



## **Canterbury Earthquake (Resource Management Act) Amendment Order 2011**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 8th day of March 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 6 of the Canterbury Earthquake Response and Recovery Act 2010, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister in accordance with section 6(2) of that Act.

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## **Order**

### **1 Title**

This order is the Canterbury Earthquake (Resource Management Act) Amendment Order 2011.

### **2 Commencement**

This order is deemed to have come into force on 22 February 2011.

### **3 Principal order amended**

This order amends the Canterbury Earthquake (Resource Management Act) Order 2010.

### **4 Extension of time for resource consents held by local authorities**

- (1) Clause 6(1)(a) is amended by omitting “4 September 2010 and 4 December 2010” and substituting “22 February 2011 and 31 March 2012”.
- (2) Clause 6(1)(b) is amended by omitting “4 September 2010 and 4 December 2010” and substituting “22 February 2011 and 31 March 2012”.

### **5 Effect of extensions of time**

Clause 9 is amended by omitting “4 September 2010 and 1 July 2011” and substituting “2 July 2011 and 31 March 2012”.

### **6 Duty to keep records and observe and enforce district plans**

- (1) Clause 10(1) is amended by omitting “4 September 2010 and 4 December 2010” and substituting “22 February 2011 and 31 March 2012”.

- (2) Clause 10(2)(b) is amended by adding “, including the duty to enforce a resource consent”.

**7 Modified requirements for exercise of emergency powers**

- (1) Clause 11(1) is amended by inserting “or 330B” after “330”.
- (2) Clause 11 is amended by revoking subclause (2) and substituting the following subclause:
- “(2) Despite section 330(3) of the Act, if the occupier of a place that must be entered for the purpose of an emergency work is not present,—
- “(a) it is sufficient if a notice—
- “(i) is displayed in a prominent place on the land; and
- “(ii) advises of the date and purpose of entry; and
- “(iii) provides the contact details of the person who can provide further information; and
- “(b) the local authority is not required to take further action to contact the owner or occupier.”

**8 New clause 15 added**

The following clause is added:

**“15 Kate Valley landfill**

- “(1) An activity of the kind described in subclause (2) is to be treated—
- “(a) as an activity undertaken in accordance with section 330B(1) and (2) of the Act; and
- “(b) as if a state of emergency was in force for the Kate Valley landfill in the Hurunui district.
- “(2) An activity to which this subclause applies is one undertaken by a person in relation to the Kate Valley landfill in the Hurunui district—
- “(a) in accordance with a written or oral direction given, or a request made, to the person—
- “(i) between 22 February 2011 and 31 March 2012; and
- “(ii) by or under the authority of the Director, a Group Controller, a constable, or an officer of one of the local authorities listed in clause 4; and

- “(b) in response to the damage caused by, or arising from, the Canterbury earthquake.
- “(3) If an activity to which this clause applies would, but for this clause, contravene any of sections 9, 12, 13, 14, and 15 of the Act and the adverse effects of the activity continue beyond 31 March 2012, the person who authorised the activity must apply in writing to the appropriate consent authority for the necessary resource consents in respect of the activity.
- “(4) Subclause (3) applies instead of section 330B(3) of the Act.
- “(5) In this clause, **Director** and **Group Controller** have the meanings given in section 4 of the Civil Defence Emergency Management Act 2002.”

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This Order in Council is made under the Canterbury Earthquake Response and Recovery Act 2010 and its effect is temporary. The order amends the Canterbury Earthquake (Resource Management Act) Order 2010 (the **principal order**). The order is deemed to have come into force on 22 February 2011 and expires in accordance with the principal order (being the close of 31 March 2012).

In *clauses 4, 5, and 6*, the order substitutes certain time periods as follows:

- the time period in clause 6 of the principal order for the expiry of resource consents held by one of the local authorities and the date specified for compliance; and
- the time period in clause 9 of the principal order during which those local authorities are exempt from the obligation to pay a discount; and
- the time period in clause 10 of the principal order during which certain requirements on those local authorities are relaxed.

The time frames substituted by this order are additional to the time frames already provided for in the principal order.

In addition, the order,—

- in *clause 7(1)*, clarifies that the modified requirements for the exercise of emergency powers in the principal order apply to the exercise of powers under sections 330 and 330B of the Resource Management Act 1991 (the **Act**); and
- in *clause 7(2)*, clarifies how the notification requirements in the principal order are modified if property has to be entered, as a response to the earthquake, when the occupier is not present; and
- in *clause 8*, introduces *new clause 15*. This clause extends the exemption given in relation to the Kate Valley landfill at Hurunui by the Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010, by deeming an activity undertaken in response to the directions of certain persons—
  - to be in accordance with section 330B(1) and (2) of the Act, meaning that consents are not required for the operation of the landfill during the period for which the order is in force; and
  - as if the area to which the state of emergency applies included the location of the landfill.

*New clause 15(4)*, provides that *new subclause (3)* applies instead of section 330B(3) of the Act. The effect of this is to modify the requirements of section 330B(3) of the Act as to the obligation to obtain consent for activities with continuing effects, so that the obligation only applies where there are continuing effects after the expiry of the principal order.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 10 March 2011.  
This order is administered by the Ministry for the Environment.

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