

## Request for draft state highway route options

<b>Legislation</b>	Official Information Act 1982, s 9(2)(ba)(ii)
<b>Agency</b>	Transit New Zealand
<b>Ombudsman</b>	Anand Satyanand
<b>Case number(s)</b>	A9190
<b>Date</b>	April 2002

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*Request for draft state highway route options—public consultation to take place once options finalised—need for undisturbed consideration before consultation*

The requester in this case sought from Transit New Zealand the draft route options developed for a state highway in a densely populated urban area. He lived in the area at issue and was anxious to know how any proposals might affect his property. Transit New Zealand refused the request pursuant to section 9(2)(ba) of the OIA on the grounds that additional technical studies were needed before a final list of options could be drawn up. However, it advised the requester that once these were completed full public consultation would take place.

In the course of reviewing Transit’s decision to refuse the request it became clear that, at the time the request was made, the shortlist of route options had not been finalised. There were a number of issues that still had the potential to affect the final options to be released for public comment. These involved technical studies as well as consultation with the Minister of Transport. It was also apparent that the consultation process would allow all affected parties an opportunity to see the final options and comment on them.

The view was formed that good reason for refusing the request existed under section 9(2)(ba)(ii). In reaching this view, the following factors were taken into account:

1. Draft state highway roading options, such as those requested, are generally considered in confidence prior to the public consultation process.
2. It is in the public interest for Transit New Zealand to be able to fully investigate a range of options so that tenable proposals can be put forward for public comment.
3. Premature release would be contrary to the public interest, as Transit would then be in the position of having to handle queries, concerns, lobbying and possible claims before

preliminary investigations are completed. This would detract from the process of putting forward viable options for consultation.

4. Although there is a public interest in potentially affected parties knowing the options available, and being able to reach an informed opinion on the proposals, this interest can be fully met through the ordered public consultation process.

After being advised of the above points, the requester was willing to await the formal consultation process.

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