

OC210931 – Part Two

27 January 2022

Tēnā koe

### **Part Two Response**

I again refer to your request of 18 November 2021, pursuant to the Official Information Act 1982 (the Act), seeking copies of the following 22 documents:

- 1 Wood OC210696 1/10/2021 Speed Management Framework - Final Policy Decisions*
- 2 Wood OC210759 1/10/2021 Credentials for officials attending an ICAO Meeting*
- 4 Wood OC210782 1/10/2021 Options for short term Government interventions for supply chain congestion*
- 5 Wood OC210794 1/10/2021 Auckland Light Rail - Fourth Sponsors Meeting*
- 8 Wood OC210804 5/10/2021 Auckland Light Rail - Meeting with officials 6 October 2021*
- 9 Wood cc: Robertson OC210753 6/10/2021 City Rail Link Limited (CRL) Annual Report 2020/*
- 11 Wood OC210756 7/10/2021 Waka Kotahi NZ Transport Agency Board - appointments and reappointments*
- 14 Wood, Mahuta OC210660 8/10/2021 MetService - World Meteorological Organization Representative Appointment and Delegation Revocation*
- 15 Wood cc: Woods OC210703 8/10/2021 Update on Electric Vehicle Charging Infrastructure Work Programme*
- 18 Wood OC210767 12/10/2021 Reshaping Streets - Proposed Approach to Regulatory Changes*
- 19 Wood Woods OC210821 12/10/2021 New Zealand Upgrade Programme - Ongoing Appropriation Management*
- 20 Wood OC210795 14/10/2021 Design of the 2025 zero-emission bus mandate*
- 21 Wood OC210844 14/10/2021 The Sustainable Biofuels Mandate - Final policy design*
- 22 Wood OC210845 14/10/2021 Auckland Light Rail - preparing for Cabinet decisions*
- 23 Wood Woods OC210846 Joint briefing with EECA 14/10/2021 International zero emission vehicle commitments*

*24 Wood Nash Allen OC210677 MOP 2021-B-001 MBIE 2122-0667 DoC 21-M-0160 Joint briefing with MBIE, DOC, and Milford Opportunities 15/10/2021 Milford Opportunities Project: Board and Unit*

*28 Wood cc: Tinetti OC210765 21/10/2021 Supporting the Chatham Island's vessel replacement*

*31 Wood OC210850 22/10/2021 Waka Kotahi NZ Transport Agency Annual Report briefing 2020/21*

*32 Wood OC210867 22/10/2021 Auckland Light Rail - speaking points to support you at Cabinet*

*36 Wood OC210869 28/10/2021 Minister meeting with Waka Kotahi Chair and Chief Executive - 1 November 2021*

*7 Wood OC210773 28/10/2021 Finalising 2022 Clean Car Rebate and charge levels, and related details*

*38 Wood Robertson OC210791 29/10/2021 City Rail Link Limited Performance Update To 30 June 202*

On 16 December 2021 we provided you with a decision on 12 of the documents in your request and released four documents to you. Within that letter we also notified you of an extension to the time period for responding to the remaining ten documents. The extension was due to consultations necessary to make a decision on the request being such that a proper response to the request could not reasonably be made within the original time limit. We have now completed the necessary consultations and our response is detailed below.

For clarity and completeness, all 22 documents that fall within the scope of your full request are detailed in the document schedule attached as Annex 1. The schedule outlines how the documents have been treated under the Act, and notes where the decision was provided as Part One on 16 December 2021.

Certain information has been withheld from the documents, and some attachments to the documents have been withheld in full under the following sections of the Act:

- |             |   |
|-------------|---|
| 9(2)(a)     | to protect the privacy of natural persons   |
| 9(2)(b)(ii) | to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information  |
| 9(2)(ba)(i) | to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied |
| 9(2)(f)(iv) | to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials  |
| 9(2)(g)(i)  | to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty   |

9(2)(h) to maintain legal professional privilege  
9(2)(j) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

With regard to the information that has been withheld under Section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act, who can be contacted at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

This letter and attached documents complete our response to your request.

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

Nāku noa, nā



Hilary Penman  
**Manager, Ministerial Services**

## Annex 1 – Document schedule

	Document	Decision on request
1	1 Wood OC210696 1/10/2021 Speed Management Framework - Final Policy Decisions	Some information withheld from the briefing under Sections 9(2)(a) and 9(2)(f)(iv). Three Annexes that were attachments to the briefing have been withheld in full under Section 9(2)(f)(iv).
2	2 Wood OC210759 1/10/2021 Credentials for officials attending an ICAO Meeting	Refer to Part One sent 16 December 2021.
3	4 Wood OC210782 1/10/2021 Options for short term Government interventions for supply chain congestion	Refer to Part One sent 16 December 2021.
4	5 Wood OC210794 1/10/2021 Auckland Light Rail - Fourth Sponsors Meeting	Refer to Part One sent 16 December 2021.
5	8 Wood OC210804 5/10/2021 Auckland Light Rail - Meeting with officials 6 October 2021	Refer to Part One sent 16 December 2021.
6	9 Wood cc: Robertson OC210753 6/10/2021 City Rail Link Limited (CRL) Annual Report 2020/21	Some information withheld under Sections 9(2)(a) and 9(2)(ba)(i).
7	11 Wood OC210756 7/10/2021 Waka Kotahi NZ Transport Agency Board - appointments and reappointments	Some information withheld under Sections 9(2)(a), 9(2)(ba)(i) and 9(2)(g)(i). Although referred to as part of Appendix Three, the Gazette notice was not provided with the original briefing, but separately at a later date. It is publicly available online at: <a href="https://gazette.govt.nz/notice/id/2021-go4953">https://gazette.govt.nz/notice/id/2021-go4953</a>
8	14 Wood, Mahuta OC210660 8/10/2021 MetService - World Meteorological Organization Representative Appointment and Delegation Revocation	Refer to Part One sent 16 December 2021.
9	15 Wood cc: Woods OC210703 8/10/2021 Update on Electric Vehicle Charging Infrastructure Work Programme	Some information withheld from the briefing under Sections 9(2)(a) and 9(2)(f)(iv). Annex 1 that was an attachment to the briefing has been withheld in full under Section 9(2)(f)(iv). Annex 2 that was an attachment to the briefing has been withheld in full under Section 9(2)(f)(iv) with a small piece withheld under Section 9(2)(ba)(i).
10	18 Wood OC210767 12/10/2021 Reshaping Streets - Proposed Approach to Regulatory Changes	Some information withheld under Section 9(2)(a).



11	19 Wood Robertson OC210821 12/10/2021 New Zealand Upgrade Programme - Ongoing Appropriation Management	Some information withheld under Section 9(2)(a).
12	20 Wood OC210795 14/10/2021 Design of the 2025 zero-emission bus mandate	Some information withheld under Sections 9(2)(a) and 9(2)(f)(iv). Two attachments to the briefing have been withheld in full under Section 9(2)(f)(iv).
13	21 Wood OC210844 14/10/2021 The Sustainable Biofuels Mandate - Final policy design	Refer to Part One sent 16 December 2021.
14	22 Wood OC210845 14/10/2021 Auckland Light Rail - preparing for Cabinet decisions	Refer to Part One sent 16 December 2021.
15	23 Wood Woods OC210846 Joint briefing with EECA 14/10/2021 International zero emission vehicle commitments	Refer to Part One sent 16 December 2021.
16	24 Wood Nash Allen OC210677 MOP 2021-B-001 MBIE 2122-0667 DoC 21-M-0160 Joint briefing with MBIE, DOC, and Milford Opportunities 15/10/2021 Milford Opportunities Project: Board and Unit	Refer to Part One sent 16 December 2021, was transferred to the Department of Conservation on 23 November 2021.
17	28 Wood cc: Tinetti OC210765 21/10/2021 Supporting the Chatham Island's vessel replacement	Refer to Part One sent 16 December 2021.
18	31 Wood OC210850 22/10/2021 Waka Kotahi NZ Transport Agency Annual Report briefing 2020/21	Some information withheld under Sections 9(2)(a), 9(2)(ba)(i), 9(2)(f)(iv) and 9(2)(g)(i).
19	32 Wood OC210867 22/10/2021 Auckland Light Rail - speaking points to support you at Cabinet	Refer to Part One sent 16 December 2021.
20	36 Wood OC210869 28/10/2021 Minister meeting with Waka Kotahi Chair and Chief Executive - 1 November 2021	Some information withheld under Sections 9(2)(a) and 9(2)(f)(iv).
21	7 Wood OC210773 28/10/2021 Finalising 2022 Clean Car Rebate and charge levels, and related details	Refer to Part One sent 16 December 2021.
22	38 Wood Robertson OC210791 29/10/2021 City Rail Link Limited Performance Update To 30 June 2021	Extracts from the briefing are provided, keeping the original bullet point numbering for context. The rest of the paper is withheld under Sections 9(2)(a), 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(f)(iv) and 9(2)(j).



1 October 2021

OC210696

**Hon Michael Wood**  
**Minister of Transport**

**Action required by:**  
Friday, 8 October 2021

## **SPEED MANAGEMENT FRAMEWORK – FINAL POLICY DECISIONS**

### **Purpose**

To update you on feedback from consultation earlier this year on the proposed new draft Land Transport Rule: Setting of Speed Limits 2021 (the Rule) and changes made in response. To seek your agreement to final policy decisions on the new speed management framework resulting from the consultation.

### **Key points**

- In November 2019, Cabinet agreed to a new regulatory framework for speed management and to transition to lower speed limits around schools [CAB-19-MIN-0575 refers]. The framework aims to create a more transparent and coordinated approach to speed management by introducing speed management plans (SMPs).
- In April-June 2021, Waka Kotahi consulted on the new Rule, which is the legislative basis of the framework. Waka Kotahi and Te Manatū Waka also held further recent workshops with key stakeholders. We have now formed final policy recommendations for your approval (see **Annex One**).



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

[Redacted]

[Redacted]

**Recommendations**

We recommend you:

- 1 **agree** to the final policy recommendations for the new Land Transport Rule: Setting of Speed Limits 2021 (the Rule) in **Annex One** Yes / No
- 2 **provide** Te Manatū Waka with feedback on any recommendations Yes / No
- 3 [Redacted] Yes / No
- 4 **agree** that Waka Kotahi advises RCAs of the expected timeframe that the new Rule and regulations would be in force. Yes / No

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[Redacted]

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

Robert Anderson  
Manager Mobility and Safety  
1/10/2021

Hon Michael Wood  
Minister of Transport  
..... / ..... / .....

- Minister's office to complete:
- Approved
  - Declined
  - Seen by Minister
  - Not seen by Minister
  - Overtaken by events

**Comments**

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

**Contacts**

Name	Telephone	First contact
Robert Anderson, Manager Mobility and Safety	[Redacted]	✓
Andrew Zielinski, Senior Adviser	[Redacted]	

## SPEED MANAGEMENT FRAMEWORK – FINAL POLICY DECISIONS

### Cabinet agreed to a new national speed management framework, moving away from the current bylaw-related process

- 1 In November 2019, Cabinet agreed to implement a new regulatory framework for speed management and transition to lower speed limits around schools [CAB-19-MIN-0575 refers]. The new framework's intent is to create a more transparent and coordinated approach to speed management through introducing speed management plans (SMPs). SMPs would be used by Road Controlling Authorities (RCAs) to plan and consult on speed limit changes, along with improvements to safety infrastructure and using road safety cameras.
- 2 SMPs would allow RCAs to consult on three years' worth of detailed changes, alongside a high-level vision for their network for years four to ten. RCAs would renew SMPs every three years, through a new round of consultation.

*Early consultation noted using bylaws for setting speed limits was resource intensive, time consuming and complex*

- 3 The original Land Transport Rule: Setting of Speed Limits 2017 (the original Rule) was consulted on in 2017. At that time Waka Kotahi NZ Transport Agency (Waka Kotahi) received submissions from RCAs that using bylaws for setting speed limits was resource intensive, time consuming and complex.
- 4 Te Manatū Waka and Waka Kotahi considered that using bylaws discourages regional collaboration and that speed limit changes were often done on an ad hoc, road-by-road basis. This does not consistently provide the public with a long-term view on proposed speed management changes in a region<sup>1</sup>.
- 5 In many cases, speed limit changes are made instead of, or ahead of, investing in appropriate infrastructure. This has led to various issues such as:
  - speed limit changes that are not always supported by appropriate infrastructure investments
  - ad hoc speed limit reviews and inconsistent approaches to speed limit setting both within and across regions
  - some lack of transparency for the public around speed management changes and how they are being rolled out, for both the State highway network and local roads
  - speed limit changes that do not gain widespread community support.

*The new framework would provide benefits including improved safety and a clearer, more nationally consistent speed limit setting process*

- 6 To address the above issues, Cabinet invited the previous Associate Minister of Transport to draft amendments to the original Rule and report back to Cabinet prior to public consultation. This resulted in the new draft Land Transport Rule: Setting of

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<sup>1</sup> Noting that there are different approaches across RCAs, and some are trialling the use of speed management plans (for example, in Hamilton, Northland and Gisborne).



Speed Limits 2021 (the Rule). The proposed amendments would provide the following benefits:

- improved safety outcomes for road users in areas where speed limits are changed to match the safe and appropriate speed
- greater use of active modes around schools and urban areas, contributing to improved liveability
- better 'visibility' for road users of proposed speed management changes, and a greater understanding of why they are being proposed
- a clearer, more nationally consistent process for setting speed limits
- greater clarity of legally enforceable speed limits to better support compliance and enforcement
- improved transparency for Waka Kotahi in the role as regulator and RCA.

### **We have completed a public consultation process on the framework**

- 7 Public consultation occurred between 23 April 2021 and 25 June 2021 (nine weeks). Extensions were provided to eight RCAs for two weeks to allow for submissions to go through the appropriate sign-off process. In all, 325 submissions were received.
- 8 Waka Kotahi officials, with a Te Manatu Waka representative, ran fourteen workshops with RCAs across New Zealand, covering eleven locations. Workshops were attended by a range of council staff and elected officials, including mayors.
- 9 Alongside this, officials also presented at Regional Transport Committee (RTC) meetings, the Road Controlling Authority Forum, and met with key stakeholders such as the Automobile Association, iwi, and the national road safety charity Brake. Further meetings have recently occurred with the Transport Special Interest Group (consisting of Regional Council representatives) and RCAs.

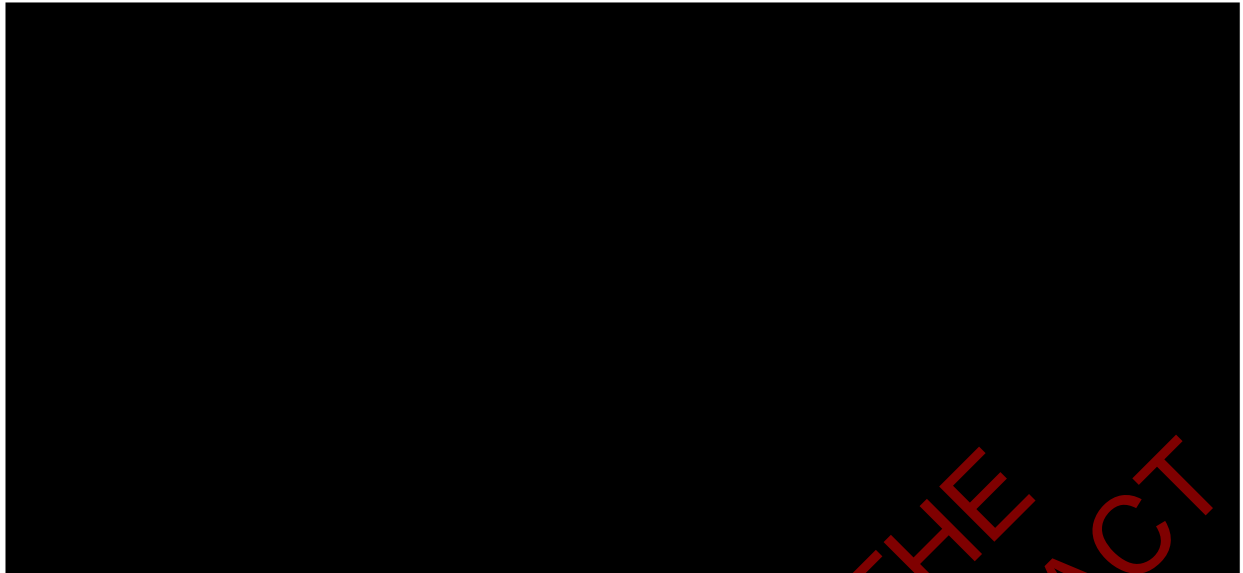
### **Stakeholders supported the new framework overall, but had concerns that we have considered**

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■ [REDACTED]

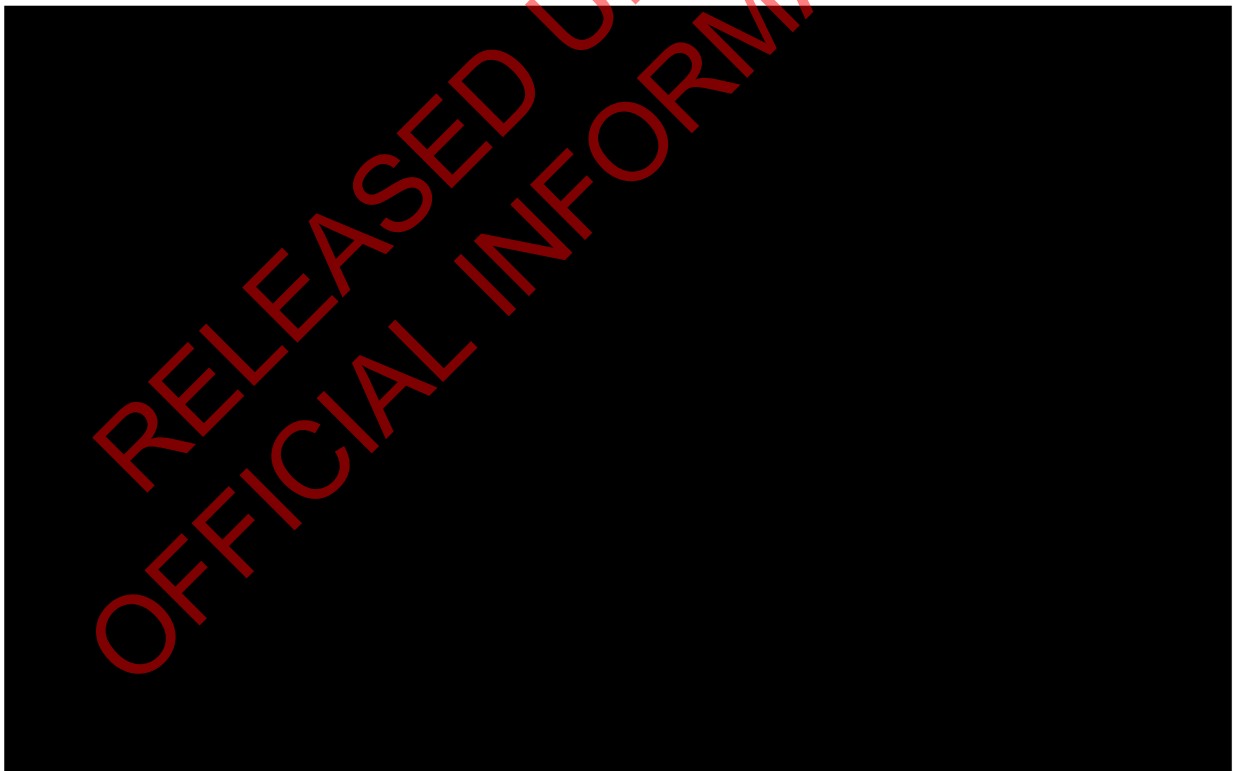
■ [REDACTED]

- 12 We have set out the issues raised, a summary of feedback, and the reason officials recommend each amendment. Pending the final Rule being published, Waka Kotahi would also publish a summary of submissions report, which would provide further analysis on changes made to the Rule.
- 13 The report's intent would be to provide stakeholders with reasons for why changes either have or have not been made. This is to support understanding of the final policy decisions.



### The SMC would strengthen and support the Director's role

- 16 To provide transparency regarding Waka Kotahi's role as RCA and regulator, officials proposed establishing an independent SMC. The SMC's role was to certify the Waka Kotahi State highway SMP and review guidance and information on speed management that Waka Kotahi (as regulator) provides to RCAs, including that from MegaMaps<sup>2</sup>.



<sup>2</sup> The MegaMaps 'Road to Zero Risk Assessment Tool' is an interactive digital platform that presents safe and appropriate speeds, based on a defined methodology, for all roads and streets in Aotearoa. It allows RCAs to view and review relevant information required for the speed management planning process.



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### **RTCs would support SMPs' regional consistency**

- 26 RTCs comprise two representatives of the relevant regional council - one representative of each territorial authority (local council) and one representative of Waka Kotahi. For unitary authorities (for example, Auckland Transport) the RTCs comprise four representatives of the unitary authority and one representative of Waka Kotahi.
- 27 Under the Rule as consulted on, RTCs are responsible for collating input from RCAs in their region to develop single SMPs. The purpose of their role in the speed management framework is to:
- encourage consistency across the network
  - manage interactions and implementation timing across RCAs
  - encourage alignment with investment decisions in regional land transport planning processes.

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**Schools would be categorised into two speed limit categories**

- 41 The Rule required RCAs to reduce 40 percent of speed limits around schools by 30 June 2024 and all school speed limits by 31 December 2029. To achieve this, the Rule proposed requiring 30 km/h (variable or permanent speed limits) to be set around all schools as a default speed limit.
- 42 However, the Rule also proposed options of setting 40 km/h speed limits, and an exception to allow a maximum of 60 km/h (variable or permanent speed limits) around rural schools, if appropriate.



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



57 We consider that the Aotearoa Speed Management Guide (the Guide), to accompany the Rule, will provide an approach better aligned to best practise [REDACTED] [REDACTED] Waka Kotahi is currently developing the Guide, with sector engagement, planned for finalisation later this year. The Guide would support central government leadership in embedding the new speed management framework. It would also be reviewed by the SMC.

58 The Guide is based on the strategic policy and regulatory framework provided by the:

- Road to Zero Strategy and Action Plan

- new movement and place-based One Network Framework (ONF) approach to categorising New Zealand's streets and roads
  - the Rule
  - Waka Kotahi Sustainability Action Plan, *Toitū te Taio*.
- 59 The Guide draws from these frameworks and international best practise to highlight four key principles for speed management:
- set speed limits:
    - according to the Safe System
    - that provide for community wellbeing
    - in accordance with the ONF categories
  - support speed limits with a balanced regulatory approach encompassing education, engagement, and enforcement.
- 60 In practise, this means that the Guide would provide safe speed ranges for each ONF street category, and guidance on what infrastructure would need to exist to select from the higher end of the safe speed range. A key change from the previous guide is that due to the new principles-based approach, safe speeds would be determined in a more self-explanatory and consistent way. Speeds would be closely linked to the road's intended purpose and location.
- 61 This differs from the current risk-based approach which can provide skewed or inconsistent results, as death and serious injury statistics change over time. The focus on achieving safe speeds to reduce deaths and serious injuries on New Zealand's roads remains the same.
- 62 The Guide would be accompanied by a new edition of MegaMaps, which would provide layers that display the ONF street categories and associated safe speed ranges. It would also recommend a specific safe speed from within that range according to the baseline infrastructure present.



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## Next steps

*Officials are working to finalise and progress the Rule and regulations*

- 65 To implement the new framework, the Rule and two sets of new supporting regulations<sup>4</sup> need to be finalised. The regulations support the RTC's role in the new process and the technical requirements to set speed limits.
- 66 Waka Kotahi and Te Manatū Waka are jointly working to finalise the Rule and regulations, [REDACTED]  
[REDACTED] Waka Kotahi is also finalising a summary of submissions report to be published on the Waka Kotahi website alongside the final signed Rule.

*Waka Kotahi would finalise the Aotearoa Speed Management Guide and engage with the sector, including RCAs*

- 70 [REDACTED]  
[REDACTED] The Guide's purpose would be to outline how speed limits are set under the Rule, with a strong focus on using the SMPs. Waka Kotahi plans to engage with the sector, including RCAs, as it develops the Guide.
- 71 Further, Waka Kotahi is providing advice to RCAs to ensure that while the process to finalise policy continues, it will continue to review and engage on proposed changes to speed limits. This would be done in a way that is consistent with the direction and implications of the new speed management framework, once implemented.
- 72 To facilitate this, we seek your agreement for Waka Kotahi to advise RCAs of the expected timeframe that the Rule and regulations would be in force. This is given that this is later than previously advised.

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

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<sup>4</sup> Land Transport Management (Regional Transport Committees) Regulations 2020; Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2021.



