KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 3325**

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **the Climate Change Priority Inquiry**

BRIEF OF EVIDENCE OF KATRINA EILEEN CASEY

Te Tari Ture o te Karauna
Crown Law

Pouaka Poutāpeta
Te Whanganui-a-Tara
Waea

PO Box 2858
Wellington 6140
Tel: 04 472 1719

Whakapā mai: **Contacts:**

Nixon Fong / Grace Seeley
nixon.fong@crownlaw.govt.nz / grace.seeley@crownlaw.govt.nz

Barrister instructed:

Jeremy Prebble
jeremy.prebble@hawkestone.co.nz

RECEIVED
Waitangi Tribunal
3 Oct 2025
Ministry of Justice
WELLINGTON

Contents

Introduction....1
Scope of evidence....1
North Island Weather Events....1
Most severely impacted regions....3
Approach to recovery....5
Future of Severely Affected Locations – FOSAL....7
Risk categories....8
Whenua Māori and Marae Relocation Pathway....10
Designing the pathway....10
Implementation....12
Process....13
Disestablishment of CE-CR and CRU....19
Concluding reflections....19

I, **Katrina Eileen Casey** of Paraparaumu, senior public servant, state:

Introduction

1. I am currently Acting Deputy Secretary Local Government and Executive Director City and Regional Deals in the Department of Internal Affairs.

2. Prior to my current role, I was the Chief Executive, Cyclone Recovery (**CE-CR**). I describe my role in further detail below. By way of brief introduction, I was appointed in March 2023 and led the Cyclone Recovery Unit (**CRU**), which was formed as a business unit of Department of the Prime Minister and Cabinet (**DPMC**), but operated autonomously under my leadership. I reported directly to the Minister for Cyclone Recovery (under the previous Government), then the Minister for Emergency Management and Recovery (under the current Government). The position of CE-CR was disestablished with effect from 1 July 2025 and the responsibility for the remaining work was transferred to the Department of Internal Affairs (**DIA**).

Scope of evidence

3. My evidence relates to my time as the CE-CR. I will focus on the 2023 North Island Severe Weather Events. In particular, I will address the following:

   3.1 Most severely impacted regions.

   3.2 Approach to recovery.

   3.3 Future of Severely Affected Locations policy.

   3.4 Whenua Māori and Marae Pathway.

North Island Weather Events

4. In early 2023, New Zealand experienced three severe weather events which caused catastrophic flooding and landslides across large parts of the North Island.[1] This included impacts to marae and whenua Māori.

---

[1] Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 6 [**DPMC.002.0501**].

5. The severe weather events collectively referred to as the North Island Weather Events (**NIWE**) are defined as:[2]

   5.1 Cyclone Hale – between 8 January and 12 January 2023;

   5.2 Auckland Anniversary weekend flooding – between 26 January and 3 February 2023; and

   5.3 Cyclone Gabrielle – between 12 February and 16 February 2023.

6. On 14 February 2023, the Minister for Emergency Management declared a national state of emergency over Northland, Auckland, Tairāwhiti, Bay of Plenty, Waikato and Hawke's Bay in response to Cyclone Gabrielle.[3]

7. The impacts of the NIWE were widespread and severe. Fifteen people were killed, and thousands of people were displaced from their homes with extensive damage to land, infrastructure, and services; particularly, power, communications and roading.[4]

8. The Auckland Anniversary Weekend Flooding was unprecedented and greatly exceeded any previous flooding event in Auckland's history, both in intensity and scale.[5]

9. MetService described Cyclone Gabrielle as one of the worst storms to hit New Zealand in living history. Parts of the country recorded rainfall amounts of 300-400mm, wind gusts of 130-140km/h and waves as high as 11 meters along parts of the coast. It was New Zealand's most costly natural disaster after the Canterbury Earthquake and was only New Zealand's third National State of Emergency, with the Treasury estimating damage of between nine and 14 billion dollars to households, businesses and infrastructure.[6]

---

2 At 6. [**DPMC.002.0501**]

3 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 11. [**DPMC.002.0501**]

4 At 6. [**DPMC.002.0501**]

5 At 6. [**DPMC.002.0501**]

6 At 6. [**DPMC.002.0501**]

Most severely impacted regions

10. While the NIWE affected multiple North Island regions in different ways, the three regions most severely impacted by the NIWE were Auckland, Tairāwhiti and Hawke's Bay,[7] all of which experienced loss of life and extensive damage.[8]

Auckland Region[9]

11. The unprecedented rainfall led to widespread flooding and landslides with damage compounded by consecutive events. Water and wastewater systems were heavily impacted, with some homes without water for 48 hours. Power outages affected 26,000 households and the Auckland Airport was closed for 24 hours due to flooding.

