

Natural and Built Environment Bill Reform Series: Natural Hazards

Challenges ahead with focus on reducing risks

The Natural and Built Environment Bill (**NBE Bill**) has a positive focus on reduction of risks arising from natural hazards, with the definition of natural hazards extended creating implications for development. All decisions under the NBE Bill must err on the side of caution where information is uncertain or inadequate. Alongside the NBE Bill, spatial planning will be used to earmark land fit for some activities such as higher density housing. But it will also look to signal land that is not suitable for development due to the risk of natural hazards. Existing rights may be lost and subdivision consent may be refused as a result of that identification.

In summary:

- The approach to natural hazards is long-term future focused and risk averse.
- Spatial planning will be used to implement the outcome sought in the NBE Bill of reducing risks from natural hazards.
- The definition of natural hazards is extended to include soil containing concentrations of naturally occurring contaminants. This will impact use of land and will likely reduce opportunities for development.
- Existing use rights may be lost where an activity is not able to comply with rules in a plan or the National Planning Framework (NPF) (overarching plans and regulations) in respect of natural hazards.
- Subdivision consent may be refused, or potentially onerous conditions imposed, if considered necessary to reduce risks from natural hazards (including current and future risks). Previously this only applied where there was a significant risk arising.

Overall, this approach signifies reduced opportunities and potentially onerous and cost prohibitive requirements for development in areas where natural hazards are identified.

General themes identified by submitters in relation to natural hazards include:

- Concern at the lack of appropriate checks and balances in place when changing existing use rights to provide for stronger protection of the environment and a greater ability to reduce risks from natural hazards and climate change.
- Support the inclusion of limits and targets to manage natural hazards and climate change which are matters of human health and well-being. Providing such limits aligns with the other changes in the NBE Bill to manage risks and provide more tools for managing climate change and natural hazards.
- Concern at the current drafting of system outcomes, the excess language is confusing and does not achieve a risk reduction as intended, particularly for climate change and natural hazard management.

Want to know more?

Please contact a member of our [Environments, Planning and Natural Resources Team](#) if you would like to know more.