



BULLER
DISTRICT COUNCIL
Te Kaunihera O Kawatiri

Building on land subject to a Natural Hazard

BAM 405 | V.1.0 2025

If you are thinking about carrying out building works, it is important to consider any natural hazards that may affect how the project complies with the Building Act 2004 and the New Zealand Building Code.

Natural hazards include:

- erosion (including coastal, bank, and sheet erosion).
- falling debris (including soil, rock, snow, ice).
- subsidence.
- inundation (including flooding, overland flow, storm surge, tidal effects, ponding); and
- slippage.

Hazards like tsunamis or earthquakes are not viewed as natural hazards under the Building Act 2004.

If there are any potential natural hazards on your property this information will be indicated in either your Project Information Memorandum (PIM), Land information Memorandum (LIM) or Record of Title, which will detail if there is a natural hazard on your land.

The purpose of this document is to provide guidance on the requirements of the natural hazard provisions in sections 71 to 74 of the Building Act 2004.

The natural hazard provisions exist to recognise the risks when building on land that is subject to natural hazards, and to consider the effect of the building work and ways to mitigate any risks or adverse effects it might have. The Building Act 2004 requires the Council to look closely at Building Consent for new buildings or major alterations to a building on land subject to a natural hazard.

The Council can refuse to grant a Building Consent if the land on which the building work is to be carried out is subject to one or more natural hazards, or if the work is likely to accelerate, worsen, or result in a natural hazard on that land or any other nearby property.

If I apply for a Building Consent in a known hazard area, will I need to have a report from a Geotechnical Engineer or Hydrologist?

Unless the work is of a minor nature you may need a report from one of these professionals.

Talk to us before you start

We strongly recommend that you discuss your proposals with us before applying for building consent. You can contact a duty building inspector by emailing bdc-duty.inspector@bdc.govt.nz

We also strongly recommend you contact your solicitor, insurance company or the Natural Hazards

Commission if you are purchasing a property that may be subject to natural hazards, or you are planning on doing any alterations or additions in the future.

Section 72 notice

Where the risks and effects cannot be sufficiently mitigated, then the provisions recognise that it may still be acceptable to build on the land. In this case, the provisions require natural hazard risk notification subject to Section 72 of the Building Act 2004 being endorsed on the Record of Title (RT) to the land and protect Councils from liability on the basis that the owner is knowingly building on land affected by the natural hazard.

Before granting a building consent requiring a natural hazard notice on the RT (Section 72 condition), the BDC Building Team will ensure that you are aware of the implications of the notice and risks you are undertaking by asking you to sign a Section 72 Acknowledgement Form.

What are the implications of having a Section 72 on a Record of Title?

Placing a notice on the title ensures that current and future owners of the land, and other interested parties such as financiers and insurers are made aware that the land is subject to a natural hazard. Natural hazard notices may affect the value of your property and your insurance coverage, including disaster insurance provided by the Natural Hazards Commission (formerly the Earthquake Commission).

If there is a Section 72 endorsement on the RT and the building is subsequently damaged by a hazard event then the owner, and subsequent owners, cannot claim against the Council for issuing the consent.

“The existence of an entry under Section 74 of Building Act 2004 may limit statutory natural disaster insurance. Refer Clause 3(d) of Third Schedule to the Earthquake Commission Act 1993.”

You are strongly advised to contact your solicitor, insurance company and the Natural Hazards Commission if planning on doing any alterations or additions in the future.

Contact: Natural Hazards Commission – Toka Tū Ake
PO Box 311, Wellington 6140

Phone: 0800 326 243 (NZ) or +64 4 978 6400 (international)

Email: info@naturalhazards.govt.nz

You should notify your insurer immediately of a Section 73 notification. Your insurer will more than likely request that you obtain an independent engineer's report commenting on the stability of the property.

Should the report be favourable, then the insurer may continue to provide top up cover and difference in conditions cover.

Contact: Insurance Council of New Zealand

Email: icnz@icnz.org.nz

[ICNZ Consumer Guide – Implications of Section 74 notices on your Property Title](#)

[About Natural Disasters - ICNZ | Insurance Council of New Zealand](#)

Frequently Asked Questions (FAQ)

Can a Section 72 endorsement be entered on my RT entry if I don't apply for a Building Consent?
No.

How do I know if there is already a hazard-related endorsement on the RT?

You need to obtain a copy of the RT entry from Land Information New Zealand.

Contact: Toitū Te Whenua – Land Information New Zealand

PO Box 5501, Wellington 6145

Phone: 0800 665 463 (NZ) or +64 7 974 5595 (international)

Email: info@linz.govt.nz

NOTE: Section 36 of the Building Act 1991 covered natural hazards. Prior to the Building Act 1991, all building permits were issued under the Local Government Act 1974. Section 641(A) of the Local Government Act is similar to Section 72 of the Building Act, so check your RT for any relevant endorsement.

You can find out more about Sections 72 and 73 of the Building Act 2004 from the Ministry of Business, Innovation and Environment.

Contact: Ministry of Business, Innovation and Employment
PO Box 1473, Wellington 6140

Phone: 04 472 0030 or 04 917 0199

Email: info@mbie.govt.nz

Please also see MBIE Natural Hazard Provisions guidance released on complying with Sections 71 to 74 of the Building Act 2004: [Natural Hazard Provisions – GUIDANCE – October 2023](#)