

Reprint
as at 19 April 2016



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

Canterbury Earthquake (Resource Management Act) Order 2010: revoked, on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry for the Environment.

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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 expiry of the Canterbury Earthquake Recovery Act 2011.

Clause 3: amended, on 19 April 2011, by section 90 of the Canterbury Earthquake Recovery Act 2011 (2011 No 12).

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 consent 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 sub-clause (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.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Resource Management Act) Order 2010 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)

Canterbury Earthquake Recovery Act 2011 (2011 No 12): section 90

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

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