



PROACTIVE RELEASE COVERSHEET

Minister	Hon Nicola Grigg	Portfolio	Minister for the Environment
Name of package	Proactive release of Cabinet paper 26-CAB-00195: Severe weather response regulatory relief	Date to be published	27 July 2026

List of documents that have been proactively released

Date	Title	Author
30 January 2026	26-CAB-00195 Cabinet paper: Severe weather response regulatory relief	Ministry for the Environment
2 February 2026	CAB-26-MIN-0019 Minute of Decision	Cabinet Office

Information redacted **YES** NO

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

Some information has been withheld from the papers under the relevant Official Information Act section as follows:

- 26-CAB-00195 Cabinet paper: Severe weather response regulatory relief
 - Paragraph 21 under OIA section 9(2)(g)(i) 'free and frank expression of opinions' of officials
- CAB-26-MIN-0019 Minute of Decision
 - Released in full

Policy and Privacy

Classification

Office of the Minister for the Environment

Office Associate Minister for Emergency Management

Cabinet

Severe weather response regulatory relief

Proposal

- 1 This paper seeks Cabinet's agreement to:
 - 1.1 delegate authority to the Minister for the Environment in consultation with the Associate Minister for Emergency Management and Recovery, to progress work on, and make detailed final policy decisions on the scope and content of, emergency response regulations under the Resource Management Act 1991 (the RMA);
 - 1.2 authorise the Minister for the Environment to instruct the Parliamentary Counsel Office to draft the emergency response regulations; and
 - 1.3 return directly to Cabinet to seek approval to submit the drafted regulations to the Executive Council, to ensure timely commencement of the emergency response regulations.

Relation to government priorities

- 2 This paper contributes to the government's commitment to assist communities in responding to and recovering from significant emergencies.

Executive Summary

- 3 We are seeking process efficiencies to support local communities affected by recent severe weather events in the Upper North Island. Lessons learned from the 2023 response to Cyclone Gabrielle and Auckland floods are being applied and additional solutions considered. Recent amendments to the RMA added new regulation making powers for central government support of emergency response and recovery efforts. Officials are working with affected councils to identify specific issues with the recovery effort that are regulated by the RMA and may benefit from emergency response regulations.
- 4 This paper seeks delegation for the Minister for the Environment, in consultation with the Associate Minister for Emergency Management and Recovery, to progress work and make detailed policy decisions on the scope and content of emergency response regulations under the RMA to support the recovery effort for recent severe weather events. It also seeks authorisation for the Minister for the Environment to instruct the Parliamentary Counsel Office to draft the regulations.

- 5 If Cabinet agrees, then officials will continue working with affected councils to identify key RMA issues that could be addressed through emergency response regulations and will support the Parliamentary Counsel Office in their drafting.

Background

- 6 Over 20 – 23 January 2026, a severe weather event impacted much of the Upper North Island, with heavy rain across Northland, Coromandel, Bay of Plenty, and Tairāwhiti, causing widespread flooding and landslips. Early indications are that while not as widespread as previous severe weather events (e.g. Cyclone Gabrielle) damage has been very significant in localised areas, including the loss of life, and the clean-up and recovery will be major for those communities.

Functions under s331AA of the Resource Management Act 1991 enable temporary modified resource management processes and timeframes

- 7 The new powers, under s331AA, allow the Governor-General, on the recommendation of the Minister for the Environment, to make emergency response regulations through an Order in Council.
- 8 Regulations made under s331AA can temporarily modify RMA settings to remove regulatory barriers while upholding environmental protections and meeting statutory tests. These modified RMA settings can modify plan making processes, limit rights of appeal, and permit or prohibit certain activities. Regulations may only apply to an area where, under the Civil Defence Emergency Management Act 2002, a state of national or local emergency has been declared or notice given of a local or national transition period.
- 9 At time of writing, states of local emergency remain in place for Tairāwhiti, the Hikurangi-Coastal Ward, Tauranga City, and Western Bay District. Thames-Coromandel, Hauraki and Opotiki districts have now transitioned to recovery. The remaining Bay of Plenty and Whangārei Districts have terminated their states of local emergencies.
- 10 To recommend an emergency response regulation, the Minister for the Environment must be satisfied that the proposed regulations are necessary or desirable for the purposes of the RMA, are not broader than is reasonably necessary, and consider potential environmental effects and whether adverse effects can be avoided, remedied or mitigated. The Minister for the Environment must also undertake targeted consultation with relevant Ministers, affected councils, and iwi authorities. The Minister may also invite other parties, including the public, to comment on the proposed regulations.
- 11 It is also mandatory for copies of the draft regulations to be provided to the Regulations Review Committee for comment as part of the consultation process.
- 12 We propose to progress work on RMA emergency response regulations at pace so RMA regulatory relief and legal certainty is provided to communities as soon as possible. To be clear however, emergency actions can and will continue as the regulations do not need to be in place to authorise emergency works for preventative or remedial measures under s330 of the RMA. S330B of the RMA provides for retrospective resource consents to be applied for within 60 days, for actions undertaken during state of emergency, or 30 days in subsequent recovery phase where an emergency exists but a state of emergency has not been declared. The regulations can extend these timeframes.

