



WAIMAKARIRI DISTRICT COUNCIL

APPLICATION FOR LAND USE CONSENT

RESOURCE MANAGEMENT ACT 1991

RECEIVED  
08 AUG 2016  
BY: P.M. Williams  
11/8/16

To: Waimakariri District Council  
Private Bag 1005  
RANGIORA

Phone: (03) 313 6136  
Fax: (03) 313 4432

I/We Bourke Family Trust  
(Full name)  
of 17 Paisley Road RD 1 Kaiapoi  
(Postal address of applicant)

apply for the resource consent described below.

- 1. Names and address of the owner and occupier of the land to which the application relates other than the applicant are:

Bourke Family Trust

- 2. This application relates to the property at:

STREET ADDRESS:	<u>17 Paisley Road</u>
LEGAL DESCRIPTION:	
CERTIFICATE OF TITLE REFERENCE:	<u>RC135396/1606/4055151</u>
VALUATION ROLL NUMBER:	<u>21591-251-00</u>

- 3. Description of proposed activity:

land use consent extention for the use of temporary accomodation for extended family.

- 4. Additional resource consents required in relation to this application:

	Granted	Applied for	Not applied for	N/A
WATER PERMIT				✓
DISCHARGE PERMIT				✓
SUBDIVISION CONSENT				✓
OTHERS				✓

5. I/We attach an assessment of any effects the proposed activity may have on the environment.
6. I/We attach other information (if any) required to be included in the application by the District Plan or regulations.
7. I/We attach a scaled site plan showing:
  - (i) Location of all existing and proposed buildings and distances to boundaries (indicate those to which the application relates);
  - (ii) Location of trees, streams, drains and other internal roading;
  - (iii) Existing and proposed access points and internal roading;
  - (iv) Existing and proposed car parking areas;
  - (v) Location of existing septic tanks and effluent drainage lines;
  - (vi) Details of proposed landscaping;
  - (vii) Location of existing and proposed signs;
  - (viii) Areas and dimensions of property;
  - (ix) Roads on to which the property has frontage;
  - (x) Elevations of all new buildings to show external appearance;
  - (xi) For advertising signs show dimensions, shape, wording, colour and details of mounting or support structures.

I/We enclose the required processing fee of :  
 (see Waimakariri District Council fees and charges schedule)

\$ 1000.00

I/We understand that as the applicant I am/we are responsible for payment. The payment terms for fixed fees are with lodgement of the application and those relating to disbursements, hearings and additional charges are payment by the 20<sup>th</sup> of the month following the month in which the invoice is issued.

I/We agree to pay according to those terms for any goods or services you supply to us. Should failure to meet the terms of trade result in debt recovery and/or legal proceedings, any costs incurred in the collection of the debt will be payable by me/us.

*Jason Smith*  
 (Signature of applicant or person authorised to sign on behalf of applicant.)

06/08/2016  
 (Date)

NAME AND ADDRESS FOR SERVICE OF APPLICANT:

Bourke Family Trust  
 17 Paisley Road RD 1  
 Kaiapoi 7691

TELEPHONE NO: 03 3137746 0272212662

FAX NO:  

E-MAIL: jason@smithcranes.co.nz

APPLICANT CHECKLIST: (Please complete)

- Signed and completed application form
- Full description of the activity proposed
- Assessment of effects on the environment
- Scaled site plan
- Recent copy of certificate of title
- Processing fee
- Affected persons consent form (where applicable)

The Bourke Family Trust  
17 Paisley Road,  
Kaiapoi  
CANTERBURY  
Email:mj@bourkecranes.co.nz  
Tel:027 221 2662

06 August 2016

Planning Administration  
Environmental Policy & Approvals Unit  
Waimakariri District Council  
Private Bag 1005  
RANGIORA 7440

