

Reprint
as at 12 November 2018



**Canterbury Earthquake (Resource Management Act—
Burwood Resource Recovery Park) Order 2011**
(SR 2011/254)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of July 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, 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 following the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

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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—Burwood Resource Recovery Park) Order 2011.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Revocation of this order

This order is revoked on the close of 30 June 2021.

Clause 3: replaced, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

4 Interpretation

(1) In this order, unless the context otherwise requires,—

Act means the Resource Management Act 1991

applicant means any of the following:

- (a) the Burwood Resource Recovery Park Limited:
- (b) the Canterbury Regional Council:
- (c) the Christchurch City Council:
- (d) the Crown:
- (e) a department within the meaning of the State Sector Act 1988

Burwood Resource Recovery Park means the land described in the Schedule

consent authority means the Christchurch City Council or the Canterbury Regional Council, or both, as the case may require

earthquake waste—

- (a) means—
 - (i) solid waste resulting from the Canterbury earthquakes, including liquefaction silt; and
 - (ii) solid waste resulting from any construction work (within the meaning of section 6 of the Construction Contracts Act 2002) undertaken as a result of the Canterbury earthquakes (within the meaning of section 4 of the Canterbury Earthquake Recovery Act 2011); but
- (b) does not include any of the following unless it is not reasonably practicable to separate it from the waste specified in paragraph (a):
 - (i) general domestic refuse; or
 - (ii) human waste; or
 - (iii) building insulation and building materials containing asbestos; or
 - (iv) hazardous waste; or
 - (v) waste material from an industrial process or trade process

earthquake waste processing activities—

- (a) means—
 - (i) the storage, sorting, and processing (including recycling) of earthquake waste; and
 - (ii) any ancillary activities for the purpose of the activities specified in subparagraph (i), including the discharge of contaminants, water take activities, and transportation; and
 - (iii) any remediation work required as a result of the effects of the activities specified in subparagraphs (i) and (ii); but
 - (b) does not include the permanent storage or permanent disposal of earthquake waste.
- (2) Terms used but not defined in this order, but defined in the Act, have the same meaning as in the Act.

5 Applications

- (1) This order applies only to applications lodged by an applicant with—
 - (a) the Christchurch City Council;
 - (b) the Canterbury Regional Council.
- (2) The applications to which this order applies are applications made under—
 - (a) section 88 of the Act for resource consents to undertake earthquake waste processing activities at the Burwood Resource Recovery Park; or

- (b) section 127 of the Act to change or cancel any conditions of a resource consent referred to in paragraph (a).

6 Power to extend time limits

A consent authority must not extend a time period under section 37(1)(a) of the Act in relation to an application unless the applicant agrees to the extension.

7 Classification of earthquake waste processing activities under the Act

- (1) Earthquake waste processing activities for which an application is made under clause 5(2)(a) are controlled activities within the meaning of section 87A(2) of the Act.
- (2) Earthquake waste processing activities for which an application is made under clause 5(2)(b) are discretionary activities within the meaning of section 87A(4) of the Act.
- (3) Any conditions imposed on a resource consent granted under this order may be imposed only in respect of the following matters:
 - (a) site management, including hours of operation:
 - (b) noise and vibration:
 - (c) visual effects:
 - (d) lighting, safety, and security:
 - (e) cultural effects:
 - (f) effects on recreational users:
 - (g) traffic and access:
 - (h) earthworks:
 - (i) landscaping:
 - (j) air discharge (including dust, contaminants, and odour):
 - (k) hazardous substances:
 - (l) stormwater:
 - (m) groundwater (including quality and quantity):
 - (n) aquifer stability:
 - (o) surface water depletion (including quality and quantity):
 - (p) effects on the coastal environment, including the coastal marine area:
 - (q) biodiversity effects:
 - (r) remediation:
 - (s) record keeping and reporting:
 - (t) monitoring (including data management):
 - (u) duration of the consent:

- (v) review of conditions:
- (w) bond:
- (x) community liaison-complaints process and reporting:
- (y) health effects:
- (z) receipt and management of waste.

8 Applications to be determined on non-notified basis

- (1) Applications lodged under clause 5—
 - (a) must not be publicly notified or given limited notification; but
 - (b) must be determined in accordance with Part 6 of the Act, unless otherwise specified by this order.
- (2) Subclause (1) applies instead of sections 95 to 99A of the Act.