6 October 2021

BRIEFING

OC210753

**Hon Michael Wood**  
**Minister of Transport**

**Action required by:**  
Thursday, 7 October 2021

cc Hon Grant Robertson  
Minister of Finance

## CITY RAIL LINK LIMITED (CRL) ANNUAL REPORT 2020/21

### Purpose

To provide you with advice on the performance of CRL during the financial year end 30 June 2021, and the process for tabling the 2020/21 Annual Report in the House. This briefing is focused on company performance and high-level performance measures. A more comprehensive update on the progress of the City Rail Link project (CRL) to 30 June 2021 will be provided in a separate briefing.

### Key points

- CRL's 2020/21 Statement of Performance Expectations (SPE) includes six Output Classes, relating to: Health and Safety, Oversight Development, Project Delivery, Funding Envelope, Sustainability and Social Outcomes, and Community and Stakeholder Engagement.
- All 23 SPE targets were achieved in 2020/21. In the previous financial year, CRL achieved 26 out of 31 SPE targets.
- CRL's financial results show a net deficit of \$79.9 million for the year, against a budgeted net deficit of \$54.6 million. The \$25.3 million variance to budget was mostly a consequence of earlier than budgeted expenditure for the transfer of completed assets of \$32.9 million (of which \$21.3 million related to the completed C2 Works to Auckland Council). This was partially offset by lower than expected costs for third-party works (of \$9.4 million).
- On balance, we are satisfied with CRL's achievement of its SPE targets and financial performance during 2020/21. The ongoing impact of COVID-19 on the project is still being clarified and we will continue to keep you updated as the situation develops.

### Recommendations

We recommend you:

- 1. **note** that you are required to table CRL's 2020/21 Annual Report in the House of Representatives within five working days of receipt
- 2. **sign** the attached letter to the Chair of City Rail Link Limited, Yes / No  
acknowledging the company's performance during the past financial year.



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

Chris Jones  
**Acting Manager, Governance**  
 6 / 10 / 21

Hon Michael Wood  
**Minister of Transport**  
 .....

- Minister's office to complete:**
- Approved
  - Declined
  - Seen by Minister
  - Not seen by Minister
  - Overtaken by events

Comments:

#### Contacts

Name	Telephone	First contact
Chris Jones, Acting Manager, Governance	[Redacted]	✓
Weiyi Zhang, Adviser, Governance	[Redacted]	

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

# CITY RAIL LINK LIMITED (CRL) ANNUAL REPORT 2020/21

1 CRL has submitted its 2020/21 Annual Report (the Annual Report) containing a summary of its performance for the financial year ending 30 June 2021. This briefing advises you on the following aspects of the Annual Report:

- CRL’s performance in meeting its 2020/21 Statement of Performance Expectations (SPE) targets
- CRL’s financial performance.

## SPE expectations and targets

*CRL met all its SPE targets during 2020/21*

- 2 CRL’s 2020/21 SPE includes six Output Classes, relating to: Health and Safety, Oversight Development, Project Delivery, Funding Envelope, Sustainability and Social Outcomes, and Community and Stakeholder Engagement.
- 3 The 2020/21 SPE included 23 performance targets, all of which were fully achieved. By comparison, CRL achieved 26 out of its 31 performance targets in 2019/20.
- 4 Table One provides a summary of CRL’s performance against its 2020/21 SPE targets.

*Table one: CRL 2020/21 SPE targets*

Output area	What is this?	Performance notes
Health and Safety	Build an underground rail link that is safe for constructors, operators, maintainers, and users.  Withheld under Section 9(2)(ba)(i) of the Official Information Act 1982	All four targets achieved. We note that the Total Recordable Injury Frequency Rate (TRIFR) had been on a steady downward trend for over a year, with a low of 1.9 recordable injuries per million hours worked in February 2021. However, from March to June 2021, the TRIFR increased (from 2.3 to 3.8 recordable injuries per million hours worked). ████████████████████ ████████████████████ ████████████████████  Officials will continue to seek assurance that CRL is maintaining focus on improving health and safety outcomes.



<b>Output area</b>	<b>What is this?</b>	<b>Performance notes</b>
Oversite Development	Realisation of development potential in and around CRL project sites.	One target achieved (out of one). CRLL is working collaboratively with the Eke Panuku Development Auckland and Kāinga Ora-led development.
Project Delivery	Deliver a safe, operable and quality underground rail link in a timely manner.	<p>All five targets achieved. Highlights include the completion of C2 Albert St in October 2020, near completion of C1 at Britomart/Lower Queen St, and the commencement of tunnel drilling operations for the C3 works.</p> <p>We note that project delivery has been adversely impacted by COVID-19 alert level restrictions and lockdowns, and progress was slower than anticipated (although targets were still met).</p>
Funding Envelope	Achieve fiscal efficiency.	All three targets achieved.
Sustainability and Social Outcomes	Achieve sustainability excellence including social outcomes.	All six targets achieved. No further comments.
Community and Stakeholder engagement	Deliver a high level of communications and engagements.	All four targets achieved. We note that the Targeted Hardship Fund for the C3 works was announced on 3 September 2021. We will monitor CRLL's performance in responding to, and processing, applications to the Targeted Hardship Fund.

### *Financial performance*

- CRLL's financial results show a net deficit of \$79.9 million for the year, against a budgeted net deficit of \$54.6 million. We expect CRLL to record a deficit as not all costs it incurs are able to be capitalised under the accounting standards, and it has limited revenue streams.

- 6 For this financial year, the \$25.3 million variance to budget was mostly a consequence of earlier than budgeted expenditure for the transfer of completed assets of \$32.9 million (of which \$21.3 million related to the completed C2 Works to Auckland Council). This was partially offset by lower than expected costs for third-party works (of \$9.4 million).
- 7 The financial statements and statement of performance in the Annual Report were audited by Audit New Zealand - no issues were raised in the audit letter.

*Subsequent events*

- 8 The Annual Report notes that CRLL expect to complete the transfer of C1 SP3 (Chief Post Office) and SP5 (Urban Realm) assets early in the 2021/22 financial year. These assets are to vest to Auckland Council and Auckland Transport.
- 9 The recent Alert Level escalations (beginning 17 August 2021) caused a shutdown of works on all work sites, except for the limited operation of the tunnel boring machine for maintenance purposes. The financial impact of the ongoing alert level restrictions is yet to be determined. We are working with CRLL to understand the impacts and will keep you informed as outcomes and costs become more certain.

*Next steps*

- 10 You are required – under section 150 of the Crown Entities Act 2004 – to table CRLL’s 2020/21 Annual Report in the House of Representatives within five working days of receipt.
- 11 Attached for your signature at **Annex One** is a draft letter to the Chair of CRLL’s Board outlining your response to the 2020/21 Annual Report.
- 12 We will provide you with a more detailed performance update in a separate briefing (the CRL performance update to 30 June 2021) on how the project itself is progressing in the coming weeks.

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## Annex one: Letter to the CRL Board Chair

Sir Brian Roche

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

Dear Sir Brian,

### City Rail Link Limited 2020/21 Annual Report

Thank you for providing me with the 2020/21 Annual Report for City Rail Link Limited (CRL). On behalf of CRL's Shareholders, I would like to acknowledge the significant amount of work required to produce this document and to thank the Board for its contribution and efforts in what has been a challenging year.

I note the progress that has been made on significant contracts, including the completion of C2 (Lower Albert Street) in October 2020, the near completion of C1 at Britomart/Lower Queen St, and the commencement of tunnelling operations.

The 2020/21 Annual Report notes that CRL met all its performance measures during the year and managed its funding envelope to achieve social and community outcomes. Going forward, I encourage CRL to continue its proactive work with community stakeholders, to both manage and minimise disruptions caused by upcoming works.

I understand that COVID-19 has impacted (and will continue to impact) the project's costs and schedule. I encourage you to continue keeping Sponsors' officials aware of these impacts.

Finally, I would like to acknowledge the significant work you have put in as Chair of the CRL Board. I note that you have indicated your intention to step down as Chair. Until that time, I look forward working with you and the Board towards another successful year of delivery.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

Cc Hon Grant Robertson, Minister of Finance  
Hon Phil Goff, Mayor of Auckland  
Bill Cashmore, Deputy Mayor of Auckland  
Dr Sean Sweeney, Chief Executive, City Rail Link Limited



7 October 2021

OC210756

Hon Michael Wood  
Minister of Transport

Action required by:  
Monday, 11 October 2021

## WAKA KOTAHI NZ TRANSPORT AGENCY BOARD - APPOINTMENTS AND REAPPOINTMENTS

### Purpose

Provides you with the paperwork to finalise the following appointment decisions you have made regarding the Waka Kotahi NZ Transport Agency (Waka Kotahi) Board:

- the reappointments of Cassandra Crowley (in the Deputy Chair role), John Bridgman, and Patrick Reynolds (OC210333 refers)
- the appointments of Hon Tracey Martin and Ngarimu Blair as members of the Waka Kotahi Board (OC210570 refers).

### Key points

*Included within this briefing is the paperwork for you to finalise the appointments and reappointments you wish to make*

- Included within this briefing are the papers required to complete the appointments and reappointments process for the above decisions. **Appendix One** contains the papers required for Cabinet's Appointment and Honours Committee (APH) to note your intention, **Appendix Two** contains the talking points for your APH meeting, **Appendix Three** contains the appointment and reappointment letters and *Gazette* Notice, **Appendix Four** contains a letter of thanks to the outgoing member Ken Rintoul, and **Appendix Five** contains the summary of background check results for each appointee.

### *Proposed appointment terms*

- Final decisions on the appointment terms for Hon Martin, Mr Blair and Mr Reynolds have not been made yet. The Ministry recommends that full terms are offered to Hon Martin and Mr Blair, while Mr Reynolds is reappointed until 31 March 2024. This enables the staggering of Board members' term expiry dates into three tranches (excluding the Chair), i.e. September 2022, March 2024 and October 2024. These are outlined in the table below.
- The Ministry considered whether it was appropriate for some reappointees to have their term extended into 2023; however, it was considered that early 2024 is more appropriate as it offers a window for any incoming Minister to make changes to the Waka Kotahi Board if they considered it appropriate.



Members	Original appointment date	Expiry date of current and proposed terms
Sir Brian Roche (C)	11/06/2019	10/06/2022
Cassandra Crowley (DC)	17/09/2019	17/09/2022
Catherine Taylor	17/09/2019	17/09/2022
Victoria Carter	17/09/2019	17/09/2022
Patrick Reynolds	17/09/2019	31/03/2024
David Smol	01/02/2019	31/03/2024
John Bridgman	1/07/2020	31/10/2024
Hon Tracey Martin	8/11/2021	31/10/2024
Ngarimu Blair	8/11/2021	31/10/2024

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

- [REDACTED]
- [REDACTED]

*Recommended appointment timing*

- The Ministry recommends that these appointments and reappointments are considered at the APH meeting on 27 October 2021. All other members are continuing in office at your request through section 32(3) of the Crown Entities Act 2004, except for Patrick Reynolds whose term expires on 1 November 2021. A letter asking him to continue in office until the reappointment process is completed and is attached at **Appendix Six**.
- Should you agree to this process, caucus and Ministerial consultation will need to be completed before the APH lodgement date of 10:00 am on Thursday 22 October 2021.

**Due diligence, including industry consultation has been completed**

- The Ministry has carried out the relevant due diligence associated with these appointments and reappointments. This includes referee checks and industry consultation for new appointees, as well as conflict of interest declarations and background checks for all individuals.

*Conflicts of Interest*

- The interests outlined below have either been disclosed by each appointee, or noted by the Ministry. We do not consider any of the conflicts to be a barrier for appointment; however, we have included a mitigation strategy for the conflict disclosed by Mr Blair relating to Ngāti Whātua Ōrākei Trust challenging the East-West Link consents in Auckland through the Supreme Court. This strategy was proposed by Mr Blair, and the Ministry is comfortable with his proposal.

Member	Conflict / Summary of Disclosure	Mitigation (if required)
<b>Hon Tracey Martin</b>	Hon Martin is Chair of the Wellington Regional Leadership Committee, which you are also a member of.	We recommend you note to your colleagues that you will be required to interact with Hon Martin through several different capacities.
<b>Ngarimu Blair</b>	Mr Blair is an Elected Representative for Ngāti Whātua Ōrākei Trust, who is an interested party in the Supreme Court with Forest & Bird challenging the East-West Link consents in Auckland.	It is recommended that Mr Blair does not receive any papers in relation to the East-West Link nor participate in any board discussion on the matter. He will also arrange for an alternative spokesperson from the iwi on the matter should comment be sought from Ngāti Whātua Ōrākei.
	Mr Blair is one of two Treaty Partner representatives on the City Centre to Māngere Light Rail (CC2M) Establishment Unit Board. He is appointed in his capacity as Co-Chair of the Tamaki Mākaaurau Mana Whenua Kaitiaki Forum.  The CC2M Establishment Unit Board's term is scheduled to conclude at the end of March 2022.	We recommend you note to your colleagues that the CC2M Establishment Unit Board is designed to have an inclusive governance structure that incorporates the diverse interests in the CC2M Project. As a result, each appointee possesses conflicts of interest relating to the agency or community groups they are tasked with representing.
	Mr Blair is also a Director of Kāinga Ora, which develops various urban housing developments that may require engagement with Waka Kotahi.	The Ministry doesn't note any specific risks associated with this disclosure.
<b>Cassandra Crowley</b>	Ms Crowley has disclosed that she is a director of several commercial entities owned by Ngati Manawa, as well as being under contract to provide commercial advice to Te Arawa Lakes Trust – who may be affected parties for any transport infrastructure within their respective territories. Ms Crowley also has several relatives working within the construction industry.  This disclosure was noted by Cabinet when she was originally appointed; however, additional companies of interest have been added to her disclosure.	The Ministry doesn't note any specific risks associated with this disclosure.
<b>John Bridgman</b>	Mr Bridgman has disclosed that he has multiple commercial dealings with a number of Waka Kotahi's key suppliers as Chief Executive of Ōtakaro. This disclosure was noted by Cabinet when he was originally appointed.	The Ministry doesn't note any specific risks associated with this disclosure.
<b>Patrick Reynolds</b>	Mr Reynolds has disclosed that possible perceived conflicts may exist with pro bono member roles he holds on the Auckland City Centre Advisory Board, and Big Street Bikers Advisory Board.	The Ministry doesn't note any specific risks associated with this disclosure.

- In addition, the Waka Kotahi Board has strategies in place to manage any conflicts of interest which may arise. This includes relevant board members withdrawing from discussions where appropriate.

*Industry Consultation Summary*

- As noted in an earlier briefing (OC210570 refers), the following organisations were consulted as part of the industry consultation process:

List of Organisations consulted before an appointment is made to Waka Kotahi under section 98(2) of the Land Transport Management Act 2003		
Auckland Transport	Automobile Association	Bus and Coach Association
Civil Contractors New Zealand	Cycling Action Network	FIRST Union
KiwiRail	Living Street Aotearoa	Local Government New Zealand
Port Chief Executives Group	Motor Industry Association	Motor Trade Association
New Zealand Council of Trade Unions	New Zealand Heavy Haulage Association	Rail and Maritime Transport Union
Ia Ara Aotearoa Transporting New Zealand (previously Road Transport Forum)	Taxi Federation	Toll
Tramways Union		

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

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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

- [REDACTED]

[Redacted]

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

■

[Redacted]

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

■

[Redacted]

*Press Release*

- Please indicate if you would like the Ministry to prepare a press release for these appointments and reappointments.

**Risks**

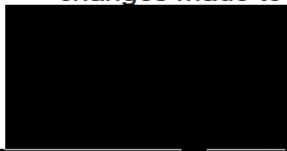
- The Ministry does not consider there are any risks associated with these appointments. The conflicts of interest disclosed as part of the appointment process are all expected to be manageable within existing practices.

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**Recommendations**

We recommend you:

- 1 **agree** to the appointment and reappointment terms proposed for each member Yes / No
- 2 **sign and send** the letter attached at **Appendix Six** to Patrick Reynolds asking him to continue in office under section 32(3) of the Crown Entities Act until the reappointment process is completed
- 3 **approve** the contents of the papers listed in **Appendix One, Appendix Two, Appendix Three and Appendix Four** Yes / No
- 4 **advise** if you require any further information or action in response to any conflicts of interest disclosed, or information identified in the background check summaries (Appendix Five) Yes / No
- 5 **lodge** the papers at **Appendix One** by 10:00am on 21 October 2021, so that the papers can be considered at the 27 October 2021 APH meeting
- 6 **sign and send** the letters at **Appendix Three and Appendix Four** following Cabinet's confirmation of the appointments and reappointments, and return the Gazette notice to the Ministry for publication
- 7 **advise** if you require a press release to accompany these (re)appointments Yes / No
- 8 **advise** if you require any further information from the Ministry or would like any changes made to the papers provided. Yes / No



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Chris Jones  
Acting Manager, Governance

7/10/21

Hon Michael Wood  
Minister of Transport

..... / ..... / .....

Minister's office to complete:

- Approved
- Declined
- Seen by Minister
- Not seen by Minister
- Overtaken by events

Comments

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

**Contacts**

Name	Telephone	First contact
Bryn Gandy, Deputy Chief Executive, System Strategy and Investment	[Redacted]	
Chris Jones, Acting Manager, Governance	[Redacted]	✓
Jono Reid, Principal Adviser, Governance	[Redacted]	



Security classification – In Confidence

Office of the Minister of Transport  
Chair, Cabinet Appointments and Honours Committee

## **Waka Kotahi NZ Transport Agency: Appointments and Reappointments**

### **Proposal**

- 1 This paper outlines my intention to make the following appointment decisions on the Waka Kotahi NZ Transport Agency (Waka Kotahi) Board:
  - 1.1 appoint Hon Tracey Martin as a member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - 1.2 appoint Ngarimu Blair as a member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - 1.3 reappoint Cassandra Crowley into the Deputy Chair's role from 8 November 2021 until the expiry of her first term on 17 September 2022
  - 1.4 reappoint John Bridgman as member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - 1.5 reappoint Patrick Reynolds as a member for a term commencing on 8 November 2021 and ending on 31 March 2024.

### **Background**

- 2 Waka Kotahi is a Crown agent under the Crown Entities Act 2004. It was established on 1 August 2008. As a Crown entity, it must give effect to government policy when directed. Its core functions are:
  - 2.1 planning land transport networks
  - 2.2 investing in land transport
  - 2.3 managing the State highway network
  - 2.4 providing access to, and use of, the land transport system.
- 3 Waka Kotahi's statutorily independent functions are to:
  - 3.1 determine whether particular activities should be included in the National Land Transport Programme
  - 3.2 approve activities as qualifying for payment from the National Land Transport Fund
  - 3.3 approve procurement procedures for land transport activities

- 3.4 issue or suspend any land transport document or authorisation
- 3.5 enforce any provisions relating to its functions.
- 4 Waka Kotahi is governed by a board of between seven to nine members, who are accountable to me as the Minister of Transport.
- 5 An *Organisation Form* is attached, setting out the current terms and membership of the Board.

## Comment

### *Hon Tracey Martin*

- 6 I intend to appoint Hon Tracey Martin as a member of the Waka Kotahi Board for a term commencing on 8 November 2021 and ending on 31 October 2024.
- 7 Hon Martin is an experienced local and central government politician, who was the former Minister for Seniors, Minister for Children, Minister of Internal Affairs, and Associate Minister of Education. Since leaving Parliament, she has taken on a number of Chair roles across central and local government. These roles include Chair of the New Zealand Qualifications Authority, the Wellington Regional Leadership Committee, the Strong Public Media Governance Group and the sector reference group assessing the remuneration system for teacher aides.
- 8 Hon Martin offers a collaborative and solutions-focussed approach to governance, as well as a strong working knowledge of the machinery of Government through her time in Parliament. She has a strong awareness of Government priorities for the transport sector and, through her Ministerial experiences, offers a number of perspectives on equity of access that would benefit the Waka Kotahi Board. Her experiences as a Minister have also provided her with a knowledge of Budget processes and regulation.
- 9 Hon Martin's appointment will fill a new position created on the Board through a recent change to the Land Transport Management Act 2003.

### *Ngarimu Blair*

- 10 I intend to appoint Ngarimu Blair as a member of the Waka Kotahi Board for a term commencing on 8 November 2021 and ending on 31 October 2024.
- 11 Mr Blair is an experienced company director. He is the Deputy Chair of the Ngāti Whātua Ōrākei Trust and a Director on their commercial arm Whai Rawa Limited, a member of the Kāinga Ora Board and member of the Manaaki Whenua Landcare Research Board. He also has a background in resource management, and environmental issues.
- 12 Mr Blair offers a strong interest in transport issues from an urban development, climate change and equity of access perspective. The insights that can be offered through his roles on Ngāti Whātua Ōrākei, Kāinga Ora, and his rural West Auckland background will be of great value to the Board. Mr Blair also places a strong focus on learning as a director, and Boards having a strong purpose.

- 13 Mr Blair's appointment is in place of Ken Rintoul, whose term on the Board recently expired.

*Cassandra Crowley*

- 14 I intend to reappoint Cassandra Crowley into the Deputy Chair role on the Waka Kotahi Board for a term commencing on 8 November 2021 and ending on the expiry of her current term on 17 September 2022.
- 15 Ms Crowley is the current Deputy Chair of Waka Kotahi, who was offered a shortened term in the role due to the timing of the 2020 General Election. She is an experienced commercial advisor and company director with a background in both accounting and law. She also has experience in working with iwi, having led the post-settlement governance entity for Ngāruahine following the settlement period.
- 16 Ms Crowley has demonstrated her leadership experience through her roles as Chair of Waka Kotahi's Risk and Assurance Committee, Chair of Taranaki District Health Board, and as former President of Chartered Accountants Australia and New Zealand.

*John Bridgman*

- 17 I intend to reappoint John Bridgman as a member of the Waka Kotahi Board for a term commencing on 8 November 2021 and ending on 31 October 2024.
- 18 Mr Bridgman provides strong engineering, infrastructure and procurement expertise to the Board. He is the Chief Executive of Otākaro Limited, and a former engineering executive with over 20 years' experience in transport engineering.
- 19 Before taking on his role at Otākaro in August 2018, Mr Bridgman was a senior executive at AECOM where he was an Industry Director for AECOM Australia, Managing Director of AECOM New Zealand and a Major Projects Director for AECOM Australia and New Zealand. He has worked on a number of significant key transport infrastructure projects in Australia and New Zealand including Melbourne Metro, Transmission Gully, Waterview Tunnel and the Clem 7 Tunnel.
- 20 Mr Bridgman is familiar with the transport infrastructure supply chains, and has a good understanding of the complexities of a modern transport system, including availability of, and access to, multiple modes and the challenges that are presented by emerging technologies. He also knows a number of the key stakeholders within the sector having; worked with Waka Kotahi on projects, interacted with similar suppliers that Waka Kotahi work with, and as a supplier for Waka Kotahi on projects throughout his career.

*Patrick Reynolds*

- 21 I intend to reappoint Patrick Reynolds as a member of the Waka Kotahi Board for a term commencing on 8 November 2021 and ending on 31 March 2024.
- 22 Mr Reynolds is one of New Zealand's leading transport thinkers, commentators, and writers. He has demonstrated a strong understanding of urban planning and the

integration of transport modes into the urban environment. He has been a strong proponent of multi-modal urban transport for many years.

### **Representativeness of reappointment**

- 23 I am satisfied that the appointments and reappointment decisions will provide for a well-balanced Board in terms of gender, ethnicity, age, geographic representation, and an appropriate mix of skills and experience. Mr Blair's appointment will result in the Board having one individual who identifies as New Zealand Māori, and the gender composition of the Board will be five males and four females.

### **Remuneration**

- 24 The Board is classified as a Group 3a Level 1 Governance Board under the Cabinet Fees Framework. The fee for the Deputy Chair is \$44,625 per annum, while the fee for members is \$35,700 per annum. Both sets of fees are consistent with the Fees Framework.

### **Appointment process and consultation**

- 25 I can confirm that an appropriate process has been followed in selecting the proposed appointees, in terms of the Public Service Commission's *Board Appointments and Induction Guidelines*. In summary, that process included identifying suitable candidates for appointment, due diligence interviews, referee checks and background checks, as well as cross-party and caucus consultation. Sir Brian Roche has also been consulted throughout the appointment process.

- 26 In addition, section 98(2) of the Land Transport Management Act 2003 requires that *"the responsible Minister must not appoint a board member unless he or she has consulted with the persons, representative groups within the land transport sector or elsewhere, government departments, and Crown entities that he or she considers appropriate."* In accordance with this section, I consulted with Auckland Transport, the Automobile Association, Bus and Coach Association, Civil Contractors New Zealand, Cycling Action Network, FIRST Union, KiwiRail, Living Streets Aotearoa, Local Government New Zealand, Motor Industry Association, Motor Trade Association, New Zealand Council of Trade Unions, New Zealand Heavy Haulage Association, Port Chief Executives Group, Rail and Maritime Transport Union, Ia Ara Aotearoa Transporting New Zealand, Taxi Federation, Toll and Tramways Union. These parties were not consulted on any reappointments.

