



# Emergencies and Natural Hazards

## Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

### Context

#### Emergency provisions

The Resource Management Act 1991 (RMA) contains a set of standard provisions (sections 330 to 331 of the RMA) to enable preventative or remedial works to be undertaken when immediate action is required, or in a sudden event causing or likely to cause loss of life, injury or serious damage to property.

These provisions can only be used by local authorities, consent authorities or network utility or lifeline utility operators. Safeguard provisions require that any use of the emergency powers must be recorded within seven days and, if the adverse effects of the works continue, retrospective resource consent for the activities must be sought. Section 330B of the RMA also provides direction when activities have been undertaken using the Civil Defence Emergency Management Act 2002.

Although these provisions have been generally appropriate for responding to smaller events and emergencies, they have proven insufficient for larger emergency events (such as the Christchurch and Kaikōura earthquakes and the 2023 North Island weather events).<sup>1</sup> In addition, the provisions do not cover the recovery period that occurs after an emergency, which can last for several years.

These limitations have necessitated the development of bespoke legislation<sup>2</sup> (and subsequent Orders in Council), to help in response and recovery for each of the events mentioned in the paragraph above.

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<sup>1</sup> Cyclones Hale and Gabrielle, and the Auckland Anniversary Weekend floods.

<sup>2</sup> Primary legislation developed in response to the North Island weather events was the Severe Weather Emergency Legislation Act 2023, which introduced new sections (now repealed) to improve efficiency and effectiveness to deal with recovery, and the Severe Weather Emergency Recovery Legislation Act 2023, which enabled the creation of new regulations.

## Natural hazards

Section 6 of the RMA identifies the management of significant risks from natural hazards as a matter of national importance, and regional councils and territorial authorities both have functions in respect of natural hazards.

Councils have primarily given effect to these functions by using provisions in regional policy statements and regional and district plans, controlling land uses to manage the impact of natural hazards. In addition to what plans may contain, section 106 of the RMA enables consent authorities to decline subdivision consent applications or to attach conditions to subdivision consents where a significant risk exists from natural hazards.

However, RMA planning documents:

- may not contain up-to-date information on natural hazard risks
- can take years to amend and have those amendments become operative, via a Schedule 1 process to reflect up-to-date information on natural hazards.

These issues can limit the ability of councils to make planning decisions that are based on up-to-date information about natural hazards and associated risks. This can result in development occurring in inappropriately risky locations, or without mitigation measures in place to manage the risks.

## Key changes

- Section 25(1) of the Amendment Act amends section 86B of the RMA.
- Section 25A of the Amendment Act amends section 86D of the RMA.
- Section 27 of the Amendment Act amends section 87A of the RMA.
- Section 36A of the Amendment Act amends section 106 of the RMA.
- Section 37 of the Amendment Act adds a new section 106A to the RMA.
- Section 40 of the Amendment Act amends section 108AA of the RMA.
- Section 46 of the Amendment Act amends section 149N of the RMA.
- Sections 62 and 63 of the Amendment Act amend sections 330 and 330A of the RMA.
- Section 64 of the Amendment Act adds new sections 331AA and 331AB to the RMA.

## Amending the requirements for notifying the occupier when an authority enters land to carry out emergency works

The RMA contains provisions to allow certain activities to occur in emergency situations, including empowering local or consent authorities to enter any place on both public and private land in emergency situations. However, section 330(3) requires that, as soon as practicable after entering any place, the occupier of the place must be informed of the entry and the reasons for it.

Occupiers sometimes move to safer locations in emergency situations and are not present on site. This means it can be difficult and/or time consuming for authorities to track occupiers down and meet the obligations for informing them that their land has been entered.

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act) amends the RMA to allow people carrying out emergency works on private land to:

- leave a written notice on site, and
- inform the ratepayer in writing when the occupier cannot be found.

For councils, and network or lifeline utility operators, this will mean that staff should carry a notice template with them when they go on site to carry out emergency works, just in case the occupier is not present on site. The template notice can be found below.

## **Introducing a new regulation-making power for the Minister for the Environment to help respond to and recover from emergency events**

The Amendment Act embeds a new regulation-making power in the RMA to help respond to, and recover from, emergency events. This regulation-making power allows changes to RMA processes and timeframes (eg, consenting activities and pathways, appeal rights, public participation, and permitting of activities).

These changes to the RMA are flexible, because the list of potential regulations set out in section 331AA(6) is non-exhaustive. However, the Minister for the Environment (the Minister) and the Governor-General would be fettered by the requirements in the new section 331AA to ensure the powers are not used more broadly than is reasonably necessary. Additionally, the Minister must consider any adverse effects on the environment and only make regulations that are necessary or desirable for the purpose of the RMA.

The use of the power is contingent on the declaration of a state of national or local emergency (or transition period) under the Civil Defence Emergency Management Act 2002. However, Orders in Council may continue to be created under this regulation-making power, and these can apply for up to three years after the declaration is made.

New section 331AB requires that the Minister for the Environment must annually review the operation and effectiveness of any regulations made and report the outcomes to the public.

## **Extending timeframes for retrospective consent for emergency works**

Previously, the RMA required applicants who carried out emergency works to apply for retrospective resource consent for those works<sup>3</sup> within 20 working days.<sup>4</sup> Once lodged, councils must process those applications within normal RMA timeframes. These are often complex consents that require public notification, submissions and hearings.

The Amendment Act extends the timeframes for retrospective consent from 20 working days to 30 working days. For emergency events where longer timeframes would be appropriate, the regulation-making powers mentioned above would enable such a change on a case-by-case basis.

