



23 April 2024

[Redacted]
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Ref: OIA-2023/24-0279

Dear [Redacted]

Official Information Act request relating to advice about buyouts of whenua Māori in category 3 following Cyclone Gabrielle

Thank you for your Official Information Act 1982 (the Act) request received on 6 November 2023. You requested:

I would like to request briefings, memos, reports, meeting agendas and minutes, and any official advice that concern buyouts of whenua Māori in category 3 following Cyclone Gabrielle.

The time frame for responding to your request was extended under section 15A of the Act by 12 working days because a search through a large quantity of information, and consultations were needed before a decision could be made on the request.

Thank you for your patience with this request. The response to Cyclone Gabrielle has been broad, with central and local government working on the recovery and with affected communities. In terms of your request, this meant that extensive consultation needed to take place with central and local bodies before the information could be released to you.

On 20 December 2023, I wrote to you with a decision on your request and the release of some documentation. I advised that the following documentation identified as relevant to your request would take longer to prepare for release:

Item	Date	Document description
1	15/05/2023	Aide Memoire: Meeting with the Cyclone Recovery Taskforce
2	24/05/2023	Aide Memoire: Future of Severely Affected Locations Ministerial Workshop
3	09/06/2023	Briefing: Future of Severely Affected Locations – Approach and cost sharing for Category 3 buyouts and funding for recovery structures
4	16/06/2023	Briefing: Approval for lodgement and talking points: Cyclone Recovery – Proposed triage, direction and analysis for funding proposals
5	03/08/2023	Briefing: Iwi-Crown Economic Forum
6	11/08/2023	Briefing: Template, criteria and timeline for Local Government Flood Resilience Co-Investment Fund
7	15/09/2023	Joint Report: update on the Kaupapa Maori Taskforce
8	N/A	Extreme Weather Recovery Committee Cabinet Paper: Future of Severely Affected Locations: Kaupapa Maori Pathway Report
9	N/A	Extreme Weather Recovery Committee Cabinet Paper: Future of Severely Affected Land: July report back

Item	Date	Document description
10	N/A	Extreme Weather Recovery Committee Cabinet Paper: Regional and Maori Flood and Cyclone Recovery Engagement Planning
11	11/07/2023	Cyclone Recovery, Chief Executive Governance Group, Meeting Agenda
12	25/07/2023	Cyclone Recovery, Chief Executive Governance Board Meeting Minutes
13	8/08/2023	Cyclone Recovery, Chief Executive Governance Board Meeting Minutes
14	22/08/2023	Cyclone Recovery, Chief Executive Governance Board Meeting Minutes
15	05/09/2023	Cyclone Recovery, Chief Executive Governance Board Meeting Minutes
16	19/09/2023	Cyclone Recovery, Chief Executive Governance Group, Meeting Agenda
17	19/09/2023	Cyclone Recovery, Chief Executive Governance Board Meeting Minutes
18	14/11/2023	Cyclone Recovery, Chief Executive Governance Group, Meeting Agenda
19	14/11/2023	Cyclone Recovery, Chief Executive Governance Board Meeting Minutes
20	11/07/2023	Cyclone Recovery, Chief Executive Governance Group, Meeting Agenda

I am pleased to advise that I am now in a position to respond.

Some additional material in the Cyclone Recovery Unit and Future of Severely Affected Locations weekly report to the former Minister for Cyclone Recovery was identified as relevant to your request, and as such, has been included in this release.

Please find the material outlined in our decision letter of 20 December 2023 and from the weekly reports in the following documents, attached to this response:

Item	Document description
1	OIA release – Cabinet papers
2	OIA release – Cyclone Recovery Unit Weekly Reports [excerpts]
3	OIA release – Future of Severely Affected Locations Weekly Reports [excerpts]
4	OIA – full documents in scope
5	OIA – briefing, reports, aide-memoires [excerpts]

Please note, a large amount of information contained within these documents is not relevant to your request and considered out of scope. In accordance with section 16(e) of the Act, we have opted to provide you with excerpts of the relevant material.

Information is also withheld in these documents under the following sections of the Act:

- section 9(2)(a), to protect the privacy of individuals.
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials.
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

- section 9(2)(h), to maintain legal professional privilege.
- section 9(2)(j), to enable negotiations to be carried on without prejudice or disadvantage.

In regard to meeting minutes and agendas, there has been a wide level of engagement across the affected regions with local authorities and iwi. A number of hui have been held which you will see referred to in the material released to you. Given the breadth of engagement across the region, and the diversity of such engagement, the Cyclone Recovery Unit does not have a central record of notes produced, including minutes and agendas.

I can advise that the Cyclone Recovery, Chief Executive Governance Group discussed the approach to whenua Māori categorisation at their regular meetings. I have opted to provide you with a summary of these meetings, in accordance with section 16(e) of the Act, as a large part of the meeting agendas are out of scope and the substantive discussion relating to categorisation of whenua Māori is 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.
- 9(2)(j), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

Summary of Cyclone Recovery Chief Executive Governance Group meetings

- The Cyclone Recovery Chief Executive Governance Group met on 25 July 2023 where whenua Māori categorisation was discussed as part of an update on the Future of Severely Affected Locations (FOSAL)
- The Cyclone Recovery Chief Executive Governance Group met on 8 August 2023 where whenua Māori categorisation was discussed, with a focus on cost sharing arrangements and timeframes.
- The Cyclone Recovery Chief Executive Governance Group met on 22 August 2023 where whenua Māori categorisation was discussed as part of an update on the progress of a Cabinet paper.
- The Cyclone Recovery Chief Executive Governance Group met on 5 September 2023 where whenua Māori categorisation was discussed in passing.
- The Cyclone Recovery Chief Executive Governance Group met on 19 September 2023 where whenua Māori categorisation was discussed alongside the Tairāwhiti Cyclone Recovery Iwi/Crown Engagement agreement.
- The Cyclone Recovery Chief Executive Governance Group met on 14 November 2023 where whenua Māori categorisation was discussed.

The membership of the Cyclone Recovery Chief Executive Governance Group is made up of Chief Executives from the following agencies: The Cyclone Recovery Unit, The Department of the Prime Minister and Cabinet, Treasury, Ministry of Business Innovation and Employment, the National Emergency Management Agency, Ministry of Social Development, the Department of Internal Affairs, Te Arawhiti, Ministry for the Environment, Ministry of Housing and Urban Development, Department of Conservation, Ministry of Transport, Land Information New Zealand and the Ministry of Primary Industries.

The meetings were also attended by officials from these agencies.

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 Department of the Prime Minister and Cabinet's 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.

Yours sincerely



Katrina Casey
Chief Executive Cyclone Recovery



Cabinet Extreme Weather Recovery Committee

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.

Regional and Māori Flood and Cyclone Recovery Engagement Planning

Portfolio **Cyclone Recovery**

On 31 May 2023, the Cabinet Extreme Weather Recovery Committee, exercising its Power to Act in accordance with its terms of reference:

- 1 **noted** that the Cyclone Recovery Unit has been working with local authorities in Hawke's Bay, Auckland and Tairāwhiti to support the development of engagement options and plans on the initial decisions made within the categorisation framework for assessing properties affected by the North Island weather events of January and February 2023;
- 2 **noted** that local authorities are in the early stages of their engagement planning, and that the Cyclone Recovery Unit will continue to support them to develop their engagement plans;
- 3 **noted** that the Cyclone Recovery Unit will facilitate a light-touch needs assessment with each region to ensure the right communications and engagement capability and capacity is identified, and to support them to find options for delivering the capability and capacity if gaps exist;
- 4 **agreed** that officials seek local authorities' support to ensure final decisions on Categories 2 and 3 properties are made in line with the processes for Māori engagement, to ensure those final decisions are equitable and made with a full view of the regional impacts;
- 5 **noted** that Māori landowner, iwi and Māori community engagement takes in a range of local, regional, and national Māori stakeholder interests;
- 6 **agreed** that:
 - 6.1 local authorities will lead the local and regional Māori engagements on the property risk assessments, with support from the Cyclone Recovery Unit and other agencies as required;
 - 6.2 the Cyclone Recovery Unit will co-lead, with local iwi, engagement with affected local marae, hapu and kaitiaki of cultural sites, and local Māori communities;
 - 6.3 the Cyclone Recovery Unit will lead engagements on affected whenua Māori retained through use for economic purposes, with support from local authorities' (and other agencies), local iwi, and Māori land advisory and administration NGOs;
 - 6.4 Te Arawhiti will lead national level Māori relationships and engagement, with the Cyclone Recovery Unit (and other agencies) support;

7 **noted** that a Memorandum of Understanding to guide the discussions with local authorities on Category 3 properties, taking into account future work on Category 2 properties, will be agreed between Ministers.

Janine Harvey
Committee Secretary

Present:

Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Michael Wood
Hon Willie Jackson
Hon Kiri Allan
Hon Damien O'Connor
Hon David Parker
Hon Kieran McAnulty
Hon Rachel Brooking

Officials present from:

Office of the Prime Minister
Officials Committee for EWR
Cyclone Recovery Unit, DPMC
Chair, Cyclone Recovery Taskforce

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Office of the Minister of Cyclone Recovery
Cabinet Extreme Weather Recovery Committee

Regional and Māori Flood & Cyclone Recovery Engagement Planning

Proposal

- 1 This paper outlines the proposed high level engagement plans for the Future of Severely Affected Locations (FOSAL). It includes:
 - 1.1 The proposed Risk Assessment and Government Policy Engagement Plan (**Appendix 1**); and
 - 1.2 The proposed summary iwi /Māori Engagement Plan (**Appendix 2**).
- 2 These plans take account of preliminary feedback from local authorities in Hawke's Bay, Auckland and, to a limited extent, Tairāwhiti. The iwi/Māori engagement plan reflects additional input from Te Arawhiti and Te Puni Kōkiri but will be further developed based on local and iwi engagement priorities and preferences.

Executive Summary

- 3 The Cyclone Recovery Unit (CRU) is liaising with local authorities in Hawke's Bay, Auckland and Tairāwhiti to support engagement and communications on the initial category risk assessment announcements for the future of severely affected locations.
- 4 Local authorities are at a preliminary stage in their engagement planning. The CRU is actively seeking opportunities to support them and to integrate Government policy information into the plans as it becomes available.
- 5 This first round of engagement is specifically to discuss the initial category risk assessments made by local councils, and discuss policy options that support those affected by the risk assessments. The feedback from iwi, Māori, individuals, and communities from the engagement will assist local authorities to ensure they are aware of the issues that matter most to those affected and will also serve to test the Government's initial policy settings.
- 6 The engagement will provide information to affected communities and, at the same time, identify issues and questions that need answering. This, in turn, will assist the Government to finalise its policy parameters for supporting those affected. This is consistent with the iterative process outlined in the FOSAL Process Map previously approved by the Extreme Weather Recovery Committee (**Appendix 3**).

Hawkes Bay

- 7 The local authorities in Hawke's Bay have plans to communicate homeowners in Category 1 and, with appropriate caveats, those in Categories 2 or 3 from as early as 1 June. This is subject to confirmation by Hawkes Bay mayors this week. It is further proposed that the HB councils will follow this up with a public announcement planned for 3 June 2023. Options for fuller community and local iwi engagement are being developed by the local authorities for implementation from 14 June 2023 onward.

Auckland

- 8 The Auckland Council is working through how it will co-ordinate engagement with Auckland property owners in Categories 1, 2 and 3. The Council has proposed two options for engagement (and to gather more household data) that will speed up categorisation of properties. Auckland's initial communications could start from the week beginning 6 June.

Tairāwhiti

- 9 Tairāwhiti's local authority advises that it will be able to communicate with some of its Category 1 and Category 3 property owners shortly but is still determining its engagement timeline and implementation details.
- 10 The CRU has undertaken to provide support and content where local authorities would like assistance, including key messages and anticipated FAQs. With permission from the relatively advanced local authorities (Hawkes Bay), the CRU has also shared their preliminary engagement planning with the Auckland and Tairāwhiti authorities.
- 11 Engagement with iwi and Māori interests requires a greater focus than is currently the case locally. This presents challenges due to the nature of some local authority relationships with iwi, the large Māori population in impacted areas, and the Crown's overarching Treaty of Waitangi relationships and duties toward Māori.
- 12 Accordingly, the CRU is working with local authorities to support planning and implementation of the local authorities' regionally led Māori landowner and local iwi engagements. I consider that local authorities will need more assistance and that Te Arawhiti, Te Puni Kōkiri and the CRU coordinate this process.
- 13 There is a large work programme of related (and concurrent) workstreams that require sound engagement and consultation in severely affected locations. The CRU will ensure that future engagement work is aligned with these workstreams, and that engagement planning and implementation is regularly updated.

- 14 s 9(2)(g)(i)



Background

- 15 On 1 May 2023, I announced the categorisation framework for assessing properties affected by the North Island weather events. The Cyclone Response Taskforce has since been working with local government in Hawke's Bay, Auckland and Tairāwhiti to complete these assessments.
- 16 In keeping with the principle of locally led, centrally enabled recovery, the CRU was directed to support affected local authorities to develop engagement plans for sharing the residential property risk assessment categorisations with landowners and communities. This includes integrating engagement on Government policy support into local engagement planning.
- 17 This paper outlines the work to date on those engagement plans and seeks agreement to their implementation. Two high level engagement plans have been developed:
- 17.1 An overall engagement plan that sets out a consistent approach to engagement and provides the status of the engagement planning for Hawkes Bay, Auckland and Tairāwhiti; and
- 17.2 A summary iwi/Māori engagement plan. This plan complements the regional plans while incorporating additional considerations required to engage appropriately on the rights and interests distinctive to whenua Māori, Māori landowners and kaitiaki, hapu, and iwi.

Engagement objectives

- 18 A key driver for engagement on the risk assessments is to provide certainty to land and property owners through early (where practicable) and clear communication as information becomes available; and to ensure that the issues and realities of those affected are known and injected into decision-making processes.
- 19 To achieve this, affected local people need to have opportunities to engage on the initial assessments and to have input into wider policy options. Engagement needs to be iterative as greater certainty is gained.
- 20 s 9(2)(g)(i)
- 21 A 'one-size fits-all' approach will not work, and this has been strongly communicated to the CRU by local authorities. Nonetheless, the authorities have welcomed CRU guidance and planning resources to help move them forward.
- 22 A best effort has been made to collate the information available from councils about their engagement planning to provide an overview to Ministers of what

is being considered. Local authorities are primarily focussed on the announcement of Category 1, Category 2, and Category 3 risk assessments.

- 23 Further work is needed to build regional engagement plans to ensure quality community conversations that both inform and provide an opportunity for people to raise their issues. The CRU will continue to work with them to do this.

Regional engagement activities and announcements

Hawkes Bay

- 24 Hawke's Bay is currently planning to co-ordinate risk assessment announcements with any government policy announcements. The mayors and local councils are giving final consideration this week to:
- 24.1 plans to contact property-owners that are in Category 1, which includes properties with yellow or red stickers and those that, based on preliminary risk assessments, fall into Category 2 or 3 on 1 June 2023.
 - 24.2 a public announcement by 3 June 2023 about the categorisations.
 - 24.3 developing detailed community engagement plans with community engagement starting from 14 June 2023.
- 25 In preparation for the first communications the Hawkes Bay Recovery Agency is finalising the preliminary risk assessment letters to affected property owners; and setting up a call centre to support outreach and information requests to/from property owners and the wider public.

Auckland


- 26 Auckland Council is considering how best to respond to the Government's expectation that affected property owners get more certainty as soon as possible about which category their properties likely sit within. Council officers have advised that preliminary communications to affected property owners could commence from the week beginning 6 June, s 9(2)(g)(i)
- 27 Auckland has 6,100 stickered properties from its anniversary weekend floods and Cyclone Gabrielle. Approximately 330 of these are red stickered properties. Discussions with the insurance industry suggests there are considerably more flood-damaged properties than identified with over 60,000 insurance claims from multiple floods and Cyclone Gabrielle. In addition, there are further properties that Auckland Council's flood modelling identifies as high risk.
- 28 The flood modelling estimates that there are approximately 400 additional properties that may be Category 3 and an additional 2,500-3000 properties may be in Category 2A. The geotechnical study into land stability in west coast communities will not be completed until August 2023. This will identify further Category 1, 2 and 3 properties, in addition to the flood programme.

- 29 In order to categorise at-risk properties with certainty, the Auckland Council advises that a site-by-site assessment and hazard identification is required. The Council has advised that his exercise may take six months given the scale, challenges of accessing private property and industry capacity. To speed up this process the Auckland Council is proposing to:
- 29.1 Conduct targeted communication with property owners where address information is available. This is possible where a placard has been issued, and/or where a property is part of the 270 identified as a probable category 2 or 3. This targeted outreach could begin in June 2023 dependent on decisions made and communicated by the Government.
 - 29.2 Accelerate data collection through an “opt-in” programme, whereby regional public information campaign invites people to voluntarily submit certain property data for assessment. While site assessments will still be required for many properties, this approach may identify Category 3 properties faster. The Auckland Council has indicated that it would require certainty of policy and funding positions before beginning this engagement programme.
- 30 Tairāwhiti is still to develop its engagement approach, but the local authority may be able to announce some Category 1 and Category 3 assessments to Gisborne based properties shortly, though the exact timing of this has not be clarified in its discussions to date with the CRU.
- 31 The CRU will continue to work alongside and support councils to develop and deliver their engagement plans. The CRU expects the initial announcement of the risk assessment categories will create momentum behind more detailed development of engagement plans.

Shared and aligned messaging will be important, led by the CRU

- 32 The CRU has been developing consistent messaging and collateral for councils to use as they see fit. This includes a set of key messages and questions and answers to assist councils in creating collateral for communicating with impacted residents, and to support community conversations and public facing information.
- 33 Further messaging and policy announcement collateral is being developed to clearly communicate the process ahead for people in each category. The package includes diagrams that can be published on council websites and given to people at in-person events. It will also include what support is available to them including psycho-social, interim housing options if needed, and mechanisms such as the Claims Resolution Service to guide people. The CRU will support councils with language translations of these products as needed.

34 s 9(2)(g)(i)



s 9(2)(g)(i)

- 35 In addition, the CRU will:
- 35.1 facilitate a light-touch needs assessment with each region to ensure the right communications and engagement capability and capacity is identified, and to support them to find options for delivering the capability and capacity if gaps exist;
 - 35.2 work with councils to ensure strong working connections between council communications and engagement personnel and central and local government decision makers; and
 - 35.3 work in partnership with each council to leverage planned engagement opportunities, and to ensure there is the right level of locally-led community engagement where needed to support Government policy proposals.
- 36 The CRU is also preparing plans and communications content to support and integrate the government policy decisions into the local government engagement processes.
- 37 Mechanisms to gather insights and feedback from engagement will be needed to inform future decisions and to help understand community and individual needs. Officials will work with local authorities on an efficient and effective way of ensuring this feedback loop.

Context for iwi / Māori engagement in severely affected locations

- 38 The risk assessments include regions where Māori make up a significant proportion of the community. For example, in Te Tairāwhiti, Māori make up 52.5% of the population, with significant concentrations in specific areas which have been severely affected (such as s 9(2)(a) where Māori make up 83.8% of the community). In s 9(2)(a) Māori are 71.9% of the population.
- 39 Many of these predominantly Māori communities are rurally remote and have high levels of socio-economic disadvantage. Many of the employed in these regions rely on industry that is vulnerable to weather events, including agriculture, forestry, fishing, and construction.
- 40 Affected regions contain a large proportion of whenua Māori. For example, Te Tairāwhiti has 281,723 hectares representing 5,457 separate titles. Tākitimu, which spans from Wairoa south to Wairarapa, has 91,379 hectares representing 1,488 separate titles. Most of this land is in land use classes 6,7 and 8, meaning that is often steep, prone to erosion and vulnerable to the impacts of climate change. Much of the land has been affected by Cyclone Gabrielle.

- 41 Appropriate and timely engagement with the affected Māori and iwi interests is essential to tailor and help deliver on Māori local, regional, and national engagement on the full range of FOSAL work.

The role of the Crown in Māori Engagement

- 42 The Crown has an ongoing fiduciary responsibility in its Treaty partnership with Māori. On FOSAL there are matters that fall to local authorities to take decisions and lead local communication and engagement, such as on their risk assessments. But the Crown must be assured that relevant Māori rights and interests are properly considered as part of that locally led process, and there is concern that not all local councils have productive relationships with local iwi, and that this may undermine the effectiveness of regional recovery.
- 43 The CRU will therefore play a strong support role to the locally led processes, including risk identification and risk management advice to local authorities and recovery Ministers in collaboration with Te Arawhiti and Te Puni Kōkiri.
- 44 The wider FOSAL engagements with Māori land interests and iwi, including at a national level, help the Crown to manage its own kāwanatanga, partnership, and active protection duties towards Māori. The CRU proposes to partner with local iwi, authorities, government agencies and Māori NGOs to facilitate joined up support and FOSAL engagement with:
- 44.1 affected marae, hapu and the kaitiaki of their cultural sites of significance and taonga; and
 - 44.2 Trust & incorporations, and other administrators of whenua Māori used for farming, forestry, or other economic purposes.
 - 44.3 Local communities that comprise large numbers of Māori residents.
- 45 At the national level, the CRU and Te Arawhiti will support the lead policy agencies and others, including the Cyclone Recovery Taskforce, in their strategic engagements with the National Iwi Chairs' Forum (NICF) and other key Māori groups. Once engagement is underway CRU's support for the national level (NICF) dialogue will mainly take the form of regional and local feedback from Māori interests and iwi on their recovery aims and needs, FOSAL policy proposals, and central and local government decisions.

Māori Engagement Framework

- 46 The CRU has developed a summary Māori landowner and iwi engagement framework, and an initial plan to guide the respective local, partnered, and central engagement with Māori interests on the risk assessments and wider FOSAL considerations.
- 47 Māori engagement, particularly at the regional level, will connect to parts of the regional engagement plans and activities led by local authorities, while other elements – led by the CRU and/or local iwi – will run in parallel. This does not preclude Māori landowners (or Māori interests more broadly) from

participating in engagement activities designed for their communities at large, and this will be affirmed in the supporting communications.

- 48 The CRU is recruiting dedicated regional liaison staff that will work across Auckland, Tairāwhiti and Hawke's Bay. These staff will be based in the regions and will work closely with regional recovery agencies and local authorities on their engagement plans (and implementation) and will have the ability to feed information back to the CRU on various discussions. This will provide additional assurance to communities that their feedback is being directed across all levels of the system.

Potential equity risk to Māori landowners

49 s 9(2)(j)

50 s 9(2)(j)

Future Engagement

51 There is a significant programme of policy development that will relate to (and run concurrent with) engagement on recovery. These include, but are not limited to: the Ministerial Inquiry into Land Use in Tairāwhiti/Gisborne and Wairoa; the review of the Emissions Trading Scheme; Affordable Water Services; and the new National Planning Framework and Resource Management Reform. Alignment with responsible agencies will be worked into the medium-long term planning to ensure a coordinate approach to engagement.

52 Further engagement is scheduled in the work programme. Feedback from the initial risk assessment engagement will be shared with central government agencies for early signals on policy direction.

53 Policy options on support for people to move, treatment of special cases, and consideration of mixed-use properties are led by Treasury and MfE. These policies may be shared as part of this first engagement round, but as issues and real scenarios are raised by those affected by the application of the policies there may need to be some iteration and further engagement.

Financial Implications

54 There are no financial implications from this paper.

Legislative Implications

55 There are no legislative implications for this paper.

Impact Analysis

Regulatory Impact Statement

56 This paper does not require a Regulatory Impact Statement as it does not propose anything that involves the potential introduction of new legislation or changes to or the repeal of existing legislation.

Climate Implications of Policy Assessment

57 This paper does not meet the threshold for a CIPA.

Human Rights

58 There are no human rights implications for this paper.

Consultation

59 This paper has been reviewed by the Treasury, Ministry for the Environment, Te Puni Kōkiri, Te Arawhiti, Department of Internal Affairs, New Zealand Customs Service, Cyclone Recovery Taskforce, Department of Conservation, Toitū te Whenua | Land Information New Zealand, Ministry of Housing and Urban Development, Ministry of Ethnic Communities, Ministry of Business, Innovation and Employment, Ministry of Transport, Ministry for Primary Industry, Ministry of Social Development, Te Kawa Mataaho Public Service Commission, National Emergency Management Agency, and Social Wellbeing Agency.

60 Local government in Hawke's Bay, Auckland, and Te Tairāwhiti and/or their Cyclone Recovery Agencies have been considering engagement options, with support of the CRU. It is expected that further consultation and collaboration will happen following your feedback.

Communications

61 I intend to co-ordinate announcements about the risk assessment process and government policy decisions once they are agreed.

62 Opportunities for Ministerial presence at community meetings will be identified as the engagement plans are further developed. Officials will work with Ministerial offices and each council to co-ordinate attendance where appropriate.

Proactive Release

63 I propose to proactively release this paper after 30 days subject to redactions consistent with the OIA.

Recommendations

64 The Minister for Cyclone Recovery recommends that the Committee:

- a. **note** that the Cyclone Recovery Unit has been working with local authorities in Hawke's Bay, Auckland and Tairāwhiti to support the development of engagement options and plans on the initial decisions made within the categorisation framework for assessing properties affected by the North Island weather events of January and February 2023;
- b. **note** that local authorities are in the early stages of their engagement planning and the Cyclone Recovery Unit will continue to support them to develop their engagement plans;
- c. **note** that the Cyclone Recovery Unit will facilitate a light-touch needs assessment with each region to ensure the right communications and engagement capability and capacity is identified, and to support them to find options for delivering the capability and capacity if gaps exist;
- d. **agree** that officials seek local authorities' support to await making final decisions on risk assessments until engagement with Māori has occurred to ensure those final decisions are equitable and made with a full view of the regional impacts;
- e. **note** that Māori landowner, iwi and Māori community engagement takes in a range of local, regional, and national Māori stakeholder interests.
- f. **agree** that:
 - i. Local authorities will lead the local and regional Māori engagements on the property risk assessments, with support from the Cyclone Recovery Unit and other agencies as required;
 - ii. The Cyclone Recovery Unit will co-lead, with local iwi, engagement with affected local marae, hapu and kaitiaki of cultural sites, and local Māori communities;
 - iii. The Cyclone Recovery Unit will lead engagements on affected whenua Māori retained through use for economic purposes, with support from local authorities' (and other agencies), local iwi, and Māori land advisory and administration NGOs; and
 - iv. Te Arawhiti will lead national level Māori relationships and engagement, with the Cyclone Recovery Unit (and other agencies) support.

Authorised for lodgement

Hon Grant Robertson
Minister for Cyclone Recovery

Appendices

- Appendix 1: FOSAL Risk Assessment Regional Engagement Plans 26 May 2023
- Appendix 2: FOSAL Summary Māori Landowner and Iwi Risk Assessment Engagement Plans 26 May 2023.
- Appendix 3 : FOSAL Process Map May 2023

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APPENDIX 1: OVERVIEW OF FOSAL RISK ASSESSMENT ENGAGEMENT PLANNING

<p>1. OBJECTIVES</p> <p><i>[These objectives draw on the local and central engagement objectives]</i></p>	<ul style="list-style-type: none"> Help support individuals and communities to: <ul style="list-style-type: none"> - become equipped and empowered to contribute to and shape decisions that impact their property and community - be informed and well connected with what is happening with their land and property and why Create easy and connected engagement with local government and support local government to build quality engagement with their communities 		<ul style="list-style-type: none"> Contribute to all New Zealanders having confidence in, and an understanding of the cyclone recovery efforts and decisions and how this work connects with other local and central government work Support a recovery that is locally led, regionally co-ordinated and government supported Contribute to enabling communities to build back better 		
<p>2. AUDIENCES</p>	<p>Hawkes Bay, Tairāwhiti, Auckland</p> <ul style="list-style-type: none"> Home owners in Category 1,2 and 3 Risk Assessed Areas Māori landowners and communities, and local iwi (incl. PSGEs) in each region Wider local community in those areas 	<p>Wider regional communities</p> <p>Community, business, industry and interest groups, including iwi and Māori land-based enterprise.</p>	<p>Other communities</p> <ul style="list-style-type: none"> Other areas recovering - Northland, Thames Coromandel, Tararua and Nelson National Iwi Chairs Forum and Māori national organisations (e.g. FOMA and Te Tumu Paeroa). Public National media and commentators, local (including iwi radio) and regional media and commentators 	<p>Stakeholders including:</p> <p>Insurance council & companies, banks, construction and building sector</p>	
<p>3. PRINCIPLES</p> <p><i>[These are the central government engagement principles. Local engagement plans are being cross checked to ensure consistency.]</i></p>	<p>Locally led, regionally delivered, and centrally enabled:</p> <p>This will involve streamlining and coordinating engagement and communications across government agencies and departments and supporting local engagement plans.</p>	<p>People centred:</p> <p>Recognising and reflecting what is happening for those audiences, their sensitivities, and what they care about. Decisions will be made with impacted community involvement and input.</p>	<p>Transparent and visible:</p> <p>Impacted people will be directly notified. Central government and councils will be upfront about what is known, what is not known and what to expect next.</p>	<p>In partnership, connected:</p> <p>Agencies will work collaboratively and in good faith with local authorities, communities, and iwi, hapū and Māori. They will support a consistent and equitable approach across regions.</p>	<p>Responsive and evolving:</p> <p>The recovery effort and decisions will evolve over time. Engagement will be responsive to this and evolve to ensure we are doing the right things to meet engagement objectives and the objectives of local government, iwi, hapū and Māori.</p>
<p>4. APPROACH</p>	<p style="text-align: center;">APPLYING GOOD PRACTICE</p> <p>Councils will draw from good practice engagement and lessons learnt from engaging with communities during recovery. This includes activity and approaches that:</p> <div style="display: flex; justify-content: space-around; text-align: center;"> <div style="border: 1px solid black; padding: 5px;">Informs (Whakamohio)</div> <div style="border: 1px solid black; padding: 5px;">Involves (Whakaura)</div> <div style="border: 1px solid black; padding: 5px;">Collaborates (Mahi ngatahi)</div> <div style="border: 1px solid black; padding: 5px;">Consults (Whakauiuia)</div> <div style="border: 1px solid black; padding: 5px;">Empowers (Whakamanahia)</div> <div style="border: 1px solid black; padding: 5px;">Engages early and often</div> <div style="border: 1px solid black; padding: 5px;">Repeats the message and uses multiple channels</div> <div style="border: 1px solid black; padding: 5px;">Understands and is responsive to the local context</div> <div style="border: 1px solid black; padding: 5px;">Allows people to be heard</div> </div>				
<p>5. TIMELINE</p>	<p>The timeline chart displays engagement activities across four regions from May to July. Hawke's Bay (yellow) starts with 'Planning' in May, followed by a letter to C1, C2, and C3 on Thursday 1/6, and then 'Community engagement' through June and July. Auckland (blue) has 'Planning' in May and 'Engagement on Making Space for Water' in July. Te Tairāwhiti (grey) has 'Information to come' in May. National (green) has 'Resources, templates & content shared between regions' in May, a 'Ministerial announcement on policy options' on Wednesday 31 May, and 'Iwi and Māori engagement plan developed and underway' from May through July. A feedback loop at the bottom shows 'Feedback and insights fed back into council and government decisions making processes' from June through July.</p>				
<p>6. STATUS UPDATE - OVERVIEW</p>	<p>The three regions are at initial stages in their engagement planning. Considerable work is needed to build out engagement activity plans into a series of conversations with communities and individuals that involve and empower them in the decisions that affect their properties and communities - this includes risk assessment that relates to their property, local government planning and government policy responses.</p> <p>A templated engagement planning resource developed by the Hawkes Bay Regional Recovery Agency and a key message and question and answer bank have been shared with all affected councils. We are working alongside the three regions to provide support and assistance including other collateral that can be used for engagement with communities and individuals.</p> <p>Status of planning</p> <p>Councils and their teams are under pressure to find the capacity and capability to develop and execute engagement plans. The primary focus for the regional communications and engagement leads has been to get visibility</p>				

of the risk assessment data so they can understand who to communicate with. The engagement planning has been hampered by a lack of access to this data within councils.

Hawkes Bay – has prioritised planning effort on announcing the initial risk assessment categorisations by 31 May. The current plan will see those home owners in Category 1 who are yellow or red stickered, and those homeowners whose properties are in Category 2 or 3 risk assessment areas being contacted by email on 1 June, followed by a joint Mayoral media statement by 3 June. (The timing is currently planned to co-ordinate with Ministerial policy announcements).

Individual homeowners who are identified as Māori by local government data will be engaged similarly across all regions, with tailored messaging. In-person activities for whānau, hapū, and iwi will run in parallel to those targeted at the wider public. These will be led by local councils and supported by the Taskforce, Ministry for the Environment (MfE), Treasury, and the Cyclone Recovery Unit (CRU).

The initial engagement will largely focus on the 'inform' phase of community engagement. The detail of the plans will be built out as councils develop the activity needed in the 'involve' stage of community engagement. This will include co-ordinating and collaborating over engagement about policy announcements to leverage council led engagement events and opportunities.

Wellbeing and other support for individuals and householders will be available

Auckland – has been working through co-ordinating risk assessment information sharing and engagement with the Making Space for Water plan. There engagement planning currently focusses on options to identify homeowners so risk assessments can be completed. Making Space for Water engagement is planned from mid-July to August 2023.

Tairāwhiti – advises they are in a position to engage with 15 of their Category 3 and some of their Category 1 home owners in Gisborne. They are still to develop and share their engagement plans. They have indicated they will look to CRU for support on content and collateral.

Iwi and Māori - The CRU will work alongside and with iwi, marae and Māori trusts & incorporations, Councils, Te Puni Kokiri and Te Arawhiti on regional and national engagement plans (refer FOSAL iwi and Māori engagement plan). Engagement with iwi and Māori at a regional level within the three communities will include Information sharing, enabling communities to make decisions, opportunities to provide feedback, ask questions, access support, and discuss options. Local engagement will enable owners and kaitiaki of affected whenua, marae and other cultural sites of significance to meaningfully shape further policy development and recovery decision-making made by local and central government. Engagement will also support high quality Māori-Crown relationships, including the active protection of taonga Māori, equity and options for affected Māori, and the durability of Treaty settlements.

Representatives from government agencies are expected to be available for key community engagement events.

Mechanisms to gather insights and feedback from the engagement to inform future decisions and to help gain insights to understand community and individual needs will be needed. Officials will work with local government on an efficient and effective way of gathering this.

Next steps

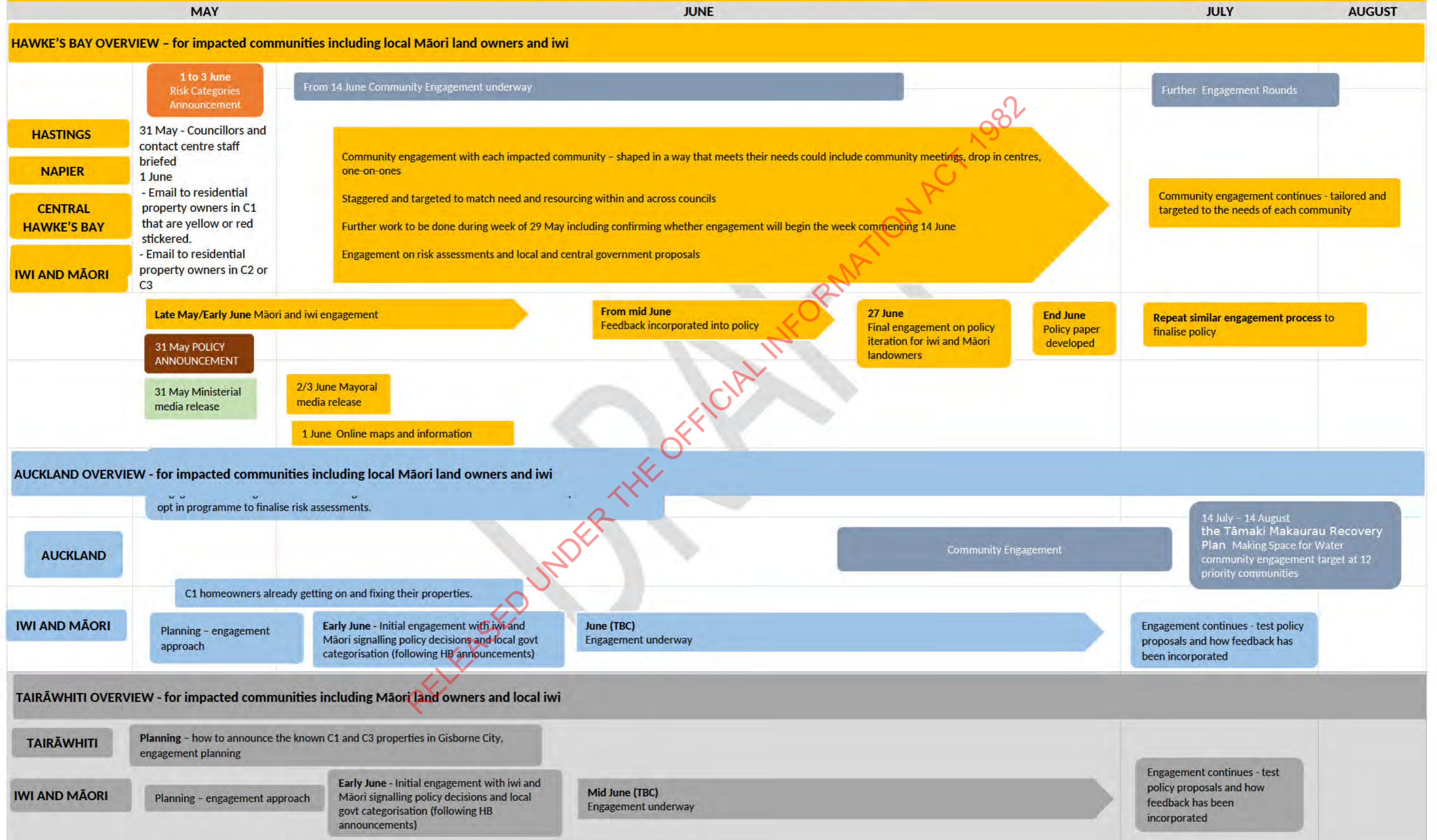
CRU will continue to work alongside and support councils to develop and deliver their engagement plans. We expect the initial announcements of the risk assessment categories and government policy will create momentum and build clarity about the timing and type of future engagement activity. Local and central government will work closely and collaboratively together on effective engagement with communities on government policy options. Council-led engagement opportunities will have an important role in canvassing feedback and questions about the policy options.

In addition, CRU recommends supplementing the locally led, centrally enabled approach to engagement by:

- Facilitating a light-touch needs assessment with each region to ensure the right communications and engagement capability and capacity for each region is identified, and supporting them to find options for delivering the capability and capacity. This will include leveraging the CRU engagement capacity, currently being built, and may include repurposing local and central government resource to provide additional expertise and practical support.
- Working with councils to ensure strong working connections between council communications and engagement personnel and decision makers
- Working collaboratively and in partnership with each council to leverage their planned engagement opportunities, and to ensure there is the right level of locally-led community engagement where needed to support Government policy proposals

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REGIONAL ENGAGEMENT PLANNING STATUS - AS AT 26 MAY 2023



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DRAFT

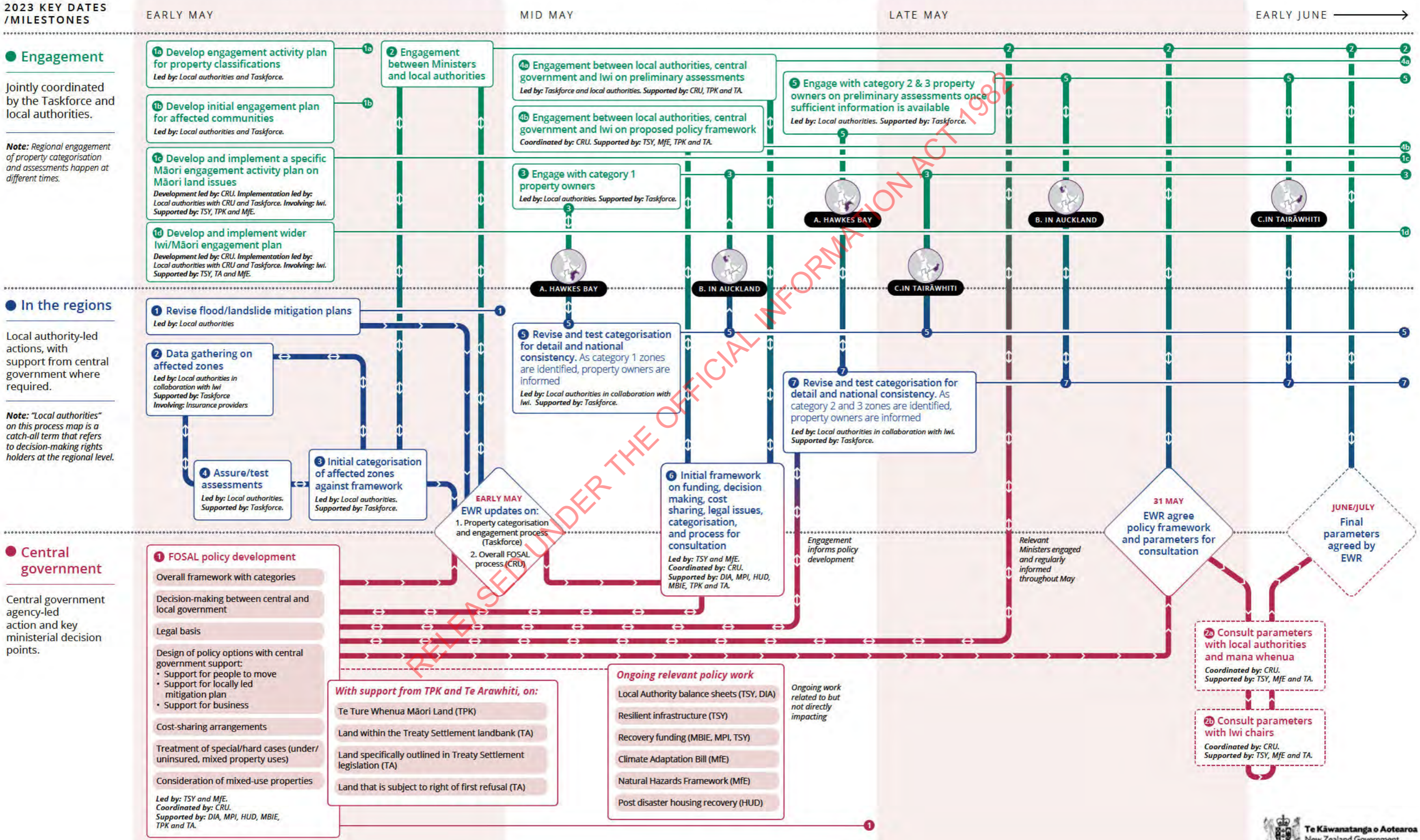
APPENDIX 2: MĀORI LANDOWNER AND IWI FOSAL & RECOVERY ENGAGEMENT FRAMEWORK (DRAFT SUBJECT TO MĀORI STAKEHOLDER TESTING AND REFINEMENT)

This document is supplementary to the overarching Engagement Framework and should be considered alongside the main framework

<p>1. OBJECTIVES</p> <p>These sit in addition to the general objectives of the Cyclone Recovery Unit (CRU)-led regional engagement</p>	<p>The Māori landowner and iwi regional and national engagement objectives are that:</p> <ol style="list-style-type: none"> 1. Māori landowners have certainty, information and support needed to make appropriate choices about their whenua for current and future generations. 2. Local engagement enables owners and kaitiaki of affected whenua, marae and other taonga to meaningfully shape further policy development and recovery decision-making made by local and central government. 3. Engagement supports high quality Māori-Crown relationships, including the active protection of taonga Māori, equity and options for affected Māori, and the durability of Treaty settlements. 			
<p>2. AUDIENCES & INTERESTS</p> <p>Māori landowner and other key Māori FOSAL stakeholder audiences across Tāmaki Makaurau, Tairāwhiti & Hawkes Bay:</p>	<p>Māori trusts & incorporations, administrators and beneficial interests of whenua Māori which provides for papakāinga/residential use.</p>	<p>Māori trusts & incorporations, administrators and beneficial interests of marae reservations, urupā and other culturally significant sites to hapū and iwi. This also includes PSGEs administering cultural lands and estates on behalf of their beneficial members.</p>	<p>Māori trusts & incorporations, PSGEs, administrators and beneficial interests of whenua Māori retained through farming, forestry and/or other commercial uses.</p>	<p>National Iwi Chairs Forum, Te Tumu Paeroa (Māori Trustee, MT) and Federation of Māori Authorities (FOMA), and their regional MT and FOMA representatives.</p>
<p>3. PRINCIPLES</p> <p>Engagement principles, focus (and potentially the engagement objectives) will evolve as it is informed by its audiences.</p>	<p>RECOVERY ENGAGEMENT & AUDIENCE PRINCIPLES</p>			
<p>4. APPROACH</p>	<p>Local authority-led, CRU supported</p> <p>Partnered with local iwi authorities, with emphasis on locality/community-based events and discussions.</p>	<p>Local authority & iwi co-led, CRU supported</p> <p>Wrap around engagement, information provision and support approach which includes Te Puni Kōkiri and heritage agencies.</p>	<p>CRU led, Local authority supported</p> <p>Wrap around engagement, information provision and support approach which includes economic sector agencies MPI and MBIE, and whenua Māori regional groups MT and FOMA.</p>	<p>Lead policy agencies, with Te Arawhiti, TPK & CRU support</p> <ul style="list-style-type: none"> • Facilitate NICF, MT and FOMA technicians' engagement in government recovery policy refinement. • Support Cyclone Taskforce Māori members' connection with NICF/FOMA/MT views and recovery proposals. • Feedback local and regional themes and insights to relevant agencies.
<p>5. CRU ENGAGEMENT ACTIONS</p> <p>(preliminary and ahead of receipt of local authority engagement plans)</p>	<p>s 9(2)(a)</p>			
	<p>AUCKLAND</p>	<p>Auckland: Week of 6 June: Outreach (coordinated with Auckland Council) to mana whenua iwi in FOSAL areas (West Coast, Waitakere, Mangere/South Ak) and central Auckland for preliminary discussions and engagement preparedness ahead of council-led engagement (commencement dates TBC by Auckland Council).</p>		
	<p>TE TAIRĀWHITI</p>	<p>Tairāwhiti: Week of 6 June: Outreach to Toitū Tairāwhiti iwi collective (transparently to GDC) for preliminary discussion to scope for collaborative engagement planning and implementation with GDC; and/or ascertain the viability of parallel engagement approaches and outcomes for FOSAL property owners and communities. Ascertain Ngāti Porou appetite to accelerate East Coast recovery planning via the 50 engagement events and 300 submissions received on the ministerial inquiry into woody debris.</p>		
	<p>NATIONAL</p>	<p>Cyclone Recovery Taskforce & NICF and National Māori Organisations: week of 29 May: Clarify Taskforce Māori members expectations and line of sight to national and regional Māori and iwi engagement; support Te Arawhiti and joint ministers engagement with NICF, MT and FOMA on 30 May, including advice on initial plans for FOSAL Māori landowner, community and iwi engagement.</p>		

Future of severely affected locations (FOSAL): Phase 1—Data gathering, policy options, and initial engagement

As at 5 May 2023



Future of severely affected locations (FOSAL): Phase 2—Consultation and implementation

As at 5 May 2023



2023 KEY DATES & MILESTONES

JUNE/JULY

JULY/BEYOND

Engagement

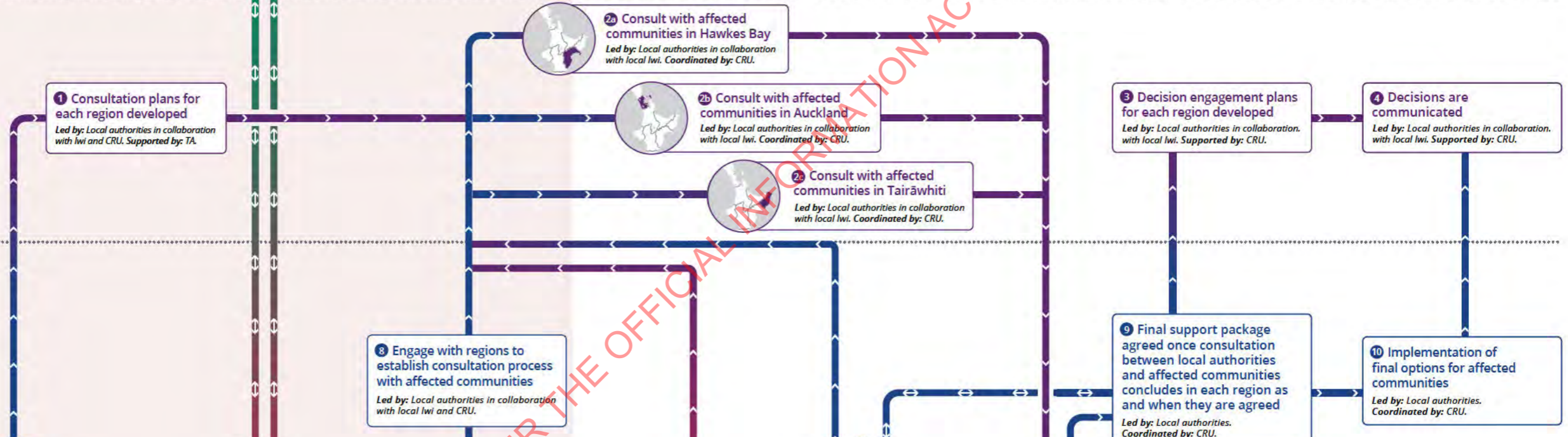
Coordinated by the CRU.



