

26 January 2021

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

[REDACTED]
National Leaders Office
[REDACTED]

Tēnā koe [REDACTED]

I refer to your request dated 18 December 2020, pursuant to the Official Information Act 1982 (the Act), seeking: “copies of the following:

- *Advice on impacts on PPP settlement negotiations arising from the upgraded COVID-19 Level Alerts received on 14 August 2020*
- *National Land Transport Fund expenditure update – August 2020 received on 25 August 2020*
- *Aide Memoire: Update on Transmission Gully PPP negotiations received on 9 July 2020*
- *Provincial Growth Fund & Regional Investment Opportunities Projects – July 2020 received on 20 July 2020”*

Table 1 outlines how the documents you have requested have been treated under the Act. You will see that information has been withheld under Section 9(2)(a), to protect the privacy of natural persons.

I am satisfied that the public interest in releasing withheld information does not outweigh the reasons for withholding it at this time.

You have the right under section 28(3) of the Act to make a complaint about the withholding of information to the Ombudsman, who can be contacted at: info@ombudsman@parliament.nz.

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

Nāku noa, nā

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[REDACTED]
Hilary Penman
Manager, Ministerial Services

Table 1: Documents requested

No	Document	Description of information withheld
1	Advice on impacts on PPP settlement negotiations arising from the upgraded COVID-19 Level Alerts	Transferred to the Treasury 19 January 2021.
2	National Land Transport Fund expenditure update – August 2020	Some information withheld under Section 9(2)(a).
3	Aide Memoire: Update on Transmission Gully PPP negotiations	Transferred to the Treasury 19 January 2021.
4	Provincial Growth Fund & Regional Investment Opportunities Projects – July 2020	Some information withheld under Section 9(2)(a).



MINISTERIAL BRIEFING NOTE

Subject	National Land Transport Fund expenditure update – August 2020
Date	25 August 2020
Briefing number	BRI-2002

Contact for telephone discussion (if required)				
Name	Position	Direct line	Cell phone	1 st contact
Howard Cattermole	Chief Financial Officer	04 978 2621	[REDACTED]	✓

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Action taken by Office of the Minister

- Noted
- Seen by Minister
- Agreed
- Feedback provided
- Forwarded to
- Needs change [please specify]
- Withdrawn
- Overtaken by events

25 August 2020

Minister of Transport

National Land Transport Fund expenditure update August 2020

Purpose

1. To provide an update of National Land Transport Fund (NLTF) activity class expenditure for the delivery of the 2018/21 National Land Transport Programme (NLTP).
2. To highlight those activity classes that are forecast to spend either outside, or close to, the Government Policy Statement 2018 (GPS) funding ranges.
3. To demonstrate the impact of debt financing, COVID-19 costs and COVID-19 Crown funding on reported expenditure against the activity class ranges.

Executive summary

4. Activity class reporting is complicated by the treatment and apportionment¹ of the additional funding and financing provided by the Crown to mitigate the impacts of COVID-19 on the NLTF and NLTP.
5. Based on the reporting approach adopted by Waka Kotahi:
 - a. for two activity classes (rapid transit and road safety promotion & demand management), expenditure is forecast to fall outside of the activity class ranges post-apportionment of financing costs:
 - b. for two other activity classes (state highway improvements and state highway maintenance), expenditure may exceed the maximum GPS range, prior to the apportionment of financing costs.

Background

6. This briefing summarises the forecast position at the end of July 2020, ie approximately two-thirds of the way through the 2018/21 NLTP. The forecast position does not reflect any impacts from the return to elevated COVID-19 alert levels in August 2020. This will be reflected in future forecasts, when a better understanding of impacts is available.
7. Reporting is affected, and made more complex, by financing to offset reductions in land transport revenue from Fuel Excise Duty (FED), Road User Charges (RUC) and Motor Vehicle Register (MVR) during the Alert Level 4 lockdown.
8. Further complication arises from:
 - a. the Crown directly funding COVID-related Public Private Partnership (PPP) settlements, ie outside of the NLTF. Previous PPP settlements (ie for non COVID-related claims) were required to be funded from the NLTF and reported as state highway improvement expenditure
 - b. the impact of COVID-19 on NLTP expenditure, including additional support for public transport services and COVID-related contractual claims.