12. Over 4,500 households required some level of assistance, with 600 families placed in emergency accommodation. Around 3,000 homes faced either restricted or prohibited access.

13. Four people died in the Auckland Anniversary Weekend flooding, and a further two people died during Cyclone Gabrielle.

Tairāwhiti[10]

14. The region was severely impacted by widespread flooding and extensive damage to roads and stopbanks. There were numerous landslides, alongside silt and debris accumulation and disruptions to water supplies.

---

7 The full list of affected local authorities, as defined by the Severe Weather Emergency Recovery Legislation Act 2023, are: Auckland Council, Bay of Plenty Regional Council, Carterton District Council, Central Hawke's Bay District Council, Far North District Council, Gisborne District Council, Hamilton City Council, Hastings District Council, Hauraki District Council, Hawke's Bay Regional Council, Kaipara District Council, Kawerau District Council, Manawatū District Council, Manawatū-Whanganui Regional Council, Masterton District Council, Matamata-Piako District Council, Napier City Council, Northland Regional Council, Ōpōtiki District Council, Ōtorohanga District Council, Rangitikei District Council, Rotorua District Council, South Waikato District Council, South Wairarapa District Council, Tararua District Council, Taupō District Council, Tauranga City Council, Thames-Coromandel District Council, Waikato District Council, Waikato Regional Council, Waipa District Council, Wairoa District Council, Waitomo District Council, Wellington Regional Council, Western Bay of Plenty District Council, Whakatane District Council, Whangārei District Council.

8 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 6-7. [**DPMC.002.0501**]

9 At 7. [**DPMC.002.0501**]

10 At 7-8. [**DPMC.002.0501**]

15. Bridges were completely swept away by floodwaters and roads collapsed, leaving the region isolated for several days, and some communities cut off for several weeks.

16. Power networks were damaged which meant much of the region was without power, telecommunication and mobile networks for five days. Damage also resulted in nine breaks to Gisborne's main water supply pipeline, leading to 45 days of severe water restrictions in Gisborne City.

17. Tairāwhiti was particularly impacted by large scale hillside erosion and woody debris from forestry operations in the region. Cyclone Hale and Gabrielle generated an estimated 800,000 tonnes of woody debris across the region.

18. The Gisborne District Council reported that following the severe weather events, a quarter of the region's population required welfare support.

19. One person died in Tairāwhiti during Cyclone Gabrielle.

Hawke's Bay Region[11]

20. The Region was hit with widespread flooding, landslides, and infrastructure damage, along with damage to homes and businesses. Power outages affected 41,000 households. There were widespread cellphone outages, with 80 per cent of cell sites offline on 14 February 2023.

21. Flooding caused six kilometres of stopbanks to breach in Hastings, and the regional airport was closed. Extensive damage occurred to rail lines between Napier-Wairoa and Napier-Hastings due to washouts and slips. Hundreds of roads were affected, with 30 kilometres of roading sustaining severe damage, including State Highways 2 and 5. Rural areas were severely impacted, with entire towns isolated.

22. Damage to the Central Hawke's Bay water treatment plant meant a boil water notice was in place for a month.

23. Hawke's Bay was particularly impacted by sediment and other debris. 2.8 million cubic metres of sediment and debris were deposited on

11 At 8. [**DPMC.002.0501**]

residential and commercial properties across the region following Cyclone Gabrielle and the associated floods.

24. The Wairoa District was particularly impacted by the NIWE, as it sits alongside one of the largest rivers in the region and faced extensive flooding. Damaged roads led to prolonged isolation.

25. Eight people died in the Hawke's Bay during Cyclone Gabrielle.

Approach to recovery[12]

26. The scale of impact of the events across multiple regions created significant recovery challenges for affected communities, local government, and agencies responsible for response and recovery efforts. As local authorities responded to the impacts of the events in their regions, central government worked to establish its framework for the Crown's support for recovery in the affected regions.

