

## Appendices to the Hazard Guidelines



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## APPENDIX 1

### Summary of Auckland Local Authority Responses to Hazard Survey

The following is a summary of responses by Auckland local authorities to questions regarding the acquisition and storage of hazards information. The full list of survey questions is listed in Appendix 2. Note that the information provided is only current to the time of the survey (mid-late 1998).

All local authorities in the Auckland region responded to the survey; namely

- o Rodney District Council
- o North Shore City Council
- o Waitakere City Council
- o Auckland City Council
- o Manukau City Council
- o Papakura District Council
- o Franklin District Council
- o Auckland Regional Council

#### Hazard Records and Procedures

What hazard ranges and categories are recorded?

Flooding, instability/geotechnical hazards, and contaminated sites rank as the three categories of hazard most consistently recorded amongst the council survey group. Other hazards range from erosion including coastal erosion, dangerous goods licences/contaminated sites, infrastructural considerations (including gas pipelines, HT power lines, sewer

and stormwater lines), subdivision conditions, amalgamation conditions, unauthorised building work, and wildfire threat, through to general advice to property owners (e.g. potential for certain building materials to crack in areas prone to settlement/subsidence).

The prevalent reason given by the councils for the practices and approaches adopted was to satisfy statutory requirements (RMA, Building Act, LGOIMA). Other reasons given were specific incidents raising issues with council and continuation of an historically established practice/system and range of categories.

The degree of satisfaction with the current range and categories of hazards amongst councils is low with only one council being "fairly satisfied". Responses from others in the survey group ranged from acknowledging room for improvement, to the requirement for a more comprehensive range, to the need to record hazards known to council staff not presently included in the hazards register.

How do you record hazards information?

A number of methods are employed by the survey group including property files/site records, reports, hazard registers, district plans, overlay maps, and LIS/LIM databases, with four of the TAs and the regional council utilising GIS. Two others are currently in the process of setting up and transferring to a GIS system with the one remaining TA planning to transfer to GIS in 12-15 months.

At the regional level, regional scale and catchment scale maps are used to record hazards information in addition to bibliographic databases.

The common answer as to why GIS (and LIS) is the predominant means of

recording information is ease of access by all staff council wide to hazard information for individual properties. For regional council GIS is utilised as it enables broad scale overviews of hazards.

Despite the apparent benefits of GIS as referred above, most councils expressed dissatisfaction with their records system presently. However two councils are currently in transition from a manual system to GIS. Other reasons include inconsistency between hazard types, inconsistency between council departments, and the need for further refining of the system.

For one council currently without GIS/electronic capability, problems exist with the time consuming, paper wasting and inconvenient nature of a manual system, and for another problems exist with ongoing maintenance of the register and inadequate documentation of hazards information.

What system do you use for recording information?

- o Assessment
- o Collation
- o Storage

Amongst the group a variety of systems for recording information exist. For two of the TAs treatment of information varies by hazard type with information stored in a variety of locations, whereas four TAs collate the information for storage in a single centralised location. Two of the group refer to assessment of incoming information being undertaken by the relevant engineer or staff. However at the regional level limited assessment, collation or storage of site specific information is currently undertaken by staff although this capability is recognised.

Overall the systems that have (or have not in the case of regional council) been adopted, are intended primarily to satisfy legal requirements/functions (particularly Building Act and LGOIMA specifications), and also in response to specific incidents.

Do you have a hard copy or electronic mapping system?

(See also (b) above)

Of all the councils surveyed only one council has a fully electronic system up and running with the regional council having most maps on GIS and a mixture of electronic and hard copy for all other hazards information. Another four councils are currently in transition from a hard copy to an electronic system, with a fifth utilising both GIS and hard copy depending on the hazard type and a sixth seeking to implement an electronic system in the near future.

Amongst those with an electronic system or currently transferring to such a system, the primary reason for doing so is to enable ease of access. For regional council an electronic mapping system also provides for easy modelling of hazards and transfer of information.

In terms of satisfaction the general opinion held by the group is that the sooner and the more consistently and widely GIS is used the better.

## Resources

(a) How many staff are involved in hazards information?

