Building Consent Relaxation, Risk Management and Land Instability in New Zealand

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# ABSTRACT

New Zealand is at risk from multiple occurrence regional landslide events. Two major events in 2023 are considered. The first being the 27 January, ‘Auckland Anniversary’, storm which caused flash flooding and widespread landsliding, including a fatal landslide in the central Auckland suburb of Parnell. The second remarkable rainstorm event was severe Tropical Cyclone (TC) Gabrielle, which crossed the Auckland region on 13 and 14 February 2023 and devastated large areas of the North Island – damaging roads, destroying bridges with over 10,000 displaced. TC Gabrielle has become the costliest tropical cyclone on record in the Southern Hemisphere, with total damage estimated to exceed NZ$14.5 billion (US$8.7 billion). By September 2023 over 140,000 landslides had been mapped. The tragic deaths of the two volunteer firefighters stemmed from an inspection of a house in the west coast Auckland town of Muriwai on 13 February close to fatal landslides in 1965 (Wright, 1966).

In 1979 the largest urban landslide in New Zealand’s history occurred in the Dunedin suburb of Abbotsford involving the movement of 18 ha of land and causing the destruction or relocation of 69 houses. It led directly to the prohibition of building (and alteration) consents if land on which work was to be done was “subject to erosion or subsidence or slippage, or inundation” or if the work itself was likely to “accelerate, worsen or result in” the same natural hazards affecting “other land”. However, the council could issue a permit if satisfied provision had been made for the protection of “the land” from the defined hazards. This caused widespread dissatisfaction among owners whose properties were devalued as a result and among developers deprived of opportunities to profit. This concern led to an amendment in 1981, broadly speaking, to permit consents whether or not provision had or would be made for protection. But it came at a cost. Notation on the title of the vulnerabilities was required and this was a public alert to anyone interested. Additionally, a consenting authority was absolved from civil liability for damage to anyone with an interest in the property damaged by the listed hazards and notation had an effect on EQC cover.

It is now, and perhaps always was, questionable whether this amendment (substantially the law today) was prudent.

# REFERENCES

Wright, L.W., 1966. The Muriwai debris-avalanche: some aspects of its form and genesis. New Zealand Geographer, 22, 90-93.