

OIR: 2425/1130

1 November 2024 1 November 2024



Tēnā koe John,

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of **5 September 2024** requesting the following information:

- Please provide the individual grants names and dollar amounts paid out by KCDC under the purpose or rationale of economic or business development to all entities within the KCDC rating region for the three fiscal years 2021-2024 ?***

The following table lists all grant recipients, and the amounts received as part of Council's economic or business development programme related to the Economic Development Strategy (2020 to 2023), which includes major events funding:

Grant recipient	2021/2022	2022/2023	2023/2024
Elevate Ōtaki	\$30,000.00	\$30,000.00	
Work Ready Kapiti	\$65,000.00	\$65,000.00	\$30,000.00
Ngā Manu Nature Reserve	\$51,350.00	\$105,268.00	\$107,689.00
Kāpiti Business Chamber	-	-	\$30,000.00
Te Rōpū Pakihi (Māori Business Network Kāpiti Horowhenua)	-	-	\$30,000.00
Ōtaki Promotions Group – Ōtaki Kite Festival	\$20,000.00	\$25,000.00	\$50,000.00

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

Grant recipient	2021/2022	2022/2023	2023/2024
Kāpiti Food Fair	\$25,000.00	\$25,000.00	\$30,000.00
Māoriland Hub – Māoriland Film Festival	\$40,000.00	\$45,000.00	\$30,000.00
Barefoot Sport – Xterra Wellington Festival	\$20,000.00	\$30,000.00	\$20,000.00
Coasters Musical Theatre production of Mary Poppins	\$25,000.00	-	-
Barefoot Sport – Kāpiti Half Marathon	\$25,000.00	\$30,000.00	\$30,000.00
Māoriland Hub – Matariki Ramaroa	\$40,000.00	\$30,000.00	-
Evenzts NZ Trust 2004 Kāpiti Woman's Triathlon	-	\$12,000.00	\$12,000.00
Hori Gallery – Matariki on Moana	-	-	\$20,000.00
Air Chathams	\$70,000.00	\$50,000.00	\$50,000.00

I note that we also provide grants relevant to 'the purpose or rational of economic or business development' through the Māori Economic Development Grants Fund which is managed by our Iwi Partnership Group This information is as follows:

Grant recipient	2021/2022	2022/2023	2023/2024
Hori Gallery Ltd – Te Whare Toi o Hori	\$10,000.00	\$10,000.00	\$20,000.00
Māoriland		\$15,189.27	
Ōtaki Manuka Growers		\$30,251.00	
Ha Pai Wellness	\$10,000.00	\$14,540.94	\$14,000.00
Te Rongoā Rerehua	\$6,500.00		
Te Rongoā Collective of the ART Confederation			\$30,000.00
Āhei Property Maintenance services Ltd			\$8,000.00

- 2. Please provide the individual grants names and dollar amounts paid out by KCDC under the purpose or rationale of Economic or business development to all entities OUTSIDE the KCDC rating region for the three fiscal years 2021-2024? And [including the payment made to a health and healing business in Northland] ?**

Please refer to the tables in Question 1 above for a list of all grant recipients and the amounts received as part of Council's economic or business development programme related to the Economic Development Strategy (2020 to 2023); and the Māori Economic Development Grants Fund.

I understand that we are unaware of a payment to a health and healing business in Northland and are therefore unable to respond to this part of the Question.

- 3. Please provide the Business plan, Terms of Reference, Key Performance indicators [KPI's], and measurement and accountability benchmarks for the said "economic development " payments referred to both within the KCDC Region and outside for the three fiscal years 2021-2024.**

I have made a decision to release this information to you however, it will take some time to finalise the compilation of this information, and we will endeavour to provide it to you by 22 November 2024. As this is required it will be subject to the following:

Some of the information you are seeking is commercially sensitive and will be withheld under section 7(2)(b)(ii) of the Act. Section 7(b)(ii) provides that Council may withhold information in order 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. I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

The personal details of some individuals will be withheld from the information provided. The decision to withhold this information is made under section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons. I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

- 4. Please advise the Statutory Authority for the creation of an Economic Development 'Kotahitanga' Trust [EDKB] funded by Ratepayers but not accountable or transparent to them as Business recipients?**

The statutory authority for progressing the creation of an 'economic development trust' is the 2021-41 Long-term Plan. Through the consultation phase to develop this Plan, the community provided overwhelming support for Council to establish arms-length entities (via the consultation on council-controlled organisations, one

of the topics consulted on) for services where it is deemed useful, or to leverage opportunities for delivering major projects.