Consultation

Jointly coordinated by the Cyclone Recovery Unit (CRU) and local authorities.

Note: Regional consultation happen at different times.



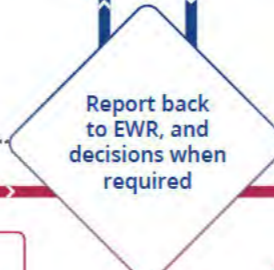
In the regions

Local authority-led actions, with support from central government where required.

Note: "Local authorities" on this process map is a catch-all term that refers to decision-making rights holders at the regional level.

Central government

Central government agency-led action and key ministerial decision points.



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- With support from TPK and Te Arawhiti, on:**
- Te Ture Whenua Māori Land (TPK)
 - Land within the Treaty Settlement landbank (TA)
 - Land specifically outlined in Treaty Settlement legislation (TA)
 - Land that is subject to right of first refusal (TA)



Cabinet Extreme Weather Recovery Committee

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.

Future of Severely Affected Land: July 2023 Report

Portfolios Cyclone Recovery / Finance

On 26 July 2023, the Cabinet Extreme Weather Recovery Committee, exercising its Power to Act in accordance with its terms of reference:

Background

- 1 **noted** that on 6 June 2023, Cabinet invited Ministers to report back on:
 - 1.1 the development of a costed funding package for Category 3 properties;
 - 1.2 implementation progress of the Category 2 and Category 3 support processes;
 - 1.3 progress on engagement and implementation of the parallel Kaupapa Māori pathway;[CAB-23-MIN-0206.01]

Overall approach to categorisation of land by councils

- 2 **noted** that councils are revising their assessments of properties on an ongoing basis, with 722 residential properties now classified as Category 3;
- 3 **noted** that councils are assessing individual residential properties, and that it is likely there will be further movement between the number of Category 2 and Category 3 properties;
- 4 **noted** that councils are still working through their final preferred approach to categorisation methods not explicitly covered in the original categorisation framework, especially whether to target risk to life and/or wider risks to property and the environment, and the risk threshold that would apply to Category 2 and/or Category 3;
- 5 **noted** that councils' initial view on these questions is:
 - 5.1 to make the risk to life and safety the primary determinant of which properties or areas are classed as Category 2 and Category 3;
 - 5.2 that the difference between Category 2 and Category 3 will be the level of certainty that a buyout is the most cost-effective option to reduce risk to a tolerable level;

- 6 **noted** that the Minister for Cyclone Recovery supports the initial direction signalled by councils as set out in paragraph 5 above, as it targets limited central and local government resources to areas facing the highest order of risk (life and safety), whilst still delivering on risks to property, infrastructure and the environment as co- benefits in those locations;
- 7 **noted** that there are further details to work through with councils, including the treatment of land damage, and councils' work to finalise the risk metrics;

Support for Category 2 interventions is guided by a business case process

- 8 **noted** that councils will be invited to submit business cases for eligible Category 2 risk mitigation projects through the process detailed in the paper *National Resilience Plan – Phase 1* which was considered by Cabinet on 24 July 2023 [CAB-23-MIN-0329];
- 9 **agreed** that as part of the invitation letters to councils, the Minister for Cyclone Recovery will note the expectation that they have:
- 9.1 taken a programme-wide, area-based approach to hazard risk management, including assets not owned by councils or residential property owners, such as State highways and commercial properties;
 - 9.2 used the PARA (protect, accommodate, retreat, avoid) framework when considering options (see below);
 - 9.3 considered cultural values and other non-monetary costs and benefits, such as environmental and equity impacts;
 - 9.4 consulted with local communities, including affected Māori and owners of whenua Māori, and have taken into account Māori rights and interests;
- 10 **noted** that in a locally-led process, councils are responsible for considering trade-offs between property- and community-level solutions;
- 11 **noted** that property-level interventions can be the most effective approach to mitigating future risks in many cases;
- 12 **noted** that Crown funding of property-level interventions involves the risk of private benefit, precedent, fiscal and moral hazard risks;
- 13 **agreed** that the Crown may provide support to councils to implement flood mitigation plans that may include property-level interventions, where those interventions meet the National Resilience Plan business case funding eligibility criteria;
- 14 **noted** that the Severe Weather Emergency Response Legislation Act 2023 is not available to manage the effects of future theoretical severe weather events;
- 15 **noted** that advice on legislation will be provided when the scale and significance of the issues raised by councils are better understood;
- 16 **noted** that councils have identified issues they consider may hinder the ability to implement plan changes that give effect to land use categorisations under current Resource Management Act 1991 settings;

- 17 **noted** that the issues identified by councils are anticipated to be addressed over the next two to ten years by a combination of:
- 17.1 the Spatial Planning Bill;
 - 17.2 the Natural and Built Environment Bill;
 - 17.3 the proposed Climate Change Adaptation Bill;
 - 17.4 the National Planning Framework;
 - 17.5 the proposed national direction on natural hazards under the Resource Management Act;
- 18 **noted** that the separate paper on *Cost Sharing Arrangements for Councils in Severely Affected Locations* under EWR-23-SUB-0061 seeks authority for the Minister of Finance and the relevant appropriation Minister(s) to jointly take decisions on the appropriation and fiscal management treatment for Category 2;
- 19 **noted** that decisions are yet to be made as to the agency responsible for assessing Future of Severely Affected Locations (FOSAL) Category 2 business cases, and that an appropriation for this assessment may or may not need to be established;

The Category 3 buyout process

- 20 **noted** that councils are establishing their preferred design for buyouts and grants under FOSAL and are working through advice they have received on their ability to enact buyout grants under FOSAL;
- 21 **noted** that councils are in general agreement that pure residential properties and rental properties will be included in Category 3, and that for mixed-use properties the offer will be a grant to enable the owner to relocate while maintaining non-residential uses where safe;
- 22 **noted** that the Hawke's Bay Regional Recovery Agency's initial view, representative of Hawke's Bay councils' views, is for buyout offers without caps, at 100 percent of pre-event value, and to include second homes;
- 23 **noted** that a consequence of buyout offers for Category 3 land being voluntary is that, in the absence of buyout offers being accepted or land use controls being changed, current and future residential occupiers may be exposed to unacceptable levels of life safety risk;

Kaupapa Māori pathway

- 24 **noted** that the primary objective for the Kaupapa Māori pathway is to enable people to move out of harm's way by relocating their residential and related uses to safe places in a way that recognises the Crown's Treaty and legal obligations, the complexities associated with whenua Māori, and the fact that voluntary buyouts would likely not be appropriate for Māori land and communities;
- 25 **agreed** that the Kaupapa Māori pathway be:
- 25.1 Crown-led and funded;

- 25.2 focused on:
- 25.2.1 Category 3 land, and areas with the potential to move into Category 3;
 - 25.2.2 Māori communities with whenua Māori, cultural and residential Māori assets on whenua Māori, and Māori collectively-owned assets on other Category 3 land;
 - 25.2.3 the residential use of land, with the flexibility to consider solutions that involve non-residential uses where appropriate; and
 - 25.2.4 solutions that do not necessarily involve the relinquishing of land ownership;
- 25.3 shaped by collaboration and engagement with iwi, hapū and affected Māori communities;
- 25.4 flexible, to enable a response that is workable for Māori communities and tailored to their circumstances;
- 26 **noted** that the Crown-led and Crown-funded Kaupapa Māori pathway sits outside the cost-sharing arrangements with councils, but that councils continue to have a role supporting this pathway, especially in relation to local infrastructure;
- 27 **noted** that officials will work with councils to clarify the relationship between the Kaupapa Māori pathway and the other FOSAL pathways (including in public communications), particularly in regard to the timing of each pathway and the need for aligned solutions for affected Māori communities;
- 28 **agreed** that a grant-based solution may be advanced as one option for the Kaupapa Māori pathway, and would include owners of whenua Māori in Category 3:
- 28.1 retaining ownership of their land; and
 - 28.2 being free to use the grant as desired to enable residents to relocate to safe places;
- 29 **noted** that councils will be asked to consider and clarify future infrastructure intentions, with a specific request for whenua Māori to be considered earlier in the assessment so that individuals and communities can determine whether they wish to remain or relocate;
- 30 **noted** that the design of Kaupapa Māori solutions will need to be workable within complex ownership and legal frameworks, while respecting cultural values;
- 31 **authorised** the Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development to approve an options package for the Kaupapa Māori pathway, including, but not limited to:
- 31.1 the design of a grant-based solution (including eligibility);
 - 31.2 the approach to the valuation of land; and
 - 31.3 the level of any support to be provided;

- 32 **agreed** that final decisions on the appropriate Crown support for each affected community in the Kaupapa Māori pathway will be determined by Cabinet, based on the recommendations of the Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development;
- 33 **noted** the Crown Law advice in relation to the Kaupapa Māori pathway;

Other matters

- 34 **invited** the Minister of Finance to report back to the Cabinet Extreme Weather Recovery Committee in August 2023, including on:
- 34.1 an agreed final understanding of the categorisation approach with councils;
 - 34.2 progress on the implementation of the Category 2 and Category 3 pathways;
 - 34.3 progress on implementation of the Kaupapa Māori pathway;
 - 34.4 arrangements for ongoing departmental responsibilities of the implementation of the FOSAL programme; and
 - 34.5 proactively releasing earlier FOSAL programme Cabinet papers where policy consideration has now concluded.

Janine Harvey
Committee Secretary

Present:

Hon Carmel Sepuloni
Hon Grant Robertson (Chair)
Hon Damien O'Connor
Hon David Parker
Hon Peeni Henare
Hon Kieran McAnulty
Hon Barbara Edmonds

Officials present from:

Office of the Prime Minister
Officials Committee for EWR
Cyclone Recovery Unit, DPMC
Chair, Taskforce

**Office of the Minister of Finance
Chair, Cabinet Extreme Weather Recovery Committee**

Future of severely affected land: July report back

Proposal

- 1 This paper provides an update on central government support to councils as they progress categorisation and funding decisions for property severely affected by the 2023 North Island extreme weather events (NIWE), within the context of a locally-led recovery. It covers support to councils in implementing their response to Category 2 and 3 property interventions and progress on the Crown-led Kaupapa Māori pathway.

Relation to government priorities

- 2 This paper relates to the Government's ongoing recovery response to the 2023 North Island extreme weather events.

Executive Summary

- 3 At its meeting on 31 May, the Cabinet Extreme Weather Recovery Committee (EWR) invited a report back in July on the Future of Severely Affected Locations (FOSAL) work programme, specifically on development of a costed funding package for Category 3 properties, implementation of the Category 2 and 3 workstreams, and on engagement and implementation of the Kaupapa Māori pathway. This paper responds to that invitation.
- 4 Recommendations in this paper are based on previously agreed policy objectives and principles [EWR-23-MIN-0030, EWR-23-MIN-0044 and CAB-23-MIN-0056 refer].
- 5 I propose support for Category 2 interventions is guided by a business case process. Councils will need to meet eligibility criteria to be considered for funding through the National Resilience Plan. This process should consider all the PARA options (Protect, Accommodate, Retreat, Avoid), and would include property-level interventions where these are the most effective approach. There is also opportunity to fund projects through the Local Government Flood Resilience Fund.
- 6 This is a locally-led process and different councils are taking slightly different approaches. Officials are convening conversations with councils to bring together a common understanding of key issues, including risk categorisation approaches and thresholds, land use planning issues and buyout mechanisms. This will continue, and I intend to report back to EWR on these issues in August.
- 7 The Kaupapa Māori pathway is Crown-led and Crown-funded. Engagement is helping our initial understanding of the scale of the issues being dealt with at the community level. Alternative options to buyouts are being explored, with

relocation grants being an option to assist relocation. Although the Kaupapa Māori pathway may take a longer process to resolve, it is the Crown's responsibility to ensure that sufficient funding is available to implement options. Further engagement and a greater insight of Māori properties affected is required, but progress is being made. I intend to report back on these matters in August.

- 8 The FOSAL programme is moving towards implementation and recommendations in this paper seek some devolution of decision-making to Joint Ministers. While the focus has been on the Auckland, Tairāwhiti and Hawke's Bay regions, these policy settings equally apply to other regions impacted by the NIWE, but will also raise expectations of how government will respond to future extreme weather events.

Background

Policy objectives

- 9 Given the complexity of the FOSAL programme and the interplay between the Category 2, Category 3 and Kaupapa Māori pathways, it is timely to recap the objectives agreed to by Cabinet and EWR for the FOSAL work [EWR-23-MIN-0030, EWR-23-MIN-0044 and CAB-23-MIN-0056 refer], which are to:

- 9.1 Improve climate resilience and the avoidance of maladaptation.
- 9.2 Provide certainty to people about their situation, so they can move on with their lives.
- 9.3 Get the 'right solution in the right place', to the extent practicable.
- 9.4 Avoid significant financial hardship.

- 10 Cabinet also agreed the work would focus on:

- 10.1 Residential land, and for mixed-use properties, the residential component of those properties, and
- 10.2 Auckland, Hawke's Bay, and Tairāwhiti regions in the first instance, as the most severely impacted NIWE regions.

Principles

- 11 EWR also identified key principles for the FOSAL work – that it would:

- 11.1 Be locally-led and government-supported.
- 11.2 Maintain incentives for individuals, councils, and insurers to manage risks.
- 11.3 Be an appropriate and proportional response, utilising opportunities to reduce long-term risk to tolerable levels.

- 11.4 Provide government support to be at a level that can be sustainably offered for future events.
- 11.5 Ensure Treaty obligations and Māori rights and interests are central.
- 11.6 Target those worst affected and with the least means to recover.

[EWR-23-MIN-0030 and EWR-23-MIN-0044 refer]

Overall approach to categorisation of land by councils

- 12 Having undertaken their initial rapid assessments, councils are now starting detailed technical assessments of property risk, both through area-level and property-level assessments. As a result, the numbers of properties in each category remains in flux. The latest figures currently available are at Appendix 1.
- 13 To support Councils with their detailed technical assessments, officials have convened a series of workshops across councils with the aim of achieving consistency in the risk thresholds councils have used to distinguish between categories.
- 14 Council contacts agree that it is important their decisions to place certain properties or geographic areas into certain categories of policy response are robust and clear and help drive towards consistency across regions.
- 15 Two matters were not explicitly covered in the original objectives and principles, or the categorisation framework, but have policy and fiscal implications. These are the risk thresholds and criteria used to categorise properties. Both require confirmation by councils before they reach final decisions.
- 16 Councils have offered their initial views on these two matters, as set out below, though they have also indicated that they will need more time to confirm the approach.
- 17 The first matter is whether Category 2 and 3 areas are identified based on a broad range of risks (e.g., life, safety, property, infrastructure, environment) or a more targeted focus on risk to life and safety:
 - 17.1 Councils have indicated that their initial identification of FOSAL Category 2 and 3 areas are locations where risk to life and safety is considered intolerable – as revealed by the weather events – and where this risk needs to be reduced back to a tolerable level.
 - 17.2 This ‘gateway’ would not include wider risks, rather, it would serve to target limited central government and council resources to those locations facing the very highest impacts and future risk.
- 18 The second matter is the difference between Category 2 and Category 3. Council’s initial view is that the difference is the level of certainty that a buyout

or relocation grant (for Category 3) is the most cost-effective option to reduce intolerable risk to life and safety down to a tolerable level.

- 18.1 Category 2 business cases would need to demonstrate that the proposed interventions would address core considerations of risk to life and safety as well as setting out the range of co-benefits to reduced risk to property, infrastructure, and the environment.
- 19 Council's initial interpretation of the categories, if ultimately adopted by them, would target limited resources to the highest order risks. It would make the reduction of risk to life and safety the overall desired outcome for the FOSAL work, while risks to property, infrastructure and the environment would be co-benefits in those locations. Officials will continue to work with councils on the trade-offs involved in this policy choice.
- 20 As noted above, the above direction from councils is only initial. Councils have indicated that they will need more time to confirm the approach and that there are remaining questions still to be worked through, including:
- 20.1 If there are cases of land damage where there is tolerable risk to life and safety, that also need to be included in FOSAL.
- 20.2 The actual metrics used as risk thresholds, and any support required to councils to confirm them.
- 20.3 Confirming the difference between Category 2 and Category 1 as applied by councils as this determines which properties (i.e., Category 1 properties) are not eligible for any support.
- 21 Therefore, I intend to report back to EWR by the end of August 2023 to confirm the agreed understanding of the approach with councils.
- 22 Other workshops are also proposed to convene common approaches around land use planning, buyout design and the appeals process. Additional workshops will be convened with other NIWE affected councils.

The Category 2 Business Case Process

- 23 Within the Auckland, Hawke's Bay, and Tairāwhiti regions, the latest categorisations show a total of:
- 23.1 2,783 properties categorised as 2C (community-level interventions will be effective in managing future risks)
- 23.2 2,578 properties categorised as 2P (needing property-level interventions), and
- 23.3 9,236 properties categorised as 2A (further assessment is needed to determine which interventions will be able to manage future risk).
- 24 The responsibility to fund repairs to Category 2 properties lies with property owners and their insurers. However, through the cost-sharing negotiations, we

have agreed to support council-led risk mitigation initiatives in these areas (see companion 26 July EWR paper *Cost sharing arrangements for councils in severely affected locations*).

Near-term initiatives

- 25 For funding for near-term risk mitigation initiatives, councils can apply for support from the Local Government Flood Resilience Co-investment Fund, a \$100 million operating tagged contingency established at Budget 2023.
- 26 Officials at the Cyclone Recovery Unit, the Treasury, Ministry for the Environment and Department of Internal Affairs are currently working with councils to identify low-regrets (lower-risk) initiatives suitable for support from this Fund (some likely projects are also being identified through councils' Regional Recovery Plans and as part of the cost-sharing negotiations). Following the identification of suitable initiatives, EWR will be asked (likely in mid-August) to approve an initial tranche of funding.
- 27 In August, EWR will be asked to approve the criteria for accessing the Fund, initial drawdowns and a process for future drawdowns (as well as other necessary implementation details).
- 28 Ministers will also be asked to authorise the Minister of Local Government and Minister of Finance jointly to agree future drawdowns from the Fund. At present, the Minister of Local Government, Minister for Regional Economic Development, Minister for Climate Change, and the Minister of Finance are jointly required to approve drawdowns from this tagged contingency.

Longer-term initiatives

- 29 For councils' longer-term Category 2 risk mitigation initiatives, we are providing pre-allocations from the \$6 billion National Resilience Plan (NRP) that we established in Budget 2023. As the cost-sharing paper explains, we have made/will make these allocations on the basis of councils' indicative lists of Category 2 risk mitigation projects that have been provided to the negotiation team and also included in their Regional Recovery Plans. For:
 - 29.1 Hawkes Bay, we have agreed a pre-allocation of \$203.5m.
 - 29.2 Tairāwhiti, we have tabled but not yet agreed a pre-allocation of \$44m.
 - 29.3 Auckland, we have not yet tabled a pre-allocation as discussions are less advanced.
- 30 To access funding from their pre-allocation, councils will be invited to submit business cases for eligible projects through the process detailed in the paper *National Resilience Plan – Phase 1* which was considered by Cabinet on 24 July. If a region cannot fill its pre-allocation with projects of the necessary quality, the excess remaining of its pre-allocation would be released back into the NRP.
- 31 Councils' business cases will be assessed against the criteria adopted for the NRP (apart from the risk profile assessment / strategic assessment requirement). In addition, as part of the invitation letters to councils I will note the expectation that they have:

- 31.1 Taken a programme wide, area-based approach to hazard risk management, including assets not owned by councils or residential property owners, such as state highways and commercial properties.
 - 31.2 Used the PARA (protect, accommodate, retreat, avoid) framework when considering options (see below).
 - 31.3 Considered cultural values and other non-monetary costs and benefits, such as environmental and equity impacts.
 - 31.4 Consulted with local communities, including affected Māori and owners of whenua Māori, and have considered Māori rights and interests are taken into account.
- 32 The PARA framework encourages the use of a wide range of interventions to manage risk. Examples include structural and nature-based flood protection, moveable temporary flood barriers, emergency preparedness (such as evacuation planning and early warning systems), property level interventions (such as retrofit or raising floor levels), planning interventions, and managed retreat / relocation.
- 33 Using a range of interventions increases options for determining the most cost-effective, longer-term approach, and the PARA framework is consistent with emerging best practice in hazard risk management. It was used in the recent Westport flood resilience project (funded through Budget 2023) and is encouraged by the National Adaptation Plan.
- As signalled to EWR on 31 May, I consider it desirable that business cases are delivered to the Government as soon as possible, but preferably by March 2024, to align with the 2024-25 financial year planning.

Funding for property-level interventions

- 34 The categorisation framework and use of the PARA framework means councils will likely put forward business cases which include property-level interventions (2P) as well as community-level interventions (2C).
- 35 The Crown has a choice on whether it supports these interventions. While some councils have supported property-level risk reduction interventions (e.g., in Westport), central government has not regularly funded interventions at the property level.
- 36 One benefit of the Crown supporting property-level interventions is that they may be the most cost-effective approach, and reduce the number of Category 3 buyouts otherwise required. For example, they may be cheaper than a buyout where a property faces an intolerable level of future risk (and therefore would move a property from Category 3 to Category 2).
- 37 At the same time, it is equally possible that, for properties initially classed as Category 2P, later assessment concludes that a buyout is the most cost-effective option. Therefore, there is uncertainty over the total future costs involved in these categories until further assessment is completed.

- 38 Funding support for property-level interventions may also incentivise uptake, especially for those facing affordability issues. In some locations, especially for rural properties, it may be the only viable risk reduction intervention.
- 39 Where property-level interventions are deemed an important component of the overall risk management, uptake would also avoid associated (future) costs being borne more widely. Examples include in the emergency response, provision of temporary accommodation and disruptions to education, employment and health and wellbeing of the people affected.
- 40 However, through the Crown providing funding toward property-level interventions, individual property owners are likely to benefit from the investment as it will be expected that the value and insurability of their property will be maintained. Therefore, some contribution to costs from the property owner may be appropriate, noting there is a risk property owners may decline to contribute if they perceive the result (of declining) would be a buyout or relocation grant at terms preferable to them.
- 41 Other risks pertaining to the funding of property-level interventions and/or wider government funding of FOSAL interventions, and proposals for mitigating these, are detailed in the table below:

Risk	Possible mitigation
Precedent risk: Have received requests from other NIWE and non-NIWE areas affected by other recent weather events. ¹	Clearly communicate this approach is specifically for NIWE-affected regions, while pointing to the Government's longer-term reforms in this area.
Fiscal risk: The number of properties in each category could considerably change over the next few months and over the course of the business case process, which makes the overall fiscal exposure to the Crown uncertain. The overall costs of risk reduction interventions are unknown and could be very high.	Calibrate cost-sharing negotiation settings to maintain incentives on councils to manage down costs (e.g., by ensuring they have skin in the game, taking a consistent approach to categorisation and encouraging them to make future-focused land use decisions if they know they may be liable for costs for future severe weather events). Ensure the business case process and cost-sharing negotiations identify councils' ability to bear costs of interventions and incentivise the best value for money proposals. Support councils to develop eligibility criteria that tightly control access to property-level support.
Moral hazard: The expectation of the provision of property-level support after an event may disincentivise people from investing in risk reduction measures.	Ensure that property owners bear an appropriate portion of the costs of any intervention, while recognising that post-event property owners will be bearing additional costs and significant disruption. Seek to increase awareness of flood risk and appropriate mix of incentives for pre-emptive risk reduction. E 9(2)(000) _____ _____ _____ _____

¹ For example, the Mayor of Nelson has written to the Government, requesting clarification on the support we will provide for property owners who cannot afford to reduce their future flood risk to an acceptable level.

42 On balance, I consider there to be adequate provisions to manage risks and see overall benefit in supporting property-level interventions as part of a mix of risk reduction interventions.

43 For this reason, I propose the Crown provide support to councils to implement flood mitigation plans that may include property-level interventions (such as house raising), where they meet the funding eligibility criteria for the NRP.

Changes to land use will be needed to implement Category 2 decisions

44 Officials anticipate a significant volume of plan changes to mitigate development from future severe weather events and these are expected to take two to four years to complete. Some councils have indicated they may seek to use the streamlined planning process (SPP) to progress these plan changes in a timely fashion to enable recovery.

45 Orders in Council (OiC) under the *Severe Weather Emergency Recovery Legislation Act 2023* are not available to address long term issues, such as future severe weather events. This means the issues currently identified by councils will need new primary legislation if they require addressing in the short-term, rather than waiting for upcoming legislative reform.

The Category 3 Buyout Process

46 Councils are still forming their views on their preferred design for buyouts. Advice has been commissioned on behalf of the councils by Local Government New Zealand (LGNZ). It is unclear whether Auckland Council, which is not a member of LGNZ, will also receive this advice.

Caps, valuations and offers

47 Indications from the Hawke's Bay Regional Recovery Agency (representative of Hawke's Bay councils' views) is that they prefer:

47.1 no cap at all,

47.2 individual property by property valuations rather than blanket type approaches as used in the Residential Red Zone,

47.3 offers at 100% of pre-event value, not less, and

47.4 that second homes would be eligible.

48 Part of the reasoning behind this approach is to address possible litigation risks and the imperative to achieve high levels of uptake to reduce exposure to risk.

Insurance treatment

- 49 Officials have engaged with insurers while direct discussions between insurers and councils are being set up.
- 50 Councils will need to manage relationships with insurers including receipt of assigned claims, and communications to property owners on implications for pay-outs already received or spent.

Property types

- 51 Councils agree that pure residential properties and rental properties will be included. They agree that for mixed-use properties, the offer will be a grant to enable the owner to relocate whilst maintaining non-residential uses, where this is safe to do so.
- 52 As noted above, Hawke’s Bay’s initial approach is to include second homes, including holiday homes. Gisborne District Council and Auckland Council have not yet offered a view on this.

s 9(2)(f)(iv)

[Redacted content]

Potential land use changes relating to Category 3

- 55 The proposed locally-led buyout process for Category 3 properties is voluntary. The design of the buyout offers is being determined by councils, as they will be issuing the offers. We understand that councils are seeking to design the buyout offers in ways which incentivise their uptake. Councils will then be able to progress the necessary *Resource Management Act 1991* (RMA) plan changes to prohibit residential use on land that they have acquired.
- 56 The approach to the buyout of the residential component of mixed-use properties is also under consideration, including the legal powers to prohibit residential use on a high-risk area within a property.
- 57 It is possible (and expected) that some landowners will not accept a voluntary buyout offer. At this stage, it is not clear what approach councils may wish to take in this situation. Some councils have indicated they consider they do not have the necessary tools under the RMA to change land use if a voluntary buyout offer is not accepted.
- 58 However, we note that the Environment Court found that use of RMA powers to extinguish existing residential uses in Matatā (as a response to an

unacceptably high risk to life from a natural hazard) was lawful and the most appropriate way to achieve the purposes of the RMA in those circumstances.

- 59 Future regulatory and legislative changes that are proposed will better assist councils to plan for and respond to natural hazard risks. This includes the Spatial Planning Bill, the Natural and Built Environment Bill, the National Planning Framework, the proposed Climate Change Adaptation Bill and proposed national direction on natural hazards under the RMA. To avoid negatively impacting housing affordability, restrictions on the use of land in high-risk areas will need to be combined with a greater ability to use land for housing in low-risk areas, consistent with the retreat option in the PARA framework.
- 60 With voluntary buyouts possibly starting from September, and detailed engagement on this topic with councils in July and August, officials expect to provide further advice before the end of 2023.

Ministry of Social Development payments

- 61 Payments received as a result from Category 3 buyouts could affect people's eligibility to financial assistance from the Ministry of Social Development (MSD). MSD officials are currently developing advice for the Minister for Social Development and Employment on whether to progress income and cash asset exemptions for land buyouts, insurance pay-outs, and donations related to FOSAL.

Progress with the Kaupapa Māori pathway

- 62 The primary objective for the Kaupapa Māori pathway is to enable people to move out of harm's way by relocating their residential and related uses to safe places.
- 63 The pathway recognises the Crown's Treaty and legal obligations, complexities associated with whenua Māori and the fact that voluntary buyouts would likely not be appropriate for Māori land and communities due to:
- 63.1 Cultural considerations, such as Māori whakapapa to the whenua.
 - 63.2 Ownership complexity (i.e., multiple ownership structures require specific considerations to be followed through before any change is agreed).
 - 63.3 Legal limitations (for example the alienation of Māori freehold land, Māori Customary Land, and Māori Reservations is subject to the provisions of *Te Ture Whenua Māori Act 1993* (TTWM Act)).
- 64 I propose the following parameters for the Kaupapa Māori pathway – that it will be:
- 64.1 **A Crown-led and funded process** – Unlike the Category 2 and Category 3 pathways that are led by councils, the Crown is leading

engagement and implementation for the Kaupapa Māori pathway, with support from councils. As a Crown-led process, the Crown will fund the costs of its policy response (from the NRP, as with the other FOSAL costs). Although the Kaupapa Māori pathway may take a longer process to resolve (compared to the Category 2 and 3 pathways), it will be the Crown's responsibility to ensure that sufficient funding is available to implement options.

Although there will be differences between the Crown-funded policy response in the Kaupapa Māori pathway and the pathway for other Category 3 property, I believe it is appropriate that the Crown designs and funds bespoke, appropriate solutions for affected whenua Māori, owing to the risk of inequity arising from the significantly different regulatory framework, tenure system and ownership structures for whenua Māori and also to the unique role of the Crown as a Treaty partner, and the Crown's obligations under TTWM Act.

- 64.2 **Focused on Category 3** – The pathway is focused on areas initially placed in Category 3 and areas with the potential to move into Category 3 (i.e., Category 2A). There may be cases where owners of Category 2 whenua Māori property wish to relocate. A range of risk management solutions should be worked through before relocation support from the Crown is considered, though it should be acknowledged that the possibility of Category 3 owners relocating within a Māori community could have implications for other properties and the viability of that community more broadly.
- 64.3 **Focused on Māori communities with whenua Māori, cultural and residential Māori assets on whenua Māori, and Māori collectively-owned assets on other Category 3 land** – Discussions with Māori communities are focused on whenua Māori, including Māori customary land, Māori freehold land and Māori Reservations, Māori assets on these lands, as well as culturally significant Māori collectively-owned assets on general land (such as marae, urupā and papakāinga).

Collectively-owned assets such as marae are included in the scope of the Kaupapa Māori pathway given their cultural significance. They are essential infrastructure at the heart of the community, available for the use of the people for a various range of activities, such as for tangi, hui and significant events where manaakitanga often extend to providing a place to sleep and eat. Communities could risk suffering harm to their wellbeing and cultural identity if their marae is left in a Category 3 zone without any support. Other community components, such as urupā, would be assessed on a case-by-case basis.

- 64.4 **Focused on residential and related land uses**– the focus of the policy response will be whenua Māori with residential uses (defined broadly to include uses such as marae). However, whenua Māori can have mixed-uses that are interconnected and difficult to isolate and we expect Māori will desire a holistic approach to any solutions. As such,

where appropriate, the Crown will consider solutions that encompass a wider set of land uses.

- 65 Māori rights and interests and the Crown's obligations as a Treaty partner extend beyond the Kaupapa Māori pathway. As such, the Crown will continue to engage with Māori on the full FOSAL work programme and support the locally-led processes for the Category 2 and 3 pathways to ensure that Māori rights and interests, and the unique impacts for Māori, are identified, understood and addressed, as far as possible, in the responses.
- 66 Importantly, engagement with Māori and decisions on the pathway should keep in step with wider FOSAL processes and decisions, such as final categorisation decisions and the design of the buyout scheme, in order to avoid inequitable outcomes for Māori. Given the importance of progressing those wider processes and the complexity around the Kaupapa Māori pathway, engagement and policy design effort will need to continue at pace.

Data on Māori communities

- 67 Several communities in Hawke's Bay and Tairāwhiti have been severely impacted by Cyclone Gabrielle and have significant amounts of Māori-owned land. Forty-two whenua Māori blocks, totalling 536 hectares, have been identified as being provisionally classified as Category 3 to date (see table below, a further breakdown is at Appendix 2).
- 68 Across the Hawke's Bay, approximately ^{s 9(2)(a)} whenua Māori blocks in Category 3 (s 9(2)(a)) and Category 2A (s 9(2)(a)) areas have either homes or marae. Work is underway to provide more precise data on the extent of residential use (and for land in Tairāwhiti).

s 9(2)(a), 9(2)(j)

s 9(2)(a), 9(2)(j)

Engagement overview

- 69 Since the oral update to EWR on 28 June, we have engaged further with Māori communities. These engagements have been led by the Cyclone Recovery Unit and have included other central government agencies and local council officials. A summary of engagements, both held and forthcoming, and insights from these events, are included in Appendix 3.
- 70 On 18 July, central government and council officials met with trustees and shareholders of whenua Māori in Hawke's Bay, in the s 9(2)(a) communities. Common themes resulting from these engagements included that property buyouts are not appropriate for whenua Māori, but that there is openness to other options, such as grants. The different challenges and complexities for each location lends itself to bespoke solutions.
- 71 Officials made it clear that given the untenable risk to life, it would not be appropriate for people to continue living on Category 3 land, but there is a desire to allow the use of that land for other purposes, so that hapū are not alienated from the land. Officials will continue these discussions at block level.

A grant-based solution may support relocation

72 For those affected landowners who wish to relocate, an alternative to buyouts is a grant-based solution whereby owners of whenua Māori in Category 3:

72.1 retain ownership of their land, and

72.2 receive a grant which owners are free to use as they desire to enable relocation to safe places (for instance to acquire suitable land for relocation and build replacement structures).

73 A grant-based approach will likely work well in situations where affected property owners are able to acquire suitable alternative land, however finding a suitable alternative location will be a challenge for some communities and could take considerable time. It is expected that communities will favour relocating nearby, particularly given there may be important local areas of importance that cannot be relocated (for example, urupā, pā sites, and wāhi tapu). Opportunities may exist in some cases to relocate housing to a safer area within the same block of whenua Māori if, for example, that includes some Category 2 areas.

74 Where barriers exist to acquire suitable alternative land, the Crown may need to play a more active role to support the design of solutions to ensure they meet the needs of affected communities. For instance, there may be opportunities for the Crown to assist by acquiring private land on behalf of affected Māori. The provision of suitable public land may also be an option, though initial analysis from officials indicates that suitable public land is likely to be very limited (if at all available) and there could be legal constraints to making such land available. Officials can explore these opportunities further where landowners identify such approaches as a preferred solution.

75 In addition to the provision of relocation grants, other possible forms of support could include:

75.1 Remediating vulnerable retained whenua: The TTWM Act outlines the Crown's obligations to ensure that whenua is actively protected and that its retention – including for protection, utilisation and development purposes – is promoted.

75.2 Facilitating wellbeing support (e.g., mental health support) to affected communities: Where there is unmet need, this would be provided outside the FOSAL work programme.

76 How any grants are determined will be a key design aspect to work through, in particular:

76.1 Eligibility for support.

76.2 Level of support: this could be set with reference to the Category 3 buyout scheme to achieve consistency (e.g., where properties are mixed-use, the grant could reflect the value of the residential portion of the property).

- 76.3 Valuation of land: this will need to consider factors that are specific to these types of land titles and the local community (e.g., cultural significance and the conditions imposed by the TTWM Act). The Office of the Valuer-General is able to support the valuation of whenua.
- 77 I propose that:
- 77.1 The Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development have the power to approve an options package for the Kaupapa Māori pathway, including, but not limited to, the design of a grant-based solution (including eligibility), the approach to the valuation of land, and the level of any support to be provided.
- 77.2 Final decisions on the appropriate Crown support for each affected community in the Kaupapa Māori pathway will be determined by Cabinet, based on the recommendations of the Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development.
- 78 Clarity on the future level of council infrastructure on Category 3 land will be necessary for the design of any grant-based solution and for individuals and communities to determine whether they will remain or relocate. Although this is relevant for all Category 3 property owners, it is particularly relevant to the Kaupapa Māori pathway owing to the significance of whenua Māori and the Crown's obligations under the TTWM Act.
- 79 The Crown will continue to engage with councils on the future provision of infrastructure in Category 3 areas. Such engagement should be iterative, as communities require an understanding of councils' plans to retain and maintain infrastructure, in order to determine whether relocation is a preferred option, councils also require an understanding of communities' intentions in order to determine the future level of infrastructure in a given location.

Bespoke solutions to address complex ownership and legal frameworks

- 80 Solutions will need to be bespoke, reflecting the heterogeneity of affected communities with differing preferences, land ownership and governance arrangements, mixes of land uses and relocation options. A grant-based approach does not override the Crown's responsibility to identify and design solutions through collaboration and genuine engagement with iwi, hapū and affected Māori communities.
- 81 In particular, solutions (and processes to agree solutions) will need to be workable within the complex ownership and legal frameworks unique to whenua Māori and Māori property while respecting associated cultural values.
- 81.1 The TTWM Act sets out the regulatory framework for protecting against the disposal of whenua Māori to other interests, recognising whenua Māori as taonga tuku iho of special significance to Māori. As a result,

solutions that involve a change in land ownership tend to be more complex and in some cases are not permitted under the legislation.

81.2 Engagement currently underway will vary, depending for instance, on themes coming through from earlier engagement, whether a dwelling is situated on a larger block of Māori land, the legal basis for the dwelling to be there, and the number of beneficial owners of the land (and where they are located).

81.3 Some whenua Māori provisionally identified as Category 3 is ungoverned, meaning the views of these landowners may be difficult (or impossible) to obtain within a reasonable timeframe. It will be critical that the overall process for providing support to Māori communities is not held up as a result. The TTWM Act provides a process for an agent to be appointed for ungoverned whenua. Work is underway to resolve governance issues, and to assess options to deal with remaining ungoverned blocks.

82 Where relocation occurs, there would need to be agreement that Category 3 land being vacated could no longer be available for residential use, as well as the form of the ongoing title for vacated land, and the investment that may be needed to remedy the retained whenua.

Crown Law advice [legally privileged]

83 s 9(2)(h) [Redacted text block]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

s 9(2)(h) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Treaty of Waitangi considerations

87 The Crown's obligations as a Treaty partner extend across the wider FOSAL programme, including the locally-led Category 2 and Category 3 pathways and the Crown-led Kaupapa Māori pathway.

88 The Crown's lead role in developing and implementing the Kaupapa Māori pathway means it can directly influence the policy response in partnership with affected communities to ensure it is aligned with the Crown's Treaty obligations and recognises the significant rights and interests of owners of whenua Māori and Māori communities. This engages, for example, the Treaty principles of informed decision-making (informed by the views of Māori) and

active protection, and recognises the potential for Māori to be impacted differently to other New Zealanders due, in part, to the nature of Māori land ownership and tenure.

- 89 Importantly, the Kaupapa Māori pathway is being developed in an evolving context and needs to take a flexible and agile approach that navigates achieving the multiple objectives of providing Māori communities with early certainty so they can move on with their lives, developing well-considered and fit-for-purpose solutions based on genuine engagement, and ensuring the policy response establishes a sustainable precedent.
- 90 The Crown's supporting role in the locally-led Category 2 and Category 3 processes means that more indirect levers will be needed to ensure that the Crown's Treaty obligations are upheld, including that decision making is informed by a clear understanding of impacts for Māori. The Crown should work with councils and provide support in meeting this guidance where needed, while continued Crown engagement with Māori on the full FOSAL work programme will also be important.

Next Steps

- 91 Officials are having inter-agency discussions on future responsibilities for the implementation of the FOSAL work programme. The Cyclone Recovery Unit will take a greater role in this work as it moves from policy to implementation. Aspects of implementation that agencies will take responsibility for will be reported to EWR in August.
- 92 For the Kaupapa Māori pathway, the coming weeks will involve significant engagement with communities in Hawke's Bay and Tairāwhiti. Informed by this engagement, advice will be provided to Ministers on the scope and scale of support to be offered to communities (including indicative costs) and how this support may be implemented (including which entity will be responsible for administering any grant or other support for a particular location).
- 93 This paper seeks to authorise the Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development to approve an options package for the Kaupapa Māori pathway, including, but not limited to, the design of a grant-based solution (including eligibility), the approach to the valuation of land, and the level of any support to be provided. Subject to the progression of community engagement and the crystallisation of support offers, the next update to EWR will confirm the decisions taken by the Ministers listed above.

Cost-of-living Implications

- 94 Councils may need to increase rates to property owners to cover the costs of intervention measures. Targeted council rates for impacted properties should provide an equivalent benefit for those property owners, however general rate increases for all properties across a council area will adversely impact property owners who receive no direct benefit from interventions. Category 3

property owners who accept a voluntary buyout would likely retain the pre-event value of their property.