Actions underway

- 13 Officials are moving at pace to work with affected councils to establish what they need for emergency response and recovery efforts.
- 14 To date, Gisborne District Council sent a letter to the Prime Minister and Minister for Emergency Management and Recovery indicating previously used tools that support response, recovery, and capacity relief. These tools are a compilation of those used for the Christchurch and Kaikōura earthquakes, and the 2023 North Island weather events.
- 15 Regulations that help address emergency events through Orders in Council are not new and provide examples to draw from to expedite the process. Previous work associated with the Severe Weather Emergency Recovery Legislation Act 2023 (SWERLA) produced a list of proposed Orders in Councils sought by councils. This list is attached at Appendix A.
- 16 Alongside the initial feedback from Gisborne District Council, the previous Orders in Council will inform the list of possible regulations affected councils can utilise through s331AA. This 'menu of options' has been communicated to affected councils and indications sought of what regulatory relief they need. The final form and number of regulations will be confirmed in parallel with the Parliamentary Counsel Office and further consultation with councils.
- 17 Lessons learned from Orders in Council created through SWERLA indicated that recovery often requires an approach that is locally led, regionally coordinated, and centrally supported. This recognises the importance of local knowledge and input. Additionally, regulatory relief is one piece of the recovery puzzle. Often the need is for financial or operational assistance, rather than regulatory relief. Ongoing engagement with local authorities, iwi and hapū, and local communities is crucial to understand the underlying needs.

Impact in relation to obligations under the Waste Minimisation Act 2008

- 18 Officials are actively engaging with councils to understand the extent of waste-related impacts and whether Waste Minimisation Act 2008 (WMA) obligations may be unduly impacting recovery efforts. Early feedback indicates that impacts are not of a similar scale to the 2023 severe weather events, which required SWERLA Orders in Council to modify WMA requirements as part of the recovery process. Existing WMA powers, under s29 of the WMA, enable a Secretary for the Environment-led levy waiver process. This allows disposal facility operators at levied landfills to apply for a waiver for waste generated through severe weather events, provided they supply relevant information on the waste's source.
- 19 At this time, WMA-related powers, such as establishing or amending regulations, are not proposed in this paper. There may be the need for the rapid development of a waste disposal site for the disposal of waste created by the severe weather event (or transfer station for waste pending final disposal). This may require an Order in Council under the RMA and can be bundled with work on other RMA Orders.

Housing

- 20 During the previous temporary accommodation Orders in Council (2023-2026 in response to 2023 Cyclone Gabrielle and Auckland Anniversary Floods), temporary housing was used that residents did not/could not leave after the Order in Council

sunset clause had lapsed. Councils have confirmed to officials that this is a concern again in relation to the current severe weather event.

21 9(2)(g)(i)

Environmental considerations

22 Orders in Council created for such purposes as SWERLA are an exercise in balancing the necessary regulatory relief with environmental considerations.

Role of Parliamentary Counsel Office

23 The Parliamentary Counsel Office (PCO) is responsible for drafting secondary legislation made by Order in Council. Subject to Cabinet's agreement to this paper we will make the detailed final policy decisions required for officials to then prepare drafting instructions for PCO to draft the necessary regulations.

Cost-of-living Implications

24 At this time, we cannot determine any cost-of-living implications of this paper.

Financial Implications

25 2026.01.26 CABINET PAPER - Initial Government financial assistance for the January 2026 Upper North Island severe weather event.docx. An earlier cabinet paper requested relief funding which may be used for newly permitted activities.

