



Undertaking emergency works following recent severe weather

The Government has made changes to the Resource Management Act 1991 to allow rural landowners and occupiers to undertake emergency works in response to recent severe weather events without the need for resource consent¹.

This fact sheet sets out when the new rules apply and what you need to do before and after doing any work. These measures apply to activities undertaken after the severe weather events and last until 1 April 2024, after that standard planning regulations will once again apply.

Who should read this?

Anyone carrying out emergency recovery works on rural land (or land used or zoned for particular Māori purposes, livestock or horticultural farming) that previously required a resource consent. If the work you are doing did not need consent before, you don't need to do anything differently.

What works are allowed?

The changes allow landowners and occupiers on rural and Māori purpose land to take any emergency related preventive or remedial measures provided they meet the following conditions:

- The works must be for preventive or remedial measures because of, or in connection with, the impacts of Cyclone Hale, the Auckland floods and/or Cyclone Gabrielle; and
- The severe weather has caused, is causing, or is likely to cause loss of life or injury to humans, loss of life or serious detriment to the health or well-being of animals, or serious damage to land or property; and

¹ [Severe Weather Emergency Legislation Act 2023](#) (with minor amendments made in Part 3 of the [Severe Weather Emergency Recovery Legislation Act 2023](#))

- The landowner or occupier considers, on reasonable grounds, that preventive or remedial measures are required to avoid, remedy, or mitigate the loss, injury, detriment, or damage and the works proposed are proportionate to the loss or damage; and
- Works are undertaken as far as reasonably needed to address adverse effects; and
- Works will not cause significant adverse effects beyond the boundaries of the owner or occupiers land.

If all of the above conditions are met and the works are allowed, then the works are a 'deemed permitted activity' and can be undertaken without resource consent.

What works are not allowed?

- Any works in the coastal marine area
- Any works that are classified as 'prohibited activities'²
- Any works undertaken on culturally significant land, or that will impact on culturally significant land, without the prior written permission of the relevant iwi or hapū

What geographic areas are covered by these provisions?

The provisions apply to land impacted by Cyclone Hale, the Auckland floods and/or Cyclone Gabrielle in the regions of Northland, Auckland, Waikato, Bay of Plenty, Gisborne and Hawke's Bay, and the districts of Rangitikei, Manawatu, Tararua, Masterton, Carterton and South Wairarapa

What do I need to do?

If the works using these emergency provisions are on or will impact culturally significant land you need to get written permission from the relevant iwi or hapū before works are undertaken.

For all works you need to notify your local council in writing within 60 working days of the activity beginning. [The Notice of Emergency Works](#) below sets out what is required.

Undertaking emergency works on or impacting culturally significant land

If the emergency works you need to undertake are on or will impact culturally significant land you need to get written permission from the relevant iwi or hapū before starting any work.

What works may impact culturally significant land?

If any of the emergency works are undertaken on, or will impact on, land that:

- is on or adjoins a wāhi tapu or a site of cultural significance; or
- is on or adjoins land that has an area that is subject to a statutory acknowledgement; or

² Prohibited in any relevant plan, proposed plan, or applicable regulations or national environmental standard

- is within, is adjacent to, or directly affects the statutory overlay of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou³ (Gisborne region only).

Then you must seek written permission from the relevant iwi or hapū.

A wāhi tapu or a site of cultural significance includes those sites identified in any of the following:

a relevant plan or proposed plan:

the New Zealand Archaeological Association's site recording scheme⁴:

a list maintained under section 65 or 81 of the Heritage New Zealand Pouhere Taonga Act 2014.

the records of the Maori Land Court as a site set apart as a Maori reservation under Part 17 of Te Ture Whenua Maori Act 1993.⁵

If you are unsure if there are any relevant wāhi tapu, sites of cultural significance or statutory overlays present, you should contact your local council.

What do I have to do if my work may impact culturally significant land?

If the proposed works met any of the above criteria, you need to give notice to the relevant iwi or hapū at least 20 working days before works start.

You must provide the following information in your notice to relevant iwi or hapū:

- details of your proposed activity
- the proximity of the proposed activity to the site of cultural significance
- the anticipated effect of the proposed activity on the site and proposals to avoid, remedy or mitigate the effect
- a request for permission from the relevant iwi or hapū to undertake the proposed activity, and
- a request for any relevant protocols or management plans.

When can I start works?

You can begin works as soon as you receive written permission from all iwi or hapū you provided notice to.

If you do not receive written permission, then the works cannot be deemed a permitted activity and normal planning rules or resource consent requirements apply.

³ See a map of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou: [Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 No 19 \(as at 28 October 2021\), Public Act Schedule 3 Map of ngā rohe moana o ngā hapū o Ngāti Porou – New Zealand Legislation](#)

⁴ See the New Zealand Archaeological Site Recording Scheme: <https://archsite.eaglegis.co.nz/NZAAPublic>

⁵ [Severe Weather Emergency Legislation Act 2023](#) (with minor amendments made in Part 3 of the [Severe Weather Emergency Recovery Legislation Act 2023](#))

Notice of Emergency Works

If you are a landowner or occupier carrying out emergency remedial or preventative works within the scope of the Severe Weather Emergency Legislation Act 2023 you need to complete this notice and send it to the relevant regional or local council within 60 working days of the works beginning.

Notice of Emergency Works	Notes
To: _____ [Insert name of local authority]	
I _____ [Insert full name, full address]	
provide notice of the following emergency works undertaken as a deemed permitted activity.	

The works to which the notice relates

Describe the proposed activity:

The site of the work

Describe the site (including its location) as it is commonly known and in a way that will enable it to be easily identified (eg, the street address, the legal description, the name of any relevant stream, river or other water body to which the application relates, proximity to any well-known landmark, the grid reference (if known)).

Please also include confirmation the land meets one of the following:

- has a general rural, rural production or Māori purpose zoning status (or the nearest equivalent zone) in the relevant district or combined plan; or
- has located on it any marae, papakāinga or urupā; or
- is used for the primary purpose of livestock or horticultural farming.

Confirm the works described in the notice meet the conditions	Yes	No
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The works must meet all the below conditions to be considered a 'deemed permitted activity'.

- The works described above are for preventive or remedial measures required to address adverse effects because of, or in connection with, the impacts of Cyclone Hale, the Auckland floods or Cyclone Gabrielle (severe weather events).
- I (as landowner or occupier) consider, on reasonable grounds, that the preventive or remedial works I wish to undertake are required to avoid, remedy or mitigate the loss, injury, detriment or damage caused by this severe weather event, and the works proposed are proportionate to the loss or damage.
- The works are not in the Coastal Marine Area and will not have significant adverse effects beyond the boundary of my land.
- No part of the works described are a 'prohibited activity' in a relevant district or regional plan.
- The works are either:
 - not on culturally significant land or will not impact on culturally significant land; or
 - written permission has been obtained for the relevant iwi or hapū to undertake these works.

