

26 February 2021

OIA Reference #: OIA2020122801

John Jenkinson

Email: [fyi-request-14373-7e6d69b8@requests.fyi.org.nz](mailto:fyi-request-14373-7e6d69b8@requests.fyi.org.nz)

Tēnā koe John

### **Official Information Act 1982 (OIA) – Response – OIA2020122801**

Thank you for your official information request regarding specific documents and emails related to 29 Everton Terrace, which was received by Capital & Coast District Health Board (CCDHB) on 28 December 2020. You requested the following information:

1. *Email from Mr Phillip Butter to me in early March 2019, and any responses that I have sent regarding the offer to sell 29 Everton Terrace.*
2. *Instructions given to CBRE valuers from Mr Phillip Butter/Thomas Davis/Fiona MacGregor in August 2019.*
3. *Emails and/or correspondence regarding the sale price and identity from Phillip Butter/Thomas Davis in August 2020.*
4. *Emails/documents/Board meeting minutes regarding the change in sale process to an Auction format in July-October 2020.*
5. *A copy of the geotechnical report referenced by Nicola Duffy in her email from April 2010.*

On 15 February 2021, we notified you that you could expect a response from us on or by 26 February 2021.

Our response to your request is outlined below.

#### **Response**

1. ***Email from Mr Phillip Butter to me in early March 2019, and any responses that I have sent regarding the offer to sell 29 Everton Terrace.***

We attach the email Mr Butter sent to you dated 26 March 2019. As for any responses that you have sent, we believe you should have these already.

2. ***Instructions given to CBRE valuers from Mr Phillip Butter/Thomas Davis/Fiona MacGregor in August 2019.***

Our instructions to our valuer's have already been withheld under section 9(2)(j) in our OIA response dated 21 December 2020 to enable CCDHB to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

In accordance with section 9(1) of the OIA, we do not consider these commercial interests to be outweighed by any other public interest considerations in favour of disclosure.

**3. *Emails and/or correspondence regarding the sale price and identity from Phillip Butter/Thomas Davis in August 2020.***

Any emails and correspondence regarding the sale price and identity of the third party are withheld under sections 9(2)(a) and 9(2)(b) of the OIA, to protect the privacy of those individuals and protect information that would be likely unreasonably to prejudice the commercial position of the person who supplied or is subject of the information respectively. This is the same decision we gave in our OIA response dated 21 December 2020.

In accordance with section 9(1) of the OIA, we do not consider these privacy and commercial interests to be outweighed by any other public interest considerations in favour of disclosure.

**4. *Emails/documents/Board meeting minutes regarding the change in sale process to an Auction format in July-October 2020.***

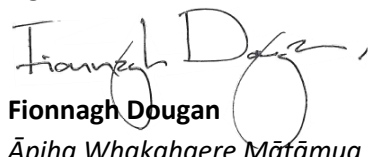
As there was never an auction process introduced during the possible sale of this parcel of land therefore there are no emails, documents or Board minutes to this affect. We must therefore decline this aspect of your request under section 18(e) of the OIA, as the information sought does not exist.

**5. *A copy of the geotechnical report referenced by Nicola Duffy in her email from April 2010.***

We have searched all of the records we have and can find no electronic or hard copy of the geotechnical report referenced by Nicola Duffy. We must therefore decline this aspect of your request under section 18(e) of the OIA as, despite reasonable attempts to locate the information, it cannot be found.

I trust this information fulfils your request. You have the right, under section 28 of the OIA, 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 you can free phone 0800 802 602.

Ngā mihi



**Fionnagh Dougan**

Āpiha Whakahaere Mātāmua | Chief Executive

Encl.

1. OIA2020122801 – Appendix 1 of 1 – Email PButter-JJenkinson March 2019