



Cyclone Gabrielle:

15 urgent ideas for recovery



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Introduction

This paper puts forward practical policies which will have an immediate effect for rebuilding Auckland after the January storm and, especially, the regions ravaged by Cyclone Gabrielle (in particular for Hawke's Bay and Tairāwhiti). The recovery from Auckland's storm and Cyclone Gabrielle is going to cost all New Zealanders, and will be a major programme of work across numerous areas.

The recovery is going to be costly. However, the surge of wasteful spending (funded by borrowing) during and after COVID-19 by the Labour Government contributed to the cost of living crisis. There is every sign that Labour will repeat this approach. ACT believes that as a first principle the Government should re-prioritise its existing spending, cutting ideological obsessions such as Auckland Light Rail and the transport "mode shift" to cycling, and put the money into rebuilding roads and bridges in the cyclone-affected regions.

The second principle for the rebuild is for government to get out of the way. The Christchurch rebuild and then COVID-19 are examples of how crises can lead to a permanent expansion of the bureaucracy.

The recovery should not be used as an excuse to permanently expand the size of government. ACT's recovery plan is to see what barriers can be removed - not how government can intervene more. The RMA is a barrier to building and construction at the best of times - it is unsuited for the post-cyclone recovery. As an immediate fix, legislation should be passed similar to the Kaikoura rebuild legislation which removed RMA requirements. Cyclone-affected areas will urgently need workers, and ACT recommends removing immigration barriers.

Third, ACT believes that the best solutions are not through central planning and intervention by big government departments, but through local government that is answerable to its people and market-based delivery. Climate change is real, and some areas may come under greater risk from storms and floods. The Labour-Green solution is "managed retreat" - centrally planning what people can do on their land. The ACT solution is to provide information on risk to property owners, insurers and local government, so future buyers or builders know the price for buying or building in high risk areas.



What the Government should do right now

The Government needs to do some things immediately to assist the response and recovery. Lawlessness in the cyclone-affected areas needs to be dealt with so people have confidence to recover. At the time that councils are having to focus on rebuilding drains and sewage systems, the Government intends to ram through the Three Waters reforms - this has to be stopped. The Government has to explain how it will fund the recovery without adding fuel to the cost of living crisis. ACT believes that future spending can come out of existing Government baselines by reprioritising spending from low-value ideological projects and investing it in infrastructure people need.

Deal with lawlessness

Cyclone Gabrielle has left many people on the East Coast in a state of desperation. Crime hits people that much harder when they've lost their homes, they're missing relatives, they've been through trauma and are in shock in the midst of a disaster. The first duty of any government is to keep its people safe, and this is especially true in a time of emergency. It is essential that their pleas for help are heard and that the Government responds with a strong Police presence, supported by New Zealand Defence Force staff where necessary.

There is widely reported looting and theft, gangs have intimidated people, and communities have set up their own roadblocks to protect themselves. ACT believes that the Government should invoke Section 9 of the Defence Act to enable the New Zealand Defence Force to assist the Police with civil powers in a time of emergency. A presence in the worst affected areas would make a huge difference to communities that are suffering.

The Government must ensure that we have measures in place so that we are prepared to respond effectively to future disasters. As soon as the immediate response is over, ACT is calling for any review of the Government's response to Cyclone Gabrielle to include law and order in the wake of the disaster. Citizens deserve to have confidence in their government's ability to protect them during times of crisis and to facilitate recovery after a natural disaster.

Tougher sentencing for lowlife criminals in emergency situations

Natural disasters such as Cyclone Gabrielle can bring out the worst in human nature. Disaster scenarios are already catastrophic enough, and the last thing communities need is opportunistic criminals. The police and justice system should be tough on the lowlifes who prey on people when they are most vulnerable.





ACT would amend section 9 of the Sentencing Act 2002 to ensure that an offence committed in a region that is under a state of emergency would be taken into account as an aggravating factor at sentencing. Offenders who exploit disaster scenarios are not just committing crimes against individuals, they are disrupting the recovery process of entire communities. This proposal sends a clear message to criminals that taking advantage of emergency situations will not be tolerated, and it sends a clear message to the public that we are committed to protecting vulnerable individuals and communities.