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

27

### **Conflicts of interest**

- 28 I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission's *Board Appointments and Induction Guidelines*, to identify any conflict of interest that could reasonably be identified.

- 29 The following disclosures have been raised or noted by the Ministry of Transport:

- 29.1 Hon Martin is Chair of the Wellington Regional Leadership Committee, which is a joint committee that is established to discuss and lead a number of matters relating to regional economic growth and development. The Committee comprises representatives from all nine councils within the Wellington Region, the Horowhenua District Council, mana whenua and members of Central Government. I am a member of that Committee so we will interact in different professional capacities.
- 29.2 Mr Blair has disclosed two matters:
- 29.2.1 he is a Director of Kāinga Ora, which develops various urban housing developments that may require engagement with Waka Kotahi.
- 29.2.2 he is an elected representative of Ngāti Whātua Ōrākei Trust, which is an interested party in the Supreme Court with Forest & Bird challenging the East-West Link consents in Auckland. This disclosure involves a specific conflict of interest, and as part of his appointment it is recommended that he does not receive any papers in relation to the East-West Link or participate in any board discussion on the matter. He will also arrange for an alternative spokesperson from the iwi on the matter, should comment be sought from Ngāti Whātua Ōrākei.
- 29.3 The Ministry of Transport also notes Mr Blair is one of two treaty partner representative members of the City Centre to Māngere Light Rail (CC2M) Establishment Unit Board, which is responsible for providing advice to Ministers on the next steps for taking light rail forward in Auckland. He is appointed in his capacity as Co-Chair of the Tamaki Mākaurau Mana Whenua Kaitiaki Forum. The CC2M Establishment Unit Board is designed to have an inclusive governance structure that incorporates the diverse interests in the CC2M Project. As a result, each appointee possesses conflicts of interest relating to the agency or community groups they are tasked with representing. The Board's term is scheduled to conclude at the end of March 2022.
- 29.4 Ms Crowley has disclosed that she is a director of several commercial entities owned by Ngati Manawa, as well as being under contract to provide commercial advice to Te Arawa Lakes Trust – who may be affected parties for any transport infrastructure within their respective territories. Ms Crowley also has several relatives working within the construction industry. The full list of disclosures made by Ms Crowley is listed as part of her CV form.
- 29.5 Mr Bridgman has disclosed that he has multiple commercial dealings with a number of Waka Kotahi's key suppliers as Chief Executive of Ōtākaro. This disclosure was noted by Cabinet when he was originally appointed.
- 29.6 Mr Reynolds has disclosed that possible perceived conflicts may exist with *pro bono* member roles he holds on the Auckland City Centre Advisory Board, and Big Street Bikers Advisory Board.
- 30 The Waka Kotahi Board has strategies in place to manage any conflicts of interest which may arise, including relevant board members withdrawing from discussions

where appropriate. Unless a specific mitigation strategy has been noted, none of the above disclosures are considered significant conflicts.

- 31 Any additional conflicts that may arise can be managed in accordance with Waka Kotahi's existing practices.

### **Timing and Publicity**

- 32 The appointments will be notified in the *New Zealand Gazette*.

### **Recommendation**

- 33 It is recommended that the Committee note my intention to make the following appointment decisions on the Waka Kotahi NZ Transport Agency (Waka Kotahi) Board:
- 33.1 appoint Hon Tracey Martin as a member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - 33.2 appoint Ngarimu Blair as a member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - 33.3 reappoint Cassandra Crowley into the Deputy Chair's role from 8 November 2021 until the expiry of her first term on 17 September 2022
  - 33.4 reappoint John Bridgman as member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - 33.5 reappoint Patrick Reynolds as a member for a term commencing on 8 November 2021 and ending on 31 March 2024.

Authorised for lodgement

Hon Michael Wood  
Minister of Transport



# APH Organisation Form

## Organisation and Responsible Portfolio

**Waka Kotahi NZ Transport Agency – Transport**

### Brief Outline of the Functions and Responsibilities of the Organisation

Waka Kotahi NZ Transport Agency (Waka Kotahi) is a Crown agent under the Crown Entities Act 2004. The objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest. Its functions include managing the State highway system, managing funding of the land transport system, and managing regulatory requirements for transport on land. Waka Kotahi has statutory responsibility for allocating funding from the National Land Transport Fund, which is the main central government funding source for the land transport system.

The Minister of Transport is the responsible Minister.

### Current Membership

Name	Gender Identity	Region	Ethnicities (and Iwi if applicable)	Date of original appointment	Expiry date of present term
Sir Brian Roche (Chair)	M	Wellington	NZ European	11/06/2019	10/06/2022
Cassandra Crowley (Deputy Chair)*	F	Wellington	NZ European	17/09/2019	17/09/2022 (30/06/2021 for Deputy Chair role)
Ken Rintoul*	M	Northland	NZ European	17/09/2019	30/06/2021
John Bridgman*	M	Canterbury	NZ European	1/07/2020	30/06/2021
Patrick Reynolds*	M	Auckland	NZ European	17/09/2019	01/11/2021
Catherine Taylor	F	Tasman	NZ European	17/09/2019	17/09/2022
Victoria Carter	F	Auckland	NZ European	17/09/2019	17/09/2022
David Smol	M	Wellington	NZ European	01/02/2019	31/03/2024
VACANT					

\*Continuing until new appointment is made

## Candidate CV Form

<b>Name</b> (family name in upper case; include title if appropriate)	MARTIN, Hon Tracey Anne
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### The Position

<b>Organisation/Entity</b>	Waka Kotahi NZ Transport Agency
<b>Position</b> (chair/member etc.)	Member
<b>Term</b>	8 November 2021 to 31 October 2024
<b>Payment</b> (per day /per year)	\$35,700 per annum

### How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	Hon Martin offers a collaborative and solutions-focused approach to governance, as well as a strong working knowledge of the machinery of Government through her time in Parliament. She has a strong awareness of Government priorities for the transport sector and, through her Ministerial experiences, offers a number of perspectives on equity of access that would benefit the Waka Kotahi Board. Her experiences as a Minister have also provided her with a knowledge of Budget processes and regulation.
<b>Possible conflicts of interest</b>	Hon Martin is Chair of the Wellington Regional Leadership Committee, which is a joint committee that is established to discuss and lead a number of matters relating to regional economic growth and development. The Committee comprises representatives from all nine councils within the Wellington Region, the Horowhenua District Council, mana whenua and members of Central Government. I am a member of that Committee so we will interact in different professional capacities.
<b>Proposals for conflict management</b> (if applicable)	The Waka Kotahi Board has strategies in place to manage any conflicts of interest which may arise, including relevant Board members withdrawing from discussions where appropriate.

## The Candidate

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<b>Name</b> (family name in upper case; include title if appropriate)	MARTIN, Hon Tracey Anne	
<b>Address</b>	[REDACTED]	
<b>Ethnicity(s)</b>	New Zealand European	
<b>Age range</b>	50 – 59	
<b>Gender</b>	F	
<b>Current or most recent Employment</b> (specify position and employer, include years)	<b>Date:</b> 2020 – present	<b>Role:</b> Professional Director
<b>Government board appointments held</b> (current and previous, include years)	<b>Date:</b> October 2021 – present  June 2021 - present  March 2021 - present  December 2020 - present  <b>Date:</b> N/A	<b>Current Appointments:</b>  Chair <u>New Zealand Qualifications Authority</u>  Independent Chair <u>Wellington Regional Leadership Committee</u>  Chair <u>Stronger Public Media Governance Group</u>  Chair <u>Sector Reference Group for Remuneration of Teacher Aides</u>  <b>Former Appointments:</b>  N/A
<b>Private and/or voluntary sector board appointments held</b> (current and previous, include years)	<b>Date:</b> March 2021 – present	<b>Appointments:</b> Board Member <u>Salisbury School</u>

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<b>Qualifications and experience</b> (include significant work history and community involvement)	<b>Date:</b> September 2017 – October 2020	<b>Experience:</b> Minister of the Crown (Seniors, Internal Affairs, Children, Associate Education) <u>New Zealand Parliament</u>
	November 2011 – October 2020	Member of Parliament (List, New Zealand First) <u>New Zealand Parliament</u>
	September 2010 – October 2013	Elected Member <u>Rodney Local Board</u>
	<b>Date:</b> 2021	<b>Qualifications</b> Certificate in Company Direction <u>Institute of Directors</u>

**Date: 30/09/2021**

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## Candidate CV Form

<b>Name</b> (family name in upper case; include title if appropriate)	BLAIR, Ngarimu Alan Huiroa
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### The Position

<b>Organisation/Entity</b>	Waka Kotahi NZ Transport Agency
<b>Position</b> (chair/member etc.)	Member
<b>Term</b>	8 November 2021 to 31 October 2024
<b>Payment</b> (per day /per year)	\$35,700 per annum.

### How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	Mr Blair is an experienced company director who offers a strong interest in transport issues from an urban development, climate change and equity of access perspective. The insights that can be offered through his roles on Ngāti Whātua Ōrākei, Kāinga Ora, and his rural West Auckland background will be of great value to the Board.
<b>Possible conflicts of interest</b>	<p>Mr Blair has disclosed two matters:</p> <ul style="list-style-type: none"> <li>• he is a Director of Kāinga Ora, which develops various urban housing developments that may require engagement with Waka Kotahi.</li> <li>• he is an Elected Representative for Ngāti Whātua Ōrākei Trust, who is an interested party in the Supreme Court with Forest &amp; Bird challenging the East-West Link consents in Auckland.</li> </ul> <p>The Ministry of Transport also notes Mr Blair is one of two treaty partner representative members on the City Centre to Māngere (CC2M) Light Rail Establishment Unit Board, which is responsible for providing advice to Ministers on the next steps for taking light rail forward in Auckland. He is appointed to that Board because he is co-Chair of the Tamaki Mākaaurau Mana Whenua Kaitaiki Forum.</p>
<b>Proposals for conflict management</b> (if applicable)	Mr Blair's disclosure concerning the Ngāti Whātua Ōrākei Trust's interest in the Supreme Court hearing challenging East-West Link consents involves a specific conflict of interest. As part of his appointment it is recommended that he does not receive any papers in relation to the East-West Link nor participate in any board discussion on the matter. He


	<p>would also arrange for an alternative spokesperson from the iwi on the matter should comment be sought from Ngāti Whātua Ōrākei.</p> <p>In respect of Mr Blair’s role on the CC2M Board, this Board is designed to have an inclusive governance structure, which incorporates the diverse interests in the CC2M Project. The representative and inclusive nature of Establishment Unit Board will mean that each representative appointee possesses conflicts of interest relating to the agency or community groups they are tasked with representing.</p> <p>For the CC2M Board, Mr Blair has disclosed his roles as a member of Kāinga Ora, Deputy Chair of Ngāti Whātua Ōrākei Trust, and Director of Ngāti Whātua Ōrākei Whai Rawa Limited. He also noted that he has no conflicts in his capacity as Co-Chair of the Tāmaki Makaurau Kaitiaki Forum.</p>
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## The Candidate

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

<b>Name</b> (family name in upper case; include title if appropriate)	BLAIR, Ngarimu Alan Huiroa	
<b>Address</b>		
<b>Ethnicity(s)</b>	NZ Māori (Ngāti Whātua)	
<b>Age range</b>	40-49	
<b>Gender</b>	Male	
<b>Current or most recent Employment*</b> (specify position and employer, include years)	<b>Date:</b> 2006 – present	<b>Position:</b> Professional Director
<b>Government board appointments held</b> (current and previous, include years)	<b>Date:</b> 2021 – present	<b>Position:</b> Member <u>City Centre to Māngere Light Rail Project Establishment Unit Board</u>
	2020 – present	Director <u>Kāinga Ora</u>
	2017 – present	Director <u>Manaaki Whenua Landcare Research</u>
<b>Private and/or voluntary sector board appointments held</b> (current and previous, include years)	<b>Date:</b> 2018 – present	<b>Position:</b> Trustee <u>Sir Peter Blake Trust</u>
	2016 – present	Board Member <u>North Harbour Rugby Union</u>
	2012 – present	Director <u>Ngāti Whātua Ōrākei Whai Rawa Limited</u>
	2006 – present	Deputy Chair <u>Ngāti Whātua Ōrākei Trust Limited</u>

	Unclear – present  2016 – 2019  2010 – 2015	Co-Chair <u>Tāmaki Makaurau Mana Whenua Kaitiaki Forum</u>  Board Member, Better Homes and Cities Challenge <u>National Science Challenge</u>  Board Member <u>Auckland Waterfront Development Agency Limited</u>
<b>Qualifications and experience</b> (include significant work history and community involvement)	<b>Date:</b>  1998	<b>Qualification:</b>  Bachelor of Arts (Geography/Māori) <u>University of Auckland</u>

Dated: 30/09/2021

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## Candidate CV Form

<b>Name</b> (family name in upper case; include title if appropriate)	CROWLEY, Cassandra Rose
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### The Position

<b>Organisation/Entity</b>	Waka Kotahi NZ Transport Agency
<b>Position</b> (chair/member etc.)	Deputy Chair
<b>Term</b>	8 November 2021 to 17 September 2022
<b>Payment</b> (per day /per year)	\$44,625 per annum

### How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	<p>Ms Crowley has demonstrated her leadership experience through her roles as Chair of Waka Kotahi's Risk and Assurance Committee, Chair of Taranaki District Health Board and as former President of Chartered Accountants Australia and New Zealand.</p> <p>Ms Crowley is an experienced commercial advisor and company director with a background in both accounting and law. She also has experience in working with iwi, having led the post-settlement governance entity for Ngāruahine following the settlement period.</p>
<b>Possible conflicts of interest</b>	<p>Ms Crowley is a director of several commercial entities owned by Ngati Manawa, as well as being under contract to provide commercial advice to Te Arawa Lakes Trust – who may be affected parties for any transport infrastructure within their respective territories.</p> <p>She has listed the following disclosures to Waka Kotahi:</p> <ul style="list-style-type: none"> <li>• Aratu Forests Limited, Director</li> <li>• Bledisloe Park Board, Board Member</li> <li>• Burgess Crowley Civil Limited, [REDACTED]</li> <li>• Crescendi Group Limited, Director &amp; Shareholder</li> <li>• Grand Debut Limited, Director &amp; Shareholder</li> <li>• GroundFix Limited, [REDACTED]</li> <li>• Hydrorock Limited, [REDACTED]</li> <li>• K.L.C. Limited, Chair</li> <li>• Lead Chair, 20 DHB's - <i>ceasing effective 30 June 2022</i></li> <li>• Maketū Foods Limited, Director</li> <li>• Manawa Developments Incorporated, Trustee</li> </ul>

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<p>Withheld under section 9(2)(a) of the Official Information Act 1982</p>	<ul style="list-style-type: none"> <li>• Ngāti Manawa Developments Limited, Director</li> <li>• Manawa Gas Limited, Director</li> <li>• Narsha Mayolet Foundation Trust, Trustee</li> <li>• Ngāti Manawa Tokuwaru Asset Holding Company Limited, Directors</li> <li>• Nisa, Advisory Board Chair – <i>ceasing effective 31 August 2021</i></li> <li>• Pipe Technologies Limited, [REDACTED]</li> <li>• Sacred Heart Girls College New Plymouth Alumni Association, Trustee</li> <li>• Taranaki District Health Board, Chair - <i>ceasing effective 30 June 2022</i></li> <li>• Te Arawa Management Limited, Commercial Advisor</li> <li>• Te Arawa Tipu Limited (ultimate holding company Te Arawa Management Limited) Director - company operates a commercial transport licence</li> <li>• Te Matai Water Scheme, Director,</li> <li>• The Skills Consulting Group Limited, Director</li> <li>• Western Institute of Technology at Taranaki Limited, Director</li> </ul>
<p><b>Proposals for conflict management</b> (if applicable)</p>	<p>The Waka Kotahi Board has strategies in place to manage any conflicts of interest which may arise, including relevant Board members withdrawing from discussions where appropriate.</p>

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## The Candidate

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

<b>Name</b> (family name in upper case; include title if appropriate)	CROWLEY, Cassandra Rose	
<b>Address</b>		
<b>Ethnicity(s)</b>	New Zealand European	
<b>Age range</b>	40-49	
<b>Gender</b>	F	
<b>Current or most recent Employment</b> (specify position and employer, include years)	<b>Date:</b> December 2017 – present  June 2013 - present	<b>Role:</b> Commercial Advisor <u>Te Arawa Management Limited</u>  Professional Director
<b>Government board appointments held</b> (current and previous, include years)	<b>Date:</b> November 2020 – present  December 2019 – present  September 2019 - present  <b>Date:</b> N/A	<b>Current Appointments:</b>  Lead Chair / Chair of Chairs (Elected) <u>20 District Health Boards</u>  Chair <u>Taranaki District Health Board</u>  Member <u>Waka Kotahi NZ Transport Agency</u>  <b>Former Appointments:</b>  N/A
<b>Private and/or voluntary sector board appointments held</b> (current and previous, include years)	<b>Date:</b> November 2020 – present  March 2020 – present	<b>Current Appointments:</b>  Chair <u>K.L.C. Limited</u>  Director <u>Aratu Forests Limited</u>

	<p>October 2019 – present</p> <p>July 2019 - present</p> <p>May 2018 – present</p> <p>May 2014 – present</p> <p>September 2013 – present</p> <p><b>Date:</b></p> <p>February 2018 – December 2019</p> <p>July 2013 – December 2019</p> <p>December 2016 – June 2018</p> <p>September 2016 – March 2018</p> <p>May 2015 – March 2018</p> <p>January 2017 – December 2017</p> <p>June 2013 – June 2015</p>	<p>Director <u>Maketū Foods Limited</u></p> <p>Advisory Board Chair <u>Nisa</u></p> <p>Director <u>Manawa Developments Limited</u></p> <p>Director <u>Western Institute of Technology at Taranaki Limited</u></p> <p>Director <u>The Skills Organisation</u></p> <p><b>Former Appointments:</b></p> <p>Advisory Board Chair <u>One Love Limited</u></p> <p>Director <u>Student Job Search Aotearoa</u></p> <p>Director <u>Oriens Capital GP Limited</u></p> <p>Director <u>Te Rene o Kapuni Limited</u></p> <p>Director <u>Taranaki Whānui Benefits Limited</u></p> <p>Director and President <u>Chartered Accountants Australia and New Zealand</u></p> <p>Director <u>Pennydrop Limited</u></p>
<p><b>Qualifications and experience</b> (include significant work history and community involvement)</p>	<p><b>Date:</b></p> <p>October 2017 – March 2018</p> <p>April 2014 – October 2017</p> <p>July 2009 – March 2014</p>	<p><b>Experience:</b></p> <p>General Manager <u>Te Kīwai Maui o Ngāruahine Limited</u></p> <p>Kaitumuaki <u>Te Korowai o Ngāruahine Trust</u></p> <p>Chief Executive <u>Local Government Online</u></p>



		<u>Limited</u>
	March 2008 – December 2012	Managing Director <u>Essity Group Limited</u>
	July 2007 – June 2009	Head of Compliance and Markets Policy <u>NZX Limited</u>
	July 2003 – July 2007	Various Roles <u>Ministry of Economic Development</u>
	<b>Date:</b>	<b>Qualifications:</b>
	Currently underway	Master of Advanced Leadership Practice <u>Massey University of Wellington</u>
	2018	Executive Education <u>Columbia Business School</u>
	2015 – 2020	Various Courses <u>New Zealand Institute of Directors</u>
	2005 – present	Chartered Accountant <u>Chartered Accountants Australia and New Zealand</u>
	2004 – present	Barrister and Solicitor of the High Court of New Zealand
	2003	Bachelor of Laws <u>Victoria University of Wellington</u>
	2002	Bachelor of Commerce and Administration (Accounting and Information Systems) <u>Victoria University of Wellington</u>

Date: 30/09/2021

## Candidate CV Form

<b>Name</b> (family name in upper case; include title if appropriate)	BRIDGMAN, John Richard
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### The Position

<b>Organisation/Entity</b>	Waka Kotahi NZ Transport Agency
<b>Position</b> (chair/member etc.)	Member
<b>Term</b>	8 November 2021 to 31 October 2024
<b>Payment</b> (per day /per year)	\$35,700 per annum

### How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	<p>Mr Bridgman provides strong engineering and infrastructure expertise to the Board. He is the Chief Executive of Ōtākaro Limited, and a former engineering executive with over 20 years experience in transport engineering.</p> <p>Before taking on his role at Ōtākaro in August 2018, Mr Bridgman was a senior executive at AECOM where he was an Industry Director for AECOM Australia, Managing Director of AECOM New Zealand and a Major Projects Director for AECOM Australia and New Zealand. He has worked on a number of significant key transport infrastructure projects in Australia and New Zealand including Melbourne Metro, Transmission Gully, Waterview Tunnel and the Clem 7 Tunnel.</p>
<b>Possible conflicts of interest</b>	<p>Mr Bridgman has disclosed that he has multiple commercial dealings with a number of Waka Kotahi's key suppliers as Chief Executive of Ōtākaro. He has also been called by AECOM to be a fact witness in support of a dispute between AECOM and CPB in the Transmission Gully PPP project (he worked as Managing Director of AECOM during part of this project).</p>
<b>Proposals for conflict management</b> (if applicable)	<p>The Waka Kotahi Board has strategies in place to manage any conflicts of interest which may arise, including relevant Board members withdrawing from discussions where appropriate.</p>

## The Candidate

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

<b>Name</b> (family name in upper case; include title if appropriate)	BRIDGMAN, John Richard	
<b>Address</b>		
<b>Ethnicity(s)</b>	New Zealand European	
<b>Age range</b>	60+	
<b>Gender</b>	Male	
<b>Current or most recent Employment</b> (specify position and employer, include years)	<b>Date:</b> August 2018 – present	<b>Role:</b> Chief Executive <u>Otākaro Limited</u>
<b>Government board appointments held</b> (current and previous, include years)	<b>Date:</b> July 2020 – present	<b>Current Appointment:</b> Member <u>Waka Kotahi NZ Transport Agency</u>
<b>Private and/or voluntary sector board appointments held</b> (current and previous, include years)	<b>Date:</b> N/A	<b>Current Appointment:</b> N/A
	<b>Date:</b> 2013 – 2016	<b>Former Appointments:</b> Member <u>AECOM New Zealand and Davis Langston Limited</u>
	May 2012 – June 2016	Board of Trustees Member <u>Epsom Girls Grammar School</u>
	2012 – 2015	President <u>Epsom Girls Grammar School Rowing Club</u>
	2009 – 2012	President <u>Auckland Grammar Rowing Club</u>

	<p>2004 – 2006</p> <p>2002 – 2005</p> <p>Unclear</p>	<p>Board of Trustees Member <u>Remuera Primary School</u></p> <p>Member <u>Association of Consulting Engineers</u></p> <p>Various Construction Project Governance boards: <u>Transmission Gully Joint Venture; AECOM PB Design Joint Venture; Causeway Alliance Board</u></p>
<p><b>Qualifications and experience</b> (include significant work history and community involvement)</p>	<p><b>Date:</b></p> <p>June 2016 – June 2018</p> <p>August 2013 – June 2016</p> <p>January 2008 – August 2013</p> <p>June 2006 – September 2011</p> <p>April 1999 – June 2006</p> <p>December 1989 – December 1999</p> <p>December 1988 – December 1989</p> <p>October 1986 – December 1988</p> <p>1986</p> <p>1985</p> <p>1985</p> <p>1981 – 1985</p>	<p><b>Experience:</b></p> <p>Industry Director, Civil Infrastructure <u>AECOM Australia Limited</u></p> <p>Managing Director <u>AECOM New Zealand Limited</u></p> <p>Director – Major Projects <u>AECOM Australia and New Zealand</u></p> <p>Design Director – Clem 7 Tunnel <u>APB Joint Venture, Brisbane</u></p> <p>Transportation Group Leader <u>AECOM New Zealand</u></p> <p>Wellington Branch Manager <u>AECOM New Zealand</u></p> <p>Tauranga Branch Manager <u>AECOM New Zealand</u></p> <p>Design Manager – Channel Tunnel Project <u>Mott, Hay and Anderson</u></p> <p>Resident Engineer <u>RT James and Partners</u></p> <p>Structural Engineer <u>Offshore Design Engineering</u></p> <p>Civil Engineer <u>Pell Frischermann &amp; Partners</u></p> <p>Graduate Engineer</p>

	<p><b>Date:</b></p> <p>2005</p> <p>1988 – January 2020</p> <p>1988 – January 2020</p> <p>1982</p>	<p><u>AECOM New Zealand</u></p> <p><b>Qualifications:</b></p> <p>Fellow <u>Engineering New Zealand</u></p> <p>Member (lapsed) <u>Institution of Civil Engineers</u></p> <p>Chartered Engineer (lapsed)</p> <p>Bachelor of Engineering (Civil) <u>University of Auckland</u></p>
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**Date: 30/09/2021**

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## Candidate CV Form

<b>Name</b> (family name in upper case; include title if appropriate)	REYNOLDS, Patrick Vincent
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### The Position

<b>Organisation/Entity</b>	Waka Kotahi NZ Transport Agency
<b>Position</b> (chair/member etc.)	Member
<b>Term</b>	8 November 2021 to 31 March 2024
<b>Payment</b> (per day /per year)	\$35,700 per annum

### How the Candidate Meets the Needs of the Position

<b>Skills and attributes the candidate will bring to the position</b> (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	Mr Reynolds is one of New Zealand's leading transport thinkers, commentators, and writers. He has a strong understanding of urban planning and the integration of transport modes into the urban environment. He has been a strong proponent of multi-modal urban transport for many years.
<b>Possible conflicts of interest</b>	Mr Reynolds has disclosed that possible perceived conflicts may exist with pro bono member roles he holds on the Auckland City Centre Advisory Board, and Big Street Bikers Advisory Board.
<b>Proposals for conflict management</b> (if applicable)	The Waka Kotahi Board has strategies in place to manage any conflicts of interest which may arise, including relevant Board members withdrawing from discussions where appropriate.