27. Local communities, including local government, asked for the recovery to be locally led. Recognising the importance of local knowledge and input into decision-making in the recovery from the 2010-2011 Canterbury earthquakes, central Government supported this approach. Statutory responsibilities held by regional and local authorities remained in place.

28. The locally led, centrally supported recovery looked different across the affected areas at different times largely because the nature and extent of the impact differed across regions. In the initial phase of recovery, central government made decisions on a policy framework for councils to use to consider severely affected residential land. Government worked with local authorities to negotiate funding to be provided and embedded a large portion of this funding in Crown Funding Agreements. These Agreements were cost sharing Agreements with central Government providing over $1.7 billion. Regional and local authorities set their own policies within the framework. They also identified the priority risk mitigation and local transport projects, and the funding required. Central Government wanted a focus on risk mitigation measures for the future, beyond the usual focus

12 At 10. [**DPMC.002.0501**]

on repairing what was damaged. Government also streamlined some administrative processes via Orders in Council to help councils progress their recovery functions and provided funding to ensure capability was in place to allow parts of the recovery to be sped up.

29. The Cyclone Recovery Taskforce was established in March 2023 to provide independent perspectives to the Minister Responsible for Cyclone Recovery and to ensure that local voices were heard when decisions were being made. The taskforce was chaired by Sir Brian Roche and engaged with local authorities and the private sector (for example insurance companies, banks, utilities and roading).[13]

30. Given the scale and complexity of the consequences of the NIWE, Cabinet established a functional Chief Executive, Cyclone Recovery (CE-CR) role to be responsible for leadership and coordination of the Government's recovery work programme. I started acting in this role from 28 February and my appointment was announced on 15 March 2023.[14]

31. A Cyclone Recovery Unit (**CRU**), hosted within the Department of the Prime Minister and Cabinet (**DPMC**) was established to support the CE-CR.

32. The CE-CR, supported by the CRU, was responsible for delivering the following functions:[15]

    32.1 leadership and coordination of the Government's recovery work programme;

    32.2 strategic policy and legal advice;

    32.3 engagement to support tailored local communications efforts;

    32.4 advice on system risk and assurance;

---

13 At 12. [**DPMC.002.0501**]

14 Te Kawa Mataaho – Public Service Commission "Appointment of Chief Executive, Cyclone Recovery" (15 March 2023) <www.publicservice.govt.nz>.

15 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 12-13. [**DPMC.002.0501**]

32.5 ensuring alignment with wider policy decisions on long-term resilience, climate change and managed retreat;

32.6 secretariat support for the Cyclone Recovery Taskforce;

32.7 implementation of the Future of Severely Affected Locations policy and the parallel Whenua Māori and Marae pathway.

33. In July 2024, the Minister for Emergency Management and Recovery confirmed recovery arrangements, including the CRU would remain in place until 30 June 2025.[16] The Cyclone Recovery Taskforce had by agreement been retired in February 2024.

Future of Severely Affected Locations – FOSAL

34. The Future of Severely Affected Locations (**FOSAL**) policy framework was a locally led, centrally supported approach to address the future use of land severely affected by the NIWE. Its intent was to reduce intolerable risk to people's lives from extreme weather-related natural hazards by mitigating risk where possible and moving people out of harm's way where those risks could not be mitigated.[17]

35. The Treasury and the Ministry for the Environment, supported by the Cyclone Recovery Taskforce, worked with councils and insurers during April and May 2023 to develop a framework for categorising residential properties.[18] The focus was on residential properties because the key tenet of the policy framework was 'risk to life'.

36. Central Government set the high-level FOSAL framework. On 1 May 2023 it was announced there would be a three-category property risk assessment framework for affected areas to classify properties based on their future risk levels.[19]

37. Regional councils and unitary authorities were responsible for categorising land based on the underlying risk of flooding and landslides from severe

16 At 13. [**DPMC.002.0501**]

17 At 17. [**DPMC.002.0501**]

18 At 17. [**DPMC.002.0501**]

19 At 17. [**DPMC.002.0501**]

weather events and delivering the appropriate interventions. The policy Framework only applied where significant damage had been caused by one or more of the NIWE events. It did not include residential properties that had been affected by previous or subsequent events but not by NIWE (given, as I explain shortly, the framework was a bespoke response to the NIWE). This included risk mitigation projects, considering support for property level interventions and, where necessary, voluntary residential property buyouts.

38. The FOSAL programme was a one-off policy specifically responding to the unprecedented 2023 NIWE and was not intended to create a precedent for responses to future severe weather events.

