides you with advice on how the Ministry of Transport and the Treasury intend to move forward.
Action required	Minister Twyford: discuss with Ministry officials. Ministers Robertson and Twyford: agree with recommendations, including for the transfer of funding to enable the Ministry and the Treasury to progress the work programme including the intellectual property discussions.
Deadline	5 August 2020
Reason for deadline	To allow the Ministry and the Treasury to mobilise the necessary advisors in a timely way, this will support the work to initiate intellectual property discussions.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Siobhan Routledge	Director, System Strategy and Investment	██████████	✓
Steph Ward	Programme Director, Auckland Light Rail	██████████	
Bryn Gandy	Deputy Chief Executive, System Strategy and Investment	██████████	
Erana Sitterlé	Senior Analyst, National Infrastructure Unit, The Treasury	██████████	✓
David Taylor	Manager, National Infrastructure Unit, The Treasury	██████████	

MINISTER'S COMMENTS:

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Date:		Briefing number:	OC200555
Attention:	Hon Phil Twyford Minister of Transport Hon Grant Robertson Minister of Finance	Security level:	COMMERCIAL IN CONFIDENCE

Minister of Transport's office actions

Noted

Needs change

Withdrawn

Seen

Referred to

Not seen by Minister

Approved

Overtaken by events

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Purpose of briefing

1. This briefing outlines how the Ministry of Transport and the Treasury intend to take forward the next phase of the city centre to Mangere (CC2M) Auckland light rail project (the project) in order to provide advice to the incoming government. This includes:
 - 1.1. Working collaboratively with a number of agencies to prepare advice to the incoming government regarding the public service delivery of the project, following the Cabinet direction [CAB-20-MIN-0300 refers]
 - 1.2. Reviewing, valuing and acquiring intellectual property held by the two Respondents, so that it can be used to inform the project's next phase.
2. The briefing seeks agreement from joint Ministers to re-purpose funding from the Ministry of Transport's baseline for this purpose. The work programme is challenging and will require continued access to specialist advisors, both to deliver the advice needed and to ensure that a project could be scaled up quickly if an incoming government wants to proceed.

Background

3. On 22 June 2020, Cabinet "agreed to formally terminate the Proposals Process and revert to public service delivery; and noted that as a consequence, neither proposal will be progressed". The Ministry and the Treasury were directed to report to Ministers on optimal arrangements for public service delivery following the general election. Cabinet directed that this work should be carried out in close consultation with Auckland Transport Alignment Project (ATAP) partners and the Ministry of Housing and Urban Development (MHUD).
4. Given that closing-out the dual track process may take several months (with the Respondents controlling much of the timing) there will be an overlap between this process and our future work programme. The overlap between the processes has some implications for how we can proceed. The decision to terminate the proposals process means that:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Cabinet also agreed to establish a tagged contingency to enable the Ministry to acquire intellectual property from the Respondents. This provides the Ministry with sufficient assurance that it can commence discussions with NZ Infra, with joint Ministers' (Minister of Finance and Minister of Transport) approval required to complete any deal. Any intellectual property that the Government wishes to obtain from Waka Kotahi is unlikely to require funding, given its Crown Entity status. However, there will need to be a formal process for reviewing and obtaining intellectual property from Waka Kotahi, consistent with the Crown's ongoing obligations to treat both Respondents in good faith.

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6. We will review and assess the intellectual property contained within the proposals so that, where appropriate, it can be used for the next phase of the project. The project delivery entity will have to develop and own an alignment and technical solution, and the intellectual property acquired could potentially support this stream of work and get it underway quickly.
7. You will receive further advice on the acquisition process in a separate paper.

