

25 September 2019

Colleen Bain  
fyi-request-10995-142b86e5@requests.fyi.org.nz

REF: OIA-5638

Dear Colleen

### **Request made under the Official Information Act 1982**

Thank you for your email of 16 August 2019 to the Minister of Transport, Hon Phil Twyford, requesting the following information under the Official Information Act 1982 (the Act):

1. Please provide the following:

(a) All information provided to you in relation to the recent decision to remove the Bayfair underpass from the scope of the Baylink project including but not limited to any change requests, memos, reports, and background documents (or equivalent) on which the decision was based; (b) All information on which the information requested in 1(a) was based including but not limited to any risk and/or impact assessments in relation to the risk and impact on the surrounding community and the impact on traffic flows from pedestrians and cyclists crossing Maunganui Road at ground level, the impact of the decision on NZTA's focus on creating accessible 'liveable communities', alternatives that were considered other than removing the underpass from the project, reports, background documents, correspondence and other communications which informed the information in 1(a); and (c) All information provided to decision-makers in relation to the 2018 decision to retain the Bayfair underpass from the Baylink project including but not limited to any change requests, memos, reports, and background documents (or equivalent) on which the decision was based.

Point (b) and (c) of your request were transferred to the NZ Transport Agency on 21 August 2019 under section 14(b) of the Act.

Your questions and my responses are below.

*(b) All information on which the information requested in 1(a) was based including but not limited to any risk and/or impact assessments in relation to the risk and impact on the surrounding community and the impact on traffic flows from pedestrians and cyclists crossing Maunganui Road at ground level, the impact of the decision on NZTA's focus on creating accessible 'liveable communities', alternatives that were considered other than removing the underpass from the project, reports, background documents, correspondence and other communications which informed the information in 1(a);*

Please find enclosed a copy of the documents falling within scope of your request. For your convenience, a Document Schedule has been provided, outlining the document title, date and description.

- Attachment 1: Scheme Assessment Report and Appendices 17 December 2014.
- Attachment 2: Road Safety Audit of the Conceptual Design September 2016.
- Attachment 3: SH2 Baypark to Bayfair 50-85% detailed design RSA Issue B.
- Attachment 4: Pedestrian and Cyclist Underpass Grade Separation Options 20 November 2017.
- Attachment 5: Emails RE BayLink Road Safety Audit.
- Attachment 8: Baylink Underpass Memo Final 21 June 2019.

- Attachment 9: Emails Baylink Underpass Memo.
- Attachment 10: BRI-1766 Baylink 9 August 2019.
- Attachment 11: excerpt of Weekly Report to the Minister #154 5 July 2019.

Certain information has been withheld from the documents under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons. Certain information is also withheld under section 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.

In order for the Transport Agency to maintain the effective conduct of public affairs through the free and frank expression of opinion by or between or to Ministers of the Crown or members of an organisation in the course of their duty, information has also been withheld from attachment 8 and 9 under section 9(2)(g)(i) of the Act.

To maintain the constitutional conventions for the time being, information has been withheld from attachment 10 to protect the confidentiality of advice tendered by Ministers of the Crown and officials under section 9(2)(f)(iv) of the Act.

Traffic modelling of the new signalised roundabout with cycle/ bus prioritisation is still under development and traffic impact is still being tested. Furthermore, the Transport Agency has not completed any reports on the impact of the underpass removal on liveable communities. These parts of your request have therefore been refused under section 18(e) of the Act as the information requested does not exist.

In order to provide further context to your comments about the possible impact of traffic flows from pedestrians and cyclists crossing Maunganui Road at ground level, it is expected that approximately 50% of traffic flow currently moving through the Bayfair roundabout will be diverted to the new flyover bridge at the completion of the Bay Link project.

