

Subject: LGOIMA request – He Whare Hono Agreement to Lease, Deed of Lease and Council decision-making

I am seeking information to establish the legal and decision-making position immediately before Council entered into the Agreement to Lease for He Whare Hono in November 2022.

Please provide:

1. The complete Agreement to Lease executed in November 2022, including its schedules, annexures and attached form of Deed of Lease, together with any subsequent variations, waivers or amendments affecting conditions precedent, termination rights or Council's obligation to enter into the Deed of Lease.
2. Any legal or governance advice held by Council at the time concerning:
 - whether Council was legally committed to execute the Agreement to Lease before it was executed;
 - whether the incoming Council could revoke, amend or reconsider resolution TDC202204/C02 of 26 April 2022, including the delegated authority to execute the Agreement to Lease; and
 - the legal or financial consequences if Council did not proceed with execution.
3. Any report, briefing, email, induction material, meeting/workshop record or other communication provided to members of the newly elected Council before execution of the Agreement to Lease which advised them:
 - that the Agreement to Lease had not yet been executed;
 - that it was about to be executed under authority delegated by the previous Council; or
 - of any ability Council had to reconsider proceeding, and the consequences of doing so.
4. Please confirm the date on which the Agreement to Lease was executed, who executed it on Council's behalf, and whether the final Deed of Lease has subsequently been executed. If the Deed of Lease remains unexecuted, please provide any recorded information explaining its present status and Council's current contractual obligation to execute it.

I am not seeking general correspondence concerning the design or construction of He Whare Hono. My request is confined to information relevant to Council's **legal commitment to proceed and what elected members were informed about that commitment**.

Where legal professional privilege is relied upon, I am not seeking the privileged contents of the advice. However, please identify the **date, author, recipient(s) and general subject matter** of each document withheld on that basis, insofar as that information can be provided without defeating the privilege.

Where information is withheld for any other reason, please identify the applicable withholding ground and release the remainder of the document where reasonably practicable. If Council considers that any particular part of this request would require substantial collation or research, please contact me before undertaking that work so that I can consider refining that part of the request.

Thanks,

Councillor Duncan Campbell
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