

## Frequently Asked Questions

### 1. How long has it been known that these landslips were present?

Landslips are not a new geological feature for Moeraki. Some believe the conditions for slippage were laid down 20,000 years ago.

Since European settlement landslips were evident. The Moeraki Branch of the rail line was opened in 1877. Land stability problems caused its closure just two years later in 1879.

### 2. What did Council know prior to the 2011 Draft Moeraki Hazard Map prepared by Tonkin and Taylor for WDC?

Council had an earlier version of the Moeraki hazard map which was prepared by Tonkin and Taylor in 1982. This has been used widely in building, land use management and Land Information Memoranda (LIMs) for many years. Many private reports have also been prepared for specific lots. Many of these are in Council's possession as they have been provided to Council for building consents and land use applications.

### 3. Why did Council release the draft report?

Council has an obligation to issue Land Information Memoranda (LIM) where requested. The 2011 draft Moeraki Hazard Map and the earlier version are relevant information held by Council relating to land stability that Council is required to release as part of any LIM.

Council staff believed it was responsible to also release this new information publicly to ensure that any individual who has or may potentially have property interests in Moeraki is aware of the latest information that Council holds about land stability.

### 4. When will the Tonkin and Taylor report and hazard map be finalised? Are they likely to be modified?

Council has prepared a timeline to work through the Moeraki issues in a comprehensive and considered manner. The timeline has identified that the report will be finalised by March 2012.

Whether the 2011 Draft Moeraki Hazard Map will be modified is difficult to know. Current investigations by the Earthquake Commission (EQC) and T&T may provide additional information that may need to be reflected in the Hazard Maps.

The 2011 Draft Hazard Map is electronic. Council's intention is to update the map as any new information becomes available.

### 5. What does it mean if a notice of natural hazards is recorded on my certificate of title under the following Acts?

**s641A - Local Government Act 1974:**  
**s36 Building Act 1991:**  
**s72 Building Act 2004:**

Essentially a notice has been placed on the certificate of title to ensure that owners and future owners are aware of the potential risks posed by the site and surrounding hazards. The notice would have been placed on the title when a building consent or permit was applied for and the building completed.

The s641A notices generally required buildings to be of a re-locatable nature.

The s36 and s72 notices permit building, however the applicant for building consent has a duty to demonstrate to Council that the building will not increase the risk of further land instability.

**What are the alternatives to having a s72 notice of natural hazards being placed on my certificate of title? Did I have an option?**

If a building consent is sought on land that is potentially unstable Council need to note this on the title (s392).

**6. How do I find out if my property has a notice of natural hazard recorded on the certificate of title?**

The easiest way is to undertake a title search. There are many avenues to achieve this including using the NZ Government Website - [www.linz.govt.nz/](http://www.linz.govt.nz/).

**7. If I have one what does it mean for my property? If I don't have one what does it mean for my property?**

If a notice of natural hazard has been recorded on a certificate of title, under the legislation identified in 5 above, it means that the building consent was issued with specific conditions. Examples of specific conditions include the requirements for a certain type of construction, providing land/stormwater drainage or building retaining structures. Any application for further building consents will most likely reconsider the hazard in relation to the building application. If a Land Information Memorandum (LIM) is requested from WDC, the report will identify the notice. Similarly if a lawyer is requested to do a title search, they should advise their client of this notice.

If a property within Moeraki does not have a notice of natural hazard recorded on a certificate of title, it was most likely that the building last constructed on the site did not require one or the building was built before 1981 when s641A came into force. If there are no buildings on the property, a notice would not have been issued. If a building consent application is filed and the property falls within the Draft Hazard Map zone, Council will consider if the property can be built on at all for safety reasons. Council may require a notice to be placed on the certificate of title and require certain conditions to be fulfilled or it may grant the building consent without the requirement for a notice of natural hazard. Council has commenced a process to define a consistent approach to applying land and building controls.

<http://www.waitaki.govt.nz/Public%20Notices/Moeraki%20Decision%20Making%20Process.pdf>

WDC recommend independent advice is sought regarding these matters.

**8. When I purchased my property I was not made aware of the slips and/or the natural hazard recorded against the certificate of title. How come?**

If a request was made to WDC for a Land Information Memorandum (LIM) this should have identified that a notice had been recorded against the certificate of title. This should not be

confused with a property report prepared by a property consultant. A report of this nature may not have addressed this issue.

Legal advice taken during due diligence where a title search was completed and a LIM prepared should have identified the notice on the certificate of title.