Further to this, during the development of the Economic Development Strategy (2023 to 2026) and Vision Kāpiti engagements, Council held a series of hui to seek input around utilising a council-controlled organisation (or similar) for economic development activities. The proposal for establishing a Trust is that economic activity will provide a return to the community, rather than require ratepayers funding in the medium-term.

On this basis, in August 2024, Council approved 'in-principle' to introduce a new economic development operating model which includes establishing a Trust. Please refer to the minutes of the 29 August 2024 Council meeting: [PDF\(182.6KB\)](#)

It is intended that a further report will be presented to Council on this matter to adopt the Trust Deed, Relationship Framework Agreement and other documents or matters relevant to settling the new arrangements in place. When that report is prepared and becomes part of the Council agenda, you can find it on the Council [website](#).

5. Please provide the name(s) of the Settlor, the Trustees, and the beneficiaries of the said Trust?

The Trust referred to in Question 4 is not yet established, however, I can confirm that the Council will be the Settlor of the Trust and the community will be the beneficiary due to its charitable status. This will occur once the documentation is provided to Council for consideration to stand-up the Trust.

In regard to Trustees, this process has not yet occurred and no Trustees have been appointed to date.

I am therefore declining this information under section 17(e) of the LGOIMA as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

6. Please provide the origins of the Funds being settled under the Trust and who are the funds accountable to?

Council have not made a resolution to settle a Trust yet.

I can confirm that any ratepayer funds utilised to settle or support the establishment of this or any other Trust will have accountability requirements set when Council is asked to approve any Trust Deed, Relationship Framework Agreement and/or other documents or matters relevant to settling the new arrangements in place. When relevant reports are prepared and become part of the Council agenda, you can find it on the Council [website](#).

7. Please provide the Business plan, Terms of Reference, Key Performance indicators [KPI's], and measurement and accountability benchmarks for the said Trust?

Please see the Response to this above at Question 6.

Further to this, the Economic Development Strategy will set the direction for the Trust's work, along with a requirement for an annual business plan to be tabled with Council. These are in development and not yet available.

I am therefore declining this information under section 17(e) of the LGOIMA as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

8. Please provide the authority under the LGA 2002 that states KCDC can make secured loans to businesses?

Section 12 of the Local Government Act 2002 establishes local authorities as body corporates and Council can carry out commercial activity within the parameters of that Act. Council's [Treasury Management Policy](#) sets out when Council will advance loans to external organisations.

9. And the statutory authority authorising this – i.e. Banking licence, Trustee Corporation or Company etc..?

We understand this query to be in relation to the Questions above related to the establishment of a Trust. On that basis, I note that Council has not resolved to authorise a secured loan to any Trusts that are in progress.

I am therefore declining this information under section 17(e) of the LGOIMA as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

10. Please provide the authority under the LGA 2002 that states KCDC can make unsecured loans to businesses?

We understand this query to be in relation to the Questions above related to the establishment of a Trust. On that basis, Council has not resolved to authorise any unsecured loan to any Trusts that are in progress.

I am therefore declining this information under section 17(e) of the LGOIMA as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

11. Please provide the nature of the security for loans made by KCDC and provide whether the funding source was from borrowings or Ratepayer Funded contributions?

Please refer to the Response to Questions 9 and 10.

In the event that any loan is authorised, Council's [Treasury Management Policy](#) sets out the nature of the securities sought by Council if it makes a loan advance.

