

Memo

3 February 2023

TO: Mayor Wayne Brown
CC: Jim Stabback, Chair, Coordinating Executive Group
FROM: Mace Ward, Group Controller

SUBJECT: Options on expiry of state of local emergency

1. Introduction and recommendation

- 1.1 The local state of emergency declared at 9.27pm on Friday 27 January 2023 expires this evening at 9.27pm. There are three options available to you:
 - 1.1.1 Allow the declaration to expire without further action.
 - 1.1.2 Extend the duration of the local state of emergency for a period of 7 days noting that it could be terminated early.
 - 1.1.3 Transition to the Recovery stage of the response.
- 1.2 It is recommended that you **extend** the duration of the state of local emergency and communicate the decision to the public and emergency response partners.
- 1.3 Note: The decision to extend the duration of the state of local emergency will also be published in the New Zealand Gazette.

2. Views of stakeholders

- 2.1 The Incident Management Team, members of the Civil Defence Emergency Management Co-ordinating Executive Group and the National Emergency Management Agency (**NEMA**) met yesterday afternoon to consider options prior to the expiry of the state of local emergency.
- 2.2 NEMA, the Group Controller and the General Manager of Auckland Emergency Management were all in favour of an extension to the declaration. NEMA, in particular, supported extending the duration of the state of local emergency until at least the end of the long weekend. In their view, an extension is necessary because Auckland remains in the response phase with new damage and risks to the public continuing to be reported, some emergency powers remaining necessary and a significant and coordinated response under the CDEM Act being required given the scale and widespread nature of the emergency.
- 2.3 It was noted that although a further declaration will automatically expire after a period of 7 days, there is power under the Civil Defence and Emergency Management Act 2002

(**CDEM Act**) to terminate the state of local emergency and to move to a transition period earlier if that is deemed appropriate.

- 2.4 Some functions considered that they could manage adequately without recourse to emergency powers. However, representatives of the various organisations confirmed they were neutral or supportive of an extension to the duration of the state of local emergency. It was agreed that the overall balance of views was in favour of an extension to ensure a coordinated response to the continuing welfare needs of people affected by the flooding and ongoing land movement across the region.

3. Advice

- 3.1 To make or extend the duration of a state of local emergency you must be satisfied that the definition of “emergency” in the CDEM Act is met. Against this background, NEMA guidance identifies three matters that you should consider:

3.1.1 Whether the emergency still exists.

3.1.2 Whether access to emergency powers is still required.

3.1.3 Whether the nature of the emergency is moving towards recovery and so consideration should be given to providing notice of a local transition period.

Does the emergency still exist?

- 3.2 We are satisfied that an emergency still exists. This is because a situation exists that is the result of a storm, which may cause distress and endanger the safety of the public and property in Auckland, and this situation requires a significant and coordinated response under the CDEM Act.

- 3.3 It is relevant that this was not a one-off event; the events giving rise to the emergency have continued to occur over the course of the week. The flooding event last Friday, which caused the need for the declaration, was followed by a further severe storm event on Tuesday. Significant land movements took place on Wednesday and more land movement could occur with further weather events forecast in coming days.

Is access to emergency powers still required?

- 3.4 Access to some emergency powers is still required:

3.4.1 Police advice is that emergency powers remain helpful to Police in supporting Council to exercise its powers under the Building Act 2004.

3.4.2 The CDEM Group has powers relating to the provision of the relief of distress including emergency food, clothing and shelter that are not replicated in a state of transition. Te Whatu Ora Health New Zealand and welfare response partners supported this position because of the ongoing welfare need in the communities affected by the weather event.

- 3.4.3 There is also potential for further events, such as land movements, in the coming days. The Group Controller needs to have the powers necessary under the CDEM Act to immediately respond to any such events.

Is the nature of the emergency moving towards recovery and so should consideration be given to providing notice of a local transition period?

- 3.5 Auckland remains in a response rather than a recovery phase. Notably:

3.5.1 Due to the scale and widespread nature of the damage to date, the extent of the consequences of the emergency and the resource required to respond to it is not yet fully known. New information about the risks and the scope of the damage continues to emerge. Until we have a clearer idea of the magnitude of the response required, we are not yet ready to move into recovery.

3.5.2 A substantial welfare response remains underway with the provision of emergency food, clothing and shelter at Civil Defence Centres and through welfare response partner agencies across Auckland.

3.5.3 A significant waste recovery exercise is still ongoing which requires a coordinated response and significant resource. The waste gives rise to significant public health and safety concerns and disposing of the waste remains part of the immediate emergency response.

- 3.6 Extending the duration of the state of local emergency also provides the time needed to transition successfully into recovery. At present the Group Controller is overseeing and coordinating the emergency response. When we enter the transition period powers under the CDEM Act will then sit with a Recovery Manager. Extending the state of local emergency will enable a smooth transition from the Group Controller and ensure that the Recovery Manager is well-placed to take on the responsibilities of leading Auckland's recovery. It will also ensure that sufficient time is available for the preparation of the Recovery Response Transition Report, a key document supporting a successful transition.

4. Conclusion

- 4.1 Based on the above information, we consider you can be reasonably satisfied that there remains a state of local emergency and good reasons to extend the duration of the existing declaration.
- 4.2 It is therefore recommended that you extend the duration of the state of local emergency in accordance with section 71(2) of the CDEM Act.
5. It is possible that Auckland may be able to move to a transition period before the 7-day expiry of this extension. The Group Controller will reassess the situation early next week and provide advice as necessary.