



# Update on Orders in Council under the severe weather emergency legislation

The severe weather events in the North Island, including Cyclones Hale and Gabrielle and the Auckland floods, have caused widespread damage to land, waterways, infrastructure, businesses and homes. Six months on from the events, we have moved into the long period of recovery. The recovery needs have been, and will continue to be, broad and complex, especially as the damage caused to date is further exacerbated by additional weather events.

The recovery has two main objectives. First, to bring back normality to those affected as quickly as possible so individuals can get on with their lives and their operations. The second is to restore and enhance the infrastructure on which communities and the economy depends.

To help with this recovery effort, the Severe Weather Emergency Recovery Legislation Act 2023 (the SWERL Act) came into force on 13 April 2023 ([Severe Weather Emergency Legislation Act 2023 No 4, Public Act Contents – New Zealand Legislation](#)).

The SWERL Act enables the Governor-General to make Orders in Council to modify other statutes to provide those affected by the severe weather with relief from legislative requirements that are overly burdensome. Modifications are also permitted where necessary to enable prompt action for an efficient and timely recovery.

## What Orders have been made, and what are still to come?

In April 2023 the Department of Prime Minister and Cabinet Cyclone Recovery Unit (DPMC CRU) began planning a cross-government approach to utilising the new Order in Council mechanism. Five “tranches” of Orders were planned, with all Orders within a tranche progressing under the same timeframes.

Currently, tranches 1-2 are complete, with tranche 3 heading for enactment 8 August 2023. Tranches 4, 5(A) and 5(B) are also well underway, with enactment planned for 30 August, 6 September and late-September respectively.

There have been no tranches planned beyond tranche 5(B) in August/September as policy decisions are difficult to obtain after the House has risen and we move into the pre-election period.

The following table shows you the content and timing of all enacted and underway Orders in Council.

Status of Order	Content of Order	Where can I find information?
<i>Tranche One</i>		
Enacted 9 June 2023	Changes for local government administration, that simplified legislative processes, extended statutory timeframes for key documents to be published, and allowed councils to continue to collect rates and provide services to the community in an efficient and effective manner.	View the Order at <a href="https://legislation.govt.nz">legislation.govt.nz</a> , or visit the <a href="#">Department of Internal Affairs website</a> .
	Providing an extension of time for forestry participants to complete various notices, emissions returns and surrender obligations under the Climate Change Response Act	View the Order at <a href="https://legislation.govt.nz">legislation.govt.nz</a> , or visit the <a href="#">Ministry for Primary Industries website</a> .
	To extend completion dates for revaluations by Hastings District Council.	View the Order at <a href="https://legislation.govt.nz">legislation.govt.nz</a> , or visit the <a href="#">Land Information New Zealand website</a> .
<i>Tranche Two</i>		
Enacted 5 July 2023	To provide for the open air burning of mixed waste in defined circumstances.	View the Order at <a href="https://legislation.govt.nz">legislation.govt.nz</a> , or visit the <a href="#">Ministry for the Environment website</a> .
Enacted 24 July 2023	To provide flexibility to councils under Waste Minimisation Act 2008 regarding waste levy and reporting requirements.	View the Order at <a href="https://legislation.govt.nz">legislation.govt.nz</a> , or visit the <a href="#">Ministry for the Environment website</a> .
<i>Tranche Three</i>		
Scheduled for enactment 8 August 2023	To provide for temporary accommodation in affected regions by reclassifying temporary accommodation that otherwise breaches certain district plan rules as a permitted activity under the Resource Management Act 1991 (RMA).	See <a href="#">Ministry for the Environment website</a> .
<i>Tranche Four</i>		
Public consultation concluded 18 July. Scheduled for enactment 30 August onwards	Amend the Land Transport Management Act 2003 (LTMA) to: <ul style="list-style-type: none"> <li>• permit funding of “recovery activities” in relation to road and rail</li> <li>• exempt recovery activities from standard procurement procedures/requirements</li> <li>• provide for Government Policy Statement on Land Transport (GPS) amendments to change the maximum expenditure limits and activity class funding ranges in GPS 2021.</li> </ul>	See <a href="#">Ministry of Transport website</a> .
	Assist and expedite waste management processes and places to dispose of waste, including storage and landfills.	See <a href="#">Ministry for the Environment website</a> .

Status of Order	Content of Order	Where can I find information?
<i>Tranche Five (A)</i>		
Public consultation on proposals begins 25 July 2023. Enactment planned for 6 September 2023.	Changes to the Climate Change Response Act to provide for people's ability to re-establish forest species (aka trees) within statutory timelines, as currently failure to re-establish forest species will mean the land is treated as deforested with significant cost.	See the <a href="#">Ministry for Primary Industries website</a> .
	Amending Long Term Plan requirements for severely impacted councils.	See the <a href="#">Department of Internal Affairs website</a> .
<i>Tranche 5 (B)</i>		
Public consultation on proposals begins 25 July 2023. Enactment planned for late-September 2023 (date to be confirmed).	Kiwirail: Works on legal rail corridor and close to legal rail corridor to repair and reinstate the rail network, building in resilience where possible.	See <a href="#">Ministry of Transport website</a> .
	Waka Kotahi: Works on legal road corridor and within a specified distance of a legal boundary to repair and reinstate the state highway network, building in resilience where possible.	
	Permanent housing & papakāinga solutions.	See the <a href="#">Ministry of Housing and Urban Development website</a> .
	Resource Management Act amendments to: <ul style="list-style-type: none"> <li>Amend and relax consenting timeframes and requirements, and other statutory timeframe requirements not related to plan-making, e.g. prosecution processing timeframes.</li> </ul> Amend and relax planning requirements – in particular, timeframes for implementing national direction, and potentially, adjustments to planning frameworks (rules, plans).	See <a href="#">Ministry for the Environment website</a> .

## Orders in Council after 6 September

It is possible that the development of Regional Recovery Plans and the Kaupapa Māori pathway may identify activities that may also need Orders in Council to support their implementation. Therefore, the CRU is planning the process for additional tranches to proceed in the pre-election period to support iwi and communities on the delivery of those plans.

## The Severe Weather Recovery Review Panel

The Review Panel is required to review all proposed Orders in Council and provide recommendations to the Minister for responsible for progressing each Order. The letters of the Panel are then published on the Department of Prime Minister and Cabinet website, and [can be accessed here](#).