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## The Candidate

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<b>Name</b> (family name in upper case; include title if appropriate)	REYNOLDS, Patrick Vincent	
<b>Address</b>		
<b>Ethnicity(s)</b>	New Zealand European	
<b>Age range</b>	50-59	
<b>Gender</b>	Male	
<b>Current or most recent Employment</b> (specify position and employer, include years)	<b>Date:</b> 2010 - present  1987 – present	<b>Role:</b> Professional Director  Principal <u>Patrick Reynolds Photography Limited</u>
<b>Government board appointments held</b> (current and previous, include years)	<b>Date:</b> 2019 – present	<b>Current Appointment:</b>  Member <u>Waka Kotahi NZ Transport Agency</u>
<b>Private and/or voluntary sector board appointments held</b> (current and previous, include years)	<b>Date:</b> 2021 – present  2017 – present  2013 – present  <b>Date:</b> 2015 – 2020	<b>Current Appointment:</b>  Member <u>Big Street Bikers Advisory Board</u>  Transport Representative <u>Auckland City Centre Advisory Board</u>  Member <u>Urban Auckland</u>  <b>Former Appointments:</b>  Member <u>Advisory Panel for Art in Public Places</u>

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	2018 – 2019	Member <u>Rotorua Lakefront Redevelopment Advisory Board</u>
	2017 – 2019	Board Observer <u>Auckland Transport</u>
	2010 – 2019	Deputy Chair <u>Greater Auckland</u>
<b>Qualifications and experience</b> (include significant work history and community involvement)	<b>Date:</b> 2011 – 2014	<b>Experience:</b> Part-time Lecturer in Urban Design <u>University of Auckland</u>
	1987 – present	Principal <u>Patrick Reynolds Photography Limited</u>
	<b>Date:</b> 1985	<b>Qualifications:</b> Bachelor of Arts (History) <u>University of Auckland</u>

Date: 30/09/2021

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**Office of Hon Michael Wood**  
**Member of Parliament for Mt Roskill**

Minister of Transport  
Minister for Workplace Relations and Safety  
Deputy Leader of the House

**Cabinet Committee Background Information and Talking Points**

**Cabinet Committee:** Appointment and Honours Committee, 27 October 2021

**Paper Title:** Waka Kotahi NZ Transport Agency: Member Reappointment

**Portfolio:** Transport

**Officials Attending:** TBC

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**Background Information**

- This paper outlines my intention to make the following appointment decisions to the Waka Kotahi NZ Transport Agency (Waka Kotahi) Board:
  - appoint Hon Tracey Martin as a member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - appoint Ngarimu Blair as a member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - reappoint Cassandra Crowley into the Deputy Chair's role from 8 November 2021 until the expiry of her first term on 17 September 2022
  - reappoint John Bridgman as member for a term commencing on 8 November 2021 and ending on 31 October 2024
  - reappoint Patrick Reynolds as a member for a term commencing on 8 November 2021 and ending on 31 March 2024
- I have consulted with my caucus colleagues about my intention to make this reappointment. I also consulted with the following organisations in accordance with section 98(2) of the Land Transport Management Act 2003: Auckland Transport, the Automobile Association, Bus and Coach Association, Civil Contractors New Zealand, Cycling Action Network, FIRST Union, KiwiRail, Living Streets Aotearoa, Local Government New Zealand, Motor Industry Association, Motor Trade Association, New Zealand Council of Trade Unions, New Zealand Heavy Haulage Association, Port Chief Executives Group, Rail and Maritime Transport Union, Iā Ara Aotearoa Transporting New Zealand, Taxi Federation, Toll and Tramways Union.

**Waka Kotahi: Background**

- Waka Kotahi is a Crown agent under the Crown Entities Act 2004. As a Crown agent, it must give effect to Government policy when directed. Its core functions are:

- planning land transport networks
- investing in land transport
- managing the State highway network
- providing access to, and regulating the use of, the land transport system.
- Waka Kotahi's statutorily independent functions are to:
  - determine whether particular activities should be included in the National Land Transport Programme
  - approve activities as qualifying for payment from the National Land Transport Fund
  - approve procurement procedures for land transport activities
  - issue or suspend any land transport document or authorisation
  - enforce any provisions relating to its functions.
- Waka Kotahi is governed in statute by a Board of between seven to nine members, who are accountable to me as the Minister of Transport.

### **Candidates for appointment**

#### *Hon Tracey Martin*

- Hon Martin is an experienced local and central government politician, who was the former Minister for Seniors, Minister for Children, Minister of Internal Affairs, and Associate Minister of Education. Since leaving Parliament, she has taken on a number of Chair roles across central and local government.
- Hon Martin offers a collaborative and solutions-focussed approach to governance, as well as a strong working knowledge of the machinery of Government through her time in Parliament. She has a strong awareness of Government priorities for the transport sector and offers a number of perspectives on equity of access that would benefit the Waka Kotahi Board.

#### *Ngarimu Blair*

- Mr Blair is an experienced company director. He is the Deputy Chair of the Ngāti Whātua Ōrākei Trust and a Director on their commercial arm Whai Rawa Limited, a member of the Kāinga Ora Board and member of the Manaaki Whenua Landcare Research Board. He also has a background in resource management, and environmental issues.
- Mr Blair offers a strong interest in transport issues from an urban development, climate change and equity of access perspective. The insights that can be offered through his roles on Ngāti Whātua Ōrākei, Kāinga Ora, and his rural West Auckland background will be of great value to the Board.

- With these two appointments, I will be filling the one new position created on the Waka Kotahi Board, as well as replacing Ken Rintoul whose term on the Board has expired.

### Candidates for reappointment

#### *Cassandra Crowley*

- Ms Crowley is the current Deputy Chair of Waka Kotahi, who was offered a shortened term in the role due to the timing of the 2020 General Election. She is an experienced commercial advisor and company director with a background in both accounting and law.
- Ms Crowley has demonstrated her leadership experience through her roles as Chair of Waka Kotahi’s Risk and Assurance Committee, Chair of Taranaki District Health Board, and as former President of Chartered Accountants Australia and New Zealand.

#### *John Bridgman*

- Mr Bridgman provides strong engineering, infrastructure and procurement expertise to the Board. He is the Chief Executive of Ōtākaro Limited, and a former engineering executive with over 20 years’ experience in transport engineering. He has worked on a number of significant key transport infrastructure projects in Australia and New Zealand.

#### *Patrick Reynolds*

- Mr Reynolds is one of New Zealand’s leading transport thinkers, commentators, and writers. He has demonstrated a strong understanding of urban planning and the integration of transport modes into the urban environment. He has been a strong proponent of multi-modal urban transport for many years.

### Conflicts of interest

- I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission’s appointment guidelines and the Crown Entities Act 2004, to identify any conflict of interest that could reasonably be identified.
- The full list of disclosures for each member is listed within the body of the Cabinet paper, and in the CV form for each member. The key conflicts I wish for the Committee to note are:

Member	Conflict / Summary of Disclosure	Mitigation (if required)
Hon Tracey Martin	<p>Hon Martin is Chair of the Wellington Regional Leadership Committee, which is a joint committee that is established to discuss and lead a number of matters relating to regional economic growth and development.</p> <p>The Committee comprises representatives from all nine councils within the Wellington Region, the Horowhenua District Council, mana whenua and members of Central Government. I am a</p>	

	member of that Committee so we will interact in different professional capacities.	
<b>Ngarimu Blair</b>	Mr Blair is an Elected Representative for Ngāti Whātua Ōrākei Trust, who is an interested party in the Supreme Court with Forest & Bird challenging the East-West Link consents in Auckland.	It is recommended that Mr Blair does not receive any papers in relation to the East-West Link nor participate in any board discussion on the matter. He will also arrange for an alternative spokesperson from the iwi on the matter should comment be sought from Ngāti Whātua Ōrākei.
	Mr Blair is one of two Treaty Partner representatives on the City Centre to Māngere Light Rail Establishment Unit Board. He is appointed in his capacity as Co-Chair of the Tamaki Mākaurau Mana Whenua Kaitiaki Forum.	The CC2M Establishment Unit Board is designed to have an inclusive governance structure that incorporates the diverse interests in the CC2M Project. As a result, each appointee possesses conflicts of interest relating to the agency or community groups they are tasked with representing.  The CC2M Establishment Unit Board's term is scheduled to conclude at the end of March 2022.
	Mr Blair is also a Director of Kāinga Ora, which develops various urban housing developments that may require engagement with Waka Kotahi.	
<b>Cassandra Crowley</b>	Ms Crowley has disclosed that she is a director of several commercial entities owned by Ngati Manawa, as well as being under contract to provide commercial advice to Te Arawa Lakes Trust – who may be affected parties for any transport infrastructure within their respective territories. Ms Crowley also has several relatives working within the construction industry.	This disclosure was noted by Cabinet when she was originally appointed.
<b>John Bridgman</b>	Mr Bridgman has disclosed that he has multiple commercial dealings with a number of Waka Kotahi's key suppliers as Chief Executive of Ōtākaro.	This disclosure was noted by Cabinet when he was originally appointed.
<b>Patrick Reynolds</b>	Mr Reynolds has disclosed that possible perceived conflicts may exist with pro bono member roles he holds on the Auckland City Centre Advisory Board, and Big Street Bikers Advisory Board.	

- The Waka Kotahi Board has strategies in place to manage any conflicts of interest that may arise, including identifying early any potential or perceived conflicts and managing conflicted members' involvement in discussions and decisions of the Board.
- Any conflicts that do arise can be managed in accordance with Waka Kotahi's existing practices.



## Appointments Process

- I can confirm that an appropriate process has been followed in making the proposed reappointment decision. This process included: identifying suitable candidates for appointment, due diligence interviews, referee checks and background checks, as well as cross-party and caucus consultation. Sir Brian Roche has also been consulted throughout the appointment process.

## Fees

- The Board is classified as a Group 3a Level 1 Governance Board under the Cabinet Fees Framework. The fee for members is \$35,700 per annum and the fee for the Deputy Chair is \$44,625 per annum, which is consistent with the Fees Framework.

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Hon Tracey Martin

## Appointment as member of the New Zealand Transport Agency Board

Dear Tracey

I am pleased to advise that I hereby appoint you as a member of the New Zealand Transport Agency (Waka Kotahi) Board for a term commencing on 8 November 2021 and ending on 31 October 2024. Please confirm your acceptance of this appointment in writing as soon as possible.

Your appointment is made under section 98 of the Land Transport Management Act 2003 and section 28(1)(a) of the Crown Entities Act 2004. A copy of the notice reappointing you, which will appear in the *New Zealand Gazette*, is attached for your information.

I note you have certified that you are not disqualified from being appointed and have declared that you do not have any actual, potential, or perceived conflicts of interest. I expect you to follow the Board's standard processes for declaring and managing any actual conflicts of interest should they arise.

### *Remuneration and Legal Obligations*

As a member of the Board you will receive an annual fee of \$35,700. You are also entitled to be reimbursed for any expenses incurred attending meetings or undertaking any other agreed work. The Board secretariat will be able to assist you with claims and any taxation matters.

The key legislation relevant to your role is the Land Transport Management Act 2003 and the Crown Entities Act 2004. In respect of the Crown Entities Act, please note the specific requirements concerning individual and collective obligations, reliance on certain information and advice, disclosures of conflicts of interest, and protection from liabilities under sections 49 – 69 and 120 – 126.

### *Key Contact and Induction*

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

Since you are new to the Board, the Ministry of Transport (the Ministry) will organise an induction session. Your contact at the Ministry is Chris Jones, Acting Manager – Governance. His phone number is [REDACTED] and his email address is [c.jones@transport.govt.nz](mailto:c.jones@transport.govt.nz).

### *Resignation*

As per section 44 of the Crown Entities Act 2004, should you wish to resign from office prior to your end of term, you would need to provide written notice to me as the Minister of Transport

with a copy to the Board. The resignation would be effective on my receipt of the notice, or at any later time specified in the notice.

As you are aware, being a member of a statutory Crown entity is a significant role and provides an opportunity for you to make a major contribution to New Zealand. The skills and experience you bring to the position are a considerable asset to the Board.

I wish you well for this appointment, and look forward to working with you to improve transport outcomes for New Zealanders.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Enclosed:** *New Zealand Gazette* notice

**Copy to:** Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

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

Ngarimu Blair

## Appointment as member of the New Zealand Transport Agency Board

Dear Ngarimu

I am pleased to advise that I hereby appoint you as a member of the New Zealand Transport Agency (Waka Kotahi) Board for a term commencing on 8 November 2021 and ending on 31 October 2024. Please confirm your acceptance of this appointment in writing as soon as possible.

Your appointment is made under section 98 of the Land Transport Management Act 2003 and section 28(1)(a) of the Crown Entities Act 2004. A copy of the notice reappointing you, which will appear in the *New Zealand Gazette*, is attached for your information.

I note you have certified that you are not disqualified from being appointed and declared the following matters as either any actual, potential, or perceived conflicts of interest:

- your role on the Kāinga Ora Board
- your role on Ngāti Whātua Ōrākei Trust, and the Trust being an interested party in the Supreme Court with Forest & Bird challenging the East-West Link consents in Auckland.

In respect of these disclosures, I expect you to follow the Board's standard processes for declaring and managing any actual conflicts of interest should they arise. I also consider the proposed mitigation strategy is appropriate in relation to the conflict associated with the current challenge to East-West Link consents:

- you do not receive any papers in relation to the East-West Link nor participate in any board discussion on the matter
- you also arrange for an alternative spokesperson from the iwi on the matter should comment be sought from Ngāti Whātua Ōrākei.

### *Remuneration and Legal Obligations*

As a member of the Board you will receive an annual fee of \$35,700. You are also entitled to be reimbursed for any expenses incurred attending meetings or undertaking any other agreed work. The Board secretariat will be able to assist you with claims and any taxation matters.

The key legislation relevant to your role is the Land Transport Management Act 2003 and the Crown Entities Act 2004. In respect of the Crown Entities Act, please note the specific requirements concerning individual and collective obligations, reliance on certain information

and advice, disclosures of conflicts of interest, and protection from liabilities under sections 49 – 69 and 120 – 126.

*Key Contact and Induction*

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

Since you are new to the Board, the Ministry of Transport (the Ministry) will organise an induction session. Your contact at the Ministry is Chris Jones, Acting Manager – Governance. His phone number is [REDACTED] and his email address is [c.jones@transport.govt.nz](mailto:c.jones@transport.govt.nz).

*Resignation*

As per section 44 of the Crown Entities Act 2004, should you wish to resign from office prior to your end of term, you would need to provide written notice to me as the Minister of Transport with a copy to the Board. The resignation would be effective on my receipt of the notice, or at any later time specified in the notice.

As you are aware, being a member of a statutory Crown entity is a significant role and provides an opportunity for you to make a major contribution to New Zealand. The skills and experience you bring to the position are a considerable asset to the Board.

I wish you well for this appointment, and look forward to working with you to improve transport outcomes for New Zealanders.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Enclosed:** *New Zealand Gazette* notice

**Copy to:** Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

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

Cassandra Crowley

## Reappointment as member of the New Zealand Transport Agency Board

Dear Cassandra

I am pleased to advise that I hereby reappoint you as the Deputy Chair of the Board of the New Zealand Transport Agency (Waka Kotahi) for a term commencing on 8 November 2021 and ending on 17 September 2022. Please confirm your acceptance of this reappointment in writing as soon as possible.

Your reappointment is made under Schedule 5 of the Crown Entities Act 2004. A copy of the notice reappointing you, which will appear in the *New Zealand Gazette*, is attached for your information.

I note you have certified that you are not disqualified from being appointed and list of disclosures made in your consent letter. I expect you to follow the Board's standard processes for declaring and managing any actual conflicts of interest should they arise.

### *Remuneration and Legal Obligations*

As a member of the Board you will receive an annual fee of \$35,700. You are also entitled to be reimbursed for any expenses incurred attending meetings or undertaking any other agreed work. The Board secretariat will be able to assist you with claims and any taxation matters.

The key legislation relevant to your role is the Land Transport Management Act 2003 and the Crown Entities Act 2004. In respect of the Crown Entities Act, please note the specific requirements concerning individual and collective obligations, reliance on certain information and advice, disclosures of conflicts of interest, and protection from liabilities under sections 49 – 69 and 120 – 126.

### *Key Contact*

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

Your contact at the Ministry of Transport (the Ministry) is Chris Jones, Acting Manager – Governance. His phone number is [REDACTED], and his email address is [c.jones@transport.govt.nz](mailto:c.jones@transport.govt.nz).

### *Resignation*

As per section 44 of the Crown Entities Act 2004, should you wish to resign from office prior to your end of term, you would need to provide written notice to me as the Minister of Transport with a copy to the Board. The resignation would be effective on my receipt of the notice, or at any later time specified in the notice.



As you are aware, being a member of a statutory Crown entity is a significant role and provides an opportunity for you to make a major contribution to New Zealand. The skills and experience you bring to the position are a considerable asset to the Board.

I wish you well for this reappointment, and look forward to continuing to work with you to improve transport outcomes for New Zealanders.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Enclosed:** *New Zealand Gazette* notice

**Copy to:** Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

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

John Bridgman  
[REDACTED]

## Reappointment as member of the New Zealand Transport Agency Board

Dear John

I am pleased to advise that I hereby reappoint you as a member of the New Zealand Transport Agency (Waka Kotahi) Board for a term commencing on 8 November 2021 and ending on 31 October 2024. Please confirm your acceptance of this reappointment in writing as soon as possible.

Your appointment is made under section 98 of the Land Transport Management Act 2003 and section 28(1)(a) of the Crown Entities Act 2004. A copy of the notice reappointing you, which will appear in the *New Zealand Gazette*, is attached for your information.

I note you have certified that you are not disqualified from being reappointed and have not declared any actual, potential, or perceived conflicts of interest. I also note the disclosures you raised in your consent letter in terms of your role as Chief Executive of Ōtākaro Limited. I expect you to follow the Board's standard processes for declaring and managing any actual conflicts of interest should they arise.

### *Remuneration and Legal Obligations*

As a member of the Board you will receive an annual fee of \$35,700. You are also entitled to be reimbursed for any expenses incurred attending meetings or undertaking any other agreed work. The Board secretariat will be able to assist you with claims and any taxation matters.

The key legislation relevant to your role is the Land Transport Management Act 2003 and the Crown Entities Act 2004. In respect of the Crown Entities Act, please note the specific requirements concerning individual and collective obligations, reliance on certain information and advice, disclosures of conflicts of interest, and protection from liabilities under sections 49 – 69 and 120 – 126.

### *Key Contact*

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

Your contact at the Ministry of Transport (the Ministry) is Chris Jones, Acting Manager – Governance. His phone number is [REDACTED], and his email address is [c.jones@transport.govt.nz](mailto:c.jones@transport.govt.nz).

### *Resignation*

As per section 44 of the Crown Entities Act 2004, should you wish to resign from office prior to your end of term, you would need to provide written notice to me as the Minister of Transport

with a copy to the Board. The resignation would be effective on my receipt of the notice, or at any later time specified in the notice.

As you are aware, being a member of a statutory Crown entity is a significant role and provides an opportunity for you to make a major contribution to New Zealand. The skills and experience you bring to the position are a considerable asset to the Board.

I wish you well for this reappointment, and look forward to continuing to work with you to improve transport outcomes for New Zealanders.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Enclosed:** *New Zealand Gazette notice*

**Copy to:** Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

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Patrick Reynolds  
[REDACTED]

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

## Reappointment as member of the New Zealand Transport Agency Board

Dear Patrick

I am pleased to advise that I hereby reappoint you as a member of the New Zealand Transport Agency (Waka Kotahi) Board for a term commencing on 8 November 2021 and ending on 31 March 2024. Please confirm your acceptance of this reappointment in writing as soon as possible.

Your appointment is made under section 98 of the Land Transport Management Act 2003 and section 28(1)(a) of the Crown Entities Act 2004. A copy of the notice reappointing you, which will appear in the *New Zealand Gazette*, is attached for your information.

I note you have certified that you are not disqualified from being reappointed and the disclosures raised around pro bono roles on the Auckland City Centre Advisory Board, and Big Street Bikers Advisory Board in response to a request to declare any actual, potential, or perceived conflicts of interest. I expect you to follow the Board's standard processes for declaring and managing any actual conflicts of interest should they arise.

### *Remuneration and Legal Obligations*

As a member of the Board you will receive an annual fee of \$35,700. You are also entitled to be reimbursed for any expenses incurred attending meetings or undertaking any other agreed work. The Board secretariat will be able to assist you with claims and any taxation matters.

The key legislation relevant to your role is the Land Transport Management Act 2003 and the Crown Entities Act 2004. In respect of the Crown Entities Act, please note the specific requirements concerning individual and collective obligations, reliance on certain information and advice, disclosures of conflicts of interest, and protection from liabilities under sections 49 – 69 and 120 – 126.

### *Key Contact*

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

Your contact at the Ministry of Transport (the Ministry) is Chris Jones, Acting Manager – Governance. His phone number is [REDACTED], and his email address is [c.jones@transport.govt.nz](mailto:c.jones@transport.govt.nz).

### *Resignation*

As per section 44 of the Crown Entities Act 2004, should you wish to resign from office prior to your end of term, you would need to provide written notice to me as the Minister of Transport

with a copy to the Board. The resignation would be effective on my receipt of the notice, or at any later time specified in the notice.

As you are aware, being a member of a statutory Crown entity is a significant role and provides an opportunity for you to make a major contribution to New Zealand. The skills and experience you bring to the position are a considerable asset to the Board.

I wish you well for this reappointment, and look forward to continuing to work with you to improve transport outcomes for New Zealanders.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Enclosed:** *New Zealand Gazette* notice

**Copy to:** Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

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Ken Rintoul

**Thank you for your service to the New Zealand Transport Agency Board**

Dear Ken

I write to thank you for your service on the New Zealand Transport Agency (Waka Kotahi) Board, where you have served since 17 September 2019. Your term on the Board has concluded, and you have also been advised that I do not intend to renew your term.

On behalf of the Government, I would like to express my appreciation for your commitment and contribution to the Waka Kotahi Board during your period of service. You took on the role during a critical period for Waka Kotahi as it responded to past failures within its regulatory function. Waka Kotahi has also had to continue to deliver key services to New Zealanders despite the ongoing challenges of the COVID-19 pandemic. Your contributions during this time have been appreciated.

In addition, your understanding of construction and professional experiences has enabled you to provide valuable insights during your time on the Board.

I have appointed a new member to the Board whose term will be commencing on 8 November 2021. Therefore, I confirm that your last day of service will be 5 November 2021.

Thank you again for your service. I wish you all the best for your future endeavours.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Copy to:** Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

**BACKGROUND CHECK SUMMARY - APPOINTMENT**

**Date Prepared:** 30 September 2021

**Candidate:** Hon Tracey Martin

**Position being considered for:** Member, Waka Kotahi NZ Transport Agency Board

**Candidate contact details for questions:** [REDACTED] and [REDACTED]

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

**Ministry of Transport contact for questions:** Chris Jones, Acting Manager – Governance, [REDACTED]

Below is a summary of the information currently received as part of the appointee background checks. These checks are carried out in addition to candidate interviews, and referee checks and are completed by CVCheck - a third party provider.

