



25 May 2025

Ref: OIA-2025/26-0696

[Redacted]

Tēnā koe [Redacted]

**Official Information Act request for a joint DPMC and NEMA briefing referenced in response to WPQ 6210 (2026)**

Thank you for your Official Information Act 1982 (the Act) request of 16 March 2026 to the Ministry for the Environment for copies of all the advice listed in the Minister for RMA Reform's response to Written Parliamentary Question 6210 (2026).

Your request was partially transferred to the Department of the Prime Minister and Cabinet (DPMC) on 30 April 2026 with respect to a joint briefing from DPMC and the National Emergency Management Agency (NEMA). The title of that that briefing was not released in the response to Written Question 6210 (2026) as the advice was under active consideration at the time.

**Information being released**

Please find attached a copy of this briefing, as set out in the table below:

Date	Document title and description	Decision
27 February 2026	Briefing: Assessment of need for regulatory relief to support recovery from the January 2026 severe weather event  <i>Joint DPMC and NEMA briefing to both the Minister Responsible for RMA Reform and the Associate Minister for Emergency Management and Recovery.</i>	Some information withheld under: s9(2)(a) s9(2)(f)(iv)

As noted in the table above and on the document released to you, some information has been withheld under the following sections of the Act:

- 9(2)(a), to protect the privacy of individuals
- 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to outweigh the reasons for withholding that information.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the DPMC website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Jeremy Clarke-Watson  
**Deputy Chief Executive**  
**National Security and Resilience**

Proactively Released



# Briefing

## ASSESSMENT OF NEED FOR REGULATORY RELIEF TO SUPPORT RECOVERY FROM THE JANUARY 2026 SEVERE WEATHER EVENT

To: Minister Responsible for RMA Reform  
Associate Minister for Emergency Management and Recovery

Date	27/02/2026	Priority level:	Priority
------	------------	-----------------	----------

### Purpose

1. To recommend that, notwithstanding Cabinet's recent in-principle agreement, at this time you do not proceed with amending the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA) to apply to the January 2026 severe weather event.

### Executive Summary

2. Cabinet recently agreed to make emergency recovery regulations through the Resource Management Act 1991 (RMA) to support communities affected by the January 2026 upper North Island severe weather event [CAB 26 MIN-0019 refers]. In response to councils' requests for a wider range of regulatory relief than currently allowed under the RMA, you sought (and received) Cabinet authorisation to make regulations under SWERLA where needed [CAB-26-MIN-0039 refers]
3. Working with councils officials now have a more detailed understanding of current requests (Appendix 1), and therefore, whether there is an urgent need for temporary modifications to legislation that could be made under an amended SWERLA.
4. Analysis of the requests has helped clarify the existing mechanisms available to councils to plan and deliver recovery activities. Issues raised by councils have been discussed with relevant agencies, indicating that at this time, amending SWERLA (and subsequently remaking/making new Orders in Council (OIC) under SWERLA) is not necessary because:
  - a. Government can respond to most of the requests for immediate regulatory assistance through existing mechanisms (such as through new OIC powers in the RMA). Ensuring councils understand how to use available mechanisms is a more effective use of resources than pursuing bespoke legislation.
  - b. Providing clarity that the emergency provisions process to being considered under the Public Works Act 1981<sup>1</sup> can be used retrospectively for emergencies that occurred prior to the bill coming to force would address potential needs in this recovery and also provide enduring ability to achieve certain recovery outcomes.
  - c. The remaining requests did not present specific, urgent needs and therefore do not justify the broad, bespoke powers allowed by SWERLA.

<sup>1</sup> The Public Works Amendment Bill is at Select Committee, expected to be passed in July 2026.

- 5. Phase 2 advice will explore options for creating a system-level, enduring solution to address regulatory barriers and enable more effective, quicker recoveries [CAB-26-MIN-0039 refers].

**Recommendations**

---

6. We recommend you:

- 1. **agree** that at this time, SWERLA should not be amended, nor should previous or new OICs be made under SWERLA for the January 2026 upper North Island severe weather event; **YES / NO**
- 2. **note** that affected regions are still working to understand the full consequences of the event. Agencies may receive further requests from councils as they develop Recovery Action Plans and as a result of other recent severe weather events;
- 3. **note** that DPMC is working with relevant agencies, including NEMA to develop Phase 2 advice on a system-level, enduring solution to post-emergency regulatory relief.




