

26 March 2021

[REDACTED]

[REDACTED]

Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: 8068142 (OIR's: 2021-193, 2021-197 and 2021-201)

I refer to your information requests we received on 1, 8 and 9 March 2021. For ease of response we have decided to provide the information in one formal response letter below.

OIR 2021-193 (1 March 2021)

- 1. Please provide all records you have on the Gateway and its use as a biosecurity centre. In particular please provide copies of all emails, and telephone conversation notes and recordings between all KCDC staff and DOC.***

Information on the provision and use of a biosecurity centre as part of the gateway project, including the proposal and subsequent reports are available on the Kāpiti Gateway Centre webpage at www.kapiticoast.govt.nz/your-council/projects/kapiti-gateway-centre. You also received additional information relating to this same request on 26 June 2020.

To enable staff to efficiently process your request for “all records”, you may wish to refine the scope of your request to be more specific about the information you are seeking that is different from what we have already provided, including timelines etc. Please contact us at informationrequest@kapiticoast.govt.nz by close of business Wednesday 31 March 2021 with your refined request. If we do not hear from you by this date, we will decline the request due to substantial collation, under section 17(f) of the Act.

We note that you have made 16 separate requests for information regarding Kāpiti Gateway since July 2019, including repeatedly asking for the same or similar information. Therefore, under Section 13 of the Act (LGOIMA) Council may seek to charge for the provision of any further information you request. Please find details on our fees and charges on the following link: <https://www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/official-information-request-charges/>.

It has come to [REDACTED] attention that DOC has indicated KCDC has requested that it become a requirement that the independent concessionaire be required to use the facility as a term of its Concession, and this will be made mandatory at the next review.

- 2. Please indicate the legal basis upon which KCDC considered it could surreptitiously engage with one party to a contract to the detriment of another party to a contract.**

I must decline this part of your request under section 17(h) of LGOIMA as the request is frivolous or vexatious or the information requested is trivial.

OIR 2021-197 (8 March 2021)

- 1. Can you please confirm that you instructed PwC to exclude from their report on the financial viability of the Gateway project repayment of loan principal.**

Information, including the scope of work for PwC is available on the Kāpiti Gateway Centre website, www.kapiticoast.govt.nz/your-council/projects/kapiti-gateway-centre

- 2. Please list all recent projects over the past 4 years (contract value more than \$1.5 million) plus the Aquatic Centre, where you have similarly excluded loan repayment from consideration in establishing financial viability.**

Information identifying Council's major projects and funding is available as part of the Long Term Plan, Annual Plans and Council's Financial Strategy available on Council's website www.kapiticoast.govt.nz/your-council/planning/annual-and-long-term-plans/.

The Gateway Project is joint funded by Government and Council. Government's 50% contribution is by way of Grant under the COVID-19 Response and Recovery Fund – it is not a loan.

- 3. Please indicate that your council has no obligation to make repayment of loan principal at any time in the future, as appears to be the case in the Gateway project.**

See response to question 2 above.

OIR 2021-201 (9 March 2021)

I will assume you were fully aware of the need of any project to qualify for Provincial Growth Funding it needed to be shovel ready. For instance the pro forma application you made concerning the revitalization of the Waikanae library failed because KCDC was still awaiting its special committee to decide the best site for rebuild or replacement.

"We have assessed, at a high level as appropriate to this conceptual phase of the project, the potential revenue and risks of various uses within the Gateway including (in addition to the biosecurity and visitor centre/ticketing functions) a gift shop, commercial office, a daytime cafe and an evening bar & brasserie uses would each support the Council's Investment Objectives and would complement each other".

Shovel ready funding

- 1. In its reassurances to the PGF did KCDC confirm that the project was in public interest and planning terms de minimus, therefore would be no publicly required notification and to all intents and purposes it was shovel ready?**

The application for the PGF and supporting documents are available on the Kāpiti Gateway Centre website. The Council report from Thursday 25 February discusses the requirements to satisfy PGF funding requirements.

Resource consent for the proposal has been applied for and is currently on hold awaiting further information. The proposal and effects will be assessed through this process, including the notification decision under the RMA.

2. Further confirm you indicated that District Plan, RMA and NZ Coastal Policy Statement requirements had been met and required mere rubber stamping?

Resource consent for the proposal is underway, but currently on hold awaiting further information. The effects of the proposal will be fully assessed under the RMA and relevant documents.

3. [REDACTED] has noticed that the PwC report, upon which 7 councillors placed great reliance- PwC being your highly esteemed independent auditors, states that in fact they were instructed by KCDC that the matter was simply at the conceptual stage, not the bucket ready stage.

a) Did PwC get it wrong as to what stage you were at?

The scope of work and summary PwC report are available on our website as indicated above.

b) If so why did you as CEO fail to point out to councillors the PwC report was written on this fundamental assumption of the application simply being a concept?

Please refer to the response above at Q3a.

c) If not why not?

Please refer to the response above at Q3a.

4. Having read the report, did you advise the pGF of this significant basic presumption?

I must decline this part of your request under section 17(h) of LGOIMA as the request is frivolous or vexatious or the information requested is trivial.

5. Did PwC invent the idea that the project was not shovel ready but only at the conceptual stage?

I must decline this part of your request under section 17(h) of LGOIMA as the request is frivolous or vexatious or the information requested is trivial.

6. Did you advise councillors that an assessment at such an early stage may have little relevance to the final stage?

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Even at the conceptual stage PwC has included in the income streams of all its alternatives the imposition of a 10% surcharge on all ticket prices (currently charged at circa \$80.00 per adult \$40.00 per child (NB PwC has included a surcharge on 15% GST).

You have authorised media releases indicating that there would be a minimal fare rise of \$4.00 per adult when you would have been aware that the actual cost of the facility to a concessionaire would be significantly in excess of that. One would have expected

such essential disclosure to occur, even when KCDc was behaving solely as advocate and its officers giving biased advice.

Bettering 100% bio security

1. Please provide the science upon which you have based:

- a) Your press releases stating that, for instance, kauri die back would be stopped- please indicate how many kauri are on Kapiti and if any, how many are within 5 metres of the walking tracks;**

Council does not hold this information, on that basis I must decline this part of your request as the documents alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found Section 17(e) of the Act refers.

We suggest you contact the Department of Conservation directly for this information. They can be contacted as follows:

- General enquiries: wellington@doc.govt.nz
- Official Information Act enquiries: OIA@doc.govt.nz
- Wellington phone number: 04 470 8412

- b) How having a building that requires visitors to go through footbaths is more bio secure;**

I must decline this part of your request under section 17(h) of LGOIMA as the request is frivolous or vexatious or the information requested is trivial

- c) Why, if the building is bio secure are footbaths needed?**

I must decline this part of your request under section 17(h) of LGOIMA as the request is frivolous or vexatious or the information requested is trivial.

You have the right to request the Ombudsman to review all decisions made by Council in this response. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Natasha Tod

Group Manager Strategy, Growth and Recovery
Te Kaiwhakahaere Roopu Rautaki, Te Tipunga, me te Whakaoranga