***Risk categories*[20]**

39. For Category 1 properties, repair to previous state was all that was required to manage future severe weather risk events.

40. For Category 2 or Category 3 properties there was a significant risk to life for residents from future significant flooding or landslides. While the risk for Category 2 and Category 3 was similar, the response was different. The key difference being that, for Category 2 properties, there was a viable solution to reduce risk to a tolerable level, while for Category 3, there was no viable solution that could reduce this risk.

41. Category 2 risk mitigations could be at an individual property (Category 2P) level (e.g. raising houses or improving drainage) or at a community (2C) level (e.g. building improved or new stopbanks). Councils initially identified Category 2A properties for areas requiring further assessment before making a final categorisation.

42. For Category 3 properties, there was no viable way to reduce risk. Owners of residential Category 3 properties were eligible to enter a voluntary buyout programme. The programme reduced the intolerable risk to life from any future significant flooding or landslide events in Category 3 areas by ensuring the land could no longer be used for residential purposes and

[20] At 17-18. [**DPMC.002.0501**]

provided some certainty for people to move forward with their lives and settle somewhere safer. The Crown met 50 percent of the cost of any Category 3 buyout with the relevant council responsible for the remaining 50 percent. Ownership of the residential property bought out sat with the relevant council. Those who had the residential portion of a mixed-use property bought out retained ownership of the land but the residence was demolished.

43. Beyond the development of the FOSAL categories, all further policy decisions were made at a local level including deciding how properties would be categorised, how buyout offers would be determined and putting in place review processes. While central government encouraged councils to share their approaches and take broadly similar approaches, particular policy positions were not mandated.

44. The final number of properties identified as Category 3 are as follows:[21]

    44.1 Auckland – over 1200.

    44.2 Tairāwhiti – 70.

    44.3 Hawke's Bay – 180.

    44.4 Masterton District Council – 12.

    44.5 Tauranga District Council – 6.

45. The Crown Funding Agreements with Auckland, Tairāwhiti and the Hawke's Bay included $419m for Category 2 risk mitigation projects. This represented 62% of the costs of the priority projects identified by Auckland Council, 90% of the costs of priority projects identified by the Gisborne District Council, and 75.15% of the costs of priority projects identified by Hawke's Bay Councils. A further $487.6m of Crown Funding was provided to support regional transport projects (not including state

[21] See Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025). [**DPMC.002.0501**]

highways) and represented 100% of the funding for the projects in all three regions.[22]

Whenua Māori and Marae Relocation Pathway

46. Alongside the locally-led FOSAL approach, the Government established a parallel Whenua Māori and Marae Pathway (originally the Kaupapa Māori Pathway) to address Category 3 whenua Māori and marae.

Designing the pathway

47. The purpose of the Whenua Māori and Marae Pathway (**the Pathway**) was to enable people residing on Māori land that was severely affected by the NIWE to relocate out of harm's way. It also reflected that whenua Māori has characteristics unlike other forms of privately owned land in New Zealand. As well as being an important taonga and deeply valued intergenerational cultural asset, whenua Māori is subject to a range of intergenerational and sometimes complex interests, a unique legal framework and specific protections arising from Te Tiriti o Waitangi and legislation.[23]

48. The Pathway focused on Category 3 residential whenua blocks and marae as well as assets of cultural significance (such as urupā).[24] Marae were included as it was understood that communities could risk suffering harm to wellbeing and cultural identity if marae were left in a Category 3 zone without any support.[25]

49. The overall shape of the Pathway was informed by engagement with iwi, hapū, whānau and affected Māori communities.[26] The CRU liaised with

---

22 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 15 [**DPMC.002.0577**].

23 See Cabinet Paper "Future of severely affected locations: Kaupapa Māori pathway report-back" (30 August 2023, EWR-23-SUB-0075) [**DPMC.002.0159**] and its attachment "Annex 2: Characteristics of Whenua Māori) [**DPMC.002.0110**].

24 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 36 [**DPMC.002.0577**].

25 Cabinet Paper "Future of severely affected locations: Kaupapa Māori pathway report-back" (30 August 2023, EWR-23-SUB-0075) at [64.3] [**DPMC.002.0159**].