12. Please provide the detail of a loan recently made comprising \$1.8 Million , was this loan secured or unsecured ?

Council has not resolved to make a loan to any business (including developers) for \$1.8 million. This request is therefore refused on the basis that the information does not exist (section 17(e) LGOIMA).

13. Please provide the name of the Developer?

Please refer to the Response to Question 12.

14. It is assumed that this developer is not likely to be the development opposite Boat city, nor the Mansell family development , Otaihanga - notwithstanding both have drainage problems, please confirm that it is lan Cassells [The Wellington Company] for the land behind Rimu Road development?

Please see the Response to Questions 12 and 13 above

15. For the 2024 -2025 Fiscal year please provide the detail of what this \$154,000 is to be spent on and who will receive these funds? ex https://www.kapiticoast.govt.nz/media/4emlferr/long-term-plan-2024-34-document_final-v2.pdf page 130.

On 2 March 2023, Council passed the following resolution in relation to the Notice of Motion - Te Uruhi Project. Council agreed to allocate \$150,000 from central government Better Off Funding provision to support the delivery of the aspiration “to provide opportunity for mana whenua stories to be told in an integrated, visible and mana enhancing way”. The funding was included in the Long-term Plan 2024-34 to support the delivery of this action.

7.2 Notice of Motion -Te Uruhi Project

RESOLUTION CO2023/24

Moved: Cr Liz Koh

Seconder: Cr Martin Halliday

That the Kāpiti Coast District Council rescind and revoke all prior resolutions and amendments relating to the Kāpiti Island Gateway – Te Uruhi project; (see attached list of resolutions as supplied by KCDC as Under Standing Orders clause 23.1(b))

And further moves the Chief Executive to instruct staff and contractors to cease all work on progressing the Kāpiti Island Gateway – Te Uruhi project

That Council reflects on the key outcomes Te Uruhi was seeking to achieve and, alongside key partners and stakeholders, builds on or develops work streams to deliver on these aspirations. We see the aspirations as including;

- to enhance biosecurity and visitor experience of travelling to Kāpiti Island
- to provide opportunity for mana whenua stories to be told in an integrated, visible and mana enhancing way
- to refine and tell our Kāpiti story, to support our destination marketing and sense of self and place.

That Council notes the report and recommendations from staff on Te Uruhi Facility Project.

CARRIED

16. For the 2024 -2025 Fiscal year please provide the detail of the Business plan, Terms of Reference, Key Performance indicators [KPI's], and measurement and accountability benchmarks that this \$154, 000 is to be measured by?

I can clarify that our Iwi Partnerships Group is initiating work with our iwi partners on this matter. However, the information requested does not currently exist, as this project has not yet commenced. This part of your request is refused under section 17(e) of the Act as the documents alleged to contain the information requested does not exist, or despite reasonable efforts to locate them, they cannot be found

17. Please provide the other Expenditure Ledger entries under which “economic development” expenditure is being renamed or hidden? as the actual activity out in the public domain does not reconcile with what KCDC is declaring on the books? [Financial Statements or the LTP] there are a number of contradictions disclosed here that the Auditors Ernst and Young have not picked up or commented on.

I understand that we have previously provided information related to this query in Official Information Request Responses to you, regarding your questioning of the auditing of financial statements and the LTP.

Please refer to the Responses provided above in relation to economic development expenditure. I also understand that you have made complaints to the Auditor General's office and the Office of the Ombudsman. Accordingly, there is nothing further to add in regards to this question. Council will respond to any external investigations as required by those agencies.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,

A handwritten signature in black ink, appearing to read 'Kris Pervan', with a stylized, cursive script.

Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

OIR: 2425/1130

22 November 2024

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████████████████████

Tēnā koe ██████,

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Further to my letter of 1 November, we are now in a position to provide you with the documents which relate to your Question 3 where you sought:

Please provide the Business plan, Terms of Reference, Key Performance indicators [KPI’s], and measurement and accountability benchmarks for the said “economic development “payments referred to both within the KCDC Region and outside for the three fiscal years 2021-2024.

