

LAND INFORMATION MEMORANDUM POLICY

Introduction

This document deals with how the Ashburton District Council will comply with both the Local Government Official Information & Meetings Act 1989 and customer expectations for discovery of information **known** to the Council and its officers.

Part 1 – Obligations and Expectations of Land Information Memorandum Content

Local Government Official Information & Meetings Act 1989

This act provides for a Land Information Memorandum process that requires the Council to respond to requests for information within 10 working days. The following information is required to be released upon request and payment of the relevant fees;-

Section 44 (a) states;-

(2) The matters which shall be included in a Land Information Memorandum are;-

- a. Information identifying each, (if any), special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, be a feature or characteristic that –
 - i. Is known to the TLA, but*
 - ii. Is not apparent from the district plan.**
- b. Information on private and public storm water and sewerage drains as shown in the Territorial Local Authority's records;*
- c. Information relating to any rates owing in relation to the land;*
- d. Information concerning any consent, certificate, notice, or requisition affecting the land or any building on the land previously issued by the Territorial Local Authority, (whether under the Building Act 1991 or any other act).*
- e. Information concerning any certificate issued by a building certifier pursuant to the Building Act 1991;*
- f. Information relating to the use to which that land may be put and conditions attached to the use;*
- g. Information which, in terms of any other act, has been notified to the Territorial Local Authority by any statutory organisation having power to classify land or buildings for any purpose;*
- h. Any information which has been notified to the Territorial Local Authority by any network utility operator pursuant to the Building Act 1991.*

(3) In addition to the information provided for under subsection (2) of this section, a Territorial Local Authority may provide in the Land Information Memorandum such information concerning the land as the authority considers, at its discretion, to be relevant.

(4) An application for a Land Information Memorandum shall be in writing and shall be accompanied by any charge by the Territorial Local Authority in relation to thereto.

- (5) *In the absence of proof to the contrary, a Land Information Memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2) of this section.*
- (6) *Notwithstanding anything to the contrary in this act, there shall be no grounds for the Territorial Local Authority to withhold information specified in terms of subsection (2) of this section or to refuse to provide a Land Information Memorandum where this has been requested.*

In addition to the service provided above as a result of the statutory obligations of the Council, customers have an expectation that information known to the Council and affecting a nominated property, will also be included in a Land Information Memorandum. Such information may include:-

- Plans and information relating to Council infrastructural services
- Planning information that may affect the property, such as resource consent applications in the neighbourhood and District Plan changes.
- Proposed Rating changes & implications, new valuations and other financial information such as significant funding issues.
- Complaints and problems, eg neighbouring Barking Dog problems, noise complaints.
- Property defects, such as reported or known building defects. Natural hazard risks, such as flooding, high wind and snow zones, earthquake reports and predictions and earthquake zones.

Part 2 - Ashburton District Council Land Information Memorandum Content

The following information shall be included in every Land Information Memorandum produced by the Council:

1. Legal description, valuation details, current occupier details.
2. Property address.
3. Current rates known at the time.
4. Building consents applied for and issued, consent number and date.
5. Resource consents applied for and issued, consent number and date.
6. Council services connected to, or available to the property, eg water & sewer.
7. Comment from Council staff on relevant issues including:-
 - Planning information that may affect the property, such as resource consent applications in the neighbourhood and District Plan changes. The relevant zone that the property is situated in and any neighbouring zone / planning issues, Heritage items.
 - Building and property information property defects, such as reported or known building and land defects.
 - Natural Hazard risks, such as flooding, high wind and snow zones, earthquake reports and predictions and earthquake zones.

The following may be included in every Land Information Memorandum produced by the Council:

- a. Infrastructural issues such as water supply quality / pressure issues, proposed upgrades and works. Roading matters such as shingle road maintenance standards. The absence of some services eg. “A reticulated sewerage system is not available to this property”.
- b. The presence of utilities on or in the vicinity of the site, eg “A cellular telephone tower is located 200 metres from this site” or “A council operated sewer main is present on this site – see plan attached”. Where applicable, a plan of Council water and sewer services is to be included with the Land Information Memorandum.
- c. Relevant Environment Canterbury information and a referral to that Council for full detail, this could be met by adding set text to all Land Information Memorandums that contains referrals on natural hazards, regional planning initiatives such as Regional Plans affecting on-site effluent discharge, solid fuel fires, ground water abstraction and water quality if relevant to the property.
- d. Relevant utility operator information such as, “this property is in the vicinity of a State High Way operated by Transit NZ, some effects of that activity may be discernible on this property”.
- e. Relevant health food and liquor licence information issued for the property.
- f. Set text that comments on the availability of plans, consent decisions and other items / reports available upon request, (this information is time consuming and expensive to photocopy, it is preferable that hard copy information is offered to the Land Information Memorandum purchaser so that they can determine what they may wish to request).

Part 3 – Land Information Memorandum Format and Compilation

The Land Information Memorandum will be computer based so that institutional knowledge is held for subsequent Land Information Memorandums that are produced for that property. All notes and records relating to the preparation of the Land Information Memorandum will be held on the property file for the property subject to the Land Information Memorandum.

All Land Information Memorandums will automatically have inserted relevant computer based information as detailed in Part 2 above, but not limited to that information.

In addition, all Land Information Memorandums will have compiled by staff members, relevant institutional knowledge based on the items detailed in Part 2 above, but not limited to that information.

Council’s Environmental Services Department will be responsible to receive Land Information Memorandum applications, manage the compilation of Land Information Memorandums and issue the Land Information Memorandums within the statutory time of 10 working days in accordance with information scheduled in Part 2 above.

The compilation of Land Information Memorandums will involve a request for departmental information accompanied by a draft Land Information Memorandum showing information already held on computerised record. This will reduce repetition of work by departmental staff.

Council’s Environmental Services Department will make available information for the Land Information Memorandum process, held both on departmental records and known to them, in accordance with information scheduled in Part 2 above.

Council's Finance and Corporate Services Department will ensure that computer services are maintained so that this function can be adequately carried out and that relevant computer based information is readily available and current in accordance with information scheduled in Part 2 above.

Council's Operations Department will make available information for the Land Information Memorandum process, both held on departmental records and known to them, in accordance with information scheduled in Part 2 above.

The mechanism of providing relevant information will primarily be provided from Council's Computer system that manages functions such as rating, building consents, planning consents and licences. In addition, department managers will ensure that information known to their departments and staff will be provided upon request. Each request for Land Information Memorandum input and each response from departmental officers will be in written form accompanied by relevant maps / plans and copies of original information where applicable.

Information will be provided by departmental staff upon request within a 5 working day period.

17 July 2004