

29 March 2023

Governance and Administration Select Committee Chairperson

via email to: governance.administration@parliament.govt.nz

Submission on the Severe Weather Emergency Recovery Legislation Bill

1. We appreciate the opportunity to make a submission on this Bill.
2. We SUPPORT the Bill's overall intent and that the Bill will assist in some specific response and recovery activities in the Hawke's Bay region following the devastating impacts of Cyclone Gabrielle.
3. In addition to this submission Hawkes Bay Regional Council (HBRC) has prepared a joint submission with Central Hawkes Bay District Council, Hastings District Council, Napier City Council, Wairoa District Council and Gisborne District Council which focuses on the proposed amendments to the Local Government Act 2011. We support the content of this joint submission.
4. Over the past few weeks, HBRC staff have been liaising with officials from a number of Ministries, (such as Ministry for the Environment) on potential Orders in Council and look forward to continuing to do so.
5. The following table outlines our submission points.

TABLE 1:

Provision in Bill	Support/Amend	Comment
Part 1, Cl 3, (1) (vi)	AMEND	<p>We seek that '(vi) facilitation the restoration and resilience of the environment...' be elevated to reflect the principles of Te Mana o te Taiao as well as the significance and importance of the environment.</p> <p>We therefore seek that Part 1, Cl 1 be amended to read;</p> <p><i>Purposes</i> <i>(1) The principal purpose of this Act is to assist communities and local authorities affected by the severe weather events to respond to, and recover from, the impacts of the severe weather events and, in particular, to—</i></p> <p style="padding-left: 40px;"><i>(a) provide for the planning, rebuilding, and recovery of affected communities and persons, including—</i></p> <p style="padding-left: 80px;"><i>(i) the rebuilding of land, infrastructure, and other property of affected communities or of any affected persons; and</i></p> <p style="padding-left: 80px;"><i>(ii) the development, building, or rebuilding of land, infrastructure, or other property or access to</i></p>

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		<p><i>resources or services in areas not affected by the severe weather events; and</i></p> <p><i>(iii) safety enhancements to, and improvements to the resilience of, that land, infrastructure, or other property; and</i></p> <p><i>(iv) facilitating co-ordinated efforts and processes for short-term, medium-term, and long-term recovery; and</i></p> <p><i>(v) facilitating the restoration and improvement of the economic, social, and cultural well-being, and enhancing the resilience, of affected communities or of any affected persons; and</i></p> <p><i>(vi) facilitating the restoration and resilience of the environment; and</i></p> <p><i>(b) provide for economic recovery</i></p> <p><u><i>(b) facilitate the restoration and resilience of the environment; and</i></u></p> <p><u><i>(c) provide for economic recovery</i></u></p>
Part 1, Cl 4, (1)	SUPPORT	We support the inclusion of all Local Authorities in relation to Hawke’s Bay as well as the inclusion of the Manawatū and Rangitikei Districts.
Part 1, Cl 4, (1) Rebuilding	AMEND	We question the inclusion of the terms ‘extending, improving, subdividing or converting any land’ in the definition of rebuilding as we believe this extends beyond the scope of rebuilding and would be better accommodated elsewhere under a new term such as ‘improvement’ or similar.
Part 2, Cl 7 (1)	AMEND	<p>Add reference to ‘affected local authority’ as below</p> <p><i>(1) The Governor-General may, by Order in Council made on the recommendation of the relevant Minister, grant exemptions from, modify, or extend any legislation, or any provisions of any legislation referred to in Schedule 2, in connection with the whole or a part of a severe weather events affected area <u>or affected local authority.</u></i></p>