*(c) All information provided to decision-makers in relation to the 2018 decision to retain the Bayfair underpass from the Baylink project including but not limited to any change requests, memos, reports, and background documents (or equivalent) on which the decision was based.*

*I have enclosed the following documents that are within scope of your request:*

- *Attachment 6 (Underpass Concept Design Report Including Costs - 18 September 2018).*
- *Attachment 7 (Scope Variation for BayLink Underpass MGI active modes recommendation – 19 September 2018).*

Personal information has again been withheld from Attachment 6 under section 9(2)(a) of the Act, some information is withheld under section 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. Meanwhile, Attachment 7 has been released to you in full.

In respect to the information that has been withheld, I do not consider that it is in the public interest to make this information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold some information and refuse parts your request. You can find the contact details for the Ombudsman at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

If you would like to discuss this reply with the NZ Transport Agency, please contact Sarah Lee-Crellin, Media Manager, by email to [sarah-lee.crellin@nzta.govt.nz](mailto:sarah-lee.crellin@nzta.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin Reid', written in a cursive style.

**Kevin Reid**

Acting Senior Manager, Project Delivery

**OIA-5638 document schedule**

<b>Ref.</b>	<b>Document name</b>	<b>Document date</b>	<b>Document description</b>
1.	Attachment 1: Scheme Assessment Report and Appendices 17 December 2014	17 December 2014	Some information is withheld: <ul style="list-style-type: none"> <li>- section 9(2)(a) to protect the privacy of natural persons</li> <li>- section 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.</li> </ul>
2.	Attachment 2: Road Safety Audit of the Conceptual Design September 2016	September 2016	Personal information, such as name and DDI, are withheld under section 9(2)(a) to protect the privacy of natural persons.
3.	Attachment 3: SH2 Baypark to Bayfair 50-85% detailed design RSA Issue B October 2017	October 2017	Personal information, such as name and DDI, are withheld under section 9(2)(a) to protect the privacy of natural persons.
4.	Attachment 4: SH2 Pedestrian and Cyclist Grade Separation Options at B2B project (working draft) 20 November 2017	20 November 2017	Personal information, such as name and DDI, are withheld under section 9(2)(a) to protect the privacy of natural persons.
5.	Attachment 5: Email Re: Bay Link: Road Safety Audit 18 May 2018 with email attachment	18 May 2018	Personal information, such as name and DDI, are withheld under section 9(2)(a) to protect the privacy of natural persons.
6.	Attachment 6: Underpass – Concept Design Report Including Costs 18 September 2018	18 September 2018	Some information is withheld: <ul style="list-style-type: none"> <li>- under section 9(2)(a) to protect the privacy of natural persons</li> <li>- under section 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.</li> </ul>
7.	Attachment 7: Scope Variation for BayLink Underpass MGI active modes recommendation – 19 September 2018	19 September 2018	Released in full
8.	Attachment 8: Baylink Underpass Memo Final 21 June 2019	21 June 2019	Some information is withheld under: <ul style="list-style-type: none"> <li>- section 9(2)(g)(i) to maintain the effective conduct of public affairs through the</li> </ul>

Ref.	Document name	Document date	Document description
			<p>free and frank expression of opinion by or between or to Ministers of the Crown or members of an organisation in the course of their duty</p> <ul style="list-style-type: none"> <li>- section 9(2)(a) to protect the privacy of natural persons</li> <li>- section 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.</li> </ul>
9.	Attachment 9: emails Baylink Underpass Memo.docx 26 June 2019	26 June 2019	<p>Some information withheld:</p> <ul style="list-style-type: none"> <li>- under section 9(2)(a) to protect the privacy of natural persons</li> <li>- under section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by members of an organisation in the course of their duty.</li> </ul>
10.	Attachment 10: BRI-1766 Bayfair 9 August 2019	9 August 2019	<p>Some information withheld:</p> <ul style="list-style-type: none"> <li>- under section 9(2)(a) to protect the privacy of natural persons</li> <li>- under section 9(2)(f)(iv) to maintain the constitutional convention for the time being which protect the confidentiality of advice tendered by Ministers of the crown.</li> </ul>
11.	Attachment 11: excerpt 154 Weekly Report WE 05 July 2019.pdf	5 July 2019	<p>Some information withheld under section 9(2)(a) to protect the privacy of natural persons</p>