

Legal risk and liability in regional land use and development

Ryan Feuerherdt

Ryan.Feuerherdt@MinterEllison.com



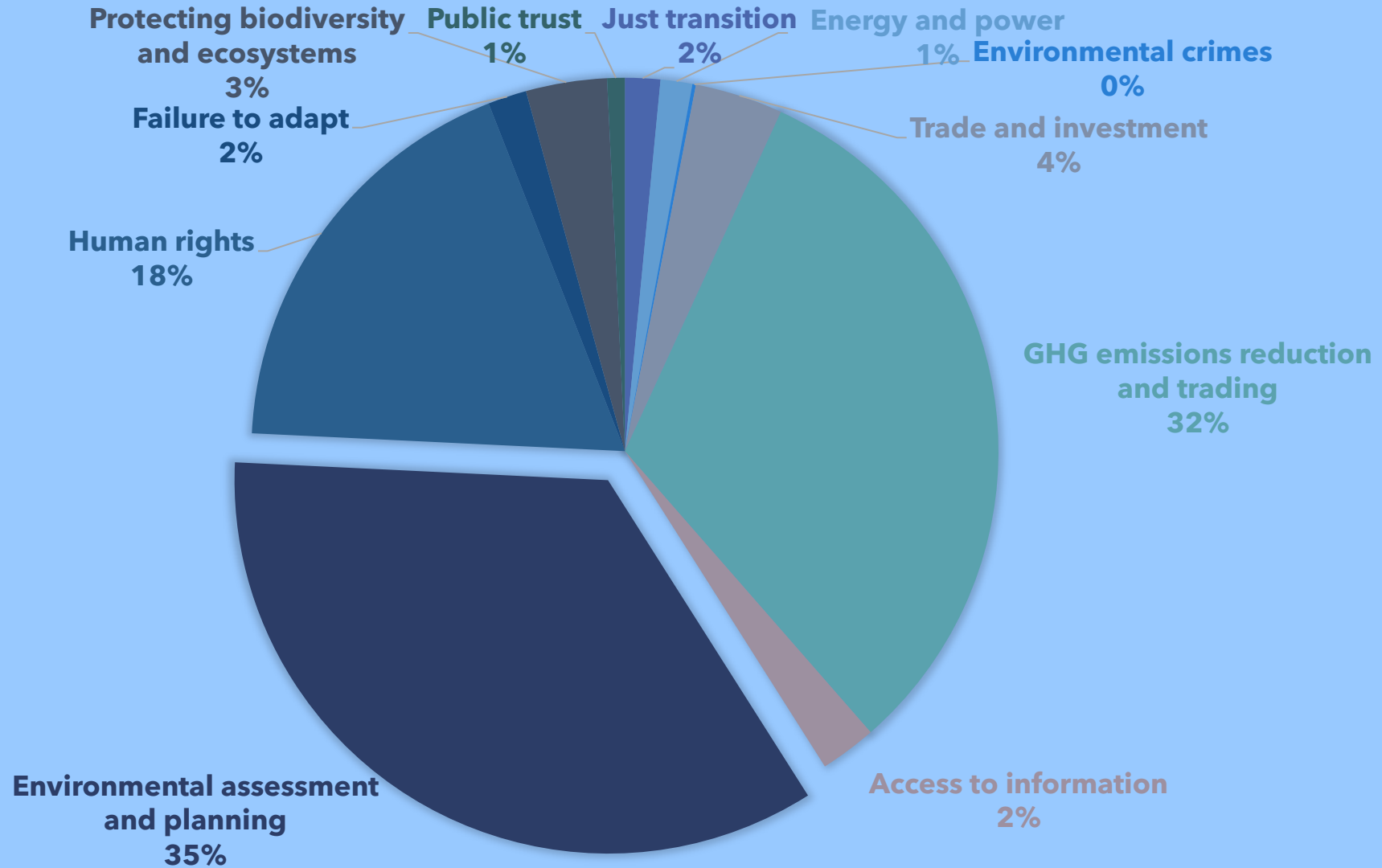
Legal risk and liability in regional land use & development