Cancel Three Waters

The cyclone has highlighted how the Government's Three Waters reforms will fail, and why they should be dropped. The reforms will take control away from knowledgeable locals, and create a more remote bureaucracy. The transition will be highly disruptive at exactly the period when focus and certainty is needed to rebuild. The cost of the transition to a tight government balance sheet takes money away from the rebuild.

Even before the cyclone, ACT had been told by councils in the affected regions that Three Waters would gut their localities of specialist water engineers and other specialists. All the local governments in Hawke's Bay and Tairāwhiti have opposed the Three Waters reforms, and put forward practical alternatives, which were ignored by the Government. Water infrastructure – especially stormwater and flood protection – is a matter that has to sit with the people who understand the catchment the best. Water infrastructure must sit at a local or regional level.

The Three Waters reforms will also transfer water assets owned by local councils to the new water entities in 2024, with significant impact on councils' revenue, balance sheet and asset base, future liabilities, and debt. The Government intends to impose this at the very time those councils will be dealing with the recovery.

To push ahead with this disruptive water reform when regions will be focused on rebuilding their water infrastructure shows a Government completely out of touch with people. Three Waters has to be stopped immediately, and control of three waters returned to the councils. Immediate steps can be taken to ensure councils can combine or cooperate on shared water services if and when it would give them an advantage. Further steps would alleviate the funding issue for councils. ACT has much more practical solutions for local government.

Cut wasteful government spending and focus on the recovery

The timing, size, and means of funding the Government's fiscal response are yet to be determined. However, it is almost certainly going to be enormously costly, put pressure on government books, and add fuel to the cost of living crisis.

This Government's track record on careful spending in a crisis is not good. While borrowing was needed to take New Zealand through COVID-19 in 2020, the spending was not careful and continued for far too long. An example of waste was the \$1.2 billion Jobs for Nature programme, begun with the intention of



giving employment to what were expected to be large numbers of unemployed workers. However, by the end of 2020 this had not eventuated, and the programme should have been wound up. Instead it was continued, with a new purpose and little analysis and extraordinary wastage. “Temporary” programmes created during a crisis have a tendency to become permanent, even after their original purpose has gone.

A crisis always creates demands for government to “do something”, and setting up programmes (often with catchy titles) can be politically popular. ACT believes that government should resist this urge and constantly evaluate its spending as circumstances and needs change. Any cyclone recovery programme must be focussed on solving a particular recovery problem, have a rigorous cost-benefit analysis, have regular independent review, and be strictly time-limited.

The Reserve Bank’s Monetary Policy Statement shows that inflation is embedded into the New Zealand economy, requiring further interest rate rises which will hurt home owners with mortgages and businesses. While the exact effect of Cyclone Gabrielle on the economy is not yet known, the surge of large amounts of insurance money into New Zealand and the demands for rebuilding will add to inflationary pressures, as will the rebuild’s demand for resources.

One of the reasons why New Zealand has a cost of living crisis is deficit spending. Labour has spent more than it has taken in. Since the onset of COVID-19, core

Crown net debt has increased by \$97 billion. Labour has given no indication that it will fund the recovery by reprioritising existing spending first.

Both Labour and National believe the recovery can be paid for through extra borrowing. ACT recognises that will only fuel inflation. The money for recovery should come from existing government baselines, reprioritised.

ACT’s fully-costed Alternative Budget has identified \$6.8 billion in potential spending reductions in 2022/23 and \$9.5 billion in 2023/24. This includes reducing corporate welfare (about \$1.2 billion a year) and reducing the number of back-office bureaucrats (\$900 million in 2022/23). These savings do not include the scrapping of Auckland Light Rail (\$14.6 to \$29 billion) or Let’s Get Wellington Moving (\$6.4 billion).

Labour refuses to face the reality that its ideological pet projects are even more wasteful now and need to be reprioritised. Only ACT will ensure taxpayer money gets to where it’s most needed.

The latest extension of the petrol excise duty cut, Road User Charge discount, and half price public transport will cost approximately \$718 million. The Government is making up the lost revenue by borrowing – in effect, drivers are being subsidised by future generations of taxpayers. Re-establishing the petrol excise duty is reasonable when New Zealand already has significant public debt and we need to rebuild highways.

