

Auckland Council flood works

Proposed Order in Council

30 July – 23 August 2024

MfE engagement period



Agenda

- Welcome & Introductions
- Orders in Council - an overview
- What is the Order intended to achieve
- Why is the Order necessary or desirable
- What is the effect of the Order
- Key features of the proposed Order
- Next steps
- Questions | Pātai



Orders in Council

An overview

- Developed under the mechanism in the Severe Weather Emergency Recovery Legislation Act 2023
- Adds flexibility to enable recovery, allowing quick regulatory changes to respond to issues as they arise
- Enables the Ministry for the Environment to amend the Resource Management Act and other legislation

Context

Severe Weather Emergency Recovery Legislation Act (SWERLA)

- SWERLA passed into law on 12 April 2023 in response to the early 2023 North Island severe weather events.
- Auckland, Tairāwhiti, and Hawke's Bay in particular, were significantly affected.

MfE Orders in Council in preparation

- Proposed Hawke's Bay rural recovery works order
- Proposed Auckland flood works order

Other MfE work programmes

- Future of Severely Affected Land (FOSAL)
- Orders in Council reviews
- Resource Management Reform

MfE Orders in Council currently in force

- Temporary Accommodation (2023)
- Waste Minimisation (2023)
- Waste Management (2023)
- Streamlined Planning Process (2023)
- Extension of Water Permits (2023)
- Timeframes Extension (2023)
- Hawke's Bay Flood Protection Works (2024)

Expired MfE Orders in Council

- Burning of Cyclone and Flood Waste (2023)

Orders in Council under SWERLA

Statutory Requirements

An Order must:

- be necessary or desirable for the purposes of SWERLA
- no broader in extent than necessary
- relate to the Auckland Anniversary Floods, Cyclone Gabrielle or other severe weather events of early 2023

For RMA changes:
Minister has to consider the effects on the environment and whether adverse effects could be avoided, remedied or mitigated

Benefits

Can grant exemptions, modify, or extend legislation to support the recovery

Gives certainty and provides regulatory relief to allow local-led recovery work

Can be tailored to meet local needs and circumstances

Includes safeguards to ensure community and iwi voices are heard

Engagement


Seeking feedback on all aspects of the proposed Order in Council

Feedback will be provided to the Minister, the Severe Weather Events Recovery Review Panel, and the Regulations Review Committee

The review bodies provide recommendations to the Minister

Engagement must allow those impacted to participate in the development of the Order

Orders in Council - helping communities continue their recovery



Why the proposed Order is necessary or desirable

- For the purpose of SWERLA

Why is this Order needed?

- This Order was requested by Auckland Council.
- The Auckland region experienced major flooding and landslides during the NIWEs. Over 8000 homes were affected, and some people have never gone home.
- The proposed Order deals with work in two catchments in south Auckland which had major flooding and evacuations.
- The Order would make the necessary resource consents quicker and more certain so flood protection works can progress quickly.