- Physical impact risks
- Economic transition risks
- Liability - Developments and zoning
- Liability - Other actions and inactions

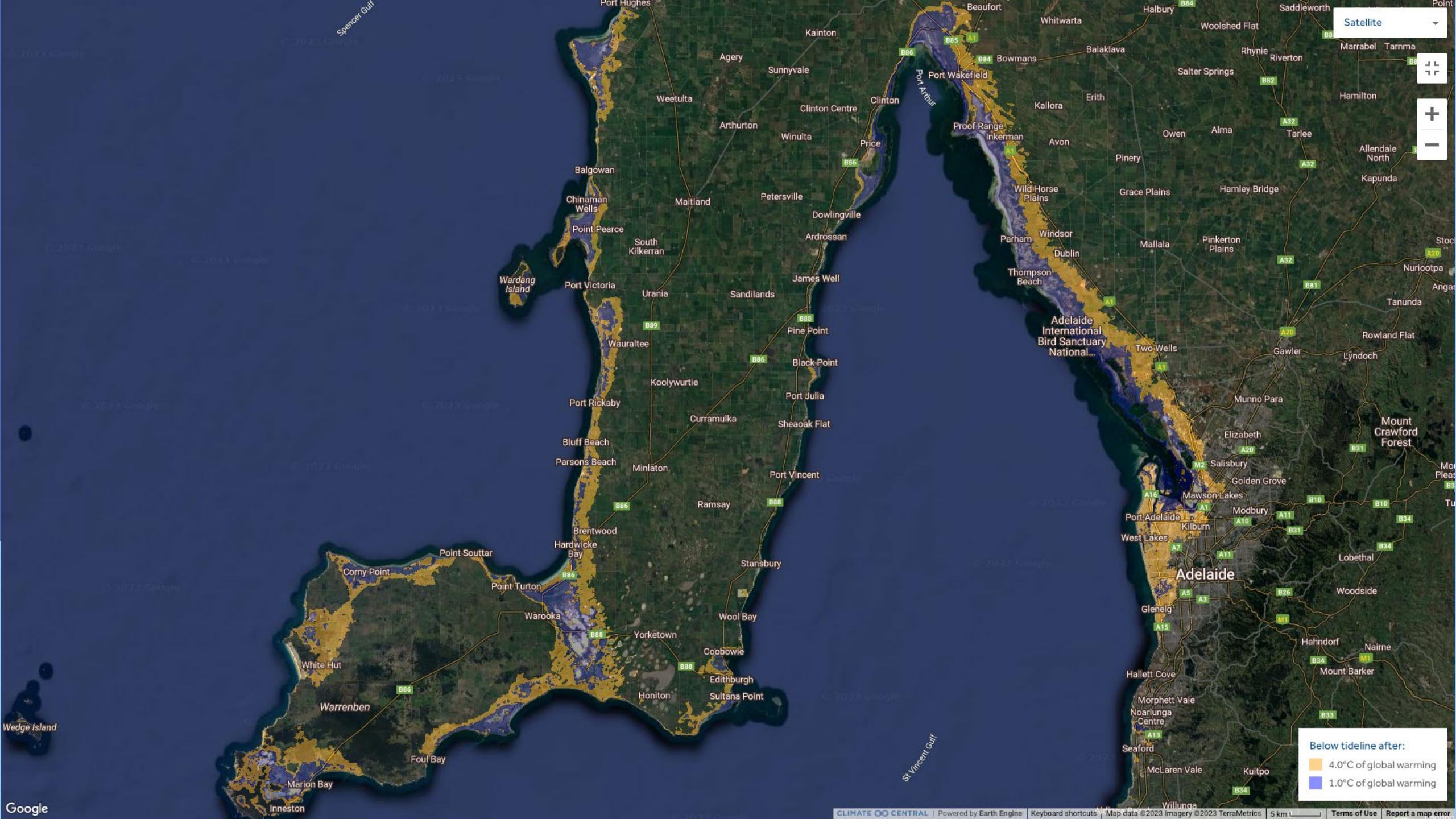
Climate Change Litigation

Lawsuits against governments (non-US)



Physical impact risks





Satellite



Below tideline after:
4.0°C of global warming
1.0°C of global warming

Economic transition risks

THE WALL STREET JOURNAL.