Please refer to Table A and B below for the list of grant recipients related to economic development, and the Māori Economic Development Fund along with relevant supporting documentation that you requested. For your convenience it is arranged in the same order as the list of grants in my letter dated 1 November 2024.

Table A: Economic Development grants and supporting information

Grant recipient	Relevant documents you have asked for
Elevate Ōtaki	Elevate Otaki Presentation to Council dated 2 May 2023 Strategy Operations and Finance Committee Report, dated 7 December 2023
Work Ready Kāpiti	2021-22 Grant Agreement Kāpiti Employment Foundation (Work Ready Kapiti) 2022-23 Grant Agreement Kāpiti Employment Foundation (Work Ready Kapiti)

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

Grant recipient	Relevant documents you have asked for
	2022-23 Grant Agreement Kāpiti Youth Employment Foundation (Work Ready Kāpiti) 2024-25 Grant Agreement Kāpiti Youth Employment Foundation (Work Ready Kāpiti)
Ngā Manu Nature Reserve	2021-24 Funding agreement between KCDC and Ngā Manu Nature Reserve
Kāpiti Business Chamber	2023-24 Grant Agreement – Kāpiti Chamber of Commerce
Te Rōpū Pakihi (Māori Business Network Kāpiti Horowhenua)	2023-24 Grant Agreement – Te Rōpū Pakihi
Ōtaki Promotions Group – Ōtaki Kite Festival	2019-22 MEF Grant Agreement Ōtaki Promotions Group for Ōtaki Kite Festival 2022-23 MEF Grant Agreement Ōtaki Promotions Group for Ōtaki Kite Festival 2023-24 MEF Grant Agreement Ōtaki Promotions Group for Ōtaki Kite Festival – Additional Funding
Kāpiti Food Fair	2019-22 MEF Grant Agreement Kāpiti Food Fair 2021-22 MEF Grant Agreement Kāpiti Food Fair-Additional Funding 2022-23 MEF Grant Agreement Kāpiti Food Fair 2023-26 MEF Grant Agreement Kāpiti Food Fair
Māoriland Hub – Māoriland Film Festival	2019-22 MEF Grant Agreement – Māoriland Charitable Trust for Māoriland Film Festival 2022-23 MEF Grant Agreement – Māoriland Charitable Trust for Māoriland Film Festival
Barefoot Sport – Xterra Wellington Festival	2022-23 MEF Grant Agreement Barefoot Sport for XTERRA
Coasters Musical Theater production of Mary Poppins	2021-22 MEF Grant Agreement – Coasters Musical Theater for Mary Poppins

Grant recipient	Relevant documents you have asked for
Barefoot Sport – Kāpiti Half Marathon	2021-22 MEF Grant Agreement - Barefoot Sport for Kāpiti Half Marathon 2022-23 MEF Grant Agreement – Barefoot Sport for Kāpiti Half Marathon
Māoriland Hub – Matariki Ramoroa	2021-22 MEF Grant Agreement Māoriland Hub for Matariki Ramoroa 2022-23 MEF Grant Agreement Māoriland Hub for Matariki Ramoroa* * A copy of the 2022-23 MEF Grant agreement between Māoriland Charitable Hub for Matariki Ramoroa has been provided, noting it is the unsigned copy.
Evenzts NZ Trust 2004 Kāpiti Woman’s Triathlon	2022-23 MEF Grant Agreement - Evenzts NZ Trust for Kapiti Women's Triathlon
Hori Gallery – Matariki on Moana	2023-24 MEF Grant Agreement Matariki on Moana - Hori Gallery
Air Chathams	Please refer to the below link to OIR 2324-760 dated 29 January 2024 for more details regarding support provide to Air Chathams OIR:2324/760 29 January 2024

Table B: Māori Economic Development Fund grants

Grant Recipient	Supporting Material
Hori Gallery – Te Whare Toi o Hori	1. 2021-22 MED Funding Decision Letter – Hori Thompson Te Whare Toi o Hori 18. 2021-22 Te Whare Toi o Hori – signed agreement. 2. 2022-23 MED Funding Decision letter – Hori Thompson Te Whare Toi o Hori 19. 2022-23 Te Whare Toi o Hori – signed agreement