¹ Apportionment refers to the allocation between activity classes of financing costs provided for the purposes of general revenue replacement

Reporting options

9. Given the unprecedented issues arising from the COVID-19 response, there is no single approach to activity class reporting that fully captures these impacts.
10. The future reporting of activity class expenditure is subject to ongoing discussions with Ministry of Transport officials, especially around the treatment of debt. How this is resolved will impact not only reporting for this NLTP but may also impact on the approach to reporting and setting of activity class ranges for GPS 2021 and future NLTPs.

Treatment of debt

11. The introduction of debt relating to lost revenue due to COVID-19 creates a novel reporting issue, particularly because the debt is not related to a specific project or activity, as has previously been the case with debt financing applied to the NLTF.
12. The treatment of financing costs to date has been for the relevant activity class spend to reflect the costs of financing (debt servicing and principal repayment), not the spend on the activity when it occurs. For example, state highway improvements financed by the Auckland Transport Package², have not been reflected in previously reported activity class spend. As repayments started in 2019/20, reported spend includes the first scheduled repayment and will continue over the next eight years until the debt is fully repaid. The PPPs are another example with activity class spend to be recorded in state highway improvements from the start of the unitary change payments³.
13. The use of debt for revenue “replacement” rather than for specified activities raises the issue of how to allocate this debt between activity classes, ie expenditure on which activities is assumed to be financed. The methodology chosen to allocate the “use” of the debt has a material impact on activity class reporting.
14. The overall approach adopted by Waka Kotahi for reporting of debt finance activity is to:
 - a. continue the approach of reporting activity class spend based on the cash flows from the fund (ie financing costs rather than the actual expenditure on activities). This approach is reflective of the key impact of debt financing – to defer the cash flow impacts and allow activity to be brought forward
 - b. allocate revenue related debt preferentially to those activity classes that are at risk of overspends against the current (2018-21) GPS funding ranges. Future spending in those activity classes to which debt is allocated will have to be managed so that the debt can be repaid when it falls due.

Treatment of COVID-related funding

15. For reporting purposes, there are also choices over the treatment of funding provided to offset the revenue and expenditure impact of COVID-19 (up to \$600 million). The approach proposed is as follows:
 - a. where funding has been used to meet forecast increased COVID-related expenditure in certain activity classes (notably state highway improvements and public transport⁴), expenditure has been classified as Crown funded and excluded (reported separately) from the activity class funding ranges
 - b. other funding has been treated as other land transport revenue into the NLTF, to reflect the purpose of the funding, ie to offset revenue reductions.
16. Similarly, COVID-related PPP settlement costs funded by the Crown have also been excluded from the activity class range spend. This treatment contrasts with the earlier pre-COVID PPP settlements, which were funded from the NLTF and are included in the reported state highway

² A \$375 million interest-free loan to accelerate Auckland transport projects approved as part of Budget 2014

³ Consistent with this approach, the pre-COVID PPP settlements have been recorded in state highway improvements expenditure in the period in which the spend occurred.

⁴ Specifically, payments to offset reduction in farebox revenue from 1 July 2020.

improvements activity class expenditure. The forecast spend may increase further if the NLTF is required to incur any further cost for COVID-related PPP claims.

17. **Appendix 1** sets out the 2018/21 activity class forecast expenditure (as at July 2020) and the GPS funding ranges with the 'at risk' classes highlighted. For transparency, Appendix 1 presents the forecast activity class position adopted by Waka Kotahi while also showing:
 - a. the position prior to, and after, apportionment of debt financing
 - b. the inclusion, and exclusion, of Crown-funded expenditure.
18. Commentary on the at-risk activity classes is set out in the following paragraphs. The commentary is based on our adopted approach, including the effects on debt apportionment and Crown funding. Based on this reporting approach, there are currently two activity classes where expenditure is forecast to fall outside of the activity class ranges (post-debt apportionment): rapid transit; and road safety promotion & demand management.