A Special Economic Zone for Hawke's Bay and Tairāwhiti

Getting the recovery and rebuild of the cyclone-affected areas moving as quickly as possible means removing the barriers that normally stand in the way of New Zealand's economic development. Regulations that stand in the way of getting money, workers and materials in the area need to be lifted, and fast.

Declaring the area of Hawke's Bay and Tairāwhiti a Special Economic Zone is a way of ensuring that the changes that need to happen do not get caught up in Wellington's painfully slow bureaucratic processes. Special Economic Zones enable economic development in designated areas by lifting the regulatory barriers that normally stand in the way of getting stuff built and businesses humming.

The idea of cutting through red tape to enable disaster recovery has a strong history in New Zealand. In the wake of both the 2010 and 2011 Canterbury earthquakes, as well as the 2016 Kaikoura earthquake, Parliament passed legislation which allowed Ministers to override legislation for the purpose of the recovery. Prohibitive regulations were able to be rapidly swept aside and enactments such as building demolition orders were able to be triggered without the usual lengthy processes leading up to them.

The creation of a Special Economic Zone should be designed to avoid the extraordinary concentration of powers with one Minister that occurred in response to

the Canterbury earthquakes. The founding legislation and its resulting orders must ensure the empowerment of local communities to act free from government interference, and must not be a centralisation of decision-making to Ministers in Wellington. These should both be stated in the Act's purpose, so regulations are kept to removing barriers and not an excuse for greater government intervention.

ACT already has a number of policies that could be implemented immediately in the Special Economic Zone to get things moving. And while we think these policies are important for the rest of the country too, Tairāwhiti and Hawke's Bay should not have to wait for a change in Government to get its rebuild underway. These policies include:

- Making finance more readily available
- Removing the RMA barriers to rebuilding and repairing
- Removing the restrictions and bureaucracy for affected visas
- Avoiding artificial shortages of building materials
- Trusting workers and businesses to negotiate employment contracts that are fair for them
- Streamlining foreign direct investment from trusted countries
- Replacing council consenting processes with private insurance



Make finance more readily available

The cyclone means a lot of people have lost their incomes and face immediate costs. For this reason, the Government should be looking at ways of removing any financial barriers for people living in the cyclone-affected areas.

The Government has already announced a temporary exemption to the Credit Contracts and Consumer Finance Act (CCCFA) to allow banks and other lenders to quickly lend up to \$10,000 to affected consumers to address damage, replace property, provide for loss of income, and meet their everyday living costs. However, it is only for \$10,000 (meaning some, like farmers who face significant immediate costs to deal with the damage, still face a regulatory barrier) and the exemption ends at the end of March 2023. ACT believes that the amount should be increased and the date extended.

Some people have lost a lot in the floods, especially farmers who have lost future income. The loan to value ratio (LVR) may result in some people unable to borrow to rebuild or having to pay a low equity premium. The RBNZ should immediately look at changing the LVR for the cyclone affected areas. This is unlikely to affect national house prices (the purpose of the LVR), and will assist the recovery for people trying to rebuild.

Remove the RMA barriers to rebuilding and repairing

The most significant legislative obstacle to the recovery is the Resource Management Act. If left in place, roads, houses and cities will stagnate in disrepair as councils are flooded with unmanageable numbers of consent applications. People wanting to make sensible and unobtrusive repairs to their own private property will be caught in arresting bureaucracy. The Government must act quickly to ensure this does not happen.

As a first principle, all restoration work in the SEZ, including any emergency stabilisation or activities to ensure safety or improve resilience, restoration of access or services, or rebuild activity should be automatically permitted. There will be clear criteria for when consenting will be required (including a principle that any significant adverse effects of the restoration work on adjoining landowners must be avoided, remedied or mitigated), but with a simplified and more rapid consenting process. This will be similar to what was done in Hurunui/Kaikoura, but would be applied to the entire affected region.

Hawke's Bay and Tairāwhiti face a lengthy recovery process. While immediate automatic consents will allow rapid restoration, a more permissive consenting system will be required in the longer term to allow the regions to flourish. ACT has developed a common sense alternative to the RMA, which could subsequently be rolled out to facilitate the regions' development. The foundational principle of ACT's RMA alternative is that activities may only be opposed by those whose enjoyment of their own property is hindered by the activity.