9 Consent authority must notify certain persons and organisations and invite comments

- (1) As soon as practicable after an application is lodged with a consent authority under clause 5, the consent authority must—
 - (a) advise the persons and organisations specified in subclause (2) that an application has been lodged; and
 - (b) invite written comments from those persons and organisations.
- (2) The persons and organisations are—
 - (a) Te Rūnanga o Ngāi Tahu and any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu; and
 - (b) the Canterbury District Health Board; and
 - (c) the Burwood–Pegasus Community Board; and
 - (d) the Parklands Residents Association Incorporated; and
 - (e) the Queenspark Residents Association; and
 - (f) the Selwyn Plantation Board Limited; and
 - (g) owners and occupiers of land adjacent to the Burwood Resource Recovery Park; and
 - (h) any other person or organisation that the consent authority considers would be adversely affected if the application were granted.
- (3) For the purposes of subclause (1)(b), the consent authority must—
 - (a) invite each person and organisation referred to in subclause (2) to make written comments on the application; and
 - (b) give those persons and organisations not less than 10 working days from receiving an invitation within which to make their comments to the consent authority; and

- (c) specify in the invitation the date by which written comments are to be received by the consent authority.
- (4) An invitation under this clause is to be treated as a document to be served for the purposes of the Act and section 352 of the Act applies accordingly.
- (5) A person or organisation invited to make written comments under this clause on an application—
 - (a) may not appeal against the consent authority's decision on the application; and
 - (b) may not object under Part 14 of the Act against the consent authority's decision on the application.
- (6) To avoid doubt, a person who makes written comments to a consent authority under this clause is not to be treated, under the Act, as a person making a submission on the application.

10 Summary of responses

- (1) Before a consent authority makes a decision on an application, a summary of the written comments made under clause 9 must be prepared and considered by the consent authority.
- (2) The summary prepared under subclause (1), together with the consent authority's response to the issues raised in the written comments, must be included in the notification of the decision under the Act.

11 Period for making written comments excluded from time limits for notification

For the purposes of section 115 of the Act, the period during which comments are sought under clause 9 is excluded from the time limits in that section.

12 Enforcement proceedings

- (1) For the purposes of activities undertaken under a resource consent granted in reliance on this order, only the persons specified in subclause (2) may take enforcement proceedings (including declaratory proceedings) under Part 12 of the Act, including in any case where it is alleged that the consent holder has breached section 16 or 17 of the Act.
- (2) For the purposes of subclause (1), the persons are—
 - (a) the Canterbury Regional Council;
 - (b) the Christchurch City Council;
 - (c) the Hurunui District Council;
 - (d) a Minister of the Crown;
 - (e) the Selwyn District Council;
 - (f) the Waimakariri District Council.

Schedule

Land comprising Burwood Resource Recovery Park

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Reserve 2636, Reserve 2637, and Reserve 2638, being 208.8709 ha, more or less, comprised in the record of title CB128/66.

Rural Section 21893, Rural Section 22018, Rural Section 22055, Rural Section 22056, Rural Section 26529, Rural Section 30307, Rural Section 30308, and Rural Section 31685, being 180.0851 ha, more or less, comprised in the record of title CB348/274.

Reserve 2340, Reserve 2341, and Reserve 2361, being 181.6583 ha, more or less, comprised in the record of title CB128/68.

Lot 2 Deposited Plan 50725, being 64.9850 ha, more or less, comprised in the record of title CB29F/1296.

Rural Section 35491, being 3.2375 ha, more or less, comprised in the record of title CB7B/1022.

Rural Section 35473, being 2.0234 ha, more or less, comprised in the record of title CB3A/1208.

Sections 2–3 Survey Office Plan 10486, being 14.8593 ha, more or less, comprised in the record of title 287702.

Lots 1–65 Deposited Plan 918.

Part Rural Section 35372 Survey Office Plan 9504, being 0.004 ha, more or less.

Lots 1–32 and Part Rural Section 35474 and 35475 on Deposited Plan 810.

Section 3 Survey Office Plan 10486.

Rural Section 35472, being 4.0469 ha, more or less, comprised in the record of title CB119/168.

Reserve 2342 and Reserve 2343, being 149.5086 ha, more or less, comprised in the record of title CB128/69.

Schedule: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011 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*

Land Transfer Act 2017 (2017 No 30): section 250

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 147