State highway improvements activity class

19. The forecast expenditure for state highway improvements for the 2018/21 period is forecast to exceed the upper end of the GPS range (prior to debt apportionment). Unplanned pre-COVID PPP settlements for Transmission Gully (\$191 million) and Puhoi to Warkworth (\$83 million) have added \$274 million to expenditure. Increases in forecast expenditure for several other major projects have also increased, notably: Christchurch Southern Motorway; Hamilton section of the Waikato Expressway; SH2 Baypark to Bayfair Link Upgrade and Peka Peka to Otaki Expressway. These increases are partly offset by approximately \$100 million of state highway improvement activities that will now receive Crown funding from the NZ Upgrade Programme (NZUP).
20. As noted above, recent additional COVID-related settlement costs have been excluded (ie shown separately) from the activity class reporting (refer Appendix 1). The settlements include additional costs relating to COVID-19 for cost variation claims for both PPPs and other projects⁵. The forecast spend may increase further if the NLTF is required to incur any further cost for COVID-related PPP claims.
21. The focus for the remainder of the NLTP will be on continuing to deliver the current programme with a focus on safety-related activities, including the Safe Network Programme.

State highway maintenance activity class

22. State highway maintenance expenditure is forecast to exceed the upper GPS range (prior to debt apportionment). The increase in spend is driven by two factors:
 - a. a material increase in emergency works across the network, which has been the result of an increase in frequency of severe weather events. Annual expenditure is averaging \$75-80 million per annum, above the \$57 million per annum allowed for in the initial NLTP budget
 - b. cost pressures associated with: bitumen price increases; higher traffic volumes on some parts of the network (leading to increased maintenance); and an increase in traffic management around work sites for health and safety reasons.
23. Reducing spend is an option to bring spend back within the GPS range. However, this would defer essential expenditure into the next NLTP and would exacerbate the trend of deteriorating asset condition. It would also have a detrimental impact on regional employment and incur de-mobilisation and re-mobilisation costs, as well as lead to contractual issues and potential claims, and a reduction in levels of service and safety.

⁵ At 30 June 2020, the impact was estimated at \$120 million, comprising Advanced Entitlement Payments (AEP) of \$14 million, \$86 million accrued for claims not yet lodged and \$20m forecast commitments.

Rapid transit activity class

24. Rapid transit expenditure is forecast to be below the GPS range. Waka Kotahi had previously reduced targeted spend to \$150 million, ie to the bottom of the GPS range (BRI-1663 refers).
25. Progress and expenditure on the Auckland Light Rail project have continued to be affected by the Crown evaluation process to assess alternate approaches to project design and delivery. Spend in the activity class is not expected to reach the lower end of the GPS range.
26. Funding of business cases and other preliminary work related to future rapid transit activity in Auckland, Wellington and other centres does not materially offset the underspend.

Road safety promotion & demand management activity class

27. Within road safety promotion & demand management, we are forecasting expenditure just below the lower limit of the GPS range.
28. The forecast has fallen in recent months. Alert Levels 3 and 4 impacted advertising activity and resulted in media cancellations and postponement of some productions. Additionally, locally delivered demand management has also faced cost reduction pressures from local councils facing shortfalls in revenue and budgetary pressures.
29. A review of the programme is underway to look at options for boosting spend, where this offers value for money.

Other at-risk activity classes

30. As a result of both rescheduling of delivery and the addition of Crown funding (through NZUP) for certain transitional rail projects, forecast expenditure is below our previous target, albeit just within the lower end of the GPS range. Further programme slippage could mean expenditure falls outside the range.
31. Walking and cycling expenditure is close to the lower end of the GPS range. Forecast expenditure has increased due to measures such as the Innovating Streets programme and development of a national programme of low-cost improvements. Waka Kotahi is continuing to focus attention in this activity class to reduce the risk of the forecast falling below the GPS range.

Overall NLTP position

32. Forecast expenditure, prior to debt apportionment, exceeds the original NLTP forecast (\$13,173 million versus \$12,946 million). This increase reflects additional unplanned expenditure as a result of COVID-19: public transport fare subsidies in 2019/20 estimated at \$95 million, which is not met by any Crown funding; the PPP payments of \$191 million and \$83 million respectively; and additional state highway maintenance costs due to emergency works and cost increases.

Conclusion

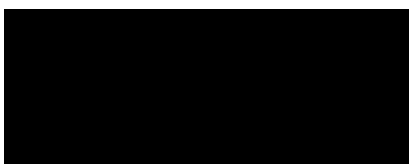
33. Given uncertainties over project delivery and approved organisations' activity levels and with 11 months of the NLTP remaining, there is still material uncertainty as to final expenditure outcomes. The outlook could also change significantly with further impacts of COVID-19. For example, these forecasts do not take account of any further financial impacts of the return to elevated alert levels in August 2020, which will be reflected in future forecasts.
34. Our view is that the forecast variances from the GPS funding ranges signalled above are not "significant" in the context of Section 90 of the Land Transport Management Act 2003 (LTMA) and thus do not trigger the provisions in Section 67 of the Act, requiring consultation for any necessary GPS amendment.

