



Meeting of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

Date: Friday 27 November 2020
Time: 10.00am
Venue: Council Chamber
 Hawke's Bay Regional Council
 159 Dalton Street
 NAPIER

Agenda

ITEM	TITLE	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee held on 16 October 2020	
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5.	Call for Minor Items Not on the Agenda	7
Decision Items		
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8.	Current Coastal Projects Update	23
9.	Workstream package – Regulatory reports	25
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12.	Appointment of Funding Review Lead	33
13.	Confirmation of Public Excluded Meeting held on 16 October 2020	35



CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

SUBJECT: ACTIONS FROM PREVIOUS CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Reason for Report

1. In order to track items raised at previous meetings that require action, a list of outstanding items is prepared for each meeting. All action items indicate who is responsible for each, when it is expected to be completed and a brief status comment.
2. Once the items have been completed and reported to the Committee they will be removed from the list.

Decision Making Process

3. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the “*Actions from previous Clifton to Tangoio Coastal Hazards Strategy Joint Committee Meetings*” report.

Authored by:

Simon Bendall
PROJECT MANAGER

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

- [1](#) Action items for November 2020 meeting

Agreed actions from 16 October 2020 Joint Committee meeting

Task	Agenda Item	Actions	Resp.	Status/Comment
1.	Action items	Tāngata Whenua Engagement verbal update – request for Pieri to email around an update	PM	Going forward, suggest this forms part of the Project Manager's verbal update.
2.	Long Term Plan Reporting – Coastal Hazards Strategy	<ul style="list-style-type: none"> Annelie to email the final draft wording to the members for amending and confirmation. Final draft to be on the 27 November meeting agenda for adoption. 	ALL	Annelie circulated an email to committee members for confirmation.
3.	Project Manager's Update	<ul style="list-style-type: none"> Newsletter to be circulated. Letter drafted to panel members, a recruitment drive for younger volunteers. 	TAG	<ul style="list-style-type: none"> Completed Completed
4.	Current Coastal Projects Update	Jose to circulate an email to all members on what was done/who was contacted in regard to engagement with mana whenua on the extended consent area for sand deposition at Westshore.	JB	– Completed
5.	PUBLIC EXCLUDED – INTERNAL REPORTING ONLY Funding Review – Appointment of Lead	<ul style="list-style-type: none"> Paper and presentation to each council for council's commitment (SB & key TAG to present) 	TAG	– In progress

Agreed actions from 7 August 2020 Joint Committee meeting

Task	Agenda Item	Actions	Resp.	Status/Comment
6.	Project Manager's Update	<ul style="list-style-type: none"> Next joint committee meeting agenda items / papers: <ul style="list-style-type: none"> Managed Retreat paper/presentation in workshop Resource Management Review Panel report National climate change risk assessment for New Zealand 	TAG	<ul style="list-style-type: none"> Managed retreat report: Draft report delayed from consultants. TAG have a workshop to receive and provide feedback on initial draft report on 9 December. Other updates WIP
7.	Joint Committee Independent Facilitator	Amend Terms of Reference to include the appointment panel.	TAG	On the 27 November meeting agenda.

Agreed actions from 1 May 2020 Joint Committee meeting

Task	Agenda Item	Actions	Resp.	Status/Comment
8.	Current Coastal Projects Update	Whakarire Ave Revetment Works: <ul style="list-style-type: none"> Requested information on the preliminary private and public splits developed by TAG be circulated to members. 	Simon	In progress

Agreed actions from 3 September 2019 Joint Committee

Task	Agenda Item	Actions	Resp.	Status/Comment
9.	Assessment Panel supplementary recommendations	Include a request for specific action from Councils on response to the Mana Whenua recommendations re risks of sedimentation and protection of urupa at Bay View (letter to councils (consenting & policy manager) raising concerns.	TAG	<ul style="list-style-type: none"> Letters circulated to Councils in December 2019. Following up responses. Deferred due to Covid-19

