

Reprint  
as at 19 April 2016



## Canterbury Earthquake (Resource Management Act— Electricity Network Recovery) Order 2011

(SR 2011/309)

Canterbury Earthquake (Resource Management Act—Electricity Network Recovery) Order 2011: revoked, on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Jerry Mateparae, Governor-General

### Order in Council

At Christchurch this 5th day of September 2011

Present:

The Right Hon John Key presiding 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—Electricity Network Recovery) Order 2011.

### 2 Commencement

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

### 3 Expiry

This order expires on the expiry of the Canterbury Earthquake Recovery Act 2011.

### 4 Interpretation

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

**Act** means the Resource Management Act 1991

**application** means an application that—

(a) either—

(i) is made under section 88 of the Act for a resource consent for any electricity network recovery work; or

(ii) is made under section 127 of the Act to change or cancel a condition of a resource consent for any electricity network recovery work; and

(b) is lodged by Orion New Zealand Limited or the National Controller (as defined by section 4 of the Civil Defence Emergency Management Act 2002); and

(c) is lodged with Christchurch City Council on or after 20 April 2011

**Canterbury earthquakes** has the meaning given by section 4(1) of the Canterbury Earthquake Recovery Act 2011

**electricity network recovery work** means any activity related to constructing, operating, maintaining, or removing the following electricity infrastructure for the purposes of recovering from the effects of the Canterbury earthquakes:

- (a) the new electricity substation:
- (b) the temporary electricity lines:
- (c) the temporary electricity generators

**new electricity substation** means a 66 kV/11 kV/400 V electricity substation on Rawhiti Domain at Keyes Road, New Brighton

**temporary electricity generators** means any diesel electricity generators—

- (a) that Orion New Zealand Limited situates on land within the district of Christchurch City Council; and
- (b) that, in the opinion of the Council after consulting Orion New Zealand Limited, are reasonably necessary to ensure continuity of electricity supply within the district

**temporary electricity lines** means the following overhead electricity lines:

- (a) a 66 kV electricity line from the electricity substation at Pages Road, New Brighton, to the new electricity substation:
  - (b) a 66 kV electricity line from Bromley to Dallington:
  - (c) a 66 kV electricity line from Bromley to New Brighton.
- (2) A term used but not defined in this order that is defined in the Act has the meaning given by the Act.

## 5 Extension of time limits

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

## 6 Electricity network recovery work is controlled activity

- (1) This clause applies to any electricity network recovery work except a work—
  - (a) that relates to a temporary electricity generator; and
  - (b) that is a permitted activity under any regulations, plan, or proposed plan.
- (2) An electricity network recovery work is to be treated as if it were a controlled activity, despite anything in any regulations, plan, or proposed plan.
- (3) Control is reserved over the following matters for work relating to the new electricity substation:
  - (a) measures to mitigate visual effects on any residential or recreational use of land:
  - (b) measures to provide safety for any use of adjoining land by members of the public:
  - (c) measures to mitigate noise that affects any residential use of land:

- (d) measures to mitigate the emission of light beyond the area of the substation.
- (4) Control is reserved over the following matter for work relating to the temporary electricity lines: measures to mitigate effects on any recreational use of land.
- (5) Control is reserved over the following matters for work relating to the temporary electricity generators:
  - (a) the siting of a generator in relation to—
    - (i) areas that require electricity supply; and
    - (ii) any residential or recreational use of land or any use of land for temporary accommodation:
  - (b) measures to provide safety from hazardous substances to members of the public and the environment:
  - (c) the number of generators:
  - (d) the period for which a generator may be situated at a location and used while situated there.

## **7 Application to be determined on non-notified basis**

- (1) An application—
  - (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 provided by this order.
- (2) Subclause (1) applies instead of sections 95 to 103A of the Act (which relate to notification, submissions, pre-hearing meetings, mediation, and hearings).

## **8 Resource consents for temporary electricity lines and generators**

- (1) This clause applies to a resource consent granted in reliance on this order for any electricity network recovery work relating to—
  - (a) the temporary electricity lines; or
  - (b) the temporary electricity generators.
- (2) The resource consent expires on the expiry of this order if it has not expired before then.
- (3) The work carried out under the resource consent does not—
  - (a) give rise to any right, under the Act, to an existing use of the land on which the work is done; or
  - (b) qualify for an existing use certificate under section 139A of the Act.

## **9 Enforcement proceedings**

- (1) Only the following may take enforcement proceedings under Part 12 of the Act in relation to any electricity network recovery work:

- (a) Christchurch City Council;
  - (b) a Minister of the Crown.
- (2) To avoid doubt, this clause also applies to—
- (a) declaratory proceedings; and
  - (b) enforcement proceedings for an alleged breach of section 16 or 17 of the Act.

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.*

The purpose of this order is to allow certain applications for resource consents, and certain works, to proceed with fewer restrictions and requirements than would normally apply under the Resource Management Act 1991. The works (**electricity network recovery works**) relate to the following things, and are done for the purposes of recovering from the effects of the Canterbury earthquakes:

- a permanent new electricity substation on Rawhiti Domain, New Brighton;
- 3 temporary overhead electricity lines—1 from the existing electricity substation at Pages Road, New Brighton, to the new electricity substation, 1 from Bromley to Dallington, and 1 from Bromley to New Brighton;
- temporary electricity generators that are reasonably necessary to ensure continuity of electricity supply.

The relevant applications are certain applications relating to the electricity network recovery works that are lodged with Christchurch City Council.

The order comes into force on the day after the date of its notification in the *Gazette* and expires on the expiry of the Canterbury Earthquake Recovery Act 2011.

*Clause 4* defines certain terms used in the order.

*Clause 5* prevents a consent authority from granting an extension of time for an application unless an applicant agrees.

*Clause 6* classifies the electricity network recovery works as controlled activities, with an exception relating to generators. The clause also specifies the matters over which control is reserved for works relating to the different types of electricity infrastructure.

*Clause 7* provides that the relevant applications must not be publicly notified or given limited notification, but must be determined in accordance with Part 6 of the Act.

*Clause 8* provides that a resource consent granted under the order for the temporary electricity lines or temporary electricity generators expires when the order expires (at

the latest). The clause also prevents any work carried out under the resource consent from giving rise to an existing use right.

*Clause 9* provides that only Christchurch City Council and Ministers of the Crown may take enforcement proceedings in relation to electricity network recovery works.

This order is made under the Canterbury Earthquake Recovery Act 2011 and its effect is temporary.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 8 September 2011.

## Reprints notes

### **1**    *General*

This is a reprint of the Canterbury Earthquake (Resource Management Act—Electricity Network Recovery) 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 146(2)