

18 November 2024

s 9(2)(a)

Thank you for your request dated 30 September 2024 under the Official Information Act 1982 (the Act), which was clarified on 6 October 2024, requesting information from Kāinga Ora – Homes and Communities about the Kāpiti Coast District Council's (KCDC) Infrastructure Acceleration Fund (IAF) funding agreement:

1. *A copy of the KCDC's application to the Kāinga Ora Infrastructure Acceleration Fund that resulted in approval of \$29.3 million.*
2. *Copies of any correspondence between KCDC and Kāinga Ora subsequent to receiving the application - before or after awarding the funds.*
3. *A copy of the approval notice including the terms and conditions that KCDC must meet in spending the funds.*
4. *Details on timing of releasing the funds*
5. *Details on whether the maximum funding level may be reduced for any reason and what those reasons may be.*
6. *A copy of the quality assurance documents and quality control documents of KCDC and Kāinga Ora that relate to the management of the funds and the proposed outcomes.*
7. *A copy of all documents, texts, phone calls and file notes between any party (in addition to KCDC) associated with the proposed development of the Ōtaki Māori Racecourse.*
8. *Copies of all correspondence relating to the development of social housing and the standards, control and management of social housing that might be created within the development of the Ōtaki Māori Racecourse.*
9. *The requirements and conditions (and who oversees and controls that funding) that developers must adhere to if they are to receive Government funding for social housing.*

Relevant Kāinga Ora staff have been consulted and I have provided responses to your questions below.

1. **A copy of the KCDC's application to the Kāinga Ora Infrastructure Acceleration Fund that resulted in approval of \$29.3 million.**

Two documents have been identified as being in scope of your request and have been included with this response. These documents were submitted by the KCDC for the Expression of Interest (EOI) and Request for Proposals (RFP) stages of the IAF. Contact information and indications of funding to be provided by third parties have been withheld under the following sections of the Act:

- s9(2)(a) – to ‘...protect the privacy of natural persons, including that of deceased natural persons.’

- *s9(2)(b)(ii) of the Act, as providing it 'would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.'*

2. Copies of any correspondence between KCDC and Kāinga Ora subsequent to receiving the application - before or after awarding the funds.

Two searches of the Kāinga Ora email server for emails to and from the KCDC were conducted from 30 June 2021 (when the IAF was first announced), to 6 October 2024. The first search for 'IAF' produced 1,193 potential results, while the second search for 'Infrastructure Acceleration Fund' produced 629 potential results.

Assuming three minutes per email, and not including the need to examine any attachments would be a substantial exercise in staff time and resources. This part of your request is therefore refused under section 18(f) of the Act, as *'... the information requested cannot be made available without substantial collation or research.'*

- 3. A copy of the approval notice including the terms and conditions that KCDC must meet in spending the funds.**
- 4. Details on timing of releasing the funds**
- 5. Details on whether the maximum funding level may be reduced for any reason and what those reasons may be.**

Please find included with this response, a copy of the IAF Funding Agreement signed by the KCDC and Kāinga Ora in July 2022. Some contact information has been withheld under section 9(2)(a) of the Act. Following consultation, additional information has also been withheld under section 9(2)(b)(ii).

Exact dates for release of funds are not provided in the funding agreement as each stage of IAF funding is contingent upon specific milestones being met. Progress milestones are agreed between Kāinga Ora and the KCDC and funding is paid in arrears once the agreed milestones have been achieved.

If milestones are not met or there is a reduction in project cost or scope, it is possible that there would be an impact on the funding provided through the IAF. These terms apply to all IAF Funding Agreements with councils and are therefore not unique to the KCDC.

6. A copy of the quality assurance documents and quality control documents of KCDC and Kāinga Ora that relate to the management of the funds and the proposed outcomes.

Kāinga Ora administers the IAF on behalf of the Crown. This includes monitoring the progress of the enabling infrastructure projects and housing developments through Monthly and Quarterly Reports submitted by councils, which is a requirement under the IAF Funding Agreement.

In addition to the Funding Agreement, a one-page excerpt from the IAF Quarterly Report dated July 2024 that specifically discusses the IAF Funding Agreement for Otāki has been identified as being in scope of your request and is included with this response. One part of this page has had information withheld under section 9(2)(ba)(i) of the Act, as providing it, *'...would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.'*

7. A copy of all documents, texts, phone calls and file notes between any party (in addition to KCDC) associated with the proposed development of the Ōtaki Māori Racecourse.

Kainga Ora, on behalf of the Crown, has entered into a Housing Outcomes Agreement with The Wellington Company Limited and Otāki Revisited Limited who have committed to using their reasonable endeavours to complete 500 dwellings over approximately three years from 2026. It is the responsibility of the Council to work with the developer in relation to the housing development and to report to the IAF Team on how it's tracking.

No further documents, aside from those being provided, have been identified as being in scope of your request. This part of your request is therefore refused under section 18(e) of the Act, *'that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.'*

However, you may like to visit the Environmental Protection Authority's website for more information about two developments associated with the IAF agreement, including the Ōtaki Māori Racecourse:

- <https://www.epa.govt.nz/fast-track-consenting/referred-projects/otaki-maori-racecourse/>
- <https://www.epa.govt.nz/fast-track-consenting/referred-projects/moy-estate/>.

8. Copies of all correspondence relating to the development of social housing and the standards, control and management of social housing that might be created within the development of the Ōtaki Māori Racecourse.

It should be noted that the IAF is administered by Kāinga Ora on behalf of the Crown. In this instance the role of Kāinga Ora is different to its developer or social housing functions. The IAF Funding Agreement between Kāinga Ora and KCDC relates to the delivery of infrastructure for the purpose of enabling housing to be built. There are no obligations in the agreement related to social housing.

Another search of emails to and from the KCDC from 30 June 2021 to 6 October 2024 was conducted for the terms 'social housing' and 'Ōtaki Māori Racing.' However, no emails in scope of this part of your request were identified. This part of your request is therefore also refused under section 18(e) of the Act.

9. The requirements and conditions (and who oversees and controls that funding) that developers must adhere to if they are to receive Government funding for social housing.

It's important to note that IAF funding is contracted to support councils to deliver critical infrastructure needed to enable housing development. It does not directly fund developers for the construction of homes.

If you are interested in funding provided to Community Housing Providers (who provide social housing but are not part of Kāinga Ora), I recommend visiting the Ministry of Housing and Urban Development's website at: <https://www.hud.govt.nz/funding-and-support/partnering-for-new-housing-opportunities>.

Where sections 9(2)(a), 9(2)(ba)(i) and 9(2)(b)(ii) of the Act have been referenced in this response, I do not consider that the public interest in release of the withheld information outweighs the need to withhold it.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available online at www.ombudsman.parliament.nz or by phone on 0800 802 602.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/> with your personal information removed.

Yours sincerely



Caroline McDowall
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