

20 February 2018

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REF: OIA-3436

Dear Nicholas

Request made under the Official Information Act 1982

Thank you for your email of 8 December 2017 requesting the following information under the Official Information Act 1982 (the Act):

I see no details about the Onehunga Port.

Can you provide specific information regarding NZTA's purchase or proposed purchase of the Onehunga Port.

Also missing was transaction date information. Dates of sale/transfers. Expiry dates for the "Heads of Agreement" and "Advance Agreement".

Please note, I would expect that "details" would also mean copies of any of these agreements are included.

On 9 January 2018, the NZ Transport Agency sent you an email clarifying how we were interpreting this request. We took your response of 12 January 2018 as confirming this clarification. On 19 January 2018, we notified you that we were extending the 20 working days available to respond to your request and that you would therefore receive a response on or before 20 February 2018.

Pursuant to our 12 January 2018 clarification with you, the information requested is defined as:

1. *Onehunga Port*
 - *Purchase price*
 - *Transaction date*
 - *Expiry date*
 - *Type of agreement*
 - *Copy of the agreement*
2. *All properties listed in the response to OIA-3363*
 - *Transaction date*
 - *Expiry date*
 - *Type of agreement*
 - *Copy of the agreement*
3. *1-7 Sylvia Park Road and 19-21 Sylvia Park Road*
 - *Transaction date*
 - *Expiry date*
 - *Type of agreement*
 - *Copy of the agreement*

4. *72 Frank Grey Place*
- *Transaction date*
 - *Expiry date*
 - *Type of agreement*
 - *Copy of the agreement*

I have responded to the parts of your request in turn below.

1. Onehunga Port

An agreement in principle, which included an agreed purchase price, was reached with the owner of the Onehunga Port during August 2017. The draft Agreement including those terms was never signed by either party and was not finalised as the Transport Agency never completed the internal approval process to execute and enter into the Agreement. The landowner was advised on 25 October 2017 that approval for the purchase was not proceeding.

The actual Agreement, including the purchase price and further terms, is withheld under section 9(2)(b)(ii) of the Act, to protect the commercial position of the landowner. This section of the Act allows for the withholding of information where the making available of that information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. With respect to the information that has been withheld, I do not consider there are any factors which would render it desirable, in the public interest, to make the information available.

2. All properties listed in the response to OIA-3363

A schedule of documents that fall within the scope of your request for copies of the Agreements is **attached**. Those Agreements contain all of the further details requested by you, where those are available.

Certain information (including names, signatures, addresses, occupations, email addresses and phone numbers) has been withheld under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

To the extent that some documents do not contain an expiry date, that portion of your request is refused under section 18(e) of the Act, as the information requested does not exist.

3. 1-7 Sylvia Park Road and 19-21 Sylvia Park Road

We have already provided you with a brief overview of the option agreement on this property. We refuse your request for further information under section 9(2)(b)(ii) of the Act, to protect the commercial position of the landowner. This section of the Act allows for the withholding of information where the making available of that information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. With respect to the information that has been withheld, I do not consider there are any factors which would render it desirable, in the public interest, to make the information available.

4. 72 Frank Grey Place

We have already provided you with a brief overview of the option agreement on this property. We refuse your request for further information under section 9(2)(b)(ii) of the Act, to protect the commercial position of the landowner. This section of the Act allows for the withholding of information where the making available of that information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. With respect to the information that has been withheld, I do not consider there are any factors which would render it desirable, in the public interest, to make the information available.

Your email of 22 January 2018

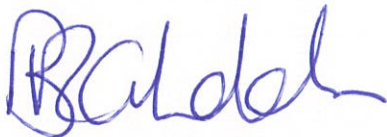
Thank you for your further clarification email of 22 January 2018. We understand from this email that your focus is to form a view of the current status of the Onehunga Port. As the information provided above includes an explanation of the current status of the Onehunga Port, we are not at this time treating your email of 22 January 2018 as a separate and active request. However, if you do require any further information, please confirm this to us by email to official.correspondence@nzta.govt.nz.

Conclusion

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decisions to withhold information and to refuse some parts of your request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the NZ Transport Agency, please contact me by email to brett.gliddon@nzta.govt.nz or by phone on 09 969 8780.