ACT's practical solutions will ensure that the people of Hawke's Bay and Tairāwhiti are able to quickly and easily restore their roads and property in the short term and develop once more into thriving centres in the longer term.

Remove the restrictions and bureaucracy for affected visas

The Government has announced a Recovery Visa to get in workers to help with the recovery, but only for limited roles. The problem with the visa, like the Government's approach to immigration policy across the board, is that it is too restrictive, too bureaucratic, and is too slow to make a difference. The Recovery Visa should involve fast-track processing for any person from a visa waiver country. People from visa waiver countries can already holiday in New Zealand for three months at a time. These are countries that are considered low risk to our national security.

The Recovery Visa would allow applicants to work within the Special Economic Zone (as long as the work does not involve children). In order to speed up processing, a standard police and character check will be undertaken to validate the visa, but will not need to be completed prior to working.

The Government's Recovery Visa would only be valid for six months. This is nowhere near long enough to attract migrants and it is not long enough to meet the needs of employers. The visa should be valid for three years, but should be restricted to employment within the Special Economic Zone.

If there is one thing that we have learnt about the Government's immigration reset, it is that the Wellington bureaucracy is too slow and uninformed to keep up with changing employer demand. Workers should not be restricted by skill level or by the sector they work in. The work experience that migrants gain



should count towards a residency application if they wish to settle in New Zealand longer. Crucially, the applicant should have their visa processed within 48 hours, at which time they should also be issued an IRD number so they can hit the ground running.

Changes will need to be made to existing visa policies too. RSE workers and economically poorer countries they come from will be hit hard as a result of the cyclone. Growers will need RSE workers to rebuild their devastated vineyards and orchards. There were around 5,000 RSE workers in the broader Hawke's Bay and Gisborne area, with around 500 displaced from their worker accommodation after the cyclone hit. For RSE employers who can continue with their business, there should be no limit to the number of RSE workers they can employ. If RSE workers are with an employer who cannot continue with their regular business, these workers should have the option of converting to a Recovery Visa.

Finally, the rebuild will require a high level of workforce mobility. Workers within the Special Economic Zone on a work visa that is tied to an employer should be free to change employers within the region.

Avoid artificial shortages of building materials

Not too long ago, New Zealand ludicrously faced a nationwide plasterboard shortage, all because bureaucracies quashed any competition for alternative equivalent materials. As construction ramps up in the Special Economic Zone, we need to stop another entirely avoidable shortage of essential construction materials.

A Materials Equivalence Register should be established to recognise where different brands and suppliers can act as suitable substitute materials. MBIE would be tasked with keeping the register, processing importer/supplier applications and proactively assessing material equivalents from foreign countries.

In the Special Economic Zone, the authority for providing building consents will shift from councils to private insurance companies. The Materials Equivalence Register would help provide external validity so that private insurance companies can have confidence in a wider range of building materials.

Trust workers and businesses to negotiate employment contracts that are fair for them

Small businesses and farms are the backbone of many communities in New Zealand, especially those in Tairāwhiti and Hawke's Bay. Employers have been doing it tough since Labour came to power, with the introduction of so-called "fair pay" agreements, another public holiday, the end of 90-day trials, increased sick leave entitlements, and increases in the minimum wage. Businesses are already struggling to stay afloat, and they cannot afford the Government to put another cost on businesses at a time when, even prior to the cyclone, about 30 per cent of retail businesses were not sure they could survive the next 12 months.

ACT proposes a three-year moratorium on any new minimum wage increases. This proposal aims to provide support and relief to businesses and farms that have been devastated by the cyclone, giving them some breathing space to get back on their feet. Freezing the minimum wage is an important measure to ensure that businesses will be able to focus on recovery and rebuilding efforts without the added pressure of increasing labour costs.

ACT proposes exempting businesses in the Special Economic Zone from the Fair Pay Agreements. Businesses don't need to be dragged into negotiations for nation-wide employment agreements (which are likely to begin initially for hospitality and supermarket and grocery industries later this year), or have national conditions being imposed on areas that need local solutions.