Legislative Implications

26 Regulations will be required to implement the proposals in this paper. The Minister for the Environment has the power to make regulations by Order in Council under s331AA. Any regulations made under s331AA will require a regulatory impact statement as part of the policy development and cabinet process, except where a waiver is able be used.

Impact Analysis

27 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that will provide limited temporary exemptions or modifications to existing legislative requirements in a situation where a declared emergency has made compliance with existing legislative requirements impossible, impractical or unreasonably burdensome.

Population Implications

28 The proposals in this paper are expected to have positive impacts for communities affected by the January 2026 Upper North Island severe weather event, by enabling faster regulatory pathways for essential response and recovery activities.

Human Rights

29 There are no human rights implications from the proposals in this paper.

Consultation

- 30 Officials from the Ministry for the Environment have kept other agencies informed of the development of this paper via daily standups facilitated by the National Emergency Management Agency; formal consultation on this paper has not been possible in the time available. The Department of Prime Minister and Cabinet has been kept informed during the development of this paper. Affected councils have been informed of the options to progress Orders in Council under the RMA, as well as non-regulatory support central government can offer. Officials consulted with the Ministry for Regulation to inform the impact analysis requirements of this paper.
- 31 Should the Committee agree to delegate authority to progress Orders in Council, the Ministry will undertake statutory consultation with affected councils, iwi authorities, post-settlement governance entities (PSGEs), Ngā Hapū o Ngāti Porou (where relevant), Mana Whakahono a Rohe and joint-management agreement partners, and groups holding customary marine title or protected customary rights.
- 32 The Minister for the Environment must also consult the Minister for Emergency Management and Recovery, and the Minister of Conservation if the regulations affect the coastal marine area.

Communications

- 33 I will communicate the decisions set out in this paper after Cabinet agreement.

Proactive Release

- 34 I intend to proactively release this paper after Cabinet consideration subject to redaction as appropriate under the Official Information Act 1982.

Recommendations:

The Minister for the Environment recommends that the Committee:

- 1 Note that regulations can be made under s331AA of the Resource Management Act to support local communities affected by recent severe weather events in the Upper North Island;
- 2 Authorise the Minister for the Environment, in consultation with the Associate Minister for Emergency Management and Recovery, to:
 - 2.1 take detailed policy decisions on the scope and content of emergency response regulations under s331AA of the Resource Management Act 1991 to support the response to recent severe weather events;
 - 2.2 issue drafting instructions to the Parliamentary Counsel Office in line with detailed policy decisions taken by the Minister for the Environment, in consultation with the Associate Minister for Emergency Management and Recovery;
- 3 Note that the scope and content of emergency response regulations will be determined through consultation with councils and other parties in the affected regions;

- 4 Agree that the Minister for the Environment will return directly to Cabinet to seek approval to submit drafted regulations to the Executive Council, to ensure timely consideration of any drafted regulations;
- 5 Note the Minister for the Environment must be satisfied that statutory criteria are met and undertake process steps set out in s331AA of the Resource Management Act 1991, before recommending regulations are made.

Authorised for lodgement

Hon Penny Simmonds

Minister for the Environment

Hon Chris Penk

Associate Minister for Emergency Management and Recovery

Appendices

Appendix A: Previously proposed Order in Councils under SWERLA



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Severe Weather Response Regulatory Relief

Portfolios **Associate Emergency Management and Recovery / Environment**

On 2 February 2026, Cabinet:

- 1 **noted** that regulations can be made under section 331AA of the Resource Management Act 1991 (RMA) to support local communities affected by the recent severe weather events in the Upper North Island;
- 2 **authorised** the Minister for the Environment, in consultation with the Minister Responsible for RMA Reform and the Associate Minister for Emergency Management and Recovery, to:
 - 2.1 take detailed policy decisions on the scope and content of the proposed emergency response regulations under section 331AA of the RMA to support the response to the recent severe weather events;
 - 2.2 issue drafting instructions to the Parliamentary Counsel Office to give effect to the detailed policy decisions made under paragraph 2.1 above;
- 3 **noted** that the scope and content of the emergency response regulations will be determined through consultation with councils and other parties in the affected regions;
- 4 **invited** the Minister for the Environment to return directly to Cabinet to seek approval to submit the proposed regulations to the Executive Council, to ensure timely consideration of any drafted regulations;
- 5 **noted** that the Minister for the Environment must be satisfied that statutory criteria are met and undertake the process steps set out in section 331AA of the RMA, before recommending that the regulations are made.

Rachel Hayward
Secretary of the Cabinet