What the proposed Order is intended to achieve

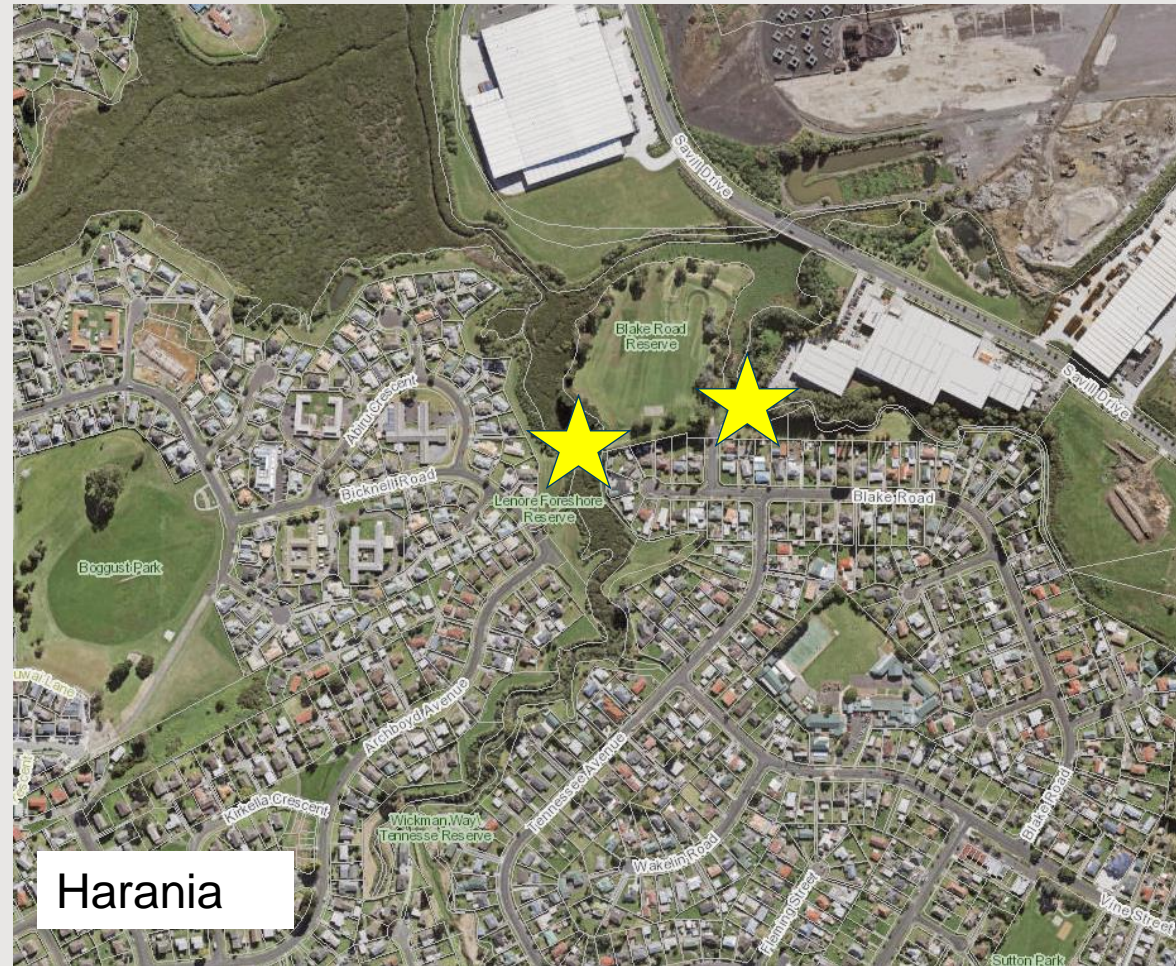
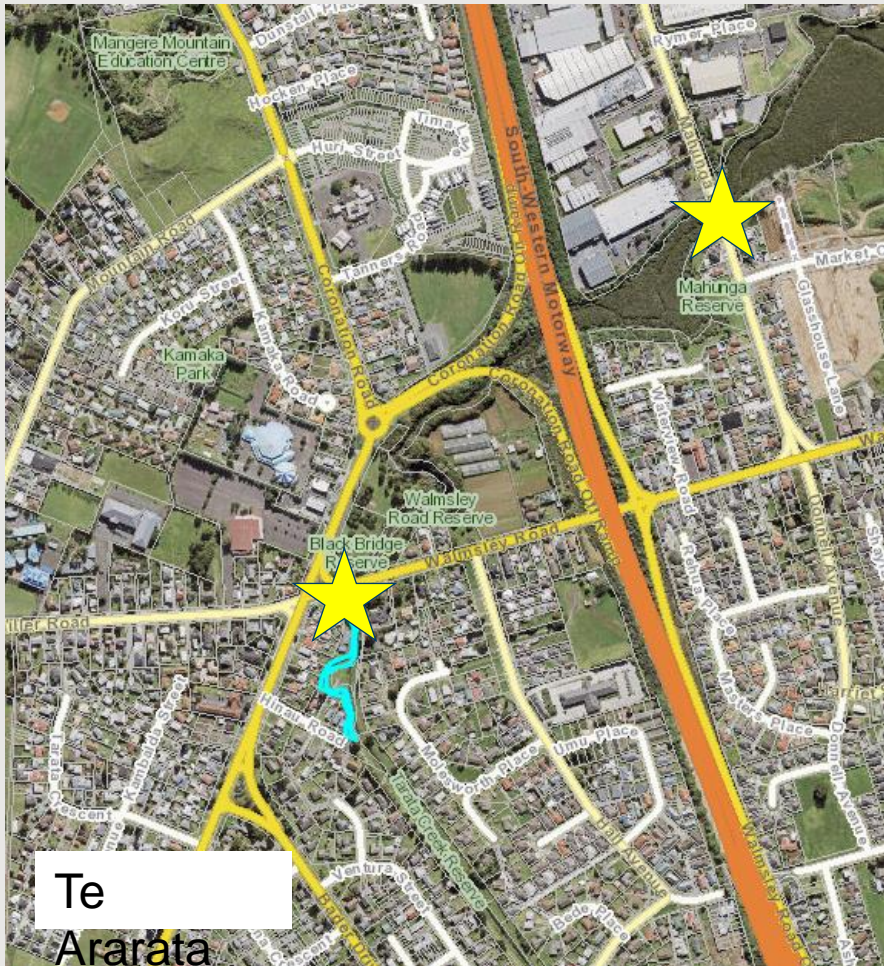