26 Cabinet Paper "Future of severely affected locations: Kaupapa Māori pathway report-back" (30 August 2023, EWR-23-SUB-0075) at [12] and [31] [**DPMC.002.0159**]. For more information on specific engagement see Cabinet Paper "Future of severely affected land July report back" (26 July 2025, EWR-23-SUB-0060) from [67] [**DPMC.002.0081**] and its attachment "Appendix 3 Māori Engagement on FOSAL".

local authorities to support engagement with and the provision of information to affected communities. This assisted the Government to finalise its policy parameters for those affected.[27]

50. Common themes resulting from engagement included:[28]

50.1 Many residents wanted to remain as close to their whenua as possible. A cultural bottom-line is that relocation sites be within their (collective) hapū takiwā.

50.2 Property buyouts were not appropriate for whenua Māori. Any Category 3 options should not alienate local Māori from the small amount of land retained in their ownership. However, there was openness to other options, such as grants.

50.3 The different challenges and complexities for each location lent themselves to bespoke solutions.[29]

50.4 Māori trustees and PSGE leadership seek active facilitation and resourcing support from the Crown and local councils.

50.5 Owners/whānau with Category 3 land will likely require advice and navigation support to work with the Crown to understand their options.

51. Officials made it clear that given the untenable risk to life, it would not be appropriate to continue living on Category 3 land, but there was a desire to allow the use of land for other purposes, so that hapū are not alienated from the land.[30] This approach also appears consistent with the principles of Te Ture Whenua Maori Act 1993, which seeks to facilitate the retention of whenua Māori in the hands of its Māori owners (including by placing restrictions on the alienation of Māori land).[31]

---

27 Cabinet Paper "Regional and Māori Flood & Cyclone Recovery Engagement Planning" (1 June 2023, EWR-23-SUB-0043, 1 June 2023) at [3]-[6] [**DPMC.001.0001**].

28 Cabinet Paper "Future of severely affected land: July report back" (26 July 2023, EWR-23-SUB-0060) from [67] [**DPMC.002.0081**] and its attachment "Appendix 3 Māori Engagement on FOSAL".

29 Cabinet Paper "Future of severely affected land: July report back" (26 July 2023, EWR-23-SUB-0060) at [70] [**DPMC.002.0081**].

30 At [71]. [**DPMC.002.0081**]

31 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover*

52. In Tairāwhiti, a series of engagements between the Crown and Marae Trustees provided the foundation for development of the recommended Crown contribution package. Engagement focused on:[32]

    52.1 Marae identifying their own suitable safe relocations sites.

    52.2 Working through likely costs in light of the chosen Marae location sites and the parameters agreed by Ministers (both in substance and financial).

    52.3 Establishing a framework for the ongoing Trustee and Crown relationship to govern the Marae project.

    52.4 Trustees navigating discussions with whānau to seek support for the Marae movement and taking the action necessary through the Māori Land Court to support their proposed movement.

    52.5 Finalising the Crown funding contributions though tri-partite Relationship and Funding Agreements reflecting the roles of the Crown, Marae Trustees, and NIFFco (National Infrastructure Funding and Financing Limited, formerly known as Crown Infrastructure partners).

Implementation

53. In August 2023, key policy decisions were made by the Extreme Weather Recovery Cabinet Committee (**EWR**), which included determining that the CE-CR, supported by the CRU, would be responsible for implementation of the Pathway.[33]

Funding

54. The EWR also agreed to an initial appropriation of $75 million for the Pathway. The amount was recognised as an initial figure, subject to the outcome of property categorisation. The Minister of Finance, Minister for

---

Guide for Department of Internal Affairs (30 June 2025) at 36 [**DPMC.002.0577**]. See part 7 of Te Ture Whenua Māori Act 1993.

32 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 68 [**DPMC.002.0577**].

33 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 19 [**DPMC.002.0501**].

Cyclone Recovery, Minister for Māori Development and Minister of Crown Māori Relations: Te Arawhiti were delegated decision-making on implementation of the pathway, including approving detailed design elements and packages over $5 million.[34]

55. Subsequently, as part of Budget 2024, Cabinet approved a tagged operating contingency to provide for cost pressures in the Pathway.[35]

56. In April and March 2024, Joint Ministers of Finance and Emergency Management of Recovery approved the approaches to offers made under the pathway, including agreeing maximum parameters for both Marae and residential whenua Māori properties.[36]

57. In December 2024, joint Ministers agreed the remaining Crown funding for Marae and residential relocations including the specific offers. A further $61.215 million was drawn down from the contingency in February 2025, for a total crown funding of $136.215 million,[37] to complete the Whenua Māori and Marae Pathway.

