

Checklist of Whether Activity Can Be Carried Out Under s331B of the RMA

This checklist can be used when considering whether a particular activity proposed to be undertaken, or already undertaken by a landowner/occupier meets the permitted activity status provided for by the Severe Weather Emergency Legislation Act 2023.

To be a permitted activity you must be able to answer **yes** to each of the matters listed below:

1. The activity proposed/undertaken is located on Rural Land / and outside the Coastal Marine Area? Y/N
NOTE: Rural Land for the purposes of this assessment is land that: (a) has a general rural, rural production, or Māori purpose zoning status (or the nearest equivalent zone) in the relevant district or combined plan; or (b) has located on it any marae, papakāinga, or urupā; or (c) is used for the primary purpose of livestock or horticultural farming.
2. The work will be undertaken on land that you own or occupy (i.e. not crown land, river parcel, or road reserves)? Y/N
3. The activity is not prohibited by a rule in a regional plan, proposed plan, applicable regulation or national environmental standard? Y/N
NOTE: We encourage you to contact our consent advisors to check (consentadvisor@hbrc.govt.nz)
4. If the activity is to be undertaken on, or will impact on culturally significant land, both the following have occurred
 - a. notice has been given to the relevant iwi or hapū at least 20 working days prior to the measures being undertaken? Y/N
 - b. Written permission has been received from the relevant iwi or hapū Y/N
 NOTE: Refer to RMA s331B (4) for the specific notice requirements in relation to this written permission. Culturally significant land for the purposes of this assessment is land that—
 - a. is on, or adjoins, a wāhi tapu or a site of cultural significance; or
 - b. is on, or adjoins land that has an area that is subject to a statutory acknowledgement.
5. Is/was the activity “because of or in connection with” at least one of the following?
 - a. Cyclone Hale (8 January to 12 January 2023) ; or Y/N
 - b. Cyclone Gabrielle (12 February to 16 February 2023) Y/N
6. Has the event above caused, or is the event “causing or likely to cause” one or more of the following effects?
 - a. loss of life or injury to humans; or
 - b. loss of life or serious detriment to the health or well-being of animals; or
 - c. serious damage to land or property Y/N
7. Does the owner/occupier consider “on reasonable grounds” that the preventive or remedial measures are/were required to avoid, remedy, or mitigate the loss, injury, detriment, or damage determined above? Y/N
8. Does the owner/occupier consider the measures taken or proposed are “proportionate” in the circumstances to avoid, remedy, or mitigate the loss, injury, detriment, or damage? Y/N
9. In undertaking the measures, have/will the adverse environmental effects be avoided, remedied, or mitigated “as far as practicable”? Y/N

If, as a landowner or occupier, you undertake work that would otherwise require a resource consent, you must give written notice to Hawke’s Bay Regional Council that the activity has been undertaken within 60 working days of the activity beginning. We would advise that you record the location, size and extent of the works undertaken, and keep documentation (eg photos, test results). Please send information to: ComplianceReturns@hbrc.govt.nz or consentadvisor@hbrc.govt.nz

If any of these steps and matters are not met or there are on-going adverse environmental effects a resource consent will be required.