

19 July 2024

Duncan Kenderdine

Email: c/-fyi-request-27318-79521057@requests.fyi.org.nz

Dear Mr Kenderdine,

OFFICIAL INFORMATION ACT 1982 (OIA) – REQUESTS FOR INFORMATION - CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED (CIAL)

1. We write further to our email of 24 June 2024, acknowledging receipt of your OIA request of 20 June 2024 seeking the following information (if held by CIAL):

Request: Any memos from WSP and Boffa Miskell on the proposed Tarras Airport

Please provide a copy of any memos or reports [Boffa Miskell and WSP] have provided to you, particularly as regards flora, fauna, planning or infrastructure.

(the “**Request**”).

2. CIAL will provide you with the requested information where it is able. However, you will note within this letter that it is occasionally unable to release requested information. Various reasons may include if the information is subject to legal privilege or it would prejudice or disadvantage CIAL’s commercial activities. Before we answer your specific queries, it may be helpful to provide some context to this.
3. CIAL is a council-controlled trading organisation that has been specifically established to operate and manage its business as an independent commercial undertaking for the purposes of making a profit, and to follow generally accepted commercial practices and disciplines. CIAL is not a public body collecting and spending public funds. It operates as a wholly commercial, standalone entity. Due to the size and scale of those activities it is one of only three major airports in New Zealand regulated under Part 4 of the Commerce Act and has a further overriding obligation under the Airport Authorities Act to act as a commercial undertaking.
4. CIAL’s investigations to date with respect to the Central Otago Airport project (the “**Project**”) are a complex commercial activity, acknowledged as being in competition with the interests of other airports within New Zealand. To assist public understanding of the context of the Project, CIAL has and will as circumstances require proactively published information as it completes pieces of work which is likely to be in the public interest to receive on its dedicated Project web-site at <https://www.centralotagoairport.co.nz/> (the “**Project Website**”). In such instances the public interest test will have been considered and weighed up as part of the decision whether to release information or not. Equally, each OIA query CIAL receives will be assessed on a case by case basis given the particular given facts and circumstances at play at that time.

5. In respect of your Request, we advise:

- (a) WSP have been engaged to prepare a Power Supply Feasibility Assessment however this report forms part of a larger study that remains subject to legal professional privilege and therefore your request is refused on the basis of section 9(2)(h) of the OIA.
- (b) CIAL engaged Boffa Miskell to prepare a report on Avifauna. A summary of the findings are publicly available on our website page:

<https://www.centralotagoairport.co.nz/uploads/images/COA-The-effects-of-aviation-on-birdlife-in-their-natural-habitat.pdf>

<https://www.centralotagoairport.co.nz/uploads/images/COA-Avifauna-Birdstrike.pdf>

The unpublished information from the report may impact on CIAL's ability to carry out its commercial activities without disadvantage and we do not consider this is outweighed in the circumstances by the public interest in making the information available. Accordingly, at this time, the balance of information contained in the report is withheld under Section 9(2)(i) of the OIA.

- (c) The following reports have been commissioned from third party consultants with the assistance of Boffa Miskell:
 - (i) Freshwater Ecology Values;
 - (ii) Botanical Survey Report;
 - (iii) Survey of Terrestrial Invertebrates; and
 - (iv) Lizard Survey.

These reports are outside the scope of your Request as they have not been prepared by Boffa Miskell. Notwithstanding this, your request would be refused in any event as this information remains subject to legal professional privilege pursuant to section 9(2)(h) of the OIA.

- 6. We trust we have answered your requests for information. If you require any further information or we have in some way misinterpreted your requests, please let us know.
- 7. You have the right to seek an investigation and review by the Ombudsman of the decisions contained in this letter. Information about how to contact the Ombudsman or make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

CIAL LEGAL TEAM

Email: legal@cial.co.nz