**Check Status:** Final result received.

Type of Check	Information Received from provider	Issues Identified
Confirmation of Qualifications	Yes	No
Bankruptcy Check	Yes	No
Ministry of Justice Check	Yes	No
Credit Rating Check	Yes	No
Anti-Money Laundering Check	Yes	No
Disqualified Directors Check	Yes	No
Financial Service Providers Register Check	Yes	No
Property Securities Register Check (new appointments only)	Yes	No
Court Search	Yes	No
Gazette Online Check	Yes	No
Disqualified Driver Check (only requested if candidate is being considered for NZTA Board)	Yes	No
Global Media Search (if no issues identified)	Yes	No



**BACKGROUND CHECK SUMMARY - APPOINTMENT**

**Date Prepared:** 30 September 2021

**Candidate:** Ngarimu Blair

**Position being considered for:** Member, Waka Kotahi NZ Transport Agency Board

**Candidate contact details for questions:** [REDACTED] and [REDACTED]

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

**Ministry of Transport contact for questions:** Chris Jones, Acting Manager – Governance, [REDACTED]

Below is a summary of the information currently received as part of the appointee background checks. These checks are carried out in addition to candidate interviews, and referee checks and are completed by CVCheck - a third party provider.

**Check Status:** Final result received.

Type of Check	Information Received from provider	Issues Identified
Confirmation of Qualifications	Yes	No
Bankruptcy Check	Yes	No
Ministry of Justice Check	Yes	No
Credit Rating Check	Yes	No
Anti-Money Laundering Check	Yes	No
Disqualified Directors Check	Yes	No
Financial Service Providers Register Check	Yes	No
Property Securities Register Check (new appointments only)	Yes	No
Court Search	Yes	No
Gazette Online Check	Yes	No
Disqualified Driver Check (only requested if candidate is being considered for NZTA Board)	Yes	No
Global Media Search (if no issues identified)	Yes	No – over 300 articles appeared in his search, but the majority of articles relate to statements made as a representative of Ngāti Whātua and Ngāti Whātua’s relationship with

		<p>Government. There are articles where Ngāti Whātua has criticised or opposed central or local Government decisions, but the Ministry does not consider the content of the articles to be unexpected in a Crown-Māori relationship context.</p>
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**BACKGROUND CHECK SUMMARY - APPOINTMENT**

**Date Prepared:** 30 September 2021

**Candidate:** Cassandra Crowley

**Position being considered for:** Deputy Chair, Waka Kotahi NZ Transport Agency

**Candidate contact details for questions:** [REDACTED] and [REDACTED]

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

**Ministry of Transport contact for questions:** Chris Jones, Acting Manager – Governance, [REDACTED]

Below is a summary of the information currently received as part of the appointee background checks. These checks are carried out in addition to candidate interviews, and referee checks and are completed by CVCheck - a third party provider.

**Check Status:** Final result received.

Type of Check	Information Received from provider	Issues Identified
Confirmation of Qualifications (new appointments only)	N/A - Reappointment	
Bankruptcy Check	Yes	No
Ministry of Justice Check	Yes	No
Credit Rating Check		
Anti-Money Laundering Check	Yes	No
Disqualified Directors Check	Yes	No
Financial Service Providers Register Check	Yes	No
Property Securities Register Check (new appointments only)	N/A - Reappointment	
Court Search	Yes	No
Gazette Online Check	Yes	No
Disqualified Driver Check (only requested if candidate is being considered for NZTA Board)	Yes	No
Global Media Search (if no issues identified)	Yes	No

**BACKGROUND CHECK SUMMARY - APPOINTMENT**

**Date Prepared:** 30 September 2021

**Candidate:** John Bridgman

**Position being considered for:** Member, Waka Kotahi NZ Transport Agency Board

**Candidate contact details for questions:** [REDACTED] and [REDACTED]

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

**Ministry of Transport contact for questions:** Chris Jones, Acting Manager – Governance, [REDACTED]

Below is a summary of the information currently received as part of the appointee background checks. These checks are carried out in addition to candidate interviews, and referee checks and are completed by a CVCheck - a third party provider.

**Check Status:** Final result received.

Type of Check	Information Received from provider	Issues Identified
Confirmation of Qualifications (new appointments only)	N/A - Reappointment	
Bankruptcy Check	Yes	No
Ministry of Justice Check	Yes	No
Credit Rating Check	Yes	No
Anti-Money Laundering Check	Yes	No
Disqualified Directors Check	Yes	No
Financial Service Providers Register Check	Yes	No
Property Securities Register Check (new appointments only)	N/A - Reappointment	
Court Search	Yes	No
Gazette Online Check	Yes	No
Disqualified Driver Check (only requested if candidate is being considered for NZTA Board)	Yes	No
Global Media Search (if no issues identified)	Yes	No

**BACKGROUND CHECK SUMMARY - APPOINTMENT**

**Date Prepared:** 30 September 2021

**Candidate:** Patrick Reynolds

**Position being considered for:** Member, Waka Kotahi NZ Transport Agency

**Candidate contact details for questions:** [REDACTED] and [REDACTED]  
*Withheld under section 9(2)(a) of the Official Information Act 1982*

**Ministry of Transport contact for questions:** Chris Jones, Acting Manager – Governance, [REDACTED]

Below is a summary of the information currently received as part of the appointee background checks. These checks are carried out in addition to candidate interviews, and referee checks and are completed by CVCheck - a third party provider.

**Check Status:** Final result received.

Type of Check	Information Received from provider	Issues Identified
Confirmation of Qualifications (new appointments only)	N/A – Reappointment	
Bankruptcy Check	Yes	No
Ministry of Justice Check	Yes	No
Credit Rating Check		
Anti-Money Laundering Check	Yes	No
Disqualified Directors Check	Yes	No
Financial Service Providers Register Check	Yes	No
Property Securities Register Check (new appointments only)	N/A – Reappointment	
Court Search	Yes	No
Gazette Online Check	Yes	No
Disqualified Driver Check (only requested if candidate is being considered for NZTA Board)	Yes	No
Global Media Search (if no issues identified)	Yes	See below. The search also identified articles where Mr Reynolds advocates through his former role at Greater Auckland.

		The Ministry does not consider these articles to be unexpected.
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## Global Media Search Results

Below is a summary of the articles that the Ministry of Transport considers may be of interest, and our assessment of whether we consider the article reports something that has a potential to impact on your proposed appointment. Please note, the criteria used by the Ministry to include articles in the below summary is an article where the candidate is:

- a. portrayed negatively; and/or
- b. by virtue of the role they were conducting at the time, portrayed negatively.

Any Ministry comment provided is based on the summary information provided by CV Check, our contractor. Unless otherwise stated, the Ministry has not obtained or read the full article.

Please advise whether any articles require further investigation by the Ministry. The Ministry has included the contact details of the proposed appointee should the matter need to be investigated by the political advisor.

Media Search		
Article	Ministry Comment	Further Investigation Required
<p><b>WAKA KOTAHI BOSS HITS BACK AT 'INHOUSE' CRITIC</b>                      Dominion Post, 15 April 2021, 386 words, (English)                      The chair of Waka Kotahi-NZTA, Sir Brian Roche, said he was "extremely disappointed" in remarks made by fellow board member Patrick Reynolds about Te Huia, the new train between Auckland and Hamilton, which received nearly \$80 million from ...</p> <p><b>NEW TRAIN 'WORST OF BOTH WORLDS' - NZTA MEMBER</b>                      Dominion Post, 13 April 2021, 369 words, (English)                      Critics who think the new passenger rail service between Hamilton and Auckland is a bit slow and ineffective have found an unlikely ally: Patrick Reynolds, a member on the board of the Government agency that bankrolled the service to the ...</p>	<p>These articles occurred during your time as Minister, and were discussed with you.</p>	<p>Yes/No</p>



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

Patrick Reynolds



Dear Patrick

I am writing to you regarding your term on the New Zealand Transport Agency (Waka Kotahi) Board, and proposed reappointment.

I am aware your term on the Board expires on 1 November 2021.

I am planning on informing Cabinet's Appointment and Honours Committee of my intention to reappoint you in late October 2021, and expect to be in a position to inform you of my decision in early November 2021. I would appreciate it if you could continue to serve on the Board until I am in a position to make a reappointment, as per section 32(3) of the Crown Entities Act 2004.

Please confirm your agreement to this as soon as possible in writing.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

**Copy to:** Sir Brian Roche, Chair Waka Kotahi NZ Transport Agency  
Nicole Rosie, Chief Executive Waka Kotahi NZ Transport Agency  
Peter Mersi, Chief Executive, Ministry of Transport

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8 October 2021

OC210703

**Hon Michael Wood**  
**Minister of Transport**

**Action required by:**  
Friday, 15 October 2021

cc Hon Dr Megan Woods  
Minister of Energy and Resources

## UPDATE ON ELECTRIC VEHICLE CHARGING INFRASTRUCTURE WORK PROGRAMME

### Purpose

Update you on ongoing interagency work on the Electric Vehicle (EV) Charging Infrastructure Work Programme. This briefing also seeks your approval to finalise a standalone strategy document which will set out the Government's long-term vision for our national EV charging infrastructure system, including key policy objectives to guide its expansion.

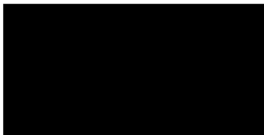
### Key points

- Accelerated and widespread charging infrastructure deployment is critical to support mass-market EV adoption and the Government's ambition for EV uptake and use to rapidly increase over the next decade and beyond.
- In response to this need, Te Manatū Waka – the Ministry of Transport (Te Manatū Waka) has convened an interagency working group comprised of the Ministry of Business, Innovation and Employment (MBIE), Waka Kotahi NZ Transport Agency (Waka Kotahi), and the Energy Efficiency and Conservation Authority (EECA). MBIE, EECA and Waka Kotahi officials have also contributed to this advice.
- These core agencies will lead the Government's EV Charging Infrastructure Work Programme, which will:
  - coordinate the Government's investment in, support for and regulation of EV charging
  - develop a standalone strategy document, subject to your approval, outlining the Government's vision for our national EV charging infrastructure system to guide its expansion over time and
  - conduct targeted stakeholder engagement with key public and private stakeholders, including local government agencies, utility companies, charging providers and EV suppliers.

**Recommendations**

We recommend you:

- 1 **note** agencies have developed a cross-agency work programme on EV charging infrastructure, the EV Charging Infrastructure Work Programme, coordinated by Te Manatū Waka, with membership from MBIE, EECA, and Waka Kotahi
- 2 **agree** that the core interagency working group develop a standalone strategy document that will outline the Government’s long-term vision for our national EV charging infrastructure system, aided by engagement with key public and private stakeholders Yes/No
- 3 **note** the core interagency working group will continue to meet on a fortnightly basis and keep you updated on the progress of the EV Charging Infrastructure Work Programme as and when required.



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

Ewan Delany  
**Manager, Environment, Emissions and Adaptation**  
*.8.1.10.121..*

Hon Michael Wood  
**Minister of Transport**  
*..... / ..... / .....*

- Minister’s office to complete:**
- Approved  Declined
  - Seen by Minister  Not seen by Minister
  - Overtaken by events

**Comments**

**Contacts**

Name	Telephone	First contact
Ewan Delany, Manager, Environment, Emissions and Adaptation	██████████	✓
Michelle Palmer, Graduate Advisor, Environment, Emissions and Adaptation	██████████	
HanLing Petredean, Senior Advisor, Environment, Emissions and Adaptation	██████████	

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## UPDATE ON ELECTRIC VEHICLE CHARGING INFRASTRUCTURE WORK PROGRAMME

### Background

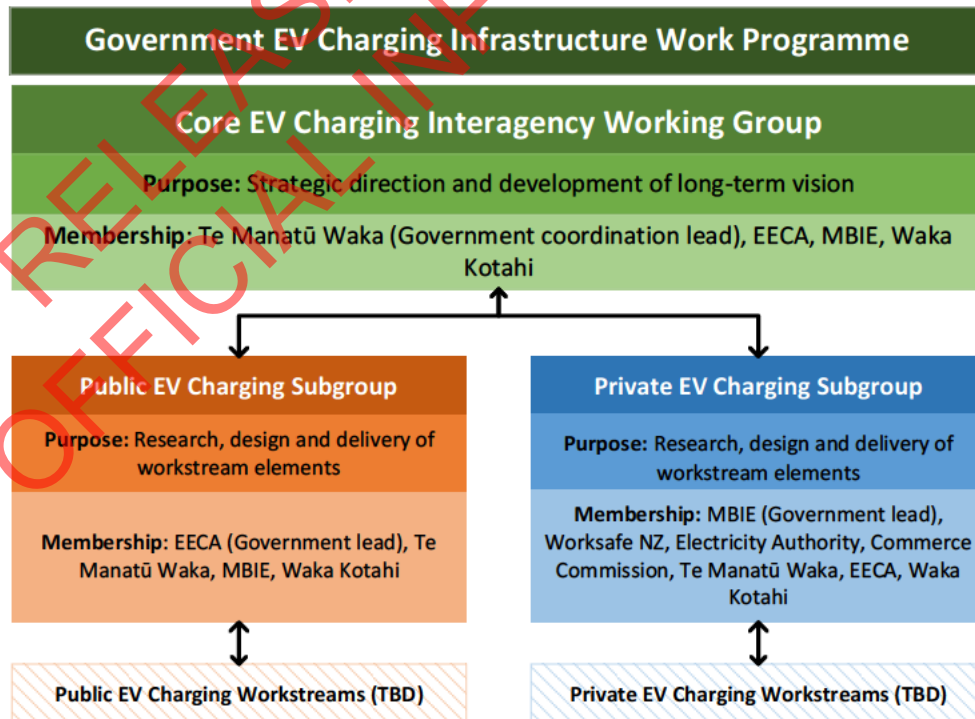
- 1 The Government's ambition to rapidly increase the uptake and use of electric vehicles (EVs) is core to meeting our emissions reduction targets over the next decade and beyond.
- 2 Limited charging infrastructure has been one of the main barriers to EV uptake overseas. A recent EV consumer survey commissioned by EECA indicated that queuing was the most common factor inhibiting respondents (41 percent) from using public chargers more often.
- 3 As more EV models are made available and their costs decline, there is an increasing need to ensure that charging infrastructure accelerates, rather than restricts, national EV uptake.
- 4 In May 2021, we briefed you on the need for further action on EV charging. We recommended that the Government develop a long-term vision for our national EV charging infrastructure system to guide its expansion and development over time.
- 5 On 5 July 2021, you met with officials from Te Manatū Waka – The Ministry of Transport (Te Manatū Waka), the Ministry of Business, Innovation and Employment (MBIE), and the Energy Efficiency and Conservation Authority (EECA) to discuss the Government's work programme on EV charging.
- 6 You directed officials to report back on the Government's work on EV charging, including an overview of key policy issues associated with the current and future state of our national EV charging infrastructure system.

### Agencies have developed a cross-agency work programme on EV charging infrastructure

- 7 Since July, the Government's work around EV charging infrastructure has been consolidated into a cross-agency work programme, the EV Charging Infrastructure Work Programme (the Programme). This recognises that the Government's role around EV charging will sit across multiple agency portfolios.
- 8 A cross-agency work programme structure will not only aid in coordinating work on EV charging currently underway by government but will also help to identify where further policy action may be needed to address key EV charging barriers and gaps. A coordinated platform will also streamline government engagement on EV charging with key public and private stakeholders.
- 9 This coordinated work programme will not cut across existing work or priorities in agencies and portfolios; it is intended to ensure that a coordinated approach is taken to ensure good outcomes are achieved for the development of EV charging

The Programme will consist of a core interagency working group, subgroups and dedicated workstreams

- 10 The Programme is led by a group of core central government agencies coordinated by Te Manatū Waka, with membership from MBIE, Waka Kotahi NZ Transport Agency (Waka Kotahi) and EECA (the core interagency working group). The core interagency working group will be responsible for developing the Government’s vision and long-term strategy to guide the expansion our national EV charging infrastructure system.
- 11 The core interagency working group will also coordinate the wider Programme structure and will sit over dedicated subgroups. At present, we have two subgroups:
  - 11.1 **The private EV charging subgroup (led by MBIE)** is presently focussed on analysing potential interventions to manage the impact of increased EV charging levels on residential electricity distribution networks.
  - 11.2 **The public EV charging subgroup (led by EECA)** is primarily responsible for developing and implementing EECA’s public charging roadmap (the Roadmap), which will provide a coordinated approach to identifying the optimal number, size and locations for public EV chargers in the short term.
- 12 The programme structure recognises the complexity of the EV charging infrastructure system, which will necessitate coordination and, in some cases, collaboration, between a range of stakeholders, including central and local government agencies, power utilities, private charging companies, automakers and property owners.
- 13 The below diagram provides a high-level overview of the existing programme structure:

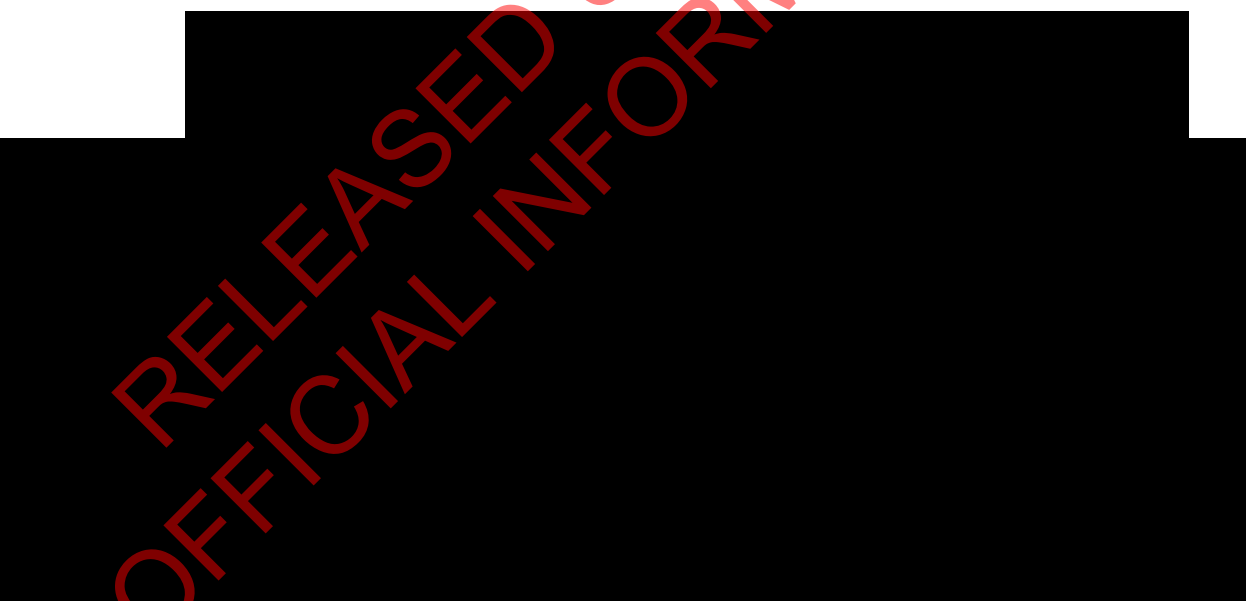


**We seek Ministers approval to finalise a standalone strategy document as part of the Government's EV Charging Infrastructure Work Programme**

- 14 In addition to serving as the coordination platform for the Government's EV Charging Infrastructure Work Programme, we recommend the core interagency working group develop a standalone strategy outlining the Government's long-term vision for our national EV charging infrastructure system.
- 15 This document would set out the Government's vision and policy objectives around EV charging, and could be aligned with upcoming budget periods within the Government's Emissions Reduction Plan (i.e. through 2035). We expect this document would be brief, but would help reinforce the wider principles and pathways to transport decarbonisation as outlined in Hīkina te Kohupara and the ERP.
- 16 This would provide agencies, local government, and the private sector with a clear sense of the Government's purpose and direction. It would also be important in terms of setting clear roles and responsibilities and to ensure the Government's long-term strategic policy objectives are signalled early to key stakeholders and the public.

**The core interagency working group has developed a draft vision and key policy objectives for the EV charging strategy**

- 17 The core interagency working group has developed the following vision for a national EV charging infrastructure system: Withheld under Section 9(2)(f)(iv) of the Official Information Act 1982

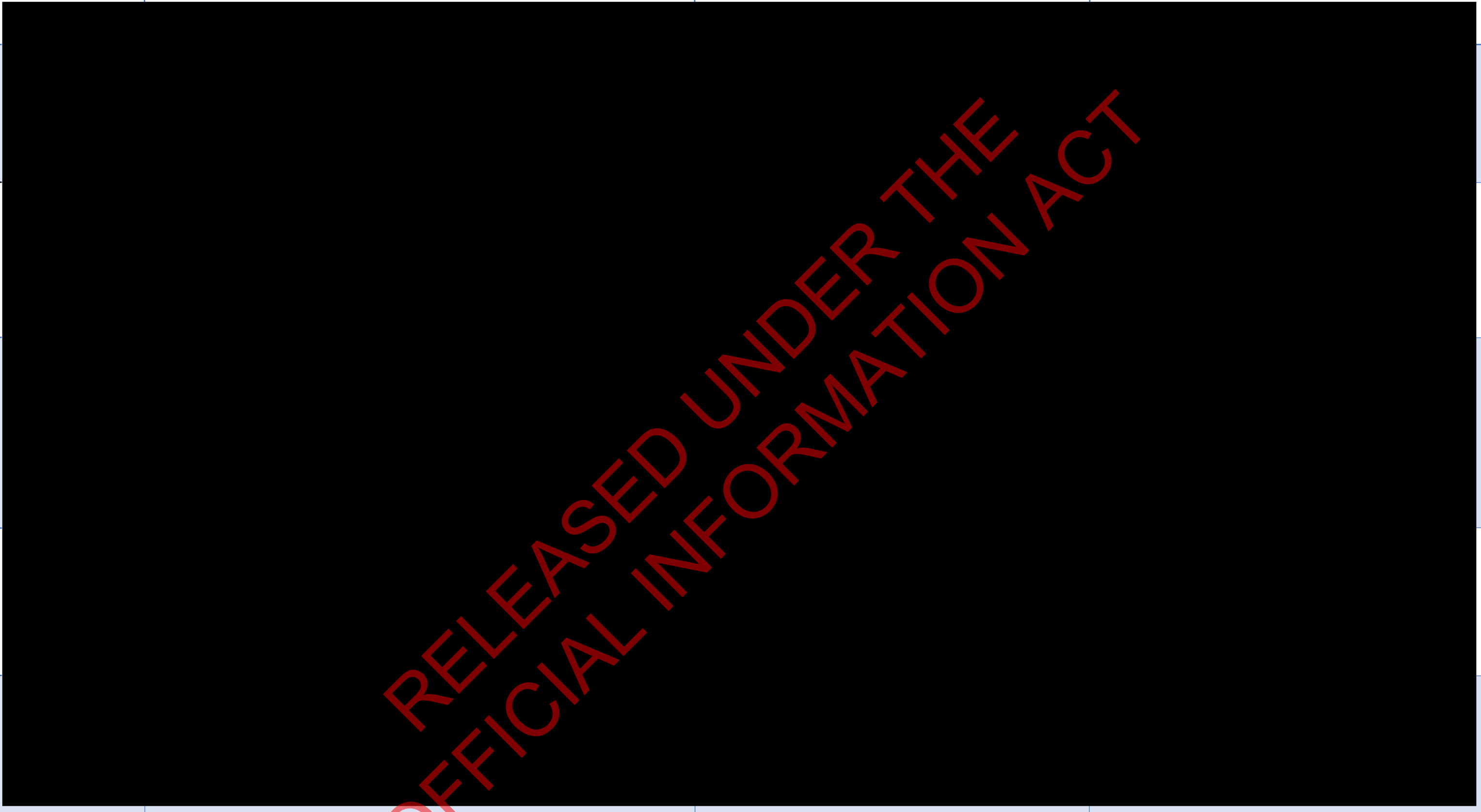


- 19 The core interagency working group has subsequently identified five key policy objectives associated with expanding our national EV charging system in line with the proposed vision statement. Annex 1 illustrates how these policy objectives interact with the proposed vision statement and the wider work programme.
- 20 Table 1 below provides an overview of these five key policy objectives, including their problem definition and relationship to the Government's wider work programme. More detailed explanations of each policy objective are provided in Annex 2.

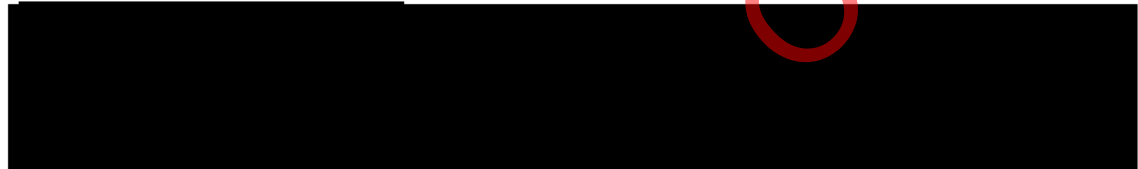
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<sup>1</sup> This vision is underpinned by five directives, as shown in Annex 1.