Process

58. Councils were responsible for land categorisation decisions.[38] The implementation of the Pathway including decisions was a Crown-led and funded process. Regional Councils were responsible for identifying properties as Category 3. When Category 3 whenua or marae were identified, relocation support was negotiated and agreed directly by the Crown[39] (in my role as CE-CR I led engagement, with the exception of two Marae and a proposed papakāinga in Hawke's Bay which was led by Te Arawhiti).

---

34 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 36 [**DPMC.002.0577**].

35 At 36. [**DPMC.002.0577**]

36 At 36. [**DPMC.002.0577**]

37 At 37. [**DPMC.002.0577**]

38 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 37 [**DPMC.002.0501**].

39 At 37; and Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) from 36 [**DPMC.002.0577**].

59. Five Tairāwhiti and two Hawke's Bay marae were assessed to be on Category 3 land. Gisborne District Council identified ten residential Category 3 whenua Māori properties and Hawke's Bay Regional Council identified 14. The Hawke's Bay Regional Council also identified two further properties containing cultural assets (ūrupa) that were also eligible for funding to protect the sites under the Pathway.[40] No other regions identified Marae as meeting the criteria for Category 3.

60. The Pathway provided funding for recipients to claim their technical, hui and legal support expenses incurred in considering and agreeing to the Crown's offer up to a pre-set amount. These expenses were in addition to the agreements and were reimbursable regardless of whether owners chose to accept a relocation agreement.[41]

Whenua Māori

61. In April 2024 Ministers approved the policy and funding settings and residential whenua costs for the Pathway.[42]

62. When residential whenua Māori was confirmed as Category 3, I assumed responsibility for all aspects of the pathway implementation, including engagement with owners of whenua Māori, negotiation and approval of residential relocation agreements, payment of relocation grants and payment and arrangement of demolition of any remaining residential structures on the properties. Māori owners retained ownership of their whenua. Like the general buyout programmes operated by councils, participation was voluntary.[43]

63. Twenty-four residential whenua properties were assessed by Councils as Category 3 and met the criteria for voluntary grants which meant they retained ownership of the whenua but had to agree that no-one could reside on the property given the assessed risk to life. In all cases owners

---

40 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 37 [**DPMC.002.0501**].

41 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 41 [**DPMC.002.0577**].

42 At 38. [**DPMC.002.0577**]

43 Cyclone Recovery Unit *Part A: Recovery from the 2023 North Island Weather Events (NIWE)* (30 June 2025) at 38 [**DPMC.002.0501**].

chose to accept a voluntary grant for relocation. The process took as long as owners needed or wanted it to, recognising the complexities and significance of and the difficulty of decisions. As CE-CR, I secured agreements with all eligible residential whenua owners as at 30 June 2025.[44] And I had paid out the grants by this time also, with the last payment being processes for the papakāinga on 30 June 2025.

64. Because it is not safe for people to continue to live on Category 3 land, as part of the relocation agreement residential dwellings must be removed. This included demolition of any remaining dwellings, capping of services and removal of septic tanks.[45] Bespoke arrangements were made in the Agreement where for example a request was made to leave non-residential structures such as a shed on the property to store tools and the like depending on how the owners were thinking they might use the land.

65. In total there were eight residential properties which required the Crown to demolish dwellings and related structures. In these cases, the owners were part of determining the statement of work for the demolition so that they could retrieve parts of the residence that had particular significance to them. For other properties this work was either managed by the owners, the dwellings had already been moved, or owners relocated the dwelling to a new site.[46]

66. Eight of the 24 properties were included in a Papakāinga proposal by the PSGE that was negotiating a Relationship and Funding Agreement for one of the Hawke's Bay Marae.[47] This was a complex negotiation as was the agreement to the nature and responsibilities of an Agreement covering the eight properties. The complexity derived from the fact there were multiple properties affected by the Agreement and the PSGE had to take on

---

44 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 38 [**DPMC.002.0577**].