Dear Sir / Madam

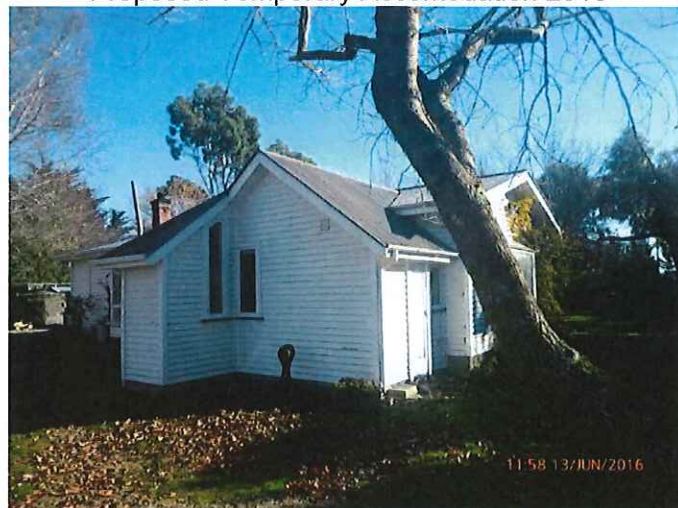
**Application for Temporary Accommodation :  
Persons Displaced from their Normal Place**

The Bourke Family Trust ("the Applicant") formally applies to the Waimakariri District Council for approval for a land use consent to operate a second dwelling as temporary accommodation for family members who have been displaced from their normal place of residence because of damage to their normal residence, in accordance with the provisions of Clause 7(1)(a) of the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011.

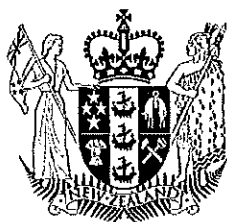
The proposed activity involves the provision of accommodation for members of Mr and Mrs Bourke's extended family, whose dwelling had been made uninhabitable by the Canterbury earthquake events. The Bourke Family Trust proposes that the extended family who include a Solo parent, two teenage children who attend Rangiora High School and two children under five continue to reside at 17 Paisley Road until 30<sup>th</sup> June 2021 in accordance to the Greater Christchurch Regeneration Act 2016 being Canterbury Earthquake (Earthquake Commission Act) order 2012 (SR 2012/63) This order is revoked on the close of 30 June 2016

It is significant to note that the existing residential dwelling on the property at 17 Paisley Road, Kaiapoi was damaged in the Canterbury earthquake events. The allocated funds from EQC have been invested into completing the repairs on the dwelling including new drainage and pipe work, foundation repairs and plastering and painting. At present the Bourke Family Trust is still commissioning repairs on the property which will be complete by the end of the year.

Proposed Temporary Accommodation 2016



**Reprint  
as at 19 April 2016**



**Canterbury Earthquake (Resource Management Act  
Permitted Activities) Order 2011**  
(SR 2011/36)

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.

	<i>Limit on scope of orders</i>	
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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

## Sally Fear

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**From:** Jennifer Tamaiparea  
**Sent:** Monday, 8 August 2016 12:25 p.m.  
**To:** Sally Fear  
**Subject:** FW: 17 Paisley Rd, Flaxton.  
**Attachments:** 20160808100510737.pdf

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**From:** Jason Bourke [mailto:Jason@smithcranes.co.nz]  
**Sent:** Monday, 8 August 2016 11:57 a.m.  
**To:** Jamie Woods  
**Cc:** Jennifer Tamaiparea; 'mj@bourkecranes.co.nz'; Simon Clark  
**Subject:** RE: 17 Paisley Rd, Flaxton.

Hi Jamie,

Thanks for your time on Thursday.

Please find the attached application for land use consent as discussed in our meeting. Upon receipt of this application can you please send the bank details so the \$1 000.00 processing fee can be transferred.

I have also attached the CERA act temporary accommodation permitted activity valid through to June 2016. This is the same activity permission we have buildings on for accommodation at the company I work for on Johns rd Harewood.

Thanks and look forward to your reply.

Regards,

**Jason Bourke**

*National Crane Hire Manager*



484 Johns Road Christchurch and 145 Kerrs rd Wiri Auckland

Mobile: 027-221 2662

Phone: 0800 622 545

Chch DDI: 03 359 2811

E-mail: [jason@smithcranes.co.nz](mailto:jason@smithcranes.co.nz)

Website: [www.smithcranes.co.nz](http://www.smithcranes.co.nz)

**Auckland:** 0800-622 545 | **Nelson:** 03-548 6687 | **Christchurch:** 03-359 7759 (Head Office) | **Queenstown:** 03-442 3926 | **Invercargill:** 03-215 4517

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**From:** Jamie Woods [mailto:jamie.woods@wmk.govt.nz]  
**Sent:** Monday, 1 August 2016 9:46 AM

**To:** Jason Bourke  
**Cc:** Jennifer Tamaiparea  
**Subject:** RE: 17 Paisley Rd, Flaxton.

Hi Jason,

That should work for us both.

