

Fixing earthquake damage on rural land: recent changes to RMA requirements

The Kaikōura earthquake on 14 November 2016 caused significant damage, disrupting farming activities and damaging facilities such as septic tanks, stockwater supplies, tracks and culverts.

To continue with basic farming practices you may need to, or may have had to, undertake emergency repair works. Many of these repair works are already permitted by council rules. This means you can do the work without requiring a resource consent. The Hurunui/Kaikōura Emergency Relief Act 2016 permits some additional works that would normally require resource consent.

Where does the Act apply?

The Act applies to land that:

- has any type of rural zoning or is primarily used for livestock or horticultural farming (or both). This includes all primary production land uses, including viticulture, horticulture, and land for stock grazing or dairying
- is located within either the Hurunui District Council, Kaikōura District Council or Marlborough District Council areas.

What work can I do on this land?

You may undertake any activities that were, prior to the earthquake, already permitted by the local authority rules. In addition you may now – as a permitted activity – undertake work to repair damage from, or to prevent damage as a result of, the earthquake and aftershocks.

You are permitted to undertake this emergency work where:

- the damage, or risk of damage, is caused by either the initial earthquake or aftershocks
- subsequent events such as heavy rainfall, in combination with the initial earthquake or aftershocks, result in damage or risk of damage.

The work you undertake as a permitted activity must be, in your opinion, reasonably necessary to avoid, remedy or mitigate:

- loss of life or injury to humans
- loss of life or serious detriment to health and well-being of animals
- serious damage to land or property.

The intention of the Act is to allow you to repair damage or replace damaged facilities in a similar manner to what existed before the earthquake, but recognising that a straight like-for-like replacement or repair may not be possible and that some facilities may need to be relocated. The Act does not enable major upgrades that would otherwise be subject to local authority rules.

The work must be carried out by, or on behalf of, the landowner or occupier of the land.

The work must be reasonably necessary and be proportionate to what has occurred, or to address the immediate risk of damage or loss.

The work cannot cause any significant adverse effects beyond the boundary of the property on which the work is being undertaken.

The work must be carried out between 14 November 2016 and 31 July 2017 (inclusive).

What do I have to tell the council?

You must notify the relevant local authority about the work you have undertaken within 60 working days of beginning the work. If you do not notify the local authority within this timeframe, the work will lose its permitted activity status and the normal consent requirements apply. Environment Canterbury has prepared a checklist to assist with the notification process.

What else do I need to know?

Working days is as defined under the Resource Management Act and excludes certain public holidays and the whole period from 20 December to 10 January, inclusive.

Only local authorities can undertake any enforcement or prosecution under this part of the Act.

Find out more

If you have any questions about what you are permitted to do, and what still requires resource consent, please contact your local authority or seek professional advice.

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