Agreed actions from 18 March 2019 Joint Committee

Task	Agenda Item	Actions	Resp.	Status/Comment
10.	Project Manager's Update	Invite LGNZ President/Minister for the Environment to a future joint committee meeting.	TAG	<ul style="list-style-type: none"> Have not progressed. <p>Note: June 2020 Chris & James Palmer met with Minister James Shaw. Invited him to come to Hawkes Bay. Unlikely to be prior to the Election.</p>

**CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE****Friday 27 November 2020****Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA****Reason for Report**

1. This item provides the means for Joint Committee members to raise minor matters they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
 - 2.1. "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

3. That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 11:

Topic	Raised by

Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT

James Palmer
CHIEF EXECUTIVE

CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: TERMS OF REFERENCE AMENDMENT

Reason for Report

1. This item provides an opportunity for the Joint Committee to review and amend its current Terms of Reference to provide for the appointment of an independent facilitator.

Officers' Recommendation(s)

2. The Joint Committee recommends an amendment to the Terms of Reference to include a new clause *Independent Facilitation*:

13 Independent Facilitation

- 13.1 Any matter or matters being considered by the Joint Committee may be referred by the Chair for independent facilitation.
- 13.2 Where a matter is referred for independent facilitation:
 - A sub-committee of the Joint Committee shall be established, with at least one Tangata Whenua Member and at least one member from each Partner Council.
 - The subcommittee shall identify and assess candidates to undertake the facilitation, and develop recommendations to the Joint Committee to appoint a preferred candidate.
 - The Joint Committee shall receive and consider the subcommittee's recommendation and confirm an appointment.
 - The appointment may be made for a set duration (e.g. for 12 months) or on a task specific basis.
- 13.3 The role of independent facilitator is to assist the Joint Committee to consider, debate and reach resolution on specified matters.
- 13.4 The independent facilitator shall act in every respect as an independent and neutral third party and shall have no voting or decision-making functions.

Background /Discussion

3. Following the 2019 Local Elections, the Joint Committee reviewed and amended the Terms of Reference in February 2020 to capture minor updates and newly appointed Councillors.
4. Since then, the Joint Committee has considered the merits of calling on the services of an independent facilitator to assist with complex debates or issues.
5. Having agreed to make provision for independent facilitation, the Joint Committee requested that the Technical Advisory Group prepare suggested amendments to its Terms of Reference.
6. This paper presents the recommended amendments for Joint Committee consideration.
7. Agreed amendments will need to be recommended back to each Partner Council for adoption.

Financial and Resource Implications

8. There are no significant financial or resource implications.
9. Any decision to appoint an independent facilitator in future will necessitate its own financial and resource assessment, but costs are unlikely to be significant.

Decision Making Process

10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 10.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 10.2. The use of the special consultative procedure is not prescribed by legislation.
 - 10.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 10.4. The persons affected by this decision are all existing member organisations of the Joint Committee, rate payers within the Napier and Hastings districts and those with an interest in the coastal margins of those districts.
 - 10.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Joint Committee:

1. Receives and considers the "*Terms of Reference Amendment*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Recommends an amendment to the Terms of Reference to include a new clause *Independent Facilitation* as follows:

13 Independent Facilitation

- 13.1 Any matter or matters being considered by the Joint Committee may be referred by the Chair for independent facilitation.
- 13.2 Where a matter is referred for independent facilitation:
 - A sub-committee of the Joint Committee shall be established, with at least one Tangata Whenua Member and at least one member from each Partner Council.
 - The subcommittee shall identify and assess candidates to undertake the facilitation, and develop recommendations to the Joint Committee to appoint a preferred candidate.
 - The Joint Committee shall receive and consider the subcommittee's recommendation and confirm an appointment.
 - The appointment may be made for a set duration (e.g. for 12 months) or on a task specific basis.
- 13.3 The role of independent facilitator is to assist the Joint Committee to consider, debate and reach resolution on specified matters.