Streamline foreign direct investment from trusted countries

New trees can take four years to bear fruit, which means capital needs to flow to these businesses fast, and in larger quantities than New Zealand can provide right now. Foreign direct investment (FDI) will make a key contribution to getting the recovery underway.

There is a way to streamline the FDI process. Investors from democratic OECD countries should be exempt from the need to receive Overseas Investment Office approval to invest in the region, except in respect of investments in residential land. The Overseas Investment Office arguably does some important work in ensuring foreign investment does not threaten our national security and interests. However, it is also

time-consuming and these bureaucratic hold-ups impose a real cost on businesses, especially when the work is time-critical.

The other political parties need to ask themselves, can New Zealand really afford to stop accepting money from overseas investors in friendly OECD countries right now? Investments where national security interests are at stake would still be subject to the call-in regime. Foreign capital can help build jobs, connect with new businesses, and help existing businesses finance themselves.

Replace council building consent processes with private insurance

One outcome of the SEZ rebuild that all interested parties should seek is to avoid building risky buildings on the same risky land. Developers should be seeking to either avoid areas known to be risky or build resilient properties by using materials and designs that mitigate known risks. Developers' choices are shaped by the building consenting process.

The council consenting process for new developments is often too risk averse, because of the joint and several liability imposed on them and because they do not face any countervailing incentives encouraging them to allow construction. Private insurance companies, in contrast, compete with each other for business so have a clear incentive to consent construction if there is a way of mitigating risks. Insurance companies can also offer a broader range of insurance packages to reflect different risks and risk-mitigation attributes, in contrast to the black-and-white consenting process.

The process for consenting new buildings and rebuilds should be taken from councils and instead should require private insurance. All new builds would have to have an insurance policy, with insurers assessing the risks and quality of different building approaches.

This shift in who manages or oversees building quality means that homeowners could be assured of receiving compensation from insurance companies if their home turned out to be poorly-built or used shoddy materials. This is in contrast to the status quo, where builders can use a variety of tactics to avoid liability and leave homeowners bereft of the compensation they deserve.

Building a more resilient future

The Auckland January storm and Cyclone Gabrielle have highlighted how fragile New Zealand's infrastructure has become to cope with weather events and a growing population. Extreme weather events and floods raise attention to the increasing risks created by climate change. The focus of how New Zealand responds to climate change is increasingly going to be on how we adapt to its effects. The effects of floods and sea-level rise are extremely localised, so should be left to local communities to make the decisions (such as whether to invest in flood defences or change the land use). Central planning is unlikely to result in good decisions and, in general, people make the best decisions for their own circumstances when they have the right information about the risks and face the costs. Rather than central government telling people where to live, the solution is to allow people to make decisions themselves through focusing local government on building future-proofed infrastructure and ensuring that private citizens are insured appropriately against future risks.

Share GST revenues with local government to fund infrastructure development

Currently, local councils face poor incentives to build. New developments and repairing infrastructure involves costs to existing ratepayers to provide new roads, water, and sewerage connections. These costs act as a disincentive for councils to quickly respond to building infrastructure. Instead of forcing councils to come begging for special funds from the Government, sharing GST on construction would provide an enduring and predictable solution for infrastructure funding.

Under a Government ACT is part of, councils would receive increased funding to pay for infrastructure pressures. This would be done by sharing 50% of the GST revenue raised from residential construction in their region with them. This would free up to \$1.2 billion a year for infrastructure development, concentrated in high-growth regions and regions with high levels of rebuilding such as the cyclone-affected regions.



Focus local government on core goods and services and price flood risk though variable rates

The January Auckland floods and Cyclone Gabrielle have exposed decades of under-investment by local government in infrastructure such as drains and flood defences. ACT has two ideas that would improve the provision of infrastructure by local government – keeping councils focused on core services, and allowing for more flexible rating to fund infrastructure in specific areas.

First, the open-ended requirements of “wellbeing” have led to councils undertaking pet or short-term ‘vanity’ projects, while basic infrastructure has suffered. ACT will amend the Local Government Act, replacing the vague “promote the social, economic, environmental, and cultural well-being of communities” with a hierarchy of local public goods and services that councils must provide and fund in order. This will begin with the provision of infrastructure such as flood defences, seawalls, stormwater drains, and sewerage pipes and treatment, before councils can consider funding other activities.