**Jeremy Clarke-Watson**  
 Deputy Chief Executive, National Security and Resilience  
 Department of the Prime Minister and Cabinet

27 February 2026

s9(2)(a)

**Hon Chris Bishop**  
 Minister Responsible for RMA Reform

...../...../.....



**Jenna Rogers**  
 Deputy Chief Executive, Strategic Enablement  
 National Emergency Management Agency

27 February 2026

s9(2)(a)

**Hon Chris Penk**  
 Associate Minister for Emergency Management and Recovery

...../...../.....

## Background

---

7. NEMA is coordinating the national recovery efforts in support of locally led recoveries following the January 2026 upper North Island severe weather event because the recovery has not been determined to be nationally significant.<sup>2</sup> NEMA role includes organising across central/local government, iwi, and agencies to recover from emergencies caused by geological and meteorological hazards, space weather and infrastructure failure. This role includes holding relationships with local governments, communities and CDEM groups, understanding the local needs, and being a central point of coordination across recoveries.
8. On 12 February you commissioned urgent advice on whether regulatory relief is required to support the recovery from the January 2026 upper North Island severe weather event. DPMC has held the pen on this advice with support from NEMA to understand specific needs.

### January 2026 upper North Island severe weather event

9. Following the January 2026 upper North Island severe weather event, some councils have requested regulatory relief to support more efficient recovery, for example:
  - a. Some affected councils (e.g. Gisborne District Council) have previous experience using SWERLA to accelerate recovery activities to manage the impacts of the 2023 North Island Severe Weather Events.
  - b. Other councils have reached out directly to the Prime Minister, the Minister for Emergency Management and Recovery, and government agencies to specifically request urgent legislative change and Order in Councils to support recovery activities.
10. As part of Cabinet's in-principle agreement to amend the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA) to apply to the recovery from the January 2026 event, you noted that further work with councils and communities was necessary to determine where modifications to regulations are needed [CAB-26-MIN-0039 refers].

### About the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA)

11. SWERLA is bespoke legislation that came into force on 13 April 2023 to assist specific named communities and local authorities to respond to and recovery from three particular weather events in 2023 that together triggered a state of national of emergency.
12. When CRU Chief Executive, Cyclone Recovery role was disestablished in June 2025, Cabinet agreed to transfer a range of residual functions to the Department of Internal Affairs and DPMC. No new orders in council (or amendments to orders) were proposed under SWERLA beyond 1 July 2025, therefore it was agreed that DPMC would remain the administrator of the Act, which includes six-monthly reporting on the legislation.<sup>3</sup>

## Analysis

---

### The details of requests for regulatory relief are becoming clearer

13. Officials now have a clearer understanding of the reasons underpinning the requests. Common requests include temporary modifications to regulations<sup>4</sup> to:

---

<sup>2</sup> The combined events in January and February have been assessed as a small scale 'moderate' event. As such, the recovery will be undertaken within existing policy settings.

<sup>3</sup> SWERLA was for the 2023 events and was for that purpose only—it is a change in the intent of the legislation to include emergency events that occurred three years after the 2023 events.

<sup>4</sup> There have also been requests for solutions to longer-term regulatory barriers, including relating to long-term managed retreat, new landfills, and resilience of roading infrastructure. The temporary modifications allowed by legislation such as SWERLA would not address issues which require long-term solutions.

- a. expedite repair and install infrastructure by relaxing consenting processes;
- b. allow for easier removal and disposal of waste/debris; and
- c. enable rural communities to make repairs on their land.