The number of staff working with hazards information amongst the councils varies from one part time to six part time (not including users of the

information), to 2.5 full time equivalent staff at the regional level. Two TAs within the group are presently employing additional staff to set up and transfer information to a new system, with a 'normal' average therefore being approximately one part time dedicated staff.

Reasoning for the numbers of staff employed range from the level of staffing required to maintain the current system, to the level of staff required to implement a new system, to the level of staffing council can afford.

Two councils commented they require or will be requiring further resources in this area.

(b) What qualifications do staff have?

Originators/providers/assessors of information whether internal or external hold either tertiary qualifications and/or considerable experience (5 years plus) in their respective fields, with administrative staff/technical clerks and GIS/LIS operators recording the information.

It is considered necessary for staff to be appropriately qualified/experienced to ensure quality reliable hazards information.

One council indicated a need for a greater level of input by the appropriate staff to ensure a higher standard.

(c) Do you use contractors?

Of the group three TAs and the regional council contract work to external consultants for reasons of efficiency and in order to access specialist skills/expertise.

However for one council, consultants holding background information has proven a problem.

(d) What type of work is contracted?

The areas of works undertaken for TAs by consultants include flooding/comprehensive catchment management plan studies, coastal erosion, contaminated site and landfill site studies. At the regional scale, consultants are contracted to undertake specialist hazard risk assessment work (e.g. for earthquake, volcanic and cyclone hazards).

Work is contracted to consultants in response to hazard specific demands for information, when specialist information is required, and when 'new' hazards are identified for which no information has previously been recorded (e.g. asbestos).

One council however has expressed dissatisfaction over information inconsistencies between hazard types and has found the need to standardise the council's methodology and research brief to eliminate this.

(e) What training/ongoing development is there for staff?

Amongst staff working in the hazards information area, the most common type of training ongoing development is computer training (for two of the councils). For two others ongoing development is effectively 'on-the-job' combined with previous technical skills. Whereas for regional council, staff attend specialist conferences on hazard identification and management.

Rationale for the ongoing development and training received (and not received) by staff ranges from commitment to the

ongoing professional development of staff, to inconsistent usage of hazards information throughout council.

Amongst the group two councils expressed dissatisfaction, one requiring more resourcing and training, and the second citing a need for more consistent usage of information across council.

(f) Which department of council has responsibility for hazards information?

The two most common departments of council responsible for the overall hazards process are consents/building consents (for three councils), and policy/strategic policy (for one TA and regional council). Of the remaining three, one has placed responsibility with the land information department of council responsible for computer databases, a second (due to the council's structure) has split responsibility between external contractors and the internally run administration, and for the third no single department holds responsibility.

Those TAs who have aligned responsibility for the hazard information process with their consents departments, have done so for the reason that the information is most relevant to Building Act and the issue of building consents and consents in general. For two others in the group however responsibility for the information has been apportioned differently as a result of organisational changes.

While the regional council was the only council to register satisfaction with the current practice, three TAs indicated a need for improvement, including improved access and use of information

throughout council, and the need for a council wide consistent process.

## Risk Management

(a) Are there significant risks?

Amongst the group the most commonly identified risk is legal liability resulting from the provision of incorrect or incomplete information to council customers, arising from data entry mistakes and omissions, inaccurate or poor quality hazard maps, incorrect recasting of hazards information from original documents, inaccurate or incomplete transfer of information to newly subdivided properties, inadequate maintenance of hazard information, a lack of centralised storage of information, and incorrect assignment of parcel information.

Other perceived risks include unnecessarily constraining development, poor public image due to incomplete/ incorrect information, under utilisation of hazards information, degradation of the quality of information, and the technical nature of hazards information becoming too focused and influencing decision makers to favour technical solutions.

It was noted that at the regional level, knowledge of site specific hazards resulting from site visits etc. is often not passed on to the relevant TAs.

Factors contributing to the above mentioned risks submitted by the group are: incomplete and possibly incorrect information, fragmented information and responsibility, poor linkage between the GIS and background information, poorly maintained information not up to a high standard, the need to persevere with a now inadequate system whilst in transition to a new improved system, and insufficient resources and training.

