

Request for list of proposed Significant Natural Areas

Legislation	Local Government Official Information and Meetings Act 1987, s 7(2)(i)
Agency	Grey District Council
Ombudsman	Leo Donnelly
Case number(s)	428652
Date	July 2018

Negotiations concluded—s 7(2)(i) does not apply

The Grey District Council withheld a list of all proposed Significant Natural Areas¹ (SNAs) under a number of grounds, including section 7(2)(i) of the LGOIMA. The requester complained to the Ombudsman.

The Council suggested that releasing the list would prejudice negotiations with individual landowners related to the identification and boundaries of SNAs.

However, the Council also advised that consultation with landowners would not lead to further refinement of the list, and a planner would be engaged to ‘*take the process to its final conclusion*’. The Council did not explain what further negotiations with landowners were contemplated or would involve, and this could not be assumed given the Council’s view that the list would not be further refined.

The Ombudsman concluded that section 7(2)(i) did not apply as the negotiations with landowners regarding the existence and boundaries of the proposed SNAs appeared to be complete. The Council also failed to demonstrate the nature of the prejudice or disadvantage that would arise, in terms of any negotiations contemplated in the future, if the list was released.

¹ The Resource Management Act (RMA) 1991 requires regional and district councils to protect ‘*areas of significant indigenous vegetation and significant habitats of indigenous fauna*’ (s 6(c)).

The Ombudsman recommended that the list be released.

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