**At this time, requests do not justify the bespoke, broad powers granted by SWERLA**

14. DPMC officials, through NEMA channels have progressed targeted, fast-pasted engagement with councils to refine understanding of the scale issues and assess whether regulatory relief is an appropriate way to address the concerns raised by councils.
15. Regions are still working to understand the full impacts and consequences of the severe weather and are in the process of planning recovery activities. However, based on the requests and information received so far, there is no urgent need for the broad powers granted by SWERLA.
16. SWERLA was designed<sup>5</sup> for the recovery from a complex, nationally significant series of events that resulted in the declaration of a state of national emergency<sup>6</sup>. The threshold to pursue this approach must be high and existing mechanisms must be insufficient to achieve recovery outcomes.
17. Officials assessed whether each request could be accommodated by existing mechanisms<sup>7</sup>, and if not, whether rejecting the request would present a threat to life safety, incur significant economic cost, or impede crucial recovery work. As result of this assessment, we determined that:
  - a. Most requests can be accommodated by existing mechanisms (e.g., through new OIC-making powers in the RMA s331AA<sup>8</sup>, activity under the Fast-track Approvals Act 2024, frameworks under the Local Government Act 2002, and levy waivers under the Waste Minimisation Act 2008). This will allow Government to respond to community needs without diverting resources to temporary measures that will not achieve materially different outcomes than existing mechanisms.
  - b. There are two requests that could be more appropriately addressed through stand-alone amendments to primary legislation that are already under consideration.<sup>9</sup> Providing clarity that the proposed emergency provisions already under consideration can be used retrospectively for emergencies that occurred prior to the bill coming to force would address the needs in this recovery and also achieve the desired outcomes in a targeted and sustained way. This would be a more appropriate solution than allowing broad powers under SWERLA.
  - c. Based on the information provided, the other requests did not present specific, urgent needs (i.e., the existing regulatory barriers do not pose a threat to life safety, incur significant economic impact, or prevent crucial recovery work) that would warrant the bespoke, broad powers allowed by SWERLA. There are likely existing mechanisms that could address some of the requests, but further due diligence is

---

<sup>5</sup> SWERLA contains a broad clause that allows the Executive branch of government to override Acts of Parliament. These types of clauses risk undermining the separation of powers because they transfer the law-making power from Parliament to the Executive branch. The Legislation Design and Advisory Committee Guidelines, which are endorsed by Cabinet, state that such powers require strong justification and also need carefully designed safeguards.

<sup>6</sup> To date there have only been three events in New Zealand that have been declared states of national emergency: the 2011 Canterbury earthquakes, the COVID-19 pandemic, and the 2023 North Island severe weather.

<sup>7</sup> Engagement occurred with: Department of Conservation, Department of Internal Affairs, Land Information New Zealand, Ministry of Business, Innovation and Employment, Ministry for Culture and Heritage, Ministry for the Environment, Ministry of Housing and Urban Development, Ministry for Primary Industries, Ministry of Transport; and Crown entities, including Heritage New Zealand and New Zealand Transport Agency / Waka Kotahi. Through the National Recovery Coordination Group, we also sought input from Ministry of Education, Ministry of Health, Ministry of Māori Development / Te Puni Kōkiri, Ministry of Social Development; and Crown entities, including Health New Zealand / Te Whatu Ora and Natural Hazards Commission / Toka Tū Ake.

<sup>8</sup> The Ministry for the Environment is investigating which requests should be pursued through this provision.

<sup>9</sup> These include changes to the Public Works Act 1981 that are currently before Select Committee.

required. When councils are able to provide additional detail about their requests, officials will be able to determine whether exemptions or modifications would be warranted.<sup>10</sup>

18. Amending SWERLA for requests that do not meet the threshold could create an expectation that bespoke legislation allowing for broad powers is an appropriate component of emergency management for recoveries with minor-to-moderate scale, severity, and complexity, such as this event. It would also invite comparison with other recent weather events where SWERLA amendments and OIC powers were requested and not deemed appropriate, including requests by the Hawke's Bay Regional Recovery Agency after severe weather in July 2024.
19. Through Phase 1, some issues have been raised that are not urgent and therefore better addressed through the Phase 2 exploration of enduring solutions. For example, while the exemptions under the Building Act 2004 are sufficient for the current recovery, future consideration could be given to other exemptions, such as allowing the placement of temporary accommodation buildings within designated areas following an emergency event without a building consent.
20. Phase 2 will explore options for enduring solutions to address regulatory barriers and enable more effective, quicker recoveries. DPMC, in consultation with NEMA and relevant agencies, will report back on Phase 2 in June 2026.

