

Reprint
as at 1 July 2021



Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011

(SR 2011/36)

Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011: revoked, on the close of 30 June 2021, by clause 3.

Anand Satyanand, Governor-General

Order in Council

At Wellington this 8th day of March 2011

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 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 Permitted Activities) Order 2011.

2 Commencement

This order is deemed to have come into force on 22 February 2011.

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

In this order, unless the context requires another meaning,—

Act means the Resource Management Act 1991

Controller has the meaning given in section 4 of the Civil Defence Emergency Management Act 2002

council means—

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

Director has the meaning given in section 4 of the Civil Defence Emergency Management Act 2002

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

plan has the meaning given in section 43AA of the Act, and for the purposes of this order includes, as relevant, a proposed plan and a regional coastal plan (within the meaning of sections 43AA and 43AAC of the Act)

public notice means a written notice that may be given by—

- (a) publication in any local or national newspaper; and
- (b) Internet publication.

Limit on scope of orders

5 Status of activities permitted by this order

- (1) An activity that is a permitted activity by virtue of this order retains that status for the duration of this order, or until an earlier time (if any) specified in this order.
- (2) While an activity is a permitted activity under this order, it is to be treated as if it were a permitted activity under the plan that would, but for this order, apply to the activity.
- (3) However, an activity undertaken in reliance on this order does not—
 - (a) give rise to, or create, any existing use right for the land or structures after the expiry of this order; or
 - (b) qualify for—
 - (i) a certificate of compliance under section 139 of the Act; or
 - (ii) an existing use certificate under section 139A of the Act.

Enforcement

6 Enforcement proceedings

Despite anything in the Act, for the purposes of an activity that is a permitted activity by virtue of this order, only the relevant consent authority may take enforcement proceedings (including declaratory proceedings) under Part 12 of the Act, including in cases where it is alleged that the consent holder has breached section 16 or 17 of the Act.

Temporary accommodation

7 Temporary accommodation deemed to be permitted activity

Interpretation

- (1) In this clause,—

specified location means an area of land situated in greater Christchurch (within the meaning of section 4 of the Greater Christchurch Regeneration Act 2016) on which temporary accommodation is sited

temporary accommodation means accommodation provided for persons displaced from their normal place of residence or normal place of business because of—

- (a) damage to, or destruction of, land or structures caused directly or indirectly by the Canterbury earthquake:
- (b) subsequent repair or reconstruction of structures or essential services:
- (c) land remediation works:
- (d) risk of damage to land or structures, or of injury to those inhabitants or passers-by, including risk arising because of the state of adjacent structures.

Permitted activity

- (2) Despite anything to the contrary in a plan that applies to a specified location, temporary accommodation sited on the specified location is a permitted activity for the purposes of the Act.
- (3) Subclause (2) applies only if—
 - (a) the specified location is identified by public notice given by a council and the temporary accommodation complies with any standards imposed by that notice; and
 - (b) every person providing the temporary accommodation, or using the temporary accommodation, at all times complies with any further requirements, imposed under a public notice given by a council after the temporary accommodation activity has commenced,—
 - (i) for the purposes of controlling the emission of noise from the specified area; or
 - (ii) for the purposes of avoiding, remedying, or mitigating any adverse effects of the activity on the environment.

Clause 7(1) **specified location**: amended, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Temporary depots and storage facilities

8 Temporary depots and storage facilities deemed to be permitted activities

Interpretation

- (1) In this clause,—

construction work has the meaning given in section 6 of the Construction Contracts Act 2002

specified location means an area of land situated in greater Christchurch (within the meaning of section 4 of the Greater Christchurch Regeneration Act 2016) on which temporary depots and storage facilities are sited

temporary depots and storage facilities—

- (a) means depots or storage facilities for transport purposes, or for use by tradespersons, service providers, or contractors, if those depots or facilities are reasonably incidental to any construction work undertaken for the purpose of the Greater Christchurch Regeneration Act 2016; and
- (b) includes land and structures used for—
 - (i) such activities as the delivery, transit, distribution, or storage of vehicles, machinery, equipment, materials, food, emergency supplies, debris and waste materials, or other relevant things; or
 - (ii) the provision of services.

Permitted activity

- (2) Despite anything to the contrary in a plan that applies to a specified location, temporary depots and storage facilities site on the specified location are permitted activities for the purposes of the Act.
- (3) Subclause (2) applies only if—
 - (a) the specified location is identified by public notice given by a council and the temporary depots and storage facilities comply with any standards imposed by that notice; and
 - (b) every person providing the temporary depots and storage facilities, or using the temporary depots and storage facilities, at all times complies with any further requirements, imposed under a public notice given by a council after the temporary depots and storage facilities activity has commenced,—
 - (i) for the purposes of controlling the emission of noise from the specified area; or
 - (ii) for the purposes of avoiding, remedying, or mitigating any adverse effects of the activity on the environment.
- (4) If the construction work to which the temporary depots and storage facilities are related cease before the expiry of this order, those depots and facilities are no longer permitted activities and must also cease.

Clause 8(1) **specified location**: amended, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Clause 8(1) **temporary depots and storage facilities** paragraph (a): amended, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Resource Management Act Permitted Activities) 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*

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

Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 (SR 2011/36): clause 3