Two councils acknowledge the need for improvement with a third currently in the process of actioning an improved system.

### Policies and Procedures

(a) What present procedures do you use?

- o Receipt
- o Assessment
- o Recording

Procedures amongst the group appear to vary quite considerably. Most councils receive information via a number of sources with one council singling out the subdivision process as the main source of information and another receiving information principally through hazard forms completed by staff. Only two councils specify that assessment of the information is then undertaken as a defined step in the process prior to entering the information into the database. Regional council however, as previously alluded to, do not consistently record, assess or pass on any site specific information.

Of those who provided explanation of their procedures, the current systems evolved in a piecemeal manner, in response to statutory requirements and the need for centralised control of information. Conversely for regional council because collation, assessment and recording of site specific information for most hazards is not a statutory function, no procedure has been adopted at this level to date.

Only one council indicates satisfaction with the current approach, with a second acknowledging that the current system works but requires improvement, and the regional council indicating the need to pass on information to the TAs.

(b) Do you have a procedures manual?

Hazards information processes are largely undocumented by the group. Only two TAs have procedures manuals/ documents, which fully cover the hazards information process, with a third council having ad hoc documentation covering only fragments of the entire process.

Manuals or 'part manuals' have been compiled as needed to ensure awareness of procedures across council.

Of the councils with manuals, one council appears satisfied with the second dissatisfied due to consultant involvement in the preparation of manuals affecting council by-in to hazard information processes.

(c) What are the sources of information?

As referred to above under hazard ranges and categories, the sources of hazards information to TAs are several but can be summarised in seven main groups: consents applications and conditions, staff site visits and inspections, complaints and advice from the public and landowners, dangerous goods licences and contaminated site registers, regional council, external studies and reports, and insurers.

Only one council has responded that the current practise is satisfactory with two others identifying a need for improvement including more proactive information gathering.

(d) What are your present policies?

- o Annual Plan
- o District Plan
- o Another Form of Policy Manual

Hazards are referred to in some form within each of the respective council's district plans and for regional council in the regional policy statement.

Amongst the TAs, hazards are not typically included within the annual plan other than for one of the group where funding is allocated via the annual plan process in response to submissions requesting works to remedy hazards in specific locations. However, for regional council four specific policies relating to hazards are included within the annual plan, referring to hazards risk and impact, hazard monitoring, earthquake hazard detection, and the understanding of natural hazards amongst local authorities and communities.

With district plans representing the main source of hazards information policy, only two local councils have "another form of policy manual". For one council a quality management manual has been compiled as a mechanism for controlling the standard and quality of work undertaken by external contractors. A service management plan is currently being drafted by a second council that will specify standards and performance indicators with regard to hazards information management. At regional council 'other' policy also exists and relates to the avoidance of hazards and the application of land-use planning to mitigate hazards.

In the case of one council a lack of hazards information policy is a reflection of fragmented information and use of information within the council. Whereas for another, inclusion of hazards information within the district plan has made the information both readily available to staff and visually interpretable.

Two TAs recorded that they were satisfied with their current policy

relating to hazards information. However, three councils commented on the possibility or need for improvement, including specifically providing for the wider use of hazards information within council.

## Future Needs

### (a) What are the existing shortfalls and problems?

Finally, when asked to comment on shortfalls and problems with the present systems, two councils replied they consider the systems are (or will be) functioning adequately, with the remaining five councils and regional council listing between them five main problem areas.

Two councils have issues with process, either due to a lack of ongoing process, or to non-computerisation of the process and the associated inconvenience etc.

Problems with inadequate maintenance are shared by four of the group.

Accountability/ responsibility is lacking or fragmented for two TAs, with regional council expressing a need for better integration both internally within council and externally with local councils.

The fourth problem, common to two local councils and regional council, relates to under utilisation of hazards information and a need for better application of the information to other functions of council. Lastly a lack of/need for increased resourcing exists for two councils, in order to set-up a satisfactory system and to further refine an existing process.

Other problems specific to individual councils include poor linkage between the GIS and background information, and a lack of access for other organisations to digital hazards information held by regional council.