Thanks, will see you then.

Jamie

---

**From:** Jason Bourke [<mailto:Jason@smithcranes.co.nz>]  
**Sent:** Monday, 1 August 2016 9:40 a.m.  
**To:** Jamie Woods  
**Cc:** Jennifer Tamaiparea; Chel; Simon Clark  
**Subject:** RE: 17 Paisley Rd, Flaxton.

Hi Jamie,

Thanks for the prompt reply.

Thursday if that is ok at 4.30pm?

Regards,

**Jason Bourke**  
*National Crane Hire Manager*



484 Johns Road Christchurch and 145 Kerrs rd Wiri Auckland

Mobile: 027-221 2662  
Phone: 0800 622 545  
Fax: 03-359 7713  
E-mail: [jason@smithcranes.co.nz](mailto:jason@smithcranes.co.nz)  
Website: [www.smithcranes.co.nz](http://www.smithcranes.co.nz)

**Auckland:** 0800-622 545 | **Nelson:** 03-548 6687 | **Christchurch:** 03-359 7759 (Head Office) | **Queenstown:** 03-442 3926 | **Invercargill:** 03-215 4517

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**From:** Jamie Woods [<mailto:jamie.woods@wmk.govt.nz>]  
**Sent:** Monday, 1 August 2016 8:41 AM  
**To:** Jason Bourke  
**Cc:** Jennifer Tamaiparea; Chel; Simon Clark  
**Subject:** RE: 17 Paisley Rd, Flaxton.

Good morning, Jason,

Yes it would be good to meet up, this Wednesday or Thursday afternoons between 1 and 5 here at the Rangiora Service Centre, can suit both myself and Jennifer.

Let me know what your preference is?

Cheers

**Jamie Woods**

**Planning Officer (Enforcement and Compliance)**  
**Waimakariri District Council**  
Ph (03) 311 8900 (8631)  
Fax (03) 313 4432  
email: [jamie.woods@wmk.govt.nz](mailto:jamie.woods@wmk.govt.nz)

---

**From:** Jason Bourke [<mailto:Jason@smithcranes.co.nz>]  
**Sent:** Monday, 1 August 2016 7:09 a.m.  
**To:** Jamie Woods  
**Cc:** Jennifer Tamaiparea; Chel; Simon Clark  
**Subject:** RE: 17 Paisley Rd, Flaxton.

Morning Jamie,

Thank you for your response.

Is it possible to meet with yourself and the duty planner sometime this week to discuss ?

Regards,

**Jason Bourke**  
*National Crane Hire Manager*



484 Johns Road Christchurch and 145 Kerrs rd Wiri Auckland

Mobile: 027-221 2662  
Phone: 0800 622 545  
Fax: 03-359 7713  
E-mail: [jason@smithcranes.co.nz](mailto:jason@smithcranes.co.nz)  
Website: [www.smithcranes.co.nz](http://www.smithcranes.co.nz)

**Auckland:** 0800-622 545 | **Nelson:** 03-548 6687 | **Christchurch:** 03-359 7759 (Head Office) | **Queenstown:** 03-442 3926 | **Invercargill:** 03-215 4517

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**From:** Jamie Woods [<mailto:jamie.woods@wmk.govt.nz>]  
**Sent:** Friday, 29 July 2016 3:09 PM  
**To:** Jason Bourke  
**Cc:** Jennifer Tamaiparea; Chel; Simon Clark  
**Subject:** RE: 17 Paisley Rd, Flaxton.

Hi Jason,

Many thanks for the information provided.