We will prepare advice for an incoming government regarding how it could move forward with the project

8. The work programme agreed between the Ministry and the Treasury supports the development of advice to an incoming Government regarding the delivery of light rapid transit in Auckland.
9. The advice will enable decisions to be made by an incoming government on the next steps that could be taken with the project. This advice will allow Ministers to take some initial decisions to establish a course for the project over the next term of government. We are working to deliver that advice in October 2020, subject to the formation of the incoming government.
10. The advice will outline the steps that would need to be taken within the first six months of a new government. This will include the following areas of work:
 - 10.1. A stocktake of analysis and information on the strategic case, outcomes and project scope. This part of the work programme will collate any intellectual property acquired from the Respondents and work completed prior to the proposals process, and will be an essential set of information for the delivery entity, so that it can use the best of what has been produced over the last 5 or so years
 - 10.2. The arrangements for the delivery of the project, including the nature of any decisions needed to enable the establishment of a delivery entity (or entities) and the roles of the key agencies
 - 10.3. Options for funding and financing the project
 - 10.4. Key policy issues and implications
 - 10.5. A future work programme, containing a clear timeframe for the feasible delivery of the project, and the nature of any decisions needed to meet that timeframe.
11. While we will provide advice based on the optimal arrangements for the project (a “first best” public delivery option), an incoming government may have differing objectives from the current government, and we will provide advice on the options available.
12. The development of this advice will be led by officials from the Ministry and the Treasury and we will work collaboratively with ATAP partners, MHUD and Kāinga Ora to inform our advice. The advice will demonstrate how the perspectives of partner agencies have been reflected, and where there are any differences of view.
13. It will be important that these agency perspectives are fully understood by the incoming Government, particularly as Auckland Council and Auckland Transport face new challenges arising from COVID-19 revenue reductions.
14. The core aspects of our work programme are discussed in more detail below.

Considerations relating to the strategic case, outcomes and project scope

15. A series of outcomes for the City Centre to Mangere (CC2M) project were developed jointly by central and local government agencies in 2019. These were designed to be enduring, and are 'design and solution' agnostic. These are:
 - 15.1. **Access and integration** : improved access to opportunities through enhancing Auckland's Rapid Transit Network and integration with Auckland's current and future transport network
 - 15.2. **Urban development** : enabling quality integrated urban communities, especially around Māngere, Onehunga and Mt Roskill
 - 15.3. **Environment** : optimised environmental quality and embedded sustainable practices
 - 15.4. **Experience** : a high quality service that is attractive to users, with high levels of patronage.
16. We do not propose to revisit the project's outcomes, and we understand that Auckland Transport and Auckland Council remain comfortable with these, and with highest weightings applying to access and integration and urban development. Within this context, however, future decisions relating to the project will need to have regard to how technical scope and parameters affects the delivery of these outcomes.
17. We are not proposing to revisit the strategic case for rapid transit and light rail as outlined in ATAP 2018. ATAP was based on extensive research and consultation, and Auckland Council and Auckland Transport continue to emphasise that a rapid transit solution is required to address growing bus congestion in the CC2M area (particularly Mount Roskill to the city).
18. However, should the ATAP refresh (that is currently underway) yield new insights or signal any shift in prioritisation, we will ensure we reflect this in our work.
19. We will provide an incoming government an overview of how some key design characteristics would impact on the delivery of the project outcomes. This work will draw together the considerable work that has been completed by experts over a number of years, and the collective knowledge of local and central government agencies. This will enable the incoming government to better understand the trade-offs involved between the broad approaches that are available.
20. The delivery entity will need a clear understanding of central and local government requirements so that it can make operational decisions and trade-offs. We will work with agencies and with technical advisors so that what is provided to Ministers is at the right level. In effect the intent will be to provide an opportunity for Ministers to establish some high level requirements, while also balancing the need to give the delivery entity the flexibility it needs to develop and own the project and manage a stakeholder engagement process with community, business and mana whenua / Iwi.

Delivery entity considerations

21. Cabinet has directed that the project be delivered by a public sector entity. We will take a 'form follows function' approach to arriving at advice on entity structure and role. The questions in respect of entity are connected to the scope and parameters of the project, the rights and powers needed by the entity, the management of risk, and how the project will be funded and financed.