35. The treatment of financing costs has been highlighted by the increased use of debt to cope with COVID-19 impacts. Our approach is to continue the treatment of debt in line with practice to date. However, to ensure transparency of the spend against the activity classes, additional disclosures of the impact of financing may be required in future.
36. Waka Kotahi understands that the Ministry of Transport is intending to review the treatment of financing to determine how best to record financed expenditure against each activity class, including addressing any transitional arrangements, as well as any GPS and LTMA changes that may be required.

It is recommended that you:

1. **Note** the content of this briefing

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.....
Howard Cattermole
Chief Financial Officer

.....
Hon Phil Twyford, Minister of Transport

Date:

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Appendix 1

2018/21 activity class forecast expenditure and GPS funding ranges

Expenditure vs. Activity Class	Excluding additional COVID-related expenditure			Impact of COVID-related expenditure			Waka Kotahi adopted view		
	Excluding financing costs	Apportionment of financing ⁶	Including financing costs	Estimated COVID related expenditure ⁷	Total expenditure	Crown funding for COVID-related expenditure ⁸	Total NLTF activity class expenditure	GPS range - bottom	GPS range - top
State highway improvements	3,965	(247)	3,718	400	4,118	(400)	3,718	3,000	3,850
Local road improvements	797	(13)	784	10	794	(10)	784	430	1,030
Regional improvements	365		365		365		365	200	530
Public transport	1,797	(109)	1,688	177	1,865	(82)	1,783	1,490	2,040
Walking & cycling	254		254		254		254	235	360
Transitional rail	184		184		184		184	145	435
Rapid transit	90		90		90		90	150	760
State highway maintenance	2,200	(173)	2,027		2,027		2,027	1,810	2,130
Local road maintenance	1,959	(33)	1,926		1,926		1,926	1,800	2,120
Road safety promotion & DM	147		147		147		147	155	225
Investment management	223		223		223		223	195	235
Road policing	1,097		1,097		1,097		1,097	980	1,110
Total	13,078	(575)	12,503	587	13,090	(492)	12,598		

⁶ Total COVID-19 revenue related financing = \$575million (ie \$325 million has been drawn down of \$425 million additional facility plus full draw down of the \$175 million seasonal facility and \$75 million shock facility).

⁷ State highway improvement COVID-related costs comprises: \$120 million for non-PPP claims, \$280 million estimated PPP claims in the current NLTP, and \$30 million in the next NLTP (subject to ongoing negotiation).

⁸ Public transport subsidy pre 30 June 2020 (estimated at \$95 million) was not Crown funded. Subsidy post 30 June 2020 (estimated at \$82 million) was supported by \$600 million funding package and is therefore treated as Crown funded.

IN CONFIDENCE

**COVER BRIEFING**

20 July 2020

OC200529

Hon Shane Jones
Minister for Regional Economic Development

cc Hon Phil Twyford
 Minister of Transport

PGF AND RIO PROJECTS – JULY 2020**Purpose**

- 1 This paper highlights key changes in Provincial Growth Fund (PGF) and Regional Investment Opportunities (RIO) projects since the June 2020 update. No action is required.
- 2 The Ministry is responsible for collecting information from PGF partner agencies: KiwiRail, Waka Kotahi NZ Transport Agency (Waka Kotahi), and the Provincial Development Unit (PDU). The Ministry maintains oversight across projects funded through Vote Transport (i.e. local roads, state highways, and rail) and provides monthly reporting to you.

Key points

- 3 An additional \$32.87 million was spent since the June 2020 report, predominantly across rail projects (\$26.8 million), bringing total expenditure for PGF projects to \$225.94 million. The expenditure throughout June 2020 was more than double the average amount spent per month across September 2019 to June 2020, which was \$13.07 million.
- 4 There were 392 additional PGF full time job equivalents, bringing the total to 965 jobs.
- 5 The total spend for RIO projects is at \$360,000, which is unchanged since the June 2020 report. There are currently 22 full-time job equivalents across all RIO projects.
- 6 On 2 July 2020, two new local road PGF projects were approved: the \$14.2 million 'Priority 1 Routes Required for Economic Development' project and the \$6.5 million 'Ruapekapeka Roads' project.
- 7 The \$4.5 million 'Rakaiatane Road Upgrade' project was completed on schedule.