	<p>3. 2023-24 MED 2024 Decision Letter – Te Whare Toi o Hori</p> <p>14. 2023 – 24 Te Whare Toi o Hori – Signed Agreement</p>
Ōtaki Manuka Growers	<p>4. 2022-23 MED Funding Decision Letter – Ōtaki Manuka Growers Limited</p> <p>16. MED 2022- 23 Otaki Manuka Growers Ltd – Signed Agreement</p>
Ha Pai Wellness	<p>5. 2021-22 MED Funding Decision Letter Kim Tasker Hapai Wellness</p> <p>20. 2022-23 MED Funding Decision Letter – Hā Pai Wellness</p> <p>17. MED 2022-23 Hā Pai Wellness – Signed Agreement</p> <p>6. 2023-24 MED 2024 Decision Letter – Hā Pai Wellness</p> <p>21. 2021-2022 Signed letter of Agreement – Kim Tasker Hā Pai Wellness and KCDC</p>
Te Rongoā Rerehua	<p>9. 2021-22 MED Funding Devision Letter – Bianca Dalton Te Rongoā Rerehua</p> <p>10. Bianca Dalton – Te Rongoā Rerehua – Signed agreement</p>
Te Rongoā Collective of the ART Confederation	<p>11. 2023-24 Decision Letter- Rongoā Collective of ART Confederation</p> <p>15. MED2024 Rongoā Collective Signed Agreement</p>
Āhei Property Maintenance services Ltd	<p>12. 2023-24 Decision Letter – Āhei Property Services Ltd</p> <p>13. MED Āhei Property Services Signed Agreement</p>

I have been advised that I need to provide an update on my original response to Question 1, in the letter dated 1 November 2024 on the basis of new information:

- Subsequent to releasing this letter, staff confirmed that two grants were not listed; this detail is not provided in Table C below, and supporting documentation also attached.

Table C: Additional update to Question 1 on list of Economic Development grants

Grant Recipient	Amount	Supporting Material
Kāpiti Business Chamber	\$3,000	2022-23 Grant Agreement – Kāpiti Chamber of Commerce
Ōtaki Promotions Group	\$25,000	2023-2024 MEF Grant Agreement Ōtaki Promotions Group for Ōtaki Kite Festival

- Further to this, Table D below provides an update to information previously provided in my original response.

Table D: updated information on Question 1 list of Economic Development grants

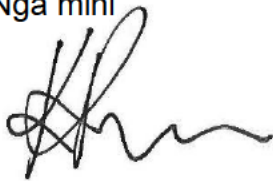
Grant Recipient	Revised amount	Explanation
Māoriland Charitable Trust for 2022/23 Matariki Ramoroa Event	\$45,000	The original figure for Matariki Ramoroa Event was transposed in our response, and detail for the Maoriland Film Festival Event noted instead. This is revised from \$30,000 to \$45,000.
Māoriland Charitable Trust for 2022/23 Maoriland Film Festival Event	\$30,000	As noted in the item above, the original figure for Maoriland Film Festival Event was transposed in our response, and the detail for Matariki Ramoroa Event noted instead. This is now revised from \$45,000 to \$30,000.
Barefoot Sport for 2021/22 Xterra Wellington Festival	\$nil	The original figure noted for Barefoot Sports for the Xterra Wellington Festival was \$20,000. However, I have had confirmation that the event was cancelled due to COVID and the grant was not paid. This is therefore revised to \$nil.

Grant Recipient	Revised amount	Explanation
Hori Gallery – Matariki on Moana	\$25,000	The original figure noted excluded a payment of \$5,000 and is now updated to include this. This is now revised from \$20,000 to \$25,000.

The personal details of some individuals will be withheld from the information provided. The decision to withhold this information is made under section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons. I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

If you require the attachments referred to in the above letter, please contact the Information Request Team - informationrequest@kapiticoast.govt.nz