Table 1: Key EV Charging Infrastructure System Policy Objectives



The table content is completely redacted with a large black box. A diagonal watermark reading "RELEASED UNDER THE OFFICIAL INFORMATION ACT" is overlaid on the redacted area.





## Next steps

### *Complete work on a draft strategy*

- 21 Subject to your approval, we will complete work on a draft strategy, which will set out the Government's long-term strategic vision for the national EV charging infrastructure system. **Withheld under Section 9(2)(f)(iv) of the Official Information Act 1982**



### *Continue providing regular updates to Ministers*

- 24 The core interagency working group will keep you updated on the progress of the EV Charging Infrastructure Work Programme as and when required.
- 25 In the coming weeks, EECA will brief Minister Woods on the Roadmap (copying in Minister Wood), seeking agreement to release a consultation document that sets out the proposed approaches for developing the Roadmap. EECA plans to release the consultation document in October.



12 October 2021

OC210767

**Hon Michael Wood**

**Minister of Transport**

## **RESHAPING STREETS – PROPOSED APPROACH TO REGULATORY CHANGES**

### **Purpose**

1. Updates you on the key regulatory challenges and opportunities identified through our engagement with Road Controlling Authorities (RCAs) and other stakeholders on Reshaping Streets.
2. Advises you on our proposed approach to amending existing provisions for making street changes, with likely legislative changes and a new Land Transport Rule.

### **Key points**

- We have been scoping regulatory changes to make it simpler and quicker for RCAs to make street changes to support public transport, active travel, and placemaking.
- Key barriers identified for RCAs are the process for making street changes via bylaws and traffic resolutions, consultation requirements, limited powers to close streets to traffic, regulations that stifle trials and innovation, unclear powers to make emergency street changes, and enforcement provisions.
- We propose amending existing regulatory provisions for making street changes to resolve these issues. This is likely to require changes to primary legislation and the development of a new Land Transport Rule. We seek your approval of this approach so that Waka Kotahi NZ Transport Agency can begin work on developing the rule while we continue work on the recommended legislative changes.
- RCAs have expressed strong support for regulatory changes to make it simpler and quicker to make street changes. A new/refreshed regulatory framework would improve their abilities to make street changes that prioritise the movement of people by public transport and active modes. This would support mode shift, emissions reduction, and urban intensification. Regulatory changes could also provide greater legal certainty and reduce operational inefficiencies and costs.

**Recommendations**

We recommend you:

- 1 **Agree** to our approach to amending existing provisions for making street changes, which is likely to involve legislative changes and a new Land Transport Rule Yes / No
- 2 **Indicate** if you would like to meet with officials to discuss the content of this briefing and our proposed approach to regulatory changes Yes / No



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

Angela Parker  
**Acting Manager, Placemaking and Urban Development**  
 12 / 10 / 2021

Hon Michael Wood  
**Minister of Transport**  
 ..... / ..... / .....

- Minister's office to complete:**
- Approved  Declined
  - Seen by Minister  Not seen by Minister
  - Overtaken by events

**Comments**

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

**Contacts**

Name	Telephone	First contact
Angela Parker, Acting Manager, Placemaking and Urban Development		
Nick Potter, Principal Adviser, Placemaking and Urban Development		✓

## RESHAPING STREETS - PROPOSED REGULATORY CHANGES

### We have been scoping the key regulatory challenges and opportunities for Reshaping Streets

- 1 As you are aware, we have been scoping regulatory changes to make it simpler and quicker for Road Controlling Authorities (RCAs) to make street changes to support public transport, active travel, and placemaking. This is part of our Reshaping Streets work programme that we discussed with you on 18 June 2021 (OC210332 refers). You directed us to proceed with regulatory changes to streamline consultation processes for making street changes.
- 2 The draft Emissions Reduction Plan also includes an action to make it easier and quicker for local government to reallocate road/street space for public transport, walking, cycling and shared mobility in urban areas, and to create an expectation that this will occur.
- 3 To scope potential regulatory changes, we hosted a workshop with RCAs to discuss the difficulties they face when making street changes. Approximately 50 people from most city and district councils across New Zealand participated.
- 4 We followed this with a survey of RCAs to capture more detailed feedback. Representatives from 21 RCAs responded to the survey.
- 5 We have also met with representatives from Waka Kotahi NZ Transport Agency (Waka Kotahi), Auckland Transport, Kāinga Ora, and Eke Panuku Development Auckland (Eke Panuku) to understand their views in more depth.

### The current regulatory system for making street changes often makes it unnecessarily difficult for RCAs to make changes

- 6 In the survey, we asked people how much the current regulatory system prevents, limits, or enables RCAs to make a range of street changes. Table 1 summarises how people responded to these questions, with the most common response shaded.

Table 1: Survey responses from RCAs (some totals exceed 100% due to rounding)

	How much the current regulatory system affects the ability of RCAs to make street changes				
	Prevents	Too difficult	Neutral	Enables	Empowers
Removing/repurposing on-street car parks	24%	59%	6%	12%	0%
Reallocating street space to bus lanes or bike lanes	35%	47%	6%	12%	0%
Reallocating street space to footpath improvements	27%	47%	13%	13%	0%
Traffic calming interventions	13%	50%	13%	25%	0%
Creating low-traffic neighbourhoods	27%	53%	13%	7%	0%

Creating temporary or permanent road closures	32%	42%	11%	16%	0%
Trialling experimental/innovative street changes	27%	60%	13%	0%	0%

- 7 The survey results show that most participants think the current regulatory system makes it unnecessarily difficult, or prevents, street changes that support public transport, active travel and placemaking.

**Current legislation is outdated and often leads RCAs to take a risk averse approach to street changes**

- 8 Waka Kotahi has provided us with case studies of RCAs that have faced difficulties making street changes due to the limitations of existing legislation. These examples strengthen the case for change.
- 9 For example, RCAs are increasingly relying on provisions in the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closures) Regulations 1965 to make street changes that involve reallocating road space. This approach to making street changes requires less time and resources than the process of making a bylaw that would have the same effect.
- 10 However, the provisions were written in the 1960s and 1970s, and were created to support closing the road when road maintenance, construction, short term public events, or natural disasters occur. They were not created to support permanent road space reallocation, as this was not a consideration for lawmakers at the time.
- 11 While RCAs can implement street changes using these provisions, they often need to sense check plans with Waka Kotahi because they perceive that there is no clear legislative framework to support changes in their local areas. This can sometimes push councils to take a more risk averse approach to very minor street changes (which means a small change can take over a year to implement) or deter them from adopting projects altogether (like those funded by the Innovating Streets Pilot Fund) because they are concerned about potential legal and political risks.
- 12 This suggests that provisions need to be updated to give councils greater confidence to make street changes.

**There is very strong support for regulatory changes**

- 13 RCAs, Kāinga Ora, and Eke Panuku have all expressed high levels of support for regulatory changes that make it simpler and quicker for RCAs to trial street changes and to reallocate road space.
- 14 At our workshop, RCAs agreed that this would support goals for mode shift, emissions reductions, and urban intensification. Simpler processes would also reduce operational inefficiencies and costs for making street changes.



- 15 Most respondents to the survey also supported a new regulatory tool such as Experimental Traffic Orders (as used in the United Kingdom) in New Zealand. They indicated that they would be very likely to use this tool if it was available.

### **This scoping has enabled us to identify key issues to address through regulatory changes**

- 16 Based on our engagement with RCAs and collaboration with Waka Kotahi, we have identified the key regulatory obstacles, challenges, and opportunities that we recommend addressing through regulatory changes. These are summarised below, with more detail provided in Annex 1.
- 16.1 The regulatory process for making street changes:** Small-scale and large-scale street changes usually need to follow the same process of making/using bylaws and traffic resolutions. This process does not account for the scale of different changes. For example, removing a car park can require the same level of consultation as a full street change. This adds unnecessary complexity, costs, and inefficiencies for making relatively minor changes. The current legal framework is also unclear on whether some street changes require a bylaw/resolution. This has led to inconsistencies in the ways that different RCAs interpret legislation and make decisions.
- 16.2 Consultation requirements:** In the absence of clearly defined consultation requirements for different kinds of street changes, RCAs risk being legally challenged if they make a change that a member of the public objects to and challenges on the grounds of insufficient consultation. The effect of this is that RCAs often consult broadly, and sometimes repeatedly on street changes. This hampers the ability of RCAs to make widespread changes, such as bike networks and bus priority lanes, as resources are spent on consultation for each individual change, with various rounds of consultation from a city/neighbourhood/network level to a street level. The consultation process can also give undue weight to some voices that have a vested interest in retaining streets the way they are, at the expense of public good outcomes.
- 16.3 The ability to close streets to some/all vehicles on a permanent or temporary basis:** Current legislation significantly limits the ability for RCAs to close roads, or sections of the road. This restricts the ability of RCAs to create low traffic neighbourhoods. It also limits their ability to create or pilot other initiatives such as Play Streets (i.e. short, resident-led road closures at designated times/days) and School Streets (i.e. temporary road closures around schools when students are arriving at the start of the school day and leaving at the end of the day).
- 16.4 Piloting experimental/innovative street changes:** Most regulations are geared towards permanent change. This makes trialling street changes unnecessarily difficult and expensive and inhibits innovative and low-cost improvements.
- 16.5 Making emergency street changes:** There is a lack of legal clarity on the ability of RCAs to rapidly make street changes in emergency situations such as during pandemics or when major disruptions to the energy/transport system occur.

- 16.6 **Enforcement provisions:** There are inadequate enforcement measures to deter people from disobeying temporary street changes, altering or damaging devices used to create experimental street changes, or for driving/parking private vehicles in pedestrian malls. This can create safety hazards for other road users and negatively impact communities' perceptions of tactical street projects.

**We propose amending existing provisions for making street changes, which is likely to require legislative changes and a new Land Transport Rule (a new rule)**

- 17 To resolve the key issues identified above, RCAs need clearer direction and powers for making street changes. A new framework could replace the process for making street changes through bylaws and traffic resolutions, whilst making it easier to implement street changes that support mode shift and emissions reduction.
- 18 To enable this, primary legislation will need amending. This will require introducing a Bill to the House of Representatives. There is also an opportunity for regulatory stewardship to update and amend legislation in more minor matters to modernise it.
- 19 Reasonably significant changes are required to the legal provisions regulating the road. This may include transferring part of the Local Government Act 1974 into the Government Rounding Powers Act 1989.<sup>1</sup>
- 20 We are currently clarifying specific changes that we would recommend making to legislation. As not all relevant legislation is administered by the Ministry of Transport, we will need to engage with other agencies during this process, including the Department of Internal Affairs for changes to the Local Government Act 1974.

*A new rule for road management and street changes could play an important role in this new framework*

- 21 You have the power to make ordinary rules ("Land Transport Rules") for various purposes under section 152 of the Land Transport Act 1998. These purposes include improving access and mobility, protecting and promoting public health, ensuring environmental sustainability, and assisting land transport safety. A new rule for managing roads and streets could clearly contribute to these outcomes.
- 22 To give greater clarity and direction to RCAs for making street changes, a new rule could:
- set the criteria and decision-making processes that RCAs need to follow to make street changes, and to manage roads within their jurisdictions
  - establish specific consultation requirements for different types of street changes (with low/no consultation required for relatively minor changes)
  - include powers to make emergency street changes, close streets (or parts of streets), and to trial experimental street changes

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<sup>1</sup> This has the additional benefit of bringing these provisions into an Act that is administered by the Ministry of Transport, as opposed to the Department of Internal Affairs (DIA). This will make future changes easier and effective. DIA have been consulted and are supportive of this transfer of provisions.



- provide a clear pathway to make temporary or experimental changes permanent.

23 While most people from RCAs we have engaged with support simpler consultation requirements, some people raised concerns about the intention to 'streamline' consultation. They noted that it is essential to engage early, widely, and well with communities to co-design major changes and build community buy-in. This particularly applies to placemaking initiatives, and to other street changes that can significantly impact on the function of a street, such as low traffic neighbourhoods.

24 While the new rule could set consultation requirements for various kinds of street changes, it would not necessarily prevent RCAs from engaging and consulting with communities beyond these requirements. This would mean that RCAs could still choose to do more community engagement when appropriate, but there would be no legal grounds for challenging RCAs on the consultation process if the minimum requirements are met.

*We also recommend including provisions in the new rule to improve on-street parking management*

25 Many on-street car parks will need to be removed and reallocated to higher value purposes to deliver more bus lanes, connected cycle networks, and walking improvements. On-street car parking is therefore likely to decline in many areas while the demand for parking increases due to urban intensification and the removal of minimum car-parking requirements for new buildings (as mandated through the National Policy Statement on Urban Development). This will grow pressures to manage car parking effectively.

26 To support effective parking management, effective enforcement measures are needed to deter people from parking in bus lanes, bikes lanes, and pedestrian malls, and to penalise people for infringements.

27 On 3 September 2021, we updated you on our parking review and work to update the legislative framework governing parking (OC210623 refers). Some of the regulatory issues identified through that review are well suited for inclusion in the legislative changes being made through Reshaping Streets.

### **Waka Kotahi supports our proposed approach**

28 We have been working closely with Waka Kotahi on understanding the challenges that RCAs face in making street changes and investigating potential regulatory changes. They are supportive of legislative changes and creating a new rule if the policy development process leads to this.

### **Risks**

29 The timing for delivering a new regulatory framework will depend on how quickly a new bill can be introduced to Parliament and then passed through the House (including the Select Committee stage). This timing will partly depend on how much priority is given to this bill in the legislation programme.

- 30 As you are aware, the Government is currently progressing major reforms that will require legislative changes, including changes to the resource management system, health system, and water management. There is a risk that a new bill to support street changes (linked with broader emissions reduction work) could make slow progress through the House if there are higher priorities.
- 31 While a new regulatory framework would make it simpler and easier for RCAs to make changes, and better empower them to do so, it would not resolve some of the major challenges that RCAs face when reallocating street space. RCAs will still face resistance from some parts of the community when making street changes, and sometimes this will continue to deter RCAs from actively making changes. This reinforces the importance of the government providing clear communication and guidance on why street changes are needed in many urban areas, and to align funding and investment settings to incentivise changes.

### Next steps

- 32 If you agree with our proposed approach of making legislative changes and a new rule, we will continue working with Waka Kotahi to progress a new regulatory framework. The Ministry will take the lead in developing legislative changes (along with the Parliamentary Counsel Office further down the track), while Waka Kotahi will take the lead in developing a new rule.
- 33 We previously advised you via the Weekly Report that we would provide you with a draft Cabinet Paper in October 2021, to advise Cabinet at a high level of our proposed regulatory changes and to seek Cabinet agreement to delegate authority to you for developing and releasing a consultation document.
- 34 We now recommend taking a paper to Cabinet after a public consultation document is completed. This will enable us to provide Cabinet with more specific details on the proposed changes, and what is being consulted on. This shift in approach will not cause any delays to overall timeframes. However, there are other external pressures on our Regulatory Work Programme that may affect the timing of this work, such as Covid-19 response issues and the potential for delays from linked work, such as finalising the Government's Emission Reduction Plan.
- 35 We will report back to you when we have completed our analysis of specific legislative changes to recommend. If you approve of those recommended changes, we will then develop a combined public consultation document for the legislative changes and a new rule, along with Regulatory Impact Assessments.
- 36 We will keep you updated on timeframes and progress via the Weekly Report.

## ANNEX 1: KEY REGULATORY ISSUES FOR RESHAPING STREETS

This Annex summarises key regulatory issues already identified through scoping. We are currently conducting further analysis of the legislative changes we recommend making.

### *The process for making many street changes through bylaws and traffic resolutions*

- RCAs make many street changes through a combination of bylaws (i.e. laws created by councils to manage or restrict behaviour, including street layouts) and traffic resolutions (i.e. decisions made collectively by councillors or delegated committees, which give effect to the bylaws).<sup>2</sup>
- Street changes that usually require a bylaw/resolution include removing car parks, implementing bus lanes, and implementing bike lanes.<sup>3</sup>
- The bylaw/resolution making process is rigid and does not account for the scale of proposed changes. Small-scale and large-scale street changes all need to follow a similar process. Staff from councils gave the example of removing just a single car park. This requires community consultation and formal designation by the required Committee. This process requires significant resources and can take around 12 weeks which adds unnecessary complexity, costs, and inefficiencies for making relatively minor changes.
- The current legal framework is also unclear on whether some street changes require a bylaw/resolution. This has led to inconsistencies in the ways that different RCAs interpret legislation and make decisions about street changes.

### *Consultation requirements*

- RCAs have some discretion in how they consult with communities, and to what level. For matters that they deem to be of significant public interest, or matters that are likely to significantly impact on the public, RCAs are required to follow the special consultative procedure of the Local Government Act (2002) (LGA (2002)).
- In practice, RCAs consult on most street changes, including relatively minor changes. In the absence of clearly defined consultation requirements for different kinds of street changes, RCAs risk being legally challenged if they make a change that a member of the public objects to and challenges on the grounds of insufficient consultation.
- The effect of this is that RCAs often consult broadly, and sometimes repeatedly on street changes.
- This hampers the ability of RCAs to make widespread changes, such as bike networks and bus priority lanes, as resources are drained on consultation for each individual change, with various rounds of consultation from a city/neighbourhood/network level to a street level.

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<sup>2</sup> RCAs have powers to make bylaws under the Land Transport Act 1998 (LTA(1998)) and under the LGA (1974).

<sup>3</sup> Section 22AB of the LTA(1998) and Schedule 10 of the LGA(1974) set out which road management restrictions require bylaws.

*The ability to close streets to some/all vehicles on a permanent or temporary basis*

- There is no clear and simple legislative framework for RCAs to close sections of the road to motor traffic with exceptions (i.e. to allow access for emergency vehicles). There is also no framework for local authorities to trial road closures.
- Under current legislation, traffic can only be restricted on a road if doing so would not “impede traffic unreasonably.”<sup>4</sup>
- Current legislation enables temporary road closures, but only for less than 12 hours within one 24-hour period<sup>5</sup>, or for up to 30 days per year for an event.<sup>6</sup> There is also no definition of ‘temporary’ in the LGA74, which creates legal uncertainty for councils.
- Regulations, processes, and costs for closing streets are also onerous. For example, a one-off resident supported Play Street (i.e. a short, resident-led road closure to encourage neighbours to play safely and freely outside their homes) would go through the same process as closing city streets for a large-scale marathon (e.g. 20-day notification, newspaper advertising, full council sign off).
- This significantly limits the ability of RCAs to create low traffic neighbourhoods, Play Streets, School Streets (i.e. temporary road closures around schools when students are arriving at the start of the school day and leaving at the end of the day) and to create or trial other temporary road closures on an ongoing/frequent basis (e.g. for weekly/monthly markets and events).

*Trialling experimental/innovative street changes*

- Most regulations are geared towards permanent change, which makes trialling street changes difficult. For example, traffic resolutions undermine the purpose of trialling changes and seeking community feedback, as they require initial public consultation and decisions before embarking on a trial. Councils then need to seek another traffic resolution if they wish to modify the plans.
- This limits RCAs’ ability to be responsive to public feedback and to adapt designs.
- RCAs often use Traffic Management Plans (TMP) for temporary street changes, but these are primarily designed to keep road workers safe during road work construction. It can be time-consuming to get approval for a TMP, and ongoing traffic management is expensive (see also notes on the Code of Practice for Temporary Traffic Management below).

*Making emergency street changes*

- In response to COVID-19, many transport authorities around the world quickly responded by making rapid street changes to enable safe physical distancing, and to give people better transport options (e.g. improving options for cycling, to avoid needing to travel by car and/or public transport).
- In New Zealand, there is a lack of legal clarity on the ability of RCAs to rapidly make street changes in emergency situations such as pandemics or major disruptions to the energy/transport system.

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<sup>4</sup> LGA(1974)

<sup>5</sup> Transport (Vehicular Traffic Road Closure) Regulations 1965

<sup>6</sup> LGA(1974)

- There is an opportunity to give RCAs clear powers to make rapid street changes in emergency situations.

#### *Enforcement*

- There are inadequate enforcement measures to deter people from disobeying temporary street changes, altering or damaging devices used to create experimental street changes, or driving/parking private vehicles in pedestrian malls. This can create safety hazards for other road users and negatively impact communities' perceptions of tactical street projects.
- Enforcement requires police prosecution, and a lengthy and expensive process through the courts.<sup>7</sup>

In addition to these significant issues, RCAs also noted that current regulations make it unnecessarily difficult to create pedestrian malls<sup>8</sup> and to install bus shelters<sup>9</sup>. Current traffic flow regulations can also prevent road space from being reallocated to Special Vehicles Lanes (SVLs) such as bus lanes, and RCAs cannot enforce SVLs on stretches less than 50 metres long.

#### *Broader issue: The Code of Practice for Temporary Traffic Management (CoPTTM),*

- Many RCAs have also raised issues with the CoPTTM, which advises councils what safety measures on the road need to be taken before, during and after installing a street/road change.
- While the CoPTTM only provides guidance (so regulatory change is not needed to amend it), RCAs rely heavily on this document because it sets detailed requirements for temporary traffic management. RCAs raised many concerns with the CoPTTM, with some viewing it as a substantial barrier to tactical urbanism and placemaking projects.
- Waka Kotahi is currently reviewing the CoPTTM and is working to produce a New Zealand guide to temporary traffic management. Waka Kotahi has brought the CoPTTM team into the wider project team working on Reshaping Streets to ensure any changes are well-aligned with the future regulatory framework.

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<sup>7</sup> For example, Section 336(7) of the LGA(1974) only provides for enforcement of pedestrian mall breaches by way of prosecution, which makes them impractical and cumbersome to enforce. Similarly, people cannot be issued with an infringement notice or fined a penalty if they damage devices used for temporary/experimental street changes.

<sup>8</sup> The powers for RCAs to create pedestrian malls are contained in the LGA(1974). This requires local authorities to use the special consultative procedure outlined in section 83 of the LGA(2002). It also allows any person to appeal that decision to the Environment Court within one month of a local authority deciding to create a pedestrian mall.

<sup>9</sup> Installing a bus shelter requires a high degree of consultation under the LGA1974, Part 21, Section 339.



12 October 2021

OC210821

**Hon Michael Wood**  
**Minister of Transport**  
**Hon Grant Robertson**  
**Minister of Finance**

**Action required by:**  
Monday, 18 October 2021

## **NEW ZEALAND UPGRADE PROGRAMME - ONGOING APPROPRIATION MANAGEMENT**

### **Purpose**

To advise you of unappropriated expenditure as a result of funding changes to the New Zealand Upgrade Programme in September 2021 and to seek Joint Minister's approval to a capital expense transfer to address this.

### **Key points**

- The non-departmental capital expenditure appropriation "Capital Investment Package – Roads, Walking and Cycling" (the appropriation) funds Waka Kotahi's projects under the New Zealand Upgrade Programme (NZUP). This is a multi-year programme of work with this appropriation originally totalling over \$5.6 billion out to 2029/30.
- In August, the Ministry completed work on a Cabinet paper that proposed some changes to funding for NZUP, reducing the appropriation by \$226 million. This was the net impact of project changes to give effect to the risk-based model agreed by Joint Ministers. As work was still needed to be completed by Waka Kotahi to appropriately phase the impact of this decrease in expenditure across the full programme, it was decided that this decrease would be made to the 2021/22 year, with changes to the forecast profile to be made in later baseline updates.
- Decisions were then made to stop further progress on the Northern Pathway project requiring urgent changes to be made to the original Cabinet paper. To give effect to this decision, \$500 million of Northern Pathway project funding from the appropriation was returned to the New Zealand Upgrade Programme tagged capital contingency. This had the impact of decreasing the overall programme funding by \$726 million (the original \$226 million decrease plus the \$500 million returned to the tagged contingency). This decrease was intended to apply to funding for the overall multi-year programme but was made to the 2021/22 year while Waka Kotahi completed work to appropriately phase the decrease across the full programme.
- Unfortunately, it was not identified that this decrease had the effect of reducing the amount available in the appropriation in 2021/22 to \$28.890 million on 20 September



2021, when Cabinet approved the appropriation changes [CAB-21-MIN-0374.01]. Expenditure to the end of September is \$70.358 million, meaning that expenditure currently exceeds the appropriation by \$41.468 million.

