



## Canterbury Earthquake (Resource Management Act) Order 2010

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
- (b) on the recommendation of the relevant Minister made in accordance with section 6(2) of that Act.

### Contents

		Page
1	Title	2
2	Commencement	2
3	Expiry	2
4	Application	2
5	Interpretation	3

<i>Time periods that may be extended</i>		
6	Extension of time for resource consents held by local authorities	3
7	Other extensions of time	3
8	Preparation and change of policy statements and plans	4
9	Effect of extension of time	4
<i>Relaxation of certain duties</i>		
10	Duty to keep records and observe and enforce district plans	5
<i>Modifications and exemptions</i>		
11	Modified requirements for exercise of emergency powers	5
12	Exemption under Building Act 2004	6
<i>Delegations</i>		
13	Delegations	6
<i>Additional defence</i>		
14	Liability arising from circumstances of Canterbury earthquake	6

---

## 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 instead of section 37A of the Act if a local authority holds a resource consent that—
  - (a) expires on a date between 4 September 2010 and 4 December 2010; 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 consent authority, must be complied with by a date between 4 September 2010 and 4 December 2010.
- (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.

## 7 Other extensions of time

- (1) This clause applies instead of 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.

## **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 4 September 2010 and 1 July 2011 for a local authority to pay a discount under regulations made under section 360(1)(hj) of the Act.

*Relaxation of certain duties***10 Duty to keep records and observe and enforce district plans**

- (1) Between 4 September 2010 and 4 December 2010, 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.

*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 of the Act by or on behalf of a local authority.
- (2) Without limiting 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 notice must be displayed in a prominent place on the land, advising of the date and purpose of entry and providing the contact details of the person who can provide further information.
- (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.

**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.

Rebecca Kitteridge,  
Clerk of the Executive Council.

---

**Explanatory note**

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

This order is deemed to have come into force on 4 September 2010 and expires on 31 March 2012.

The order applies to 3 territorial authorities and the Canterbury Regional Council (collectively defined as **local authorities**).

As a means to facilitate the response to the Canterbury earthquake, the order provides for the extension of certain time periods prescribed

by or under the Resource Management Act 1991 (the **Act**); it suspends any obligation for discounts to be paid under regulations made under section 360(1)(hj) of the Act; it relaxes certain administrative and other duties; and it modifies certain statutory requirements to better apply those requirements to the particular circumstances arising from the Canterbury earthquake. The order also provides immunity from prosecution for the local authorities for omissions that permit a contravention of the Act, where that omission is reasonably necessary for the purpose of the Canterbury Earthquake Response and Recovery Act 2010.

This order is made under the Canterbury Earthquake Response and Recovery Act 2010. Its effect is temporary.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 16 September 2010.

This order is administered by the Ministry for the Environment.

---