



Committee Secretariat
Governance and Administration Committee
Parliament Buildings
Wellington 6160

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Hurunui District Council's Submission on the Local Government Official Information and Meetings Amendment Bill

Introduction

1. Hurunui District Council (Council) thanks the Governance and Administration Committee for the opportunity to comment on the Local Government Official Information and Meetings Amendment Bill (the Bill).
2. Council generally supports the direction of the Bill and the content of our submission is limited to two key issues:
 - a. How the amendments give effect to the objectives; and
 - b. Challenges in the implementation of the proposed amendments.

GIVING EFFECT TO THE OBJECTIVES

3. The commentary of the Bill sets two objectives:
 - a. Ensuring that LIMs provide natural hazard information to property owners that is clear, concise, nationally consistent in its presentation, and easily understood:
 - b. Providing certainty for local authorities about sharing natural hazard information in LIMs and reducing exposure to legal liability.
4. Council support these objectives and notes that the proposed objectives address some of the inadequacies of the current LIM process. However, while the direction of the Bill is positive the changes proposed do not altogether achieve the objectives.

The provision of nationally consistent information

5. A purpose of the Bill is to provide greater national consistency. We see a lot of merit in having LIMs contain the same level of detail and being consistent in appearance between councils. The Bill itself does not seem to achieve this.
6. Sections 44B and 44C state that the information must be summarised and presented in the "form required by the regulations (if any)." There are currently no relevant regulations and there is no direction in the legislation on what the presentation of this information looks like.
7. There is also no direction on what information or climate change scenarios need to be included. If LIMs are to be truly consistent there needs to be a set criteria of information that needs to be

included. It is impossible for a layperson to compare information if one Council shows a 1 in 50 year flood with 0.3 m of sea level rise and another shows a 1 in 100 year flood with 1 m of sea level rise. It would be advantageous for property owners if the scenarios adopted by councils were consistent and could therefore be more readily compared.

The provision of clear and concise information

8. Councils are required to include information, “to the extent that it is known to the territorial authority.” On top of this councils are required to provide any further information required to make the information provided more understandable. Requiring this level of detail is at odds with the objective requiring the provision of clear and concise information.
9. The Bill does nothing to help transition the LIM process into the 21st century and if anything it restricts progress. S44B now requires all of the information to be documented on the LIM. Natural hazards information by nature is spatial. For our coastal communities we have:
 - a. Projected shoreline positions (coastal erosion) for 2050, 2070 and 2120 under two different climate change scenarios (6 maps);
 - b. Coastal inundation maps for present day, 2050, 2070 and 2120 under two different climate change scenarios (7 maps);
 - c. Shallow groundwater maps present day, 2070 and 2120 (3 maps);
 - d. 10 different multi-flood hazard inundation maps (10 maps);
 - e. District Plan coastal hazard zone;
 - f. District Plan flood assessment zone;
 - g. District Plan liquefaction zone.
10. This is a total of 29 maps without considering any additional information held by the regional council. If all of this information is included on the LIM this results in a very complex series of maps that are likely to overwhelm people which does not meet the objectives of the Bill. This information may be better viewed on an interactive map viewer where layers can be turned on and off. The Bill does not seem to allow for information to be provided in this way.
11. Two alternative options would be to:
 - a. Require Councils to disclose which hazards they hold information on and provide a brief summary of the information available. Where an interactive map is available the LIM can provide a link to this so potential purchasers can explore the full suite of information, including multiple climate change scenarios and time increments. If an interactive map is not used, links to static maps can be provided alongside the report.
 - b. Provide direction on what specific scenarios need to be included as part of the LIM, (or the nearest alternative where these are not available), and allow links to be provided for additional information beyond this.
12. This would have the effect of keeping the LIM document concise while simultaneously providing the opportunity to explore this information further. Increasingly information is being viewed on phones and tablets and no hard copy is ever viewed. Reading a short LIM on a phone is already a challenge. There are better tools to share this information to make it more accessible and engaging. The legislation should enable this.
13. There are additional benefits of some of this information being held outside the LIM. For example, property owners can view the hazard information known about their property at any time. The LIM can be a vehicle to educate people on where to find this information in future. This ensures the most up to date information is relied on, and property owners are able to find

information not only about the hazard but any relevant projects relating to the hazard that they might be interested in.

IMPLEMENTATION CHALLENGES

14. Council supports the intent of the Bill but notes the significant time required to implement the changes. We have numerous technical reports that will need to be “summarised and presented in an understandable way.” The Bill comes into force on 1 January 2025 or sooner if set by an Order in Council. Certainty in the date is required so this work can be programmed in if required.
15. It may be more practical to require this of all new information released after the date the amendment comes into force. The people best qualified to summarise the information are those who prepared the original reports and these people may no longer be available. This information will be superseded over time and the new information will meet the requirements of the Bill.

“Understandable way”

16. We note that there are many different audiences that include conveyancing lawyers, knowledgeable purchasers, and others have no background and/or interest in natural hazard and climate change matters. “Understandable” is going to be different to each audience. We assume that the information needs to be understandable to a knowledgeable purchaser or conveyancing lawyer noting that most purchasers will seek advice when purchasing a property.
17. To ensure this information is provided in the way intended by the legislation it could be useful to provide some greater direction around this.

Information included in the District Plan

18. Section 44A does not require us to include information that is included in the District Plan on the LIM. Presumably section 44B intends for natural hazard information included in the District Plan to also be included on the LIM however this is not clear. Council supports the inclusion of this information, but if this is the intention it should be made clear in the legislation.

Reasonable possibility

19. Section 44B(2)(a)(ii) requires Councils to be satisfied there is a “reasonable possibility that the hazard may affect the land concerned.” The Bill requires us to consider the impacts of climate change and the New Zealand Coastal Policy Statement requires us to look out at least 100 years. There is significant uncertainty in climate change projections in 100 years and therefore it is difficult to conclude that there is a “reasonable possibility.” Possibility is a spectrum ranging from almost certain to very unlikely - possible is most of the grey in between.
20. There is merit in providing more direction about “reasonable possibility” so it is interpreted the same across New Zealand.

Natural hazard information held by Regional Councils

21. Section 44C requires regional councils to provide information to the territorial authority “as soon as is reasonably practicable.” It is not clear in the legislation whether this is to be the information when it is initially released or the information for a specific LIM.
22. It is Council’s preference that this information is provided when the information becomes available and periodically reviewed. This ensures that LIMs are able to be issued in a timely manner and there is no duplication of work at the time of preparing the LIM.
23. If the information is to be provided at the time a LIM is requested there needs to be a timeframe to ensure the District Council has time to compile the information and release the LIM within the statutory timeframes.

Yours sincerely,

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Marie Black

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