

## The 'Local Government Official Information and Meetings Amendment Bill' proposes the introduction of new requirements for the inclusion of natural hazard information under LIMs

### The Select Committee has recently released its report on its review of the Local Government Official Information and Meetings Amendment Bill (Bill).

The Bill is set to improve the Local Government Official Information and Meetings Act 1987 (**Act**) through the introduction of:

- the requirement for regional councils to provide district and city councils with information on natural hazards (including about the impacts of climate change);
- specific requirements for councils around the inclusion of natural hazard information in Land Information Memorandum's (**LIMs**); and
- a new limitation of liability section to protect councils from liability when providing natural hazard information under LIMs.

#### Requirement for Regional Councils to provide District and City Councils with Information

The Bill will introduce a new section to provide that a regional council must as soon as is reasonably practicable, provide information to each district or city council in relation to:

- every natural hazard and impact of climate change that exacerbates the natural hazard in that area;
- every potential hazard or impact of climate change where there is a reasonable possibility that the hazard or impact may affect the land presently or in the future (for example, a regional council must advise a district or city council if the land is likely to erode due to rising sea levels or natural elements in the future); and

- the cumulative effects of the hazards in the relevant area.

The Bill also introduces the requirement that the above types of information must be included in LIMs.

#### Requirements for Natural Hazard Information in LIMs

The Bill will introduce a new section which requires councils to ensure that LIMs contain "understandable information" about natural hazards and the impacts of climate change that exacerbate those natural hazards.

These new requirements are intended to provide greater guidance and certainty for councils as to what type of information needs to be included in LIMs, and to ensure that district and city councils throughout New Zealand are more consistent with the types of information relating to natural hazards that are included under LIMs.

The requirement on councils to make natural hazard information "understandable" could impose a greater burden on councils when preparing their assessments of natural hazards, as councils will need to explain any hazards rather than just identify them. This may increase the cost associated with a LIM, and the time it takes for councils to prepare a LIM.

#### Limitation of Liability

The limitation of liability section will protect councils against civil or criminal liability where natural hazard information is provided under LIMs in "good faith".

Despite the inclusion of this clause, the Bill could also increase risk to councils as the introduction of the new natural hazard identification requirements for councils may mean that if a council fails to include any of required information (if that information is known to the council), the council could be exposed to liability.

---

## The 'Local Government Official Information and Meetings Amendment Bill' proposes the introduction of new requirements for the inclusion of natural hazard information under LIMs

### Implications of the changes introduced under the Bill

The intention of the Bill is that if LIMs contain more extensive and clear descriptions of the likely natural hazards in relation to a property, property buyers can be more informed and prepared as to what types of issues may arise with the property in the future. This will in turn affect decision making around purchase, and insurability.

Due to the increase in severe weather events such as flooding throughout New Zealand in recent years, there is an increasing need for potential buyers to be more aware of the likely risks arising from natural hazards in relation to the land they are considering acquiring. The changes proposed to be introduced under the Bill will ensure that LIMs contain clear and detailed information regarding the specific natural hazards that either currently affect or may later affect New Zealand properties. The changes the Bill will make to LIMs will enable potential buyers to anticipate the possible implications (such as the likely maintenance and cost) these hazards may create for the land they are looking to acquire in the long term.

The Bill will give more guidance to councils as to what types of information must be included in LIMs. Due to their function, regional councils hold different information than district and city councils, and the Bill will ensure that there is consistency across councils as to the information provided. The extensive nature of the information required to be provided may in turn have the potential to increase the cost for potential property buyers when requesting LIMs.

### What Next?

Parliament will soon begin its review of the Select Committee's recommended changes to the Bill as part of the Bill's Second Reading.

If enacted, the Bill is expected to come into force on 1

January 2025. Although, the Select Committee has proposed that in order for councils to prepare for these changes this date should be extended to 1 July 2025.

### Want to know more?

If you are thinking of buying or selling a property and have any questions about LIMs or the changes that may be introduced by the Bill, please contact our specialist [property and private client team](#).