Financial Implications

- 95 As described in the companion 26 July EWR paper *Cost sharing arrangements for councils in severely affected locations*, the Crown's fiscal exposure to Category 3 buyouts and Category 2 interventions is being managed through a cost-sharing arrangement with councils, which creates an imperative for both to manage costs. In addition, the Crown's contribution will be capped. If there are Category 3 properties that remain unpurchased after the cap is reached, the Crown will assess the reasons for the cap being met, to determine whether an additional Crown contribution is justified. Some NRP funding will also be provided, with variability between councils based on their ability to contribute.
- 96 The Kaupapa Māori pathway sits outside the cost-sharing arrangements with councils, reflecting that this is a Crown-led and Crown-funded pathway. Officials will work with councils to clarify the relationship between the Kaupapa Māori pathway and other FOSAL pathways and how these are communicated to affected communities. Costings for the Kaupapa Māori pathway are not yet known as the number of properties in scope is unclear and design details are still to be worked through. Once these factors are clear, Cabinet agreement will be sought to the fiscal costs associated with this pathway.
- 97 For Category 2, the *Cost sharing arrangements for councils in severely affected locations* paper seeks agreement to authorise the Minister of Finance and the relevant appropriation Minister(s) to jointly take decisions on appropriation and fiscal management treatment. Decisions are yet to be made as to the agency responsible for assessing FOSAL Category 2 business cases, and an appropriation for this assessment may or may not need to be established.
- 98 For Category 3 and the Kaupapa Māori pathway, costs will, in the first instance, be met through the Vote Finance *North Island Severe Weather Events – Crown Payments to Local Authorities and Other Eligible Stakeholders MCA*, which has already been established.
- 99 All the above costs will be managed against our \$6 billion National Resilience Plan (NRP) and/or the \$100 million North Island Weather Events: Local Government Flood Resilience Co-Investment Fund, both established at Budget 2023.

Legislative Implications

- 100 Changes to existing legislation, and/or the introduction of new legislation, may be required. Requests from councils for legislative changes will be carefully considered.

Impact Analysis

Regulatory Impact Statement

- 101 This paper does not require a Regulatory Impact Statement as it does not specifically propose the introduction of new legislation or changes to, or the repeal of, existing legislation.

Climate Implications of Policy Assessment

- 102 This paper does not meet the threshold for a Climate Implications of Policy Assessment.

Population Implications

- 103 Displacement and relocation interventions, while for the purpose of removing people away from high-risk areas, may also disproportionately impact Māori communities, due to the areas where Cyclone Gabrielle had the greatest impact also having higher levels of Māori residency. Pasifika communities, particularly in Auckland and Hawke's Bay affected areas, have also been disproportionately impacted.

Human Rights

- 104 The proposals in this paper are not considered to have human rights implications and are not considered inconsistent with the *New Zealand Bill of Rights Act 1990* (NZBORA) or the *Human Rights Act 1993*.
- 105 Initial advice suggests that proposed options for the Kaupapa Māori pathway could be considered discriminatory when compared to options for the Category 3 pathway, but can be argued on the basis of the Crown's Treaty obligations. The advice considers this is likely to be within the reasonable limits test of section 5 of the NZBORA – to be within reasonable limits that can be demonstrably justified in a free and democratic society. This advice will be reviewed as the detailed policy is further developed.

Use of external resources

- 106 The Ministry for the Environment and the Treasury have engaged short-term policy contractors (approx. 2.5 FTE) to assist permanent and fixed-term staff in the development of policy, Cabinet papers and associated briefings. This is due to the breadth and complexity of the Government's ongoing recovery response to the NIWE.

Consultation

- 107 This paper has been prepared by the Ministry for the Environment and the Treasury. Consultation has been undertaken with the Department of Prime Minister and Cabinet; Department of Internal Affairs; Ministry of Business, Innovation and Employment; Ministry of Housing and Urban Development ; Toke Tu Ake Earthquake Commission, Ministry for Primary Industries; Ministry for Pacific Peoples; Ministry of Transport; Land Information New Zealand; Te Puni Kōkiri; Te Arawhiti; National Emergency Management

Agency; Financial Markets Authority; Inland Revenue Department; Ministry of Social Development; Department of Conservation; and Te Waihangā New Zealand Infrastructure Commission.

- 108 Feedback from agencies included the following predominant themes:
- 108.1 Concern with equity implications for other NIWE-affected regions and for past and future events.
 - 108.2 Inequity between treatment for Category 3 under Kaupapa Māori and non-Kaupapa Māori pathways.
 - 108.3 Lack of clarity regarding overlap, interaction, and timing of Kaupapa Māori and other pathways.
 - 108.4 Treatment of non-residential land in Category 2 and 3 areas is not well addressed. (note: FOSAL programme focuses on residential land).
 - 108.5 Kaupapa Māori pathway:
 - 108.5.1 The roles of various government agencies are not clear.
 - 108.5.2 Need to ensure that the likely slower pace of the Kaupapa Māori pathway does not disadvantage Māori.
 - 108.5.3 Clarity needed on types of applicable land use, such as residential, marae, papakainga, and whether these are developed.
 - 108.6 Need for clarity on who is leading FOSAL implementation, specific pathways and workstreams within FOSAL, and government agencies that should be involved in policy design and decision-making.
- 109 These comments and views have been addressed, to the extent possible, in this final version. Officials are in ongoing engagement with agencies to resolve outstanding issues.
- 110 Officials are also engaging in ongoing discussions with councils. Councils consulted are Auckland Council, Hawke's Bay Regional Council, Gisborne District Council, Hastings District Council, and Wairoa District Council.

Communications

- 111 Decisions made by EWR will need to be clearly communicated to affected property owners in a way that provides reasonable certainty while clearly explaining the limitations on existing data and process detail. Officials are developing messages to support these announcements, noting that these will be high-level and further detail will be provided when available.
- 112 There are important lessons to be learnt from the FOSAL process that will influence medium- and long-term policy settings. However, there should be clear communication that the FOSAL categorisation framework and

associated policy supports are not an indication of future direction for natural hazard management or climate change adaptation policy.

- 113 To this end, announcements on funding support provided to councils or Māori as part of the FOSAL process should be coordinated with announcements on the proposed Issues and options paper and Select Committee Inquiry on Community-led Retreat and Adaptation funding. I have directed officials from the Cyclone Recovery Unit, the Treasury, and the Ministry for the Environment to work together to coordinate future announcements.

Proactive Release

- 114 I do not intend to proactively release this Cabinet paper at this time. The proposals in this paper continue to be developed in greater detail and release at this point would be premature. A proposal to proactively release earlier FOSAL-related Cabinet papers will be provided in the next report back to EWR.

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Recommendations

I recommend the Committee:

- 1 **note** that on 31 May 2023, the Cabinet Extreme Weather Recovery Committee (EWR) invited the Associate Minister of Finance (Wood) to report back on:
 - 1.1 the development of a costed funding package for Category 3 properties;
 - 1.2 implementation progress of the Category 2 and Category 3 support processes; and
 - 1.3 progress on engagement and implementation of the parallel Kaupapa Māori pathway [EWR-23-MIN-0044 refers];

Overall approach to categorisation of land by councils

- 2 **note** that councils are revising their assessments of properties on an ongoing basis, with 722 residential properties now classified as Category 3;
- 3 **note** that councils are assessing individual residential properties, and it is likely there will be further movement between the number of Category 2 and Category 3 properties;
- 4 **note** that councils are still working through their final preferred approach to categorisation methods not explicitly covered in the original categorisation framework, especially whether to target risk to life and/or wider risks to property and the environment, and the risk threshold which would apply to Category 2 and/or 3;
- 5 **note** that councils' initial view on these questions is to:
 - 5.1 make the risk to life and safety the primary determinant of which properties or areas are classed as Category 2 and 3;
 - 5.2 the difference between Category 2 and 3 will be the level of certainty that a buyout is the most cost-effective option to reduce risk to a tolerable level;
- 6 **note** that I support the initial direction signalled by councils as set out in recommendation 5 above, as it targets limited central and local government resources to areas facing the highest order of risk (life and safety), whilst still delivering on risks to property, infrastructure and the environment as co-benefits in those locations;
- 7 **note** there are further details to work through with councils, including the treatment of land damage, and councils' work to finalise the risk metrics;

Support for Category 2 interventions is guided by a business case process

- 8 **note** that councils will be invited to submit business cases for eligible Category 2 risk mitigation projects through the process detailed in the paper *National Resilience Plan – Phase 1* which was considered by Cabinet on 24 July;
- 9 **agree** that as part of the invitation letters to councils I will note the expectation that they have:
- 9.1 Taken a programme wide, area-based approach to hazard risk management, including assets not owned by councils or residential property owners, such as state highways and commercial properties.
 - 9.2 Used the PARA (protect, accommodate, retreat, avoid) framework when considering options (see below).
 - 9.3 Considered cultural values and other non-monetary costs and benefits, such as environmental and equity impacts.
 - 9.4 Consulted with local communities, including affected Māori and owners of whenua Māori, and have considered Māori rights and interests are taken into account.
- 10 **note** that in a locally-led process, councils are responsible for considering trade-offs between property- and community-level solutions;
- 11 **note** that property-level interventions can be the most effective approach to mitigating future risks in many cases;
- 12 **note** Crown funding of property-level interventions involves risk of private benefit, precedent, fiscal and moral hazard risks;
- 13 **agree** the Crown may provide support to councils to implement flood mitigation plans that may include property-level interventions, where those interventions meet the NRP business case funding eligibility criteria;
- 14 **note** that the *Severe Weather Emergency Response Legislation Act 2023* is not available to manage the effects of future theoretical severe weather events;
- 15 **note** that advice on legislation will be provided when the scale and significance of the issues raised by councils are better understood;
- 16 **note** that councils have identified issues they consider may hinder the ability to implement plan changes that give effect to land use categorisations under current *Resource Management Act 1991* settings;
- 17 **note** the issues identified by councils are anticipated to be addressed over the next two to ten years by a combination of:
- 17.1 the Spatial Planning Bill;

- 17.2 the Natural and Built Environment Bill;
 - 17.3 the proposed Climate Change Adaptation Bill;
 - 17.4 the National Planning Framework; and
 - 17.5 the proposed national direction on natural hazards under the *Resource Management Act*;
- 18 **note** that the *Cost sharing arrangements for councils in severely affected locations* paper seeks agreement to authorise the Minister of Finance and the relevant appropriation Minister(s) to jointly take decisions on appropriation and fiscal management treatment for Category 2.
- 19 **note** decisions are yet to be made as to the agency responsible for assessing FOSAL Category 2 business cases, and an appropriation for this assessment may or may not need to be established.

The Category 3 Buyout Process

- 20 **note** that councils are establishing their preferred design for buyouts and grants under FOSAL and working through advice they have received on their ability to enact buyout grants under FOSAL;
- 21 **note** that councils are in general agreement that pure residential properties and rental properties will be included in Category 3 and that for mixed-use properties the offer will be a grant to enable the owner to relocate while maintaining non-residential uses where safe;
- 22 **note** that Hawke's Bay Regional Recovery Agency's initial view, representative of Hawke's Bay councils' views, is for buyout offers without caps, at 100 percent of pre-event value, and to include second homes;
- 23 **note** that a consequence of buyout offers for Category 3 land being voluntary is that, in the absence of buyout offers being accepted or land use controls being changed, current and future residential occupiers may be exposed to unacceptable levels of life safety risk;

Kaupapa Māori pathway

- 24 **note** the primary objective for the Kaupapa Māori pathway is to enable people to move out of harm's way by relocating their residential and related uses to safe places in a way that recognises the Crown's Treaty and legal obligations, complexities associated with whenua Māori and the fact that voluntary buyouts would likely not be appropriate for Māori land and communities;
- 25 **agree** that the Kaupapa Māori pathway is:
- 25.1 Crown-led and funded;
 - 25.2 focused on:

- 25.2.1 Category 3 land, and areas with the potential to move into Category 3;
- 25.2.2 Māori communities with whenua Māori, cultural and residential Māori assets on whenua Māori, and Māori collectively-owned assets on other Category 3 land;
- 25.2.3 the residential use of land, with the flexibility to consider solutions that involve non-residential uses where appropriate; and
- 25.2.4 solutions that do not necessarily involve the relinquishing of land ownership;
- 25.3 shaped by collaboration and engagement with iwi, hapū and affected Māori communities;
- 25.4 flexible, to enable a response that is workable for Māori communities and tailored to their circumstances;
- 26 **note** that the Crown-led and Crown-funded Kaupapa Māori pathway sits outside the cost-sharing arrangements with councils, but councils continue to have a role supporting this pathway, especially in relation to local infrastructure;
- 27 **note** that officials will work with councils to clarify the relationship between the Kaupapa Māori pathway and the other FOSAL pathways (including in public communications), particularly in regard to the timing of each pathway and the need for aligned solutions for affected Māori communities;
- 28 **agree** that a grant-based solution may be advanced as one option for the Kaupapa Māori pathway, and would include owners of whenua Māori in Category 3:
- 28.1 retaining ownership of their land; and
- 28.2 being free to use the grant as desired to enable residents to relocate to safe places;
- 29 **note** that councils will be asked to consider and clarify future infrastructure intentions, with a specific request for whenua Māori to be considered earlier in the assessment so that individuals and communities can determine whether they wish to remain or relocate;
- 30 **note** that the design of Kaupapa Māori solutions will need to be workable within complex ownership and legal frameworks, while respecting cultural values;
- 31 **agree** that the Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development can approve an options package for the Kaupapa Māori pathway, including, but not limited to, the

design of a grant-based solution (including eligibility), the approach to the valuation of land, and the level of any support to be provided;

32 **agree** that final decisions on the appropriate Crown support for each affected community in the Kaupapa Māori pathway will be determined by Cabinet, based on the recommendations of the Minister of Finance, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development;

33 **note** the Crown Law advice in relation to the Kaupapa Māori pathway;

Other matters

34 **invite** the Minister of Finance to report back to the Committee in August, including on:

34.1 an agreed final understanding of the categorisation approach with councils;

34.2 progress on implementation of the Category 2 and Category 3 pathways;

34.3 progress on implementation of the Kaupapa Māori pathway;

34.4 arrangements for ongoing departmental responsibilities of the implementation of the FOSAL programme; and

34.5 proactively releasing earlier FOSAL programme Cabinet papers where policy consideration has now concluded.

Authorised for lodgement

Hon Grant Robertson
Minister of Finance

Appendix 1: Current numbers of properties in each category

Auckland Council	Number of properties				
	2C	2P	2A	2 Total	3
Previous (1 June 2023)	2650	2550	6315	11515	401
Updated (N/A)	N/A	N/A	N/A	N/A	N/A
Tairāwhiti Gisborne District Council					
Previous (1 June 2023)	60	9	426	495	68
Updated (19 July 2023)	0	0	1800	1800	55
Wairoa District Council					
Previous (1 June 2023)	0	0	684	684	0
Updated (19 July 2023)	0	0	789	789	0
Napier City Council					
Previous (1 June 2023)	0	0	179	179	20
Updated (19 July 2023)	0	s 9(2)(a)			20
Hastings District Council					
Previous (1 June 2023)	0	0	1084	1084	216
Updated (19 July 2023)	133	19	205	357	246
Central Hawke's Bay District Council					
Previous (1 June 2023)	0	0	579	579	0
Updated (19 July 2023)	0	s 9(2)(a)	127	135	0
All Regions					
Previous (1 June 2023)	2710	2559	9267	14536	705
Updated (19 July 2023)	2783	2578	9236	14597	722
Net difference:	+73	+19	-31	+61	+17

Key:

Red = increase since previous update

Green = decrease since previous update

Black = no change since previous update

Appendix 2: Whenua Māori blocks in Category 3 (provisional)

s 9(2)(a)



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s 9(2)(a)

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Appendix 3: Māori engagement on FOSAL

Cyclone Recovery Unit (CRU) engagements

Region	Complete	Upcoming	Ongoing
Hawke's Bay	<p>May and June 2023: The CRU has attended most council-led community engagement during May and June 2023, participated in iwi and hapū-led hui, and held conversations with PSGE representatives, marae, hapū and Taiwhenua Chairs and Trustees.</p> <p>18 July: the CRU participated in hui at s 9(2)(a) to initiate conversations relating to land categorisations and options for relocation.</p>	<ul style="list-style-type: none"> • Conversation with s 9(2)(a) (date tbc) • Conversation with s 9(2)(a) (date tbc) • Community hui in s 9(2)(a) scheduled for 6 August 	<ul style="list-style-type: none"> • The CRU is liaising with representatives from s 9(2)(a) • s 9(2)(a) <p>Engagement with councils on risk assessment and decision-making process.</p>
Tairāwhiti	<p>Council-led community engagements on the provisional assessments formally started on 16 June 2023 with a 'drop-in' clinic at council. The CRU supported a hui with the largely Māori s 9(2)(a) community on 18 June 2023.</p> <p>Severe flooding in mid/late June delayed the council-led FOSAL engagements. However, the CRU supported further council hui on 2 July at Tokomaru Bay, a largely Ngāti Porou community, and in the week of 7 July 2023, at Hangaroa (inland from Gisborne) and at Gisborne. s 9(2)(a)</p>	TBC	<p>Working with agencies to facilitate a Crown response to affected marae at s 9(2)(a)</p> <p>Support options for owners and residents of two Category 3 Māori land blocks.</p>
Auckland	<p>Community engagement on risk assessments is due to start on 23 July.</p>	<p>Liaising with Auckland council on sites of significance for targeted engagement.</p>	<p>Supporting Te Arawhiti to manage risks to the durability of Treaty settlements; and redress options for iwi still pursuing their settlements. CRU-led engagement on whenua Māori will be a mix of local-level engagement s 9(2)(a)</p>

Themes from Tangoio engagements, 18 July 2023

- The Cyclone Response Unit (CRU), Treasury and Te Arawhiti officials attended three meetings with a cross-section of Tangoio whanau members and residents, marae and land block trustees. Staff from Hawke's Bay Regional Council (HBRC) and Hastings District Council, the chair of Hawke's Bay Regional Council attended.
- s 9(2)(a), 9(2)(f)(iv)

Themes on Whenua Māori in (provisional) C3 category.

- Concerns about the council-led categorisation process, and the need for council assessors to engage with whanau/residents and conduct on-site visits as part of their final categorisation decisions. Attendees made unfavourable comparisons to adjacent general land provisionally given Category 2 categorisation.
- Attendees urge the Government to develop Category 3 options that will not alienate local Māori from the small amount of land retained in their ownership.
- A cultural bottom-line is that relocation sites be within their (collective) hapū takiwā. The attendees recognised the difficulty that this poses to whanau and the Crown.
- Concerns about the consequential impacts of remaining on whenua Māori that is Category 3, including insurability; and ongoing access to power and other utilities.
- Attendees sought assurance that the Crown understands that many owners/ shareholders are not living locally, and that decision-making must be by the owners.

Themes on s 9(2)(a)

- s 9(2)(a), 9(2)(f)(iv)

- Papakainga falls within scope of the marae facility.

Other policy and implementation issues

- Will the Crown consider a mechanism similar to an RFR/protection mechanism to other (general) Category 3 lands bought out, especially lands that hold high cultural significance to the hapū.
- Owners/whanau with Category 3 whenua will likely require advice and navigation support to work with Crown/council to understand and activate their options. Can the Crown help with resourcing for this?
- What will be the basis of funding packages for Category 3 buyouts (or alternatives) to owners? Concerns about how valuation methods will be applied to whenua Māori, especially if owners are expected to buy new (general title) land on the 'open market'.

Next steps

- a. CRU is working with s 9(2)(a)
- b. HBRC to confirm area/property site visits and engagement with local whanau as part of its final categorisation process. This will be carried out as a matter of urgency.

Insights from Te Puni Kōkiri's May 2023 engagements

Opportunities	Insights
Community building	<p>Community building was a key opportunity noted by all, as hapori Māori start to look at opportunities given their whānau are vulnerable.</p> <p>For example, in Ōmahu 'retreat' is seen as an opportunity for whānau from outside the rohe to come back to whenua.</p> <p>It was also seen as an opportunity to ensure communities weren't displaced from people leaving (due to conditions).</p> <p>Projects that were not supported by some communities prior to the cyclone, were noted as now being looked upon more favourably if there was a community building / resilience aspect to it.</p>
Improved access	Looking to move in a way that is constructive for the community (i.e., better access to roads) is seen as an opportunity, and something that has been done previously by hapori Māori.
Conditions for change	
Major event	Cyclone Gabrielle has meant communities themselves are now having discussions about managed retreat without any initiation (due to potential red zoning or not).
Access to information	Getting information to whānau and hapū so they can make informed decisions is crucial.
Trust in leadership	Trust in whoever is leading the kōrero, be that hapu, marae trustees or PSGE's is imperative.
Suitable whenua to move to	<p>The delicate part of this discussion is the actual move. This involves deciding:</p> <ul style="list-style-type: none"> - Moving slightly (within hapū boundaries) - Moving anywhere (outside of hapū boundaries) - Staying (however not clear on who would pick up the costs). <p>There are other barriers that need to be kept front of mind, such as the ability to purchase land, even with funding.</p> <p>There is an element of self-set parameters of staying within hapū boundaries.</p>
Access to funds	Whether there is a desire to move, or stay, access to funding plays a crucial role in decision making.
Community cohesion	There is a strong desire to keep the community together.
Tolerance levels	Tolerance levels could be linked to which communities are most likely to discuss moving.
Mātauranga Māori	<p>Let nature take its course, if she pushes us out, then it is what it is.</p> <p>Moving marae is not a new thing, particularly on the coast.</p>
Collective decision making	All examples discussed involved whānau and hapū involvement. If there was disharmony that seemed to be a barrier.
Trade-offs	
Conflicting motivations	PSGE/whānau motivations can be different – whānau are driven by culture / heritage / community, PSGE driven by cost effectiveness.
Self-determination vs risk	To decide for themselves and not be told what to do.



Cabinet Extreme Weather Recovery Committee

Revised

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.

Future of Severely Affected Locations: Kaupapa Māori Pathway Report

Portfolios **Māori Crown Relations: Te Arawhiti / Finance / Māori Development**

On 30 August 2023, the Cabinet Extreme Weather Recovery Committee (EWR), exercising its Power to Act in accordance with its terms of reference:

Background

1 **noted** that on 26 July 2023, EWR made decisions on the key parameters of the Kaupapa Māori pathway, including that it is:

1.1 a Crown-led and funded process;

1.2 focussed on:

1.2.1 Category 3 land, and areas with the potential to move into Category 3,

1.2.2 Māori communities with whenua Māori, cultural and residential Māori assets on whenua Māori, and Māori collectively-owned assets on other Category 3 land;

1.2.3 the residential use of land, with the flexibility to consider non-residential solutions where appropriate;

1.3 shaped by collaboration and engagement with iwi, hapū and affected Māori communities;

1.4 flexible, to enable a response that is workable for Māori communities;

[EWR-23-MIN-0060]

2 **noted** that EWR also agreed that a grant-based solution may be advanced as one option for the Kaupapa Māori pathway, and would include owners of whenua Māori in Category 3:

2.1 retaining ownership of their land; and

2.2 being free to use the grant as desired to enable residents to relocate to safe places;

[EWR-23-MIN-0060]

- 3 **noted** that the policy decisions proposed in the paper under EWR-23-SUB-0075 focus on solutions involving the retention of whenua ownership, and that there has been no indication from engagement that affected properties in scope for the Kaupapa Māori pathway desire to pursue a buy-out solution;
- 4 **agreed** that a buy-out option in principle remains on the table to the extent that current legal frameworks allow, to ensure that those in the Kaupapa Māori pathway have access to the same options as those in the Category 3 pathway;
- 5 **noted** that targeted engagement with affected communities has continued, is ongoing, and will need to continue until final decisions on plans on the way forward for communities and/or individuals are confirmed;
- 6 **noted** that it is anticipated that the Hawke's Bay local authorities may be able to make offers by early October 2023 to residents in the voluntary buyout scheme, and that the proposals in the paper under EWR-23-SUB-0075 seek to achieve broad alignment with that timing to ensure equitable outcomes for Māori;
- 7 **noted** that a flexible, rather than a prescriptive, approach will provide the ability for the right solution in the right place that is tailored to the unique and often multifaceted components that comprise the Kaupapa Māori pathway;

Approach to the policy response for the Kaupapa Māori pathway

- 8 **noted** that a flexible grant scheme is a constructive way forward to operationalise specific funding to meet the financial barriers associated with confirming workable relocation solutions for residents, landowners and communities;
- 9 **agreed** to the establishment of a fund to support the flexible provision of grants to those in scope for the Kaupapa Māori parallel pathway (the fund);
- 10 **agreed** that the overarching purpose of the fund be to enable people residing on Māori land and in Māori communities severely affected by the North Island weather events (NIWE) to move out of harm's way by relocating their residential and related uses to safer places;
- 11 **agreed** that the following additional objectives will guide decisions for the fund, based on the principles of Manaakitanga, Kotahitanga, Tikanga and Tiakitanga:
- 11.1 enables people to relocate to physically safer places and be in at least in an equivalent residential circumstance as they were pre-weather event;
 - 11.2 provides certainty to people and communities, and enables their aspirations;
 - 11.3 protects wairuatanga, so that the spiritual wellbeing of tangata whenua is protected, including through connection to whenua and community;
 - 11.4 supports community cohesion and upholds mana through a community-led, government-supported process;
 - 11.5 upholds the Treaty relationship;
 - 11.6 respects and maintains connection of people to their whenua and cultural values, and promotes the retention and use and development of whenua Māori in the hands of its owners;

- 11.7 allows both immediate relief and community-led solutions, which may take longer to develop;
- 11.8 enables stewardship of key systems, including administrative and fiscal sustainability, and the coherence of the overall response to current and future severe weather events;

Design elements of the fund

- 12 **agreed** that funding will be available through the fund for properties that meet the following categories:
 - 12.1 Category 3 (including properties that may currently be designated as Category 2A but are subsequently categorised as Category 3);
 - 12.2 in residential use or have assets of cultural significance, including marae, papakāinga and urupā;
 - 12.3 Māori freehold land, Māori customary land, Māori reservation land, assets of cultural significance that sit on general title land, and general title land that meets any of the following criteria:
 - 12.3.1 general land that is owned by, and has been owned continuously by, members of the hapū associated with the whenua and is geographically connected to Māori freehold land, Māori customary land, or Māori reservations;
 - 12.3.2 general land that was previously Māori freehold land but ceased to have that status under:
 - 12.3.2.1 an order of the Māori Land Court made on or after 1 July 1993;
 - 12.3.2.2 Part 1 of the Māori Affairs Amendment Act 1967;
 - 12.3.3 land held by a post-settlement governance entity for residential use;
- 13 **agreed** that on a case-by-case basis, discretion can be given to include Category 3 properties on general title land and Category 2 properties as eligible for support to enable the relocation of residents with the rest of the community, where doing so would promote the maintenance of community cohesion and wellbeing;
- 14 **noted** that for properties in scope, the fund can be accessed by:
 - 14.1 a resident of a property in scope, regardless of whether they have ownership interests in the dwelling or whenua;
 - 14.2 Whenua Māori owner or governors, whānau and hapū level, and decision-making authorities (once established);
 - 14.3 a representative body on behalf of a group of residents and landowners;
- 15 **noted** that while paragraph 14 above maintains flexibility and provides individuals and whānau choices as to whether they wish to relocate immediately or work through solutions as a collective, equity-related risks will need to be navigated to ensure that attempts to develop community-based options are not undermined;

- 16 **noted** that for community-based options, there will be a need to identify and confirm a group or person(s) who will have the mandate and authority to represent that community in its planning and negotiations for developing and agreeing a support package;
- 17 **agreed** that the fund can be used to support the costs of:
- 17.1 relocating a residence, including the costs of moving, purchasing or building the dwelling, and purchasing or leasing new land;
 - 17.2 relocating marae and other culturally significant assets, including the cost of acquiring new land, rebuilding, or moving marae buildings in a culturally safe way;
 - 17.3 legal, technical, consenting, engagement and compliance costs required to establish workable relocation solutions;
- 18 s 9(2)(f)(iv)
- 19 **agreed** that a case-by-case approach be taken to determining the size of support provided for the different components of support, reflecting the unique characteristics associated with whenua Māori, and that the gap between the pre-event value of the existing dwelling and the cost of an equivalent replacement block of land nearby may be significant;
- 20 **agreed** that the minimum level of support provided for a given property should not be less than if it were in the general Category 3 pathway;
- 21 **agreed** that the level of support provided for relocation, where appropriate, be based on a valuation of the whole block of land (and the value of any improvements), regardless of how much of the whenua is currently used for residential purposes;
- 22 **agreed** that any valuations of whenua Māori used to determine the size of support include an adjustment to account for the depressed valuations of whenua Māori;
- 23 **agreed** that insurance payments for damages to dwellings as a result of the NIWE should be taken into account, where appropriate, when determining the level of funding support;
- 24 **noted** that the fund will need to remain in place until such time that all affected communities have made final decisions on what they wish to do;

Initial funding package for the Kaupapa Māori pathway

- 25 **agreed** that the Crown provide a new funding package of up to s 9(2)(j) for the Kaupapa Māori pathway;
- 26 **agreed** that the above funding package be sourced from the National Resilience Plan;
- 27 **noted** that this will leave a balance of s 9(2)(j) in the National Resilience Plan, which is already oversubscribed (this balance is made up of s 9(2)(j) in operating and s 9(2)(j) in capital funding);
- 28 **agreed** that the s 9(2)(j) funding package is not a contestable fund, but rather a provisional amount of funding that may need to be increased as more information about the full costs emerges;

Implementation responsibilities and Ministerial oversight

- 29 **noted** that agencies are currently working through implementation roles and responsibilities for the Kaupapa Māori pathway, including which agency will be responsible for administering the funding, and will report back to joint Ministers in September 2023 for decisions;
- 30 **authorised** the Minister of Finance, the Associate Minister of Finance (Hon Dr Megan Woods), and other affected appropriation Minister(s) where relevant, to take decisions on the recovery of necessary fiscally neutral changes to appropriation(s), including establishing any new appropriation(s) as needed, to enable the relevant agency(ies) to implement the Kaupapa Māori pathway;
- 31 **authorised** the Minister of Finance, the Associate Minister of Finance (Hon Dr Megan Woods), and other affected appropriation Minister(s) where relevant, to set reporting requirements once the implementing agency(ies) has been agreed and the relevant appropriation has been established;
- 32 **noted** that it is anticipated that some funding proposals from communities will be significant, and that it is desirable that these receive a greater level of scrutiny;
- 33 **agreed** that the prior approval of the Minister of Finance, the Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister for Māori Development will be required for packages over \$5 million;
- 34 **noted** that it is expected that implementation activities will be managed through existing departmental baselines, and to the extent this creates pressures on other priority programmes, the Budget 2024 process will provide an opportunity for the relevant appropriation Minister to seek additional funding as necessary;
- 35 **noted** that officials will progress work with the aim of providing for the fund to be operative and open for funding requests from individuals and communities by October 2023, to align with the expected timing for the Hawke's Bay general category buyout offers, noting that at least one community s 9(2)(a) is already advanced in its thinking regarding adaptive solutions;

Wider supports

- 36 **noted** that addressing the range of needs for affected communities will require consideration of whether needs are within scope of the proposed Kaupapa Māori pathway fund or are responded to through existing support mechanisms and policy processes, e.g. the Regional Recovery Plan process;
- 37 **noted** that there have been no specific requests through engagement for temporary relocation support, but that officials will work with relevant agencies to determine whether there is scope within existing support channels to meet any future demand and will report back to joint Ministers in September 2023 on this point;
- 38 **noted** that within the proposed funding package, there is scope for the leasing of land if required to support temporary relocation solutions;
- 39 **noted** that several marae and culturally significant sites in Category 2 and Category 1 have also been heavily impacted by the severe weather events that are not specifically part of the Kaupapa Māori pathway, but have been identified through engagement as seeking support;

40 **noted** that the Cyclone Recovery Unit, the Ministry for Social Development and the National Emergency Management Agency will be working with relevant agencies to coordinate a response to such requests, and will provide an update to relevant Ministers on next steps in a briefing on 14 September 2023;

Engagement with affected communities

41 **noted** that ongoing engagement is required to ensure affected communities are aware of the high-level parameters of the Kaupapa Māori pathway for whenua Māori, and of the possible funding available;

42 **noted** that to appropriately engage and negotiate with impacted communities, a targeted, consistent and specialised approach is needed to get a clear picture of what will work for each community;

43 **agreed** to establish a specialised Kaupapa Māori taskforce under the Cyclone Recovery Unit, to be led by officials from Te Arawhiti, to strengthen relationships and begin negotiations with impacted communities;

44 **agreed** that the taskforce referred to above will:

44.1 be of an appropriate size, and comprised of seconded officials across government;

44.2 have access to funding and resources available to the Cyclone Recovery Unit;

44.3 operate for an initial period of 2-3 months;

45 **directed** the taskforce to report back to the Minister for Māori Crown Relations: Te Arawhiti, Minister of Finance, Minister for Cyclone Recovery, Minister for Māori Development and Minister of Local Government with negotiated solutions;

46 **authorised** the Ministers referred to in paragraph 45 above to finalise decisions on negotiated options in the Kaupapa Māori pathway, including associated implementation planning;

Delegated decisions

47 **agreed** that decisions on the following aspects related to the design of the fund be delegated to the Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister of Māori Development:

47.1 the approach to setting maximum and/or minimum ‘guardrails’ for Crown contributions to the different components of the support package;

47.2 how the level of support is adjusted to account for the depressed value of whenua Māori;

47.3 how the level of support should account for rising costs over time;

47.4 s 9(2)(f)(iv)

47.5 s 9(2)(f)(iv)

47.6 other design details for the fund not outlined above, as required;

48 s 9(2)(f)(iv)

Next steps

- 49 **noted** that the process for progressing the Kaupapa Māori pathway will include announcing decisions in two steps:
- 49.1 the Cyclone Recovery Unit will lead specific engagement with affected communities and local government to set out the parameters of the policy agreed by EWR for the Kaupapa Māori parallel pathway; and
 - 49.2 the government will make announcements to the wider public on the decisions agreed for this pathway once the Cyclone Recovery Unit has completed the above step;
- 50 **note** that the Cyclone Recovery Unit will continue to lead discussions with hapū, whānau, trustees, beneficial Māori landowners, ungoverned whenua owners, shareholders and/or their nominated entity in s 9(2)(a) (and any other communities with Category 2A whenua Māori that move into Category 3), with local government involvement, with the aim of:
- 50.1 working with communities to confirm which group or person(s) will have the mandate and authority to represent them ahead of agreeing a community-level support package and where an individual land-block level solution is sought;
 - 50.2 agreeing support packages and identifying any further financial needs that are not captured within scope and confirming requests for non- financial support (i.e. facilitation of land acquisition processes);
 - 50.3 building a clear understanding between all parties of the implications of potential solutions (including those where whānau remain in situ) for infrastructure provision;
- 51 **invited** the Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister for Māori Development to report back to Cabinet in November 2023 on progress toward implementing the agreed Kaupapa Māori policy response.

Janine Harvey
Committee Secretary

Present:

Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Willie Jackson
Hon David Parker
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Willow-Jean Prime

Officials present from:

Office of the Prime Minister
Officials Committee for EWR
Cyclone Recovery Unit
Chair, Taskforce

Office of the Minister of Finance

Office of the Minister for Māori-Crown Relations: Te Arawhiti

Office of the Minister for Māori Development

Chair, Cabinet Extreme Weather Recovery Committee

Future of severely affected locations: Kaupapa Māori pathway report-back

Proposal

- 1 This paper provides an update on progress toward developing the Kaupapa Māori pathway, established for Māori land and communities as part of work on the Future of Severely Affected Locations (FOSAL) following the North Island extreme weather events (NIWE).
- 2 It seeks agreement to an overarching support package for the pathway.

Relation to government priorities

- 3 This paper relates to the Government's ongoing recovery response to the 2023 North Island extreme weather events.

Executive Summary

- 4 The Kaupapa Māori pathway aims to support people on whenua Māori and in Māori communities to relocate to safer places in response to the NIWE, as previously agreed by the Cabinet Extreme Weather Recovery Committee (EWR). In doing so it recognises the Crown's Treaty and legal obligations associated with whenua Māori. The pathway is being progressed in parallel with the wider FOSAL programme, including the Category 3 buyout scheme led by councils.
- 5 This paper proposes a policy response that is centred around the creation of a fund for the flexible provision of grants to support those affected and in scope. This builds on EWR's previous agreed parameters for the pathway and decision to advance a grant-based solution that ensures Māori retain ownership of their whenua. The proposal has been shaped by issues raised through Cyclone Recovery Unit (CRU)-led engagement to date with affected communities (particularly in Hawke's Bay), though further discussions are needed to build a complete picture of issues faced.
- 6 Agreeing the response now is key for achieving alignment with the timing of Hawke's Bay's Category 3 buyout offers and providing much needed certainty. However, this needs to be balanced with the building in of flexibility to allow for tailoring to unique circumstances in different locations and to recognise that further engagement may raise further issues for consideration. This flexibility is critical to uphold our Treaty obligations.

- 7 We propose the fund:

7.1 s 9(2)(j)

[REDACTED]

[REDACTED]

- 7.2 is targeted at Category 3 properties on whenua Māori with residential uses or culturally significant assets, with some specific exceptions for general title land and scope for discretion.
- 7.3 can be used for relocating residences, marae and other culturally significant assets, Crown assistance to facilitate the process of acquiring land, s 9(2)(f)(iv) and indirect relocation costs such as legal, technical, and consenting costs.
- 7.4 can be accessed at a resident, landowner, or community-level.
- 8 Further design details are still to be confirmed and we propose these are delegated to joint Ministers (of Finance, Crown-Māori Relations, and Māori Development). The Crown should be open to adapting the settings of the fund where relevant gaps are identified, and the fund will need to be supplemented by access to existing supports to address related needs.
- 9 This pathway involves multiple competing objectives, including upholding the Crown's Treaty obligations, accounting for the complexities for the whenua Māori regulatory system, providing certainty and flexibility, maintaining community cohesion, ensuring equitable treatment relative to the Category 3 buyout scheme, and setting a sustainable precedent. While risks are unavoidable, our view is that the right balance has been struck.
- 10 Following EWR decisions the CRU (with support from Te Puni Kōkiri and Te Arawhiti) will continue to lead engagement with whānau, hapū, and relevant stakeholders to support them to develop proposed packages that they consider will meet their needs, within the parameters Ministers have agreed. This will enable communities and individuals to have certainty and be able to access Crown funding as quickly as is appropriate.

Background

- 11 The primary objective of the Kaupapa Māori pathway is to support people residing on Māori land and in Māori communities to move out of harm's way. It will provide support to move to a safer place in a way that recognises:
- 11.1 the Crown's Treaty and legal obligations
 - 11.2 complexities associated with whenua Māori, and
 - 11.3 the fact that voluntary buyouts will likely not be appropriate for Māori land and communities.
- 12 On 26 July 2023, EWR agreed the key parameters for the Kaupapa Māori pathway [EWR-23-MIN-0060 refers] – that it will be:
- 12.1 A Crown-led and funded process
 - 12.2 Focussed on:
 - 12.2.1 Category 3 land, and areas with the potential to move into Category 3;
 - 12.2.2 Māori communities with whenua Māori, cultural and residential Māori assets on whenua Māori, and Māori collectively owned assets on other Category 3 land.

IN CONFIDENCE

- 12.2.3 The residential use of land, with the flexibility to consider non-residential solutions where appropriate.
- 12.3 Shaped by collaboration and engagement with iwi, hapū, whānau and affected Māori communities.
- 12.4 Flexible, to enable a response that is workable for Māori communities.
- 13 EWR also agreed that a grant-based solution to support relocation and ensure people can retain land ownership may be advanced as one option for this pathway.
- 14 As much as possible, the Kaupapa Māori pathway should allow affected whānau and communities to chart their own paths to recovery. A successful response will recognise the spiritual and holistic wellbeing of whānau and communities, as well as their ancestral connections to the whenua. It will also support a sustainable path for the Crown, given the potential precedent set for future events. He Ara Waiora, a framework that informs the policy advice of the Treasury, can guide us in considering the wellbeing of those affected.
- 15 This pathway is being progressed in parallel with the local government-led FOSAL pathways for Categories 2 and 3. EWR is considering a paper updating progress on these locally led pathways at the same meeting that the present paper is being considered.

Engagement update

- 16 Since EWR's July decisions, engagement in Hawke's Bay has progressed to include kanohi-ki-te-kanohi and online hui with landowners, shareholders, and trustees of Category 3 Māori land blocks in s 9(2)(a) [REDACTED]
- 17 Due to dynamics between land-block owners, shareholders, and trustees, it is taking time to encourage whānau to participate in hui directly, with some hesitant to meet with officials or provide information. This has meant we have not been able to engage directly on the options for each of the impacted land-blocks in the region and have not progressed engagement as far as we would have liked. It also means the feedback we have received does not represent the majority of interested parties. As a next step, officials will prioritise connecting with impacted whānau via a range of channels to increase participation in this engagement process.
- 18 Key themes from the engagement to date include:
- 18.1 The immediate need is for technical and legal resources for marae trusts, landowners, and shareholders to access adequate expertise to advocate and plan for their futures.
- 18.2 There is a desire from affected whānau and Māori to meaningfully participate in recovery planning across the region, with both central and local government.
- 18.3 Historic issues of land ownership, transfers, and acquisition for public works remain salient. Discussion about possible relocation options will frequently reflect that this will not be the first instance a marae has shifted, and a view that if the marae had remained on its original site, the impact would be significantly less.

- 18.4 There is a general preference for decisions to be made at the whānau and hapū level, with wellbeing and continued connection to whenua and takiwā as top priorities.
- 18.5 Complexity within governance structures will impact on collective decision-making ability. These internal relationship issues need to be considered when setting timelines as they will take time to work through.
- 19 As well as the above, we note that this feedback is building a more robust understanding of the impacted land blocks, which in turn has prompted site visits by council representatives to authenticate the categorisation process.

Updated data on affected properties within the Kaupapa Māori pathway

- 20 The following table sets out the most up to date data on provisional Category 3 whenua Māori blocks across Tairāwhiti and Hawke's Bay:

s 9(2)(a), 9(2)(j)



s 9(2)(a), 9(2)(j)

Note: Specific numbers of affected residential whare and whānau are to be confirmed.

- 21 Some Māori communities in these areas are amongst our most vulnerable. Deprivation levels are high across a range of metrics, and incomes are low. Specific statistical detail on communities is at Annex 1.
- 22 It is anticipated that many whānau in these areas may be under-insured or have no insurance. Whānau will have made choices on the affordability of insurance relevant to their specific situations. Marae trustees have also found that obtaining insurance on specific cultural assets such as marae has been challenging because of the ownership structures that are in place.

Policy decisions made now need to achieve certainty...

- 23 EWR has previously noted the importance of ensuring decisions on the Kaupapa Māori pathway keep in step with the general FOSAL pathways, including the Category 3 buyout scheme.
- 24 Hawke's Bay is the most advanced in developing its voluntary buyout scheme and we understand that it may be in a position to make offers from as early as early-October 2023. Proposals in this paper seek to achieve broad alignment with the timing of anticipated Hawke's Bay decisions and enable Government to provide clarity to communities about what support options are available and to whom.
- 25 We are aware of the stress communities are already under and the exacerbating effect prolonged uncertainty has on their mental and spiritual wellbeing. These proposals aim to provide greater certainty and consider both immediate needs as well as longer-term solutions. They also aim to ensure that the pace of this decision-making does not compromise the ability to deliver on overall wellbeing outcomes for Māori communities, exacerbate existing vulnerabilities or create new ones.
- 26 We are also aware that solutions for communities, and potentially landowners who may not wish to be part of a community solution, may take longer to resolve due to the multifaceted processes involved. As a point of comparison, it took three years of engagement before a solution was agreed for the s 9(2)(a) community; the only whenua Māori blocks red-zoned after the Canterbury earthquake. The community consisted of 10 properties on Māori freehold land, a few with multiple owners and some with individual owners. By contrast, the Kaupapa Māori pathway is significantly more nuanced, with a sizeable amount of whenua Māori in flood affected regions, held by multiple individual owners or in a number of collective ownership structures such as trusts, sometimes

without governance arrangements in place, and situated amongst some of our most vulnerable Māori populations.

- 27 The proposed policy decisions will help shape further engagement and provide the foundation for communities to progress solution options. Ongoing collaboration and engagement with Māori and local government will need to continue at pace to ensure that resolutions that work for communities are as timely as possible. We are aware the s 9(2)(a) [REDACTED] has expressed a desire for a fast response. While we appreciate this, moving forward will still require full engagement with the wider affected community.