- Limited to the flood works undertaken in Te Ararata and Harania Creeks by Auckland Council
- Proposes a streamlined consenting regime that:
 - classifies flood works activities that are not already classified as permitted, as **controlled activities**
 - provides a streamlined process for controlled activity resource consents
 - includes a list of conditions which will avoid, remedy or mitigate adverse environmental effects
 - Removes appeal rights to the Environment Court



The effect of the proposed Order

Māngere project map



Te Ararata project before and after



Harania project before and after



Managing effects and enabling participation

Effects management

- Reclassify the project works as controlled activities under the Resource Management Act (RMA)
- Agree conditions to manage any adverse impacts of the projects
- E.g. Construction Environment Management Plan, Erosion and Sediment Control Plan

Participation

- Working with mana whenua representatives
- Establishing a stakeholder advisory group
- Appointing a project engagement lead
- Developing a communications plan
- Invite input from government agencies, asset owners, and landowners



Comments on consents

Under the Order

Under this proposal the consent authority would notify relevant:

- Māori entities
- Maritime NZ
- Minister of Conservation or other relevant Ministers
- Director General of Conservation
- Any network utility operators
- Owners and occupiers of land on which the work is to be undertaken or of land whose boundary adjoins the land where the works are to be carried out
- Requiring authorities
- Applicants for customary marine title
- Any other person the consent authority considers appropriate with an interest greater than the general public

Comments on consents

Under the Order

Proposed process for giving comments on consents:

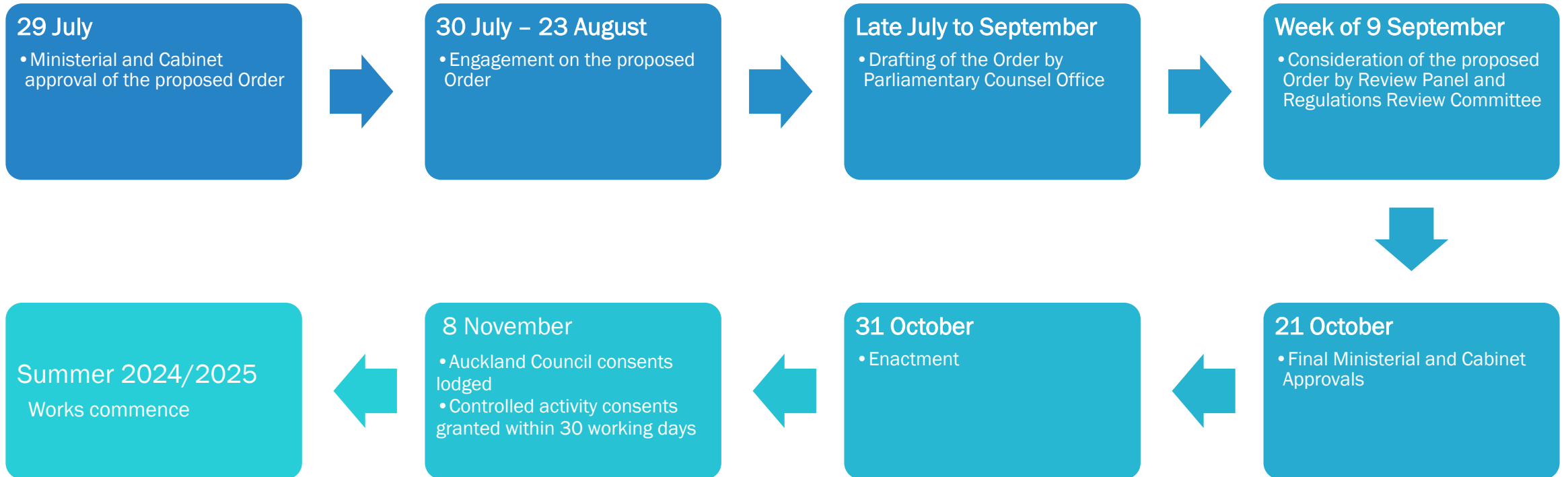
- 10 Working Days to send comments to consent authority
- Independent decision maker must consider all comments
- A summary of comments and responses to the comments will be prepared and made publicly available
- Independent decision maker issues consent decision (within 30 working days)
- No rights of appeal for those who commented

