

Reprint
as at 1 July 2021



Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 (SR 2011/368)

Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011: revoked, on the close of 30 June 2021, by clause 3.

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of October 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Revocation of this order	2

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 Department of Conservation.

4	Interpretation	2
5	Council powers in relation to reserves	3
6	Actions of council authorised despite management plan, Reserves Act 1977, or other enactment	4
7	Rights and obligations of third parties subject to council powers	4
8	Canterbury Earthquake (Reserves Legislation) Order 2011 revoked	5

Order

1 Title

This order is the Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011.

2 Commencement

This order comes into force on the 28th 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

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

council—

- (a) means—
 - (i) Christchurch City Council;
 - (ii) Selwyn District Council;
 - (iii) Waimakariri District Council; and
- (b) includes a person acting under the written authority of—
 - (i) a council specified in paragraph (a); or
 - (ii) the chief executive officer of a council specified in paragraph (a)

Crown reserve—

- (a) means—
 - (i) a reserve or a public reserve (as those terms are defined in section 2(1) of the Reserves Act 1977) that is vested in the Crown under the Reserves Act 1977, whether or not administered, managed, or controlled by another person on behalf of the Crown; and
 - (ii) a reserve that is owned by or vested in the Crown under any enactment (other than the Reserves Act 1977), whether or not

administered, managed, or controlled by another person on behalf of the Crown; but

- (b) does not include a reserve described in paragraph (a) that is administered, managed, controlled, or held by a council on behalf of the Crown

remedial work means any work necessary to remediate a reserve affected by the Canterbury earthquakes for either or both of the following purposes:

- (a) to enable use of the reserve, or any land adjacent to the reserve, to be resumed:
- (b) to protect the reserve from further damage from the Canterbury earthquakes

reserve—

- (a) means any land situated in greater Christchurch (within the meaning of section 4 of the Greater Christchurch Regeneration Act 2016) that is within the district of a council—
 - (i) that is a Crown reserve; or
 - (ii) that is a reserve or a public reserve (as those terms are defined in section 2(1) of the Reserves Act 1977) that is owned, administered, managed, or controlled by the council; or
 - (iii) that is owned, administered, managed, controlled, or held by the council under any enactment (other than the Reserves Act 1977) as a reserve or park or for community purposes; and
- (b) includes part of any land described in paragraph (a).

Clause 4 **reserve** paragraph (a): amended, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

5 Council powers in relation to reserves

A council may do 1 or more of the following:

- (a) undertake remedial work on a reserve:
- (b) use a reserve or erect a structure on a reserve for—
 - (i) a depot or any other storage facility (for example, for the storage of vehicles, demolition waste, or building or other materials):
 - (ii) temporary housing or accommodation, including sanitary and other ancillary facilities:
 - (iii) emergency medical facilities:
 - (iv) public information centres:
 - (v) aircraft movements:
 - (vi) educational purposes, including educational facilities:
 - (vii) works associated with the repair and renewal of council infrastructure:

- (viii) works associated with flood protection:
- (ix) works site offices:
- (x) the repair, construction, or assembly of buildings:
- (xi) access to other land:
- (c) use a reserve or erect a structure on a reserve for any purpose not described in paragraphs (a) and (b), if the use or structure is necessary in the opinion of the council or the chief executive of the council to respond in a timely manner to any circumstances resulting from the Canterbury earthquakes:
- (d) prohibit persons from entering or remaining on a reserve:
- (e) require persons to leave a reserve.

6 Actions of council authorised despite management plan, Reserves Act 1977, or other enactment

- (1) A council may act under clause 5 in relation to a reserve—
 - (a) despite anything to the contrary in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve; or
 - (b) without complying with any requirement in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve (for example, any provision relating to public notification or the hearing of objections).
- (2) However, when doing so, the council—
 - (a) must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
 - (b) where undertaking remedial work, or if the reserve is adversely affected by the council's actions, must reinstate the reserve as closely as practicable to its prior condition.
- (3) Despite subclause (1), a council must not act or must cease acting under clause 5 in relation to a Crown reserve if the Minister of Conservation directs it to do so.

7 Rights and obligations of third parties subject to council powers

- (1) In this clause, **rights and obligations** means rights and obligations under or in relation to an easement, a lease, a licence, a covenant, or other legal permission.
- (2) The powers conferred on a council under this order—
 - (a) have effect despite the rights and obligations of any person or body in respect of a reserve; and
 - (b) where necessary, override those rights and obligations.

- (3) However, before exercising a power under this order, a council must make reasonable endeavours to give notice to a person or body whose rights and obligations in respect of a reserve will be affected or overridden by the council's exercise of that power.

8 Canterbury Earthquake (Reserves Legislation) Order 2011 revoked

The Canterbury Earthquake (Reserves Legislation) Order 2011 (SR 2011/56) is revoked.

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 October 2011.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Reserves Legislation) Order (No 2) 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 (Reserves Legislation) Order (No 2) 2011 (SR 2011/368): clause 3