Contacts

Name	Telephone	First contact
Khyati Prajapati, Graduate PGF Advisor	[REDACTED]	
Matthew Skinner, Senior Advisor, Investment	[REDACTED]	✓

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IN CONFIDENCE

PGF and RIO projects – July 2020

Key project updates

- 8 You are now receiving detailed reports directly from Waka Kotahi, KiwiRail, and the PDU. In order to avoid duplication, the Ministry will no longer be supplying you with detailed reports on projects. We are instead focusing on strategic advice that overlays the detailed reports you receive from agencies.
- 9 There have been 392 additional full-time job equivalents created since the June 2020 report, bringing the total for PGF projects to 965 jobs. This substantial increase in jobs corresponds with contractors recommencing work on most projects and further tenders being released to market.
- 10 The \$4.5 million Rakaiatane Road Upgrade project has been completed on schedule. This Tairāwhiti investment strengthens the local road to support increasing freight volumes to the Port in response to current and future demands associated with intensified economic activity. An etched barrier designed by a local artist is to be erected at a stream site (date to be confirmed).
- 11 On 2 July 2020, the preferred site for the Palmerston North Regional Economic Growth Hub was announced between Palmerston North Airport and Bunnythorpe. The freight hub will create a fully integrated multi-modal rail, road, and air hub with greater efficiency for moving goods. Construction of the project is expected to create over 300 jobs in Palmerston North.
- 12 The local road information that was unchanged in the June 2020 report has now been updated.

New project information

- 13 Funding was approved for two local road projects in Tai Tokerau on 2 June 2020.
 - Priority 1 Routes Required for Economic Development (\$14.2 million): upgrades to priority economic routes to be suitable for High Productivity Motor Vehicles and Heavy Commercial Vehicles. This project will create operating efficiencies, improve route security, and provide safer access to the re-opened rail head and container hub at Otira for freight from the Far North.
 - Ruapekapeka Roads (\$6.5 million): sealing roads from State Highway 1 to Ruapekapeka Pā to improve tourist and local access to this historically significant site.

Key project risks

- 14 A cost overrun has been signalled for the North Auckland Line Essential Works project. The original cost for this project was \$164.5 million and early indication is that cost escalations are likely to be around \$15 million. The increase is due to the impacts of COVID-19, an increase in the project scope following the investigation phase, and receiving a higher than budgeted contractor pricing. KiwiRail has provided the Ministry with a report detailing the issues above. We are currently working with the PDU to develop advice on options to manage the cost escalation and will report back to RED Ministers once we have finished analysing these options.

15 The following eight rail and local road projects have an 'amber' project or deliverable status. This is a decrease in 'amber' status projects since the June report, which had 11 projects with this rating.

- Kaipara Kick-start: Pouto Road Phase 1
- Kaipara Kick-start: Pouto Road Phase 2 Physical Works
- Kaipara Kick-start: Waipoua River Road Physical Works
- NAL Essential Works
- Palmerston North Regional Economic Growth Hub
- South Island Tourism Rail
- SH1 Rosebank Industrial Estate Slip Lane
- Upgrade of Milford Sound aerodrome.

16 The cause of these 'amber' project ratings was delays on the originally projected timelines and fiscal risks largely exacerbated by COVID-19 restrictions. More recent reporting has signalled a return to 'normal' project risks, which include a site announcement delay, funding reprioritisations, and contract revisions.

17 One local road project, Kaipara Kick-start: Road re-metalling currently has a 'red' project status in the detailed report. The PDU has raised the outstanding confirmation of funding sources as a significant programme risk. Waka Kotahi is assessing Kaipara District Council's Point of Entry application with a decision expected in the next few weeks.

Appendix 1

18 There are currently 61 PGF Vote Transport projects (of which 15 are complete) and 14 RIO projects.

19 The attached dashboard contains information on approved projects and spent totals by region and mode, full time job equivalent totals, and an eleven-month project summary breakdown of active PGF projects.

