

Building on land subject to natural hazards

Sections 71-74 of the Building Act 2004 are concerned with building on land which is subject to natural hazards, such as flooding, slippage and erosion.

There are risks in building on land subject to natural hazard for both the owner and Council. Under the Building Act, natural hazard means any of the following:

- erosion
- falling debris (rockfall)
- subsidence
- inundation (flooding)
- slippage

When there is the construction of a building, or major alterations to a building, on land subject to a natural hazard, section 72 allows a building consent to be granted in certain situations but requires a notice to be placed on the property title. This notice warns future property owners of the natural hazard and takes away Council liability if there is damage as a result of the natural hazard.

While in almost all cases the granting of the building consent will have decided that the building work will comply with the building code, the natural hazard notice is still required to recognise that the land is subject to a natural hazard.

Natural hazard notices may affect the value of your property and your insurance cover, including disaster insurance provided by the Earthquake Commission (EQC). If you think natural hazards may apply to your project the Council recommends you seek professional or legal advice so you can make fully informed decisions.

Where Council considers that the land is subject to a natural hazard we are required to grant the building consent under section 72. Before we do this, we will ask the owner to acknowledge in writing that they are aware of the implications of the notice and have taken the opportunity to seek advice.

Further information can be found on the following website link-

<https://web.archive.org/web/20190124120130/https://www.building.govt.nz/about-building-performance/news-and-updates/codewords/codewords-issue-83/>