**9. I obtained an engineering report at the time I built. What does that mean now?**

This will be dependent on the purpose of the report. This is likely to be stated in the report. The purpose may not have included any geotechnical hazard information or conclusions. If uncertain, it is recommended that confirmation is sought from the organisation that prepared the report. It is recommended that further independent advice is sought if you remain unsatisfied.

**10. I obtained a geotechnical report when I built. What does that mean now?**

Council may have required a geotechnical report prepared to adequately demonstrate it was safe to build on the site and/or provide certain building consent conditions to ensure the natural hazard is not going to deteriorate should the building construction take place. A geotechnical report may have been prepared for other reasons including the advice received from property related specialists.

If you are unsatisfied with the contents of this geotechnical report, it is recommended you contact the organisation that prepared the report and/or seek further independent advice.

**11. I obtained a property report. What does that mean now?**

As identified in 8 above a property report may not have addressed the natural hazards issue. If it did and you remain unsatisfied, it is recommended you contact the organisation that prepared the report and/or seek further independent advice.

**12. I obtained a Land Information Memorandum (LIM). What does that mean now?**

WDC would have prepared the LIM and it should have included information held by the Council at that time about natural hazards including if a notice of natural hazard has been recorded on the certificate of title. Because new information is obtained by the Council on natural hazards, a fresh LIM will now include updated information.

If you believe WDC has not been aware of something relevant, it is recommended that you contact Council's Customer Services Staff in person or in writing via a letter or e-mail to [service@waitaki.govt.nz](mailto:service@waitaki.govt.nz)

**13. Can I undertake a subdivision on land within the slip areas?**

At this stage WDC will consider each application on an individual basis. Council's intention is to provide more certainty in the future by preparing a land use strategy for Moeraki and potentially undertaking District Plan Changes if necessary. Many Councils take the view that no subdivisions should proceed on landslips in reliance on s106(2) of the Resource Management Act 1991. Section 106(2) permits the consenting authority to refuse to grant a subdivision consent if it poses significant risk of damage to the property concerned or damage to other property. The consenting authority may grant a subdivision consent provided a comprehensive geotechnical report is submitted that adequately addresses what is essentially a high standard of proof that the risks have been mitigated. WDC will almost certainly require that a notice of natural hazard is recorded on the certificate of title under s72-74 of the Building Act 2004. Furthermore at the

time of subdivision Council may require a caveat on the certificate of title as a warning to unsuspecting purchases, which may include the potential difficulty in obtaining insurance and a mortgage over the property.

**14. Can I build on my section?**

This will be dependent on which Hazard Map zone the site is in and also down to the specifics of the landslide risk of the specific site, and what is proposed to be built. WDC will most likely request a geotechnical assessment. WDC will not provide a building consent if it considers it unsafe to build. It may also request specific things are undertaken to ensure the natural hazard does not deteriorate should construction take place. WDC may also require a notice of natural hazard is recorded against the certificate of title as per s72 of the Building Act 2004.

**15. Can I sell my property?**

Yes.

**16. My property transaction has just fallen through and I believe I've been disadvantaged financially. Who pays?**

The existence of natural hazards at Moeraki has long been an issue. Purchasers should investigate such matters and decide for themselves whether they wish to purchase a particular property. There is no specific compensation for potential sales that do not proceed.

**17. What should I do with my private stormwater?**

If the stormwater is considered to be creating private land instability risk, it is recommended you seek engineering/geotechnical advice or have a plumber pipe stormwater to a suitable discharge point. If the risk includes Council roads, pipes and other assets please contact WDC in writing via a letter or e-mail to [service@waitaki.govt.nz](mailto:service@waitaki.govt.nz) or phone Council's Customer Services for assistance.

**18. What about SW running off roads**

Council acknowledges it has obligations to ensure its own stormwater is managed and contained. If you believe Council's actions are increasing the risk of further land instability please contact WDC in writing via a letter or e-mail to [service@waitaki.govt.nz](mailto:service@waitaki.govt.nz) or phone Council's Customer Services.

**19. I'm very concerned that our land is unstable. What should I do?**

Leave the property if you believe you are in imminent danger. Seek engineering/geotechnical advice as soon as practical.

**20. I'm very concerned that the value of my property had declined. Do I have any recourse?**

Most unlikely because the natural hazards are a natural occurrence which the Council is required to provide current information on.

**21. What is the process moving forward?**

**See the following webpage.**

<http://www.waitaki.govt.nz/Public%20Notices/Moeraki%20Decision%20Making%20Process.pdf>

Council will update the following webpage below as new or improved information becomes available.

<http://www.waitaki.govt.nz/SitePages/Moeraki%20Land%20Stabilisation.aspx>