I have discussed this with our senior Planners and unit Manager whom confirmed that although the CERA act extension was extended initially, it has been fully revoked by section 146(2) of the Greater Christchurch Regeneration Act 2016, this being the case, the effective life of the current consent RC135396 is expired and you will need to seek a further consent approval to retain both dwellings. As advised earlier, some concession in respect of potential notification could be considered for a temporary extension (3-6 months) but a comprehensive application and assessment would be required and potential notifiable, would be required for a permanent arrangement.

Please feel free to contact the Duty Planner or myself to discuss further.

Regards

**Jamie Woods**

**Planning Officer (Enforcement and Compliance)**  
**Waimakariri District Council**  
Ph (03) 311 8900 (8631)  
Fax (03) 313 4432  
email: [jamie.woods@wmk.govt.nz](mailto:jamie.woods@wmk.govt.nz)

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**From:** Jason Bourke [<mailto:Jason@smithcranes.co.nz>]  
**Sent:** Wednesday, 27 July 2016 3:21 p.m.  
**To:** Simon Clark  
**Cc:** Jamie Woods; Jennifer Tamaiparea; Chel  
**Subject:** Re: 17 Paisley Rd, Flaxton.

hi simon.

please find our attached application

any queries please call or email

regards Jason bourke  
0272212662  
Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** Simon Clark <[Simon.Clark@wmk.govt.nz](mailto:Simon.Clark@wmk.govt.nz)>  
**Date:** 21/07/16 11:04 AM (GMT+12:00)  
**To:** Jason Bourke <[Jason@smithcranes.co.nz](mailto:Jason@smithcranes.co.nz)>  
**Cc:** Jamie Woods <[jamie.woods@wmk.govt.nz](mailto:jamie.woods@wmk.govt.nz)>, Jennifer Tamaiparea <[jennifer.tamaiparea@wmk.govt.nz](mailto:jennifer.tamaiparea@wmk.govt.nz)>  
**Subject:** 17 Paisley Rd, Flaxton.

Hi Jason,

Further to our phone conversation this morning, please see the highlighted email below sent to you from Compliance Team Leader Jamie Woods, dated 1 July 2016.

You are now required to act on the information Jamie provided you below & submit an application to retain the 2<sup>nd</sup> dwelling/structure on the site at the above address for a further 3 month period on or before 28 July 2016. Please contact the council Duty Planner should you require further advice in your application, 03 3118900.

Failure to comply with the details of this email within the stated timeframe will result in enforcement action being taken against the property owner(s). Such action can include the issuing of an Infringement Notice for each day the retail continues over and above the stated days and times for the site, this carries an instant fine of \$300.00 per day, an Abatement Notice this carries an instant fine of \$1000.00 per day or an application to the Environment court for an Enforcement Order to ensure compliance with District Plan rules.

Should you have any questions please do not hesitate to contact the writer.

## Simon

**Simon Clark**  
RMA Compliance Officer



T: 03 311 8900 ext 8782  
M: 022 067 5669  
E: [simon.clark@wmk.govt.nz](mailto:simon.clark@wmk.govt.nz)  
[www.waimakariri.govt.nz](http://www.waimakariri.govt.nz)

Waimakariri District Council  
Private Bag 1005  
215 High Street  
Rangiora 7440

Hi Jason, thanks for the email, that helps us to consider realistic options for you.

Having discussed the likely scenario for gaining such an approval with the other Planning staff, it was resolved that given a likely notification process would be required in approving the retention of the original dwelling that cannot meet the District Plan dwellinghouse definition or delineated area rules (i.e. a second dwelling on a non-compliant area) the time for this could extend to the 3 months and would not allow sufficient time for its removal in the event of the application being refused. Therefore it is suggested that an interim resource consent application be sought to retain the structure for a period of up to a further 3 months and to include a condition that requires its removal no later than 6 months from the decision.

It is advised that you are fully aware of the application process involved with a notified consent and that you should engage a suitably qualified Planning consultant to assist you. More information on this process can be found here: <http://www.waimakariri.govt.nz/property-and-building/planning/resource-consents/applying-for-resource-consent>.

In addition, I think it would be worthwhile for you come in to discuss your plan options with our Duty Planner and myself in the first instance sometime early next week.

Regards

Jamie Woods

Planning Officer (Enforcement and Compliance) Waimakariri District Council

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