22. Key issues that this part of the work programme will need to consider will include:
- 22.1. The nature of the risks in the design, delivery and operation of the project, and who is best placed to manage each risk (i.e. the allocation of risk between Crown agencies, local government agencies and the private sector). This will be a key driver in the consideration of different entity forms. Given the complexity of the project and its significant funding requirements, we anticipate that there will need to be robust governance and assurance to manage Crown risk, including a detailed approach to change management and contingency management.
 - 22.2. How incentives can be aligned between the Crown and the entity or entities responsible for project delivery. Typical Crown entity arrangements may not offer the high level of alignment of outcomes (which goes well beyond a 'design and construct' approach) that may be needed for delivery of a project like this, where a high level of integration between transport and other outcomes is sought, and delivery is complex and will inevitably require compromise along the way.
 - 22.3. The nature of relationships needed with key partner agencies, including Auckland Transport, Auckland Council, Waka Kotahi and Kāinga Ora, and how to best achieve these through mechanisms such as major project governance structures.

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[REDACTED]

23. The capability and capacity demands of a project of this scale and complexity are almost unprecedented in New Zealand, and no current entity has the necessary capabilities to deliver the project. All options will be considered, including building expertise within an existing entity or establishing a new one.

Funding and financing considerations

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[REDACTED]

25. However, with COVID-19, the Crown's financial position has changed, with greater levels of debt being raised to support economic recovery and with some ongoing challenges for the National Land Transport Fund.

26. The work programme will need to consider the range of options for funding and financing in this context, and consider factors including:

- 26.1. Potential sources of funding for the project, drawing on past work on the opportunity for urban development to reduce the draw on Crown funding
- 26.2. The nature of long term Crown borrowing that would be needed for the project

- 26.3. How funding and financing arrangements might accommodate other potential options such as private equity
- 26.4. Updated advice on the National Land Transport Fund, including revenue and expenditure scenarios
- 26.5. The extent to which this project may support a greater confidence in the infrastructure market and as an anchor project for Auckland (while recognising that construction would feasibly take another 2 to 3 years to commence)
- 26.6. The international market for financing, and the likelihood that this project could attract international financing over the next 2 to 3 years (recognising the ongoing and uncertain effects of COVID-19).

There are a number of wider policy matters that will need to be progressed

27. The Proposals Process has revealed that current policy settings are not fit for purpose for large, nationally significant brown-fields infrastructure projects such as light rapid transit. The work programme to address these issues is extensive. The next three months provides an opportunity to get define the policy work programme and to get aspects of it underway, , working with ATAP partners and MHUD. By providing advice on the policy work programme, the incoming government will also be well positioned to confirm its priorities for the policy work and to set clear direction to policy agencies – this will support accelerated delivery of the policy work, as required.
28. A project of this nature involves coordinated works across a number of sectors, subject to a range of regulatory and legislative regimes. The work programme will help highlight these key constraints, and inform the advice to Ministers about the steps necessary to overcome these.
29. Policy responses will most likely be needed to respond to the following key constraints facing large-scale infrastructure projects in New Zealand:
 - 29.1. The limited ability of central and local government agencies to take a coordinated approach to compulsory acquisition of land and to delegate these powers in appropriate circumstances
 - 29.2. The suitability of current policy and legislative settings relating to the compulsory acquisition of land to be used for urban development in association with the primary infrastructure
 - 29.3. The availability of appropriate land value capture mechanisms, including limited familiarity in New Zealand of using these tools
 - 29.4. The potential limited flexibility of existing legislative settings to enable a coordinated and certain process for accessing, moving and managing utilities during construction.

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[REDACTED]

31. In addition to the fit for purpose issues highlighted above, a key issue for the work programme will be to assist Ministers to work through choices relating to the emphasis on, and relationship between, transport outcomes and urban development outcomes.
32. The work programme will identify best practice approaches to Transit Oriented Developments, and will particularly consider how effective partnerships could be established between the public sector delivery entity, Kāinga Ora, Auckland Council and others such as Panuku. A further focus area for the policy programme will be to consider how to ensure that the roles of Auckland Transport under any public sector delivery arrangement are clear and workable. It will be important that Auckland Transport, as the network integrator, has clear roles and responsibilities vis a vis the public sector delivery entity, and that it is confident that it can build appropriate relationships with that entity.
33. Current legislative settings will need to be considered through this part of the work programme, including the Land Transport Management Act which sets out Auckland Transport's role to plan and contract for public transport in Auckland.