... while building in sufficient flexibility to ensure a fit-for-purpose approach

- 28 The process needs to move forward as fast as is appropriate, while also aligning with agreed community needs and expectations. Engagement to date has reinforced the need for a policy approach that is flexible rather than prescriptive in order to achieve ‘the right solution in the right place’ and be tailored to the unique and often complex characteristics of whenua Māori. This includes that:

28.1 Marae are the focal point for most affected communities, meaning marae trustees, marae committees (usually different people), kaumātua, and post settlement governance entities representing the wider hapū and iwi associated with the marae need to be included in decision-making. All of these (and the whenua Māori owners and management entities) represent different layers of the Treaty-based rights and interests involved as well as tikanga-based interests; all of which the Crown has a Treaty-based responsibility to consider and engage with.

28.2 There are different types of dwellings in these communities. For example, in s 9(2)(a) ‘residences’ include cabins, caravans, and sheds that may be sub-standard and/or over-crowded.

28.3 Ownership interests in dwellings are seldom straightforward. For instance, when the land has multiple owners¹, dwellings often do not belong to all the landowners, but rather to one owner or a single whānau. It is also possible that the dwellings may be owned by someone without an ownership interest in the land but who may have a close association like a whakapapa interest.

- 29 Annex 2 provides a fuller summary of the unique characteristics associated with whenua Māori.

- 30 Recent engagement has helped to build a reasonable understanding of affected areas in Hawke’s Bay and Tairāwhiti, though officials are working to develop a complete picture. Further engagement may identify additional issues and any changes to categorisation decisions could bring new communities into scope (i.e. from Category 2A to Category 3) with their own unique set of issues. Additional whenua Māori blocks in Category 3 (or 2A)

¹ One Category 3 land block in Tairāwhiti has over 800 owners.

may be identified in Auckland, but their categorisation and engagement is ongoing.

31 While the proposed policies in this paper have been informed by engagement, they have not been collaboratively developed with those affected. This means a careful balance is needed between:

31.1 avoiding an unduly narrow scope of discussions with communities on support options and solutions in a way that precludes the consideration of relevant needs or issues they face, while also

31.2 being clear about what is in scope and the Crown's expectations.

32 Annex 3 provides a summary table of issues raised through engagement and describes how these issues have shaped this proposal.

Summary of the proposed policy response

Establishing a flexible fund focused on relocation and retention of whenua

33 For the Kaupapa Māori pathway, we propose establishing a flexible grant system operationalised via a fund. The distribution of grants via a fund allows for a tailored approach to providing support in terms of the size and nature of support and the level of applicant (e.g. Māori community, landowner, resident, or whānau-based). There may need to be ongoing review of the scope of the fund in light of engagement and as more detail comes to light.

34 The policy is predicated on Māori landowners retaining ownership of their whenua. To date, there has been no indication that any landowners have a desire to pursue a buyout option (and we consider it highly unlikely that a buyout will be sought). That said, it is important that landowners have access to the same support options as those in the Category 3 pathway, and we therefore recommend the Government keep the buy-out option available for affected Māori landowners. However, the process of alienating whenua Māori is complex and, in some cases, is not possible at all (e.g. Māori customary land and Māori Reservations). § 9(2)(g)(i)

35 In progressing the fund's implementation, the Crown has a responsibility to work with local government to understand the implications of planned solutions for infrastructure provision (including the effect on retained whenua), and to ensure that solutions for meeting any future infrastructure needs are workable for communities and whenua Māori landowners.

Wider responses

36 This fund should be supplemented by the utilisation of existing mechanisms and policy processes (e.g. the Regional Recovery Plan process) that cover the wider support needs of affected communities in scope for the Kaupapa Māori pathway (as well as other Māori-owned land and Māori communities affected by the NIWE). As funding needs are identified through ongoing engagement, there will be a choice about whether to include them in scope for the proposed fund or address them using existing mechanisms.

37 The wider response needs to cover both the immediate needs of communities and needs that will take longer to resolve. This includes temporary relocation solutions to avoid social harms and foster community wellbeing while a long-term solution is being worked through.

Key risks with the proposed response

38 In designing the proposed policy multiple competing objectives must be considered – for instance, delivering a response that is sufficiently timely, equitable, flexible, bespoke, and fiscally sustainable. Risks are unavoidable. We consider that the proposed flexible funding package is a well-balanced approach, though key risks that we have considered include:

38.1 **Inequity compared to the Category 3 buyout process** – The design of the Kaupapa Māori response must differ from the Category 3 buyout scheme in order to recognise the unique characteristics associated with whenua Māori and the Crown's Treaty and legal obligations. Given engagement is ongoing, it is also important for the proposed design elements to have more flexibility than the Category 3 buyout scheme. Where the proposed system deviates from the Category 3 buyout scheme, having a strong rationale is critical to mitigate the risk of inequities between the two responses. Even where differences are justified, a risk of perceived inequity remains, which could be mitigated to some degree through clear communications.

38.2 We consider that the deviations that involve the most material risks of perceived inequity on this basis include:

38.2.1 *Including selected types of Category 3 general title land as being eligible for support – s 9(2)(j)*

[REDACTED]

38.2.2 *Using a case-by-case approach to determining the level of support provided* – This approach reflects complexity around ownership arrangements and the need for a flexible approach that mitigates the risk of providing either too much or too little support. Furthermore, an approach purely based on the full capital valuation of a property (such as the expected approach for council Category 3 buyout schemes) may be materially insufficient to enable affected property owners to relocate nearby (where achievable) as a community so that they have an equivalent residential circumstance compared to pre-cyclone. This is because of potentially limited suitable

land available for relocation, as well as the depreciated value of existing buildings compared to the cost of a new build.

38.2.3 *Recognising potential future residential use* – For whenua Māori in scope of support through the Kaupapa Māori pathway, the level of support provided will be based on the whole block of land (and the value of any improvements) regardless of how much of the whenua is currently used for residential purposes. This approach differs from the approach we expect councils to take on the standard pathway (where for mixed use land, the buyout offer may only focus on the residential portion of the land), as it acknowledges the multifaceted ownership structures and interests (including intergenerational) in whenua Māori, and the importance of occupation rights for whenua Māori owners.

38.3 **Risk of failing to uphold the Crown’s obligations to Māori as a Treaty Partner** – The focus on agreeing the key design elements of the response now means that the proposed response has not been able to be collaboratively developed with affected Māori. In Treaty terms, this is a risk for the Crown if the options are not well received and a risk for affected communities if the options fail to provide a realistic solution. To mitigate these risks, we propose designing a fund that, while providing some certainty for whānau and communities, includes sufficient flexibility that specific community-by-community solutions can be shaped collaboratively through engagement (which is ongoing). § 9(2)(f)(iv)

[Redacted text block]

38.4 **Risk of failing to meet legal obligations under Te Ture Whenua Māori Act 1993** – There is a risk to the Crown if it does not meet its obligations to facilitate and promote the retention, use, development, and control of whenua Māori as a taonga tuku iho in the hands of its Māori owners, their whānau, their hapu and their descendants, and that protects wahi tapu. This applies to the Crown as Treaty partner and the potential to exacerbate harm to Māori and their whenua if it is not addressed. § 9(2)(f)(iv)

[Redacted text block]

38.5 **Fiscal risk** – The flexible approach proposed (for instance, use of a case-by-case approach for setting the level of support) carries material fiscal risk as it is difficult to accurately ascertain the number and range of support requests the Crown will receive through this process. The overall costs could increase beyond what is currently being proposed to be set aside. § 9(2)(f)(iv)

[Redacted text block]

A clear communications plan to set reasonable expectations regarding the Crown's contributions will also help manage this risk.

- 38.6 **Precedent risk** – The proposed approach could set a precedent for how the Crown responds in future weather events, by setting expectations for the wider public. Making clear the unique circumstances regarding whenua, which have required the establishment of the Kaupapa Māori pathway, may assist to mitigate this. Work on the enduring framework for climate change adaptation is currently underway and involves complex decisions and engagement with Māori across New Zealand and needs to consider intergenerational issues. The FOSAL programme and Kaupapa Māori pathway does not pre-empt this work and is a one-off response to a severe weather event, though could influence people's perspectives on what the longer-term framework might be. It is noted there is very little whenua Māori in New Zealand, and a large portion of it is in low or uninhabited areas.

Design of the proposed fund

Purpose and objectives

- 39 In line with the primary objective for the Kaupapa Māori pathway, the overarching purpose for the fund is to enable people residing on whenua Māori and in Māori communities severely affected by the NIWE to move out of harm's way by relocating their residential and related uses to safer places.

- 40 We propose that the following additional objectives guide funding decisions. These recognise the importance of the Crown's Treaty obligations and obligations to promote the retention and use of whenua Māori, the unique characteristics associated with whenua Māori, the importance of community and the link between the whenua and the overall wellbeing of the people, and the need to allow for equity and efficiency considerations:

40.1 Manaakitanga

- 40.1.1 Enables people to relocate to physically safer places and be in at least in an equivalent residential circumstance as they were pre-weather event.

- 40.1.2 Provides certainty to people and communities and enables their aspirations.

- 40.1.3 Protects wairuatanga, so that the spiritual wellbeing of tangata whenua is protected, including through connection to whenua and community.

40.2 Kotahitanga

- 40.2.1 Supports community cohesion and upholds mana through a community-led, government-supported process.

40.3 Tikanga

- 40.3.1 Upholds the Treaty relationship.

40.3.2 Respects and maintains connection of people to their whenua and cultural values, and promotes the retention and use and development of whenua Māori in the hands of its owners.

40.4 Tiakitanga

40.4.1 Allows both immediate relief and community-led solutions, which may take longer to develop.

40.4.2 Enables stewardship of key systems, including administrative and fiscal sustainability, and the coherence of the overall response to current and future severe weather events.

Who can access the fund

41 Funding would be available for properties that meet all of the following characteristics:

41.1 Category 3 – this includes properties that may currently be designated as Category 2A that are then moved into Category 3. The focus on Category 3 reflects that these properties are deemed by councils to face unmanageable levels of risk to life and/or risk of injury.

41.2 Properties with residential uses or assets of cultural significance, including marae, papakāinga and urupā. Depending on the circumstance, non-residential land uses related to residential purposes may need to be part of the solution (as noted in EWR-23-MIN-0060). The inclusion of marae in scope reflects both their role in the heart of a community, and that communities do not have sufficient capacity or capability to actively protect their affected marae in terms of resources and funding. A theme from the engagement was the importance people placed on the location of the marae to inform their relocation decisions.

41.3 Māori freehold land, Māori customary land, Māori reservations, and assets of cultural significance that sit on general title land s 9(2)(a) as well as general title land that meets any of the following categories (to reflect their ancestral connections to the whenua):

41.3.1 General land that is owned by, and has been owned continuously by, members of the hapū associated with the whenua and is geographically connected to Māori freehold land, Māori customary land, or Māori reservations.

41.3.2 General land that was previously Māori freehold land but ceased to have that status under

41.3.2.1 An order of the Māori Land Court made on or after 1 July 1993.

41.3.2.2 Part 1 of the Māori Affairs Amendment Act 1967.

41.3.3 Land held by a post-settlement governance entity for residential use.

42 In some situations, there may be some Category 3 properties in Māori communities with Category 3 land that do not meet the criteria above. Owners of these properties would receive a council buyout offer. Where a 'whole-of-community' solution is sought, having properties within a single community in

two separate processes may disrupt community cohesion, particularly given council buyouts are expected to only be offered for one year and solutions may take much longer than that to confirm.

43 Given this and that engagement is still ongoing, we propose:

43.1 Allowing for discretion to be applied on an exceptions basis to include other Category 3 general title properties, particularly where a community approach is pursued. Further engagement will help to identify in what cases such discretion might need to be considered.

43.2 s 9(2)(f)(iv)

44 Further discretion should be able to be applied to the inclusion of Category 2 properties on whenua Māori, given that there may be cases where including such properties in scope would promote the maintenance of community cohesion and wellbeing.

45 For these properties in scope, depending on local preferences, the fund can be accessed at the level of:

45.1 a resident of a property in scope, regardless of whether they have ownership interests in the dwelling or whenua,

45.2 whenua Māori owner or governors, whānau and hapū level, and decision-making authorities (once established), and

45.3 a body representing a group of properties (i.e. a community).

46 Allowing for eligibility at these different levels maintains flexibility (since different affected areas could prefer different approaches) and gives individuals and whānau choices about whether they wish to relocate immediately to a safer place or work through solution options as a collective (which we understand to be desired for at least some communities).

47 The approach of providing for flexibility and choice however comes with equity-related risks that will need to be navigated. For instance, providing individuals/whānau-level access to the fund could risk undermining attempts to develop community-based options with effects on community cohesion, particularly if these solutions take longer to establish.

48 Where a community-based option is employed, there will be a need to identify which group or person(s) will have the mandate and authority to represent the community, and maintain relationships with the government agency administering the fund. While some whenua Māori has existing governance structures that represent and manage the whenua, others do not. Confirmation from landowners will be required to determine if existing governance structures will take on the leadership role for the community in the Kaupapa Māori pathway. For ungoverned whenua, further work is needed to confirm who might represent it to ensure it is protected and provided for. This may include a need to appoint through the Māori Land Court temporary agents to represent landowners.

What support options are in scope through the fund

49 Through engagement, communities have identified a range of financial needs involved with relocation. These centre around requests for direct support for the relocation of marae and associated residences (in a way that does not involve a change in land ownership), but also address indirect costs involved with technical support and engaging in the relocation process.

50 We propose that the fund can contribute to the below costs. While these support options are broad and directly informed by official engagements, the Crown should be open to expanding the scope where relevant gaps are identified through further engagement.

50.1 **Relocating a residence to a safer location**, including the costs of moving a dwelling, purchasing a dwelling or building a new dwelling, and purchasing or leasing land.

50.2 **Relocating marae and other culturally significant assets** s 9(2)(a)

[REDACTED]
This includes the cost of acquiring new land, rebuilding or moving a marae, including dismantling and reconstruction of marae in line with cultural practices.

50.3 **Crown assistance in facilitating the land acquisition process** in order to address any barriers to communities securing suitable sites to relocate to. This could include support through the process of negotiating with potential sellers (and does not involve any form of compulsory acquisition). s 9(2)(j)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

50.4 **Legal, technical, consenting, compliance and engagement-related costs** required to establish workable relocation solutions. This includes costs from Māori Land Court processes such as application to the court, or the need to call a meeting of landowners, as well as costs to participate in the engagement process with the Crown. It may also need to consider costs for the Māori Land Court itself to provide expanded capacity to proactively support this kaupapa. Compliance costs will also arise from meeting local government building and consenting requirements. Affected communities have also expressed a need for appropriate technical expertise to aid the development of their relocation plans. Lack of support for these costs risks creating a barrier to successful solutions being worked through.

50.5 s 9(2)(f)(iv)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

s 9(2)(f)(iv)

- 51 Different people and whānau may be entitled to different components of this funding (and different levels of funding within each component) dependent on the ownership and residential arrangements. Work will be needed to ensure that the funding components are paid to the correct recipients, and payment of one support component does not mean additional supports cannot be provided for other components if that is appropriate.
- 52 For some whānau or hapū they may be able to relocate residences, marae or culturally significant assets to a Category 1 or 2 area of their existing plot/land. In other cases this option will not exist and purchasing additional land within or near to their takiwā would be required.

Level of support

- 53 Given the unique characteristics associated with whenua Māori and the various components of the support package, establishing a single methodology for determining the level of support for those affected is not straightforward and risks not delivering a tailored response. Instead, we propose a case-by-case consideration of applications within specific funding parameters.
- 54 The objective of enabling people to relocate to physically safer places and be in at least similar residential circumstances as they were pre-cyclone will be difficult to achieve if the gap between the value of the existing dwelling and the cost of an equivalent replacement dwelling is too great. This could arise, for example, where an existing dwelling and curtilages are on a small portion of a larger block of whenua Māori without its own separate title. If there are no options to replicate that, the whānau will be left having to try to secure a regular section and dwelling, with practicalities and planning rules making it harder they could do that in another rural location. This risk is greatest in areas where there are known issues of deprivation and sub-standard housing.

55 s 9(2)(f)(iv)

[Redacted text block]

56 At a minimum the level of support corresponding to a particular block of land should not be less than if it was in the general Category 3 pathway.

56.1 Officials understand that councils' buyout offers will be based on 95-100 per cent of the property's pre-event total value (land value plus improvement value) net insurance proceeds. Where a property is mixed-use, the valuation is based on the residential component of a property.

56.2 Sales involving whenua Māori are often transacted at a lower price compared to similar general land. This reflects that Te Ture Whenua Māori Act 1993 imposes significant restrictions on the alienation of whenua Māori. Rating valuations of whenua Māori also reflect lower values compared to similar land held in general title. These adjustments follow a rating valuation case known as “The Mangatu case” (Valuer-General v Mangatu Inc – [1997] 3 NZLR 641).

57 However, it is possible to value whenua Māori as if it were general land by adjusting for the effect of depressed valuations. This will ensure that landowners are not disadvantaged due to their land being whenua Māori and not general land and will align with the general Category 3 pathway.

58 We also propose that for whenua Māori in scope of support through the Kaupapa Māori pathway, the level of support provided is based on the whole block of land (and the value of any improvements), regardless of how much of the whenua is currently used for residential purposes. This would better ensure that whānau and communities are provided with sufficient financial support to enable them to find similar sized land to relocate to (where possible). This will ensure they can be in an equivalent position (to the extent possible) as they were pre-cyclone. This approach acknowledges the multifaceted ownership structures and interests in whenua Māori, and allows wider whānau needs and future plans for the whenua to be accommodated as much as possible.

59 Clarity will be needed regarding whom the grant is made to, to avoid inadvertently providing grant funding to persons that were not entitled to it. For example, the whenua may not be owned by the resident, and they would not be entitled to the whenua component as this would be a grant to the whenua owners.

60 Like the approach expected for the Category 3 pathway, we propose that insurance payments for damages to dwellings as a result of the NIWE should be taken into account when determining the level of funding support.

61 The longer time that may be required for communities to work through relocation options should not mean that people are disadvantaged.

61.1 We will seek advice from Treasury, Te Puni Kōkiri, Te Arawhiti and Ministry for the Environment (MfE) officials and propose delegating decisions on how the level of support provided should account for the effect of rising costs over time.

61.2 The fund will need to remain in place until such time that all affected communities have made final decisions on what they wish to do.

s 9(2)(f)(iv)

[REDACTED]

s 9(2)(f)(iv) [Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]

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s 9(2)(f)(iv) [Redacted]

[Redacted]

[Redacted]

[Redacted]

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s 9(2)(f)(iv) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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s 9(2)(j)

[REDACTED]

Wider supports for affected communities

Interim relocation support

77 Given the time it could take to establish long-term solutions for affected communities, it is critical that people residing in Category 3 areas are provided immediate relocation opportunities.

78 So far, the CRU's engagement with affected communities has not resulted in any requests for immediate relocation. Should requests arise through upcoming engagement, we would expect them to be met from existing support channels in the first instance. However, we acknowledge that these channels may be under pressure so have requested officials work together to determine capacity and will report back to joint Ministers in September on this point. We also acknowledge there may be a need to provide support to communities to

² s 9(2)(j)

lease land on to which temporary relocation solutions (e.g cabins) can be placed and propose this is in scope of the Kaupapa Māori pathway.

Support for the protection of marae and cultural assets

- 79 Some marae and culturally significant sites in Category 2 and 1 have also been heavily impacted by the severe weather events. While not specifically part of the Kaupapa Māori pathway, we consider there is merit in highlighting this issue in this paper given it has been raised through engagement feedback.
- 80 Marae taonga, comprising whenua, Māori built heritage assets, cultural harvest areas, urupā and the holders and practitioners of mātauranga (including Toi Māori) comprise an important area of need for Māori which requires a specific policy consideration and financial decisions. Failing to provide for them leaves a gap in the recovery response.
- 81 The CRU and Ministry for Social Development have advised that marae are included in the regional and iwi recovery plans that are under development. Alongside the Ministry for Social Development and the National Emergency Management Agency, agencies will be coordinating a response to such requests and updating Ministers on next steps in a briefing on 14 September.

Support for housing and infrastructure

- 82 There are existing support channels in place to enable and expand Māori-led housing and infrastructure capability, including Whai Kāinga Whai Oranga and the Māori Infrastructure Fund. These could provide support for affected communities as they establish new homes and marae.
- 83 We have asked officials to look at the suitability of these funds to support communities involved in the Kaupapa Māori pathway and to report back to joint Ministers in September.

Further issues to consider

84 The following issues require further consideration:

84.1 s 9(2)(f)(iv) [Redacted]

84.2 s 9(2)(f)(iv) [Redacted]

84.3 **Rights to existing whenua** – Receiving Crown support to relocate, while conditional upon no longer residing on existing whenua, does not affect landowners’ existing right to use the whenua for alternative uses.

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Further work is needed to consider what, if any, mechanisms are appropriate to formalise the rights of use for the retained whenua.

- 84.4 **Land title for new whenua** – While this has not been raised in engagement yet, further work may be needed to confirm the approach to determining the land title for the new whenua that communities relocate to (e.g. either general title or Māori freehold land).

How the proposed approach is consistent with the Crown's Treaty responsibilities

- 85 Treaty principles require reasonable and good faith decision-making, Māori concerns and interests to be properly understood (including through engaging with Māori) and taken into account in any decisions, and that options involve active protection of Māori interests and no material impairment of the Crown's ability to take reasonable action to comply with Treaty principles.
- 86 The Treaty of Waitangi includes protections and acknowledgements of Māori rights and interests. Article 2 includes a promise that Māori will have the right to make decisions over resources and taonga they wish to retain and Article 3 promised that the Crown's obligations to New Zealand citizens are owed equally to Māori [CO (19) 5 and DPMC's Policy Methods Toolbox].
- 87 When Māori interests are overwhelming and compelling, that points towards the Crown partnering with Māori to develop and design solutions. The Waitangi Tribunal has said:
- 87.1 In the modern context, the Treaty's guarantee of tino rangatiratanga affords Māori – through iwi, hapū, or other organisations of their choice – the right to decision-making power over their affairs [2023 Hauora Report];
- 87.2 The requirement for the Crown to partner with Māori in developing and implementing policy is especially relevant where Māori are expressly seeking an effective role in this process, and is heightened where disparities in outcomes exist [2023 Hauora Report];
- 87.3 Māori interest in their taonga tuku iho, Māori land, is so central to the Māori Treaty partner that the Crown is restricted (and not unreasonably so) from simply following whatever policy it chooses [2016 Report on Claims about the Reform of Te Ture Whenua Māori Act 1993].
- 88 On 5 April 2023, EWR agreed that the rights and interests of Iwi/Māori and the Crown's obligations as a Treaty partner will be central to any policy design for FOSAL [EWR-23-MIN-0030]; and
- 89 On 31 May 2023, EWR noted that:
- 89.1 engagement and policy development will be progressed with iwi by taking a Treaty partnership approach; and
- 89.2 resolution for certain land types and for Māori communities, including papakāinga and other community-held residential land, will require specific solutions to be developed, consistent with Treaty obligations and in consultation with local Māori [EWR-23-MIN-0044].

- 90 The following elements of our approach that are most critical to maintain consistency with the Crown's Treaty responsibilities and with the parameters set by EWR are:
- 90.1 the establishment of a kaupapa Māori pathway policy approach for Māori land and communities, aimed at ensuring final decisions are made in line with the processes for Māori engagement;
 - 90.2 development of an engagement process with Māori whānau, hapū, communities and landowners by the Cyclone Recovery Unit with support from other agencies;
 - 90.3 development of a policy approach that is flexible rather than prescriptive in order to achieve 'the right solution in the right place' and enable alignment with the needs and solutions identified by affected Māori landowners, whānau hapū and hapori themselves.
- 91 A challenge for the Crown is the need to ensure the Kaupapa Māori pathway runs in parallel with the general pathway so far as possible in order to avoid the risk of inequity and inconsistency with the Crown's Article 3 responsibilities while meeting Article 2 responsibilities to act reasonably to develop policy solutions in partnership with Māori and to make decisions that are informed by engagement.
- 92 In order to address these issues:
- 92.1 we are seeking agreement to the design and establishment of a Kaupapa Māori fund to support those in affected communities to relocate, with no less support than others will receive and support for their unique circumstances, to be announced within similar timeframes as support is initiated for those in the general pathway.
 - 92.2 we are proposing the fund operate as a flexible grant system enabling workable relocation solutions for residents, landowners and communities that can reflect jointly developed approaches.
- 93 The fund will not be the sole mechanism for the Kaupapa Māori pathway. For example, there will need to be provision for extended interim relocation support where it is needed, and support for the protection of marae and cultural assets.
- 94 Other factors where the Crown's Treaty responsibilities will require flexible and agile support include resource-intensive decision-making and compliance processes under Te Ture Whenua Māori Act 1993 and related factors illustrated by the following considerations:
- 94.1 Whenua Māori is a taonga tuku iho, deeply valued as an intergenerational cultural asset and a tangible marker of personal and collective identity for owners and members of the hapū connected with the whenua. Unsurprisingly, there has been firmly voiced opposition to any solution involving buyout of whenua Māori. Consistent with the cultural significance of whenua Māori and the principle of retention embodied in the Preamble to Te Ture Whenua Māori Act, support for people and communities to move from unacceptable danger should not involve the loss of their ancestral land.

94.2 There are limits to how far and where people and communities could realistically move. Locations outside the rohe of the relevant hapū or iwi would be difficult and would require conversations with those who are tangata whenua of the new location. Remaining close to existing sites is a priority for affected communities. For example, after the 1963 severe weather event at Tangoio in Hawke's Bay, a community member said "I don't know how much the Government understands, but the Māori does not want to leave the burial places of his father and grandfathers. We have no intention of leaving. All our people hold dear to them is here."

Treaty settlements

- 95 The Kaupapa Māori pathway includes interests held by post settlement governance entities in any Treaty settlement land held for the collective benefit of a claimant group. To date, there have been 11 Treaty settlements in the affected areas of Hawke's Bay and Tairāwhiti.
- 96 The post settlement governance entity for s 9(2)(a) [redacted] and the post settlement governance entity for s 9(2)(a) [redacted] and its catchment area. Both have rights of first refusal and deferred selection rights over properties in affected areas. It is not yet clear what the impact of the severe weather events is on the benefit and viability of these forms of redress for these groups or how this might affect the availability of land that might or might not be available for Category 3 landowners.
- 97 Further work is needed to determine the extent to which affected and categorised land includes housing programmes undertaken by post settlement governance entities. There is a possibility there will be affected housing schemes in Tāmaki Makaurau. A different approach is likely to be needed for impacted housing schemes operated by post settlement governance entities. At least some will have characteristics similar to social housing schemes.
- 98 Through Treaty settlements important rights and interests were recognised in these effected regions, and it is important that context is considered as we progress through the FOSAL work. Relationship agreements with various government agencies were also signed, and these need to be honoured given the significance of this work.

s 9(2)(h) [redacted]

[redacted]

[redacted]

s 9(2)(h) [Redacted]

[Redacted]

[Redacted]

[Redacted]

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Implementation responsibilities and Ministerial oversight

- 107 Agencies are currently working through implementation roles and responsibilities for the Kaupapa Māori pathway and will report back to joint Ministers in September.
- 108 While we envisage a single agency will be responsible for administering the fund, we propose that decisions requiring approval of packages over \$5 million should be taken to the Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti, the Minister for Māori Development, and the Minister for Finance.

Next steps

- 109 We propose that the process for progressing the implementation of the pathway following agreement of policy decisions in this paper involves:
- 109.1 Announcing decisions to affected communities in two steps:
- 109.1.1 CRU leads specific engagement with affected communities and local government to set out the parameters of what has been agreed by EWR for the Kaupapa Māori pathway.
- 109.1.2 The Government makes announcements to the wider public on the decisions agreed for this pathway.
- 109.2 The CRU continuing to lead discussions with hapū, whānau, trustees, beneficial Māori landowners and owners of ungoverned whenua, shareholders and/or their nominated entity in s 9(2)(a) [REDACTED] (and any other communities with Category 3 whenua Māori that move into Category 3), with local government involvement, with the aim of:
- 109.2.1 Working with communities to confirm which group or person(s) will have the mandate and authority to represent them ahead of agreeing a community-level support package and where an individual land-block level solution is sought.
- 109.2.2 Agreeing support packages and identifying any additional priority financial needs that are not captured within scope and confirming any requests for support in facilitating land acquisition processes.
- 109.2.3 Building a clear understanding between all parties of the implications of potential solutions (including those where whānau remain in situ) for infrastructure provision.
- 109.3 Officials progressing work with the aim of the proposed fund being open for funding requests from individuals, whānau, hapū and communities that align with support packages by October 2023 (in order to align with the expected timing for the Hawke's Bay buyout offers), noting that at least one community s 9(2)(a) [REDACTED] is already advanced in its thinking about solutions.
- 109.4 Joint Ministers making delegated decisions regarding:
- 109.4.1 s 9(2)(f)(iv) [REDACTED]

- 109.4.2 The approach to ensuring that grants are adjusted over time to reflect changes in price.
- 109.4.3 How the level of support is adjusted to account for the depressed value of whenua Māori.
- 109.4.4 Other design details for the proposed fund not covered in this paper, as required.
- 109.4.5 s 9(2)(f)(iv)

109.5 CRU leading discussions with local government (and reports back to the Minister of Cyclone Recovery, Minister of Māori-Crown Relations: Te Arawhiti and Minister for Māori Development) about the approach to funding infrastructure provision for retained whenua and any new relocation sites, s 9(2)(f)(iv)

109.6 Joint Ministers (Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister of Māori Development) reporting back to EWR in November on progress toward implementing the agreed policy response.

- 110 In progressing the development and implementation of the funding package, priority will be given to developing supports for existing residents, marae and other assets of cultural significance in the first instance.
- 111 In addition to the Kaupapa Māori pathway, whenua Māori will also be considered in the longer-term policy work on climate change adaptation. The upcoming select committee inquiry on community-led retreat and adaptation funding will have a focus on upholding Māori rights and interest, including through protecting Māori land and upholding Treaty settlements. The inquiry also provides the opportunity to build on the Māori Affairs Committee briefing on Māori climate adaptation. The inquiry's findings will inform the development of the Climate Change Adaptation Bill in 2024.

Cost-of-living Implications

- 112 There are no immediate cost-of-living implications of the recommendations in this paper. For the longer-term, where affected landowners and communities choose to relocate there may be factors affecting cost-of-living that need to be considered, such as rates burdens and affected employment connections.

Financial Implications

- 113 The proposed initial funding package of s 9(2)(j) will be provided from the multi-category appropriation 'North Island Severe Weather Events – Crown Payments to Local Authorities and Other Eligible Stakeholders'. The single overarching purpose of this appropriation is to achieve the outcome of contributing to the management of properties and land impacted by the 2023 North Island severe weather events.

Legislative Implications

114 There are currently no identified legislative implications from this paper. If such requirements arise as the Kaupapa Māori pathway evolves, decisions on such changes will be brought to Cabinet for consideration.

Impact Analysis

Regulatory Impact Statement

115 This paper does not require a Regulatory Impact Statement as it does not specifically propose the introduction of new legislation or changes to, or the repeal of, existing legislation.

Climate Implications of Policy Assessment

116 This paper does not meet the threshold for a Climate Implications of Policy Assessment.

Population Implications

117 Māori comprise 27.1 percent of the population in Hawke’s Bay. The region has a deprivation index of 6.3 out of 10, where 1 is a low deprivation and 10 is high deprivation. Hawke’s Bay regional median income is \$43,845 per annum. Māori comprise 52.5 percent of the population in Tairāwhiti. Its deprivation index is 7.8 out of 10 and the regional median income is \$43,010 per annum.

118 Refer to Annex 1 for further information on population statistics.

Human Rights

119 s 9(2)(h) [Redacted text block]

Use of external resources

120 The Ministry for the Environment and the Treasury have engaged short-term policy contractors (approx. 0.5 FTE) to assist permanent and fixed-term staff in the development of policy, Cabinet papers and associated briefings. This is due to the breadth and complexity of the Government’s ongoing recovery response to the NIWE.

Consultation

121 This paper has been prepared by the Treasury, Te Arawhiti, Te Puni Kōkiri, Ministry for the Environment, and Cyclone Recovery Unit. Consultation has been undertaken with the Department of Prime Minister and Cabinet; Department of Internal Affairs; Ministry of Business, Innovation and Employment; Ministry of Housing and Urban Development; Ministry for Primary Industries, Ministry for Pacific Peoples; Ministry of Transport; Land Information New Zealand, Inland Revenue Department; Ministry of Social

Development; Ministry for Culture and Heritage; Reserve Bank of New Zealand; Department of Conservation; Toka Tū Ake Earthquake Commission; and Te Waihanga New Zealand Infrastructure Commission.

Communications

- 122 Decisions by EWR will be announced. We are recommending that it be undertaken in two steps. Step 1 will be to hold specific engagement with affected communities to set out the parameters of what has been agreed by Cabinet for the Kaupapa Māori parallel pathway. Step 2 will be broader announcements to the wider public on the decisions agreed for this pathway.
- 123 Our rationale for taking this approach is to ensure we are good Treaty partners and take a no surprises approach with affected communities regarding the proposed parameters for the response.
- 124 Clear communications will be important for managing expectations around the level of support and mitigating the risk of perceived inequities in the design of the proposed policy that have well-grounded justifications.

Proactive Release

- 125 We intend to proactively release this paper, and earlier Cabinet papers relating to the FOSAL programme where policy considerations have been completed. All papers will be subject to redactions as appropriate, consistent with the *Official Information Act 1982*.

Recommendations

We recommend the Committee:

- 1 **note** that the Extreme Weather Committee (EWR) made decisions on 26 July 2023 on the key parameters of the Kaupapa Māori pathway [EWR-23-MIN-0060], including that it is
 - 1.1 A Crown-led and funded process
 - 1.2 Focussed on:
 - 1.2.1 Category 3 land, and areas with the potential to move into Category 3,
 - 1.2.2 Māori communities with whenua Māori, cultural and residential Māori assets on whenua Māori, and Māori collectively-owned assets on other Category 3 land.
 - 1.2.3 The residential use of land, with the flexibility to consider non-residential solutions where appropriate.
 - 1.3 Shaped by collaboration and engagement with iwi, hapū and affected Māori communities
 - 1.4 Flexible, to enable a response that is workable for Māori communities.
- 2 **note** that EWR also agreed on 26 July 2023 that a grant-based solution may be advanced as one option for the Kaupapa Māori pathway, and would include owners of whenua Māori in Category 3:
 - 2.1 Retaining ownership of their land; and
 - 2.2 Being free to use the grant as desired to enable residents to relocate to safe places.
- 3 **note** that the policy decisions proposed in this paper focus on solutions involving the retention of whenua ownership and there has been no indication from engagement that affected properties in scope for the Kaupapa Māori pathway desire to pursue a buy-out solution
- 4 **agree** that a buy-out option in principle remains on the table to the extent that current legal frameworks allow to ensure that those in the Kaupapa Māori pathway have access to the same options as those in the Category 3 pathway.
- 5 **note** that targeted engagement with affected communities has continued, is ongoing, and will need to continue until final decisions on plans on the way forward for communities and/or individuals are confirmed;
- 6 **note** it is anticipated that the Hawke's Bay local authorities may be able to make offers by early October to residents in the voluntary buyout scheme and that the proposals of this paper seek to achieve broad alignment with that timing to ensure equitable outcomes for Māori;
- 7 **note** that a flexible rather than a prescriptive approach will provide ability for the right solution in the right place that is tailored to the unique and often multifaceted components that comprise the Kaupapa Māori pathway;

Approach to the policy response for the Kaupapa Māori pathway

- 8 **note** that a flexible grant scheme is a constructive way forward to operationalise specific funding to meet the financial barriers associated with confirming workable relocation solutions for residents, landowners and communities;
- 9 **agree** to the establishing of a fund to support the flexible provision of grants to those in scope for the Kaupapa Māori parallel pathway,
- 10 **agree** that the overarching purpose of the proposed fund is to enable people residing on Māori land and in Māori communities severely affected by the NIWE to move out of harm's way by relocating their residential and related uses to safer places.
- 11 **agree** that the following additional objectives will guide decisions for the proposed fund, based on the principles of Manaakitanga, Kotahitanga, Tikanga and Tiakitanga:
- 11.1 Enables people to relocate to physically safer places and be in at least in an equivalent residential circumstance as they were pre-weather event
 - 11.2 Provides certainty to people and communities and enables their aspirations
 - 11.3 Protects wairuatanga, so that the spiritual wellbeing of tangata whenua is protected, including through connection to whenua and community.
 - 11.4 Supports community cohesion and upholds mana through a community-led, government-supported process
 - 11.5 Upholds the Treaty relationship
 - 11.6 Respects and maintains connection of people to their whenua and cultural values, and promotes the retention and use and development of whenua Māori in the hands of its owners
 - 11.7 Allows both immediate relief and community-led solutions, which may take longer to develop.
 - 11.8 Enables stewardship of key systems, including administrative and fiscal sustainability, and the coherence of the overall response to current and future severe weather events.

Design elements of the fund

- 12 **agree** that funding will be available through the fund for properties that meet the following categories:
- 12.1 Category 3 (including properties that may currently be designated as Category 2A but are subsequently categorised as Category 3);
 - 12.2 In residential use or has assets of cultural significance, including marae, papakāinga and urupā.
 - 12.3 Māori freehold land, Māori customary land, Māori reservation land, assets of cultural significance that sit on general title land, and general title land that meets any of the following criteria:

- 12.3.1 General land that is owned by, and has been owned continuously by, members of the hapū associated with the whenua and is geographically connected to Māori freehold land, Māori customary land, or Māori reservations.
 - 12.3.2 General land that was previously Māori freehold land but ceased to have that status under
 - 12.3.2.1 An order of the Māori Land Court made on or after 1 July 1993.
 - 12.3.2.2 Part 1 of the Māori Affairs Amendment Act 1967
 - 12.3.3 Land held by a post-settlement governance entity for residential use.
- 13 **agree** that on a case-by-case basis, discretion can be given to include Category 3 properties on general title land and Category 2 properties as eligible for support to enable relocation of residents with the rest of the community, where doing so would promote the maintenance of community cohesion and wellbeing;
- 14 **note** for properties in scope the fund can be accessed by:
- 14.1 A resident of a property in scope, regardless of whether they have ownership interests in the dwelling or whenua;
 - 14.2 Whenua Māori owner or governors, whānau and hapū level, and decision-making authorities (once established);
 - 14.3 A representative body on behalf of a group of residents and landowners;
- 15 **note** that while recommendation 14 maintains flexibility and provides individuals and whānau choices about if they wish to relocate immediately or work through solutions as a collective, equity-related risks will need to be navigated to ensure that attempts to develop community-based options are not undermined;
- 16 **note** for community-based options there will be a need to identify and confirm a group or person(s) who will have the mandate and authority to represent that community in its planning and negotiations for developing and agreeing a support package.
- 17 **agree** that the proposed fund can be used to support the costs of:
- 17.1 Relocating a residence – including the costs of moving, purchasing or building the dwelling, and purchasing or leasing new land;
 - 17.2 Relocating marae and other culturally significant assets, including the cost of acquiring new land, rebuilding or moving marae buildings in a culturally safe way.
 - 17.3 Legal, technical, consenting, engagement and compliance costs required to establish workable relocation solutions.
 - 17.4 s 9(2)(f)(iv)

18 s 9(2)(f)(iv) [redacted]
[redacted]

[redacted] [redacted]
[redacted]
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[redacted]
[redacted]
[redacted]

20 **agree** that a case-by-case approach is taken to determining the size of support provided for the different components of support, reflecting the unique characteristics associated with whenua Māori and that the gap between the pre-event value of the existing dwelling and the cost of an equivalent replacement block of land nearby may be significant;

21 **agree** that the minimum level of support provided for a given property should not be less than if it was in the general Category 3 pathway;

22 **agree** that the level of support provided for relocation, where appropriate, is based on a valuation of the whole block of land (and the value of any improvements), regardless of how much of the whenua is currently used for residential purposes;

23 **agree** that any valuations of whenua Māori used to determine the size of support include an adjustment to account for the depressed valuations of whenua Māori;

24 **agree** that insurance payments for damages to dwellings as a result of the NIWE should be taken into account, where appropriate, when determining the level of funding support;

25 **note** that the fund will need to remain in place until such time that all affected communities have made final decisions on what they wish to do;

Initial funding package for the Kaupapa Māori pathway

26 **agree** that the Crown provides a new funding package of up to s 9(2)(j) [redacted] for the Kaupapa Māori pathway;

27 **agree** that the above funding package be sourced from the National Resilience Plan;

- 28 **note** that this will leave a balance of s 9(2)(j) in the National Resilience Plan, which is already oversubscribed. This balance is made up of s 9(2)(j) in operating and s 9(2)(j) in capital funding;
- 29 **agree** that the s 9(2)(j) funding package is not a contestable fund, but rather it is a provisional amount of funding that may need to be increased as more information about the full costs emerges;

Implementation responsibilities and Ministerial oversight

- 30 **note** that agencies are currently working through implementation roles and responsibilities for the Kaupapa Māori pathway, including which agency will be responsible for administering the funding, and will report back to joint Ministers in September for decisions;
- 31 **authorise** the Minister of Finance, the Associate Minister of Finance (Woods), and other affected appropriation Minister(s) where relevant, to take decisions on the recovery of necessary fiscally neutral changes to appropriation(s), including establishing any new appropriation(s) as needed, to enable the relevant agency(ies) to implement the Kaupapa Māori pathway;
- 32 **authorise** the Minister of Finance, the Associate Minister of Finance (Woods), and other affected appropriation Minister(s) where relevant, to set reporting requirements once the implementing agency(ies) has been agreed and the relevant appropriation has been established;
- 33 **note** that we anticipate some funding proposals from communities will be significant and that it is desirable that these receive a greater level of scrutiny;
- 34 **agree** that the prior approval of the Minister of Finance, the Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister for Māori Development will be required for packages over \$5 million;
- 35 **note** that it is expected that implementation activities will be managed through existing departmental baselines, and to the extent this creates pressures on other priority programmes, the Budget 2024 process provides an opportunity for the relevant appropriation Minister to seek additional funding as necessary;
- 36 **note** that officials will progress work with the aim of providing for the proposed fund to be operative and open for funding requests from individuals and communities by October 2023, to align with the expected timing for the Hawke's Bay general category buyout offers), noting that at least one community (Tangoio) is already advanced in its thinking regarding adaptive solutions;

Wider supports

- 37 **note** that addressing the range of needs for affected communities will require consideration of whether needs are within scope of the proposed Kaupapa Māori pathway fund or are responded to through existing support mechanisms and policy processes, e.g. the Regional Recovery Plan process;
- 38 **note** that there have been no specific requests through engagement for temporary relocation support but officials will work with relevant agencies to determine whether there is scope within existing support channels to meet

any future demand and will report back to joint Ministers in September on this point;

39 **note** that within the proposed funding package there is scope for leasing of land if required to support temporary relocation solutions;

40 **note** that several marae and culturally significant sites in Category 2 and Category 1 have also been heavily impacted by the severe weather events that are not specifically part of the Kaupapa Māori pathway, but have been identified through engagement as seeking support;

41 **note** that the Cyclone Recovery Unit, Ministry for Social Development and the National Emergency Management Agency will be working with relevant agencies to coordinate a response to such requests, and updating relevant Ministers on next steps in a briefing on 14 September 2023;

Delegated decisions

42 **agree** that decisions on the following aspects related to the design of the fund scheme are delegated to Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister of Māori Development;

42.1 s 9(2)(f)(iv)

42.2 How the level of support is adjusted to account for the depressed value of whenua Māori.

42.3 How the level of support should account for rising costs over time.

42.4 Other design details for the proposed fund not agreed to in this paper, as required.

43 s 9(2)(f)(iv)

Next steps

44 **note** that we propose that the process for progressing the Kaupapa Māori pathway following agreement of policy decisions in this paper includes announcing decisions in two steps:

44.1 The Cyclone Recovery Unit will lead specific engagement with affected communities and local government to set out the parameters of the policy agreed by EWR for the Kaupapa Māori parallel pathway; and

44.2 The Government will make announcements to the wider public on the decisions agreed for this pathway once the Cyclone Recovery Unit has completed its step.

45 **note** that the Cyclone Recovery Unit will continue to lead discussions with hapū, whānau, trustees, beneficial Māori landowners, ungoverned whenua owners, shareholders and/or their nominated entity in s 9(2)(a) (and any other communities with Category 2A whenua Māori that move into Category 3), with local government involvement, with the aim of:

- 45.1 Working with communities to confirm which group or person(s) will have the mandate and authority to represent them ahead of agreeing a community-level support package and where an individual land-block level solution is sought;
 - 45.2 Agreeing support packages and identifying any further financial needs that are not captured within scope and confirming requests for non-financial support (i.e. facilitation of land acquisition processes);
 - 45.3 Building a clear understanding between all parties of the implications of potential solutions (including those where whānau remain in situ) for infrastructure provision.
- 46 **agree** that Minister for Cyclone Recovery, the Minister for Crown-Māori Relations: Te Arawhiti and the Minister of Māori Development will report-back to EWR in November on progress toward implementing the agreed Kaupapa Māori policy response.