With regard to why such shortfalls exist or do not exist, one council (referring to their experience), offered that implementing a computerised property database/GIS system will eliminate inaccuracies, provided that care is taken to link properties accurately and to update the information when land is subdivided.





## APPENDIX 2 Hazard Survey

The following questions were asked of all local authorities in the Auckland Region.

### 1 Hazards Records and Procedures

What range and categories of hazards does your council record?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

How do you record hazards information?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

What records system does your council currently have for the recording of hazard information? (Describe the assessment, collation and storage of information).

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

Do you have a hard copy or electronic mapping system?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

### 2 Resources

How many staff are involved (either on a part time or full time basis) and working on your council's hazards information?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

What is the range of qualifications, experience and skills of those staff?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

Does your council contract any of the work in the hazards area to external consultants?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

What areas of work are undertaken by external consultants?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

What type of training and ongoing development do staff working in this area receive?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

Which department of the council is responsible for the overall hazards information process?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

### 3 Risk Management

Where do you perceive the significant risks could arise as a result of your existing system of hazard information?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

### 4 Policies and Procedures

Describe and explain the present procedures that your council applies to the receipt, assessment and recording of hazard information.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

Do you have a procedures manual for the hazards information processes?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

What are the sources of hazard information to the council? (Please list both external and internal sources).

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

What are the council's present policies that relate to hazards?

1. in your council's annual plan;
2. in your council's district plan; and
3. in another form of policy manual?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?

## 5 Future Needs

What do you believe to be the existing shortfalls and problems in your present hazards information systems?

Describe and explain your council's present approach.

Explain why your council has adopted this practice or approach.

Are you satisfied with the present practice or approach?





## Appendix 3 Glossary

Consequences	The outcome of an event expressed qualitatively or quantitatively, being a loss, injury, disadvantage or gain. There may be a range of possible outcomes associated with an event. (AS/NZ 4360:1999 Risk Management)
Hazards (CDEM Act)	“any natural or human made event that may potentially have disruptive consequences for the physical, social or economic environment of one or more communities”
Likelihood	A qualitative description of probability or frequency. (AS/NZ 4360:1999 Risk Management).
Natural Hazards (RMA)	“any atmospheric or earth or water related occurrences (including earthquake, tsunami, erosion, volcanic, and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment”.
Mitigation	To reduce the effect of a hazard through some form of intervention
Readiness	Measures to ensure that should a disaster occur, communities, resources and services are capable of coping with the effects (Disaster Risk Management Guide: A how to manual for local government).
Recovery	<p>Recovery activities means activities carried out... after an emergency occurs, including, without limitation, -</p> <ul style="list-style-type: none"> <li>o the assessment of the needs of a community affected by the emergency; and</li> <li>o the co-ordination of resources made available to the community; and</li> <li>o actions related to community rehabilitation and restoration; and</li> <li>o new measures to reduce hazards and risks</li> </ul> <p>(CDEM Bill, 2000).</p> <p>And/or</p> <p>Measures which support disaster affected individuals and communities in the reconstruction of the physical infrastructure and restoration of emotional, economic and physical well-being (Disaster Risk Management Guide: A how to manual for local government).</p>
Reduction	Measures to eliminate or reduce the incidence or severity of disasters (Disaster Risk Management Guide: A how to manual for local government).
Response	Measures taken in anticipation of, during and immediately after an emergency to ensure its effects are minimised (Disaster Risk Management Guide: A how to manual for local government).
Risk	<p>The chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood. (AS/NZ 4360:1999 Risk Management).</p> <p>A risk occurs only where there is an interaction between a hazard and vulnerable elements of the community or environment. An earthquake is a hazard but is only a risk if it affects people, buildings etc (vulnerable elements).</p>

Risk Analysis	A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences. (AS/NZ 4360:1999 Risk Management).
Risk Evaluation	The process used to determine risk management priorities by comparing the level of risk against predetermined standards, target risk levels or other criteria. (AS/NZ 4360:1999 Risk Management).
Vulnerability	Susceptibility and resilience of the community and environment to hazards (Disaster Risk Management Guide: A how to manual for local government). Vulnerability includes the ability to anticipate and cope with hazardous events as well as the capacity to recover from disasters. Vulnerability is dependent on the capacity of physical, social, economic and political structures to cope with hazardous events.