The acquisition and purchase of intellectual property

34. The Respondents have developed extensively researched routes and designs for the CC2M project, including proposals for service delivery. In doing so, they have received advice from internationally experienced light metro designers and experts, and have drawn off expertise and analysis conducted by New Zealand based agencies including Auckland Transport.
35. The work programme proposes to:
 - 35.1. Engage with Respondents on their intellectual property. This includes reviewing, assessing and valuing their intellectual property, including the extent to which it is likely to be valuable to the future public sector delivery entity.
 - 35.2. Work with Auckland Transport, MHUD and Kāinga Ora to ensure that any intellectual property acquired is likely to be relevant and usable for the project.
 - 35.3. Following discussions with the Respondents, officials will brief Ministers on the findings of the intellectual property assessment, with a view to obtaining agreement to proceed with a purchase of intellectual property from NZ Infra. Waka Kotahi's intellectual property is Crown-owned and should not be subject to any cost to the Crown.
36. This part of the work programme will rely on continued use of the technical, legal and commercial expertise that has been engaged in the first part of the process. This is necessary to assess the content of the proposals and value the intellectual property, and to execute negotiations. We expect that NZ Infra would approach the negotiations from a strongly commercial perspective. As noted above, discussions with Waka Kotahi will need to be approached in a formal way to manage the Crown's ongoing good faith obligations.

[REDACTED]

How we propose to work with other agencies

37. We will shortly initiate discussions with ATAP agencies, MHUD and Kainga Ora to identify how they would like to engage in the next phase of the project. There has been considerable work by these agencies on Auckland light rail over recent years and our preference is to use this process to bring together all the analysis into one place. We will be inviting all relevant agencies to be involved in a series of workshops to generate and test content for the advice that the Treasury and the Ministry is preparing.
38. While the advice to the incoming government will be the responsibility of the Ministry and the Treasury to deliver, we would like it to present a collective view of the relevant agencies, or at least be clear on where there are differing views and why.
39. We envisage that the existing ATAP governance mechanisms can be applied to the project, with Auckland Light Rapid Transit becoming one of ATAP's regular agenda items. This will ensure that there is Chief Executive engagement, supported by working group arrangements that will be agreed between agencies.
40. While we have not yet engaged with agencies on the scope of the work programme, we have starting testing their ability to provide team members over the next ten weeks and we have had a positive reception. We have not yet had requests for funding from the agencies to support their involvement.

Resourcing for the next phase

41. The Ministry and the Treasury will need to access technical, legal and commercial advice. It is also a priority to retain the project knowledge that sits with key advisors who have been exposed to the ideas in both proposals, to provide a way forward for the delivery entity that is free from obligations to the proposals process; and to have the ability to scale up quickly if a new government wishes to proceed with the project.
42. The Ministry is in discussions with Waka Kotahi on the prospect of using the remaining funding that Waka Kotahi has agreed to provide to support the Ministry's close-out work on the proposals process, including the opportunity to apply this remainder towards the IP discussions. However, additional funding will be needed for external support for the forward work programme. In particular, external support is needed in respect of:
 - 42.1. Technical and engineering support to inform the collation of analysis on project outcomes and scope, and delivery approach
 - 42.2. Legal support to complement the analysis above. In addition, this support would also be focused on assisting the Ministry and the Treasury with legal issues around delivery approach and entity form. In scope this would be similar to the legal work that helped establish the corporate structure for City Rail Link Limited
 - 42.3. Commercial support to complement the analysis above and also to assist the Ministry and the Treasury on funding and financing matters
 - 42.4. Resource to support other government and potentially local government agencies to undertake policy work on an 'as needed' basis
 - 42.5. Senior support from industry experts to provide oversight and challenge to the advice before it is presented to the incoming government.

43. In order to maintain continuity and to get the work underway as quickly as possible, the Ministry and the Treasury intend, where possible, to retain the services of contractors and firms that assisted the Ministry throughout the proposals process. The Ministry anticipates that approximately \$1 million of funding will be required to progress the work programme through to the advice provided to the incoming government and into the next phase, should the incoming government decide to proceed.
44. The Ministry's baseline funding is under significant pressure and a significant portion of the funding is for specific initiatives and is treated as ring-fenced (e.g. search and rescue activities, New Zealand Upgrade Programme and the Provincial Growth Fund). There is very little discretionary funding available to fund the proposed work programme and it would not be feasible for the Ministry to reprioritise its entire work programme given the majority of these are transport priorities for the Government.

