

Consent documents on the Environment Canterbury website

Environment Canterbury is trialling a system that enables consents to be searched “online”. In addition, resource consents and the associated files can still be searched by the public at Environment Canterbury offices.

This new public information access system will help resource consent applicants, resource consent holders and the public to be better informed about resource consents that Environment Canterbury administers.

Access to information held by Environment Canterbury is administered in accordance with the Local Government Official Information and Meetings Act 1987(LGOIMA) and the Privacy Act 1993.

While a clear theme in this legislation is to enhance public access to information held by a regional council, Environment Canterbury may withhold access to information if specific legal criteria are met. It is important that you advise Environment Canterbury about any concern you may have about disclosure of any of the information either on the website or in your physical files at the offices of Environment Canterbury. The kind of information that may be able to be withheld includes personal information, trade secrets, confidential information or information which, if released, may cause serious offence to tikanga Maori (a copy of the relevant part of LGOIMA is included in this Factsheet).

Environment Canterbury will consider any valid concern you have and decide whether or not applying the legal criteria specified in LGOIMA should result in the withholding of any information. You will need to specify the provision of LGOIMA that you consider applies. We will endeavour to respond to any requests within 20 working days.

Local Government Official Information and Meetings Act 1987
Part 1—Access To Local Authority Information

5 PRINCIPLE OF AVAILABILITY

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

6 CONCLUSIVE REASONS FOR WITHHOLDING OFFICIAL INFORMATION

Good reason for withholding official information exists, for the purpose of section 5 of this Act, if the making available of that information would be likely—

- a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- b) To endanger the safety of any person.

7 OTHER REASONS FOR WITHHOLDING OFFICIAL INFORMATION

1) Where this section applies, good reason for withholding official information exists, for the purpose of section 5 of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

2) Subject to sections 6, 8, and 17 of this Act, this section applies if, and only if, the withholding of the information is necessary to—

- a) Protect the privacy of natural persons, including that of deceased natural persons; or
- b) Protect information where the making available of the information—
 - i) Would disclose a trade secret; or
 - ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or

[ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or]

- c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii) Would be likely otherwise to damage the public interest; or
- d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- f) Maintain the effective conduct of public affairs through—
 - i) The free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) of this Act applies, in the course of their duty; or
 - ii) The protection of such members, officers, employees, and persons from improper pressure or harassment; or

- g)** Maintain legal professional privilege; or
- h)** Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- i)** Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- j)** Prevent the disclosure or use of official information for improper gain or improper advantage.