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<sup>3</sup> Where there are ongoing adverse environmental effects.

<sup>4</sup> Following advice to the appropriate consent authority, within seven days, that the activity has been undertaken under section 330A.

## Clarifying and strengthening the ability to decline or impose conditions on land-use consents for natural hazard reasons

The Amendment Act inserts a new section 106A into the RMA. This enables (but does not require) consent authorities to consider the latest natural hazard risk information when determining land-use consent applications in situations where that information has not yet been reflected in RMA plans. The new section applies to both regional and district land-use consents that may be required under either section 9 (use of land) or section 13 (use of beds of lakes and rivers).

If the consent authority considers there would be a significant risk from natural hazards for a proposed land use, the consent authority may attach conditions to avoid or mitigate that risk, or it may decline the application.

In determining whether there is a significant risk from natural hazards, the decision-maker is required to consider matters relating to both the likelihood and potential consequences of the hazard occurring (as is the case for subdivision consent applications under section 106 of the RMA). Compared with the equivalent subdivision provision, there is an additional ‘consequence’ consideration – that is, whether the land-use activity would adversely affect the health or safety of people.

The new section does not:

- introduce any new trigger for resource consent; the resource consent must be required by an existing plan or a national environmental standard
- apply to land-use consents required for:
  - construction, upgrade, maintenance or operation of infrastructure
  - primary production activities (as described in the national planning standards)
- require land-use consents to be refused (or conditions imposed) in every case where there is a significant risk. Refusal or imposition of conditions will depend on the level of risk, mitigating factors and the nature of the development and activity.

## Implementation considerations

- **For consent authorities:** This new section will require consideration of whether resource consent applications reflect the most up-to-date natural hazard information, even if that information is not yet included in RMA plans.
- **For applicants:** Applicants should be aware that new or updated natural hazard information not reflected in plans may still be considered in land-use consent decisions. Early engagement with councils is recommended to understand potential natural hazard risks and mitigation expectations.

## Giving immediate legal effect to rules relating to natural hazards

The Amendment Act changes sections 86B(3) and 149N(8) of the RMA,<sup>5</sup> so that rules relating to natural hazards have immediate legal effect from the date of notification of a proposed plan.<sup>6</sup> This will mean that, for example, if a proposed expands the extent of a flood hazard overlay, properties newly included in the overlay may now be subject to rules requiring resource consent for certain activities—such as constructing new buildings or undertaking earthworks. These rules take immediate legal effect from the date of notification, even if the operative plan does not require consent for those activities in that location.

The change means that a local authority can no longer:

- apply to the Environment Court under section 86D for a rule to have legal effect from a specified date
- resolve under section 86B(1)(c) that a rule relating to natural hazards does not have legal effect until a proposed plan becomes operative.

The stop to planning processes introduced by Subpart 5B of the Act does not apply to proposed or draft planning instruments that relate to natural hazards. These are automatically exempt under section 80T(2)(f).

## Guidance for changes to section 330 regarding entry to private land or property

This guidance applies where a local authority or consent authority has financial responsibility for any public work, or has jurisdiction under the RMA, in respect of any natural and physical resource or area that is, in the reasonable opinion of that local authority or consent authority, likely to be affected by:

- an adverse effect on the environment that requires immediate preventative measures
- an adverse effect on the environment that requires immediate remedial measures, or
- any sudden event causing or likely to cause loss of life, injury or serious damage to property.

If any of the above conditions apply, then the local authority or consent authority must undertake the following steps.

- Determine the need for, and make a reasonable decision about, exercising the section 330(2) power enabling employees or agents to enter on to private land or premises without prior notice to take such action, or direct the occupier to take such action as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.
- Ensure the operations staff and agents have the appropriate warrants and identification at all times during the operation. As soon as practicable after entering the property, staff and agents must identify themselves and inform the occupier of the reasons for entry.

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<sup>5</sup> Section 86B(3) is applicable for council-led planning processes, while section 149N(8) is applicable for proposals of national significance.

<sup>6</sup> Section 43AAC defines ‘proposed plan’ as meaning a proposed plan, a variation to a proposed plan or change, or a change to a plan.

- If no occupier can be found on site at the time, leave a written notice stating the contact details for the person entering (or alternative council contact who can provide further information), date of entry, time of entry, reasons for entry and actions taken. This notice should be left in a prominent place so that it can be found by the occupier, and a copy of the information on the written notice **MUST** be supplied to the ratepayer for the land. The ratepayer notice must be sent as soon as practicable after entering the land (it can be served by email), which may be upon return to the council offices (as applicable). See next page for a template written notice.
- If entering a dwelling house is necessary, contact the police. Staff and agents must not enter the house until a police constable can accompany them.
- Log and keep records of all decisions and actions.



# Sample RMA section 330(3A) written notice to be displayed in a prominent place on the land

**XX COUNCIL** (add logo)

## Site notice of emergency works under section 330 of the Resource Management Act 1991

This notice gives the occupier of the land information about the identity of the person entering the land and the reasons for entry. This notice fulfils section 330(3A) of the Resource Management Act 1991, where the occupier cannot be found in place.

Site address and place of entry:

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Date of entry:

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Time of entry:

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Reasons for entry and actions taken:

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Please contact the following persons who can provide further information:

Name:

Title: eg, Planning Manager / Monitoring and Enforcement Officer

Name of council:

Address Line 1:

Address Line 2:

Address Line 3:

Phone:

Email:

Signed: \_\_\_\_\_ Date of erection of site notice: \_\_\_\_\_

Please note that this information will also be given to the ratepayer for the land.