We recommend repurposing funding allocated to the Green Transport Card

45. The Ministry has \$4.64 million in its 2019/20 baseline allocated to the establishment of the Green Transport Card. Given the likelihood that the Green Transport Card will not proceed within this Parliamentary term, the Minister of Transport has previously agreed with the Ministry's recommendation to repurpose this funding to support the exclusive negotiation phase of the Auckland Light Rail project [OC200292 refers]. In June 2020, the Ministers of Transport and Finance agreed to an in-principle expense transfer for \$4.640 million from 2019/20 to 2020/21 for establishing a Green Transport Card within the Ministry's Policy Advice appropriation [OC200442 refers].
46. Given Cabinet's decision to terminate the parallel process, this funding is no longer needed for the exclusive negotiation process. We recommend that \$1 million of the \$4.64 million Green Transport Card funding is repurposed to support the proposed work programme for the Auckland Light Rail project.
47. If no additional funding is secured, the work programme detailed above is unlikely able to be delivered within the proposed scope and timeframes, and is likely to result in heavily scaled back advice being provided to the incoming government on approaches to delivering the project.
48. We are seeking early confirmation of \$1.000 million of this in-principle expense transfer. In-principle expense transfers are usually confirmed through the October 2020 Baseline Update once 2019/20 year-end results are confirmed. The Ministry is confident that none of the Green Transport Card funding was spent in 2019/20 so the \$1.000 million being sought for early confirmation is available.

Recommendations

49. The recommendations are that you:

- (a) **Note** the proposed work programme and discuss with officials.

Yes/No

- (b) **Note** that the Minister of Transport and Minister of Finance have previously approved an in-principle expense transfer of up to \$4.640 million from 2019/20 to 2020/21 for establishing a Green Transport Card.

- (c) **Agree** to an early confirmation of \$1.000 million of the in-principle expense transfer for establishing a Green Transport Card.

Yes/No

- (d) **Approve** the following changes to appropriations to provide for the decision in recommendation (c) above, with no impact on the operating balance across the forecast period:

Vote Transport Minister of Transport	\$m – increase/(decrease)				
	2020/21	2021/22	2022/23	2023/24	2024/25 and Out years
Multi-Category Expenses and Capital Expenditure: Policy Advice and Related Outputs MCA					
Departmental Output Expenses: Policy Advice	1.000	-	-	-	-

Yes/No

- (e) **Note** that the Ministry of Transport expects \$1.000 million of funding is required to implement the next stage of the Auckland Light Rail project.

- (f) **Agree** to reallocate \$1.000 million from the Green Transport Card funding to support the Auckland Light Rail project.

Yes/No

- (g) **Approve** the following fiscally neutral adjustment to provide for recommendation (f), with no impact on the operating balance and net core Crown debt:

Vote Transport Minister of Transport	\$m – increase/(decrease)				
	2020/21	2021/22	2022/23	2023/24	2024/25 and Out years
Multi-Category Expenses and Capital Expenditure: Policy Advice and Related Outputs MCA					
Departmental Output Expenses: Policy Advice	(1.000)	-	-	-	-
Departmental Output Expense: Transport – Policy advice, ministerial servicing, governance, and other functions	1.000	-	-	-	-

Yes/No

- (h) **Agree** that the proposed change to appropriations for 2020/21 above be included in the 2020/21 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply.

Yes/No

Bryn Gandy
**Deputy Chief Executive, System Strategy
and Investment**

David Taylor
**Manager, National Infrastructure Unit, The
Treasury**

MINISTER OF TRANSPORT'S SIGNATURE:

DATE:

MINISTER OF FINANCE'S SIGNATURE:

DATE:

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From: Suzanne Cookson
Sent: Wednesday, 21 October 2020 4:16 PM
To: Amanda Harland (Auckland Council); Christian Messelyn (AT); Megan Tyler (Auckland Council); Nicola Mochrie; Carl Devlin; David Taylor
Cc: Karen Lyons; Hugh Mazey; ALR Queries; Erana Sitterle; Gareth Fairweather; Siobhan Routledge
Subject: CC2M presentation to Tāmaki Makaurau Mana Whenua Forum co-chairs tomorrow

Kia ora

FYI - tomorrow afternoon, Bryn, Gareth and Erana will present an update on CC2M to the co-chairs of the Tāmaki Makaurau Mana Whenua Forum, Karen Wilson and Ngarimu Blair.