## Appendix 4 Hazards Legislation Explanation

This section outlines the legislation, which affects the management of hazards. It is not a comprehensive analysis of the various statutes but provides an overview and discussion of the potential overlaps and duties of regional and territorial authorities.

To clarify responsibilities reference should be made to the provisions of the statutes themselves, and relevant case law. Legal advice should also be sought, where necessary.

Several existing statutes place responsibilities on regional and territorial authorities in relation to the management of hazards. Some of these responsibilities can lead to litigation in situations where damage occurs to people or property from hazard events, the potential for which councils knew, or should have known about.

The ways in which councils give effect to their statutory responsibilities can be important for avoiding or mitigating foreseeable damage from hazards, and as an element of defence against legal actions.

### 1 The Civil Defence Emergency Management Act 2002

The purpose of this Act to:

(a) Improve and promote the sustainable management of hazards (as that term is defined in this Act) in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property; and

(b) encourage and enable communities to achieve acceptable levels of risk (as that term is defined in this Act), including, without limitation,

(i) identifying, assessing, and managing risks; and

(ii) consulting and communicating about risks; and

(iii) identifying and implementing cost-effective risk reduction; and

(iv) monitoring and reviewing the process; and

(c) provide for planning and preparation for emergencies and for response and recovery in the event of an emergency; and

(d) require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the areas of reduction, readiness, response, and recovery, and encourage co-operation and joint action within those regional groups; and

(e) provide a basis for the integration of national and local civil defence emergency management planning and activity through the alignment of local planning with a national strategy and national plan; and

(f) encourage the co-ordination of emergency management, planning, and activities related to civil defence emergency management across the wide range of agencies and organisations preventing or managing emergencies under this Act and the Acts listed in section 17(3).

Civil Defence Emergency Management Plans (CDEMG Plans) are mandatory under this Act. The aim of the Plans is

to provide for a co-ordinated and integrated approach to the way significant risks and hazards are managed. This will help ensure the community's social, economic, cultural and environmental well-being as well as the safety of people and property.

However the CDEM Act does not 'override' other legislation such as the Resource Management Act or the Building Act. It cannot compel agencies to exercise 'reduction mechanisms' through for example requiring territorial authorities to change their district plans. Accordingly the CDEMG Plan seeks to facilitate a coordinated and integrated approach to reducing the effects from hazards.

## 2 Resource Management Act

The purpose of the Resource Management Act is to " promote the sustainable management of natural and physical resources". Sustainable management is defined in section 5 and states:

"managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

To achieve the purpose of the Act, regional and territorial authorities are given specific functions. Sections 30 and 31 set out the functions of the respective authorities.

Section 30 (1) – Functions of regional council under this Act specifies with respect to hazards management "Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

(c ) The control of the use of land for the purpose of –

The avoidance or mitigation of natural hazards:

The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

In respect of any coastal marine area in the region

(v) Any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

(g) In relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of –

The avoidance or mitigation of natural hazards.

Section 31 – Functions of territorial authorities under this Act, specifies with respect to hazards management "Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

The Resource Management Act requires that the ARC prepare a regional policy (RPS) statement setting out the important resource management issues of the region. The RPS in chapter 11 – natural hazards set out the management approach that the regional council and the territorial authorities will take to natural hazards management.

The Act mandates that regional councils prepare a regional coastal plan and that the territorial authorities prepare district plans for their districts. Regional councils may prepare other regional plans in terms of their functions if they consider it/them necessary in terms of section 65 of the Act. Hazards management, in terms of the provisions of section 30 and 31, need to be addressed in these plans.

It is clear from the legislation that the 'hazards' functions between the regional council and the territorial authorities overlap. Accordingly to achieve the purpose of the Act regional and territorial authorities need to work cooperatively and in an integrated way to promote sustainable management.

