

From: Arlene Goss  
Sent: Friday, 20 January 2017 3:23 p.m.  
To: Hilary Calvert  
Subject: Response to LGOIMA requests 269483 and 270585

Dear Ms Calvert,

Official information request for documents related to DELTA/INFINITY  
YALDHURST LTD

I refer to your official information requests dated 30-September-2016 and 6-October-2016 for the following:

1. All documents, including electronic communications of all types, which have been provided to DCHL concerning the Infinity Yaldhurst Ltd /Delta "joint venture" including but not limited to information provided to inform DCHL concerning the approval of the proposal recommended by DCHL to the Council for the meeting held by Council on the 1st August 2016.
2. A copy of any and all of the documentary arrangements under which DCHL/Delta have entered into a loan with Infinity Yaldhurst Ltd as anticipated following the recommendation of Council at the meeting on the 1st August 2016, including any emails and letters between the parties relating to this arrangement."

Part of the information you have requested is attached. However, we have decided to decline some of the information for the reasons explained below:

In answering your request we have performed a key word search on the emails of the Group Chief Financial Officer who was the officer responsible for receiving correspondence on behalf of DCHL. Our initial search of emails containing the key words "Infinity" and "Yaldhurst" (in the three months prior to the August 1 meeting) resulted in a large number of documents to review. Many of these were repeat copies of the same emails, so removing these reduced the volume of documents to be provided to you.

We have removed documents that have already been sent to you, including emails and the confidential report/attachments that went out to all councillors as part of the agenda of the meeting on August 1. This agenda report and attachments remain confidential under Section 7(2)(h) of the Local Government Official Information and Meetings Act to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

Drafts of this same report and its attachments have also been withheld because the content has already been supplied to you, and where the information has not

been previously supplied, it is withheld under Section 7(2)(h) of the Local Government Official Information and Meetings Act to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

For clarity we advise that where we have referred to section 7(2)(b)(ii) and/or 7(2)(h), Delta has advised us that it is currently engaged in a series of negotiations associated with the resolution of court proceedings and that the information withheld is relevant to those negotiations (including the commercial position of Delta in respect of that litigation). Delta has also advised us that the withheld information is related to litigation concerning disputes over this subdivision and they consider that legal privilege attaches to that information (section 7(2)(g)).

We have also removed information that does not fit within the scope of your request.

The agenda and minutes of the DCHL board meeting of August 4, 2016, have been redacted under Section 7(2)(h) of the Local Government Official Information and Meetings Act to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

Correspondence related to an offer to purchase the Yaldhurst Road property on or about July 29, 2016, are withheld under Section 7(2)(b)(ii) of the Local Government Official Information and Meetings Act as it would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

A passage in an email between Gary Dixon and Grant McKenzie, dated 6 July, 2016, has been redacted under Section 7(2)(f)(ii) because it contains a free and frank expression of opinion provided to an employee of a local authority in the course of their duty. In making this decision we have assessed that the interest in favour of withholding the information is not outweighed by other considerations which render it desirable, in the public interest, to make the information available.

Regarding question 2 above, we have supplied a copy of the publicly available mortgage information that is filed with the title. Other documents related to the loan with Infinity Yaldhurst Ltd are withheld under both Section 7(2)(h) of the Local Government Official Information and Meetings Act 1987 to enable the local authority to carry out, without prejudice or disadvantage, commercial activities, and Section 7(2)(b)(ii) of the Local Government Official Information and Meetings Act 1987 as it would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact Sandy Graham.

Yours sincerely  
Arlene Goss

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