Authorised for lodgement

Hon Grant Robertson

Minister of Finance

Hon Kelvin Davis

Minister for Māori Crown Relations

Hon Willie Jackson

Minister for Māori Development

Annex 1: Key statistics for regions within Hawke's Bay and Tairāwhiti

Region	Key statistics
Hawke's Bay	<p>Population – 177,822. For this region:</p> <ul style="list-style-type: none"> • Māori comprise 27.1% of the population. • Regional median income \$43,845. • The region has a deprivation level index of 6.3 out of 10, where 1 is low level of deprivation and 10 high level of deprivation. • 66% of the total population are employees, 9.6% self-employed, 23.7 % unemployed. • 47% of people own or partly own their homes. • 183 people are living in community housing. <p>Key industries for employment are agriculture, forestry and fishing; health care and social assistance; and manufacturing.</p>
§ 9(2)(a)	<ul style="list-style-type: none"> • 18.8% of the population is Māori. • § 9(2)(a) has a deprivation level index of 5 out of 10. • 46% of the population own or partly own their homes. <p>Note § 9(2)(a) consists of 6 SA1.</p>
§ 9(2)(a)	<ul style="list-style-type: none"> • 14.0% of the population is Māori. • § 9(2)(a) has a deprivation level index of 3 out of 10. • 53% of the population own or partly own their homes. <p>Note § 9(2)(a) consists of 4 SA1.</p>
§ 9(2)(a)	<ul style="list-style-type: none"> • 13.0% of the population is Māori. • § 9(2)(a) has a deprivation level index of 3 out of 10. • 38% of the population own or partly own their homes. <p>Note § 9(2)(a) consists of 17 SA1.</p>
§ 9(2)(a)	<ul style="list-style-type: none"> • 56.3% of the population is Māori. • § 9(2)(a) has a deprivation level index of 9 out of 10. • 27% of the population own or partly own their homes. <p>Note § 9(2)(a) consists of 4 SA1.</p>
§ 9(2)(a)	<ul style="list-style-type: none"> • 44.7% of the population is Māori. • § 9(2)(a) has a deprivation level index of 8 out of 10. • 42% of the population own or partly own their homes. <p>Note § 9(2)(a) consists of 4 SA1 which includes the main township, beach area and 2 others.</p>
Tairāwhiti	<p>Total population 51,072. For this region:</p> <ul style="list-style-type: none"> • Regional median income is \$43,010. • 52.5% of the population is Māori. 56.5% is European. • The region has a deprivation level index of 7.8 out of 10.

	<ul style="list-style-type: none"> • 54 people are living in community housing. • 39 % of the population own or partly own their homes. • 63.3% are employees, 7.5% self-employed and 28.4 % unemployed. <p>Key industries for employment are agriculture, forestry and fishing; health care and social assistance, and construction.</p>
s 9(2)(a)	<ul style="list-style-type: none"> • 76.0% of the population is Māori. • s 9(2)(a) has a deprivation level index of 10 out of 10. • 40% of the population own or partly own their homes. <p>Note s 9(2)(a) consists of 3 SA1.</p>

Note: SA1 is a statistical area boundary defined by Stats NZ as having an ideal size range of 100-200 residents, and a maximum population of about 500.

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Appendix 2: Whenua Māori blocks in Category 3 (provisional)

s 9(2)(a), 9(2)(j)



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s 9(2)(a), 9(2)(j)

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Annex 3: Alignment of Engagement Themes with Policy Direction

Note on content: there is a recognised privacy risk for individuals with sharing some of this information publicly. Sensitivities exist which preclude sharing specifics in some cases. The CRU can provide guidance.

The table below describes the key issues iwi and Māori stakeholders have raised through national, regional and local engagement on FOSAL and wider cyclone recovery matters.

The CRU has attended and led a range of iwi, community and marae-level engagements since local councils began announcing their FOSAL provisional categorisations on 31 May (Gisborne District Council) and 1 June (Hawke's Bay councils). Auckland Council is poised to confirm its categorisation of Auckland affected properties in coming weeks.

Hawke's Bay

- Severely affected whenua Māori land blocks are largely concentrated in the Hawke's Bay's s 9(2)(a) so CRU engagement effort has focused largely on s 9(2)(a) land interests and related stakeholders, including the s 9(2)(a) severely affected marae in the region, and the iwi authority, s 9(2)(a).
- Through a publicly notified process the CRU is also talking to trustees, owners and residents of provisional Category 3 whenua Māori, with support from local councils, s 9(2)(a). There is an ongoing engagement challenge with, in some instances, large and dispersed groups of owners, unknown governance/trusteeship and/or contact details to work with; and some whānau reluctance to relocate and, therefore, engage in the FOSAL process.
- More broadly, the CRU and Te Arawhiti are aware of, and will manage, concerns the various PSGEs have that the FOSAL and cyclone recovery work not undermine their Treaty settlements and, where practicable, complement their post settlement duties and objectives.

Tairāwhiti

- s 9(2)(a). CRU has supported all the Gisborne District Council-led engagements with affected communities, including East Coast and other communities with relatively high Māori populations, and is seeking direct dialogue with the Category 3 affected residents and owners.
- CRU's broader cyclone recovery engagement with Tairāwhiti iwi and Māori stakeholders has taken place against the backdrop of a breakdown in relationships between the Gisborne District Council (GDC) and three of the region's four main iwi, s 9(2)(a). In recent weeks GDC and local iwi leaders have recommitted to a unified cyclone recovery and wider collaborative approach, and the leaders acknowledge their access to recovery Ministers, the CRU and other parts of central government to progress their recovery, Ministerial Inquiry into Land Use and other aims.

- Of the four main iwi, s 9(2)(a) [REDACTED]
[REDACTED] This is important context for the recovery dialogue with the Mahaki principals, and their concerns for the protection and future availability of Māori land in their rohe.

Auckland

- In Auckland the CRU has, to date, undertaken very limited engagement on whenua Māori and/or support for council-led engagements with local communities. The latter was put on hold pending Auckland Council's commissioning of geo-tech and household information, and confirmation of central government funding to support FOSAL and recovery work. The summary of key themes is, therefore, absent of substantive content from the region.
- Across the 13 'high risk localities' identified by Auckland Council as a precursor to its categorisations, there are two main localities that include whenua Māori: s 9(2)(a) [REDACTED]. Through Auckland Council's marae liaison staff, CRU is aware of only two local marae impacted by the Auckland Anniversary floods: one (s 9(2)(a)) has up to s 9(2)(a) papakāinga units at risk of landslips; and one s 9(2)(a) [REDACTED] is a marae site impacted by road closures since the floods.
- More broadly, agencies are aware that local iwi will be concerned to maintain the integrity of their respective Treaty settlements with the Crown, including environmental accords and commercial property instruments.

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s 9(2)(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

s 9(2)(a)

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~~IN CONFIDENCE~~

s 9(2)(a)

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s 9(2)(a)



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Annex 4: Explained differences Between the Proposed Kaupapa Māori Policy Response and the Category 3 Buyout Scheme

Design issue	Proposed approach for Kaupapa Māori Pathway	Approach (either confirmed or expected) for the Cat 3 buyout scheme	Identified rationale for difference in proposed Kaupapa Māori approach and the Cat 3 buyout scheme
<p>Those without ownership interests in their dwelling or the underlying whenua</p>	<p>The fund can be accessed by a resident of a property in scope, regardless of whether they have ownership interests in the dwelling or whenua</p>	<p>Not eligible. Must have ownership interests in the dwelling to receive a buyout offer (e.g. renters do not receive support). However, they may have made improvements to the dwelling at their expense to make it habitable and a case-by-case assessment will be needed for these limited cases to provide a portion of the dwelling cost to them.</p>	<p>While those eligible in the KM pathway may be compared to renters in the standard Category 3 pathway (who would not be eligible for any support through buyout offers), this would fail to recognise their ties to the whenua and the community, or occupation based on colour of right not on a tenancy. Such residents may whakapapa to the whenua, have a right to occupy under the Māori Land Court, or have other long-standing connections (e.g., through marriage). They are an integral part of the community and were accommodated for reflecting Te Ao Māori approach to whanau. They may have continued living on the whenua had it not been for the impacts of the weather events and the categorisation. Therefore, not providing any relocation support for this group could be detrimental to community cohesion.</p>
<p>Treatment of Category 3 general title land</p>	<p>All Category 3 general title land is eligible where land:</p> <ul style="list-style-type: none"> • Is owned by, and has been owned continuously by, members of the hapū associated with the whenua and is geographically connected to Māori freehold land, Māori customary land, or Māori reservations. • Was previously Māori freehold land but ceased to have that status under <ul style="list-style-type: none"> ○ in order of the Māori Land Court made on or after 1 July 1993. ○ Part 1 of the Māori Affairs Amendment Act 1967. • Land held by a post-settlement governance entity for residential use. 	<p>Buyout offers provided to all Cat 3 general title land owners.</p>	<p>Through community engagement we have heard that there will be general title land owned by hapū members within their takiwā (i.e., geographically connected to other Category 3 whenua Māori) that is of cultural or historical significance, such as land returned through the Treaty settlement process or that was compulsorily converted to general title under the Māori Affairs Amendment Act 1967. Currently, such land will go through the separate council-led buyout pathway, which would mean owners lose connection to their whenua.</p>

Treatment of Category 2 land	Eligibility for relocation support considered on a case-by-case basis (with an expected focus on cases where a Cat 2 residents wishes to relocate with the Cat 3 residents in their community).	Buyout offers limited to Cat 3 property owners	Allowing discretion for Category 2 landowners will help ensure relocation solutions can be developed in a way that does not unnecessarily isolate some members of the community.
Approach to mixed use properties	Eligibility focussed on residential use but with flexibility to consider non-residential uses connected to residential uses where appropriate (Kōhanga Reo as a practical example). The approach to determining size of support in such cases is case-by-case.	Relocation grant offered based on the CV of the residential component of the property, with no change in ownership.	Whenua Māori can have mixed-uses that are interconnected and difficult to isolate and it is expected Māori will desire a holistic approach to any solutions. As such, where appropriate, it is proposed that there is flexibility for solutions that encompass a wider set of land uses.
Retention of land ownership	Landowners retain ownership.	Council obtains ownership of the property upon reception of the buyout offer.	Providing relocation support options that enable retained ownership recognises the landowners' ancestral connections to the land and the principle of active protection under the Treaty of Waitangi.
Facilitation of support for the acquisition of new land (e.g. support in the process of negotiating)	Support in scope	Support not in scope.	The inclusion of this support in the KM pathway recognises that 1) in some cases relocation solutions can involve shifting larger groups of people together as a community, creating unique barriers to finding workable solutions and 2) the strong desire for communities to remain in their takiwā limits based on their ancestral connections limits opportunities for relocation.
s 9(2)(f)(iv)			

Legal, technical, consenting, compliance and engagement-related costs¹	Support in scope	Not in scope	This inclusion reflects that the process of developing solutions as a community and among landowners, engaging with the Crown and costs associated with the Māori Land Court are either unique or especially pertinent for owners of whenua Māori and Māori communities.
Support for relocation of marae and other culturally significant assets	Support offered to support relocation for assets such as marae and urupā	Support limited to residential properties	The inclusion of marae in scope reflects both their role in the heart of a community, and that communities do not have sufficient capacity or capability to actively protect their affected marae in terms of resources and funding. A theme from the engagement was the importance people placed on the location of the Marae to inform their relocation decisions.
Level of direct relocation-related support (i.e. <u>excluding</u> support such as ongoing support for remedying land and legal, technical etc costs)	Level of support determined on a case-by-case basis, with the objective of enabling people to relocate to physically safe places and to be in at least in an equivalent residential circumstance as they were pre-weather event, and no worse off than if they had gone through the general C3 pathway. s 9(2)(f)(iv)	Buyout offer based on 95-100% of the CV of the purchased property.	The strong desire for communities to remain in their takiwā limits based on their ancestral connections (and the complexities and cultural implications involved in establishing themselves within the takiwā of a different group) limits opportunities for relocation and means that the cost of relocation could be more expensive (as sellers could ask for higher prices). Therefore, an approach purely based on the 100% of the CV of a property (adjusted for the depressed value of whenua Māori), akin to the Cat 3 buyout formula, may be less likely to produce an outcome where people are enabled to relocate and be in a similar residential circumstance compared to pre-cyclone. The case-by-case approach also reflects complexity around ownership arrangements and the need for a flexible approach that mitigates the risk of providing either too little or too much support based on the unique circumstances of a particular land block.
Recognition of a loss of future right to build a residential dwelling on a property	The level of support provided will be based on the value of the whole block of land (and the value of any	There is uncertainty about the approach councils will take to bare residential land. For mixed-use properties, the basis for buyout offers	The whenua is a safety net for many when they cannot afford to buy land or acquire housing. There may also be owners who live elsewhere currently but have intentions to return to their whenua in the future. If communities relocate to smaller parcels of land that

¹ This includes costs from Māori Land Court processes such as application to the court, or the need to call a meeting of landowners, as well as costs to participate in the engagement process with the Crown. It may also need to consider costs for the Māori Land Court itself to provide expanded capacity to proactively support this kaupapa. Compliance costs will also arise from meeting local government building and consenting requirements. Affected communities have also expressed a need for appropriate technical expertise to aid the development of their relocation plans.

	improvements) regardless of how much of that land is currently used for residential purposes.	is expected to be the residential proportion of the land.	cannot accommodate those who may wish to live there in the future, there is a case for recognising the diminished opportunity for residence.
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[Excerpts from Cyclone Recovery Unit Weekly Reports]

[Excerpts from Cyclone Recovery Unit: Weekly Report – 12 May 2023]

Upcoming papers

AOG Cabinet papers for the Extreme Weather Recovery Committee

Date/Cabinet/Committee and topic	Minister	Lead agency
Out of scope		
Drafts currently with Minister for Māori Development – <i>Minister will decide if papers will go to EWR, and when.</i> <ul style="list-style-type: none">• Framework for recognising Māori rights, interests, responsibilities and institutions.• Māori recovery into resilience (what does a resilient Māori community look like).• Costs of Māori Recovery (Analysis – whenua, cultural infrastructure).• Options for coordinated service to/with Māori communities in localised recovery programmes.	Minister for Māori Development	TPK
Out of scope		

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Regional Observations

Te Tai Tokerau

Top priorities for this region:

- Hapori in the Mid and Far North continue to be affected by compounding environmental disasters and weather events (flooding, slips, and deteriorating road conditions).

Marae

Te Tai Tokerau has exhausted its \$1.8m Cyclone Gabrielle fund but continues to receive funding requests from Marae and community entities. We are currently considering two possible Marae applications and one community application sent through from MSD. Te Tai Tokerau is currently discussing options for sourcing additional funds with the investment directorate.

Other Emerging Issues

Continued weather events (severe weather criteria) within the last reporting period have exacerbated flooding in vulnerable and prone communities. This should signal that further support may be required in the coming weeks.

Tāmaki Makaurau

Top priorities for this region:

- State of Emergency for Tāmaki Makaurau declared Tuesday 9th May. We continue to refer Māori people to the relevant first responder services and maintain up-to-date information on our social platform. We have some reports of flooding in areas but have no view at this point about the impact on whānau Māori. Once we are able to collect more data, we expect our next report to be more specific. If required, we are pivoting our remaining Te Pū Hara keke (TPH) budget for flood response.
- Delivery of the Cyclone Gabrielle Māori Communities Response Fund. Funding has almost been fully committed with one more proposal under assessment.

Waikato-Wairariki

Top priorities for this region:

- Priority for the wider Eastern Bay of Plenty and Te Whānau a Apanui at this stage is completing scoping and delivery plans for up to 50 Māori businesses.
- Priority for North Waikato is purchasing resources and the capability to repair damaged housing and water and waste systems.

Māori Business Community

- Te Moana ā Toi - Toi EDA have secured a technical specialist to undertake environmental scans and reports, and sourced 2 generators. Current bad weather, cyclone clean-up and maintaining operations continue to challenge the Māori Business Community across the coastal and wider Eastern Bay of Plenty and Te Whānau ā Apanui. Major opportunities identified within broader sub regional projects via networks and alliances with iwi through shared resources and knowledge of business ventures e.g. mentoring and export opportunities.

Community

- North Waikato - Funds at this stage have been directed to address septic cleaning, repair damaged plumbing, replace and re-direct down piping, and waterproofing of houses. The 5 houses supported to date accommodate 51 whānau members.

Ikaroa-Rāwhiti

Marae

- Ngāti Hinemanu, Ngāi Te Ūpokoiri me ōna Piringa Hapū Authority Trust (Ōma hu marae) have received funding from TPK Cyclone Gabrielle Recovery Fund.
- 40 Containers have been placed on-site at the marae, 20 are for displaced whānau to store belongings until they are able to return to their homes.
- Their community welfare team are supporting approximately 700 residents, providing advice and advocacy around power, access to support funding and services as well as providing food, clothing, and household goods when and where needed.
- Moteo Marae has been successfully contracted to be funded via the Cyclone Gabrielle Māori Communities Responsive fund.
- Funds will go towards marae operations, programming activities for the community, whānau welfare and advocacy support, planning and coordination for further events.

Whenua Māori

- TPK Whenua Māori Service Staff in conjunction with MPI have raised concerns as there have been an alarming number of lessees 'walking away' from existing leases as the cost to remediate the whenua, remove silt, and resume production may not warrant the effort.
- TPK will work with Hawke's Bay Regional Council in order to ensure the needs of Māori landowners are considered and support is provided equitably.

Housing

- Pōrangahau continue to navigate issues relating to the displacement of their kaumātua because of Cyclone Gabrielle. There are concerns among tenants of their kaumātua flats that as part of the insurance rebuild process their tenancies will be terminated. This suggestion is causing fear and stress to whānau and pakeke who have been greatly affected by the Cyclone. Issues have been raised with Acting Regional Director-Takitimu and support is being offered.

Other Emerging Issues

- Rural communities in Te Tairāwhiti have very limited access to cash and as of the last 10 years have operated as a largely 'cashless society' relying heavily on EFTPOS and online banking transfers.
- Ngāti Porou hapū Leads and Local Civil Defence convened a hui to discuss Cyclone Gabrielle's response and the recovery strategy going forward. The themes were very similar across all:
 - Lack of support, communication, & resources from Tairāwhiti CDEM
 - Lack of compassion and understanding for the role of local CD volunteers who have operated without training, and without reprieve for the duration of the event
 - Unclear reporting lines and structures
 - Levelling iwi structures without consideration to engage iwi
- At present Te Rūnanganui o Ngāti Porou have advised that they intend to lead and develop their own recovery plan, Te Āitanga ā Māhaki have indicated the same.
- It was clarified that Ngāti Porou intends to be responsible for and supportive of all whānau who live within their tribal boundaries regardless of ethnicity.



Programme Updates



Whenua Māori Services

The Whenua Māori Services are preparing to engage with identified communities in Tairāwhiti and Takitimu impacted by Cyclone Gabrielle. The first engagement will take place on Friday 12 May in Ōawa. The engagement will inform access to funding for whenua Māori for sedimentation and debris clean up.

The Whenua Māori Service in Tairāwhiti and the regional team have supported two whenua Māori incorporations to apply and successfully receive Cyclone Gabrielle Māori Communities Response Funding. The two incorporations:

- Marotiri Partnership:** Received \$150,000 to support clean-up on parts of the farm, where 'public' access was given to ensure nurses and patients could get to the hospital and back. Resources were used from the farm for community response including diesel and other provisions. The Partnership has also responded to the managed retreat of their impacted farmhouses and kaumātua flats in the Tokomaru Bay community. Farming staff pivoted from their operations to support the community and moved into immediate response.
- Maraetaha Incorporation:** Received \$155,000 to support immediate clean-up places on the farm where the main water infrastructure (which feeds the entire Gisborne district) line repairs occurred. The water infrastructure including the storage is at the head of Maraetaha. Much of the infrastructure was damaged during Cyclone Gabrielle which cut off water supply to the region for over 4 weeks. Farm staff and resources were pivoted from their BAU to support fixing of the water lines, and the new placement of the water lines, on whenua Māori. The funding will be used to re-establish fencing, and infrastructure and clean up their whenua that they could not do due to fixing the water lines.



Māori Wardens

On the 14th of February 2023, Te Piringa Manatōpū Inc activated a National Māori Warden response to answer to the needs of whānau in affected communities across Tairāwhiti / Hawkes Bay affected by cyclone Gabrielle:

- 85 Māori Wardens** were involved in supporting Māori communities to access accommodation, water, kai, and transport to safety to receive immediate support.
- Māori Wardens also played a key role in coordinating and providing security, and traffic control to communities where affected whānau congregated post-cyclone to receive help.
- Māori Wardens supported local CDEMs with intel from communities that had limited or no access to ensure these communities received water and food supplies including generators to help families get by in the interim.
- Māori Wardens worked alongside local iwi, marae, and other social service providers to ensure whānau Māori were supported during this time.
- With the response period due to expire on 31st May 2023, the Māori Warden response team completed a 3-4 year transition to a recovery plan to support whānau Māori in the recovery period and help build resilience across these communities. They believe they can assist in the recovery process because Māori Wardens are a familiar face and trusted person to whānau Māori and can move whānau quickly, whilst supporting whānau to build resilience to future emergencies that may occur.



Whānau Ora

Commissioning agency: Pasifika Futures

- A total of **\$2.14m** invested.
- 18,426** individuals supported.
- Resourced 18 existing Whānau Ora partners to provide support to affected families throughout the North Island.
- 6,124** support packages delivered – 78% in response to the Auckland Flood and 22% towards Cyclone Gabrielle.

Key content of the support provided included food, utility and rent payments, health and medical supplies, mental health and wellbeing checks and support with navigating government support and insurance claims.

In response to Cyclone Gabrielle, The Pasifika Medical Association Medical Assistance Team (PACMAT) was dispatched and provided support to **1,311 individuals** across Hawkes Bay, Gisborne, and Wairoa including **357 RSE workers**, **1,043 individuals** that participated in Mental Health Sessions, and **398 individuals** receiving a GP Medical check.



Progressive Procurement

KPMG recently held business development and tendering capability workshops in Takitimu, with upcoming events in Wairoa and Tairāwhiti on May 23-24 and May 29-30, respectively.

KPMG has been contracted to build capability in business development and tendering for government contracts. They deliver capability uplift programmes, supporting businesses in financial health, public value, procurement chain, sales and marketing, and tendering and legal compliance. Programmes include both one-to-one and one-to-many support.

KPMG is one of the multiple referral pathways available to Māori businesses, with each referral pathway determined by the nature and scale of capability uplift required.

For the Takitimu Clinic and potential future clinics in different regions, KPMG will work with businesses to identify their immediate needs for Cyclone Response mahi. The clinics above in Wairoa and Gisborne later this month are now booked due to the successful delivery of Takitimu.

In Wairoa, a new local intermediary connect position agreed to support the above KPMG activity and directory and database referrals for Pakihi Māori to support recovery contracting opportunities. Support for the new business hub was also provided.

The inaugural Tairāwhiti Māori Business Network hui was attended by a large number of Gisborne Māori businesses. The creation of the network will provide the opportunity to stay informed of all govt activities in their rohe. A business continuity plan has been developed for all Māori businesses and will be branded TPK.



Housing

Temporary Accommodation

- Wairoa will have its full complement of **12 cabins**, which will be on-site by the end of next week.
- Six cabins**, with a ablution block trailers have been allocated for Ruatōrea.
- Nine additional cabins** will be on-site in Ōawa (Tolaga Bay) by the 19th of May adding to the 3 already there.
- A total of **105 cabins** will be on-site by the 26th of May, a head of the 31 May deadline.
- The biggest issue being managed now is getting the cabins connected to services – power, water, and waste.
- Silt removal is also progressing.
- Gisborne District Council (GDC) struggling to keep up, however, **four sites were approved** this week, which is promising.

Repairs

- Toitū Tairāwhiti has started repairs on the first six homes, with an additional five where starting next week.
- Two additional Easy Line houses have been allocated to Whatatutu and Te Karaka.
- Aware of the need for equity of repairs across those with insurance and those without.
- Now looking at a total of **103 cabins for temporary accommodation** across Tairāwhiti, including Wairoa.
- 14 houses** are to be lifted above the required level (set by Gisborne District Council) – this cost will be paid for by the homeowners. These include a mix of insured and non-insured properties.



Enterprise

Te Tai Tokerau

- Ongoing weather events impacting on pakihī operations and a ability to continue trading/operating i.e. limited access to work sites due to excessive rain, slips and flooding etc
- Maintaining close contact with pakihī to obtain new intel of evolving situation subsequent to the ongoing weather events
- Ongoing kōrero with stakeholders regarding long term preparedness for future weather events

Ikaroa Rāwhiti

- Meeting with East Coast Communities to determine the level of need and to provide business health checks and business continuity planning
- Supporting the establishment of a Tairāwhiti wide Māori Business network. The first meeting to be held in May 2023.
- To identifying procurement and business opportunities in the rebuild and recovery work e.g. SH35.
- Work with the Whenua Māori Service team to identify business opportunities in the silt and sediment clean up on Māori Land blocks.



Case Study and Other Agency Updates



Case Study: Waiohiki Community & Marae



- Taki timu Regional Advisors & DIA representatives met with Ngāti Pārau representatives to discuss and understand their experiences from Cyclone Gabrielle.
- There are 100 homes in their community, 92 of those homes were impacted by flood.
- There are approximately 368 people currently displaced. 85 homes have been yellow stickered and 7 have been red stickered.
- **25% of those homes are uninsured** and many who have claimed are still waiting for a response.
- Only **12% of the displaced whānau have successfully accessed government assistance for temporary accommodation (TAS)**. Those that have are currently in motels, some with a 1-month notice period, which means every month they have to reapply to stay at the hotel. One whānau are split across two different hotels across Napier.
- There was a case of one whānau sleeping in their car, although this has since been addressed by the hapū response team. The marae does not currently have a working kitchen they are unable to accommodate whānau at the marae.
- One papakāinga had their insurance premiums raised following the Auckland flood but trustees refused to pay the unfair increase. They indicated to their insurance that they were going to seek another provider, but never cancelled their policy. The provider assumed that they were effectively cancelling their policy so are now disputing that they had an active policy at the time of Cyclone Gabrielle. They will be pursuing a legal case against that insurance agency.
- **Silt removal is one of the top priorities for the Waiohiki community.** There are still piles of silt that require clearing and removal. As a result of the silt Waiohiki now has a rat infestation which is causing huge health and safety concerns for whānau.
- There is now a **decline in volunteers and available workforce** as people have had to return to work. It is important to note that there is still an ongoing need for a strong and skilled workforce to continue the clean-up.



Other Agency Update

Each fortnight we will provide an update from a different agency

Ministry of Housing and Urban Development

- **Construction** - A fall in construction activity will alleviate some pressure as the industry has been running over capacity for some time, however, the outlook appears to be pointing to a steep decline rather than a softening of demand.
- **Construction** - A steep decline could result in longer-term negative impacts on the sector such as loss of skills with workers moving permanently to other sectors. Post-cyclone and flooding recovery work may cushion some construction businesses in affected areas. But the timeliness of this work is dependent on infrastructure decisions and activity, and the scale of the rebuilding work is not yet known.
- **Employment and Wages** - MSD expects the number of people accessing main benefits to increase in the coming months due to softening economic conditions. The number of people exiting the benefit for paid work has been slowing recently. Main benefit exits have noticeably slowed in cyclone-affected regions.
- **Residential Construction** - The Cyclone Gabrielle Recovery Taskforce is working with insurance companies and councils to assess the risk status of areas affected by weather events. A consolidation of insurance and council risk assessments for severely affected areas is being developed which will provide a basis for further discussion with affected communities on where future risks can be mitigated. This may result in the identification of areas where repairing/rebuilding may not be safe or viable longer term.

Ministry of Business, Innovation and Employment

- **Tāmaki Makaurau:** The cost of the weather-related events in Tāmaki Makaurau appears to be more due to the earlier flooding (\$1.3 billion in private insurance claims) than cyclone Gabrielle (\$92 million in private insurance claims). The bulk of the residential and commercial reconstruction will be in Tāmaki Makaurau.
- **Tairāwhiti:** On a per capita basis, Tairāwhiti has the highest uptake of the Business Support Package and Civil Defence Package in the country, suggesting the region is the most severely impacted. The storm has cut off access to forestry blocks has meant some forestry contractors have been unable to work.
- **Hawke's Bay:** The immediate impact of cyclone Gabrielle has been felt heavily in Hawke's Bay, which the region saw the largest uptake in the business support package (in terms of total value). The pip fruit and tourism sectors have been impacted the most by storm-related damage and disruptions, which could have flow-on effects to the labour market.
- **Job advertisements** are down across the country, with Jobs Online showing a fall of 6.1 percent for the quarter. Jobs Online is yet to show direct cyclone impacts in the affected regions, as all regions saw a fall in job advertisements. In Mar-23 the largest quarterly falls in online job advertising were in Waikato (down 8.7%), Bay of Plenty (down 8.5%), Auckland (down 7.8%), and Gisborne / Hawke's Bay (down 7.4%).



Cyclone Gabrielle Māori Communities Response Funding

Committed (Approved)	Pipeline	Remaining
\$7.68m 78 kaitono supported	Applications being assessed \$0.21m, 4 kaitono Applications under discussion \$0.27m, 4 kaitono	\$0.84m

As of 12 May 2023 **\$8.16m (91%)** of the **\$9m** allocation is either committed or being assessed for funding across 78 kaitono.

Since the 28 April fortnightly update:

- **\$4.00m** of new investment has been committed.
- **23** new kaitono have been supported with funding.
- **8** new kaitono have applications in the pipeline.
- **9%** of the fund allocation (**\$0.84m**) is remaining.

The highest value project was funded this fortnight for Te Aitanga-ā-Mahika Trust: \$0.791m to support the recovery of Rangatira Marae, Takipū Marae, and Te Wainui Marae.

Investment Committed in Response and Recovery

Most applications have supported kaitono in the immediate response to the Cyclone (e.g., provision of food, water, generators). However, the amount of investment in recovery is greater (e.g., procurement of specialist advice for repairs and planning, and future preparedness support). The proportion of funds invested in recovery is increasing as the fund has progressed.



- Response
- Recovery

Investment Committed across Focus Areas

The fund invests across 3 focus areas:

- Capability and capacity
- Planning and coordination infrastructure
- Cultural infrastructure

Most investment continues to support capability and capacity.

Where applications address more than one focus area, the contract value has been averaged across the focus areas.



- Capability and capacity
- Planning & coordination infrastructure
- Cultural infrastructure

Tāmaki-Makaurau

Allocation:	\$0.50m
Committed:	\$0.42m, 7 kaitono [+ \$0.33m, 3 kaitono]
Applications being assessed:	\$0m, 0 kaitono
Remaining:	\$0.01m
Applications under discussion:	\$0.07m, 2 kaitono

Funded projects this fortnight include:

- Te Kotahi a Tāmaki have been supported to develop the emergency resilience of their five most vulnerable marae, including the development of emergency management plans, and training, and Marae Emergency Resource Packs.
- Huakina Development Trust have been funded to support the emergency preparedness of whānau/hapū and hapori within the Franklin region through the provision of emergency supplies.
- Tūwhera Trust have been funded to support the emergency preparedness of Waiuku whānau and community by developing emergency preparedness plans and equipment.

Waikato-Wairangi

Allocation:	\$0.50m
Committed:	\$0.50m, 4 kaitono [+ \$0, 0 kaitono]
Applications being assessed:	\$0, 0 kaitono
Remaining:	\$0 (fully committed)
Applications under discussion:	0 kaitono

No new projects were funded this fortnight as the allocated funds have been fully committed.

National

Allocation:	\$0.2m
Committed:	\$0, 0 kaitono
Applications being assessed:	\$0.014m, 3 kaitono
Remaining:	\$0.18m
Applications under discussion:	0 kaitono

Following community consultation, Te Tai Hauāuru regional office did not identify any immediate needs requiring funds. Therefore the \$0.2m allocation has been centralised to TPK National Office to support reallocation across other impacted regions.

Te Tai Tokerau

Allocation:	\$1.80m
Committed:	\$1.80m, 31 kaitono [+ \$0.21m, 4 kaitono]
Applications being assessed:	\$0, 0 kaitono
Remaining:	\$0 (fully committed)
Applications under discussion:	0 kaitono

Funded projects this fortnight include:

- Funding for Ngā Kaitiaki o Ngāpuhi Community Trust to clean, clear and dispose of dangerous and hazardous residual debris from the cyclone.
- Motū Marae will support the whānau of Pangurū to build resilience against extreme weather events and ensure emergency power is available to the Marae community by purchasing a commercial generator and the services required for installation.
- Ngā Manga Pūriri will engage with up to 150 whānau and deliver oranga wānanga across Ngāti Whātua to build resilience, security and connection.
- Te Rūnanga o Te Tararawa will support five Marae to build their emergency management capability and resilience against future extreme weather events.

Ikaroa-Rāwhiti - Tairāwhiti

Allocation:	\$3.00m
Committed:	\$2.84m, 19 kaitono [+ \$2.57, 12 kaitono]
Applications being assessed:	\$0, 0 kaitono
Remaining:	\$0.16m
Applications under discussion:	0 kaitono

Twelve new kaitono were supported this fortnight. Funded projects include:

- Iritekura Marae Trustees to complete plans for essential repairs to their buildings.
- Te Aitanga-ā-Mahika Trust to lead out the emergency response efforts for three marae: Rangatira, Takipū, and Te Wainui Marae.
- Taihoa Marae to undertake a community-led response for displaced whānau in Wairoa with clean up, equipment, resources, assessments and planning activities.
- Te Whare Maire o Tapuwae have been supported to ensure the Resilience Network of 33 hubs throughout the Wairoa will support the future emergency preparedness of the Wairoa community.

Ikaroa-Rāwhiti - Takitimu

Allocation:	\$3.00m
Committed:	\$2.11m, 17 kaitono [+ \$0.87m, 4 kaitono]
Applications being assessed:	\$0.19m, 1 kaitono
Remaining:	\$0.49m
Applications under discussion:	\$0.2m, 2 kaitono

Funded projects include:

- Support for the Matawaka Marae cyclone recovery response to support their marae whānau and surrounding community including conducting needs assessments for impacted whānau.
- To support Potāne Marae Trustees with their cyclone recovery, including the restoration of marae ātea and urupā.
- To assist Ngāti Pārau Hapū Trust to respond to the needs of Waiohiki whānau impacted by the cyclone with clean up, restoration, well-being, and resilience activities.



[Excerpt from Cyclone Recovery Unit: Weekly Report – 2 June 2023]

2. Report-backs to EWR in June 2023 were sought on progress regarding cost-sharing discussions with local government, and an update on the parallel Kaupapa Māori pathway (Māori land, rights and interests). Report-backs to EWR in July 2023 were sought on progress regarding the development of a costed funding package for Category 3 properties, implementation progress of the Category 2 and 3 support processes, and progress on engagement and implementation of the parallel Kaupapa Māori pathway.

11. The CRU is collaborating with agencies and local councils to determine how best to deliver a parallel engagement approach for iwi and Māori. This collaboration includes meeting with council Māori liaisons on Māori engagement plans, as well as engaging with TPK on how their regional offices can support local engagement. The CRU is also hosting a workshop with councils to present an overview of the available government support to enable them to carry out their engagement with iwi and Māori on the categorisation of their properties.

[Excerpt from Cyclone Recovery Unit: Weekly Report – 9 June 2023]

5. The CRU is progressing plans with agencies and local councils for tailored engagement with affected communities, particularly iwi and Māori.

7. On 1 June, the CRU hosted a workshop with council Māori liaisons to present an overview of the government support available for engagement on the categorisation of whenua Māori. This led to a subsequent hui with Gisborne District Council on 2 June and an invitation for the CRU to have further kōrero with Te Kūpenga, the Hawke's Bay collective of council Māori liaison and engagement representatives. The Deputy Chief Executive, Engagement and Liaison (DCE) travelled to Hawke's Bay and met with local iwi leaders and the regional recovery agency to clarify engagement plans. The Chief Executive Cyclone Recovery joined the DCE in Tairāwhiti and had the opportunity to be hosted by s 9(2)(a) and s 9(2)(a) s 9(2)(a) to see the work being done on building permanent and temporary housing. They also visited marae, sites for temporary housing, and observed the work they have started on refurbishing uninsured houses in s 9(2)(a) (a predominantly Māori community). Meetings were also held with senior Gisborne District Council officials and separately with the Regional Public Service Commissioner.

8. Initial discussions with Māori liaisons from Auckland, Tairāwhiti and Hawke's Bay councils have further emphasised the need for central government to lead regional engagement on recovery planning (with support from local councils) and the desire for central government officials to be 'on the ground'.

9. The CRU continues to engage with TPK on ways their regional offices can support local engagement. Officials have also identified alignment with the work of Te Arawhiti (at the national level), as well as HUD in Tairāwhiti. This has provided useful insights to relationships between iwi and council in the regions to support the delivery of Māori engagement.

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Regional Observations

Te Tai Tokerau

Top priorities for this region:

Insights have indicated some pakihi Māori chose not to apply for the Cyclone Gabrielle Business Relief Fund due to consideration of higher need in Ikaroa-Rāwhiti and surrounding areas. We suggest that any future funding announcements are followed by pakihi Māori information workshops across the region to simplify the application process and allow higher participation.

Marae

- In the last reporting period Ōtūrei marae was assessed through the Kainga Rua fund, which is currently sitting with the decision subcommittee. In addition, Waikara Marae & Whakarongotai Trust have been approved for Cyclone Gabrielle funding. Waikara and Ōtūrei marae are in the Kaipara.
- Te Tai Tokerau has exceeded their \$1.8m Cyclone Gabrielle fund.
- Total Cyclone Gabrielle investment in the Kaipara to date is \$851k, Ngatiwai \$447k, Mangakahia \$146k, Whangaroa \$160k, and the investment across other hapori locations is \$303k.

Māori Business

- \$631,500 or 24% of the regional allocation for Cyclone Gabrielle Business Relief Fund went to Pakihi Māori, equating to 93 pakihi from a total application pool of 558 Pakihi Māori. TPK Māori Enterprise sat on the assessment panel as the "Māori Voice", alongside Northland Inc, Northland Chambers of Commerce and MB. The fund is now closed.

Housing

- Te Tai Tokerau have a regional allocation of 7.5M (of 22M) to support critical repairs to weather-impacted Māori-owned homes. The funding will enable repairs to homes significantly affected by the North Island weather events, with a focus on supporting uninsured, low-income whānau Māori back into safe, warm and dry homes as soon as possible. Our regional team will be coordinating their response with MHUD who have a 60-cabin regional allocation.

Other Emerging Issues

- Continued weather events within the last reporting period have exacerbated flooding in vulnerable and prone communities.

Waikato-Wairariki

Top priorities for this region:

- Continuation of whenua clean-up compounded by further flooding, and assessing and preparing whare impacted by ongoing adverse wet weather are priorities.
- Māori Business Community affected or at risk of being affected by adverse weather events Te Whanau a Apanui, agencies and local organisations are at the planning stage of multi-day pakihi resilience training events. Key to local organisations' role at a community level, this will ensure reach into rural communities as well as building networks of support.

Community: North Waikato

- Whenua clean-up continues with the hiring of large machinery to clear debris caused by ongoing flooding. The continued adverse wet weather compounds the already flooded area and highlights the importance of protecting whare previously damaged from past weather events.
- TPK working with Te Whakarururua o Waikato to access MHN Cyclone Gabrielle funds to repair weather-damaged homes in Port Waikato and Tuakau.

Community: Harataunga

- Recent adverse wet weather continues to cause access issues to parts of Hauraki. Focus is on preparing and assessing whare that continue to be impacted. Funds at this stage have been directed to purchase generators, containers and scoping connectivity options to support power and internet access should communities become isolated in the future.
- TPK working with Te Korowai Hauora o Hauraki to access MHN Cyclone Gabrielle to repair weather damaged homes in Harataunga and Coromandel areas.
- Te Ahi Kaa Incorporated acquired civil defence emergency management resources in preparation for any future weather events. Equipment accessed includes a generator and trailer, secured lockable storage unit, survival kits and solar power unit to support the entire community.

Māori Business Community: Te Moana o Tai

- Delivery of environmental scans and support including planning in the event of future adverse weather for up to 50 Māori businesses continues.
- The planning of multi-day resilience Pakihi training by Te Whanau a Apanui, local organisations and agencies will facilitate a number of opportunities such as access to resources including sustainable practices, training pathways and building networks of support.

Ikaroa-Rāwhiti

Top priorities for this region:

- Public service sector visibility, agreed shared intel and decision making in recovery to seize opportunities, avoid duplication and take an equitable approach to funding and support across the public service sector
- Continued support across our impacted Māori communities moving from response funding leaning into housing repairs and silt and debris
- Continued joint collaborative approaches to Māori communities to drive responses from their locality plans

Marae

- The wharenui and wharekai at Puketawai Marae in Tolaga Bay were heavily impacted by Cyclone Gabrielle, both buildings were covered in silt and incurred other damages due to flooding. Puketawai Marae Committee has been successful in their funding request and received \$195,000 to support them to acquire the necessary tools for silt removal and clean up, engaging in technical support to provide whānau with accurate information regarding the current state of the whare and its future, and to then facilitate those conversations with whānau. They aspire to shift their whare, and the funding will help them to guide their decision-making whilst simultaneously helping them to return their marae to its original state.
- Tawhiti a Maru Marae and Takitimu Marae in Te Wairoa have both been severely affected by Cyclone Gabrielle. An architect has provided a list of needs of each marae which includes, crystallising the initial marae masterplan to allow for staged re-development in an ordered and functional manner, design and documentation for construction of the redevelopment of the wharekai, alongside helping with the repairs to the Church and the installation of a new and purpose-built effluent system and a number of other services to each marae which includes silt removal and clean-up and the costs associated with facilitation of wananga to whānau so that they are empowered to make decisions regarding their next steps. Minister Jackson visited these marae when he came to Te Tairāwhiti and has expressed that they are both considered high needs. This was the catalyst for ensuring that they could access funding. TPK Ikaroa-Rāwhiti has funded Te Wairoa Tapokorau Whānui Trust (acting on behalf of Takitimu Marae and Tawhiti a Maru Marae) \$383,656 to deliver the services that they have outlined in their application.

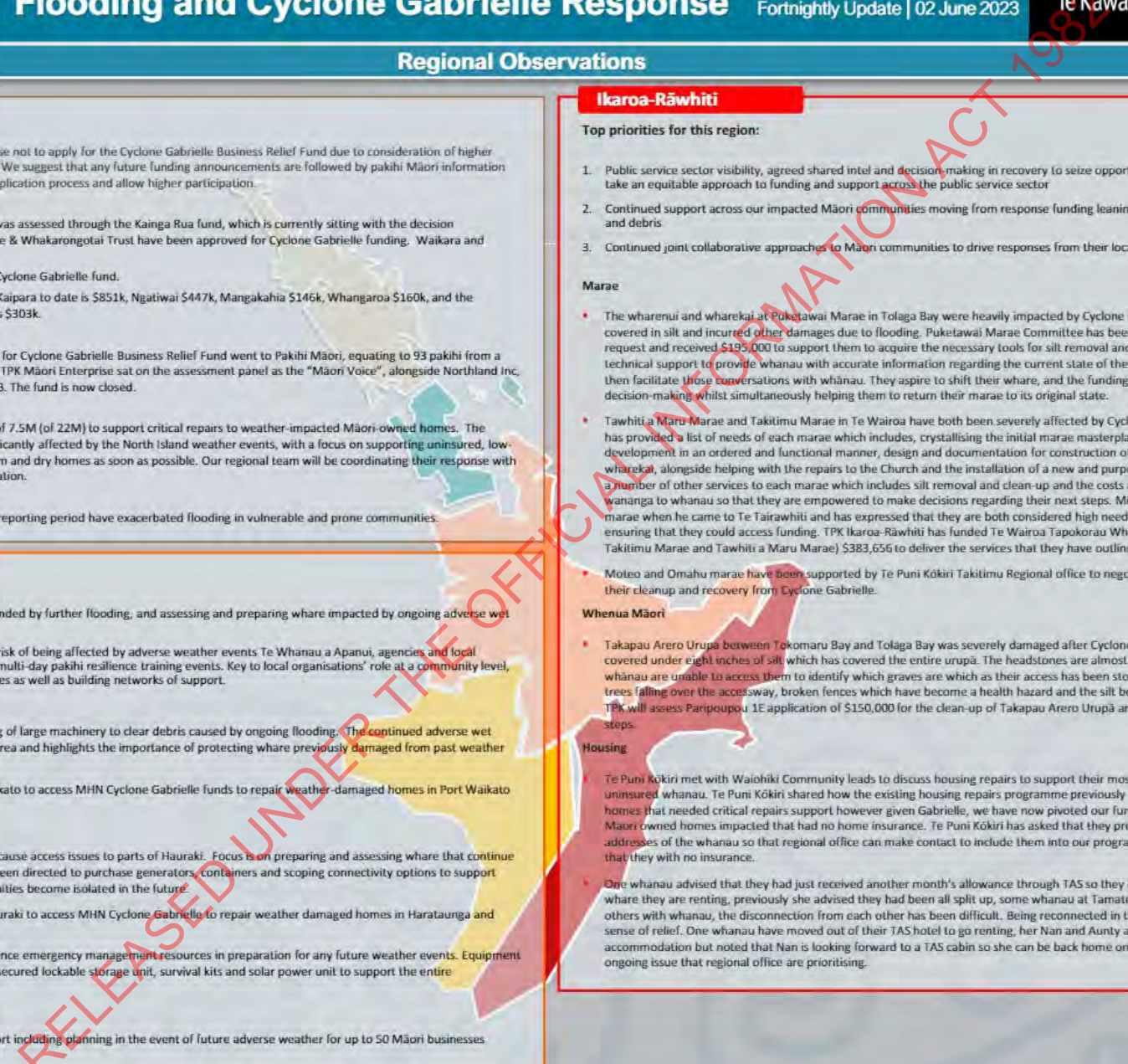
- Moteo and Omahu marae have been supported by Te Puni Kōkiri Takitimu Regional office to negotiate funding and support for their cleanup and recovery from Cyclone Gabrielle.