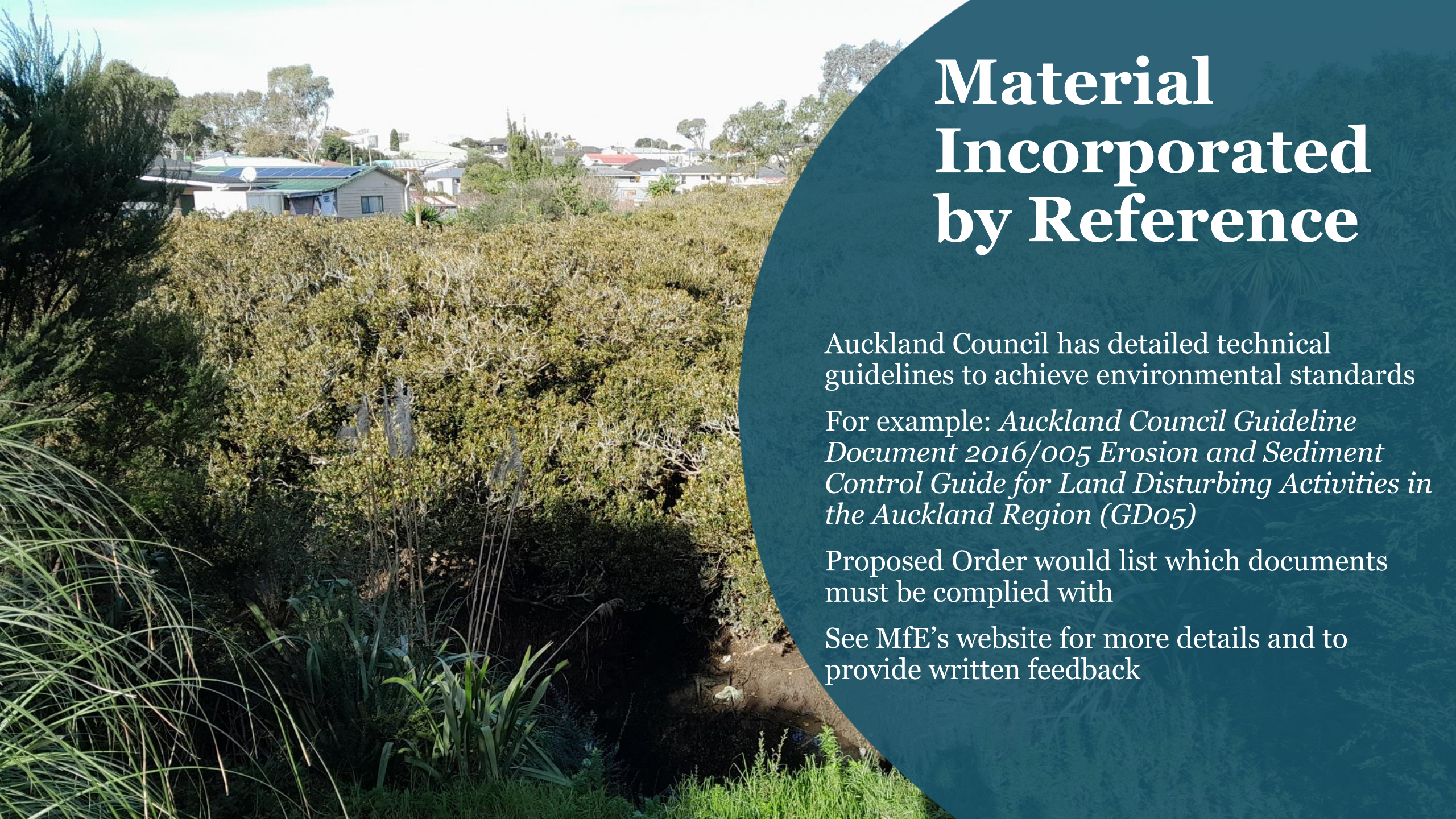


Ministry for the
Environment
Manatū Mo Te Taiao

Auckland flood works: Proposed Order in Council

Indicative key milestones and process steps for the proposed Order





Material Incorporated by Reference

Auckland Council has detailed technical guidelines to achieve environmental standards

For example: *Auckland Council Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GDO5)*

Proposed Order would list which documents must be complied with

See MfE's website for more details and to provide written feedback

Pātai | Questions?



Have your say – Your voice matters

We are accepting feedback until **5pm 23 August 2024**.

- You can find more information online here:
<https://environment.govt.nz/acts-and-regulations/orders-in-council/auckland-flood-works/>
- Or contact us via severeweather@mfe.govt.nz