- 13.4 The independent facilitator shall act in every respect as an independent and neutral third party and shall have no voting or decision-making functions.

Authored by:

**Simon Bendall
PROJECT MANAGER**

**Monique Thomsen
EXECUTIVE ASSISTANT**

Approved by:

**Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT**

Attachment/s

- [!\[\]\(1d72120bc1277939d5ca9babd8c91e20_img.jpg\) 1](#) Nov2020 updated C-T Coastal Hazards Strategy Joint Committee Terms of Reference added s13

**Terms of Reference for the
Clifton to Tangoio Coastal Hazards Strategy Joint Committee**

4 February 2020

*As agreed by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee
on 4 February 2020 and adopted by resolution by:
Napier City Council 19 November 2019
Hastings District Council 10 December 2019
Hawke's Bay Regional Council 26 February 2020*

1. Definitions

For the purpose of these Terms of Reference:

- **"Act"** means the Local Government Act 2002.
- **"Administering Authority"** means Hawke's Bay Regional Council.
- **"Coastal Hazards Strategy"** means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio¹.
- **"Council Member"** means an elected representative appointed by a Partner Council.
- **"Hazards"** means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunami; and includes any change in these hazards as a result of sea level rise.
- **"Joint Committee"** means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council.
- **"Member"** in relation to the Joint Committee means each Council Member and each Tangata Whenua Member.
- **"Partner Council"** means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council.
- **"Tangata Whenua Appointer"** means:
 - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
 - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū;
 - Heretaunga Tamatea Settlement Trust, on behalf of the hapū of Heretaunga and Tamatea.
- **"Tangata Whenua Member"** means a member of the Joint Committee appointed by a Tangata Whenua Appointer

2. Name and status of Joint Committee

- 2.1 The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

¹ The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference.

2.2 The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

3. Partner Council Members

- 3.1 Each Partner Council shall appoint *three Council Members and alternates* to the Joint Committee. If not appointed directly as Council Members, the Mayors of Hastings District Council and Napier City Council and the Chairperson of Hawke's Bay Regional Council are ex officio Council Members.
- 3.2 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Council Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

4. Tangata Whenua Members

- 4.1 Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.
- 4.2 Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.
- 4.3 The Tangata Whenua Members so appointed shall be entitled to vote.
- 4.4 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Tangata Whenua Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Tangata Whenua Appointer that appointed the Member.

5. Purpose of Terms of Reference

- 5.1 The purpose of these Terms of Reference is to:
 - 5.1.1 Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.
 - 5.1.2 Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.

6. Meetings

- 6.1 Members, or their confirmed alternates, will attend all Joint Committee meetings.

7. Delegated authority

The Joint Committee has the responsibility delegated by the Partner Councils for:

- 7.1 Guiding and providing oversight for the key components of the strategy including:
 - 7.1.1 The identification of coastal hazards extents and risks as informed by technical assessments
 - 7.1.2 A framework for making decisions about how to respond to those risks
 - 7.1.3 A model for determining how those responses shall be funded, and
 - 7.1.4 A plan for implementing those responses when confirmed.
- 7.2 Considering and recommending a draft strategy to each of the Partner Councils for public notification;
- 7.3 Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
- 7.4 Considering and recommending a final strategy to each of the Partner Councils for approval;

- 7.5 Advocating for and/or advancing the objectives of the strategy by submitting on and participating in processes, including but not limited to;
 - 7.5.1 Council long term plans
 - 7.5.2 Council annual plans
 - 7.5.3 District and regional plan and policy changes
 - 7.5.4 Reserve management plans
 - 7.5.5 Asset management plans
 - 7.5.6 Notified resource consent applications
 - 7.5.7 Central Government policy and legislation.
- 7.6 Investigating and securing additional sources of funding to support strategy implementation.

8. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 8.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 8.2 The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.

9. Remuneration

- 9.1 Each Partner Council shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.
- 9.2 The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.

