

Exercising the RMA's emergency powers: recent changes following the Kaikōura earthquake

Are you a network-utility operator or responsible for public works in earthquake damaged areas?

If you are, then there are obligations that you must comply with under the Resource Management Act (RMA).

The Hurunui/Kaikōura Emergency Relief Act 2016 has altered some obligations to make compliance easier. The Act extends the timeframes to notify the councils about, and to apply for consents for, emergency works. It also alters notification procedures when entering private property in certain circumstances.

Where does the Act apply?

The provisions in the Act apply to emergency works that are:

- required as a result of the Kaikōura earthquake sequence that began on 14 November 2016
- undertaken between 14 November 2016 and 1 April 2018
- undertaken on land or parts of the coastal marine area within the Hurunui District Council, the Kaikōura District Council, the Marlborough District Council, the Wellington City Council, the Hutt City Council, the Canterbury Regional Council, and the Wellington Regional Council areas and any adjacent coastal marine areas.

These are temporary provisions in response to the Kaikōura earthquake. There are additional specific provisions for the restoration of the Kaikōura harbours.

What has changed?

You must notify the local authority within 60 working days of work that has occurred under the emergency provisions of the RMA (sections 330-330B). Previously, you had seven days to notify the local authority.

Where the emergency work is not permitted by the local authority and there are ongoing adverse environmental effects from it, then you must apply for resource consent within 120 working days of notifying the local authority about the work. Previously, you had 20 working days to apply.

If a local or consent authority is required to enter land or buildings to undertake emergency actions and the occupier is not there, then that authority must leave a notice specifying the date and purpose of entry, along with contact details in a prominent place on the property, and send written notice to the ratepayer. Previously, that authority had to inform the occupier of the property that they had entered the property.

You may notify the local authority about the emergency works and apply for a resource consent after 1 April 2018, providing that the notification and application are made within the extended timeframes and the emergency work occurred before or on 1 April 2018.

Find out more

If you have questions, please contact your local authority or seek professional advice.

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