

**Reprint
as at 11 March 2011**



**Canterbury Earthquake (Resource
Management Act) Order 2010**
(SR 2010/318)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 16th day of September 2010

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

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order was administered by the Ministry for the Environment.

- (b) on the recommendation of the relevant Minister made 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) Order 2010.

2 Commencement

This order is deemed to have come into force on 4 September 2010.

3 Expiry

This order expires on the close of 31 March 2012.

4 Application

This order applies to each of the following councils:

- (a) Christchurch City Council;
- (b) Selwyn District Council;
- (c) Waimakariri District Council;
- (d) Canterbury Regional Council.

5 Interpretation

In this order, unless the context otherwise requires,—

Act means the Resource Management Act 1991

applicant has the meaning given in section 2(1) of the Act

consent means a resource consent within the meaning of the Act

consent authority has the meaning given in section 2(1) of the Act

local authorities means, collectively, the councils listed in **clause 4**

resource consent has the meaning given in section 2(1) of the Act.

Time periods that may be extended

6 Extension of time for resource consents held by local authorities

- (1) This clause applies in addition to the powers under section 37A of the Act if a local authority holds a resource consent that—
 - (a) expires on a date between 22 February 2011 and 31 March 2012; or
 - (b) specifies, as a condition of the consent, that any step in the implementation of the consent, including any requirement for information to be provided to the con-

sent authority, must be complied with by a date between 22 February 2011 and 31 March 2012.

- (2) A consent to which subclause (1)(a) applies is deemed to be renewed for 60 working days from the date on which it would otherwise have expired.
- (3) The date on which any matter of the kind referred to in subclause (1)(b) must be completed is extended by 60 working days from the specified date.

Clause 6(1): amended (with effect on 4 September 2010), on 24 September 2010, by clause 4 of the Canterbury Earthquake (Resource Management Act) Amendment Order 2010 (SR 2010/325).

Clause 6(1)(a): amended (with effect on 22 February 2011), on 11 March 2011, by clause 4(1) of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

Clause 6(1)(b): amended (with effect on 22 February 2011), on 11 March 2011, by clause 4(2) of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

7 Other extensions of time

- (1) This clause applies in addition to the powers under section 37A of the Act, for the duration of this order, if a local authority is carrying out functions as a consent authority.
- (2) A local authority may, upon request by the applicant, grant an extension of time under section 37 of the Act for the exercise of any function or for carrying out or completing any requirement or process.
- (3) The extension of time granted under this clause may be for any period not exceeding 6 months from the date that would have applied but for this order.
- (4) The power to grant an extension of time applies whether or not the period has expired that would have applied but for this order.
- (5) The local authority must give written notice of the extension of time to—
 - (a) the applicant; and
 - (b) every person who, in its opinion, is directly affected by the extension of time.

Clause 7(1): amended (with effect on 4 September 2010), on 24 September 2010, by clause 5 of the Canterbury Earthquake (Resource Management Act) Amendment Order 2010 (SR 2010/325).

8 Preparation and change of policy statements and plans

- (1) In addition to clause 1(2) of Schedule 1 of the Act, in the case of a request for a local authority to change a policy statement or plan under Part 2 of Schedule 1 of the Act, the local authority may, on its own initiative, waive or extend the time for the exercise of a function or for carrying out or completing any requirement or process, provided the change requested is not relevant to the promotion of the purpose of the Canterbury Earthquake Response and Recovery Act 2010.
- (2) A waiver or extension of time granted under this clause may be for any period not exceeding 6 months from the date that would have applied, but for this order.

9 Effect of extension of time

No obligation arises in the period between 2 July 2011 and 31 March 2012 for a local authority to pay a discount under regulations made under section 360(1)(hj) of the Act.

Clause 9: amended (with effect on 22 February 2011), on 11 March 2011, by clause 5 of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

Relaxation of certain duties

10 Duty to keep records and observe and enforce district plans

- (1) Between 22 February 2011 and 31 March 2012, the duties referred to in subclause (2) apply to the local authorities only as far as it is reasonably practicable for the local authorities to fulfil those duties, having regard to the circumstances arising from the Canterbury earthquake.
- (2) The duties are—
 - (a) the duty under sections 35 and 35A of the Act to keep records; and
 - (b) the duty under section 84 of the Act to observe and enforce its district and regional plans and policy statements, including the duty to enforce a resource consent.

Clause 10(1): amended (with effect on 22 February 2011), on 11 March 2011, by clause 6(1) of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

Clause 10(2)(b): amended (with effect on 22 February 2011), on 11 March 2011, by clause 6(2) of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

Modifications and exemptions

11 Modified requirements for exercise of emergency powers

- (1) This clause applies if the power to undertake emergency works is exercised under section 330 or 330B of the Act by or on behalf of a local authority.
- (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.
- (3) The time within which advice of an action must be given under section 330A(1) or 330B(2) of the Act is extended to 20 working days.
- (4) If a local authority carries out emergency works requiring a resource consent, the time within which an application for a resource consent must be lodged under section 330A(2) or 330B(3) of the Act is extended to 60 working days.
- (5) Sections 330A(3) and 330B(4) of the Act apply subject to the time periods modified by subclauses (3) and (4) of this clause.
- (6) The exemption provided by section 330B(5) of the Act (which relates to the commission of an offence under section 338(1)(a) of the Act) applies subject to the modified time periods referred to in subclause (5) of this clause.

Clause 11(1): amended (with effect on 22 February 2011), on 11 March 2011, by clause 7(1) of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

Clause 11(2): substituted (with effect on 22 February 2011), on 11 March 2011, by clause 7(2) of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

12 Exemption under Building Act 2004

No resource consent is required if a local authority exercises its powers under section 129 of the Building Act 2004.

Delegations

13 Delegations

A local authority may permit the chief executive of the local authority to exercise the powers of delegation of the local authority under section 34A of the Act.

Additional defence

14 Liability arising from circumstances of Canterbury earthquake

Despite anything in the Act, a local authority is not liable for prosecution for an omission of the local authority that permits a contravention of any of sections 9, 11, 12, 13, 14, or 15 of the Act, provided that omission is reasonably necessary to promote the purpose of the Canterbury Earthquake Response and Recovery Act 2010.

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.

Clause 15: added (with effect on 22 February 2011), on 11 March 2011, by clause 8 of the Canterbury Earthquake (Resource Management Act) Amendment Order 2011 (SR 2011/35).

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 16 September 2010.

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Notes

1 *General*

This is a reprint of the Canterbury Earthquake (Resource Management Act) Order 2010. The reprint incorporates all the amendments to the order as at 11 March 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Canterbury Earthquake (Resource Management Act) Amendment Order 2011
(SR 2011/35)

Canterbury Earthquake (Resource Management Act) Amendment Order 2010
(SR 2010/325)