Yours sincerely



Brett Gliddon

Senior Manager, System Design

OIA-3436 Document Schedule

Ref	Document	Agreement Date	Property	Information withheld
1.	Memorandum of Agreement Pursuant to the Public Works Act 1981	12/07/2017	10 Avalon Court	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
2.	Memorandum of Agreement Pursuant to the Public Works Act 1981	12/07/2017	11 Avalon Court	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
3.	Memorandum of Agreement Pursuant to the Public Works Act 1981	7/12/2016	13 Avalon Court	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
4.	Memorandum of Agreement Pursuant to the Public Works Act 1981	12/07/2017	14 Avalon Court	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
5.	Memorandum of Agreement Pursuant to the Public Works Act 1981	12/07/2017	15 Avalon Court	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
6.	Memorandum of Agreement Pursuant to the Public Works Act 1981	11/07/2017	16 Avalon Court	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
7.	Memorandum of Agreement Pursuant to the Public Works Act 1981	11/07/2017	17 Avalon Court	Names, signatures, addresses and occupations, email addresses and phone numbers withheld under section 9(2)(a) to protect the privacy of natural persons
8.	Memorandum of Agreement Pursuant to the Public Works Act 1981	11/07/2017	18 Avalon Court	Names, signatures, addresses and occupations, email addresses and phone numbers withheld under section 9(2)(a) to protect the privacy of natural persons
9.	Memorandum of Agreement Pursuant to the Public Works Act 1981	30/06/2017	15C Coppins Road	Names and signature withheld under section 9(2)(a) to protect the privacy of natural persons
10.	Memorandum of Agreement Pursuant to the Public Works Act 1981	24/08/2017	15D Coppins Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
11.	Memorandum of Agreement Pursuant to the Public Works Act 1981	30/03/2017	16 Coppins Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
12.	Memorandum of Agreement Pursuant to the Public Works Act 1981	4/04/2017	17 Coppins Road	Signature of authorised officer withheld under section 9(2)(a) to protect the privacy of natural persons

Ref	Document	Agreement Date	Property	Information withheld
13.	Memorandum of Agreement Pursuant to the Public Works Act 1981	25/08/2017	19 Coppins Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
14.	Memorandum of Agreement Pursuant to the Public Works Act 1981	23/05/2017	21 Coppins Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
15.	Memorandum of Agreement Pursuant to the Public Works Act 1981	27/09/2017	6 Deas Place	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
16.	Memorandum of Agreement Pursuant to the Public Works Act 1981	9/10/2017	8 Deas Place	Signature of authorised officer withheld under section 9(2)(a) to protect the privacy of natural persons
17.	Memorandum of Agreement Pursuant to the Public Works Act 1981	21/06/2017	12 Deas Place	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
18.	Memorandum of Agreement Pursuant to the Public Works Act 1981	20/03/2017	14 Deas Place	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
19.	Memorandum of Agreement Pursuant to the Public Works Act 1981	16/10/2017	2 Frank Grey Place	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
20.	Memorandum of Agreement Pursuant to the Public Works Act 1981	4/10/2017	72A Frank Grey Place	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
21.	Memorandum of Agreement Pursuant to the Public Works Act 1981	1/09/2017	1018B Great South Road	Names, signatures, addresses and occupations of witnesses and signature of authorised officer withheld under section 9(2)(a) to protect the privacy of natural persons
22.	Memorandum of Agreement Pursuant to the Public Works Act 1981	18/07/2017	57 Hillside Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
23.	Memorandum of Agreement Pursuant to the Public Works Act 1981	16/10/2017	59 Hillside Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
24.	Memorandum of Agreement Pursuant to the Public Works Act 1981	4/10/2017	61 Hillside Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
25.	Memorandum of Agreement Pursuant to the Public Works Act 1981	13/09/2017	63 Hillside Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
26.	Memorandum of Agreement Pursuant to the Public Works Act 1981	5/04/2017	30 Mataroa Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
27.	Memorandum of Agreement Pursuant to the Public Works Act 1981	30/03/2017	1/59 & 2/59 Mataroa Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons

Ref	Document	Agreement Date	Property	Information withheld
28.	Memorandum of Agreement Pursuant to the Public Works Act 1981	20/06/2017	61A & 61B Mataroa Road	Names and signatures withheld under section 9(2)(a) to protect the privacy of natural persons
29.	Memorandum of Agreement Pursuant to the Public Works Act 1981	29/05/2017	3 McLennan Road	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
30.	Memorandum of Agreement Pursuant to the Public Works Act 1981	30/05/2017	3A McLennan Road	Signature of authorised officer withheld under section 9(2)(a) to protect the privacy of natural persons
31.	Agreement	5/12/2016	Neilson Street (disused rail corridor)	Names, signatures, and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
32.	Memorandum of Agreement Pursuant to the Public Works Act 1981	15/12/2016	Ngarango Otainui Island	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
33.	Memorandum of Agreement Pursuant to the Public Works Act 1981	2/12/2016	69 Panama Road	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons
34.	Memorandum of Agreement Pursuant to the Public Works Act 1981	29/03/2017	88 Panama Road	Names, signatures, addresses and occupations withheld under section 9(2)(a) to protect the privacy of natural persons