

- is to be apportioned, restricted, or suspended to the extent and in the manner set out in the direction.
- (2) A direction may relate to any specified water, to water in any specified area, or to water in any specified water body.
  - (3) A direction may not last for more than 14 days but may be amended, revoked, or renewed by the regional council by a subsequent direction.
  - (4) A direction comes into force on its issue and continues in force until it expires or is revoked.
  - (5) A direction may be issued by any means the regional council thinks appropriate, but notice of the particulars of the direction shall be given to all persons required to apportion, restrict, or suspend—
    - (a) the taking, use, damming, or diversion of water; or
    - (b) the discharge of any contaminant into water,—
 as far as they can be ascertained, as soon as practicable after its issue.
  - (6) For the purpose of this section, notice may be given to a person by serving it on the person or by publishing the notice in 1 or more daily newspapers circulating in the area where the person takes, uses, dams, or diverts the water, or discharges a contaminant into water.

### *Emergency works*

#### **330 Emergency works and power to take preventive or remedial action**

- (1) Where—
  - (a) any public work for which any person has financial responsibility; or
  - (b) any natural and physical resource or area for which a local authority or consent authority has jurisdiction under this Act; or
  - (c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167; or
  - (ca) any service or system that any lifeline utility operates or provides—
 is, in the opinion of the person, authority, network utility operator, or lifeline utility, affected by or likely to be affected by—
  - (d) an adverse effect on the environment which requires immediate preventive measures; or
  - (e) an adverse effect on the environment which requires immediate remedial measures; or
  - (f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property—

the provisions of sections 9, 12, 13, 14, and 15 shall not apply to any activity undertaken by or on behalf of that person, authority, network utility operator, or

lifeline utility to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

- (1A) Subsection (1) applies whether or not the adverse effect or sudden event was foreseeable.
- (2) Where a local authority or consent authority—
- (a) has financial responsibility for any public work; or
  - (b) has jurisdiction under this Act in respect of any natural and physical resource or area—

which is, in the reasonable opinion of that local authority or consent authority, likely to be affected by any of the conditions described in paragraphs (d) to (f) of subsection (1), the local authority or consent authority by its employees or agents may, without prior notice, enter any place (including a dwellinghouse when accompanied by a constable) and may take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

- (2A) Sections 9, 12, 13, 14, and 15 do not apply to any action taken under subsection (2).
- (3) As soon as practicable after entering any place under this section, every person must identify himself or herself and inform the occupier of the place of the entry and the reasons for it.
- (4) Nothing in this section shall authorise any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of section 281 of the Maritime Transport Act 1994.
- (5) In this section and section 330A, **lifeline utility** means a lifeline utility within the meaning of section 4 of the Civil Defence Emergency Management Act 2002 other than a lifeline utility that is a network utility operator to which subsection (1)(c) applies.

Section 330 heading: amended, on 20 August 1998, by section 18 of the Resource Management Amendment Act 1994 (1994 No 105).

Section 330(1): amended, on 4 September 2013, by section 56(3) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1): amended, on 4 September 2013, by section 56(4) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1)(c): amended, on 4 September 2013, by section 56(1) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1)(c): amended, on 7 July 1993, by section 150(1) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 330(1)(ca): inserted, on 4 September 2013, by section 56(2) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330(1)(f): amended, on 7 July 1993, by section 150(2) of the Resource Management Amendment Act 1993 (1993 No 65).

Section 330(1A): inserted, on 10 August 2005, by section 120(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330(2A): inserted, on 10 August 2005, by section 120(2) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330(4): inserted, on 20 August 1998, by section 18 of the Resource Management Amendment Act 1994 (1994 No 105).

Section 330(5): inserted, on 4 September 2013, by section 56(5) of the Resource Management Amendment Act 2013 (2013 No 63).

### **330A Resource consents for emergency works**

- (1) Where an activity is undertaken under section 330, the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall advise the appropriate consent authority, within 7 days, that the activity has been undertaken.
- (2) Where such an activity, but for section 330, contravenes any of sections 9, 12, 13, 14, and 15 and the adverse effects of the activity continue, then the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall apply in writing to the appropriate consent authority for any necessary resource consents required in respect of the activity within 20 working days of the notification under subsection (1).
- (3) If the application is made within the time stated in subsection (2), the activity may continue until the application for a resource consent and any appeals have been finally determined.

Section 330A: inserted, on 7 July 1993, by section 151 of the Resource Management Amendment Act 1993 (1993 No 65).

Section 330A(1): amended, on 4 September 2013, by section 57 of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330A(1): amended, on 10 August 2005, by section 121(1)(a) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330A(1): amended, on 10 August 2005, by section 121(1)(b) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330A(2): amended, on 4 September 2013, by section 57 of the Resource Management Amendment Act 2013 (2013 No 63).

Section 330A(2): amended, on 10 August 2005, by section 121(2)(a) of the Resource Management Amendment Act 2005 (2005 No 87).

Section 330A(2): amended, on 10 August 2005, by section 121(2)(b) of the Resource Management Amendment Act 2005 (2005 No 87).

### **330B Emergency works under Civil Defence Emergency Management Act 2002**

- (1) If any activity is undertaken by any person exercising emergency powers during a state of emergency declared, or transition period notified, under the Civil Defence Emergency Management Act 2002, the provisions of sections 9, 12, 13, 14, and 15 do not apply to any activity undertaken by or on behalf of that person to remove the cause of, or mitigate any actual or adverse effect of, the emergency.