

// SUBMISSION



SEVERE WEATHER EMERGENCY RECOVERY LEGISLATION BILL

// Local Government New Zealand's submission

// MARCH 2023



Ko Tātou LGNZ.

Local Government New Zealand (LGNZ) provides the vision and voice for local democracy in Aotearoa, in pursuit of the most active and inclusive local democracy in the world. We support and advocate for our member councils across New Zealand, ensuring the needs and priorities of their communities are heard at the highest levels of central government. We also promote the good governance of councils and communities, as well as providing business support, advice, and training to our members.

Key points

Local Government New Zealand (LGNZ) welcomes the opportunity to submit on the Severe Weather Emergency Recovery Legislation Bill. Communities turn to their councils when disaster hits, and councils step up to significant leadership roles for their regions and communities, during both response and recovery. Locally led responses to emergencies are critical and must be enabled by central government.

- // We support enabling affected councils to focus first on response and recovery. Meeting the myriad legislative and regulatory requirements on local government requires resources that could be better employed elsewhere.
- // Aotearoa needs a more proactive response to emergency relief. Developing permanent response and recovery legislation that can be utilised after an emergency should be a priority.
- // We support enabling order making but affected councils must be appropriately engaged in their development.
- // Supporting affected councils to develop Long-Term Plans should be a key focus for the first orders made under this legislation.
- // There is a need for greater strategic leadership from central government to support recovery and resilience.

OUR SUBMISSION

We support enabling affected councils to focus first on response and recovery

Disasters often hit councils twice. They lead response and recovery but their own assets and services are affected simultaneously, requiring prioritisation of their limited resources including staff. During this period, meeting the myriad legislative and regulatory requirements and timeframes on local government requires resources that could be better employed elsewhere.

LGNZ supports temporarily reducing regulatory requirements on councils to enable them to focus on their essential response and recovery roles. Local government strongly supports including specific relief for processes of immediate concern for councils that aren't addressed in the Severe Weather Emergency Legislation Act (SWELA) – specifically provisions around timeframes and requirements for Annual Plan and Long-Term Plan (LTP) amendments.

Aotearoa needs a more proactive response to emergency relief

While we support the intent of this bill, and that of SWELA, local government feels that urgently developing response and recovery legislation after an event isn't the best course of action.

LGNZ supports the development of a permanent legislative framework that could temporarily come into effect after emergencies. This would give councils and their communities greater certainty about post-event regulatory relief and would mean these solutions could be considered more thoroughly. LGNZ would welcome further engagement on this issue, perhaps alongside consideration of the soon-to-be-introduced Emergency Response Bill.

This could extend to consideration of a permanent recovery agency, like the Queensland Reconstruction Authority. Local government involvement in its development would be vital to ensure it was fit for purpose and integrated. An agency would be an opportunity to further embed a close central and local government partnership throughout the recovery.

We support order making but affected councils must be appropriately engaged in their development

Given the evolving nature of emergencies like this, LGNZ agrees relief for councils needs appropriate flexibility without the need for further primary legislation – something that an order in council process affords. LGNZ supports the proposed checks and balances that would accompany Ministers' use of this power, including the role of the Severe Weather Events Recovery Review Panel and consultation with the parliamentary committee responsible for the review of secondary legislation. It is vital that the review panel has strong representation from local government.

Using orders in council also means that councils will not be able to engage as they would in a select committee process. This may limit their ability to contribute their experience and specific expertise. These orders will need to engage with complex legislative frameworks in tight timeframes, which makes this input from local government particularly important.

While clause 9 (1)(a) goes some way to address this challenge, LGNZ would like to see less discretion afforded to the Minister in determining who is appropriate to engage with. Specifically we would support changes to this clause that require engagement with local authorities likely to be particularly affected by the proposed order – either due to their roles and responsibilities or the geographic area they govern. We also would strongly recommend the Minister engage with LGNZ and Taituarā given our expertise, networks and ability to tap into expertise across local government. Such an approach would help ensure any such orders fulfil their intended purpose and minimise the potential for unintended consequences.

Supporting affected councils to develop Long-Term Plans should be a key focus

The LTPs adopted next year will play an important role in both recovery and increasing resilience to future extreme weather and emergency events. They also will need to respond to the impacts on local government from a significant suite of central government reforms, including water infrastructure reform and resource management reform.

Affected councils may face practical challenges in developing their next LTP to meet current statutory timeframes and requirements. Firstly, LTPs require a level of understanding of asset condition, some of which are significantly impacted by these weather events. Secondly, the same staff work on the development of LTPs and the Annual Plan, so the proposed extension of annual plans of up to three months means there should be a similar extension to LTP timeframes.

LGNZ would like to see specific relief for regions affected by this emergency that acknowledges the importance of the LTPs for recovery. This means focusing on LTP timeframes and requirements in the first orders made under this legislation.

There is a need for greater strategic leadership to support recovery and resilience

Local government supports the emphasis in this bill's purpose on increasing resilience of communities and the natural and built environment. Local government and its communities understand that more frequent and severe weather events mean it's untenable to build back based on pre-emergency standards and assumptions.

However, to ensure that the rebuild does build resilience, this legislation needs to be supported with wider action from central government that supports and enables local government's role in recovery. This could include:

- // Greater coordination and strategic alignment of central government organisations with influence over the rebuild, including the Department of Prime Minister and Cabinet, Department of Internal Affairs, Ministry for the Environment, Ministry of Transport, Waka Kotahi, Ministry for Housing and Urban Development, Ministry for Business Innovation and Employment, Kainga Ora, Treasury, and the Cyclone Gabrielle Recovery Taskforce. This could also be supported by bringing forward some actions of the National Adaptation Plan for these organisations.
- // Ensuring key central government strategies under development or review, such as the GPS Transport, support a resilient rebuild.
- // Funding approaches to recovery by central government that are based not just on replacement costs but enable resilience of assets and increased redundancy in networks with appropriate contingency funding – given it will be some time before the scale of likely costs is known.
- // The sharing of data and information from central government. This could be similar to the role envisaged for the Ministry for the Environment in supporting the development of Regional Spatial Strategies.
- // Clearer direction on the management of risks and natural hazards in land use plans through an instrument such as a National Policy Statement on Natural Hazards. Any such instrument would need to be future proofed for the future planning system.
- // Development, coordination, and funding for post-event managed retreat, to prevent rebuilding housing in areas which would pose significant risks to people. In parallel to this, we would like to see work on the Climate Adaptation Act progressed to enable a clearer framework for managed retreat that addresses the current challenges to this.

If you have any queries regarding this submission, please contact Simon Randall, Policy and Advocacy Manager – simon.randall@lgnz.co.nz.