

# Public Private Partnerships and Infrastructure Projects

May

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## Moving forward

The Government's release of its \$227M land transport package "Moving Forward" is one of the largest single injections of public funding into transport infrastructure in New Zealand in recent years. The package introduces the possibility of the public and private sectors working together in the area of land transport to produce a system that is tailored for New Zealand. The strategy also allows for the possibility of Transit New Zealand and local authorities accessing private sector finance to fund land transport projects.

## Public private partnerships (PPP) for innovation

There is a clear role for PPPs in an innovative economy as a vehicle for more efficiently delivering and funding infrastructure that has traditionally been provided and operated by the public sector. There are various types of private finance that can be employed for these projects. Tolling is one option. However, with legislative changes, the use of other types of private finance such as the debt and bond markets is possible for New Zealand's land transport development. These sources of private finance have been used in PPP projects in the UK and Australia, overall with excellent results.

## PPP disciplines

PPP projects typically involve expert advice across a broad range of disciplines including financing arrangements, construction and maintenance contracts, operations agreements, resource

management and environmental obligations. Central and local government issues and the supporting legislative and regulatory framework often play a key role. Bell Gully has significant experience in these areas of legal practice.

## Bell Gully expertise

Bell Gully understands the role of lawyers in PPP and infrastructure projects. Typically, those projects require lawyers with disciplined project management techniques to work with the wider project team to ensure that the legal and contractual aspects of the project are co-ordinated with the financial, engineering and design aspects.

Bell Gully has worked on complex infrastructure projects, many of which share issues and areas of law common to PPPs:

- advising a syndicate in relation to the Weiti roading project in the greater Auckland region;
- advising a consortium of local authorities in Auckland on developing the rail network for the city;
- maintaining a close involvement with the formulation of the National Land Transport Strategy. Bell Gully acts on a *pro bono* basis to Auckland Regional Council's Rapid Transit CEO's committee;
- advising on the formation of a joint venture to construct, own, operate and finance New Zealand's first two independent power projects at Southdown and Taranaki;

- acting for the operators of New Zealand's first privately owned prison;
- acting for TranzRail Limited in relation to the outsourcing of railway infrastructure and motive power engineering services;
- advising the sponsors of one of New Zealand's largest proposed infrastructure development projects at Britomart, Auckland.

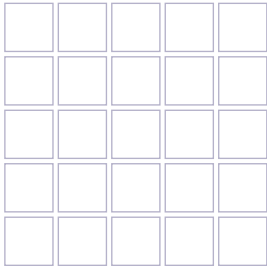
## International experience

Bell Gully has invested significantly in developing expertise in and around PPPs and infrastructure projects. We have several partners and senior associates that have specialised in PPPs in the United Kingdom during the past five years and who have returned to New Zealand with a wealth of highly relevant and directly transferable international experience. These lawyers worked on a PPP projects covering a wider range of areas in the UK including construction, rail, land transport infrastructure, engineering, health, electricity and other utilities.

## How we can help

Bell Gully can support your involvement in PPPs and infrastructure projects from the time of expressions of interest and tender documents right through to the negotiation and documentation phases.

For further information, contact Matthew Cockram in our Auckland office, James Willis or David Chisnall in our Wellington office, or visit our website [www.bellgully.com](http://www.bellgully.com).



## Our People

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### Public Private Partnerships and Infrastructure Projects

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**Matthew Cockram**

Chairman and an Auckland partner in our commercial services group with particular interests in construction law and property development. Matthew is currently advising on the Weiti toll road proposal and has been a strong advocate for the introduction of PPPs in New Zealand.

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**David McGregor**

An Auckland partner in our commercial services group. David is a local government specialist and has been heavily involved in the development of the Auckland Land Transport Strategy.

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**James Willis**

A Wellington partner in our corporate group. James is experienced in engineering and infrastructure projects. He regularly acts in relation to the acquisition of major capital assets.

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**David Chisnall**

A Wellington partner in our commercial services group. David specialises in major commercial projects and was recently involved in a significant outsourcing project of railway engineering services. He is currently involved in roading sector issues.

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**Stephen Revill**

A Wellington partner in our commercial group. Stephen works with governmental and banking clients in the areas of IT development, business outsourcing, the management of assets and service continuity.

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**David Gilbert**

An Auckland senior associate in our commercial services group. David specialises in property development and infrastructure projects. He is currently providing advice on the integration of the Britomart Transport Interchange with Auckland's regional transport strategy. David has considerable UK experience with PPP projects in the health and defence sectors.

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**Danise McEvoy**

A Wellington senior associate in our corporate group. Danise has significant UK experience with PPPs and infrastructure projects with specialities in transport, engineering and capital asset acquisitions.

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If you're interested in receiving information on PPP, please subscribe to our newsletter service by contacting **info@bellgully.com** or visiting our website **www.bellgully.com**