Whenua Māori

- Takapau Arero Urupā between Tokomaru Bay and Tolaga Bay was severely damaged after Cyclone Gabrielle. The urupā itself is covered under eight inches of silt which has covered the entire urupā. The headstones are almost completely covered and whānau are unable to access them to identify which graves are which as their access has been stopped by the surrounding trees falling over the accessway, broken fences which have become a health hazard and the silt being another health hazard. TPK will assess Paripoupu 1E application of \$150,000 for the clean-up of Takapau Arero Urupā and assist them identify next steps.

Housing

- Te Puni Kōkiri met with Waiohiki Community leads to discuss housing repairs to support their most vulnerable community, uninsured whānau. Te Puni Kōkiri shared how the existing housing repairs programme previously focussed on Māori owned homes that needed critical repairs support however given Gabrielle, we have now pivoted our funding efforts to support those Māori owned homes impacted that had no home insurance. Te Puni Kōkiri has asked that they provide us with the names and addresses of the whānau so that regional office can make contact to include them into our programme. They have four whānau that they with no insurance.
- One whānau advised that they had just received another month's allowance through TAS so they could continue to stay in the whare they are renting, previously she advised they had been all split up, some whānau at Tamatea (Waipatu Marae) and others with whānau, the disconnection from each other has been difficult. Being reconnected in the same home has brought a sense of relief. One whānau have moved out of their TAS hotel to go renting, her Nan and Auntie are in temporary accommodation but noted that Nan is looking forward to a TAS cabin so she can be back home on her whenua. This is an ongoing issue that regional office are prioritising.



Programme Updates

Housing

Tairāwhiti:

- Of the **109 cabins (serviced and un-serviced) 92 were in place** as of yesterday with 4 more being sited today. These cabins are spread between Wairoa in the south to Potaka in the north.
- The remaining **13 cabins will be in place by the 13th of June** and TAS has extended the accommodation arrangements for those whānau impacted by this 2 week delay.
- Gisborne District Council is working with Toitū Tairāwhiti to develop the consenting processes for temporary accommodation post 31 August. It is intended that all repairs will be completed on impacted homes by 31 August 2023.
- Toitū's cabin programme is now completed so future requests are now being managed by TAS.
- A repairs programme is now in place with three teams of trades people working through the impacted homes. This programme includes: removing damaged areas, cleaning (silt removal & sanitisation), and completing repairs
- Homeowners are also working with the power company to reconnect to power so that dryers can be installed to get moisture levels down to enable repairs to be completed – doesn't impact stages 1 and 2 being completed.
- A programme to lift a number of homes above the flood levels will start in July.
- Community members from Te Karaka got to voice their issues and concerns with Gisborne District Council at a hui held last Sunday.
- It has been noted that recovery teams are working 7 days per week and that this needs to be managed to avoid burnout.

Wairoa:

- Tātau Tātau o Te Wairoa is leading the recovery efforts in Wairoa alongside Te Whare Maire o Tapuwaē.
- More than **50 assessments of flood-impacted homes had been completed** at the end of last week which are being used to develop a programme of repairs with the Gisborne regional office.
- An **initial delivery of 16 cabins** has been provided to Wairoa by Toitū Tairāwhiti with Tātau now looking to deliver an additional 50 cabins to impacted whānau.
- Te Whare Maire is providing wrap-around support for whānau.

Mohaka/Raupunga:

- Ngāti Pahauwera reached out to Toitū, seeking assistance for families in their community who have been displaced due to flooding in Hawkes Bay and Wairoa. These families have returned to their homes, which require repairs, but have no other place to go. **Toitū has agreed to provide up to 30 cabins** to address this need. A follow-up program will also be implemented to assess and repair the affected homes.

Ngati Kahungunu:

- Toitū have agreed to send through 24 flatpack cabins** to get them started on delivering to impacted whānau in Hawkes Bay.

Hawkes Bay:

- TPK Regional staff are collaborating with affected communities, as well as with TAS and HUD.
- In Porangahau, **11 impacted homes were assessed**, and a programme of repairs has started.
- Omahu has identified **33 homes that have been impacted and require assessments** to be completed. These assessments will inform the repairs needed for each home.
- In Waiohiki, **4 homes have been identified as impacted and will require assessments** to determine the necessary repairs. The number may potentially increase to 8 pending insurance decisions.
- Tangoio has identified **11 homes that have been impacted and require assessments** to determine the necessary repairs.
- Regional staff are working closely with Petane and Moteo communities to identify impacted homes requiring repairs.

Temporary Accommodation Service (TAS):

- Working with Omahu to finalise the temporary accommodation needs – looking at a mix of cabins and townhouses.
- TAS connected with Maungaharuru Tangitū to deliver temporary accommodation and provided **5 cabins into Porangahau and one in Waipawa**.
- TAS is working with Wairoa District Council and Tātau Tātau on several sites to build pod villages.
- They are also working with Rongowhakaata iwi, Te Poho o Rawiri Marae and Gisborne District Council on several sites in Gisborne and at Whakarua Park in Ruatōrea to build pod villages.

Case Study



Community of Priority: Te Aitanga a Mahaki- Marae Project

- Community of Priority: Te Aitanga a Mahaki- Marae Project Te Aitanga a Mahaki have been approved \$791,000 for their Cyclone Gabrielle Response and Recovery efforts. Three marae were severely affected during Cyclone Gabrielle, Rangatira Marae and Takipu Marae in Te Karaka and Te Wainui Marae in Whataatutu. All three marae have suffered differently with Rangatira having been most severely flood affected.
- The Trust have planned to deliver a number of services to marae which include, silt clean up, engaging specialist resource for technical, and other professional advice, assessments and options relating to damage from the cyclone; building condition assessments, geotechnical assessments, and architectural concept plans. They are also looking to hire temporary ablutions which were washed away during the cyclone.
- A project of this magnitude has many sensitivities, some of the challenges include changes to the costs associated with delivering this project, changes in umbrella organisations, low trust to work with other Government agencies and supporting kaitono through this process. The Tairāwhiti Acting Team Leader has brokered relationships with other agencies/organisations including DIA, Red Cross and MSD who are willing to come through and scaffold our funding streams so that nothing falls through the gaps and the needs of the marae are addressed. This has been successful and we have implemented this approach into a number of other projects associated with the Cyclone Gabrielle response.

Other Government Agency Updates*

Ministry of Housing and Urban Development

- HUD has generously provided 60 cabins for Taitokerau and an additional 40 cabins for Waikato-Port Waikato and Hauraki, which is in addition to the already allocated cabins for Tairāwhiti, Wairoa, and Hawke's Bay as mentioned in the Housing Programme updates section.

Ministry for Primary Industries

- The Ministry for Primary Industries (MPI) is supporting the purchase of vital seed stock to assist in the recovery of Northland's kumara industry.
- The Northern Wairoa Vegetable Growers Association and Vegetables New Zealand will receive \$269,500 to buy bins of kumara. The seed kumara will be distributed to growers affected by Cyclone Gabrielle to use for the 2023/24 season.
- More than 90 per cent of the country's commercially grown kumara is sourced from the area based around the Northern Wairoa River, but during Cyclone Gabrielle many suffered significant crop losses, making it difficult to get enough seed stock from their own farms.
- Funding for the Seed Contingency Plan came from the \$4 million set aside to help rural communities with immediate recovery needs in the wake of Cyclone Gabrielle.

Ministry of Social Development

- The Ministry of Social Development (MSD) Response Team is working with primary industry growers that are at risk of ceasing operation due to the impact of Cyclone Gabrielle on their land and crops.
- MSD is utilising their products and services, such as Flexi-wage to support affected business owners, they are also contracting resources to liaise with the business sector to help broker solutions for the retention and redeployment of affected employees.
- There is currently around a 60 per cent uptake from Māori for MSD's Industry Partnership programmes indicating the rebuild could provide more opportunities for Māori.
- Civil defence payments show that Māori were heavily affected by the severe weather events as they were a higher proportion of recipients than non-Māori.

**Each fortnight we will provide an update from a different agency*

Cyclone Gabrielle Māori Communities Response Funding

Committed (Approved)	Pipeline	Remaining
\$8.90m 94 kaitono supported	\$0.1m 1 kaitono	\$0m

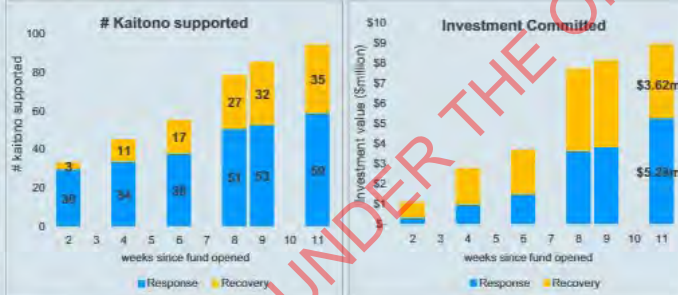
As of 2 June 2023 **\$9.0 (100%)** of the \$9m allocation is either committed or pipelined across **95 kaitono**; no funds remain. This is **\$0.79m** new investment in **9** new kaitono since the previous report. The pipeline consists of 1 application for **\$0.1m**, which is expected to be the final investment for the Fund.

The highest value project is **\$0.79m** (to support the recovery of Rangatira Marae, Takipū Marae, and Te Wainui Marae). The average contract value is \$95,000.

Te Puni Kōkiri has currently invested an additional **\$1.14m** across 5 kaitono in projects to support future emergency preparedness and resilience from other investment funds. There is a strong pipeline of kaitono seeking support for future emergency preparedness planning.

Investment Committed to Response and Recovery

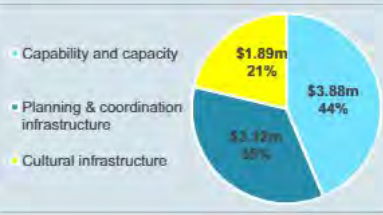
Most investments (63%) have supported kaitono in their immediate response to the Cyclone (e.g. provision of food, water, and power) to a total of **\$5.28m**. The proportion of investment in recovery activities (e.g. procurement of specialist advice for repairs and planning for future preparedness) is **\$3.62m**. Recovery activities cost more (average project value is \$103,500) compared with response activities (average project value is \$89,500). Tairāwhiti has invested the majority (97%) of their allocation in response activities.



Investment Committed across Focus Areas

- The funding invests across 3 focus areas:*
- Capability and capacity
 - Planning and coordination infrastructure
 - Cultural infrastructure
- *Most investment (44%, **\$3.88m**) has supported capability and capacity, and planning and coordination infrastructure (35%, **\$3.12m**).

*Where applications address more than one focus area, the contract value has been averaged across the focus areas.



Tāmaki-Makaurau

Allocation:	\$0.50m
Committed:	\$0.50m, 9 kaitono
Remaining:	\$0 (fully committed)
Response investment	\$0.24m (48%)
Recovery investment	\$0.26m (52%)

No new projects were funded this fortnight as the allocated funds have been fully committed.

Waikato-Wairariki

Allocation:	\$0.50m
Committed:	\$0.50m, 4 kaitono
Remaining:	\$0 (fully committed)
Response investment	\$0.31m (61%)
Recovery investment	\$0.19m (39%)

No new projects were funded this fortnight as the allocated funds have been fully committed.

Te Tai Tokerau

Allocation:	\$1.92m
Committed:	\$1.92m, 35 kaitono [+\$0.10m, 2 kaitono*]
Remaining:	\$0 (fully committed)
Response investment	\$0.53m (28%)
Recovery investment	\$1.39m (72%)

Two new projects have been funded this fortnight:

- Waikara Marae and Whakarongotai Trust have been supported to improve their emergency preparedness for future extreme weather events through the purchase of emergency preparedness equipment including power generators, battery inverters and modules, and solar power infrastructure.
- Te Pounga Marae has been supported to secure appropriate assistance to repair damage surrounding the Marae.

Ikaroa-Rāwhiti - Tairāwhiti

Allocation:	\$3.05m
Committed:	\$3.05m, 21 kaitono [+\$0.21m, 2 kaitono*]
Remaining:	\$0 (fully committed)
Response investment	\$2.83m (93%)
Recovery investment	\$0.22m (7%)

Two new projects have been funded this fortnight:

- Paripoupu 1E has been supported to repair and restore the Takapau Arero Urupa. This will include earthworks and associated machinery, silt removal, support for workers and volunteers, site surveying and engineer assessments, and project management support.
- Tātou Tātou Horticulture Limited Partnership have been supported with the coordination of repair to orchards damaged by the cyclone and provide additional management support to recover from the disruption to business operations.

Ikaroa-Rāwhiti - Takitimu

Allocation:	\$3.03m
Committed:	\$2.93m, 25 kaitono [+\$0.48m, 5 kaitono*]
Pipeline:	\$0.1m, 1 kaitono
Remaining:	\$0.1m
Response investment	\$1.37m (47%)
Recovery investment	\$1.56m (53%)

Five new projects have been funded this fortnight:

- Wharariki (Flax) Trust has been supported to provide emergency preparedness equipment (such as medical supplies, communication equipment and survival resources) for the Ocean Beach (Waipuka) community.
- The recovery efforts of Maungaharuru Tangitū Charitable Trust have been supported with FTE for a Recovery Manager, Recovery Analyst and two Kaiāwhina, and a temporary Kohanga Reo site and relocatable outdoor play equipment.
- Te Kuponga Hauora-Ahuriri have been supported to assist whānau in addressing the spiritual, mental and physical impacts of the cyclone through the practice of Minimi and workshops.
- Timi Kara Marae were supported to hold a whānau wellbeing day at the Marae and to collect data from the whānau and community to inform future emergency planning and preparedness.
- Te Pūinga Manatapu Incorporated were supported with a contribution towards costs incurred by Māori Wardens supporting the cyclone response across Tairāwhiti and Hawkes Bay.

*indicates an increase since the previous update on 17 May2023



Parallel Kaupapa Māori workstream

16. The Treasury, MfE, TPK, Te Arawhiti and CRU are preparing an update for Ministers on the Māori FOSAL pathway, ahead of a more comprehensive update at the end of July. The Treasury has asked Minister Robertson for guidance on the form of this advice, given the complexity of issues and pace of activity. Agencies are meeting on 19 June to draw the emerging themes and issues from the engagement undertaken so far, data analysis and policy work together.

s 9(2)(f)(iv), s 9(2)(j)

s 9(2)(f)(iv), s 9(2)(j)

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Regional Observations

Waikato-Wairariki

Summary of top priorities for this region:

- Community Recovery and Resilience**
Community scanning that will support both recovery and resilience are the priority for the Pōtaka community.
- Housing Assessments and Critical Housing Repairs**
Housing assessments and critical housing repairs are Port Waikato and Harataunga priorities.

Community

North Waikato

With phase one housing assessments successfully completed, the second phase funding will see the beginning of critical housing repairs in Port Waikato by Te Whakaruruhaui.

Hauraki

The collaborative approach between Te Whariki Mana Wahine o Hauraki and Te Whakaruruhaui means progressing housing assessments in Harataunga via shared resources and networks. Additionally, the collaboration has supported access opportunities to sustainable solutions via solar energy funding from MBIE.

Pōtaka

To support Ikaroa-Tairāwhiti, Toi EDA has been contracted to provide support to the Pōtaka community by way of community scans and delivery of cyclone relief funding as the result of Minister Allan's request following her visit to the coast. The investment will provide respite to the community and plan the initial stage of building community resilience. Toi EDA primary role is fund holder with local hapu and residents of Pōtaka overseeing the allocation of funding to local whānau.

Relocatable Homes

The Ministry of Housing and Urban Development have signalled the availability of funding for 40 relocatable homes. Cyclone recovery hui involving key stakeholders from Hauraki, Port Waikato and cross agencies have been planned to facilitate further funding sources and opportunities, planning and communications around the relocatable homes.

Ikaroa-Rāwhiti

Summary of top priorities for this region:

- Public service sector visibility, agreed shared intel and decision-making in recovery to seize opportunities, avoid duplication and take an equitable approach to funding and support across the public service sector.
- Continuing to support across our impacted Māori communities moving from response funding leaning into housing repairs and silt and debris.
- Continuing joint collaborative approaches to Māori communities to drive responses from their locality plans.

Marae and Community

- Te Puni Kōkiri met with the community lead for Waipuka, a small Māori rural settlement, 15 minutes east of Hastings. During Cyclone Gabrielle they were cut off for 5 days without support.
 - We have approved a Cyclone funding application which they will use to purchase containers including refit, and concrete padding as they will be placed on higher ground and support gravel for the driveway.
- We have supported Tātau Tātau o Te Wairoa, by funding \$20,000 towards emergency response mahi in the immediately post Cyclone Gabrielle.
 - Tātau Tātau has used the funds to support a pātaka and essential supplies distribution hub for the Wairoa community to enable access to kai, toiletries, pet food, baby resources and cleaning products.
 - Tātau Tātau secured a lease for the old New World building with the assistance of the Wairoa Waikaremoana Trust Board and are running the pātaka out of this building. The end-to-end process of the distribution hub involves; planning, ordering, sourcing, storing, and distributing the goods to community organisations that can get the essential supplies to whānau.

Whenua Māori

- Māori Land Workshops have been held with Māori landowners from Waiohiki, Tangoio, Omaha and Moteo. The purpose of the hui was to engage with Māori landowners in cyclone-affected communities and provide Whenua Māori services. Further workshops are planned to follow up on issues raised at these initial workshops:
 - Recovering costs for silt and debris already cleared
 - Services are still not fully operational and support needed for papakainga in the area, on both general land and Māori land
 - Top 5 priorities: silt under homes, around homes, insurance, health, monitoring of the river and managed retreat
 - Awa Management Plan
 - Māori Land Court processes
 - Including General Land Blocks owned by Māori in the funding applications
 - Ungoverned lands
 - Council reclassification process
 - Historical diversion of the river - did it contribute to flooding?

Housing

- Te Puni Kōkiri met with Waiohiki Community leaders to discuss housing repairs to support vulnerable and uninsured whānau. Four whānau were identified and contacted by Takitimu regional office. All whānau have been supported with temporary housing solutions.
- TPK has supported whānau who are uninsured and displaced in the Pōrangahau community with repairs funding for their whare impacted post-Cyclone Gabrielle.
- As of 31 May, 6 out of 11 homes have been 50% repaired and those homes have moved from yellow stickered to white stickered, enabling those whānau to move home while the rest of the repairs are completed. Those 6 homes have been stripped, framing repaired, gip replaced and walls and floors have been plastered where required.
 - All 6 homes now have a functioning kitchen and bathroom.
 - 4 of the 6 require full kitchen and bathroom replacements and flatpack fit-outs have been ordered.
 - 2 of the 6 homes are ready for internal painting.
 - Insulation is a priority, 3 of the homes are too low to the ground for underfloor insulation and alternative options are being explored so Healthy Homes standards are met.
- TPK has engaged with other government agencies and connected and referred the community response leaders in Pōrangahau to these agencies who can support the funding of heaters.
- Te Puni Kōkiri - Takitimu Regional Strategy for the \$10m repairs funding was to focus on the six Māori communities and target that funding to uninsured whare. We anticipate that the \$10m could support up to 55 homes.
 - Waiohiki have referred 4 whānau/whare to the TPK repairs programme
 - Omaha will manage their programme for 33 whare, applications are with us for assessment.
 - Pōrangahau was already supported with previous TPK funding for 11 whare of which they are self-managing.
 - Tangoio and outlying areas are supported by their s 9(2)(a) and we are in discussions with them about referring the whare to the TPK repairs programme
 - Waipawa/Matawaka are still in the early stages of identifying their whare that is Māori owned and lived in that were impacted and those that were uninsured.

Other Emerging Issues

- Māori landowners who have actively supported communities reconnection and access during Cyclone Gabrielle have told us that they have not been compensated or acknowledged by local government or government entities.
- For example, Waka Kotahi have yet to pay landowners of the Pourau Trust for the Pourau Bypass. Whenua Māori Service to follow up with trustees.



Community of Priority: Tawhiti a Maru Marae and Takitimu Marae (Te Wairoa)

- Tawhiti a Maru Marae and Takitimu in Te Wairoa have been severely affected by Cyclone Gabrielle. Both marae have immediate and long-term needs which align with the funding purpose of the Cyclone Gabrielle Māori Communities Fund.
- An architect has provided a list of needs of each marae which includes, crystallising the initial marae masterplan to allow for staged re-development in an ordered and functional manner, design and documentation for construction of the redevelopment of the wharekai, alongside helping with the repairs to the church and the installation of a new and purpose-built effluent system, and a number of other services to each marae which includes silt removal and clean-up and the costs associated with facilitation of wānanga to whānau so that they are empowered to make decisions regarding their next steps.
- Minister Jackson visited both marae when he came to Te Tairāwhiti and has expressed that they are considered a high priority.
- There are several projects that are being funded in Te Wairoa. Three marae, including these two, Tātau Tātau o Te Wairoa (the PSGE) and Te Whare Maire o Tapu wae (Whānau Ora Provider).
- All entities have different needs and offer different services to whānau. However, the approach with commissioning has been purposeful to ensure that whānau in Te Wairoa are serviced and there are multiple needs being met. TPK Ikaroa-Rāwhiti has funded Te Wairoa Whānui Trust (acting on behalf of Takitimu Marae and Tawhiti a Maru Marae) \$383,656 to deliver the services that they have outlined in their application.

Programme Updates



Enterprise

Te Tai Tokerau

- The Te Taitokerau Cyclone Gabriel Business Support Package (business recovery fund) has drawn to a close. Awaiting final report from Northland Inc, but applications and allocations data at the time of closing were:
 - Received **908 applications** for support, **207 identified as Māori** (27%).
 - Panel approved **632 applications**, **161 identified as Māori** (26%).
 - Total value of support package: **\$8.7m** (approximately).
 - Value of package paid to Pakihi Māori: **\$1.23m**
- The Te Taitokerau Māori Enterprise, Cadetships and Progressive Procurement teams delivered a Pakihi Māori Hui at Dargaville on Saturday the 10th of June 2023, for Kaipara-based Small to Medium Māori Businesses. The hui aimed to enable the development and growth of Kaipara-based Pakihi Māori, through TPK Enterprise/Māori Business supports, following major weather events that adversely affected the rohe and local pakihi.
 - Our direct involvement with Ngāti Whātua ki Kaipara hapu ensured genuine engagement with Kaipara Māori businesses. Subsequently, 50 Small to Medium Māori business owners attended the hui and received information about our Enterprise support.
 - The hui was labelled a success by Ngāti Whātua Kaumatua Ben Hita who when closing the hui said "This hui has been a success for our people – our people have a business pathway". Pakihi also said "They came to us", "Māori to Māori", "I feel really good", "Mahi rangatira (e kora) – well done, thank you!".

Hawkes' Bay

- Hawkes' Bay Chamber of Commerce**
The Hawkes' Bay Chamber of Commerce (the local Regional Business Partner) is returning **\$8.8m of funding** they were tasked with distributing as part of MBIE's Cyclone & Flood Response Fund. We are proposing to keep the unallocated funds in Hawke's Bay rather than returning them to the Treasury.
 - We are very concerned with the outcome of this funding initiative from HB CoC for Māori in particular our regional communities. Specific concerns include:
 - Transparency of the application process
 - Reporting throughout the process
 - Engagement with rural Māori communities including Wairoa
 - A closing date earlier than other RBPs and before the last top-up of the fund on 18 April.
 - The HB Chamber of Commerce were one of the first to close their applications, they had less transparency in their processes and reporting than other RBPs and they have a poor network with regional communities affected by the flooding.
 - This is reflected in their statistics that show a poor application rate in regions outside of Hastings and Napier. We note that they failed to change or review approved amounts as they received new funding with **only 130 businesses receiving the full amount of \$40,000**. The fund started at \$25m and was increased twice (to \$75m), the HB Chamber of Commerce closed its applications on 03/04/2023 two weeks before the last increase of funding on 18/04/2023.

Tai Rāwhiti

- Identifying and supporting Māori Businesses to access:
 - Investment Opportunities: MBIE Cyclone Gabrielle business support grants distributed through local EDA Trust Tairāwhiti (TT). The latest update Trust Tairāwhiti reports that **877 applications were received and processed**. Of these, **730 businesses received grants**, totalling \$16.32 million. Although a list of the successful applicants has been published no data is available on the percentage who are of Māori.
 - Business Support: The Māori Enterprise Service in co-operation with other Agencies and Business Support Services continue to collaborate and cooperate to share and distribute information through Rural Roadshows delivered on East Coast, and surrounding Gisborne communities, including the Connected Business Support webinar.
- Māori Business Procurement and Re-Deployment.
 - Working in with TKHP procurement team and Local intermediary Connect to support the delivery of Business Health Checks, Business Continuity planning and resilience advice. Strengthening Financial systems and the establishment of a Tairāwhiti Māori Business Network. This assistance has enabled Māori Businesses throughout the rohe to develop plans and strategies to be sustainable in the face of adversity, and, to keep connected in emergencies.
 - Māori Forestry and Civil contractors have also been supported to pivot and pursue opportunities in the Cyclone Relief and Recovery Investment programme for the woody debris, sediment, and silt clean-ups. Māori Landowners accessing these investment opportunities will be provided with the Business Māori Directory.



Housing

Future of Severely Affected Locations (FOSAL)

- Land/property owners in Hawkes Bay and Tairāwhiti have been contacted over the past 2 weeks advising of the initial risk categories that have been assigned to their land
- Maps of the affected locations are available on the Hastings and Gisborne District Council's websites.
- Engagement hui with Māori and non-Māori will begin this week – being led by the Cyclone Recovery Unit (DPMC) and supported by several agencies, including TPK.
- TPK Housing and whenua teams met last week to discuss the impact the categories may have on recovery programmes being delivered in impacted communities – housing repairs, temporary accommodation and whenua remediation.
- Wider discussions with HUD and TAS are scheduled for the next couple of weeks.

Temporary Accommodation

- Toitū Tairāwhiti have been meeting with Gisborne District Council (GDC) and have agreed that any of the temporary accommodation cabins still on site as of 30 November will need to be lifted to a new flood level height. The new height is still to be determined by GDC. The current height is 600mm.
- Councils in Wairoa, Hastings and Central Hawkes Bay are still working through how the assigning of categories will impact on cabin heights in flood-impacted areas.

Repairs:

- Moisture levels are delaying the start of repair programmes with many affected homes still above the 18% threshold.
- Homeowners now being asked to reconnect to mains power so that dryers can be put into homes to accelerate the drying process.
- Some whānau were unaware that lines networks were still charging connection fees and these need to be paid before power is switched on – an unexpected additional cost for some whānau.

Marae Emergency Preparedness Support: Kāinga Rua

Since the extreme weather events associated with Cyclone Gabrielle, Te Puni Kōkiri has seen an increase in the number of marae seeking investment to increase their resilience and emergency preparedness through the **Kāinga Rua Fund**.

Kāinga Rua has an annual allocation of **\$3.126m** for investments to support emergency preparedness, resilience, and sustainability initiatives for marae. It is an extension of the Oranga Marae programme.

Since Cyclone Gabrielle, TPK kaimahi have supported marae to increase their emergency preparedness, and six marae have been provided more than \$1.2m, with another 10 marae with applications seeking an additional \$1.4m, currently under assessment. There is a strong FY23/24 pipeline.

Kāinga Rua projects funded since Cyclone Gabrielle include:

- Development and completion of **Marae Emergency Preparedness plans for Marae Clusters, from Te Ihu o Te Arawa Waka to Te Takere o Te Arawa Waka me Murupara**. This project includes facilitated wānanga to ensure marae whānau have an awareness to develop or improve their emergency readiness, processes, and practice (Te Ihuwaka Limited, \$80,000).
- Comprehensive marae condition reports that include the impact of climate change on the physical and cultural conditions for three Marae (**Hauti, Te Horo and Putsanga Marae**) to ascertain future emergency preparedness and resilience planning (Te Rūnanganui o Ngāi Porou Trustee Limited, \$113,335).
- Emergency management planning and preparedness for Hahuru Marae to establish themselves as a Community Civil Defence Emergency Evacuation Centre (**Hahuru Marae**, \$53,920).
- Emergency planning and preparedness for all **18 Papatipu Rūnanga and 6 Taurahere Marae** across the Ngāi Tahu Takiwā (Te Rūnanga o Ngāi Tahu \$780,000).
- Clean-up and emergency preparedness for homes in Te Ararua and the local community, through the provision of equipment and resources (**Manaaki Matakaoa** \$131,000).
- To develop a Marae Emergency Preparedness Plan, attend accredited safety training and purchase equipment to establish a Marae rapid response team for **Tuapiro Marae** (Tuapiro Marae, \$42,850).

Whenua Māori FOSAL engagement

3. While some questions have been raised about the future of whenua Māori, particularly in Tairāwhiti, s 9(2)(a) this has not been the primary focus of impacted property owners at engagements so far.
4. A workshop between the CRU, Te Arawhiti and TPK is being held on 26 June to develop a targeted whenua Māori engagement approach with iwi, post settlement government entities, and marae trusts. Engagement is expected to start by the end of next week. This engagement will help to develop options for whenua Māori in collaboration with Māori governance entities. These options will then be discussed with local communities when they are in a position to consider broader recovery opportunities.
5. In Hawke's Bay, the CRU will continue to leverage council-led community hui or hui co-led with marae, s 9(2)(a). In Tairāwhiti, general recovery community meetings are scheduled together with TPK, and the CRU is coordinating hui with post settlement government entities, marae and hapū trusts.
6. From 27 June engagement in Hawke's Bay and Tairāwhiti will also align with and leverage TPK community meetings and will include discussions on recovery activity beyond land categorisation (e.g., silt and sediment, and wastewater funding). Māori engagement in Tāmaki Makaurau is likely to revolve around Making Space for Water, rights of first refusal, and heritage sites.


s 9(2)(f)(iv), s 9(2)(j)

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Hawke's Bay whenua Māori FOSAL engagement

9. Alongside Council-led meetings, the CRU held a whenua Māori engagement hui at Waipawa. This is the first parallel engagement with Māori land interests in Central Hawke's Bay, following previous weeks where CRU-led hui were held in Wairoa, Omāhu and Ahuriri/Napier. Waipawa attendees were appreciative of a general briefing on the Categorisation framework and Government's openness to their feedback.
10. Despite HBRC postponing general title Category 3 hui, the CRU will continue to facilitate whenua Māori engagement across all three FOSAL regions, as this is considered separate to the general title property buy-out process. The CRU, in consultation with other agencies and Māori governance entities, is scoping a programme of engagement with Category 3 and Category 2A Māori land interests.
11. CRU staff are attending two hui organised by TPK as part of their whenua Māori advisory service. The hui at Omāhu (1 July) and Pōrangahau (2 July) have a high level of cross-over to FOSAL and recovery issues. CRU staff will attend to respond to matters arising from the FOSAL discussion and collate landowner feedback.

s 9(2)(a), s 9(2)(f)(iv)



13. In addition, the CRU has asked the Treasury to expedite seeking ministerial agreement to the policy parameters that may differ from other Category 3 options (i.e., relocation rather than buy-out, with Māori retaining land ownership). The CRU is working to identify contact details of the homeowners.

Whenua Māori Category:

34. On 21 June, EWR agreed to the appropriation changes necessary for TPK to administer the funding for whenua Māori directly. This funding was announced on 29 June. TPK is preparing to open the programme for applications, and whenua Māori owners within Tairāwhiti and Hawke's Bay can contact TPK directly for more information about how to apply. TPKs Whenua Māori Service has already been undertaking engagement with affected communities about their aspirations for their whenua and has started to build a pipeline of potential applicants for the funding.

s 9(2)(f)(iv), s 9(2)(j)

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[Excerpt from Cyclone Recovery Unit: Weekly Report – 7 July 2023]

6. A FOSAL Kaupapa Māori Parallel Engagement Pathway has been developed by the CRU. This is attached to the FOSAL update for your consideration.

FOSAL

25. Given the priority of the FOSAL work programme, the CRU is providing your offices with a weekly FOSAL update on key issues and updates (including the cost share negotiations). No FOSAL policy updates are therefore included in the live issues below.

s 9(2)(f)(iv), s 9(2)(j)



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Regional Observations



Waikato-Wairariki

Summary of top priorities for this region:

- Community Recovery and Resilience - Dual priority for Pōtaka is community-led recovery and building resilience.
- Housing assessments and building resilience continue to be the priority for Hauraki.

Community

Hauraki

- Assessment of 37 whare impacted by Cyclone Gabrielle continues to be progressed by Te Whakaruruhau. Challenges due to ongoing weather events continue to impact whenua, whare and whānau including supply issues and access to parts of the rohe due to unsafe roading.

Pōtaka

- Phase one utilised funding to clear road access impacted by adverse weather including identifying key access points to inform solutions and a long-term community response plan.
- Shared connection including whakapapa and whenua boundaries will see collaboration to support Pōtaka between Te Whānau ā Apanui and Te Runanga o Ngāti Porou. Te Puni Kōkiri will connect MPI with the community project manager to ensure support includes farming and forestry whānau. The project manager will engage agencies with the intent to seek co-investment in long-term solutions.

Ikaroa-Rāwhiti

Summary of top priorities for this region:

- Over the last week Te Tairāwhiti declared a State of Emergency due to heavy rains and flooding. Whanau across Te Tairāwhiti, namely Te Karaka, Tokomaru Bay and Waipiro Bay evacuated their homes due to the elevated risk of flooding.
- State Highway 2 has experienced considerable damage and is being assessed by engineers to determine the stability of boarding hills.
- State Highway 35 is open though assessments are being undertaken at Mangahauini, Busby Hill and Kemps Hill. Local roads are still isolated but are a priority for local roading contractors.
- Rural Roads have been decimated namely Tauwhareparaē, Whareponga, and Makarika. Communities are still isolated today. Local Civil Defence efforts planning to deliver essential supplies to households.

Marae and Community

- During the latest state of emergency Takitimu, Te Poho o Rawiri Marae, Ohako, Mangatu, Tuatini, Taharora, Hinepara and Hinerupe were all stood up as evacuation and welfare centres for whanau.
- Whanau in Tokomaru Bay continue to raise concerns about the Mangahauini Gorge and the Waioitu River. As more heavy rain events occur the community is now stressed and worried about the stability of the Mangahauini and the risk to life in their community. These concerns have been shared with the Gisborne District Council. They are now awaiting response and action.
- During the last five days there have been many power outages including Ihungia, Tauwhareparaē, Te Pula Springs, Waipiro Bay, and Tokomaru Bay. Customers in Ruatoria and Te Ararua requested to limit power use until the network can be connected to the main grid.

Housing

TPK met with TAS (Temporary Accommodation Service) and members of the Māori Committee to discuss 5 or 6 cabins placed on whenua next to the Duke so that the kaumatua that have been displaced after cyclone Gabrielle from the kaumatua flats can return to Pōrangahau village. All accessibility needs have been flagged with TAS to ensure the cabins will be fit for purpose. Feasibility studies were completed this week and progress the cabins' arrival.

s 9(2)(j)

Whenua Māori

- Māori Land Block, Popoti in Makarika has now had its 3rd repaired local road completely washed away and with it all the flat land used for stock and cattle yards.

Whenua Māori Service facilitated two workshops at Pōrangahau and TPK Hastings office. 30 - 40 people at Pōrangahau with a range of concerns raised by the local community such as re-categorisation, managed retreat, ungoverned land blocks, and opportunities for collective action by land block owners.

- The Hasting workshop was attended by around 10 people with interest in support available and the development and feasibility of lands in Waimarama, Pōrangahau, Omaha. The team is continuing to follow up and offer support.
- A Whenua Māori Wānanga was held at Mangatu Marae, Whatatutu on the 15 June 2023. This Wānanga is part of a series that the Whenua Māori Service is facilitating in the Ikaroa-Rāwhiti region. These wānanga help to engage with Māori Landowners to discuss any barriers, priorities and their aspirations for land use development and opportunities. Issues raised include the exploration of alternative power sources, access to whenua, zoning and papakāinga development.
- Post Cyclone Gabrielle, Ruangarehu J2 Ahu Whenua Trust (adjacent to Takipu marae) applied through the Whenua Māori Service to obtain a business case that will assist the trust to understand the cost and methods to remove slash (along the Waingaromia and Waihora catchments) that will impact the roads and community if there are additional weather events. ICS project managed the contract on behalf of the trust, with a total investment amount of \$47,196.
- The final report has been delivered and the findings of the report outline the absolute need to get in and extract the woody debris identified as risks. The report findings are
 1. The cost of silt removal will be \$5.8m
 2. There is an extreme risk of 35,462m³ of slash within reach of a moderate flow event. This is highly likely to remobilize.
 3. There is a significant risk to Te Karaka infrastructure (impacting bridges, roads, and houses) in the direct flow path of future flooding events.
 4. Doing nothing is not an option - the only solution is slash removal.
 5. Additional economic benefits: 25 new jobs, \$2.8M in wages, 600 loads of firewood for Wairoa, Te Karaka and wider communities.
 6. We do not have time luxury. An urgent decision is needed now.
- The Trust has shared this report with Te Aitanga a Māhaki Iwi Trust, Toi Tu Tairāwhiti Iwi, and the Minister of Forestry along with the Ministry of Primary Industries (Te Uru Rākau). This report enabled the trust to gain vital information for the safety of the entire Te Karaka community. Mahaki is urgently seeking \$5,832,855.23 to safely extract 100% of the debris in the Waihora and Waingaromia Rivers.



Programme Updates and Case Study

Housing

Temporary Accommodation

- TPK, HUD & Tas continue to meet fortnightly to discuss temporary accommodation across the cyclone-impacted regions of Northland, Waikato, Tairāwhiti and Hawkes Bay.
- TAS advised that **category 2A and 3 are now no-go zones** for their temporary accommodation pods but may consider campervans as a possible option. May be worth noting that all of Wairoa is currently category 2A.
- TAS continuing to work with some of the Councils that treat this mahi as BAU and not the urgency needed to get whānau into temporary housing solutions.

Taitokerau

- TAS heading to the north in mid-July to meet with providers and the council.
- TPK is keen to be involved in the decision process and has recommended a **Marae-led/Marae-driven approach**.
- Assessments have identified up to **100 homes** needing repair.

Waikato

- Repair assessments are completed and currently in discussion with providers to progress repairs.
- Working closely with HUD staff on arranging temporary accommodation in Port Waikato and Hauraki regions.

Tairāwhiti

- Toitu Tairāwhiti has been supporting Ngati Pahauwera in Mohaka and Raupunga. The community has significant housing issues and needs immediate repairs to existing homes.
- **Three houses/cabins allocated to Wairoa** have been diverted to Mohaka to provide immediate temporary accommodation relief however more are needed.
- HUD working closely with Ngati Pahauwera to deliver more cabins into the area.
- Repairs work in Te Karaka is progressing well. The first repair project is due for completion this week with another five due for completion by mid-August.
- Insurance negotiation work is going well (working with 39 whānau). Many whānau are fatigued and are accepting the offers being presented.
- Due to recent weather events such as flooding, water has become a concern, but silt has not

s 9(2)(g)(i)

- Road closures are causing delays in the delivery of products and supplies.
- Currently, **only eight out of the 104 cabins** remain unconnected due to weather-related issues.

Wairoa

- Close to **150 assessments completed** on impacted homes and the regional team working through the repairs programme with Tātau Tātau o te Wairoa (PSGE)
- Currently, the region falls under category 2A so Tātau is working with Councils to identify the subsequent actions as this could impede the pace of the repairs programme.

Hawkes Bay

- Temporary accommodation is being progressed within impacted communities by both TAS and HUD.
- Category 3 areas require a more bespoke solution for accommodation – still being developed.
- Repairs in Porangahau progressing well with contracts pending for other communities – looking to have these finalised by next week.
- Omaha residents were advised by Council this week that their property category has shifted from 2C to 1 following repair work to the stop banks.



Whenua Māori Services

- The first round of engagements undertaken in impacted communities has concluded. The aim of the engagement was to assist with identifying the clean-up needs of whenua Māori in affected communities. The second round of engagement started on 21 June 2023.
- The service has been supporting Māori landowners apply to the commercial fund for the removal of sediment and debris in the Hawkes Bay by assisting with applications and applying to the fund.



Māori Wardens

- Māori Wardens in the Gisborne District is currently conducting assessments with affected families regarding the management plan of the Gisborne District Council.
- They are also providing support to those impacted by flooding, connecting affected whānau with available resources and services as many are uncertain of where to seek help.
- Many families are experiencing access issues due to the heavy rainfall in Tairāwhiti in recent weeks. Wardens have been providing assistance by transporting families to emergency evacuation hubs until it is safe for them to return home.
- To minimize the traffic on unstable roads, the wardens have been delivering bulk kai to remote communities.
- Additionally, they have been a comforting presence for those impacted by the recent rains.
- The wardens have also played a key role in traffic control at emergency hubs and have coordinated information and support back to local CDEM centres.



Community of Priority: Te Taiwhenua o Te Whanganui ā Orotu

TeTWAO (Te Taiwhenua o Te Whanganui ā Orotu) have used their funding to conduct water tests across the marae covered in their rohe. Most results have come back as expected, with some suggestions for optional improvements including water softeners, cartridge filtration and UV disinfectant.

- Two marae were not tested as Moteo is still completing repairs from the cyclone and Tangoio is still in discussions about relocation.
- TeTWAO facilitated two planning hui for cyclone affected, marae, communities and hapu following the land categorisation announcements. Discussions are ongoing as there are still many unanswered questions for zone 3.
- The **food hub continues to run** - distributing kai and water to cyclone-affected communities. **2.5 FTE** are reserved for this mahi. Walk-in requests are accommodated but needs are now being recorded using a more robust system.



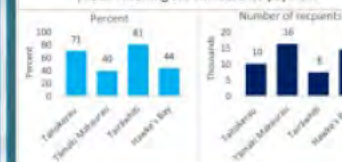
Other Agency Updates

Ministry of Business, Innovation and Employment

There are no timely employment statistics for Māori at a regional level. The industries that Māori are more likely to be employed in are yet to show significant job losses. However, civil defence payments show that Māori were heavily affected by the severe weather events, as they were a higher proportion of recipients than non-Māori.

Māori individuals are often employed in the primary and manufacturing sectors, which are particularly vulnerable to weather-related challenges. Unfortunately, this may lead to potential job losses in the future, with Māori being disproportionately affected.

Māori receiving the civil defense payment



There is currently around a **60% uptake** from Māori for MSD's Industry Partnership programmes indicating the rebuild could provide more opportunities for Māori

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13. Hawke's Bay Whenua Māori FOSAL engagement

- a. CRU officials continue to work with the s 9(2)(a) s 9(2)(a) and expect to meet with hapū and whanau in s 9(2)(a) on 18 July. Treasury and MfE officials, HBRC and HDC will also attend. The CRU understands many whānau in Tangōio are unwilling to relocate at this stage.
- b. The CRU is also in discussions with representatives from s 9(2)(a) trusts to organise informal meetings in Hawke's Bay from 19 - 21 July.
- c. The CRU is facilitating meetings between TPK officials in Hawke's Bay and the local authorities to make sure TPK has input into the regional recovery plans beyond the wellbeing pou. The first meeting will be held on 20 July to understand what support can be provided to advocate for improved connection between HBRC and TPK. The CRU will report back on progress.
- d. The CRU is supporting HBRC to plan a further round of community engagement on the second iteration of the locality plans in August.

s 9(2)(f)(iv), s 9(2)(j)

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Whenua Māori category

11. This funding is open for applications, and the Whenua Māori Service (TPK) is working with several potential applicants. Three applications have been received to date with several others underway. Community engagement continues, with the second round of hui concluding on 20 July in Whatatutu (Te Karaka).

s 9(2)(f)(iv), s 9(2)(j)

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[Excerpt from Cyclone Recovery Unit: Weekly Report – 28 July 2023]

s 9(2)(f)(iv), s 9(2)(j)

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[Excerpt from Cyclone Recovery Unit: Weekly Report – 4 August 2023]

Whenua Māori category

- 32 To date, s 9(2)(a) have been received from the Hawke's Bay Region totalling s 9(2)(i) s 9(2)(a). The first Investment Sub-Committee will be held on 10 August to begin reviewing and approving applications.
- 33 TPKs Whenua Māori Service has scheduled drop-in sessions in Ruatoria, Wairoa and Hastings to continue assisting owners of whenua Māori to develop applications.
- 34 In Tairāwhiti, TPK is supporting the progress of a s 9(2)(a) of these applications are seeking a combined total of s 9(2)(j) with the other applicants in the process of identifying needs and costs. Applications are expected to increase significantly around October/November, as most communities have indicated they intend to take a cluster approach.

s 9(2)(f)(iv), s 9(2)(j)

[Excerpt from Cyclone Recovery Unit: Weekly Report – 11 August 2023]

s 9(2)(f)(iv), s 9(2)(j)

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[Excerpt from Cyclone Recovery Unit: Weekly Report – 18 August 2023]

s 9(2)(f)(iv), s 9(2)(j)



**social
environment**

Manaaki Tairāwhiti is leading the social environment. Project planning is currently underway to identify the approach and structure, alongside the activities. The priority for planning is to ensure coordination of the social environment.

