Customer Guide

BUILDING ON LAND SUBJECT TO NATURAL HAZARDS (Building Act 2004, ss 71–74)

If you are planning building work, natural hazards affecting your land can change whether — and how — the Council can grant your building consent. The Building Act 2004 requires the Council to consider natural hazards when it assesses consents for **new buildings and major alterations**. We strongly recommend you talk to one of our Building Control Officers before you lodge your application.

What is a natural hazard? Under section 71(3), a natural hazard means: erosion, falling debris, subsidence, inundation (flooding, overland flow, storm surge, tidal effects and ponding), and slippage. Earthquakes and tsunami are *not* natural hazards under these sections — they are dealt with elsewhere in the Act and the Building Code.

How do I find out if my land is affected? A Land Information Memorandum (LIM) or Project Information Memorandum (PIM) sets out the hazards the Council knows about for your property. Talk to us early if you are unsure.

WHAT HAPPENS IF MY LAND IS SUBJECT TO A NATURAL HAZARD?

When we assess your application there are three possible outcomes:

- **Consent granted as normal (s71(2)).** Where adequate provision has been or will be made to protect the land and building work, or the work will not worsen the hazard, consent is granted with no hazard notice on your title.
- **Consent granted with a natural hazard notice (ss 72–74).** Where the land remains subject to the hazard but your building work will not accelerate, worsen or create a hazard, the Council must grant consent — but a natural hazard notice is recorded on your record of title.
- **Consent refused (s71(1)).** Where adequate provision to protect the land or building work cannot be made.

Unless the work is minor, you may need a report from a geotechnical engineer or hydrologist. The installation of a domestic fire or minor interior alterations would generally not trigger these sections; the construction of a retaining wall on land subject to slippage would.

WHAT A NATURAL HAZARD NOTICE ON YOUR TITLE MEANS

- It alerts future owners, buyers, banks and insurers that the land is subject to a specified natural hazard.
- It protects the Council from liability (s392). If the building is later damaged by a hazard event, you and any future owner cannot claim against the Council for having granted the consent.
- **It can affect your natural hazards insurance.** Cover is now provided under the Natural Hazards Insurance Act 2023 (NHCover) by the Natural Hazards Commission Toka Tū Ake (formerly EQC). Where a notice names a hazard, the Commission may fully or partly decline a claim for damage caused by that same type of hazard.

WHAT YOU SHOULD DO

- Talk to a Building Control Officer before you lodge your application.
- Commission any specialist reports (geotechnical / hydrological) early — this avoids delays.
- Talk to your solicitor, insurer and the Natural Hazards Commission before you buy, build or alter a property in a hazard-prone area.

Older titles: *Natural hazards were previously covered by s36 of the Building Act 1991, and before that by s641A of the Local Government Act 1974. Check your record of title for any earlier endorsement.*