### 3 The Building Act

The Building Act governs building work. It applies to the construction, alteration, demolition and maintenance of new and existing buildings throughout New Zealand. That is it mainly relates to the structural integrity of that building in terms of the sites condition. It is not

involved with planning and resource management. Gas and electrical work also are not covered by the Act.

The Act sets minimum requirements in relation to land subject to: erosion, avulsion (removal of land by water action), falling debris, subsidence, slippage, alluvion (the deposition of silt from flooding) and inundation (flooding). This Act requires that all of this information that is known to the territorial authority, but not apparent in the district plan, be provided when a Project Information Memorandum (PIM) or a Land Information memorandum (LIM) is applied for.

There is provision in the Building Act (section 36) that prevents the issue of a building consent for buildings on land affected by the hazards mentioned above. That section can also enable the issue of the consent but place restrictions on that consent and require a notice is registered against the title. This notice effectively then exempts the council from liability should the building be affected by a hazard event. It may also affect the payment by the Earthquake Commission of a claim made by a property owner.

The Building Act established a simple, three-part framework of building controls:

- o The Building Act 1991 describes what is covered by building controls and sets down the law for building work in New Zealand.
- o The Building Regulations 1992 contain the mandatory New Zealand Building Code and particular details about the processing of building approvals.
- o The Approved Documents are (non-mandatory) documents written by the Building Industry Authority to assist people to comply with the Building Code.

#### 4 Local Government Official Information and Meetings Act (Section 44A).

This Act, amongst other things, requires a Landuse Information Memorandum Report (LIM) to be prepared by a territorial authority when requested by a landowner or prospective landowner. It provides a summary of property information held by a council as at the day the LIM was produced.

- o A LIM provides some or all of the following:
- o Information on special land features or characteristics including potential
  - o erosion
  - o avulsion (removal of land by water action)
  - o falling debris
  - o subsidence
  - o slippage
  - o alluvion (the deposition of silt from flooding)
  - o inundation (flooding)
- o Presence of hazardous contaminants that are likely to be relevant to the land and are known to the council.
- o Information relating to any rates owing in relation to the land
- o Details of approved building, plumbing/drainage and resource planning permits and consents indicating where further action is required

As required by the Building Act 1991 details are included of

- o Code Compliance Certificates: a final certificate of approval for building consents

- o Compliance Schedule: required for certain systems or features of commercial and multi-residential properties
- o Warrant /Statement of Fitness: in conjunction with compliance schedule -issued annually to maintain compliance standard
- o Details of Dangerous Goods, Liquor, Hairdressing and Health Licences (mainly refers to commercial properties)
- o Details of Operative and proposed zoning, road widening, height restrictions, view and tree protection, and any Historic Places Trust listing
- o Any outstanding requisitions or notifications from Auckland City regarding any matters on that property that do not meet Auckland City specifications and which require action within a certain time frame. Satisfying requisitions is the responsibility of the owner of the property.

The Memorandum may also include:

- o Such other information concerning the land which the council considers, at its discretion, to be relevant.

#### Difference between a PIM and a LIM

A Land Information Memorandum (LIM) is an enquiry of council records relating to a particular property. It is not a legal requirement to apply for a LIM. A Project Information Memorandum (PIM) is a report prepared by Council to assist applicants in applying for a Building Consent. A PIM is a legal requirement for all building work and if not requested separately will form part of a building consent.

## 5 Hazardous Substances and New Organisms Act

This Act is primarily concerned with assessing and, if appropriate, approving the use of imported and manufactured hazardous substances (and new organisms such as genetically modified organisms) in New Zealand.

This task is carried out by the Environmental and Risk Management Authority (ERMA), with the help of the HSNO Regulations, which define what a hazardous substance is and how it should be controlled throughout its life cycle to prevent adverse impacts on the environment, the health of people and property.

These Regulations prescribe minimum standards, for example the packaging, storage and use of hazardous substances that are applicable throughout New Zealand. HSNO does not provide for the site-specific management of hazardous facilities, i.e. facilities that use of store hazardous substances. This must be done under the Resource Management Act 1991 (see above).