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Part 2, Cl 7 (3) (a) & (b)	SUPPORT	We support these provisions and the recognition that Cyclone Gabrielle has affected our region in a manner that makes undertaking business as usual extremely difficult.
Part 2, Cl 9, (1) (a) (i)	AMEND	Whilst we support the ability for engagement to be undertaken with persons or representatives or persons that the Minister considers appropriate (including local Māori and local community groups), we consider that the term “local Māori” is ambiguous and lacks clarity to be practical and implementable. We therefore seek consistency with other legislation such as Section 2 of the Resource Management Act (1991) or the Urban Development Act 2020. Should the term ‘local Māori’ be retained, we seek that a clear definition is included in the Act.
Part 2, Cl 9, (1) (a) (i)	AMEND	We seek local authorities to be included in the list of parties to be considered by the relevant Minister for engagement. We see this as being necessary for us to fulfil our role and responsibilities. Should other Local Authorities or other third parties be seeking orders in council which may have the potential to have adverse environmental effects or otherwise impact on roles and responsibilities of regional councils, we should be engaged with.
Part 2, Cl 9, (5)	SUPPORT	<p>We support the provision for Minister to have discretion to extend the consultation period for local Māori and community groups. This would acknowledge the constraints and significant workloads that these groups within the Hawke’s Bay region are currently facing as a result of Cyclone Gabrielle.</p> <p>We consider that the clause should apply to all persons that the Minister consults, not just local Māori and local community groups (which are inclusive, not exclusive, examples of persons the Minister has a discretion to consult under clause 9(1)(a)(i)).</p>
Part 2, Cl 19	SUPPORT	We support the inclusion of a pathway to specify additional acts, especially in relation to the introduction of future legislation such as the Natural and Built Environment Act and Spatial Planning Act which it is anticipated will need to be incorporated into Schedule 2 once they are enacted.
Part 2, Cl 17	SUPPORT	We support the five-year timeframe for orders in council.
Part 3, Cl 32 (4) (c)	SUPPORT IN PART	Whilst we support the inclusion of the provisions to recognise the Ngā Rohe Moana o Nga Hapū o Ngāti Porou Act 2019 we seek

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		<p>clarity around the term 'near to' as it appears in the Severe Weather Emergency Legislation Act 2023 and this Bill. As the term 'near to' has no established definition through current legislation, it is ambiguous and poses unnecessary additional implementation challenges. It would be useful to define this term (or another, such as "adjacent").</p> <p>An example of this is the work currently being undertaken by HBRC to develop an online portal to display properties within 'rural zones' within the meaning of the Severe Weather Emergency Legislation Act 2023. The map can easily identify location Statutory Acknowledgement areas, but cannot clearly delineate what is and what is not 'near' for purposes of that Act. Without a clear definition of the term 'near to' is exceptionally difficult to determine this information let alone implement that Act as Parliament intended.</p>
Schedule 2	AMEND	<p>For the sake of completeness (i.e. a 'belts and braces' approach), we request that the following Acts be added to the list in Schedule 2 to enable HBRC to undertake its roles and responsibilities as required.</p> <ul style="list-style-type: none"> • Biosecurity Act 1993 • Civil Defence Emergency Management Act 2002 • Hawke's Bay Endowment Land Empowering Act 2002 • Hawke's Bay Regional Council (Surplus Funds Distribution) Empowering Act 1999 • Hawke's Bay Regional Planning Committee Act 2015 • Land Drainage Act 1908 • Local Government Official Information and Meetings Act 1987 • Marine and Coastal Area (Takutai Moana) Act 2011 • Maritime Transport Act 1994 • Soil Conservation and River Control Act 1941. <p>In making this 'belts and braces' request, we do not currently have intentions that each and every one of these Acts is amended by an Order in Council. Rather, the intention is to ensure Schedule 2 proactively lists those Acts that are key to the roles and responsibilities of local councils, and in particular several additional Acts that are unique to Hawke's Bay and the Hawke's</p>

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		Bay regional council not applicable in other severe weather affected area.

Thank you for the opportunity to make a submission on this Bill. We appreciate the opportunity to speak to this submission in due course.

Ngā mihi nui,



Ceri Edmonds
Manager Policy & Planning
Policy & Regulation Group

Phone 835 9200

Email: ceri.edmonds@hbrc.govt.nz

Address for service:

Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

Contact person:

Ceri Edmonds

Manager Policy & Planning

e: ceri.edmonds@hbrc.govt.nz

p: 06 835 9200

m: 0272784371