SUSTAINABILITY | RISK | CORPORATE SOCIAL RESPONSIBILITY

Consumers Expect Brands to Address Climate Change

CONSTRUCTION & DEVELOPMENT

Big news for property owners: you need to disclose your exposure to climate risk – Productivity Commission

KATE BURGESS 17 MARCH 2023



Australian Institute of Company Directors

Mandatory climate reporting is coming – are you getting prepared?

Tuesday, 24 January 2023

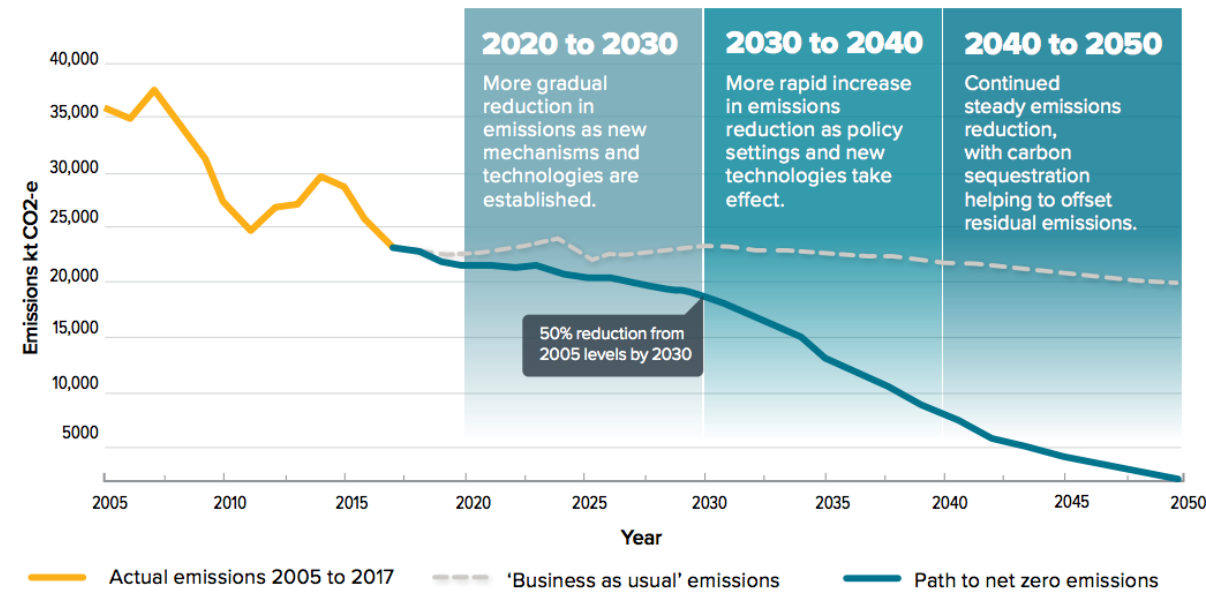


Figure 4: Emissions reduction pathway to achieve net zero emissions by 2050 compared to business as usual.

Liability



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Liability - Developments and Zoning

Refusals	Approvals	Rezoning	Protection works
Developer and landowner appeals Climate considerations	Third party and stakeholder appeals Conditions of approvals	Buffer zones and land land availability	Inundation Coastal protection works

Liability - Other Actions and Inactions

Release of information	Asset management	Building standards	Boundaries
Failure to disclose risks Inaccurate information about risks	Damage to buildings and assets Managing hazards	Adequacy of building standards to withstand extreme weather events	Reassessment of boundaries Compulsory acquisition Land values

Resources

- Commonwealth Climate and Law Initiative, *Directors' Liability and Climate Risk: Australia – Country Paper*
- Baker & McKenzie, *Local Council Risk of Liability in the Face of Climate Change – Resolving Uncertainties*
- DLA Piper, *Climate Change Adaption: Guided by the Law*

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