An assessment of the needs at a Regional level have been identified in the below table.

Dimension	Action
Welfare	More support required
Accommodation	Significant support needed across the region
Mental Wellbeing (Psychological component)	Significant support needed across the region
Employment	More support required
Health	Supports are in place
Iwi and community infrastructure	Significant support needed across the region
Education	More support required
Perceptions of safety (incl FVSV)	Supports are in place
Communication	More support required
Provider/agency infrastructure	Supports are in place

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[Excerpt from Cyclone Recovery Unit: Weekly Report – 25 August 2023]

s 9(2)(f)(iv), s 9(2)(j)

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Tairāwhiti cyclone recovery Iwi Crown engagement agreement

21. Tairāwhiti Iwi sought a Terms of Engagement for how the Crown engages with Tairāwhiti Iwi in terms of cyclone recovery. This has been drafted by Te Arawhiti (at the CRUs request) and is attached for reference. The purpose is to:
 - a. s 9(2)(a) collectively referred to as 'Tairāwhiti Iwi', and the Crown, to partner to deliver effective cyclone recovery strategy, planning and action in and for Tairāwhiti.
 - b. set expectations for Crown engagement with Tairāwhiti Iwi in relation to cyclone recovery activities in and for Tairāwhiti.
 - c. provide for the development of joint cyclone recovery work programmes between Tairāwhiti Iwi and Crown agencies.
22. The Terms of Engagement are modelled on the Crown's Statement of Engagement with the National Iwi Chairs Forum (NICF) and the Kawenata signed between Housing agencies and Tairāwhiti Iwi (which has proved successful).
23. To support implementation, the Terms of Engagement notes the Crown will designate a convening Minister (or Ministers), a convening Chief Executive, and a convening agency. All engagement by Crown agencies with Tairāwhiti Iwi, either collectively or individually, will be coordinated in the first instance through these convenors.
24. The document reflects the Minister for Cyclone Recovery, the Chief Executive, Cyclone Recovery, and the CRU as the appropriate lead convening roles. Note:
 - a. This convening function is similar to the one that Minister Davis, the Chief Executive, Te Arawhiti, and Te Arawhiti fulfil to support the ongoing implementation of the NICF Crown Statement of Engagement.
 - b. The lead convenors serve as the front-door for coordinating overarching engagement with the NICF but specific work programme engagement remains with responsible agencies and Ministers.
 - c. This provides an oversight function and a natural escalation point.

25. Tairāwhiti Iwi are looking for this commitment before any further cyclone recovery discussions take place. Regarding next steps:
- a. Te Arawhiti is aiming to have the Terms of Engagement signed no later than 15 September.
 - b. Final papers are being socialised with Ministers (through Minister Davis' office), Chief Executives of the relevant agencies, and Tairāwhiti Iwi concurrently.
26. The CRU is planning to discuss how to give affect to the Terms of Engagement with DCEs next week. Once signed, the CRU (as convening agency) will bring relevant agencies together with iwi representatives to agree the key work streams in and across each agency. Workstreams are already underway but have experienced delays due to the engagement delays.

Whenua Māori category

35. Approximately s 9(2)(a) are in the pipeline s 9(2)(j) Applications are at various stages of the approvals process. There is a s 9(2)(j)
36. The Whenua Māori Service continues to hold drop-in clinics across the region to support potential applicants, and note an increase in demand for this support.

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Te Tairāwhiti Cyclone Recovery: Terms of Engagement between Tairāwhiti Iwi and the Crown

1. Purpose of the Terms of Engagement

The purpose of the Terms of Engagement is to:

- record the intention of s 9(2)(a) collectively referred to as 'Tairāwhiti Iwi', and the Crown to partner to deliver effective cyclone recovery strategy, planning and action in and for Te Tairāwhiti
- set expectations for Crown engagement with Tairāwhiti Iwi in relation to cyclone recovery activities in and for Te Tairāwhiti
- provide for the development of [joint] cyclone recovery work programmes between Tairāwhiti Iwi and Crown agencies.

The scope of this Terms of Engagement is limited to engagement and activities related to cyclone recovery in and for Te Tairāwhiti.

2. Parties to the Terms of Engagement

The Parties to the Terms of Engagement are:

s 9(2)(a)

collectively referred to as 'Tairāwhiti Iwi' and - through their respective representative organisations:

s 9(2)(a)

The Crown through the Minister for Cyclone Recovery, the [Minister for Māori Crown Relations: Te Arawhiti] and other lead Ministers as named in Appendix One collectively referred to as 'participating Ministers'

Further Ministers may be added to the Appendix by mutual agreement.

3. Background

Iwi, hapū, whānau and communities of Te Tairāwhiti have been affected by multiple severe weather events in recent years. Most recently, Cyclones Hale and Gabrielle in early 2023 caused significant damage to the land, infrastructure, economy and communities of Te Tairāwhiti. The continued vulnerability of communities and infrastructure to future weather events has been evidenced by further heavy rainfall events in June 2023.

Tairāwhiti Iwi have been at the forefront of recovery efforts, providing immediate and ongoing support and assistance to people and communities within their respective rohe and collectively across the whole of Te Tairāwhiti.

Crown agencies are delivering cyclone recovery work programmes and have sought to engage with Tairāwhiti Iwi. Tairāwhiti Iwi have requested Crown agencies improve the coordination of their engagement and collaborative work with Tairāwhiti Iwi. The Crown acknowledges the importance of coordination in ensuring recovery efforts are effective.

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7 September 2023

4. How the parties will engage

The parties will:

- engage with one another in good faith, with respect, openness and integrity
- work together collaboratively while respecting the mana, roles and responsibilities of each individual iwi and Minister
- operate an open and frank communication approach with 'no surprises'
- ensure that where individual parties are directly affected, they are active participants in decision-making processes and implementation that results from those decisions
- engage at the appropriate level with the appropriate people
- [work together to support the holistic, long-term wellbeing of the taiao, people and communities of Te Tairāwhiti]
- engage in a manner that supports the implementation of the Terms of Engagement.

Specific actions for the parties

The parties will:

- ensure all engagement between Crown agencies and Tairāwhiti Iwi, either collectively or individually, is coordinated
- develop joint cyclone recovery work programmes.

Specific actions for the Crown

The Crown will:

- designate a Convening Minister, a Convening Chief Executive and a Convening Agency – refer to **Appendix Two**
- ensure all engagement by Crown agencies with Tairāwhiti Iwi, either collectively or individually, is coordinated in the first instance through the Convening Minister, Convening Chief Executive or Convening Agency.

5. Work programmes

This agreement provides for the development of cyclone recovery work programmes between Tairāwhiti Iwi and Crown agencies. The parties [and/or their delegates] will endeavour to, as soon as practicable:

- develop a collective cyclone recovery work programme inclusive of all four Tairāwhiti Iwi and relevant Crown agencies that focuses on mutual priorities
- develop as appropriate, specific joint cyclone recovery work programmes for each of the four Tairāwhiti Iwi, with a collective of relevant Crown agencies, that focuses on the specific priorities of that Iwi.

Expectations for the development of work programmes are set out in **Appendix Three**.

6. Term of the agreement

To reflect that Cyclone Recovery efforts may take some years, this agreement [commences on the day it is signed by the parties and] endures until either:

- it is dissolved by mutual agreement of the parties
- [the disestablishment of the Government's recovery work programme].

DRAFT FOR DISCUSSION PURPOSES – NOT GOVERNMENT POLICY
7 September 2023

Appendix One – List of participating Ministers

Minister for Social Development and Employment
Minister for Māori Crown Relations: Te Arawhiti
Minister for Cyclone Recovery
Ministerial lead for Tairāwhiti Cyclone Recovery
Minister of Housing
[Minister for Infrastructure]
Associate Minister of Housing (Māori Housing)
[Minister for Māori Development]
Minister for the Environment
Minister of Transport
Minister of Forestry
[Minister for Emergency Management]
Minister of Local Government

DRAFT

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Kaupapa Māori Taskforce

19. The Kaupapa Māori Taskforce was placed on hold for the week 25-29 September, while the Treasury, Te Arawhiti and TPK finalised the 'financial guardrails' paper to joint Ministers.
20. The CRU expects meetings with s 9(2)(a) to resume from 3 October. The CRU will keep Ministers updated on the progress of these discussions
s 9(2)(a)
s 9(2)(a)

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[Excerpts from FOSAL Weekly Update]

[Excerpt from FOSAL Weekly Update – 30 June 2023]

- Kaupapa Māori pathway – developing and delivering alternative solutions for whenua Māori.

Kaupapa Māori pathway

35. Following discussion at EWR this week, the CRU, in consultation with other agencies, is

s 9(2)(f)(iv), s 9(2)(a)

s 9(2)(f)(iv), 9(2)(a) The CRU will expedite this while scoping the engagement plan in parallel.

36. The FOSAL project team is preparing advice on policy options that s 9(2)(f)(iv)

s 9(2)(f)(iv)

s 9(2)(f)(iv) to test these with you ahead of engaging on them with affected communities.

This advice will be provided to you next week.

37. Following policy decisions, the CRU will lead engagement with the s 9(2)(f)(iv) property owners.

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Kaupapa Māori pathway and engagement

13. The Treasury and MfE provided you with a briefing on proposed policy parameters for the Kaupapa Māori pathway [T2023/1294 refers]. The CRU is engaging with affected communities to discuss potential alternatives to buyouts for category 3 properties.
14. To support that engagement, TPK is working to identify additional whenua Māori that is currently included in category 3 across the Tairāwhiti and Hawke's Bay regions. There are provisionally s 9(2)(f)(iv)
15. The CRU has arranged a series of category 3 whenua engagements at Tangōio, Esk Valley and Petane on 18 July. The timing has been set locally to fit with the way iwi want to conduct the discussions. These locations comprise the majority of category 3 whenua Māori in the Hawke's Bay.
16. The CRU has developed a forward plan for engagement with whenua Māori owners and residents. This plan is included in appendix 2.
17. The overall focus of this programme for the next three months is to:
 - Facilitate and connect whenua Māori residents/representatives with their council-led FOSAL risk categorisation process and final decisions.
 - Identify the ownership and governance arrangements for category 3 affected whenua Māori.
 - Present category 3 support options to the affected owners/representatives and identify the main issues and activation steps arising for each.
18. As per the attached timeline, in Tairāwhiti the scope of FOSAL is still unfolding, as is the Gisborne District Council's local engagement programme. CRU will continue to support council engagements while working with Tairāwhiti iwi on the wider recovery discussions.
19. Auckland Council's FOSAL risk assessments await the completion of household data gathering and other research it has commissioned, which are expected to be completed by September. Ahead of that, the CRU will connect with iwi (and, potentially, mataawaka) through a mix of localities-based engagement and pan-iwi (whole of Tāmaki Makaurau) forums.
20. A summary of engagement activity over the past week is included in the CRU Weekly Report.



DEPARTMENT OF THE
PRIME MINISTER AND CABINET
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

FOSAL Kaupapa Māori Parallel Pathway

Rolling Three-Month Engagement Programme

July 2023



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Overview

1. This engagement programme is cast on a rolling three-month basis to work in with evolving circumstances in the regions. Equally, it allows for an adaptive approach as ministers consider and take decisions on policy responses to FOSAL whenua Māori and wider Treaty matters.
2. The overall focus of this programme for the next three months is to:
 - Facilitate and connect whenua Māori residents/representatives with their council-led FOSAL risk categorisation process and final decisions.
 - Identify the ownership and governance arrangements for C3 affected whenua Māori.
 - Present C3 support options to the affected owners/representatives, and identify the main issues and activation steps arising for each.
3. Alongside that, CRU will continue to support council-led engagement across local communities; coordinate, where appropriate, cross-agency regional engagement with councils and iwi; and strengthen connections with local iwi as part of the wider recovery agenda.
4. Hawkes Bay and Tairāwhiti councils' provisional risk assessments show that the vast majority of C3 whenua Māori sits in two Hawkes Bay localities, Tanaōio and Esk Valley. s 9(2)(a)
s 9(2)(g)(ii) [NEMA] There is no data yet on any affected whenua Māori in Auckland, though Māori land is not expected to figure materially in Auckland's eventual C3 categorisations.
5. In Tairāwhiti the scope of FOSAL is still unfolding, as is the Gisborne District Council's local engagement programme. CRU will continue to support the GDC engagements while working with Tairāwhiti iwi on the wider recovery discussions.
6. Auckland Council's FOSAL risk assessments await the completion of household data gathering and other research it has commissioned, which are expected to be completed by September. Ahead of that the CRU will connect with iwi (and, potentially, mataawaka) through a mix of localities-based engagement and pan-iwi (whole of Tāmaki Makaurau) forums.

Te Matau ā Maui / Hawkes Bay

FOSAL Whenua Māori Snapshot

Hawkes Bay includes circa 513 ha of whenua Māori provisionally categorised as C3. These land blocks, mainly located across two localities, s 9(2)(a) account for almost all known Category 3 whenua Māori across the Flood/Cyclone Gabrielle recovery regions.

Summary of Engagement to date

- On 1 June 2023 Hawkes Bay councils started their provisional risk assessments communications with affected property owners, including Māori land interests. Council-led community engagements on the provisional assessments formally started on 14 June. There have been seven to date, from Wairoa to Ōtane, with CRU attending in support of each.
- On 29 June Hawkes Bay councils postponed future community hui with C3 affected communities, pending further progress in cost sharing negotiations.
- On Māori engagement, the CRU has led five hui with Māori land interests (at Wairoa x 2, Ōmahu, Waipawa, and a follow-up at Ahuriri/Napier). Māori have shared their early concerns, including involvement in the councils' categorisation decisions; protections for affected whenua Māori and its ownership; and support for significantly affected marae and other cultural infrastructure (e.g. urupā, Treaty settlement properties).

FOSAL Whenua Māori Engagement Focus

Over the next three months parallel Māori engagement on FOSAL will focus on:

1. Brokering (as required) s 9(2)(a) C3 Māori land trustees/representatives, and residents, engagement with their local councils' on the final (C1-C3) risk assessment and decision-making process.
2. Facilitating C3 information provision, agency join-up on policy options and decisions and other iwi engagement and consultation plans (for example MfE natural hazards and other Order in Council consultation), and (subject to government decisions) new support options for affected whenua and their owners.
3. Working alongside key Māori leadership groups across s 9(2)(a) to consider and progress Māori-led, collective approaches.
4. Working with agencies to facilitate a Crown response to s 9(2)(a) and other Hawkes Bay marae located on vulnerable sites s 9(2)(a) s 9(2)(g)(ii) [NEMA]

Māori engagement in the locally-led recovery

- Iwi wish to be fully involved in HB regional recovery governance and decision-making, through the regional council-ii forum, Te Matariki, and seeks resourcing and technical support from the Crown to do so.
- At the local level the largely s 9(2)(a) has prepared its own locality recovery plan, and seeks councils' support to integrate it into the Hastings and regional recovery plans.

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Hawkes Bay FOSAL Māori engagement programme

Week starting	Council-led (general)	Crown/CRU-led (Māori)
03 Jul	<ul style="list-style-type: none"> • s 9(2)(a) - postponed by council • s 9(2)(a) • s 9(2)(a) 	<ul style="list-style-type: none"> • s 9(2)(a)
10 Jul	Ministers' visit to Wairoa (13 July)	
	Confirm council process to engage ML owners in risk assessment final determinations	
		<ul style="list-style-type: none"> • s 9(2)(a) Māori land engagement meetings confirmed and promoted for week starting 17 July.
17 Jul	<ul style="list-style-type: none"> • s 9(2)(a) - postponed by council • s 9(2)(a) - postponed by council 	<ul style="list-style-type: none"> • Engagement update to iwi authorities/PSGEs & Tumu Paeroa/FOMA • s 9(2)(a) Māori land residents engagement meetings held, in consultation with s 9(2)(a)
24 Jul	<ul style="list-style-type: none"> • s 9(2)(a) TBC 	<ul style="list-style-type: none"> • Māori landowner/trustee follow up on councils' (C3) risk assessment process & decisions
31 Jul		<ul style="list-style-type: none"> • Hawke Bay Māori landowner/trustee follow-up continues on councils' (C3) risk assessment process & decisions
07 Aug	Balance of council-led engagement programme TBD, and pending the outcome of central-local C3 cost-sharing bi-laterals	<ul style="list-style-type: none"> • Follow-up engagement with s 9(2)(a) Māori land interests on any further policy decisions for C3 whenua Māori.
14 Aug		
21 Aug		
28 Aug		<ul style="list-style-type: none"> • Engagement update to iwi authorities s 9(2)(a)
04 Sep	Scope for (C2) property owner & community follow-up engagement on recovery plans and decisions	
11 Sep		<ul style="list-style-type: none"> • Incl: s 9(2)(a)
18 Sep		
25 Sep	TBD	TBD
02 Oct	TBD	TBD

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Tairāwhiti

FOSAL Whenua Māori Snapshot

There are currently s 9(2)(a) C3 Māori land blocks in Tairāwhiti. s 9(2)(a)

s 9(2)(a)

Summary of Engagement to date

- On 31 May 2023 GDC started its provisional risk assessments communications with 18 affected property owners, including (at the time) one Māori land block and one local marae. Council-led community engagements on the provisional assessments formally started on 16 June (with a 'drop-in' clinic at council), followed by a hui with s 9(2)(a) on 18 June, which CRU staff attended.
- Further severe flooding in mid/late June has delayed the council-led FOSAL engagements, though CRU supported a council hui on 2 July at Tokomaru Bay, a s 9(2)(a). Further hui will be held this week at Hangaroa (inland from Gisborne) and at GDC, with CRU in attendance.

FOSAL Whenua Māori Engagement Focus

Over the next three months parallel Māori engagement on FOSAL will focus on:

- s 9(2)(f)(iv)
- Facilitating C3 information provision, agency join-up on policy options and decisions and other iwi engagement and consultation plans (for example MFE natural hazards and other Order in Council consultation and (subject to government decisions) new support options for owners and residents of the (two) affected blocks.
- Working with agencies to facilitate a Crown response to affected s 9(2)(a)
- Liaising with Māori communities to understand and broker local/central responses to category 2C and 2P matters arising.

Māori engagement in the locally-led recovery

- Working collaboratively with local iwi will be critical to the effectiveness of the Tairāwhiti recovery, both at a regional and locality level.
- Māori make up almost half of the Tairāwhiti's district population, and local iwi members are circa 70% of the Māori population. Approximately 220k ha of land within the district is whenua Māori, largely within the Ngāti Porou rohe.
- There are four major iwi in Tairāwhiti. Three (Ngāti Porou, Te Aitanga a Māhaki and Ngai Tāmanuhiri) are working collectively on their recovery aspirations, while the fourth, Rongowhakaata, is working separately.
- s 9(2)(g)(i) Accordingly, Tairāwhiti recovery planning to date has been carried out separately by council and by iwi, rather than in an integrated manner. Central government may therefore need to play a role in reconciling the recovery approach, plan(s) and relationships.

Presentation title | 1

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Tairāwhiti

Week starting	Council-led (general)	Crown/CRU-led (Māori)	
03 Jul	<ul style="list-style-type: none"> s 9(2)(a) 	s 9(2)(a) on recovery proposals incl. Māori landowner engagement and orders in council.	
10 Jul	Ministers' visit to Gisborne (11 July)		
	Confirm council process to engage ML owners in risk assessment final determinations		
17 Jul	Council-led 'drop in' clinics continue		
24 Jul			s 9(2)(a) TBC: Connect trustees/residents to council risk assessment process.
31 Jul			
07 Aug			s 9(2)(a) owners/trustees engagement on (C3) Whenua Māori options
14 Aug			
21 Aug			
28 Aug		Engagement update to s 9(2)(a)	
04 Sep	Scope for (C2) property owner & community follow-up engagement on recovery plans and decisions		
11 Sep		Incl: s 9(2)(a) centres	
18 Sep			
25 Sep	TBD	TBD	
02 Oct	TBD	TBD	

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Tāmaki Makaurau / Auckland

FOSAL Whenua Māori Snapshot

- Auckland region is least likely to include sizeable ha of affected (C3) whenua Māori.
- Auckland Council is undertaking a household-level data gathering exercise to inform its provisional risk assessments and C1-C3 categorisation of properties. This is expected to take until the end of August and, until then, the impact on whenua Māori land, if any, is unknown.
- Mana whenua iwi, s 9(2)(a) have sought direct engagement in Auckland Council's recovery governance, planning and implementation work. s 9(2)(g)(i)
- s 9(2)(g)(i)

Summary of Engagement to date

- On 12 June Auckland Council issued preliminary communications to residents across thirteen 'high risk' localities. In all the council has now sent letters to approx. 6,100 residents but has not distinguished between residents/owners of whenua Māori within that cohort. Council has stopped short of making provisional C3 categorisations, pending the outcome of its data gathering exercise and commissioned geo-tech reports.
- Out of scope
- Auckland Council is still developing its approach to local iwi and mataawaka engagement and collaboration on the regional recovery. It has held general briefings with the joint forum of 19 local iwi, but considers that it needs to address its in-house capacity, and iwi resourcing, to ensure meaningful collaboration.

Māori Engagement Focus, including potential FOSAL whenua

Over the next three months parallel Māori engagement will focus on:

1. Co-design and implementation of a Crown-Māori recovery engagement work programme, in consultation with Auckland Council and Te Arawhiti.
2. Supporting Auckland Council communications and engagement with affected C3 whenua Māori landowners, if any.
3. Supporting Te Arawhiti to identify and manage risks to the durability of Treaty settlements; and redress options for iwi still pursuing their settlements.

Māori engagement in the locally-led recovery

- There are extensive overlapping rohe and interests across the 19 Tāmaki Makaurau iwi. This poses a significant relationship management and coordination challenge for local and central government. Accordingly, CRU-led engagement on whenua Māori and customary interests will be a mix of local-level engagement (Waitakere/West and Māngere/South) and engagement with the Tāmaki pan-iwi forum.
- Mataawaka comprise more than 80% of the regional Māori population. Engagement with mataawaka leadership and groups will therefore be an important part of the local and centrally-led social well-being support to vulnerable whanau and communities as part of the wider recovery.

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Tāmaki Makaurau / Auckland

Week starting	Council-led (general)	Crown/CRU-led (Māori)
03 July	Auckland Council household data gathering exercise continues	
10 July	One-month public consultation on proposed <i>Making Way for Water</i> flood mitigation approach, and regional recovery planning	Preliminary outreach to West Auckland and Māngere-based mana whenua iwi.
17 Jul		Liaison with TPK and other agencies to map whenua Māori interests (where known) against council 'high risk area' maps.
24 Jul		
31 Jul		FOSAL briefing offered to Tāmaki Makaurau Mana Whenua Forum members, in consultation with Te Arawhiti.
07 Aug		
14 Aug		Scope to build ties with mataawaka/urban Māori authorities for wider recovery dialogue
21 Aug		
28 Aug	Auckland Council household data gathering exercise due for completion.	
04 Sep	TBC – support Auckland Council comms and local engagement on provisional C3 risk assessments to affected property owners, including any whenua Māori	
11 Sep		
18 Sep		
25 Sep	Council-led engagement continues TBD	Whenua Māori localities (C3) TBC: Connect trustees/residents to council risk assessments and process for final determinations.
2 Oct	Council-led engagement continues TBD	C3 whenua Māori owners/trustees' engagement on (C3) Whenua Māori options

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Kaupapa Māori pathway and engagement

9. The CRU is providing support for relationship-building and alignment across the recovery policy development programme. This includes attending a hui in Tairāwhiti for the Transport Order in Council and identifying alignment opportunities with MfE and their SWERL engagement activities. There is significant engagement fatigue in cyclone affected regions, which requires an intentional and targeted approach to engage further with affected communities.

Hawke's Bay

10. The CRU continues to liaise with representatives from s 9(2)(a) among others, to promote open channels of communication and provide support with organising engagement activities in Hawke's Bay.
11. Current indications from some locations, such as s 9(2)(a) are that whanau are reluctant to relocate. The CRU continues to share feedback from these conversations with FOSAL agencies to support robust policy development.
12. An iwi-led community hui is planned for Pōrangahau on 6 August to discuss the categorisations and the Kaupapa Māori Parallel Pathway.

Tairāwhiti

13. Minister Robertson met with Tairāwhiti iwi and council leaders on 11 July. The CRU will follow up on matters raised including:
- Technical support offered to Gisborne District Council (GDC) by MfE and others
 - Co-ordinating how agencies organise to engage with GDC and local iwi
 - Supporting recovery staff, iwi management and s 9(2)(a) to consolidate their respective recovery plans and funding bids into agreed key priorities and sequencing of major recovery programmes for the region.
14. This week, the CRU supported council-led community meetings in Hangaroa (8 July) and Gisborne City (9 July). Around 20 people attended each meeting, with attendees welcoming the opportunity to talk to council representatives and ask questions about their properties and provisional categorisations. Further council hui are being scheduled in Waipiro Bay; Tologa Bay/Uawa; Manutūkē and Ormond.

Tāmaki Makaurau

15. Housing drop-in clinics enabling 1:1 conversations with affected households began this week. The aim of these clinics is to support people who are facing hardship and need housing support. The next clinics will be on the 13th in Wesley, 18th in Pukekohe, 20th in Mangere, 20th/21st in Milford, and 24th/25th in Kumeu in July. Dates for housing drop-ins in Puhoi and Pukekohe are being confirmed.
16. Following community meetings held in Mt Eden and Epsom two weeks ago, focused on the initial categorisation of properties, the Auckland Recovery Office staff is fronting further meetings in Blockhouse Bay on 23 July and in Mt Roskill on 30 July. In the following two weeks there will also be town-hall style community meetings in Henderson, Ranui and Swanson. These dates have not been confirmed yet. The CRU is attending these community meetings.
17. Engagement on the *Tāmaki Makaurau Recovery Plan* and *Making Space for Water* programme will start on the 3rd of August and go to the 31st of August. There are extensive engagements planned with at least two events in each of the 14 priority communities. They are focused on canvassing communities' views on the recovery plan and long-term resilience planning.

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Kaupapa Māori pathway and engagement

Hawke's Bay

8. This week the CRU held meetings with whenua Māori interests at s 9(2)(a) s 9(2)(a) s 9(2)(a) s 9(2)(g)(ii) [NEMA] are all provisionally category 3 areas. The CRU also met with representatives of s 9(2)(a)
9. The Hawke's Bay Regional Council attended these meetings and confirmed its commitment to carry out urgent on-site assessments in each area to inform its final decisions on categorisation. This will help address concerns from residents that the council will not engage with them during the assessment process.
10. Expectations towards central government are high. Whenua Māori owners are asking for category 3 relocation support whilst retaining title to their category 3 whenua.
11. s 9(2)(a) ask that local Māori on category 3 general title be similarly treated. This could be contemplated for properties the PSGE holds for Treaty settlement purposes, but beyond that it poses risks to the scope and integrity of the kaupapa Māori pathway. Officials have provided advice to you on this, and other, kaupapa Māori matters arising in the EWR paper and cover report.
12. s 9(2)(a)
- s 9(2)(a)
13. Shifting from the community-level engagements, the CRU is setting up meetings with the residents, and locally based trustees, of each Māori land block in the s 9(2)(a) s 9(2)(a) The meetings will be held over the next two weeks with the objective of clarifying, for each category 3 block, its ownership and governance; impacted residential dwellings and whānau in occupation; and trustee/owners' views on the available category 3 support options.

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Tairāwhiti

14. The CRU engagement with Tokomaru Bay and Matairau owners and trustees is scheduled for the week of 7 August.
15. s 9(2)(a) is planned for week of 31 July. Whenua tuku iho have indicated that category 3 buyout is not an option, and want to find alternative solutions (e.g., outside of buyout).
16. The CRU is planning the next phase of Kaupapa Māori engagements in Tairāwhiti on Monday 24 July.
17. Gisborne Council drop-in sessions have been replaced by targeted community/neighbourhood meetings. This better allows residents to discuss localised property matters.
18. CRU staff have attended these meetings on request (and subject to notice and availability), and they point to the value of councils continuing to engage with residents, irrespective of the status of cost-sharing talks with central government.

Auckland

19. Auckland Council has received approximately 1,400 responses to its request for information made in June. From next week, the Council will begin discussing next steps with property owners who have responded. These properties will be provided with information on their risk category. If they are deemed category 2 or 3, an on-site property assessment will be scheduled.
20. The CRU is monitoring the release of Auckland Council's announcement (expected on 3 August) of public engagement on its recovery plan, and associated financial information, following decisions to be taken by its governing body.

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Kaupapa Māori pathway and engagement

Hawke's Bay – whenua Māori engagement

8. The CRU has confirmed meetings in Wairoa on 1 August with the s 9(2)(a) s 9(2)(a) and will also introduce our regionally based advisor to the Wairoa District Council recovery team.
9. The CRU is working with s 9(2)(a) to confirm the first tranche of Māori land block engagements from Wed 2 August through to Sunday 6 August. To do so s 9(2)(a) is sharing its contact list for locally based trustees of some (provisional) category 3 whenua Māori land blocks in the area.
10. For Māori land blocks for which CRU and s 9(2)(a) do not have contact lists, CRU is placing notices in Hawkes Bay Today and using local networks, to invite engagement by affected owners. s 9(2)(a) supports this approach, and his organisation will help promote the engagements, which are planned for the week beginning 7 August.
11. The CRU is also supporting a council-led engagement at s 9(2)(a) on Sunday 6 August, the first time a community recovery engagement will be held there.
12. The CRU is meeting with s 9(2)(a) in the week of 31 July.

Tairāwhiti - whenua Māori engagement

13. CRU is supporting five council-led engagements with East Coast communities with category 2 whenua: s 9(2)(a) s 9(2)(a) We understand that s 9(2)(a) residents are highly concerned about future vulnerability and are urging Gisborne District Council to shift their properties to category 3. The CRU will report back to you on this, and any other developments arising from the council-led discussions, following their completion.
14. The CRU is also confirming discussions with the three affected marae in the rohe of s 9(2)(a) s 9(2)(a)

Auckland regional engagement

15. Auckland Council has attempted, in concert with local boards, to undertake a series of community engagements on FOSAL. These were intended to start at Blockhouse Bay on 23

July and at Mt Roskill on 30 July, with CRU officials attending in support. However, Auckland Council postponed both engagements, we understand, at the request of the local boards. Auckland Council continues to carry out FOSAL engagement at the (affected) property level, via assessments, drop-in centres, and meetings with s 9(2)(a) communities.

16. The CRU will attend meetings in Henderson, Ranui and Swanson in the week of the 7th of August. Exact dates are still pending awaiting councillor availability.
17. Auckland Council has indicated developments in its categorisation process, with some dates brought forward from what we had previously been advised. We understand that engagement will be initiated on 3 August on category 3 issues, the Tāmaki Makaurau Recovery Plan, and Making Space for Water with local boards, high-risk properties, and priority communities. Information suggests Auckland Council expects the buy-out process and acquisition for Category 3 properties to be confirmed in late August, with the buy-out and acquisition of properties to begin by mid-November.

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s 9(2)(a)

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s 9(2)(a)

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Kaupapa Māori pathway and engagement

Kaupapa Māori engagement

10. The table below lists the s 9(2)(a) [redacted] that are provisionally in category 2 and 3. The CRU has a broad indication of intentions for all but two of the marae at this stage. The intentions of s 9(2)(a) [redacted] in category 2 to 'stay, defend and repair' hinge on category 2 flood mitigation projects councils may undertake in their locality. The CRU will engage with Hawke's Bay councils to determine whether the flood protection projects identified through cost-sharing negotiations will provide this assurance for the Hawke's Bay marae.

s 9(2)(a) [redacted]

11. Support options for these s 9(2)(a) [redacted] are being worked on through the policy work on the Kaupapa Māori pathway described below.

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Hawke's Bay – whenua Māori engagement

12. The CRU has called for (provisional) category 3 whenua Māori interests at s 9(2)(a) s 9(2)(a) locally, over the next two weeks. A public notice is being put in Hawke's Bay Today on Saturday 5 August and shared with s 9(2)(a) s 9(2)(a). The meetings are being hosted by the local DoC office in Napier.
13. This is the CRU's highest priority regional engagement and is intended to give clear details on affected residential dwellings on the category 3 whenua, and the cyclone impacts on the wider use of the whenua. The CRU will work closely with Treasury and other agencies on the progression of this engagement to inform the August EWR paper.
14. Hastings Council has committed to undertaking on-site assessments on whenua Māori before finalising their FOSAL categorisation decisions. This will respond to an early and outstanding concern raised by Tangōiō Māori residents in early June.
15. The CRU met with the s 9(2)(a) ahead of Crown consultation with Hawke's Bay iwi next week on proposed Orders in Council. s 9(2)(a) like other iwi in key recovery regions, has to prioritise the various consultation requests from central and local government while also overseeing their response and recovery initiatives for local whanau and communities. Nonetheless, s 9(2)(a) has offered its communications team and channels to help the CRU reach category 2 affected owners, trustees and residents over the next two weeks.

Tairāwhiti - whenua Māori engagement

16. CRU staff met with the CE of Gisborne District Council (GDC) to check on how GDC was involving Tairāwhiti iwi in cost-sharing negotiations. s 9(2)(a) s 9(2)(a)
17. Consequently, the GDC will give an overview briefing to Tairāwhiti iwi representatives and reinforce the key message that the scope of negotiations is confined to category 3 cost sharing, category 2 flood mitigation and support for local roading repairs.
18. CRU staff are also meeting with s 9(2)(a) on 7 August to update them on the Kaupapa Māori pathway.
19. CRU is supporting four GDC-led community meetings next week (6-9 August). The communities are largely Māori East Coast communities, including Makarika (approx. 15km south of Ruatoria) where locals are urging GDC to shift their properties to category 3. Last month a Makarika resident died attempting to cross the damaged (closed) Makarika Bridge.

Auckland regional engagement

20. Auckland Council will shortly start confirming properties as category 1. At the same time, owners of properties currently believed to be high risk will be notified about property visits that will be starting to confirm risk assessments. The risk assessments will include engineering investigations as required.

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Kaupapa Māori pathway and engagement

Hawke's Bay – whenua Māori engagement

12. From 9 August the CRU has been holding workshop sessions in Napier for (provisional) category 3 whenua Māori interests at s 9(2)(a) and surrounding areas. The sessions have been publicly notified and supported by communications through s 9(2)(a) s 9(2)(a). To help promote uptake, and to gather on-the-ground information, CRU and council staff are also carrying out property/whanau visits at s 9(2)(a). This engagement will continue throughout next week.
13. The purpose of these hui is to understand the cyclone impact on each land block to ensure support options for affected owners and whanau are appropriate. Initial discussions have resulted in rich conversations with owners providing considerable information about the whenua and residences. We will update you as part of the upcoming advice on the Kaupapa Māori pathway on Thursday 17 August.
14. The CRU supported Central Hawke's Bay Council and Hawke's Bay Regional Council community engagement at Porangahau on the weekend. Affected properties in s 9(2)(a) are provisionally category 2A, although the council is confident that planned flood mitigation and remediation work will mean properties will move to category 2C.
15. Marae trustees and kaumatua from the neighbouring kaumatua flats have questioned whether all whenua Māori is within scope of the government's response, irrespective of what category they may fit into. We are working with other agencies, to clarify this issue and advice will be provided in the upcoming briefing on the Kaupapa Māori pathway.

Tairāwhiti – regional engagement

16. This week the CRU supported Gisborne District Council (GDC) engagements with s 9(2)(a) s 9(2)(a). Both are provisionally category 2A localities that also include small parcels of category 3 properties.
17. The attendees at both meetings remain deeply concerned about flood protection against further extreme weather events and, at s 9(2)(a) the ongoing clean-up of silt and woody debris. s 9(2)(a) residents spoke to the cumulative impact of floods, cyclone and slash on their lands, roads and bridges, and how this has dented their trust in council and government.

18. GDC will carry out a follow-up meeting at s 9(2)(a) to address a range of matters arising including categorisation assessments; silt and debris clean up; and rules about building private stop banks. In the meantime, GDC is shifting to targeted engagement with category 3 affected residential property owners and will wind-down its community-level FOSAL engagements.
19. CRU and the regional public services commissioner attended the Tairāwhiti Chief Executives forum (GDC, the four Tairāwhiti iwi, Trust Tairāwhiti and Eastland Group) to discuss the overall objectives and key initiatives outlined in their Tairāwhiti regional recovery plans. The CRU took the opportunity to underline the Government's locally led, centrally supported approach and key recovery priorities.
20. The Chief Executives tasked themselves with reviewing their agencies' respective initiatives to identify those that aligned directly with flood mitigation objectives, and that could be affirmed through the cost-share talks with the Government; and those (wider recovery) initiatives that will need to be advanced through dialogue with lead sector agencies and ministers.

Auckland – regional engagement

21. The CRU attended Auckland Council led engagement with the Oponuku and Waimoko Stream Catchment Communities (both West Auckland). The meeting content included residential categorisation, Out of scope
22. Community members expressed considerable frustration and sought further information about process, timelines and confirmation of categorisation so people can make decisions for their future.

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Kaupapa Māori pathway and engagement

Hawke's Bay engagement

8. CRU workshops and online sessions with s 9(2)(a) in provisional category 3 whenua Māori concluded on 17 August with 24 groups representing various land blocks. This week the CRU regional advisor in Hawke's Bay is proactively carrying out further one-on-one engagements with local individuals and groups.
9. CRU and Treasury officials joined a council-led community meeting in Bayview on 17 August, attended by around 80 residents and business owners in Esk Valley, Pētane and Whirinaki, where the Council explained the categorisation process and next steps.
10. The CRU has established a referral process with Hawke's Bay Regional Council (HBRC) for landowners in provisional category 3 whenua Māori who questioned the provisional categorisation, to arrange a site visit from council engineers and technical staff to discuss the provisional categorisation. This follows from requests that came through the one-on-one engagements with CRU over the previous two weeks. The first of these site visits was held on 22 August with HBRC Māori partnerships and technical staff and CRU regional advisor, resulting in the re-categorisation of part of their whenua from category 3 to category 1. The re-categorisation assessments will continue as required, depending on the availability of HBRC technical staff.
11. On 24 August, s 9(2)(a) held a hui for trustees, landowners and residents of Category 3 Māori freehold land s 9(2)(a)

s 9(2)(a) The CRU was invited to observe the initial discussion with the CEO of HBRC and took the opportunity to communicate key messages around whenua Māori and meet in person with residents.

12. MTT have advised the CRU they plan to share a paper outlining their three priority areas for their hapū and proposed options for s 9(2)(a) s 9(2)(a) A meeting is scheduled for 25 August for MTT to discuss the proposed options with CRU.

s 9(2)(a)

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Tairāwhiti engagement

14. FOSAL categorisation numbers in Tairāwhiti continue to change as Gisborne District Council (GDC) gathers further assessment information on affected areas and provisional category 3 properties. GDC advises there are currently three whenua Māori category 3 properties, as of 14 August, s 9(2)(a) [REDACTED]. All three of the whenua Māori category 3 properties include residential dwellings and had whanau living on the land prior to Cyclone Gabrielle.

15. The CRU has been advised there are s 9(2)(a) [REDACTED]
s 9(2)(a) [REDACTED]
s 9(2)(a) [REDACTED] Financial support from the GDC is being sought by trustees to do this remediation work.

16. GDC is engaging with individual property owners in s 9(2)(a) [REDACTED] and surrounds to confirm the categorisation for properties. This involves assessments for each impacted property to determine if they can move to category 1 or will stay category 2, and whether property owners need to undertake mitigation work or community wide flood mitigation will reduce flood risk.

17. Involvement of Te Karaka people in decision making and design of work to be carried out in the Te Karaka region through the Transport Recovery East Coast, Waka Kotahi and GDC included a meeting held on 22 August to meet contractors and agree on operating models for roading work ahead.

Auckland engagement

18. The CRU supported an Auckland City Council-led community engagement on 22 August at the Muriwai Surf Club attended by around 100 residents. Its focus was geotechnical updates for property owners and the next steps for NIWE affected Muriwai residents. The categorisation process for Muriwai was outlined as one that may take place sooner than other parts of Auckland due to slips informing a sizable portion of damage. A strong theme among residents was the need for regional health support for unmet psychosocial needs associated with the NIWE impact.

19. The CRU attended the Puketapapa Local Board-led community meeting on 23 August along with the Auckland Council Recovery Office who presented the categorisation process and the Out of scope [REDACTED]

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Kaupapa Māori pathway and engagement

Hawke's Bay – whenua Māori engagement

5. The CRU this week engaged one-on-one with local individuals and groups in Hawke's Bay, including the s 9(2)(a) and trustees with shareholdings in the s 9(2)(a) s 9(2)(a)
6. To date the CRU has developed s 9(2)(f)(iv) land blocks out of a total s 9(2)(f)(iv) category 3 Māori land blocks at Tangoio. The CRU is checking for duplication, and other validation of the data, while we also continue to engage with the representatives and residents of the remaining blocks. The CRU will share this information with Te Arawhiti as we work through the 'fit' of our respective implementation and relationship management roles.
7. s 9(2)(a) shared a paper with the CRU and other government officials, outlining their three priority areas for their hapū and proposed options for s 9(2)(a) s 9(2)(a) s 9(2)(a). A meeting was held on 25 August with attendees from the CRU, s 9(2)(a) s 9(2)(a) to discuss the proposal and the CRU whenua Māori engagement.
8. A subsequent hui is scheduled 31 August once recovery officials have considered supplementary information from s 9(2)(a) s 9(2)(f)(iv), s 9(2)(j) s 9(2)(f)(iv) s 9(2)(j)
9. This week the CRU met with Te Puni Kōkiri whenua Māori advisors to provide an update on CRU whenua Māori engagements and discuss the Whenua Māori Sedimentation and Debris Fund – specifically how agencies can effectively partner to support whānau and Māori landowners working to clear silt from their lands.

Tairāwhiti – regional engagement

10. Gisborne District Council (GDC) will undertake public consultation on its cost sharing agreement and consequential plan changes from 2 October to 15 October.
11. GDC is actively engaging with the owners of the 32 confirmed category 3 properties in the region. All homeowners were sent a letter immediately after the cost sharing announcement was made advising of the agreement. This prompted some to contact the Council.

12. The CRU attended a council meeting for Tairāwhiti category 3 owners, including whenua Māori owners, on Friday 1 September. The council's purpose is to explain the category 3 buyout process as a precursor to making formal buyout offers to homeowners. The CRU worked through the kaupapa Māori pathway's main aspects and indicative timelines with whenua Māori property owners and residents in attendance. The CRU will report to the office next week on outcomes from the meeting.

13. Approximately s 9(2)(a) are being assessed as potential category 3. They are currently red stickered as they are located on a landslide remnant.

14. GDC has been undertaking s 9(2)(a) These properties are currently categorised as category 2 and these assessments will look to confirm sub-categorisation within category 2.

Auckland – regional engagement

15. A two-week public consultation on the proposed Council-Crown co-funding of storm recovery and affected property buy-out will commence in mid-September, including targeted local engagement for affected areas. Subject to the outcome of that process, more decisions will be required by Councillors and the Mayor on the details of the buy-out scheme and how the Council's share of the costs will be funded.

16. This week Auckland Council advised Muriwai residents of their provisional land categorisation, which resulted in media coverage. Auckland Council has contracted nine companies to undertake the categorisations, with the work beginning 31 August.

17. The CRU continues to work closely with Auckland Council on future engagements and will inform the office as these are scheduled.

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Kaupapa Māori pathway and engagement

Whenua Māori engagement

7. From 8-15 September, the CRU is meeting with a range of stakeholders from cyclone and flood affected regions – including council CEs, local authorities and iwi, regional public service commissioners, and recovery managers – to provide more detail on Government decisions for the approach to whenua Māori and affected whānau in residence. The Kaupapa Māori pathway has points of intersect with council-led work, so these online sessions are to clarify, and work through, those details. The CRU will not discuss financial or other sensitive matters (e.g., potential valuation approaches) with these groups.
8. The CRU has proposed a hui with s 9(2)(a) [redacted] s 9(2)(a) [redacted] next week to clarify the Kaupapa Māori pathway underway. It follows iwi comments to media earlier this week suggesting the schemes to help landowners in the Hawke's Bay devastated by Cyclone Gabrielle are still not right for whenua Māori.
9. The CRU and Te Arawhiti are working on a proposal to implement the EWR decision to establish a Kaupapa Māori 'Taskforce' to deploy to Hawke's Bay/Tangoio this month. The CRU recognises the strengths Te Arawhiti will bring to managing iwi/PSGE relationships and

expectations, alongside the CRU's continued focus on engagement and scoping talks at the individual residence and land-block level. This will be matched by a dedicated communications plan the CRU is developing.