## Next steps

---

21. Officials are working with your offices to schedule a meeting for you to discuss this advice.
22. Should you agree to the recommendation, then:
  - a. NEMA (with the support of DPMC) will communicate the decision to local authorities via the regular coordination hui with council Chief Executives, agency Deputy Chief Executives, and iwi chairs / Chief Executive Officers; and
  - b. DPMC will communicate the decision to the Parliamentary Counsel Office and support you to provide an oral update at Cabinet.
23. NEMA, along with relevant agencies, will work with councils and ensure they understand the existing mechanisms available to them to plan and deliver recovery activities. NEMA will also continue to coordinate the recovery across central/local government, iwi, and communities to understand the local needs. NEMA and relevant government agencies will continue to closely monitor requests for regulatory relief and will provide updates as necessary through regular recovery reports/dashboards.
24. DPMC will work with NEMA and relevant agencies to report back s9(2)(f)(iv) on Phase 2 options for a system-level solution to enable more effective recoveries.
25. While this advice is under development, as Minister for Land Information, you may also want to consider getting Cabinet approval to clarify that the emergency provisions process proposed in the Public Works Amendment Bill can be used retrospectively for emergencies that occurred prior to the bill coming to force. This will provide clarity about what powers under the Public Works Act 1981 will be available if needed in this recovery.

---

<sup>10</sup> This assessment would be done by the lead policy agency working with the Office of the Auditor General and the Ombudsman.

## Appendix 1: Requests for regulatory relief

Most requests can be accommodated by existing mechanisms.

Portfolio	Request	Existing mechanism to address
Culture and Heritage	<b>Streamlined process to obtain archaeological authorities</b> from Heritage New Zealand Pouhere Taonga depends on the circumstances and the scale of the heritage site and its values. [Western Bay of Plenty District Council]	Heritage New Zealand Pouhere Taonga Act 2014 s60-64
Housing / Temporary Accommodation	<b>Mitigation of inconsistencies and delays in building consents</b> if multiple councils <sup>11</sup> have demand for temporary cabins. [Ministry of Business, Innovation and Employment]	Letter of expectation from Minister to council <sup>12</sup>
Local Government	<b>Ability to reallocate funding</b> that has been allocated through Annual Plans or Long-Term Plans. [(Tairāwhiti) Gisborne District Council]	Local Government Act 2002 s80 or s93(4)
	<b>Exemption from reporting on certain non-financial performance measures</b> [Western Bay of Plenty District Council]	Local Government Act 2002, DIA best practice guidance
Resource Management	<b>Temporary removal of RMA obligations</b> to seek retrospective consents for emergency work and relief from statutory time frames and appeal processes generally. [(Tairāwhiti) Gisborne District Council] [Thames-Coromandel District Council] [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA
	<b>Expedited consent for repair of water pipes and infrastructure</b> generally. Examples are repairs around Mauao, including work in the Coastal Marine Area. [Tauranga City Council] [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA
	<b>Expedited consent for work in and around water courses</b> such as clearing of intakes to restore water treatment and realignment. [Tauranga City Council] [(Tairāwhiti) Gisborne District Council]	Resource Management Act 1991 s330A or s331AA
	<b>Temporary permission to access available water</b> takes other than those usually permitted e.g., temporary permission to access surface water take at Raymond Dam. [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA
	<b>Temporary relief from regulations and/or requirements for managing and disposing of waste</b> , including forestry slash, silt, soil, and debris. [Tauranga City Council / Bay of Plenty Regional Council] [(Tairāwhiti) Gisborne District Council] [Wairoa District Council] [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA; levy waiver process under the Waste Minimisation Act 2008

<sup>11</sup> The exact demand for temporary accommodation cabins (administered by Ministry of Business, Innovation and Employment's Temporary Accommodation Service (TAS), usually in rural areas where there are limited commercial options available) is not yet known, which is normal for early stages of recovery. TAS is able to work with councils to place temporary cabins within current settings.

<sup>12</sup> Requesting flexibility and timeliness in exchange for maintenance, management and removal of temporary cabins.