45 At 39. [**DPMC.002.0577**]

46 At 39. [**DPMC.002.0577**]

47 See Aide-Memoire from Katrina Casey (Chief Executive Cyclone Recovery) to Mark Mitchell (Minister for Emergency Management and Recovery), Tama Potaka (Minister for Māori Development and Māori Crown Relations) and Simon Watts (Minister of Local Government and Climate Change) "Status of core NIWE Recovery Actions and Transition Arrangements" (27 June 2025) at [34]-[35] and [47] [**DPMC.002.0645**].

responsibilities that the Crown undertook with owners of individual residential whenua. In all cases these owners had the option to opt out from the Papakāinga agreement and if they chose to, we would have worked with them in the same way we did with other whenua owners. None chose to do so. When they receive a formal proposal for the papakāinga from the PSGE they can choose to opt out at that point also and the Agreement with the Crown states the amount the PSGE would then provide to any owners opting out. Agreement was reached and signed on 30 June 2025.

Marae relocation

67. After the seven marae on Category 3 land were identified by councils, engagement began with the relevant groups.

68. For the two Hawke's Bay marae, Te Arawhiti led formal negotiations for the Crown with the Post Settlement Governance Entity (PSGE) groups.[48] When the final offers were approved by Ministers and negotiations completed, I took over the work of putting Relationship and Funding Agreements into place and beginning implementation.[49]

69. In Tairāwhiti, the CRU and I (as CE-CR) led engagement from the beginning, working directly with the trustees of the five marae to put Relationship and Funding Agreements in place.[50]

70. It was a challenging process for whānau to make the decision to move to a new place as each of the marae carry with them significant history. We made sure that marae trustees had the necessary space and time to consider their options, fully consult on multiple processes as needed and consider what the future would look like.[51]

---

48 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 37 [**DPMC.002.0577**].

49 Aide-Memoire from Katrina Casey (Chief Executive Cyclone Recovery) to Mark Mitchell (Minister for Emergency Management and Recovery), Tama Potaka (Minister for Māori Development and Māori Crown Relations) and Simon Watts (Minister of Local Government and Climate Change) "Status of core NIWE Recovery Actions and Transition Arrangements" (27 June 2025) at [27]-[36] [**DPMC.002.0645**].

50 At [29]. [**DPMC.002.0645**]

51 At [29]. [**DPMC.002.0645**]

71. We spent time establishing relationships and listening and sharing information before approval was sought from Ministers for formal offers and presented to Marae Trustees.[52] It was important to the marae trustees in all five cases that I personally visit them to make the agreed offer in person prior to sending written confirmation. This provided an opportunity for them to tell their stories directly to me and to show me both their old and new sites. Only once the offers were accepted did the focus turn to the nature and content of the formal Relationship and Funding Agreement.

72. In each case, marae trustees had acquired a new site prior to the Agreement being signed. Ownership of the existing sites remains where it currently sits.[53] In May representatives of all five marae came to Gisborne and took the opportunity in front of the Prime Minister, the Minister of Emergency Management and Recovery and the Minister for Māori Development to talk about the importance of their marae, what happened to it, and what it means to be able to move on for the future. It was a deeply moving experience for everyone who attended that day.

73. All seven marae had accepted the Crown's relocation offers and signed Relationship and Funding Agreements with the Crown by 30 June 2025. They have all acquired new sites for relocation and have received the first payment under the Agreement. Under the terms of the Funding Agreements, each marae group will submit a Project Development Plan (PDP) for approval by joint Ministers of Finance and Emergency Management and Recovery.[54] As of 27 June 2025, one marae had already secured Ministerial approval of its PDP.

74. The Crown has no role in the planning, design or building process for the new marae. Marae Trustees are responsible for their design and building, day-to-day management of the projects, managing risks and issues, establishing a project control group and participating in governance and

---

52 At [30]. [**DPMC.002.0645**]

53 At [30]. [**DPMC.002.0645**]

54 Cyclone Recovery Unit *Part B: 2023 North Island Weather Events (NIWE) Cyclone Recovery Handover Guide for Department of Internal Affairs* (30 June 2025) at 38 [**DPMC.002.0577**].

project control group meetings. NIFFco works with the Marae Trustees to develop a Project Schedule which sets the key payment milestones and are responsible for monitoring and providing progress reporting to the Department of Internal Affairs who will advise Ministers. NIFFco is available to provide advice and support as needed. The Relationship and Funding Agreements with Marae Trustees provide for the appointment of a Crown representative to the project control groups.[55] The Crown Representative was in place as of 30 June 2025. The same Crown Representative has been appointed to all seven projects.

