

**Report on**  
**Operation of the Severe Weather Emergency Recovery Legislation Act 2023**  
**since 13 October 2024**

**Presented to the House of Representatives by the Minister for Emergency Management  
and Recovery pursuant to section 33 of the Severe Weather Emergency Recovery  
Legislation Act 2023**

**[UNCLASSIFIED]**

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## Introduction

The Severe Weather Emergency Recovery Legislation Act 2023 (the Act) is the second Act passed in response to the heavy rain events in the upper North Island and Cyclones Hale and Gabrielle in January and February 2023. The single broad policy for the Act is to ensure that government agencies and Crown entities, and affected local authorities and communities, can appropriately respond to, or recover from the recent severe weather events, or both, including by providing the government with flexibility to facilitate, enable, and expedite the recovery.

The Act enables the Governor-General to make Orders in Council (Orders) to modify other statutes to provide those affected by the North Island severe weather events with relief from legislative requirements that are overly burdensome in this context. Modifications are also permitted where necessary to enable prompt action for an efficient and timely recovery. Prior to the finalisation of an Order, the Act requires the relevant Minister to provide a copy of the draft Order to the Regulations Review Committee and the Severe Weather Recovery Review Panel.

As the Minister responsible for the administration of the Act, I am also required under section 33 to present a report on the operation of the Act to the House of Representatives (the House) at least every six months. These reports must, for the period covered by that report, include a list of the Orders made under the Act during that period and a brief description of those orders.

This report provides information on Orders made under the Act between commencement of the Act and the date this report is presented to the House, in accordance with section 33.

During the time period 13 October 2024 to 13 April 2025, I tabled the Government response to this Regulations Review Committee Report (Briefing on retrospective change of limitation periods and the truncating of appeal rights in secondary legislation in response to an emergency event). The report was presented to the House on 24 October 2024, in accordance with Standing Order 256.

The Government response acknowledged the Committee's recommendations that secondary legislation—including future Orders under SWERLA—only exclude the jurisdiction of the Courts where explicitly authorised, and that the government only make secondary legislation excluding the jurisdiction of the courts in the rare circumstances that it is justified. The response stated that the Orders that truncated appeal rights under the Resource Management Act 1991 were within the scope of SWERLA and were justified due to the complexity and severity of the effects of the North Island Weather Events.

## **Orders in Council enacted**

The following Order in Council was enacted during the period 13 October 2024 to 13 April 2025.

### **Severe Weather Emergency Recovery (Severe Weather Emergency Recovery (Auckland Flood Resilience Works) Order 2024**

This Order modifies the Resource Management Act 1991 (the RMA), to facilitate the carrying out of flood resilience works at specified locations in the Auckland region.

The Order seeks to assist communities in Māngere, South Auckland, to respond to and recover from the impacts of the Auckland Anniversary weekend floods and Cyclone Gabrielle weather events in 2023. The construction of flood resilience works at two specified locations in the Harania and Te Ararata catchments will help to strengthen those communities' capacity to withstand flooding.

The Order reclassifies these flood resilience works under the RMA and creates a bespoke streamlined consent process. The works are part of the Auckland Council's response to the North Island Weather Events.

Unless modified by this Order, the activities associated with these flood resilience works may otherwise be classified as discretionary or non-complying activities under the Auckland Unitary Plan and national environmental standards, with potential for limited or full public notification. Streamlining the consent process is necessary to expedite the works, thereby helping affected communities recover more quickly and mitigating risk to life and property.

This Order came into force on 25 October 2024 and is revoked on 31 March 2028.

## **Orders in Council revoked**

The following Order in Council was revoked during the period 13 October 2024 to 13 April 2025.

### **Severe Weather Emergency Recovery (Climate Change—Forestry) Order 2023**

The Order extended deadlines for certain forestry matters under the Climate Change Response Act 2002 (the CCRA). It expired on 31 December 2024.

The Order made temporary changes to the CCRA to assist forestry participants in the New Zealand Emissions Trading Scheme (the ETS) in managing the impacts of the severe weather events. The changes were to:

- extend the deadlines by which forestry participants must submit notices and emissions returns, and;
- extend the deadlines by which forestry participants must meet unit surrender obligations.

Extending deadlines and unit surrender obligations allowed forestry participants impacted by severe weather events more time to meet their obligations while still maintaining the integrity of the ETS.

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