- This unappropriated expenditure is a technical breach in nature. It is important to note that it does not indicate that any spending has occurred outside of the scope or intent of the appropriation, and that there is still significant funding available across the multi-year programme.
- To amend this issue and to ensure that the ongoing expenditure on the programme is authorised, we are proposing a capital expense transfer of \$500 million from future years into 2021/22. This will restore the appropriation to the amount before the Northern Pathway changes were made.
- Cabinet has noted that the Minister of Finance and the Minister of Transport, acting jointly, are authorised to make changes to the Programme where no new funding is required [CAB-MIN-21-0374.01 refers]. While this is only a 'noting' recommendation, it is consistent with Cabinet's wider authorisations to Joint Ministers on the programme, including the authority to make changes to appropriations to give effect to decisions regarding the re-allocated Northern Pathway funds [CAB-MIN-21-0374.01 refers].
- This is an interim measure, and work will continue to determine the appropriate phasing of expenditure across the full programme, with any adjustments reflected in the 2022 March Baseline Update.
- Unappropriated expenditure will require validation by Parliament in an Appropriation Act under section 26C of the Public Finance Act 1989 and will be reported in the Ministry of Transport's 2021/22 Annual Report and the 2021/22 Financial Statements of the Government.

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## Recommendations

We recommend you:

- 1 **note** that as a result of changes to the New Zealand Upgrade Programme, funding was reduced in 2021/22 within the non-departmental capital expenditure appropriation “Capital Investment Package – Roads, Walking and Cycling”
- 2 **note** this has resulted in unappropriated expenditure within the current financial year, which will require validation by Parliament in an Appropriation Act under section 26C of the Public Finance Act 1989 and will be reported in the Ministry of Transport’s 2021/22 Annual Report and the 2021/22 Financial Statements of the Government
- 3 **note** that a capital expense transfer of \$500 million from future years into 2021/22 is required to ensure sufficient appropriation is available in 2021/22
- 4 **note** that Cabinet has noted [CAB-MIN-21-0374.01 refers] that the Minister of Transport and the Minister of Finance, acting jointly, are authorised to make changes to the Programme where no new funding is required
- 5 **note** that work will continue to determine the appropriate phasing of expenditure across the full programme, with any adjustments reflected in the 2022 March Baseline Update
- 6 **approve** the following changes in appropriations to give effect to the decision outlined in Recommendation 3, with no impact on the operating balance or net core Crown debt across the forecast period:

7

	\$m – increase/(decrease)				
<b>Vote Transport Minister of Transport</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>
Non-departmental Capital Expenditure:					
Capital Investment Package – Roads, Walking and Cycling	500	(250)	(250)	-	-

Yes / No  
**Minister of Transport**

Yes / No  
**Minister of Finance**

8 **agree** that the proposed changes to appropriations for 2021/22 be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply

Yes / No  
**Minister of Transport**

Yes / No  
**Minister of Finance**



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

Tim Herbert  
**Manager, Investment**  
 12 / 10 / 2021

Hon Michael Wood  
**Minister of Transport**  
 ..... / ..... / .....

Hon Grant Robertson  
**Minister of Finance**  
 ..... / ..... / .....

**Minister's office to complete:**     Approved                       Declined  
     Seen by Minister                       Not seen by Minister  
     Overtaken by events

**Comments**

**Contacts**

Name	Telephone	First contact
Bonar Robertson, Financial Controller	[Redacted]	✓
Tim Holland, Senior Advisor, Investment	[Redacted]	

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



14 October 2021

OC210795

Hon Michael Wood

Minister of Transport

## DESIGN OF THE 2025 ZERO-EMISSION BUS MANDATE

### Purpose

To seek agreement on the design of the 2025 zero-emission bus mandate (the 2025 Mandate) and to provide you with advice on next steps to establish the Mandate.

### Consultation on the Public Transport Operating Model (PTOM) review has informed our proposed design of the 2025 Mandate

- In February 2021, Cabinet noted that the Government is committed to require only zero-emission buses to be purchased by 2025 (the 2025 Mandate) (CBC-20-MIN-0118 refers).
- In April 2021, you agreed to consult on the design of the 2025 Mandate through the PTOM review discussion paper (OC210209 refers). We provided you with advice on the outcome of consultation (OC210669 refers).

[Redacted]

[Redacted]

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

[Redacted]

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

- o [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

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**Recommendations**

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

We recommend you:

- 1 [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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

[Redacted]

Robert Anderson  
Manager, Mobility and Safety  
14 / 10 / 2021

Hon Michael Wood  
Minister of Transport  
..... / ..... / .....

- Minister's office to complete:
- Approved
  - Declined
  - Seen by Minister
  - Not seen by Minister
  - Overtaken by events

**Comments**

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

**Contacts**

Name	Telephone	First contact
Robert Anderson, Manager, Mobility and Safety	[Redacted]	✓
Jacob McElwee, Principal Adviser, Mobility and Safety	[Redacted]	

Two attachments to the briefing have been withheld under Section 9(2)(f)(iv) of the Official Information Act 1982



22 October 2021

OC210850

Hon Michael Wood  
Minister of Transport

Action required by:  
Thursday, 28 October 2021

## WAKA KOTAHI NZ TRANSPORT AGENCY ANNUAL REPORT BRIEFING 2020/21

### Purpose

To provide you with advice on the performance of Waka Kotahi NZ Transport Agency (Waka Kotahi) during the financial year ending 30 June 2021, and the process for tabling the 2020/21 Annual Report in the House.

### Key points

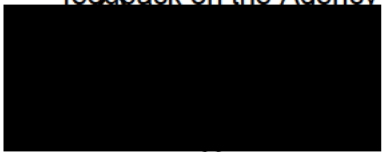
- Waka Kotahi has been operating in a challenging environment over the past 12 months. Overall, the Agency has done well in progressing its work programme. Notable areas of success include the Rail Network Investment Programme, the completion of the Kaikōura Earthquake recovery programme, continued capability uplift within the regulatory function and the closing of NLTP 2018.
- The Ministry broadly considers that Waka Kotahi has progressed its work programme in a way that is consistent with the Government Policy Statement on Land Transport (GPS) 2018. However, the Ministry would like better alignment of reporting to GPS priorities, including how the GPS drives Waka Kotahi's work programme, and reporting on how specific GPS expectations have been met.
- While Waka Kotahi achieved most of its Statement of Performance Expectations (SPE) 2020/21 performance measures, multiple measures in Road Policy, Regulatory and Investment Management were not achieved and represent areas of risk. Further details are provided in **paragraph 14** of the main briefing.  
*Withheld under section 9(2)(ba)(i) and 9(2)(g)(i) of the Official Information Act 1982*
- Delivery of capital programmes was significantly impacted by COVID-19. Waka Kotahi achieved year-end targets for nine of 29 National Land Transport Fund (NLTF) projects and 10 of 19 New Zealand Upgrade Programme (NZUP) projects [REDACTED]  
[REDACTED]  
[REDACTED]  
*Withheld under section 9(2)(g)(i) of the Official Information Act 1982*
- [REDACTED] Waka Kotahi is commencing a review of progress since the Ministerial review of the regulatory function in 2019; this will provide greater clarity on areas for improvement. Regulatory funding remains a challenge, as the function will need to be supported by the Crown until the Funding Review is completed.

- Waka Kotahi staff numbers and organisational spend increased significantly during 2020/21. The Ministry recommends that a value for money assessment on this spend is undertaken, to ensure that the increase is appropriate and sustainable. You have previously signalled this expectation and may want to reiterate it in the attached letter.
- COVID-19 has had significant impacts on NLTF funding and costs. In 2020/21 this impact has been mitigated by additional borrowing and operating funding from the Crown, but ongoing financial risk remains. You, and the Minister of Finance, provided provisional agreement of a \$2 billion loan to support the National Land Transport Programme (NLTP) 2021. This is on top of other loan funding that has been provided to alleviate impacts arising from COVID-19 and other costs.
- Some key risks to future performance include NLTF funding, governance, technology, people capability and project delivery. More information on these risks is available in paragraph 59.

## Recommendations

We recommend you:

- 1 **note** the following statutory requirements for Crown entity annual reports:
  - Waka Kotahi must prepare an annual report as soon as practicable after the end of each financial year, and provide this report to its responsible Minister no later than 15 working days after receiving the audit report
  - as Waka Kotahi's responsible Minister, you must present the entity's annual report to the House of Representatives within five working days of receiving it
  - Waka Kotahi must publish its annual report as soon as practicable after it has been presented to the House of Representatives.
- 2 **note** that Section 11 of the Land Transport Management Act 2003 requires Waka Kotahi to prepare an annual report on the National Land Transport Fund (NLTF annual report). The 2020/21 NLTF annual report has been included in the same document as Waka Kotahi's annual report and is subject to the same presentation requirements
- 3 **agree** to present Waka Kotahi's 2020/21 Annual Report (including the 2020/21 NLTF Annual Report) to the House of Representatives by 28 October 2021, to comply with section 150(3) of the Crown Entities Act 2004 Yes / No
- 4 **agree** to sign the **attached** letter to the Chair of Waka Kotahi, which provides feedback on the Agency's 2020/21 performance. Yes / No



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

Chris Jones  
 Acting Manager, Governance  
 22/10/21

Hon Michael Wood  
 Minister of Transport  
 ..... / ..... / .....



- Minister's office to complete:**     Approved                       Declined
- Seen by Minister                       Not seen by Minister
- Overtaken by events

**Comments**

**Contacts**

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

Name	Telephone	First contact
Bryn Gandy, Deputy Chief Executive, System Strategy, and Investment	[REDACTED]	
Chris Jones, Acting Manager, Governance	[REDACTED]	✓
Jenny Smith, Senior Adviser, Governance	[REDACTED]	
Warner Peel, Adviser, Governance	[REDACTED]	

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## WAKA KOTAHĪ NZ TRANSPORT AGENCY ANNUAL REPORT BRIEFING 2020/21

*Waka Kotahi provided the Ministry of Transport (the Ministry) with a near final draft of its 2020/21 Annual Report in advance of the report's final publication*

- 1 This briefing reviews Waka Kotahi's performance over the financial year ending 30 June 2021, using a near final draft version of its 2020/21 Annual Report as a key input.
- 2 An annual report is one of the most important ways that Parliament and the public can hold Crown entities accountable for their performance. The annual report is part of a continuous planning and reporting cycle involving the comparison of actual results against intentions outlined in the SPE and Statement of Intent (SOI). Analysis of the variance between actual and forecast results informs the next cycle of planning, implementation, and review.
- 3 The Crown Entities Act 2004 (the Act) outlines the responsibilities, process, and timing for completing and tabling annual reports. The Act states that:
  - 3.1 a Crown entity must prepare an annual report as soon as practicable after the end of each financial year, and provide this report to its responsible Minister no later than 15 working days after receiving the audit report (Section 150(1))
  - 3.2 a responsible Minister must present the entity's annual report to the House of Representatives within five working days of receiving it or, if Parliament is not in session, as soon as possible after the commencement of the next session of Parliament (Section 150(3))
  - 3.3 a Crown entity must publish its annual report as soon as practicable after it has been presented to the House of Representatives, but no later than 10 working days after it has been received by the responsible Minister (Section 150(4)).
- 4 Waka Kotahi must also prepare an annual report for the NLTF as outlined in the Land Transport Management (LTMA) 2003 – this is enclosed in the back of Waka Kotahi's Annual Report.

### Strategic context

*The Government's strategic priorities provide critical context for Waka Kotahi*

- 5 Waka Kotahi's Annual Report will be the last report against the Government Policy Statement on Land Transport 2018/19-2027/28 (GPS 2018). The four strategic priorities in the GPS 2018 are:
  - 5.1 **Safety:** is a safe system, free of death and serious injury
  - 5.2 **Access:** provides increased access to economic and social opportunities; enables transport choice and access; and is resilient

- 5.3 **Environment:** reduces greenhouse gas emissions, as well as adverse effects on the local environment and public health
- 5.4 **Value for Money:** delivers the right infrastructure and services to the right level at the best cost.
- 6 The Government Policy Statement on Land Transport 2021/22-2030/31 (GPS 2021) has since been released and includes new strategic priorities for the next decade. The Government has also communicated a number of other priorities, including those outlined in your 2021/21 letter of expectations (OC191095 refers).
- 7 Given the scale of the funding available for the purpose of delivering the GPS, it is important that the Annual Report includes good commentary around progress in relation to GPS expectations and strategic priorities, and both are clearly linked.
- 8 While the Ministry broadly considers that Waka Kotahi has progressed its work programme in a way that is consistent with GPS 2018, we consider that there are areas where Waka Kotahi could provide more insight into GPS delivery and clearly articulate how the GPS drives its investments and work programme (as the majority of Waka Kotahi's funding is required to give effect to the GPS). This includes:
- 8.1 more clarity around how the Annual Report links to GPS (for example, framing it more solidly around strategic priorities rather than the Waka Kotahi system outcomes), and
- 8.2 including further commentary on specific GPS expectations (for example, commentary on delivery on the innovation Ministerial expectation). If these expectations have not been progressed for specific reasons (e.g. a different interpretation of legislation or duties) then it would be helpful for Waka Kotahi to discuss those with the Ministry and get clarity ahead of the next annual report and GPS 2024.
- 9 Value for Money is one area where it is difficult to quantify progress and this has been complicated further by the impact of COVID-19, which is causing substantial cost variation to projects and wider supply chain disruptions. However, there is limited information within the Annual Report on how Value for Money, and broader efficiency is managed. Value for Money can be supported by effective Investment Management processes, Waka Kotahi achieved three of five investment management measures in 2020/21 (**paragraph 14.3 refers**).
- 10 Achieving value for money from Waka Kotahi's expenditure should remain a priority as the Agency shifts into GPS 2021. The Ministry will work with Waka Kotahi to gain a better understanding of how value for money priorities filter through investment and delivery processes.
- 11 The Ministry will engage with you further on areas of Waka Kotahi under performance and use the 2021/22 letter of expectations and 2022 monitoring plan to support your delivery expectations.

## Delivery and performance

*Waka Kotahi has met the majority of its SPE performance measures for 2020/21....*

- 12 Waka Kotahi has achieved most of the measures outlined in its 2020/21 SPE. Areas of notable success include the confirmation of the Rail Network Investment Programme, completion of the Kaikōura earthquake recovery programme, continued capability uplift within the regulatory function and the closure of NLTP 2018. Waka Kotahi also managed a number of unexpected disruptions including the structural damage on the Auckland Harbour Bridge and flooding of Napier and Canterbury regions, the Ministry acknowledges the Agencies excellent work managing these incidents.
- 13 The Ministry recognises that Waka Kotahi's operating environment is increasingly complex as COVID-19 impacts; along with new roles and decarbonisation expectations add to an already extensive work programme. Many of Waka Kotahi's projects and programmes also work on a medium-term scale and seeing changes from positive interventions can take time. Understanding this context is important when assessing Waka Kotahi's performance.

*But in some areas, performance was below expectations....*

- 14 Waka Kotahi missed a number of performance measures in 2020/21, these are available in the 'output class performance' section of the annual report (page 53). The Ministry has identified some key areas where Waka Kotahi performance measures were not met and consider there to be additional risk.
  - 14.1 **Road Policing** – two of eight performance targets were met in 2020/21. Under achievement in policing has been an ongoing challenge with only one of seven targets met in 2019/20. The Ministry and Waka Kotahi are taking steps to understand the reasons for under performance and more information is available in **paragraph 27**.
  - 14.2 **Regulatory** – 17 of 22 regulatory performance measures were achieved in 2020/21. This is compared to 17 of 29 in 2019/20. Some of the missed measures in both years can be clearly attributed to COVID-19. However, the Ministry still considers the regulatory function an area of risk as it continues to increase its capability following the regulatory failure. The Ministry also notes that Waka Kotahi is undertaking a review to update its regulatory performance measures based on feedback from the Ministry. The Ministry considers a refresh of the regulatory performance framework necessary as the regulatory function evolves post-regulatory failure. It will also provide greater clarity on how outcomes are being achieved and increasing accountability against investment.
  - 14.3 **Investment management** – three of five performance targets were met in 2020/21. This is compared to 11 of 15 in 2019/20. The Ministry sees effective investment management systems as important tools to ensuring effective investment planning and achieving value for money. The Ministry would like to see greater emphasis in this area going forward. You may wish to raise Waka Kotahi's work in this area as part of your regular engagement with the Chair.

*Delivery of capital projects needs to remain a priority for the Waka Kotahi Board*

- 15 Waka Kotahi has recorded mixed results in the delivery of capital projects. Nine of 29 National Land Transport Fund capital projects achieved year end target. 14 “made good progress” but did not achieve year end target, five had ‘progress made but not achieved’, and one project was not achieved.
- 16 For the New Zealand Upgrade Programme (NZUP) 10 projects achieved year end targets. Three projects ‘made good progress but not achieved’, four ‘made progress but not achieved and two were not achieved.
- 17 A number of NZUP projects did not achieve year-end progress as a result of the re-baselining of the programme. Delivery of the programme will need to be an ongoing focus for the Board. Waka Kotahi has previously raised comments on risks around controls, scope and cost pressure challenges (OC210663 refers). You recently sent a letter to the Chair outlining delegations for the programme, including direct accountability to Waka Kotahi and KiwiRail for delivery.
- 18 The Ministry notes that COVID-19 has caused significant disruption to infrastructure projects. The ongoing global pandemic and our associated local response has exacerbated capacity and capability constraints at a time when infrastructure investment is attempting to ramp up. You may wish to seek more clarity on how Waka Kotahi is managing and mitigating the risks to cost, and delivery time caused by COVID-19.
- 19 A key challenge facing Waka Kotahi’s infrastructure programme is the capability and capacity of the sector, both within new projects and on its maintenance programme. There is a risk that limited capacity within the sector will contribute to further cost pressures.  
Withheld under Section 9(2)(g)(i) of the Official Information Act 1982
- 20 [REDACTED]  
[REDACTED] You may wish to seek assurance from the Board that the governance and assurance processes within the capital programme are effectively minimizing the impact of external pressures and that delivery of projects will continue. You may also wish to reiterate that you and officials be kept informed of any significant risks, delays, or trade-offs that Waka Kotahi is making.

*Let’s Get Wellington Moving programme has been reset*

- 21 Let’s Get Wellington Moving (LGWM) has experienced a number of challenges over the past 12 months. A ‘health check’ into the programme identified risks of non-delivery due to problems with the programme’s governance, systems, and culture. The programme and its governance have been updated since this review, but they have not met expected year-end targets for all projects. Programme funding may also be a challenge as local council partners and the NLTP experience revenue pressures from COVID-19. As a core partner of the programme, Waka Kotahi will need to continue its leadership role and continue to prioritise delivery.

*Progress has been made in safety investment, but the achievement against specific targets is unclear*

- 22 The GPS 2018 period saw a significant investment in safety infrastructure. The Safe Networks Programme (SNP) which was approved by Ministers in 2019 has invested more than \$1 billion in road safety infrastructure over the past three years.
- 23 However, the SNP has not met its original three-year spend and output targets. While the SNP had a three-year budget of \$1.4 billion, only \$1 billion was spent during this period. The programme was developed to support substantial delivery of key treatments on state highways, including:
- 23.1 **Kilometres of median barriers installed:** 50 km completed against a target of 198 km
- 23.2 **Kilometres of rumble strips installed:** 3,417 km completed against target of 3,500 km
- 23.3 **Kilometres of side arm barriers installed:** 260 km completed against target of 322 km
- 23.4 **Kilometres of speed change:** 588 km completed against target of 3,000km.
- 24 Despite the above, the target reduction in deaths and serious injuries (DSI) was achieved, as a combined local road and state highway target (i.e. 168, against a target of 160).
- 25 The Ministry understands that retrofitting safety treatments on existing roads is challenging and often requires additional investment beyond the treatment itself. The Ministry is refreshing the governance of Road to Zero which will support greater reporting and accountability to Ministers.
- 26 Considering the under delivery of some SNP targets, the Ministry recommends that you seek some 'lessons learnt' from the programme as Waka Kotahi commences the longer-term Safety Speed and Infrastructure, which replaces the SNP.

*Road Policing continues to not meet targets, but work is underway to address performance*

- 27 Road policing activity has only achieved two of eight performance measures in 2020/21. Some of these measures have been impacted by COVID-19. However, COVID-19 only partially accounts for the extent of under performance. The Road Safety Partnership Programme (RSPP) is a \$400 million per annum agreement between Waka Kotahi and NZ Police, this is a significant ongoing investment and it is important that systems are in place to meet expected targets.

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

- 28 In response to under performance over the last two years, the Ministry commissioned an independent review into road safety investment. Waka Kotahi and NZ Police have reviewed interim drafts of the report and final consultation is underway. [REDACTED]

[REDACTED] The Ministry is coordinating with both parties to rebuild the broader Road to Zero governance structure, which will include greater ministerial oversight.



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

- 29 The Police and Waka Kotahi engaged positively through the review and the Ministry recognises the agencies contribution to the findings. [REDACTED]  
[REDACTED]  
[REDACTED]

*Regulatory performance is mixed as the function continues to stabilise after the Ministerial Review into the regulatory function*

- 30 Waka Kotahi's achieved most its regulatory performance measures in 2021 (17 of 22). However, the function is still considered to be an area of risk as it builds capability following the regulatory failure.
- 31 This year, Waka Kotahi has focused on responding to the Ministerial Review of the regulatory function and embedding *Tū ake, tū māia*, the regulatory strategy. Waka Kotahi is currently refreshing the regulatory strategy to bring it in line with progress that has been made in the last 18 months (this refresh will be reflected in changes to the regulatory performance framework). The Director of Land Transport role was also established in 2020/21. Waka Kotahi is undertaking further work to resource the office of the Director, but this will not be able to be completed until the regulatory Funding Review is completed.
- 32 The Ministry is engaging Waka Kotahi on its work in rail regulation. There have been a number of rail safety incidents over the past 12 months and building appropriate resource in this area is important to reducing safety risk. You may wish to highlight your focus in this area through the attached letter.
- 33 The Ministry is also working with Waka Kotahi to refresh its regulatory performance framework including SPE measures. This will create more defined targets that accurately reflect *Tū ake, tū māia* and will include a mix of output and outcome measures. The Ministry considers this refresh necessary to ensure performance is accurately recorded and accountability is clear.
- 34 In the 2021/22 letter of expectations you advised of your expectation that Waka Kotahi would undertake a follow-up review to understand the progress that has been made to date following the Ministerial review. Waka Kotahi has commissioned MartinJenkins (who completed the original review in 2019) to undertake this follow-up. The Ministry has been engaged in the development of the terms of reference for the review and will be interviewed as part of the review. The Ministry sees this review as necessary to provide an overview of where additional work is needed and provide assurance on work completed.
- Withheld under section 9(2)(g)(i) of the Official Information Act 1982
- 35 The Ministry considers funding as core risk to the regulatory function. A Cabinet paper to commence public consultation on funding changes has been provided to your Office, with timing dependent upon the outcome of discussions between yourself and other Ministers. Continuing this process is vital to building the regulators capability and bringing the function back to financial sustainability [REDACTED]  
[REDACTED]  
[REDACTED]



*Greater emphasis on decarbonisation will be needed as the Government introduces new expectations*

- 36 Waka Kotahi has begun putting greater emphasis on decarbonisation and sustainability in its strategic planning. It has fully implemented *Toitū te taiao* - its sustainability strategy - and is currently developing its second sustainability monitoring report. Waka Kotahi also successfully implemented the Clean Car Discount feebates and is continuing the implementation of the wider Clean Car Programme.
- 37 The Emissions Reduction Plan (ERP) will set the agenda for the transport response to climate change in the coming decade and will fundamentally reshape work programmes and priorities across the transport system. The ERP will likely result in requirements to effect rapid mode shift and reduced private vehicle use, as well as leading to significant investment in transport decarbonisation. Waka Kotahi will have a central role in this, so it is important that the Agency continues to engage in the ERP processes and that it has the appropriate systems in place for the step change that will take place around decarbonisation in the medium-term.

### **Organisational capability and governance**

*Maintaining Board capability is important to continue momentum*

- 38 You are expected to appoint two new members to the Board in November 2021, and the Ministry has commenced the appointments process for a new Chair. It is important we identify strong candidates as the Chair has a vital role to play in continuing the progress made to date.
- 39 The Waka Kotahi Board has completed an independent assessment of its performance. The Ministry has seen a draft version of the evaluation report, but not a final version.

*Waka Kotahi's staffing levels continue to increase*

- 40 Waka Kotahi has seen a 15 percent increase in full time equivalent (FTE) staff during 2020/21, equal to 266 FTEs. This is in addition to a significant increase in 2019/20, (which saw a 23 percent increase on 2018/19). Waka Kotahi has seen a total increase of 603 FTE over the past two years. This increase reflects a growth in scope and scale, but the Ministry has concerns about the value for money associated with the increase.

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

- 41 [REDACTED]  
[REDACTED]  
[REDACTED] This is consistent with conditions in the wider public sector and transport system. You may wish to seek the Chair's view on people and capability risks at your November 2021 engagement.

*Staff satisfaction is also reported to be increasing*

- 42 Waka Kotahi has reported an increase in staff satisfaction. Seventy-five percent of staff agree that Waka Kotahi is 'a great place to work', a seven percent increase from

the survey in 2020 and 16 percent from 2018/19. The voluntary staff turnover rate declined slightly in 2020/21 and currently sits at 10.6 percent.