10. Meetings

- 10.1 The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 10.2 The Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.
- 10.3 Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.
- 10.4 The quorum shall be 6 Members, provided that at least one Partner Council Member is present from each Partner Council.

11. Voting

- 11.1 In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner Council.
- 11.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 11.3 Each Member has one vote.

11.4 Best endeavours will be made to achieve decisions on a consensus basis.

11.5 As per HBRC Standing Order 18.3: The Chairperson at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.

12. Election of Chairperson and Deputy Chairperson

12.1 On the formation of the Joint Committee the members shall elect a Joint Committee Chairperson and may elect up to two Deputy Chairpersons. The Chairperson is to be selected from the group of Council Members.

12.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.

13. Independent Facilitation

13.1 Any matter or matters being considered by the Joint Committee may be referred by the Chair for independent facilitation.

13.2 Where a matter is referred for independent facilitation:

13.2.1 A sub-committee of the Joint Committee shall be established, with at least one Tangata Whenua Member and at least one member from each Partner Council.

13.2.2 The subcommittee shall identify and assess candidates to undertake the facilitation, and develop recommendations to the Joint Committee to appoint a preferred candidate.

13.2.3 The Joint Committee shall receive and consider the subcommittee's recommendation and confirm an appointment.

13.2.4 The appointment may be made for a set duration (e.g. for 12 months) or on a task specific basis.

13.3 The role of independent facilitator is to assist the Joint Committee to consider, debate and reach resolution on specified matters.

13.4 The independent facilitator shall act in every respect as an independent and neutral third party and shall have no voting or decision-making functions.

13.14. Reporting

~~13.4~~14.1 All reports to the Committee shall be presented via the Technical Advisory Group² or from the Committee Chairperson.

~~13.2~~14.2 Following each meeting of the Joint Committee, the Project Manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.

~~13.3~~14.3 The Technical Advisory Group shall ensure that the summary report required by 13.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions.

14.15. Good faith

~~14.1~~15.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and the Tangata Whenua

² A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference.

Appointers and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and the Tangata Whenua Appointers collectively.

15.16. Variations to these Terms of Reference

15.16.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.

15.216.2 Amendments to the Terms of Reference may only be made with the approval of all Members.

16.17. Recommended for Adoption by

16.117.1 The Coastal Hazards Strategy Joint Committee made up of the following members recommends this Terms of Reference for adoption to the three Partner Councils:

**Napier City Council represented by
Cr Annette Brosnan, Cr Hayley Browne and Cr Keith Price
Appointed by NCC resolution 19 November 2019**

**Hastings District Council represented by
Cr Tania Kerr, Cr Ann Redstone and Cr Malcolm Dixon
Appointed by HDC resolution 10 December 2019**

**Hawke's Bay Regional Council represented by
Cr Rick Barker, Cr Hinewai Ormsby and Cr Jerf van Beek
Appointed by HBRC resolution 6 November 2019**

Maungaharuru-Tangitū Trust (MTT) represented by Ms Tania Hopmans

Mana Ahuriri Trust represented by Ms Tania Huata

Heretaunga Tamatea Settlement Trust represented by Mr Peter Paku

Appendix 1 – Project Background**Project Goal**

A Clifton to Tangoio Coastal Hazards Strategy is being developed in cooperation with the Hastings District Council (HDC), the Hawke's Bay Regional Council (HBRC), the Napier City Council (NCC), and groups representing Mana Whenua and/or Tangata Whenua. This strategy is being developed to provide a framework for assessing coastal hazards risks and options for the management of those risks for the next 105 years from 2015 to 2120.

The long term vision for the strategy is that coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.

