



9 October 2024



Ref: OIA-2024/25-0227

Dear

Official Information Act request relating to Intolerable life safety risk

Thank you for your Official Information Act 1982 (the Act) request received on 6 September 2024. You requested:

*"I am requesting any reports, policy documents, memos, emails or briefings that detail the concept of "intolerable life safety risk" within the DPMC or wider policy agencies working on Severe Weather impacts.
I am interested in the policy development and conceptual framework, rather than the application of the term. I wish to understand the origin and development of the intolerable life safety risk as it applies to the cyclone recovery categories."*

After a discussion with us you refined your request to:

*"Could you please provide me with all briefings to the previous Minister for Cyclone Recovery (Grant Robertson) and all Cabinet papers that detail the concept (policy development) of 'intolerable life safety risk' and the expected outcomes in terms of insurance cover, resilience and disaster risk reduction.
Could you also please provide me with any documentation around the consideration/utilisation of building damage ratios and the time that it would take to get residential homes and associated infrastructure back to functionality."*

The Ministry for the Environment (MfE) and Treasury led the development of Future of Severely Affected Locations (FOSAL) policy advice. Therefore parts of your request are more closely connected to the functions of the MfE and Treasury. Accordingly, and as previously advised, your request has been partially transferred to MfE and the Treasury under section 14(b)(ii) of the Act. MfE and Treasury have the usual timeframes under the Act to make a decision on your request.

Information publicly available

The following information is also relevant to your request and is publicly available:

Item	Date	Document description	Website address
1	February 2024	Briefing to the Incoming Minister Responsible for Cyclone Recovery Pgs 14-17	Proactive Release: Briefing to the Incoming Minister Responsible for Cyclone Recovery - February 2024 - Department of the Prime Minister and Cabinet (dpmc.govt.nz)
2	April 2024	Briefing: Overview of the Future of Severely Affected Locations Policy and Implementation	Response to Official Information Act request OIA-2023/24-0607: Secondary briefings

			provided by DPMC - April 2024 - Strategy, Governance and Engagement Group; Department of the Prime Minister and Cabinet
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Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the Act – the information requested is publicly available.

Document One provides information about the FOSAL criteria (see pages 14-17) and Document Two information about FOSAL policy and implementation.

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the Act on the following grounds, as described in the documents.

1. section 6(a) , to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
2. section 9(2)(a), to protect the privacy of individuals
3. section 9(2)(ba)(i), to protect the supply of similar information in the future
4. section 9(2)(ba)(ii), to prevent damage to the public interest
5. section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
6. section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinion
7. section 9(2)(g)(ii), to prevent improper pressure or harrassment
8. section 9(2)(h), to maintain legal professional privilege
9. section 9(2)(j), to enable negotiations to be carried on without prejudice or disadvantage

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to outweigh the reasons for withholding that information.

Regarding the part of your request relating to:

“building damage ratios and the time that it would take to get residential homes and associated infrastructure back to functionality

The Cyclone Recovery Unit does not hold any information on building damage ratios or time to restore functionality. We refer you to the responses from MfE and Treasury on these matters.

Council implementation of categorisation

Local government is responsible for the categorisation of properties and the articulation of the technical metrics that are used to determine whether risk is “intolerable”. Under the cost sharing agreements with central government local authorities apply the categorisation methodology as they implement strategies for regional recovery and improved resilience in the face of future severe weather events. As an example, the full cost sharing agreement for the Hawke’s Bay can be seen here:

<https://www.hastingsdc.govt.nz/assets/Document-Library/Cyclone-Land-Categorisation-Documents/Hawkes-Bay-Crown-Funding-Agreement.pdf>

Councils have progressed toward implementation in different ways which reflect their local communities and contexts.

Auckland Council has provided a directory of information about land categorisation across their website, broken down by categories, dispute process, and how to register online for a storm-affected property risk assessment.

[Property risk categories and what is involved in assigning a risk category](#)

It has also provided a news post that makes clear the difference between Category 2P and Category 3 (see link for the definition of these categories). A description of the technical information required in making a risk assessment is also included:

[Category 3 buy-out offer and Category 2P mitigation affordability: explainer - OurAuckland \(aucklandcouncil.govt.nz\)](#)

Hawke's Bay Regional Council has compiled key documents that have been released to the public to help improve understanding of how the Government's categorisation framework has been applied.

[Information regarding Land categorisation | Hastings District Council \(hastingsdc.govt.nz\)](#)

Gisborne District Council has explained how the provisional assessments of properties were undertaken and directs homeowners to pages on the website relevant to the category of their property:

[Future of severely affected land | Participate \(gdc.govt.nz\)](#)

Masterton council has information about their buyout and relocation programme:

[Voluntary Buyout and Relocation Programme](#)

Tauranga Council has information on their policy and framework:

[Council resolution, policy and framework](#)

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Katrina Casey
Chief Executive Cyclone Recovery