*Some uncertainty remains around Waka Kotahi's risk and assurance function*

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

- 43 Waka Kotahi is currently reviewing its risk and assurance function. The Ministry has sought information from Waka Kotahi on what progress has been made to date since the PwC report in 2018. [REDACTED]

You may wish to signal your intent in this area through the **attached letter**.

*External stakeholder and customer satisfaction declined slightly in 2020/21*

- 44 Waka Kotahi has seen a slight decrease external stakeholder satisfaction from 2019/20 on most of its stakeholder measures. Waka Kotahi recognises the importance of strong relationships with external partners. Waka Kotahi has moved to a regional model of engagement to further build partnerships at a local level. The Ministry recognises that the development of NLTP 2021 may have contributed this decrease. Continuing to monitor progress in this area will be important for the Board.

## Financial performance

*COVID-19 continued to impact Waka Kotahi's 2021 financial results.*

- 45 Revenue through the NLTF was lower than expected as a result of COVID-19 (\$317.8 million). This revenue reduction was funded by the COVID-19 NLTF borrowing facility (amount outstanding at 30 June 2021 was \$328.6 million). These draw downs were used to off-set the impact the COVID-19 pandemic on NLTF revenue and costs. Waka Kotahi can no longer access this facility.

- 46 Waka Kotahi also received Crown funding to support COVID-19 related cost increases from public transport costs (\$138.4m), Public-Private Partnership related costs (\$114.9), protection of core regulatory services and increased State Highway maintenance costs.

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

- 47 The August 2021 outbreak and ongoing health response mean that Waka Kotahi is again facing similar pressures. [REDACTED]

[REDACTED] There is a key risk that the impacts of COVID-19 will continue to impact revenue and costs and that further Crown support may be required.

*Waka Kotahi took on additional borrowing facilities during the year.*

- 48 Waka Kotahi's regulatory facility increased by \$50 million to \$95 million (with \$33.5 million owing at year-end). The purpose of this regulatory facility is to support the regulatory function through until the implementation of the Funding Review. The intention is to recover the loans through the fees and charges proposed by the review. We consider there to be a risk that if additional loans are required (for

example, due to delays in approving or implementing the review) it may not be feasible to recover additional borrowing from future fee payers.

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

49 The annual report mentions the Crown's intention to provide \$2 billion to manage funding constraints during the 2021-24 NLTP period indicating that pressure on the NLTF is expected to continue [REDACTED]

50 The short-term loan facility available for Waka Kotahi to support them through seasonal cash-flow variations and unexpected shocks increased from \$250m to \$500m. This is broken down into \$250 million for shock and \$250 million for seasonal cashflow (\$75m was owing at year-end).

51 The additional loans that have been approved over the last 18 months will place additional pressure on future NLTPs as Waka Kotahi balances repayment of loans against investment decisions. Understanding the trade offs of these and future loan facilities will be needed support Ministers and Cabinet going forward.

*State Highway Maintenance expenditure exceeded the GPS 2018 three-year funding range, while expenditure on the rapid transit activity class and road safety promotion and demand management activity class ended the period below the three-year funding range.*

52 Expenditure on state highway maintenance exceeded the three-year GPS 2018 funding range. The decision to increase investment in this area was deemed necessary by Waka Kotahi to reverse a deterioration in the condition of State Highways. This activity class is expected to remain under pressure.

53 Road safety promotion and demand management ended the period slightly below the three-year GPS funding range. However, expenditure for 2020/21 was in line with budget, and not meeting the three spend target relates to under-spent in previous years. Waka Kotahi achieved performance targets for this activity class in 2020/21.

54 Investment in Rapid Transit was significantly below the lower bounds of the three-year funding range. However, this is expected when considering broader delays on the City Centre to Māngere project and Rapid Transit in Wellington.

*Waka Kotahi's operational spend has increased and is expected to continue increasing*

55 Waka Kotahi's operational spend has increased to \$483.3 million (approximately \$54.4 million increase from 2019/20, or an 11 percent increase). Waka Kotahi is also forecasting a significant increase in costs for 2021/22. This reflects a significant increase in FTEs and Waka Kotahi's new roles in rail and decarbonisation. With the constraints on the NLTF, it is important that value for money is being achieved across Waka Kotahi's spend.

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

56 The Ministry considers it necessary that Waka Kotahi undertake a value for money assessment on operational spend to ensure it is being used effectively. In your response to Waka Kotahi's draft SPE 2021/22, you requested the Waka Kotahi Board undertake this assessment. You may want to reiterate this request in the attached letter and highlight your expectation it be completed before the end of 2021/22. This work will be crucial to inform investment settings for GPS 2024. [REDACTED]

## Risks

57 The Ministry has identified some key risks for your consideration:

57.1 **NLTF Funding:** The NLTF is under pressure by an extensive programme, rising costs and limited growth. To support Waka Kotahi's programme in the short-term, you (with the Minister of Finance) approved a \$2 billion dollar loan facility, this will be used to top-up the National Land Transport Plan. This facility will be pressured by competing pressures and priorities. It is important that Waka Kotahi closely manages the use of the NLTF and continues to focus on achieving value for money.

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57.2 [REDACTED]

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

57.3 [REDACTED]

57.4 **People capability:** Waka Kotahi's roles have expanded over the last 12 months, but a tight labour market is making finding staff with the requisite knowledge and experience challenging.

57.5 **Project Delivery:** Delivery of infrastructure has achieved mixed results over the past 12 months, as COVID-19, supply chain and labour supply issues have combined to delay projects and escalate costs. These challenges will likely continue in the medium term.

58 The Ministry will continue to monitor these risks and update you through regular quarterly reporting and ad hoc briefings as needed.

## Next steps

59 The Ministry has provided you with a letter to the Chair of Waka Kotahi outlining your reflections on Waka Kotahi's performance over the past 12 months.

60 Under the Crown Entities Act 2004, you must table Waka Kotahi's Annual Report in Parliament within five working days of receipt - this must be completed by 28 October 2021.



Sir Brian Roche  
Chair, Waka Kotahi NZ Transport Agency  
[Boardsecretariat@nzta.govt.nz](mailto:Boardsecretariat@nzta.govt.nz)

Dear Sir Brian

Thank you for providing the 2020/21 Annual Reports for Waka Kotahi NZ Transport Agency (Waka Kotahi / the Agency) and the National Land Transport Fund (NLTF).

I would like to acknowledge the significant work of Waka Kotahi over the last year as it continues to support the Government to deliver its transport priorities. 2020/21 has had the additional challenge of COVID-19 impacting all levels of society, and Waka Kotahi has done well to respond to COVID-19, while still working to deliver the Government's expectations.

I recognise that Waka Kotahi's operating environment has become more complex over the last 12 months as the Climate Change Commission's report begins to shape decarbonisation policy, the Agency takes more of a leadership role in rail, and COVID-19 impacts become a longer-term challenge.

### **Delivery**

Waka Kotahi has progressed well against its Statement of Performance Expectations 2020/21 targets. I note however, that some areas performed below expectations, including Road Policing and Investment Management. The review into Road Safety Investment will provide an overview of areas for improvement and provide some actions to make change. I look forward to seeing this review improve performance. I would also like to have a broader discussion on Investment Management processes to ensure that these are robust to support delivery.

I am conscious of the extensive capital project programme that is currently underway. I understand that many of these projects have been and will continue to be heavily impacted by COVID-19. The majority of projects did not achieve year-end targets. I would like the Board to continue to monitor and improve project governance as needed. I would also like Waka Kotahi to provide me with more information on how it is managing risks to the delivery of its capital programme, including the COVID-19 and sector capability constraints.

Creating a safer transport system is a key priority and I would like to acknowledge Waka Kotahi's work to date on the Safe Network Programme (SNP). As the SNP shifts into the Speed and Infrastructure Programme, I would like Waka Kotahi to work with officials on lessons learnt from SNP and how they are being reflected in the revised programme.

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I acknowledge the significant changes that are underway within the Agency's regulatory function. [REDACTED]

[REDACTED] I recognise that discussions are still ongoing in relation to Waka Kotahi's regulatory Funding Review. Until this review is complete, the Board will need to continue to monitor the regulatory function closely and ensure that work rebuilding the function continues to progress. I understand that an independent review into the regulatory function is taking place to look what progress has been made since the 2019 Ministerial review, which identified significant areas of improvement within the regulatory function. This review is important to Waka Kotahi taking over Health and Safety at Work (HSWA) responsibilities. I look forward to the review's findings and ask that my officials are engaged in this process as needed.

There have been a number of rail safety incidents over the past 12 months. Rail safety is an area of focus for me, and I would like Waka Kotahi to provide an update of work in the rail regulation space to me as part of regular reporting.

### **Governance and Organisational Capability**

Effective risk and assurance is an important tool to improve outcomes and increase delivery. I would like Waka Kotahi to engage my officials on what progress has been made in responding to the PwC 2018 report into the Risk and Assurance function.

The Board has increased in size over the past 12 months, and I want to acknowledge the Board's work as Waka Kotahi's programme has expanded. Governance has a core role in effective delivery of projects. I would like you to continue to engage with the Ministry as it progresses the Board Chair appointment process, this is a hugely important role to setting the direction of the Agency.

### **Finances**

The National Land Transport Fund (NLTF) is under considerable pressure from a number of competing priorities. It has also been adversely impacted by the recent COVID-19 lockdown. The Minister of Finance and I have provisionally approved a \$2 billion loan to support the National Land Transport Programme 2021 and increase investment over the next three years. Management of debt within the NLTF will need to a priority for the Board and ensure that trade-offs are being clearly articulated to myself and officials.

Ensuring value for money within the NLTF – especially considering current funding pressures – is a priority for me and I would like Waka Kotahi to progress a review of value for money, focussed on operational spend. I would like Waka Kotahi to engage my officials as this review is commenced.

Yours sincerely

Hon Michael Wood  
**Minister of Transport**

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28 October 2021

OC210869

Hon Michael Wood  
Minister of Transport

## MINISTER MEETING WITH WAKA KOTAHI CHAIR AND CHIEF EXECUTIVE - 1 NOVEMBER 2021

### Snapshot

You are meeting with the Chair and Chief Executive of Waka Kotahi NZ Transport Agency on 1 November 2021, from 1:30pm to 2:00pm. To support you in your meeting, the Ministry of Transport has provided information and suggested speaking points on key agenda items.

<b>Time and date</b>	1:30pm – 2.00pm, 1 November 2021
<b>Venue</b>	Zoom Meeting
<b>Attendees</b>	Sir Brian Roche, Chair, Waka Kotahi NZ Transport Agency Nicole Rosie, Chief Executive, Waka Kotahi NZ Transport Agency Richard May, Chief of Staff, Waka Kotahi NZ Transport Agency
<b>Officials attending</b>	Bryn Gandy, Deputy Chief Executive, System Strategy and Investment Chris Jones, Acting Manager, Governance Jenny Smith, Senior Adviser, Governance Warner Peel, Adviser, Governance
<b>Agenda</b>	1 People and Capability Risk 2 Lessons from the Safe Network Programme 3 Regulatory Funding Review Update 4 Transmission Gully (requested by Waka Kotahi)

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

Name	Telephone	First contact
Chris Jones, Acting Manager, Governance	██████████	✓
Warner Peel, Adviser, Governance	██████████	

# Minister Meeting with Waka Kotahi Chair and CE - 1 November 2021

## Key points

- You are meeting with Sir Brian Roche, Chair of Waka Kotahi NZ Transport Agency (Waka Kotahi / the Agency) and Nicole Rosie, Chief Executive of Waka Kotahi for a regular engagement. Your last formal engagement with the Chair was 13 September 2021.
- This briefing provides contextual information on agreed agenda items and outlines some questions you may want to ask the Chair and Chief Executive on Waka Kotahi's recent performance. The agenda items are:
  - People and Capability Risk
  - Lessons from the Safe Network Programme
  - Regulatory Funding Review Update
  - Transmission Gully (requested by Waka Kotahi).
- The Ministry has also provided some back-pocket comments on the New Zealand Upgrade Programme (NZUP) as the Chair or Chief Executive may raise this - these comments are available in **Appendix One**.

## Item One: People and Capability Risk

- 1 Waka Kotahi has identified people and capability as a core strategic risk to the delivery of its work programme. A tight employment market and constrained infrastructure sector is having an adverse impact on its ability to recruit highly skilled staff.
- 2 Waka Kotahi had a voluntary turnover rate of 10.8 percent in 2020/21. Whilst lower than the 2019/20 rate, the June 2021 quarter experienced an increase in turnover.
- 3 The Ministry recognises that Waka Kotahi's work programme has expanded recently due to: NZUP, a greater leadership role in rail, a capability uplift within the regulatory function and an increased focus on decarbonisation. This has contributed to a rapid increase in FTEs over the past two years, including a 15 percent increase in 2020/21.
- 4 The Ministry recommends that you seek clarity from the Chair on the nature, scale and impact of Waka Kotahi's people and capability risk, and what the Board is doing to mitigate this risk.
- 5 The Ministry expects further growth in Waka Kotahi employee numbers, as it absorbs NZ Police's Safety Camera network, the regulatory function upscales, and Waka Kotahi's infrastructure programme expands. You may wish to seek clarity on how Waka Kotahi is managing this increase from a value for money perspective.
- 6 Ensuring value for money (from all inputs, including labour), is a statutory requirement. Section 96 of the Land Transport Management Act 2003 states that - in

undertaking its functions and meeting its objectives – the Agency “...must use its revenue in a manner that seeks value for money.” You have previously signalled to the Board that you would like it to undertake a value for money assessment of its operational spend (and recently reiterated this in your letter to the Chair in relation to Waka Kotahi’s 2020/21 Annual Report). The Ministry regards such a review as a high priority and recommends that you enquire about any progress that has been made.

### Suggested Talking Points

7 You may wish to ask the following questions of the Chair:

- I understand that people and capability is a significant Waka Kotahi risk. This risk coincides with a substantial increase in FTEs over the past two years.
  - What is the nature, scale and impact of this risk and what is the Board doing to mitigate it?
- I have previously communicated an expectation that the Board undertake an independent value for money review of its operational expenditure.
  - Has the Board taken any steps towards completing this review?
  - Is the Board confident that it is achieving value for money from its current operations and investment programme?

### Item two: Lessons from the Safe Network Programme

- 8 The Safe Network Programme (SNP) was established to support increased investment in Road Safety over the 2018-2021 National Land Transport Programme (NLTP) period.
- 9 The Ministry recently provided you with a cover briefing for Waka Kotahi’s Annual Report. Within that briefing, we outlined under-delivery of outputs within the SNP. Key areas of under-performance for the 2018-2021 period included:
- 9.1 **Kilometres of median barriers installed:** 50 km completed against a target of 198 km
  - 9.2 **Kilometres of rumble strips installed:** 3,417 km completed against target of 3,500 km
  - 9.3 **Kilometres of side arm barriers installed:** 260 km completed against target of 322 km
  - 9.4 **Kilometres of speed change:** 588 km completed against target of 3,000km.
- 10 Despite the above, the target reduction in deaths and serious injuries (DSI) was achieved, as a combined local road and state highway target (i.e. 168, against a target of 160).

- 11 Under-delivery of the SNP has previously been identified as an area of risk and is one of the programmes being considered by the Road Safety Investment & Delivery Review. However, as SNP transitions into the Speed and Infrastructure Programme (its successor), understanding what lessons Waka Kotahi learned from SNP is important to ensure future delivery.
- 12 The Road Safety Investment & Delivery Review is nearing completion and you will be briefed separately on the report's findings in November 2021. The Ministry has commenced a refresh of the wider Road to Zero governance arrangements, which will provide Ministers with greater clarity on performance.

**Suggested Talking Points**

13 You may wish to ask the following questions of the Chair:

- I understand that the Safe Network Programme has under-delivered, relative to a number of targets.
  - What has Waka Kotahi learned from this experience?
  - How is safety infrastructure being prioritised going forward?
- What is the Board's view on the transition from the Safe Network Programme to the Speed and Infrastructure Programme?

**Item Three: Regulatory Funding Review Update**

14 In September 2021, you and the Minister of Finance sent a letter to the Waka Kotahi Chair outlining your expectations on the delivery of the Funding Review. The Chair recently replied to your letter and provided some assurance on Waka Kotahi's work.

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- 15 [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- 18 [Redacted]
- [Redacted]
- [Redacted]

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

19

[REDACTED]

### Suggested Talking Points

20 You may wish to ask the following question of the Chair:

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- [REDACTED]
- [REDACTED]

### Item Four: Transmission Gully

21 This item was added at the request of the Chair.

22 Before the August COVID-19 lockdown the official opening date of Transmission Gully was 27 September 2021 (although there were risks to this date). Since the lockdown, this date has been delayed and the Ministry understands that negotiations on timing and cost are ongoing between Waka Kotahi and the contractors.

23 The Ministry does not have suggested talking points for this item.

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## Appendix One: Back-pocket notes on NZUP

- In August 2021, you sent a letter outlining the delegations of NZUP to Waka Kotahi's role as a core delivery agent of the programme.
- The Chair recently sent you a response, which accepted the delegations and outlined some programme risks that have been identified.
- You are meeting with Waka Kotahi on 15 November to discuss NZUP. Waka Kotahi may be preparing a briefing to support this meeting.  
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- [REDACTED]
- You may want to signal your intent to discuss NZUP at the 15 November-meeting and indicate that you would like Waka Kotahi to engage with the Ministry on the supporting advice.

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# EXTRACTS – OC210791

29 October 2021

## BRIEFING

OC210791  
T2021/2739

**Hon Michael Wood**  
**Minister of Transport**

**Action required by:**  
Monday, 8 November 2021

**Hon Grant Robertson**  
**Minister of Finance**

## **CITY RAIL LINK LIMITED PERFORMANCE UPDATE TO 30 JUNE 2021** **(OIA EXTRACT)**

### **Purpose**

The purpose of this briefing is to provide a performance update on the City Rail Link (CRL) project.

### **Key points**

- We expect to receive a Programme Business Case with options on the land sales and precinct development from the Joint Board Committee (Eke Panuku and Kāinga Ora) in late November 2021 that will inform this issue.
1. The May 2019 budget of \$4.419 billion for the project is set at P50 (a forecast 50 percent chance that the budget could be exceeded).
  4. Other general project risks outlined in the previous briefing remain (OC210524 and T2021/1764 refers).

### **The immediate and long-term impacts of COVID-19 on the project continue to be monitored**

#### *Immediate COVID-19 impacts*

10. The Link Alliance were permitted to undertake limited work on the Tunnel Boring Machine (TBM) under Alert Level 4 conditions, in compliance with strict health and safety protocols. Approximately 100 essential workers were based onsite during Alert Level 4, with prioritised vaccinations arranged for those essential workers. The maintenance work to keep the TBM running during Alert Level 4 mitigated the risk of the TBM getting stuck, and avoided potential additional costs ... (as well as additional delays).



### *Long-term COVID-19 impacts*

11. Broader and more complex challenges around project costs, construction timetables and shortages of labour and materials, are now becoming apparent. These include:
  - Material shortages
  - Construction cost inflation
  - Port restrictions
  - Supply chain issues
  - Competition from Australia<sup>1</sup>
  - The shortage of overseas workers
  - A shortage of local workers.
12. During the last 18 months of border closure as a result of the COVID-19 pandemic, CRLI has been supported by both the Ministry and MBIE in getting critical workers into the country. However, it is not just the highly specialised workers who have been affected. The construction industry general labour pool has also come to rely on a significant supplementation of workers from overseas countries, such as the Philippines. These resources are no longer easily available and have exacerbated local labour shortages.
16. The Tunnel Boring Machine (the TBM) completed its first milestone in October 2021, arriving at Karangahape station from Maungawhau (Mt Eden) station.
20. The Link Alliance programme schedule and costs will be subject to ongoing review during 2021 and 2022 by CRLI and the Sponsors' Assurance Manager.
37. We are expecting Eke Panuku Development Auckland (Eke Panuku) and Kāinga Ora to provide advice to Sponsors in November 2021 (OC210529 and T2021/1691 refers) on the land development programme.

### **Health and safety outcomes continue to be closely monitored**

40. The Total Recordable Injury Frequency Rate (TRIFR) has steadily increased since March 2021, from 2.3 recordable injuries per million hours worked in March 2021 to 4.4 recordable injuries per million hours worked in August 2021. This rate remains well below the CRLI's current performance target of 7.0 or less injuries per million working hours, ... .
41. CRLI also use the Health and Safety Performance Index (HSPI) to monitor health and safety performance indicators. The HSPI aggregates results from across 26 health and safety indicators, weighted based on how critical the activity is for the management of risk. The HSPI includes preventative indicators (such as the number of heavy goods vehicle safety checks and the number of drug and alcohol tests), as well as lagging indicators (such as the TRIFR, near misses, and the number of WorkSafe notifiable events).

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<sup>1</sup> 1 The 2021 Infrastructure Australia Market Capacity Report notes that major public infrastructure activity in Australia will approximately double over the next three years (peaking at \$52 billion in 2023), with a potential shortfall of 105,000 workers in Australia's infrastructure sector by mid-2023.

<https://www.infrastructureaustralia.gov.au/publications/2021-infrastructure-market-capacity-report>

43. Sponsors' officials regularly monitor health and safety as a key project risk. ... The Sponsors' Assurance Manager has also conducted site visits in May 2021 and noted that they saw tidy worksites and evidence of good practices (e.g. toolbox meetings).

### **C3 Targeted Hardship Fund (THF)**

44. CRLL has quickly set up the Advance Interim Payments process under the THF in September 2021. As at 22 October 2021, 77 applications for Advance Interim Payments had been received, and CRLL began making payments from the week commencing 27 September 2021.
45. CRLL has been working through the details of the detailed eligibility and assessment criteria and the full THF is now live on the CRL website: <https://www.cityraillink.co.nz/targetedhardshipfund>.
46. CRLL has responsibility for operational delivery of the THF, and Sponsors' officials will receive regular reporting at a high level on progress (e.g. how much paid out and to how many businesses) in due course.

### **Upcoming briefings**

*There is work underway on the reappointment of the CRLL Board members, and to shortlist candidates for the Chair and sixth Board member positions*

47. The CRLL Constitution has now been amended to accommodate an additional sixth Board member and to allow for current Board members to remain in office for an extended period of time before appointment decisions are taken. The Ministry and Auckland Council are working together to shortlist candidates for the Chair and sixth Board member positions. It is expected that CRLL Sponsors will receive advice on recommended candidates for interview in November 2021, and that successful candidates for the two positions would be appointed in March 2022.
48. The terms of four CRLL Board members, Anne Urlwin, Brian Harrison, Karen Jordan, and Russell Black expired on 30 June 2021. Following adoption of the amended CRLL Constitution in June 2021 (OC210257 refers), extension letters were sent to these members, asking them to continue as directors until such time that they are reappointed, or a successor is appointed. The members agreed to these terms.

*A briefing on early CRL asset transfers will be provided in the coming weeks*

49. In our previous performance update report to you (OC210524 and T2021/1764 refers), we noted that the Office of the Auditor-General (OAG) had indicated that they may require some (or all) early assets transferring in the 2020/21 year to be transferred via a redistribution of capital to Sponsors and transferred to the final owners (KiwiRail or Auckland Council). We noted that there was a risk that this accounting treatment could lead to an asset write-down for the Crown that could result in unappropriated expenditure for the 2020/21 year.

50. OAG has now confirmed that there is no unappropriated expenditure in relation to the interim CRL asset transfers. In short, they have agreed that vested asset expenses form part of the operating loss of CRL, and therefore, no appropriation is required under section 4(2) of the Public Finance Act 1989.
51. Now that this matter has been resolved, and subject to some further consultation with Auckland Council and AT, we will provide a briefing in the coming weeks to seek your formal approval of a number of early asset transfers.

*The Programme Business Case for the CRL Development Opportunities Programme is expected in late November 2021*

52. The Joint Board Committee (Eke Panuku and Kāinga Ora) will present their first draft Programme Business Case to the CRL Sponsors, including funding options, at the end of November 2021.
53. The Joint Board Committee has sought your approval of the Foundation Outcomes for the Development Opportunities Programme. We will be sending you advice following consultation with the Ministry of Housing and Urban Development and Auckland Council.

*OAG draft performance audit report on the governance of the CRL project*

54. OAG has advised that they expect to provide the draft report to officials soon. Officials will liaise with your offices to keep them updated on timeframes and seek your input once the draft report has been received.

#### **Upcoming meetings**

55. The Minister of Transport is meeting with CRL Chair and Chief Executive on 1 November 2021.
56. Auckland Council's Governing Body is holding a closed workshop on 17 November 2021 where an update on the City Rail Link project will be provided by CRL. Ministers may be invited to attend this meeting.