Second, the rating system for councils needs to be made more flexible, so as to allow councils to set differential rates according to the risks of that particular area and the infrastructure (such as seawalls or flood defences) provided to protect the properties. These funds will be ring-fenced to be spent only on the purpose of the project, and council will also be required, in its rates invoicing, to clearly state where there are differential rates for higher risk properties, the amount raised, and the projects being used to fund. This will mean that properties in higher risk areas, such as flood plains or near the sea, may face higher rates. However, the alternative is that councils simply refuse to provide water and other services to areas they deem “high risk” or as part of a centrally planned “managed retreat”, leaving those property owners stranded.

Review the role and purpose of EQC in response to climate events

A serious approach to climate adaptation requires a rethink of how climate-related risks are shared between the public, government and private insurers. If a person chooses to purchase a million-dollar coastal bach in an area known for floods, who should bear the costs when disaster strikes?

There needs to be a fundamental rethink around the purpose and approach of the Earthquake Commission (EQC). The EQC insures against loss or damage occurring from a range of natural disasters, some of which are likely to become more common.

While private insurers base their business around pricing according to risk, EQC does not. This shifts more risk onto government as backstop insurer and creates a moral hazard for home owners to purchase risky properties. The EQC is essentially subsidising the decision to build in risky places.

The EQC needs to adopt more sophisticated pricing of premiums based on the actuarial risks that individual homes face, and any mitigation efforts property owners take to manage the risks. To avoid duplicating or contradicting the approach private insurance companies are already taking, EQC should work collaboratively with these companies.

As climate events become more frequent and widespread, the Government will also need to fundamentally review the purpose of EQC and its scope. The nature of earthquake risks is not the same as the nature of flooding and landslip risks. The Government needs to be realistic about whether and how it can afford to meet its mandate, and it should not be carving out a role that private insurance companies could undertake. As premiums rise and affect a growing number of households, the Government should also consider offering varying levels of coverage or opt-out options in order to reflect the real trade-offs households face between insuring against future risks and meeting present cost of living pressures.

Deal with the risks of forestry slash

Cyclone Gabrielle has demonstrated that commercial afforestation is not without its risks. Forestry slash – tree waste left behind after plantation forestry activities – has exacerbated infrastructure damage in heavily forested regions, such as Tairāwhiti and Hawke’s Bay.

Currently, the costs of damage caused by forestry slash is being borne by local government. ACT acknowledges that the status quo isn’t fair. The forestry industry should be primarily responsible for any damage it causes to other property owners, public assets and the environment.

ACT supports the Government’s inquiry into the impacts of forestry slash.

We need solutions that maintain a productive forestry sector, promote investment in New Zealand, and protect taxpayers.

Resolving this issue will be difficult, but ACT considers that the policy options could include:

- Removing red tape to provide forestry owners and operators with additional means to remove slash following harvest;
- Exploring the concept of refundable bonds paid

by forestry owner/operators upon planting. The full bond would be refunded upon full and final mitigation of slash risks after harvest for forestry blocks greater than 25 hectares;

- Considering compulsory slash damage insurance for forestry blocks greater than 25 hectares;
- Allow local governments to set more straightforward slash mitigation measures (such as debris and slash traps around pine forests).



Conclusion

We have put forward 15 specific policies for the recovery from Cyclone Gabrielle.

First, the Government has to focus immediately on what matters - it should bin Three Waters (which is going to be disruptive for affected councils trying to rebuild water infrastructure) and urgently reprioritise its activities so it can fund the big rebuild without fuelling the cost-of-living crisis.

Second, we propose a Special Economic Zone is established for the worst affected cyclone areas, Hawke's Bay and Tairāwhiti. This will remove barriers

to allow the regions to rebuild and grow - it will allow migrant workers to come in, it will free up materials for rebuilding homes, and it will allow for rebuilding without the onerous RMA getting in the way.

Lastly, the cyclone exposed how New Zealand's infrastructure needs to be upgraded and adapt to future storms and floods. This has to be done by empowering local councils to focus on building future-proofed infrastructure, and by ensuring people can make decisions for themselves about where they want to live based on accurate information and price signals.



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