75. These groups will be established for each of the marae, by Marae Trustees, to oversee and monitor progress in line with the PDP. The Project Control Groups are expected to operate for around 2-3 years while the relocation and rebuild take place.[56]

76. From July 2025, DIA assumed residual responsibility for the implementation of FOSAL contracts and funding agreements from the CE-CR. This includes completion of the marae relocations and rebuilds.[57] With the exception of the completion of some of the demolition work, no further work was needed on the residential whenua part of the pathway as all agreements had been signed and payments made.

77. DIA is responsible for:

    77.1 Monitoring via NIFFCo the progress and completion of the relocation of the seven marae.

    77.2 Submission of remaining six marae relocation Project Development Plans (PDPs) for joint Ministerial approval.

    77.3 Manage the contract for the Crown Representative on the mare Project Control Groups.

    77.4 Quarterly progress reporting to Ministers.

---

55 At 38. [**DPMC.002.0577**]

56 At 38. [**DPMC.002.0577**]

57 At 6. [**DPMC.002.0577**]

78. For clarity, my current role at DIA does not involve oversight these matters.

Disestablishment of CE-CR and CRU

79. The CE-CR role was disestablished as at 1 July 2025 and the CRU in DPMC which had been set up to support the CE-CR was also disestablished on this date.

Concluding reflections

80. At the conclusion of this work I have some reflections about implementation.

81. I was conscious throughout that in achieving success with this work there was a balance to be struck between ensuring safety to life while recognising the significance of people making a decision to relocate away from their whenua and the history and meaning that entails. At times this weighed heavily on my team as they physically saw the unsafe living conditions, often elderly people were still living in, knowing that in those cases it would take a lot less than a severe event to cause a material risk to life.

82. There is no easy answer to resolving this issue but we chose to do so by taking the time property owners and their whanau needed to make a decision and by having as many meetings as needed in person at a location of their choosing. This was challenging at times for the team as many of the properties were not easily accessed from Wellington. That said we did draw a line in a small number of cases and put an end date on the Crown's offer. As winter approached we became more concerned about safety. We ensured that property owners had access to funding for independent valuers and or legal advice.

83. We also introduced flexibility for the property owners – some wanted to relocate their residence to another site and needed time for that to occur, some wanted to retain some structures on the property as they had plans for it to become a nursery or to grow vegetables and crops, or simply to be able to spend time at the property. We ensured the contractors doing the demolition were flexible and the owners were involved in setting the

statement of work as they identified parts of the residence to retain and take to their next residence, similarly with recovering buried material and taonga.

84. The task was greater for Marae Trustees and it was important that we respected the processes and time needed for a decision to be made. I am speaking here of the work we did with the five marae in Tairāwhiti. We also resolved not to publicly identify which marae were in the process or any funding associated with it – to ensure time and space was available. During this time we worked with the Marae Trustees to assist them to see what was possible and what the future could hold and we did this while we worked through the financial offer and seeking our own approvals from Ministers as to the amount per Marae. As with individual property owners we ensured trustees had access to immediate funding for legal advice and for hui costs.

85. The structure and content of the Marae Relationship and Funding Agreements recognised a Crown contribution for purchasing land for a new site and recognised a payment on signing that would enable the rebuild/relocation to get underway. Importantly the Crown also provided funding for administrative costs of the Marae Trustees throughout the entire process – a grant of $400,000.

86. Early in the process we contacted the Māori Land Court / Te Kooti Whenua Māori who offered to set up a joint working party where we could get cut through on any significant matters needing the Court's attention. This was extremely valuable, as was the time and attention provided by the Māori Trustee / Te Tumu Paeroa regarding some of the more complex properties.

87. We were well supported by Ministers in both the current and the previous Government and had a seamless transition for this work. The current Government provided the additional funding we sought to complete the programme and agreed to the content of the Crown offers recognising circumstances that were unique to particularly circumstances.

88. My biggest reflection though is the importance of establishing a relationship, developing trust, and taking the time to understand the story behind the people and their property. If we had gone into this process viewing it as transactional and contractual in nature, there may have been a far less satisfactory outcome.

89. This work and being able to achieve an appropriate outcome for owners of all 24 individual properties and seven marae that secures safety and, in particular, for the marae, protection for future generations stands out for me as one of the achievements I am most proud of in my career.

Signed:

Katrina Eileen Casey

Date: 29 September 2025