The purpose of this engagement is to understand what aspects of the project are of interest to the Forum and how they would like to be involved.

We also intend to write directly to individual iwi shortly.

Ngā mihi

Suzanne Cookson
Communications and Stakeholder Engagement – Auckland Light Rail
Te Manatū Waka - Ministry of Transport

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From: Suzanne Cookson
Sent: Wednesday, 21 October 2020 9:53 AM
To: Tom James (Parliament); Danya Levy
Cc: ALR Queries
Subject: Media coverage - key messages for meetings this week

Importance: High

Hi Tom and Danya

I hope you're well. I'm sure it's been an exciting week of celebrations.

Given that the Thomas Coughlan story when far and wide yesterday I think it's good to front foot this in our meetings with stakeholders this week (ATAP partners and Mana Whenua forum) . Below are our draft key messages. Let me know if you have any comments.

- The article by Thomas Coughlan is misleading in that it implies NZ Infra is still in the picture for the delivery of light rail and that Waka Kotahi is not.
- In ending the parallel process in July, Cabinet also put an end to either proposal going forward and directed officials to develop advice on a public service delivery model.
- The situation has not changed and we are continuing to work with our agency partners to prepare the advice which will be provided to Government in early November.

Ngā mihi

Suzanne Cookson
Communications and Stakeholder Engagement – Auckland Light Rail
Te Manatū Waka - Ministry of Transport

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From: [Hugh Mazey](#)
To: [ALR Queries: Jonathan Luo](#)
Subject: FW: INV20-070 Auckland rapid transit - discussion with the Minister
Date: Wednesday, 18 November 2020 11:32:03 AM
Attachments: [Letter to Minister Twyford re Rapid transit.pdf](#)
[Phil Twyford - Rapid Transit 2.pdf](#)

attachments refused under
section 18(d)

Kia ora JL

Who monitors the alr queries mailbox now?

Also, please see below a meeting request to the Minister from the AA re Auckland Rapid Transit.

Could you please provide a para or two on whether MoT thinks the Minister should take this meeting and MoT's view on the urgency of it?

Could this please be with me by **12pm Friday**?

Nga mihi

Hugh Mazey | Private Secretary (Transport)

withheld under section 9(2)(a)

Office of Hon Michael Wood

Minister of Transport | Minister for Workplace Relations and Safety

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

Office Phone: +64 4 817 9108 Email: michael.wood@parliament.govt.nz

From: Barney Irvine [REDACTED]

Sent: Thursday, 12 November 2020 1:47 PM

To: [REDACTED]

withheld under section 9(2)(a)

Subject: INV20-070 Auckland rapid transit - discussion with the Minister

Good afternoon Elena

Late last year, the AA joined forces with a group of transport-focused advocacy organisations – Bike Auckland, EMA, Greater Auckland, and Heart of the City – to raise concerns about the handling of the rapid transit programme in Auckland.

As a group, we wrote twice to the then Minister of Transport, and met directly with him, to share these concerns.

The future of the rapid transit programme remains a key priority for us, and no doubt will be at the top of the agenda for Minister Wood as well. Our group is therefore eager to meet with him as soon as possible to share views on where the programme can and should go next.

Could you please raise this with him and, assuming he's happy to meet with us, suggest some dates and times that might work? We are very happy to come to Wellington for the meeting, or to fit it into his diary on a day's he's in Auckland.

Just to clarify: this request is completely separate to the AA-specific meeting request you received from Simon Douglas (my manager) a couple of days ago.

By way of background, I've attached the two letters we sent to Mr Twyford. Please let me know if I can provide any further information.