## 6 The Forest and Rural Fires Act 1977

Fires in urban areas are the responsibility of the NZ Fire Service and are governed by the Fire Service Act 1975. For other areas however, the Forest and Rural Fires Act establishes a National Rural Fire Authority, which is empowered to define rural fire districts and to provide for the constitution of rural fire committees. Unless other provision is expressly made, and apart from State owned forest and defence lands for which the Minister of Conservation is the fire authority, the local authority is the Rural Fire Authority.

For rural areas (other than State owned areas) the functions of a Rural Fire Authority include:

- Promoting and carrying out fire control measures;
- Assessing fire risk;
- Warning of fire hazard conditions;
- Appointing a rural fire officer;
- Making arrangements with the NZ Fire Service or any other brigade to be available on agreed circumstances;
- Payment for rural fire protection, and for extinguishing any rural fires;
- Issuing fire permits and control of such issues
- Keeping an up-to-date register of matters specified in the Act, including:
  - the boundaries of its district, special areas in its district, forest areas and fire safety margins, restricted or prohibited fire seasons, and the current fire plan.
  - the current fire plans and by-laws of the Fire Authority;
  - such other matters as the Fire Authority consider should be on public record.

## 7 Discussion

A number of issues emerge from this overview.

- There is a need to adopt an overall approach to hazard management, and to minimise the division (made by some of the above mentioned statutes) between “natural” hazards and other hazards.
- The overall approach should fit within a wider, all embracing, land use management strategy.

- The provisions of the Resource Management Act and the proposed emergency management legislation, which is currently being prepared, require regional and territorial authorities to develop a co-operative approach regarding the avoidance and mitigation of the effects of natural hazards.
- The emphasis on anticipating risks from hazards, identifying the potential consequences, communicating these risks to potentially affected populations, and managing natural and physical resources in ways that avoid or mitigate adverse effects, are common elements of resource management and of emergency management.
- There will be linkages, and there is likely to be some overlap of information requirements, between the responsibilities for hazards which the various statutes place on local authorities (e.g. the duty spelt out in S.35 of the Resource Management Act to maintain records, and the responsibilities established by the Forest and Rural Fires Act which require a register to be maintained containing certain information);  
In relation to hazards, regional policy statements have two functions:
  - to secure integrated management of natural and physical resources relative to hazards; and
  - to make clear which council (i.e. the regional council, or territorial authorities) is responsible for formulating objectives, policies and rules to control land use in relation to particular natural hazards and/or for particular parts of a region.
- It will also be desirable at a regional level, to develop a comprehensive risk communication strategy, following the recommendations of the AS/NZS 4360/1999.
- Various sections of the Resource Management Act, the Building Act, and the Local Government Official Information Act impose specific responsibilities on councils with reference to particular natural hazards (principally those of flooding, erosion and land stability) relative to the:
  - Granting of subdivision consents;
  - Granting of building consents;
  - Issuing of project information memoranda; and
  - Issuing of land information memoranda.
- It is also important to consider the implications that changing levels of risk acceptability, and possible changes to risk tolerance, within an impact population may have on timeframes for action and resource allocations for risk treatment options.
- These responsibilities have common requirements which make it important for councils to:
  - Keep records of information which they gather from various sources regarding hazards, in an up-to-date, understandable, and accessible form;
  - Have in place procedures which check the accuracy of information about hazards as it is collected, evaluate the nature of the risks to people and property, and identify and implement appropriate action to avoid, mitigate or remedy actual and/or potential effects of hazards;

- Keep records (e.g. file notes) of advice given by telephone or at the front counter, regarding hazards and their potential effects on the use or development of land.
- o Some hazard events are of such a nature that their consequences cannot readily be avoided or mitigated by controls on the use or development of land, or the costs of doing so may outweigh the benefits. Events of this sort may include drought, major earthquakes, or major volcanic events. It is therefore important when planning for and controlling development of land and when preparing an emergency strategy, not only to consider what measures may be appropriate in order to avoid or mitigate the effects of different sorts of hazards, but also to consider situations where land use planning and development control will not avoid the consequences and where mitigation may not be cost effective, and for these situations to develop education and awareness programmes, and contingency and recovery plans.

