

3 February 2023

Governance and Administration Committee
Parliament Buildings
Wellington
By email: ga@parliament.govt.nz

Tēnā koutou katoa

Local Government Official Information and Meetings Amendment Bill consultation

Water New Zealand (Water NZ) thanks the Governance and Administration Committee for the opportunity to comment on the Local Government Official Information and Meetings (LGOIMA) Amendment Bill.

Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand's three waters (drinking water, wastewater and stormwater). Water NZ is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its ~3,000 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists.

Given our members' interests our submission predominantly focuses on the inundation aspect of natural hazard disclosure Land Information Memorandum (LIM) system, specifically flooding, overland flow, storm surge, tidal effects and ponding.

We support clearer requirements to provide natural hazard information

Water NZ support the objectives of the amendments:

- ensuring that LIMs provide natural hazard information to property buyers that is clear, concise, nationally consistent in its presentation, and easily understood.
- providing certainty for local authorities about sharing natural hazard information in LIMs and reducing exposure to legal liability.

The amendment, as an action, of the National Adaptation Plan (2022) represents a notable milestone in progressing natural hazard and climate risk awareness, conversations and planning within communities.

We agree there are significant gaps in natural hazard risk information, absence of nationally consistent flood hazard maps and that there are variations between councils approach, design standards and policy.

Development is already vulnerable to natural hazard risks and climate change impacts

Urban stormwater and flood protection schemes aim to protect public and private property, provide resilience and security to communities and their investments, and are recognised as nationally important infrastructure.

All new developments, or modifications to existing developments, are designed and built to safeguard property from inundation from a given annual exceedance probability (AEPs). Generally, for residential buildings the design standard is for a 10% AEP or a 10 year (annual recurrence interval) ARI. The Building Code requires the floor level of a residential building to be 'above' a flood level equivalent to a storm event with a 2% (1 in 50 year) probability.

However, stormwater volumes, both current volumes and scenarios for future climate change impacts, often overwhelm networks, resulting in flooding and presenting risks to property. New Zealand's most common hazard is flooding –estimated to cost the country \$160 million per year - which has been seen across New Zealand in the past few months, including Auckland, Gisborne, Canterbury, Wellington, and Marlborough. Climate change is increasing frequency and intensity of storm events, along with growth and intensification of our urban environment, both increase the risk of flooding. The recent Auckland and upper North Island storm events are an example.

Our systems are under-capacity. The country's stormwater system is designed for the climate we used to have – 50 or more years ago. In many places what has been built is for a one in five year event.

Through our submission on the Water Service Legislation Bill we have recommended there should be consistent national design standards and funding to ensure piped networks meet agreed ARI levels of service for flood risk.

National Consistency for increased resilience

Water NZ recognises the need for clear, concise, nationally consistent hazard information to be included on LIMs.

To allow this information to be nationally consistent there is need for a national approach to stormwater design standards, hazard modelling and mapping to inform design standards and freeboard levels.

Currently there are significant gaps in natural hazard risk information provided, the absence of nationally consistent flood hazard models and sea level rise mapping. Further, there are variations between councils' approach, design standards and policy.

There are several proactive All of Government work programmes underway to achieve improvements in natural hazard risk data and consistency of information. This works include:

- the development of a national flood risk model led by the National Institute of Water and Atmospheric Research;
- EQC's national online natural hazard risk and resilience portal;
- local authorities' online natural hazard mapping tools;
- MBIE's building consenting system review;
- Initiatives in the first National Adaptation Plan published in August 2022;
- DIA's National Transition Unit (NTU) urban stormwater modelling guidance.

This work will give greater certainty for councils on how to use the national flood risk model and sea level rise data to locally develop freeboard in a clear and consistent manner.

The LGOIMA amendments, supported by these initiatives, will enable clear, concise, nationally consistent hazard information to be included on LIMs.

We support territorial authorities and regional councils working together

Water NZ supports incentivising greater sharing of natural hazard and climate risk information.

The LIMs amendments are aligned with the proposed greater emphasis on territorial authorities and regional councils working together in the new resource management system. Similarly, action 4.5 of the National Adaptation Plan lays out how agencies should work together to support climate adaptation planning.

We recommend provision is made in the amendments to require Regional Councils to work with NZ Lifelines Council and other utility providers. Clear articulation of their roles and responsibilities will ensure greater resilience, adaptation planning and delivery.

LIMS are a key tool for communicating natural hazard information

LIMs are an essential step to help property buyers understand natural hazard risk and make informed decisions when deciding whether to purchase a property.

The amendments give the opportunity for improving natural hazard awareness and communicating natural hazard information through education, participation and service delivery.

The Government might also look at developing information resources, messaging and engagement programmes targeted at businesses, families and whānau to support improving their climate resilience – be that in a personal or commercial capacity. This could take a similar format to the Civil Defence and Emergency Management’s guidance, ‘*Get your household ready for an emergency*’.

LGOIMA amendments must integrate with the Government’s wider reform programmes

While the Government’s policy programmes and initiatives outlined in the amendment and listed above offer significant benefits, it needs to be ensured they integrate with each other holistically and with the wider legislative reforms underway (for example the Resource Management and Three Waters reforms) to avoid further development in hazard areas.

LIMS hazard identification will need to be consistent with provisions in the Natural and Built Environment Bill, the Spatial Planning Bill and the proposed Climate Adaptation Act that will inform identification of hazard areas and the location of future developments and infrastructure provision and areas needing adaptation.

This consistency is necessary to reduce community and property risk to tolerable levels and to plan for more holistic approach to land use and hazard management now, to ensure no time or opportunity are lost before the Climate Adaptation Act is enacted.

Water NZ thanks the Governance and Administration Committee for the opportunity to provide comments on this amendment. If you have any queries in relation to this submission please contact Nicci.Wood@waternz.org.nz

Ngā mihi nui



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