	<b>Expedited consent for coastal remediation</b> such as beach nourishment, dune repair, and temporary coastal protection and work on sea walls. [Tauranga City Council / Bay of Plenty Regional Council] [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA
	<b>Expedited consent for rural / private land works</b> such as repairing culverts, reinstating fencing, waste removal, and repairing irrigation systems. [(Tairāwhiti) Gisborne District Council] [Tauranga City Council / Bay of Plenty Regional Council] [Wairoa District Council] [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA
	<b>Reprioritise consent applications to bring forward large projects</b> e.g. wastewater treatment plant upgrade in Katikati. [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA; Fast track Approvals Act 2024
	<b>Expedited consent for retaining walls.</b> [Western Bay of Plenty District Council]	Resource Management Act 1991 s330A or s331AA
<b>Transport</b>	<b>Improving the resilience of lifeline routes</b> providing an alternative to current roading. (e.g State Highway 25A) [Tauranga City Council] [Thames-Coromandel District Council]	Fast-track Approvals Act 2024
	<b>Relaxation of NZTA procurement requirements</b> to allow direct sourcing of contractors quickly and above \$100k threshold. [Western Bay of Plenty District Council] and	For the NZTA Board to consider
	<b>Funding/Funding Assistance Rates.</b> [Auckland Council for Great Barrier Island] [Thames-Coromandel District Council]	For the NZTA Board to consider
	<b>Altered requirements for fish passage</b> when constructing/altering culverts for emergency works and urgent resilience works. [NZ Transport Agency]	Freshwater Fisheries Regulations 1983
	<b>Temporary relief from regulations and/or requirements for managing and disposing of waste.</b> [NZ Transport Agency]	Resource Management Act 1991 s330A or s331AA; levy waiver process under the Waste Minimisation Act 2008

Clarifying stand-alone amendments to primary legislation would address potential needs in this recovery and also provide for lasting ability to achieve desired recovery outcomes.

Portfolio	Request	Proposal
<b>Economic Growth / Tourism</b>	<b>Expedite application/consent process</b> to reroute the Hauraki Rail Trail [Hauraki District Council]	Public Works Amendment Bill, currently before Select Committee <sup>13</sup>
<b>Transport</b>	<b>Expedite consent process</b> to facilitate repair of road infrastructure [NZ Transport Agency]	

Agencies are still determining whether there is an existing mechanism and/or if the modifications are warranted in a few cases. Regardless, there is not a specific, urgent need to justify the bespoke, broad powers allowed under SWERLA.

Portfolio	Request	Relevant legislation
<b>Conservation</b>	<b>Temporary use of public reserves for housing (temporary accommodation), access, staging of equipment, etc</b> depends on the relevant management plan but will depend on the specific site in question. [(Tairāwhiti) Gisborne District Council] [Tauranga City Council]	Some existing mechanism under the Reserves Act 1977
<b>Local Government</b>	<b>Limiting consultation requirements</b> e.g. temporarily removing special consultative procedure [(Tairāwhiti) Gisborne District Council]	Local Government Act 2002, engagement with the Office of the Auditor General
	<b>Longer timeframes to meet administrative or planning requirements</b> e.g., processing requests for information. [(Tairāwhiti) Gisborne District Council] [Western Bay of Plenty District Council]	Local Government Official Information and Meetings Act 1987, engagement with the Office of the Auditor General
	<b>Changes to the process requirements for long-term and annual plans</b> e.g. extension on deadlines, changes to planning time periods and content requirements, abridging annual plan processes [(Tairāwhiti) Gisborne District Council] [Thames-Coromandel District Council]	Local Government Act 2002, engagement with the Office of the Auditor General
<b>Transport</b>	<b>Enable faster consenting and ease requirements</b> to facilitate repair of road infrastructure [NZ Transport Agency]	Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953

<sup>13</sup> The Public Works Amendment Bill introduces an accelerated land acquisition process to support the timely restoration of public works damaged in emergencies. LINZ is exploring opportunities to seek Cabinet approvals to clarify that the emergency response process can be used retrospectively for emergencies that occurred prior to the bill coming to force.