Hawke's Bay

10. To date the CRU has s 9(2)(f)(iv) [redacted] of unique whenua Māori land blocks out s 9(2)(f)(iv) [redacted] category 3 Māori land blocks at Tangoio and surrounding areas. This week the CRU has been continuing to engage one-on-one with trustees, residents, and landowners of the remaining land blocks.

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Tairāwhiti

11. On 1 September, the CRU attended a meeting organised by Gisborne District Council (GDC) for all category 3 property owners, including whenua Māori property owners (none were in attendance, though one attendee may qualify for inclusion in the Kaupapa Māori pathway). GDC offered a commitment to test its draft category 3 buy-out framework with this group, which includes: options on valuation method to be applied; scope for 'negotiation' of the offers made to the residents/owners; and netting off any insurance claim proceeds received. GDC advised that it would reconvene this group in early October, following the completion of its cost-share public consultation process, and indicated that its category 3 buy-out process will get underway in November.

Out of scope

13. GDC has identified s 9(2)(a) and a further property that may fall within the broader ambit of general land held s 9(2)(a). The CRU will start the preliminary outreach to those owners and residents in late September, with the intention of substantive talks and relocation package options from mid-October.

Auckland

14. Auckland Council is now conducting individual property assessments across Tāmaki Makaurau, commencing 31 August as planned, with a designated team focusing on Muriwai. The council estimates there are around 5,000 properties region-wide needing to be individually assessed. Auckland Council has stated that for the geotechnical desk activity, much of this work is being outsourced to Australian companies to complete, to bolster capacity of Auckland geotechnical engineers to undertake local in-person physical assessments.
15. The CRU this week attended an Auckland Council webinar, 'Storm Affected Properties', an update to property owners on the cost-share agreement between the council and Government, as well as the categorisation process. Auckland Council anticipates category 3 buyout consultation will begin in mid-October.
16. The webinar fielded more than 250 questions from the public – key themes included clarification sought around the categorisation process, including the timing of 'final' category

decisions; central and local government funding arrangements; and why some impacted communities appear to be receiving 'greater' support than others, such as Muriwai.

17. The CRU this week also attended a council-led community hui for Whau and Puketāpapa affected property owners. The meeting was attended by 48 residents with questions centred around the blockage of local streams, culverts and pipes that contributed significantly to the flooding of properties. Council addressed these concerns by noting local infrastructure maintenance will be more frequent; council is working to establish community groups who be council trained and supported to care for local streams; and provided clarity on how it is envisioned the 'Making Space for Water' project will limit the impact of future weather events.
18. This week Auckland Council advised the CRU that it expects to provide more detail around category 3 buy-outs in early October, following a governing body meeting, allowing offers to be made to category 3 property owners by the end of October.

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Fri 15 September CRU and Te Arawhiti advice to Ministers for Cyclone Recovery and Māori-Crown Relations: Te Arawhiti on implementing the Kaupapa Māori 'Taskforce' approach

Kaupapa Māori pathway and engagement

Kaupapa Māori engagement

8. Over the past week the CRU has held briefings on the Kaupapa Māori Pathway (KMP) with local council, iwi and public service stakeholders across Hawke's Bay, Wairoa and Tairāwhiti. The briefings, which did not disclose financial and other sensitive matters, other than to assure those groups that the Government has ring-fenced funds for KMP purposes, were well-received by council partners especially. They have urged the CRU to stay well-connected to them on general properties that may qualify for the Crown-led KMP process, and other points of interest such as site relocation options for affected whānau.

9. s 9(2)(a) was reassured by the KMP policy settings, and commitment of Crown funds to the KMP to support affected whānau. However, s 9(2)(a)

s 9(2)(a) representatives voiced frustration that their various proposals are, as yet, unanswered by the Crown. Tairāwhiti iwi will be informed this month of the outcome of their proposals to the Local Government Flood Resilience Co-investment Fund, alongside what has already been provided for in their region's cost-share agreement with the Crown.

10. In respect of s 9(2)(a) the CRU and Te Arawhiti have prepared a briefing to joint ministers to implement the EWR-approved KMP 'Taskforce'. The Taskforce will have an immediate focus on engagement with s 9(2)(a), s 9(2)(f)(iv)

s 9(2)(a), s 9(2)(f)(iv) The first meeting between officials and s 9(2)(a) is scheduled for 18 & 19 September, with staged roll-out to other Hawke's Bay localities in late September, and Tairāwhiti in October. The CRU recognises the strengths Te Arawhiti will bring to managing iwi/PSGE relationships alongside the CRU's continued focus on engagement and scoping talks at the individual land-block and residential level.

Hawke's Bay – whenua Māori engagement

11. To date the s 9(2)(f)(iv) of s 9(2)(a), s 9(2)(f)(iv) of whenua Māori land blocks – from a total of s 9(2)(a), s 9(2)(f)(iv). This on-the-ground work will continue as new contact details come to hand for Māori landowners and trustees at Tangoio and s 9(2)(a).
12. The CRU is continuing to engage one-on-one with whenua Māori landowners and trustees (this week, with the s 9(2)(a) and is actively working with a range of partners and stakeholders to obtain details for contacting the remaining whenua Māori landowners.
13. On 12 September, the CRU met with Hawke's Bay Regional Council (HBRC) to convey more local requests from category 3 (provisional) whenua Māori landowners who want HBRC to conduct an on-site assessment before making final decisions on categorisation. The CRU expects this will involve a small number of land blocks and is therefore unlikely to materially delay the categorisation process. The Chief Executive of HBRC indicated willingness to consider this proposal, and a further meeting will be held next week to confirm the details and a deadline for categorisations.
14. On 14 September, the CRU met with 9(2)(a) to provide an update on CRU-led whenua Māori engagement, as well as for a progress update on recovery projects at Waiohiki. 9(2)(a) is category 2C and a priority for the marae is the rebuild of their wharekai. This is a \$2 million project and with half the cost to be met through marae fundraising efforts, 9(2)(a) are seeking external funding for the remaining \$1 million. The CRU will provide the marae regular in-person updates on the recovery in Hawke's Bay, at their request.

Tairāwhiti – regional engagement

15. On 11 September, Gisborne District Council (GDC) wrote to all local category 3 homeowners outlining the process before buyout offers can be made. In the communication, GDC advised:
 - it has engaged a local valuation provider to undertake valuations for the Council. These valuations will be used in the buyout offers.

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- it is considering engaging a Quantity Surveyor to assist category 3 property owners verify the settlement offers made by their insurance companies. The cost of this review would be covered by the Council.

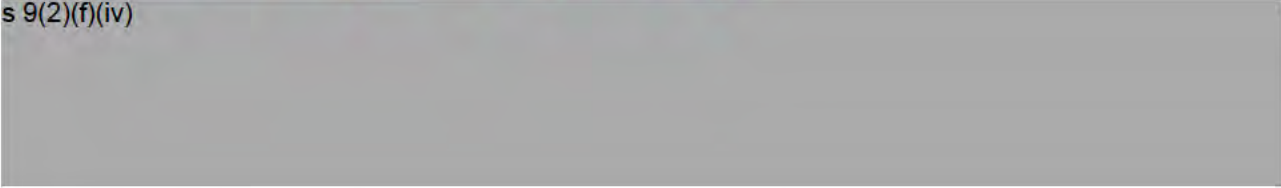
Tāmaki Makaurau – regional engagement

16. On 11 September, Auckland Council began a two-week public consultation on '*Funding Auckland's Storm Recovery and Resilience*'. Feedback closes 24 September.
17. As part of the two-week public consultation, Auckland Council held a webinar on 13 September, which the CRU attended, with questions centred around the public consultation and its level of influence on the cost share agreement. The Council assured Aucklanders their views would be carefully considered, but that the Governing Body would ultimately have final say in a meeting scheduled 6 October. The Council also noted that, in the short term for the buyouts, it is accruing more debt though it feels comfortable in its ability to do so.

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s 9(2)(f)(iv)

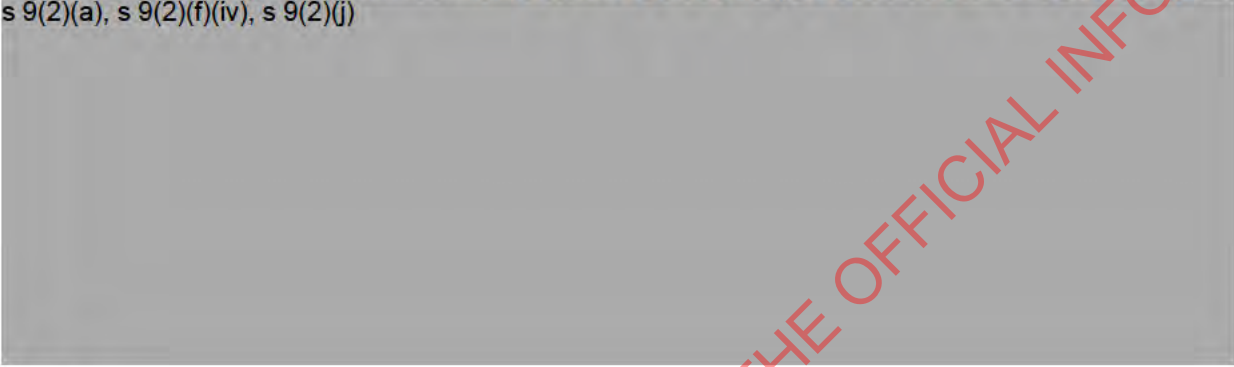


Kaupapa Māori pathway and engagement


Hawke's Bay – whenua Māori engagement

9. While the Kaupapa Māori Taskforce is on short-term pause, CRU officials continue to seek out and hold engagements with individual Māori land block interests at Tangoio and other Hawkes Bay category 3 localities. This includes a follow-up discussion with the category 3

s 9(2)(a), s 9(2)(f)(iv), s 9(2)(j)



Out of scope



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Out of scope

11. Hastings and Napier councils expect to begin the category 3 buyout process from late October. Ahead of that, CRU and council officials are working through the overlaps, and matters for clarification, between the category 3 buy-out pathway, and the Kaupapa Māori pathway, including a local-central officials meeting on 29 September.

Out of scope

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s 9(2)(f)(iv)

Kaupapa Māori pathway and engagement

Hawke's Bay – whenua Māori engagement

8. This week, the CRU has held a second week of workshops and online sessions in Napier for provisional category 3 whenua Māori interests at s 9(2)(a) and surrounding areas.
9. The sessions were publicly notified and supported by communications through s 9(2)(a) s 9(2)(a) and other iwi networks. s 9(2)(a) have now provided a list of details of trustees and landowners, and CRU staff have been calling these contacts to secure more meetings with the landowners and residents.
10. The meetings will inform the development of options and the Crown's (in-principle) support offers to category 3 whenua Māori residents and owners. Initial discussions have resulted in in-depth conversations with owners, providing considerable information about the whenua and residences. Some of these conversations have also resulted in referrals to Hawke's Bay Regional Council and Hastings District Council to make site visits to provisional category 3 whenua, before councils make their final determinations. This remains a significant outstanding concern for whenua Māori owners as well as many general property owners in s 9(2)(a) and other severely impacted localities.
11. As of 17 August, 20 groups have been engaged through these sessions.

Tairāwhiti – regional engagement

12. On 17 August the Minister for Cyclone Recovery convened a meeting with the Gisborne District Mayor, Rehette Stolz and other key Tairāwhiti leaders, including iwi chairs. This was the first such meeting attended in your capacity as Regional Recovery Minister for Tairāwhiti.

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13. Iwi leaders indicated a desire for the Kaupapa Māori pathway to cover category 3 Māori-owned general title land. Decisions around the scope of the pathway are being considered in the Kaupapa Māori EWR paper on 30 August.

s 9(2)(j)

Out of scope

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Iwi-Crown Economic Form

Prepared by the Cyclone Recovery Unit

3 August 2023

Purpose

You are attending an Iwi-Crown Economic Forum on 4 August 2023. This inaugural forum is co-hosted by Minister Jackson and Jamie Tuuta (Chair, Pou Tahua NICF). Future meetings are set to take place six monthly.

The purpose of the Forum is for Iwi Chairs to discuss mutual economic priorities with key Ministers and identify future opportunities for collaboration. Discussions will take a strategic economic outlook rather than seek Ministerial agreement to specific initiatives or funding.

Attendees at the Forum will include relevant Pou Tahua iwi partners and Ministers relevant to the key agenda items.

It is likely the recovery activities from the North Island extreme weather events will be raised, particularly the impacts on Māori communities. This note provides high level points on the work underway for whenua Māori.

Background

- The Kaupapa Māori Pathway (part of the Future of Severely Affected Locations work programme) was established, and agreed by Cabinet, in recognition of the fact that the policy response for residential category 3 properties (voluntary buyouts) would likely not be appropriate for whenua Māori, for a range of cultural, ownership and legal reasons.
- The Kaupapa Māori Pathway relies on concentrated engagement with affected Māori communities to develop and deliver alternative solutions on a case-by-case basis - consistent with a Treaty partnership approach and ensuring equitable outcomes for these communities.
- The Cyclone Recovery Unit (CRU) is leading this engagement, working closely with others including Te Puni Kōkiri (TPK), Te Arawhiti, Councils, post-settlement government entities, and marae trusts. Engagements will help to develop options for whenua Māori in collaboration with Māori governance entities. These options will then be discussed with local communities when they are able to consider broader recovery opportunities.
- Advice is due to Ministers on the Kaupapa Māori pathway. It includes detail on policy choices and key issues that still need to be worked through and provide a proposed way forward, including division of agency responsibilities and implementation considerations.

- s 9(2)(f)(iv)
- [REDACTED]
- [REDACTED]
- [REDACTED]

Other cyclone support for Iwi-Māori

- Separate from the Kaupapa Māori FOSAL pathway, the Government has provided other packages of support for affected whānau and Māori owned businesses:
- The Government announced on 28 February 2023, a \$15 million short-term relief package to support Māori communities devastated by Cyclone Gabrielle and help accelerate their recovery. The package supported a range of efforts including staffing for marae to undertake response and recovery activities, purchasing equipment needed for the clean-up, purchase of replacement equipment and storage for food and taonga and support planning and co-ordination efforts.
- A \$30 million Sediment and Silt Fund for whenua Māori was announced on 29 June 2023. TPK has opened the programme, with s 9(2)(a) applications received to date. The first Investment Sub-Committee is to be held next Thursday 10 July, which will review and approve these applications prior to funds being allocated. The Whenua Māori Service of TPK is continuing to support potential applicants with their applications.
- TPK is also administering \$2 million of the \$10.15 million woody debris fund announced as part of Budget 23. This \$2 million fund has been allocated specifically to manage woody debris in catchments on whenua Māori.
- Other support schemes, such as the \$74million relief payments for primary producers and the \$75 million business support scheme have also supported Iwi-Māori businesses.

Engagement Update*Hawke's Bay – whenua Māori engagement*

- The CRU is working with s 9(2)(a) to confirm the first tranche of Māori land block engagements. To do so s 9(2)(a) is sharing its contact list for locally based trustees of some (provisional) Category 3 whenua Māori land blocks in the area.
- For Māori land blocks for which CRU and s 9(2)(a) do not have contact lists, the CRU has put a public notice out in Hawkes Bay in an attempt to contact whenua Māori trustees and invite them to meetings. The discussions will help the CRU to understand the cyclone impact on each land block, including residential homes on the block. From there, the CRU will work with affected owners and whanau on the support options available to them.
- The CRU is also supporting a council-led engagement at s 9(2)(a) u, Central Hawke's Bay, on Sunday 6 August, the first time a community recovery engagement will be held there.
- The CRU has been meeting with s 9(2)(a) this week.
- In response to housing shortages s 9(2)(a) are working with their whanaunga in Tairāwhiti to procure portable housing solutions for s 9(2)(a). This week s 9(2)(a), through their housing agreement with Housing and Urban Development (HUD) and TPK, delivered s 9(2)(a)

§ 9(2)(a) , on sites made available by the local § 9(2)(a) . The CRU is working with TPK to understand how to further support local Māori with their housing repairs and needs while they await responses from their insurers.

Tairāwhiti - whenua Māori engagement

- The CRU is supporting five council-led engagements with East Coast communities with Category 2 whenua: § 9(2)(a)
- The CRU is also confirming discussions with the three affected § 9(2)(a)

List of upcoming engagements

Week	Crown/CRU-led	Council Led & CRU supported
Hawke's Bay		
7 August	CRU public notice to invite § 9(2)(a) C3 whenua Māori interests to clarify key FOSAL issues at the property level.	Balance of council-led community engagements TBD and pending the outcome of cost-sharing bi-laterals with Government. NB: Hawke's Bay councils have, in the interim, put C3 community engagement meetings on hold.
14 August	14/8 –18/8: § 9(2)(a) , and surrounding district, property level engagement with C3 whenua Māori trustees and interests (identified via public notice).	
21 August	21/8 –25/8: § 9(2)(a) and surrounding district, property level engagement with C3 whenua Māori trustees and interests (identified via public notice). 24/8: Hon Robertson meeting with iwi chairs from FOSAL areas.	
Tairāwhiti		
31 Jul	1/8 CRU and § 9(2)(a) meeting with § 9(2)(a) forum on iwi and regional recovery plans. By 4/8 CRU update to § 9(2)(a)	6/8 § 9(2)(a) C2A area.

<p>7 August</p>	<p>7/8 Preliminary engagement with C3 whenua Māori trustees of the two C3 whenua Māori blocks: s 9(2)(a) [REDACTED] [REDACTED]</p> <p>8/8 Scoping discussion with s 9(2)(a) [REDACTED] [REDACTED] [REDACTED]</p>	<p>7/8 s 9(2)(a) [REDACTED] (East Coast)</p> <p>8/8 s 9(2)(a) [REDACTED] (East Coast)</p> <p>9/8 s 9(2)(a) [REDACTED] (Turanganui).</p>
<p>14 August</p>	<p>16/8 TBC follow-up engagement with C3 whenua Māori trustees of the s 9(2)(a) [REDACTED] [REDACTED] [REDACTED]</p>	
<p>21 August</p>	<p>21/8 Scoping discussions on s 9(2)(a) [REDACTED] [REDACTED] [REDACTED]</p>	<p>24/8 Minister Robertson meeting with iwi chairs from FOSAL areas.</p>

[END]

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Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti
Hon Grant Robertson, Minister for Cyclone Recovery
Hon Willie Jackson, Minister for Māori Development

Joint Report: update on the Kaupapa Māori Taskforce

Date	15/09/2023	File reference	MCR-Strat Pol
Priority	High	Report Number	MCR-67-2023/2024

Action Sought	Timeframe/Deadline
Agree to the scope and approach of the Taskforce as set out in this memo	20 September 2023

Contacts for telephone discussion (if required)

Name	Position	Telephone (work)	Telephone (a/h)	1st contact
The Office for Māori Crown Relations - Te Arawhiti				
Lil Anderson	Tumu Whakarae, Chief Executive	§ 9(2)(a)	§ 9(2)(a)	✓
§ 9(2)(a)	Director, Strategy and Policy	§ 9(2)(a)	§ 9(2)(a)	
Department of Prime Minister and Cabinet - Cyclone Recovery Unit				
Katrina Casey	Chief Executive	§ 9(2)(a)		✓
Herewini Te Koha	Deputy Chief Executive	§ 9(2)(a)		
Te Puni Kōkiri				
Meipara Poata	Acting Deputy Secretary, Policy Partnerships	§ 9(2)(a)		✓
§ 9(2)(a)	Director, Regional Operations and Partnerships	§ 9(2)(a)		

Update on the Kaupapa Māori Taskforce

Purpose

1. This memo provides Ministers with the next steps associated with the establishment of a specialised Kaupapa Māori taskforce (**the Taskforce**), designed to enhance engagement and negotiate potential broad parameters of solutions with affected communities.

Background

s 9(2)(f)(iv) [Redacted]

[Redacted]

3. s 9(2)(f)(iv) [Redacted]

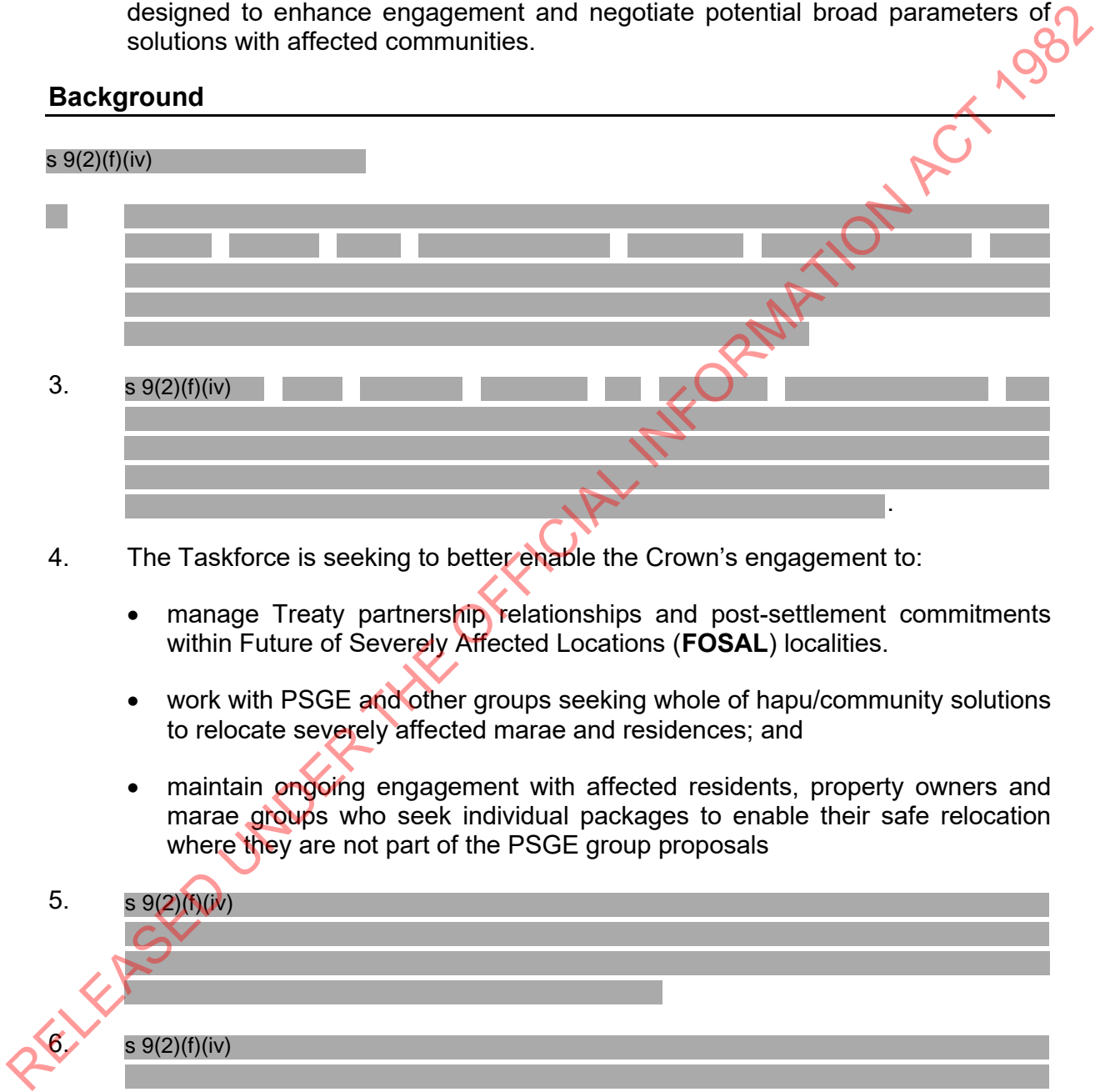
4. The Taskforce is seeking to better enable the Crown's engagement to:
 - manage Treaty partnership relationships and post-settlement commitments within Future of Severely Affected Locations (**FOSAL**) localities.
 - work with PSGE and other groups seeking whole of hapu/community solutions to relocate severely affected marae and residences; and
 - maintain ongoing engagement with affected residents, property owners and marae groups who seek individual packages to enable their safe relocation where they are not part of the PSGE group proposals

5. s 9(2)(f)(iv) [Redacted]

6. s 9(2)(f)(iv) [Redacted]

7. s 9(2)(f)(iv) [Redacted]

The lag to date is in part due to difficulties locating and undertaking engagement with trustees and owners of affected Māori land locks; associated resource



constraints; and the iterative nature of policy work since February to confirm the KMP's scope and key financial and non-financial parameters. The Taskforce will look to build on the work undertaken and reset the engagement approach to provide more certainty and urgency.

8. s 9(2)(f)(iv) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

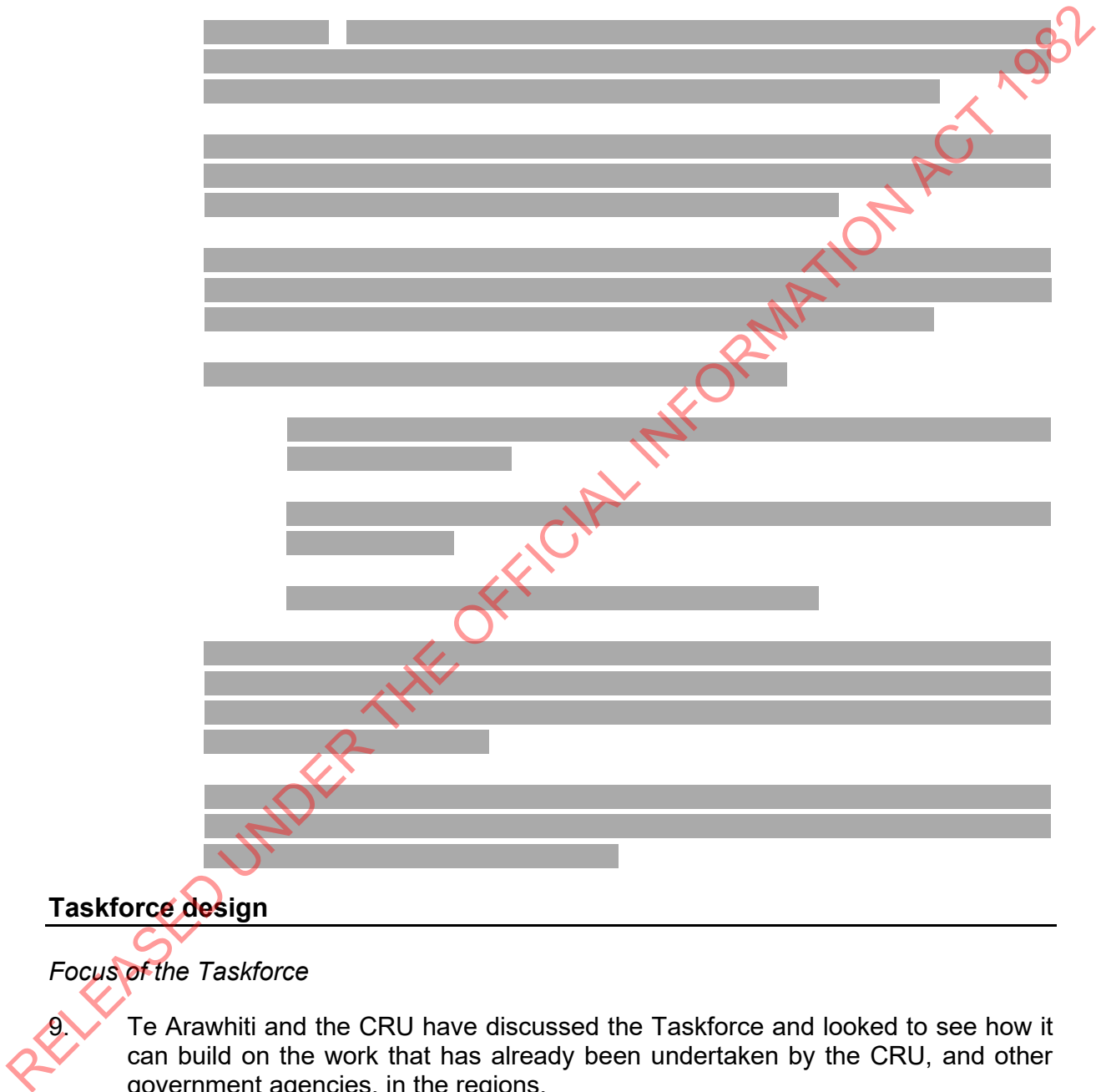
Taskforce design

Focus of the Taskforce

9. Te Arawhiti and the CRU have discussed the Taskforce and looked to see how it can build on the work that has already been undertaken by the CRU, and other government agencies, in the regions.

10. In discussion it was agreed that the Taskforce would focus on four interrelated work/relationship streams:

- local iwi and PSGE Treaty-based relationships and scoping of whole of hapu/community solutions;



- maintaining progress and engagement with C3 affected residents; and preparation of support packages (for residents' consideration alongside any proposed community solution);
 - maintaining pursuit and engagement with C3 affected and landowners; and preparation of support packages (for owners' consideration alongside any proposed community solution); and
 - finalising engagement and scoping of affected C3 and C2A marae and sites of significance; and preparation of support packages (for trustees' consideration alongside any proposed community solution).
11. In this context, the Crown owes Treaty and other obligations to and has Māori-Crown relationships with affected Māori individuals and groups in addition to iwi and PSGEs. This includes Māori landowner groups and marae, whose members will also be members of iwi and enjoy rights and interests as such. The scope and interconnectedness of relevant rights, interests and obligations is complex.
12. s 9(2)(g)(i) [REDACTED]
13. On the matter of whole of hapu/community solutions, the Taskforce will assess the mandate the proposing group has for:
- identifying solutions for relocating residence of the land;
 - speaking for all the affected landowners, including owners of Māori freehold land;
 - agreeing to solutions for Cat 3/severely affected marae and sites of cultural significance; and
 - speaking for general land and other community voices.
14. The Taskforce approach and focus represents a significant opportunity to partner with iwi on enduring solutions and identifying the broad parameters for what may work in each affected area.

Size of the Taskforce

15. It is envisioned that the Taskforce would have a negotiation team/s led by Lil Anderson and Herewini Te Koha who would be supported by a small team of officials, with specialised skillsets and agency remits. This team will be led out of the CRU so as to ensure alignment with the implementation of FOSAL. Staff may be seconded from their home agencies or deployed to the support the Taskforce on an issues-specific basis. Staff would be required to have this work as an immediate timeframe commitment to ensure the Taskforce is up and running as soon as possible.

16. On that basis, the following skills and FTE capacity will be brought into the Taskforce:
- 3 FTEs from CRU to support engagement and advisory work, including the deputy chief executive;
 - 2-3 FTEs from Te Arawhiti, including the chief executive;
 - 1 FTE from Te Puni Kōkiri, with expertise in whenua Māori, Māori land legislation and Māori wellbeing and development outcomes;
 - The Treasury will provide support on financial assessment and modelling as needed but are not in a position to dedicate a full FTE.
17. Given Te Puni Kōkiri's specific responsibilities for whenua Māori and Te Ture Whenua Māori Act 1993, their Taskforce representative will focus primarily on leading engagement with Māori freehold landowners. The role of Te Puni Kōkiri's Whenua Māori Service (WMS) is to engage with and train Māori freehold landowners and facilitate and broker development opportunities and solutions to issues. The WMS has established trusted relationships with both Māori landowners and iwi/PSGEs in the affected areas, and will continue to provide this support.

18. s 9(2)(g)(i)

[Redacted]

Link to FOSAL Implementation

19. The CRU is leading the coordination of FOSAL Implementation. This will involve working with Crown Infrastructure Partners (to be confirmed), local authorities and central government agencies to ensure appropriate planning, delivery, assurance, monitoring and reporting against the category 2 and 3 agreed funding.
20. There are important connects between this and the work the Taskforce will be doing and there will need to be an effective and seamless transition from the agreements made by Ministers as the Taskforce work progresses into implementation. Maintaining positive, consistent and effective working relationships with affected Māori groups throughout the overall process (of engagement, proposal development and detailed implementation) will result in relevant and effective final products and build trust and confidence between parties. It will be important for the Taskforce to support a coherent and effective end to end process, including ensuring that the development of any broad solutions takes into account the requirements and realities of detailed implementation.
21. Our experience is that In some cases communities/marae have already identified their preferred course of action and just need the resources and to be left to get on with it; all any agency will need to do is provide funding and then step out of the way of the kaitono. In other cases there will need to be a lot more active support through the proposal development process. Marae and communities do not all have a lot of experience in developing significant proposals of this kind. In these cases whānau/communities may need to be supported to identify their aspirations

and priorities, identify options and processes to get agreement on a way forward. These are resource intensive.

22. It is also important that local authorities and relevant other central government agencies such as LINZ are appropriately informed of and involved in the Kaupapa Māori work as it progresses. The support team for the Taskforce will be based in the CRU and supported to ensure the right connects are being made at the right time.
23. Programme management and administrative support for the Taskforce will also be provided from the CRU, in the first instance by the engagement and communications team.
24. A Director Implementation is being recruited to ensure appropriate oversight of all aspects of FOSAL implementation and that will include ensuring appropriate support to the Taskforce and an appropriate transition into implementation.

Link to the Cyclone Recovery Taskforce

25. Ministers indicated that the specialised Kaupapa Māori Taskforce could work alongside the Cyclone Recovery Taskforce that is Chaired by Sir Brian Roche. Te Arawhiti and the CRU discussed this integration and determined that there should be a separation between the two groups. However, in discussions with PSGEs, they consider that there must be a strong link between the taskforces and that it would be helpful to have Sir Brian as part of the negotiating team. He has indicated a willingness to do so and will be brought in on a case-by-case basis.

Timing of taskforce engagement

26. Ministers have indicated that the Taskforce would operate for up to 2-3 months, with staff based on the ground in the affected regions during the week. s 9(2)(j)
[REDACTED]
27. Our current thinking is that the Taskforce leads be in the region for a minimum of 3 days a week to conduct discussions including or alongside the land block/residential engagement continues. This will give the Taskforce work visibility and the impacted community a stronger platform for dialogue with the Crown on collective solutions.
28. If engagement and negotiations can be undertaken quicker, then the Taskforce will be wrapped up earlier. The timeframe will depend on how initial engagement and discussions go with the impacted communities (a table of impacted areas is shown in **Appendix Two**).
29. The Taskforce will commence with s 9(2)(j)
[REDACTED]
30. We expect final category 3 decisions and ratification of the cost-share package for Tairāwhiti by mid-October. s 9(2)(j)
[REDACTED]

s 9(2)(j) [redacted] As noted above, the Taskforce model may not be required for later areas.

31. s 9(2)(j) [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

32. Once the agreement is signed, relevant agencies will be asked to develop and agree a coordinated work programme to address the different elements of cyclone recovery. It is likely that the taskforce approach would form part of this work programme.

Taskforce versus administration of the fund

33. The Taskforce is not envisioned to be responsible for, or administer, the s 9(2)(j) fund for the KMP, instead it is seen as a short-term group that will identify and scope broad solutions/package parameters for decisions by Ministers and referral to the administering agency.

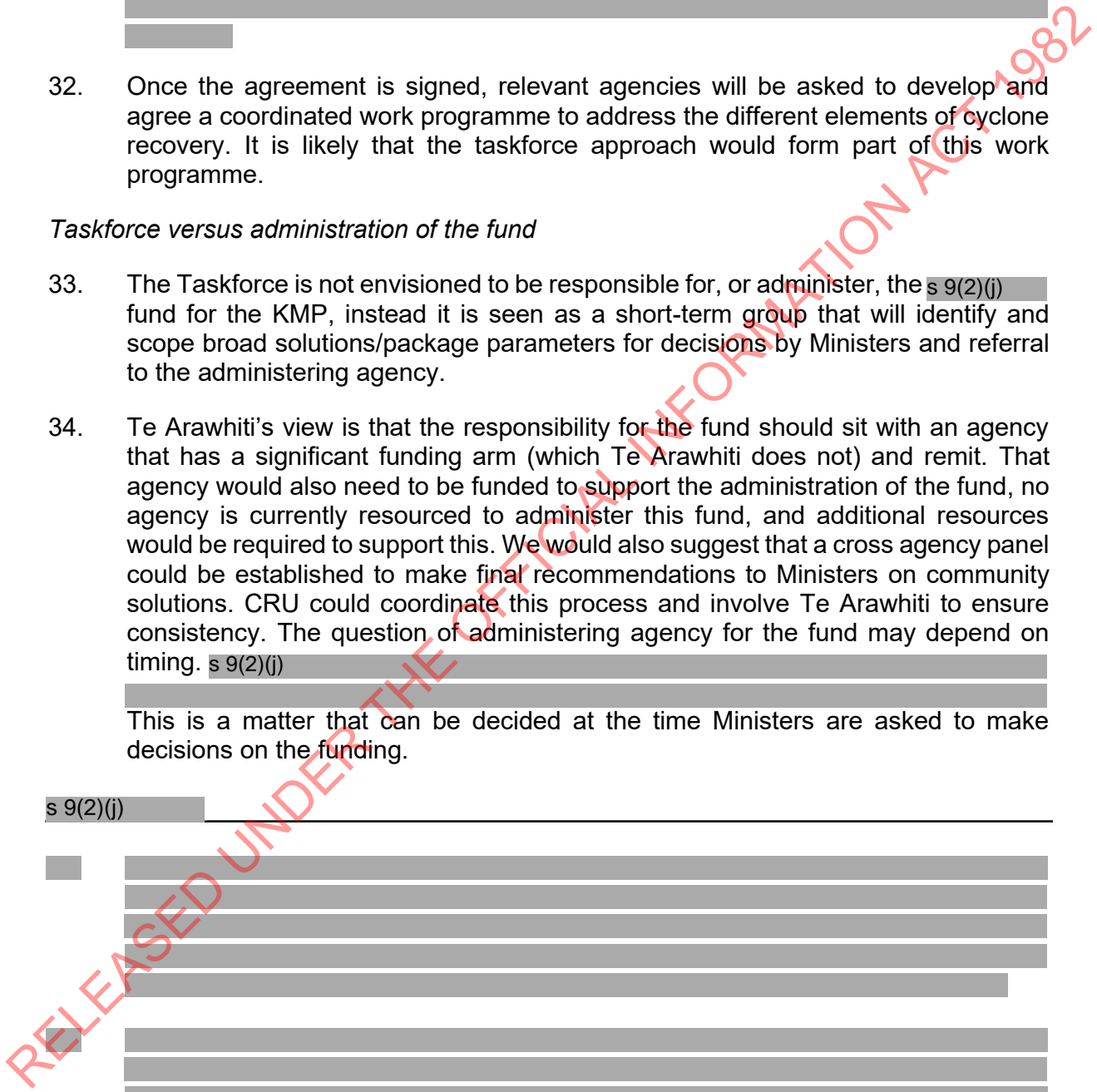
34. Te Arawhiti's view is that the responsibility for the fund should sit with an agency that has a significant funding arm (which Te Arawhiti does not) and remit. That agency would also need to be funded to support the administration of the fund, no agency is currently resourced to administer this fund, and additional resources would be required to support this. We would also suggest that a cross agency panel could be established to make final recommendations to Ministers on community solutions. CRU could coordinate this process and involve Te Arawhiti to ensure consistency. The question of administering agency for the fund may depend on timing. s 9(2)(j) [redacted]
[redacted]

This is a matter that can be decided at the time Ministers are asked to make decisions on the funding.

s 9(2)(j) [redacted]

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

[redacted]
[redacted]
[redacted]
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37.

s 9(2)(j)

[REDACTED]




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Recommendations

39. It's recommended that you:

Minister for Crown/Māori Relations Minister for Cyclone Recovery Minister for Māori Development

- 1. **Agree** to the scope and approach of the Taskforce as set out in this memo, and YES / NO YES / NO YES / NO
- 2. **Note** that the taskforce will provide regular updates to Ministers as the approach and packages develop and seek appropriate approvals for expenditure.
- 3. **Note** that the support to the Taskforce will be provided from the CRU to ensure the wider link with FOSAL and the appropriate involvement of local authorities and other central government agencies

		
Lil Anderson Chief Executive The Office for Māori Crown Relations – Te Arawhiti	Katrina Casey Chief Executive Cyclone Recovery	Meipara Poata Acting Deputy Secretary, Policy Partnership Te Puni Kōkiri

NOTED / APPROVED / NOT APPROVED	NOTED / APPROVED / NOT APPROVED
Hon Kelvin Davis Minister for Māori Crown Relations: Te Arawhiti	Hon Grant Robertson Minister for Cyclone Recovery
Date: / /	Date: / /
NOTED / APPROVED / NOT APPROVED	
Hon Willie Jackson Minister for Māori Development	
Date: / /	

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Appendix One: EWR decisions to date

Cabinet Extreme Weather Recovery Committee (EWR) has given clear direction

- On 5 April 2023 EWR agreed to a set of principles to guide the recovery framework that included ensuring Treaty obligations and the rights and interests of Iwi / Māori are central. EWR directed officials to test the framework with key stakeholders, including Iwi/ Māori, to ensure it was workable and fit for purpose [EWR-23-MIN-0030].
- On 31 May 2023 EWR agreed to a parallel Kaupapa Māori pathway policy approach for Māori land and communities, and the need to ensure final decisions are made in line with the processes for Māori engagement. EWR noted that engagement and policy development will be progressed with Iwi by taking a Treaty partnership approach [EWR-23-MIN-0044].
- On 26 July 2023 EWR agreed the key parameters for the Kaupapa Māori pathway would, among other things, require it to be shaped by collaboration and engagement with Iwi, hapū, and affected Māori communities [EWR-23-MIN-0060].
- On 30 August EWR agreed to an overarching support package for the pathway and agreed to the establishment of a Taskforce to support negotiations to find broad solutions for impacted communities [EWR-23-MIN-0075].

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[Excerpts from documentation]

[Excerpt from Aide-Memoire: Meeting of Mayors, Chair and Chief Executives, Hawke's Bay – dated 10 May 2023]

A specific engagement approach for whenua Māori, Treaty Settlement assets, and taonga and associated cultural values is being worked on by central government. I know engagement with mana whenua is also a priority for you and again, this is an area we will need to work closely together on.

[Excerpt from Aide-Memoire: Meeting with the Cyclone Recovery Taskforce – dated 15 May 2023]

[NOTE: both excerpts are from Item 3 (Report: Update on the Future of Severely Affected Locations Work, dated 12 May 2023) within Aide-Memoire: Meeting with the Cyclone Recovery Taskforce – dated 15 May 2023]

12. The categorisations will need to be informed and further validated by gaining a greater understanding of the impacts and risks for severely affected Māori communities, including implications of the significant amount of whenua Māori, Treaty settlement assets, and taonga and associated cultural values.

19. Key milestones include:

- a. Announcements where there is confidence that areas where repair or rebuild can be delivered through existing support mechanisms to manage future flood and landslide risk (category 1).
- b. Specific engagement approach for whenua Māori, Treaty Settlement assets, and taonga and associated cultural values.

[Excerpt from MBIE Aide-Memoire: Future of Severely Affected Locations Ministerial Workshop – dated 24 May 2023]

7. This Category 3 pathway is not proposed to apply to Māori-owned land. It is considered that a collaborative approach with Māori may be more appropriate for areas that are primarily Māori communities and land, given the Crown's Treaty obligations and settlements; areas of cultural, historical and economic significance to Māori; Takutai Moana rights in coastal areas; and different land ownership types, including collective ownership, such as papakāinga land.

[Excerpt from Briefing: Future of Severely Affected Locations – Approach and cost sharing options for Category 3 buyouts – dated 9 June 2023]

Outline the parallel Kaupapa Māori pathway, in addition to the Category 2 and 3 pathways, for consideration of Māori land. Māori connection to the whenua cannot be treated in isolation from the wellness of the people and Māori make up a significant proportion of the community in affected areas.

Financial implications

39. The Treasury is providing you with separate advice on the appropriation structure and funding source for Category 3 costs. This advice is due to you in the week beginning 12 June. Once we know more about the likely outcome of the negotiations, we will be able to provide you with more detail on the accounting, appropriation, and fiscal management implications of the negotiations.

[Excerpt from Briefing: Approval for lodgement and talking points: Cyclone Recovery – Proposed triage, direction and analysis process for funding proposals – dated 16 June 2023]

s 9(2)(g)(i)


[Excerpt from Minister Sepuloni visit to Piha – Talking points and background info – dated 10 August 2023]

Whenua Māori sediment and debris management package

Te Puni Kōkiri, Ministry of Māori Development is the lead agency for this package.

The funding is part of the Government's ongoing commitment towards helping communities, including owners of whenua Māori, farmers, growers and communities to recover from the cyclone. The funding is intended to support owners of whenua Māori make decisions about the clean-up of their land. Te Puni Kōkiri is also now managing \$2 million of the \$10.15 million woody debris grant funding announced by the Minister of Forestry, Peeni Henare, as part of Budget 23. This \$2 million has been allocated specifically to manage woody debris in catchments on whenua Māori.

s 9(2)(g)(i)



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