Kind regards,

Barney Irvine

Principal Advisor - Infrastructure | Motoring Affairs

The New Zealand Automobile Association Incorporated

[REDACTED] W: aa.co.nz

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From: [Siobhan Routledge](#)
To: [Jonathan Luo](#)
Subject: FW: OC200890 Briefing - Progressing the CC2M project through a public service delivery model - COMMERCIAL IN CONFIDENCE
Date: Wednesday, 18 November 2020 12:18:00 PM

Hi, as mentioned, and to note the first couple of bullet points. We will cover at 1pm (room 8).

From: Hugh Mazey [REDACTED]
Sent: Wednesday, 18 November 2020 10:45 AM
To: Siobhan Routledge [REDACTED] Danielle Bassan [REDACTED] Bryn Gandy [REDACTED] Gareth Fairweather [REDACTED]
Subject: RE: OC200890 Briefing - Progressing the CC2M project through a public service delivery model - COMMERCIAL IN CONFIDENCE

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Thanks Siobhan ☺

Kind Regards,

Hugh Mazey
[REDACTED]

From: Siobhan Routledge [REDACTED]
Sent: Wednesday, 18 November 2020 10:28 AM
To: Hugh Mazey [REDACTED] Danielle Bassan [REDACTED] Bryn Gandy [REDACTED] Gareth Fairweather [REDACTED]
Subject: RE: OC200890 Briefing - Progressing the CC2M project through a public service delivery model - COMMERCIAL IN CONFIDENCE

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Hi Hugh,

Just to say that we've received your request, and Gareth and I will sit down to work through what we need to pull together shortly. I think the timeframe of 3pm Friday should be fine, but we'll come back and confirm that.

Siobhan

From: Hugh Mazey [REDACTED]
Sent: Wednesday, 18 November 2020 10:16 AM
To: Danielle Bassan [REDACTED] Siobhan Routledge [REDACTED] Bryn Gandy [REDACTED] Gareth Fairweather [REDACTED]
Subject: RE: OC200890 Briefing - Progressing the CC2M project through a public service delivery model - COMMERCIAL IN CONFIDENCE

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Kia ora again koutou,

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Further to the earlier request, could the Office please also get some extra pieces of information on CCM to inform decision making on the briefing:

[REDACTED]

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Could you please let me know when you think you will be able to have answers to these queries with the Office?

It would be ideal to get them by **3pm Friday** so we can include them in the weekend bag so the Minister has a chance to read them before the meeting on Tuesday.

Happy to discuss.

Kind Regards,

Hugh Mazey

[REDACTED]

From: Danielle Bassan [REDACTED]
Sent: Monday, 16 November 2020 6:59 PM
To: Hugh Mazey [REDACTED]
Cc: Erana Sitterle [REDACTED] Siobhan Routledge
[REDACTED] Suzanne Cookson [REDACTED] Eddie Dolan [REDACTED] Ben Ormsby [REDACTED] Gareth Fairweather [REDACTED] Jonathan Luo [REDACTED] Erana Sitterle [REDACTED] Ben Wells [REDACTED] Lauren Holloway [TSY] [REDACTED] Alex Jones [REDACTED] Bryn Gandy [REDACTED]
Subject: OC200890 Briefing - Progressing the CC2M project through a public service delivery model - COMMERCIAL IN CONFIDENCE

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Hi Hugh

Please find attached the advice on a Public Service Delivery model for CC2M. I've attached a word and PDF version (but they're exactly the same). A printed original and one copy are in the bag for the morning. As you advised last week, I put the deadline for action as 24th November. This is joint advice with Treasury and a copy has gone to MoF.

Let me know if you have any questions. Sorry if you find any erroneous formatting errors – we're experiencing some gremlins in our briefing template. The security classification is because there are some housing numbers in there from MHUD that they want to be kept confidential.

Danielle

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MINISTRY OF TRANSPORT

Wellington (Head Office) | Ground Floor, 3 Queens Wharf | PO Box 3175 | Wellington 6011 | NEW ZEALAND | Tel: +64 4 439 9000 |

Auckland | NZ Government Auckland Policy Office | 45 Queen Street | PO Box 106238 | Auckland City | Auckland 1143 | NEW ZEALAND | Tel: +64 4 439 9000 |

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