

1 February 2023

Submission – Local Government Official Information and Meetings Amendment Bill

Committee Secretariat
Governance and Administration
Parliament Buildings
Wellington

Via email: ga@parliament.govt.nz

DUNEDIN CITY COUNCIL'S SUBMISSION ON THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS AMENDMENT BILL

Introduction

1. The Dunedin City Council (DCC) thanks the Governance and Administration Committee for the opportunity to comment on the Local Government Official Information and Meetings Amendment Bill (the Bill).
2. The DCC does not wish to be heard in relation to this submission.
3. This submission outlines the DCC's response to amendments proposed in the Local Government Official Information and Meetings Amendments Bill 2022 which proposes to:
 - Improve natural hazard information provided in a Land Information Memorandum (LIM); and
 - Align withholding information with the Official Information Act 1982.
4. The DCC supports the intent of the amendments to:
 - a. more clearly require natural hazards information in LIM (including the impacts of climate change);
 - b. include a statutory responsibility for regional councils to provide natural hazard information (including about the impacts of climate change) and support territorial authorities;
 - c. include a specific purpose for providing natural hazard information;
 - d. include provisions to develop regulations for providing natural hazard information in LIM;
 - e. include the impacts of climate change that exacerbate natural hazards; and
 - f. limit the legal liability for local authorities when disclosing natural hazard information.

Natural hazard information to be included in land information memoranda (Sec. 44B)

5. The proposed amendments to more explicitly require natural hazard information in LIM includes a requirement to provide information about the impacts of climate change. Currently natural hazards information held by the DCC which identifies a specific feature or characteristic of the land

concerned is included in LIM, and additionally the LIM provides applicants with details on how to access additional natural hazard information through the Otago Regional Council's Otago Natural Hazards Database ([Otago Natural Hazards Portal \(orc.govt.nz\)](http://orc.govt.nz)).

6. The natural hazards information is of varying quality and may be a site-specific report or more often a large report with associated maps and databases where it can be difficult to identify the relevant information for a specific site or interpret it. There is seldom any associated climate change information or assessment of how climate change may exacerbate the natural hazard identified.
7. The DCC is engaged in significant climate change adaptation work, including a joint programme with the Otago Regional Council, South Dunedin Future. Such adaptation programmes are necessarily built upon a foundation of solid natural hazard science and the shared understanding of councils, property owners and the community of the risk information and its significance. Clear and consistent provision of hazard information including climate change to all property owners as proposed through Land Information Memoranda will be essential for successful adaptation.
8. Including climate change information which may exacerbate natural hazards e.g. sea-level rise data for an area subject to a coastal hazard, will enable prospective purchasers and developers to make better decisions within a wider context of climate change. This amendment is supported.

Regional Council must provide territorial authority with natural hazard information (Sec. 44C)

9. The DCC is reliant on the Otago Regional Council (ORC) with regard to technical expertise pertaining to natural hazards, and the ORC has a Natural Hazards Database which is the primary source on natural hazard information for Dunedin City. Regularising the relationship between the ORC and DCC, and acknowledging their natural hazards expertise and information is strongly supported.
10. Section 44C(2) requires the natural hazards information to be summarised and presented in the form required by the regulations (if any). The DCC notes that it may be difficult and costly to summarise mapped natural hazards information where there are multiple reports for different scenarios. Many organisations are utilizing online resources such as databases and interactive maps (where layers can be selected, and the map can be customized for a specific site or area for a particular natural hazard and scenario). The DCC currently administers access to natural hazards information for LIM in this manner, by providing online links to large reports and referring LIM applicants to the Otago Natural Hazards Database.
11. The DCC is interested in participating in the development of the regulations to ensure they reflect modern practices that result in efficient and cost-effective processes, and that provide flexibility based on how natural hazard information is held, and the size and amount of information that pertain to a particular LIM.

Territorial authority and regional council protected against certain actions when providing information in good faith (Sec. 44D)

12. The DCC has been cautious in putting natural hazard information on LIM particularly where the information has been gathered by a third party, is in a draft form or incomplete, and where it is general in nature. This has led to delays in relevant information being provided to prospective purchasers or developers.
13. The proposed amendment (Section 44D) to make territorial authorities not liable in civil or criminal proceedings for making available in good faith natural hazards information in a LIM is strongly supported. This should result in more timely availability of natural hazard information and remove any hesitancy from making it available.

Aligning the withholding and certification processes with the Official Information Act 1982

14. The DCC supports this alignment.

General comments

15. The intent of the proposed changes is supported. The DCC notes that the additional information to be provided by the ORC to summarise natural hazards information and provide information on climate change that may exacerbate natural hazards will need resourcing and is likely to take longer to prepare initially. A transition period may be necessary to enable regional councils such as the ORC to prepare adequately for this change.
16. The quality and amount of natural hazards information together with climate change projections and scenarios are evolving quickly. Data portals and online interactive mapping resources will be necessary to manage relevant data. National support and guidance on how this should be managed would be of assistance as well.

Conclusion

17. The DCC is committed to providing relevant natural hazard information to land purchasers and developers in a format that can be understood, and that enables people to make more informed decisions about purchasing or developing land that may be subject to natural hazards. We welcome these changes as a step forward in this direction.

Yours sincerely,



Jules Radich
MAYOR OF DUNEDIN