Project Assumptions

The Coastal Hazards Strategy will be based on and influenced by:

- The long term needs of the Hawke's Bay community
- Existing policies and plans for the management of the coast embedded in regional and district council plans and strategies.
- Predictions for the impact of climate change
- The National Coastal Policy Statement

Project Scope

The Coastal Hazards Strategy is primarily a framework for determining options for the long term management of the coast between Clifton and Tangoio. This includes:

- Taking into account sea level rise and the increased storminess predicted to occur as a result of climate change, an assessment of the risks posed by the natural hazards of coastal erosion, coastal inundation and tsunami.
- The development of a framework to guide decision making processes that will result in a range of planned responses to these risks
- The development of a funding model to guide the share of costs, and mechanisms to cover those costs, of the identified responses.
- The development of an implementation plan to direct the implementation of the identified responses.
- Stakeholder involvement and participation.
- Protocols for expert advice and peer review.
- An action plan of ongoing activity assigned to various Members.

The Strategy will:

- Describe a broad vision for the coast in 2120, and how the Hawke's Bay community could respond to a range of possible scenarios which have the potential to impact the coast by 2120.
- Propose policies to guide any intervention to mitigate the impact of coastal processes and hazards through the following regulatory and non-regulatory instruments:
 - Regional Policy Statement
 - District Plans
 - Council long-term plans
 - Infrastructure Development Planning (including both policy and social infrastructure networks).

Appendix 2 - Administering Authority and Servicing

The administering authority for the Coastal Hazards Strategy Joint Committee is Hawke's Bay Regional Council.

The administrative and related services referred to in clause 16.1 of the conduct of the joint standing committee under clause 30 Schedule 7 of the Local Government Act 2002 apply.

Until otherwise agreed, Hawke's Bay Regional Council will cover the full administrative costs of servicing the Coastal Hazards Strategy Joint Committee.

A technical advisory group (TAG) will service the Coastal Hazards Strategy Joint Committee.

The TAG will provide for the management of the project mainly through a Project Manager. TAG will be chaired by the Project Manager, and will comprise senior staff representatives from each of the participating councils and other parties as TAG deems appropriate from time to time. TAG will rely significantly on input from coastal consultants and experts.

The Project Manager and appropriate members of the TAG shall work with stakeholders. Stakeholders may also present to or discuss issues directly with the Joint Committee.

Functions of the TAG include:

- Providing technical oversight for the study.
- Coordinating agency inputs particularly in the context of the forward work programmes of the respective councils.
- Ensuring council inputs are integrated.



CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: PROJECT MANAGER'S UPDATE

Reason for Report

1. In accordance with standing instructions from the Joint Committee, this report is provided in place of the written report required from the Project Manager under the Terms of Reference for the Joint Committee.
2. It provides an opportunity for the Project Manager to present a verbal update to the Committee and answer any questions on general project matters including tracking against timeframes, milestone achievements and project risks. The Project Manager will provide a verbal update at the meeting.

Recommendation

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "*Project Managers Update*" report.

Authored by:

Simon Bendall
PROJECT MANAGER

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

There are no attachments for this report.

CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: CURRENT COASTAL PROJECTS UPDATE

Reason for Report

1. This report provides an opportunity for the Technical Advisory Group (TAG) to provide an update on various coastal projects the Joint Committee has expressed an interest in keeping abreast of, namely:
 - 1.1. Whakarire Ave Revetment Works
 - 1.2. Extended consent area for sand deposition at Westshore
 - 1.3. Haumoana 18
 - 1.4. Capeview corner
 - 1.5. Whirinaki.
2. TAG members will provide a verbal update on each of these projects at the meeting.

Recommendation

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the “*Coastal Projects Update*”

Authored by:

Simon Bendall
PROJECT MANAGER

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

There are no attachments for this report.

CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: WORKSTREAM PACKAGE – REGULATORY REPORTS

Reason for Report

1. This report presents outputs from the ‘Regulatory Workstream’ of Stage 4 of the Clifton to Tangoio Coastal Hazards Strategy project, being:
 - 1.1. a policy and regulation report; and
 - 1.2. a ‘consent-ability’ report.

Executive Summary

2. The Regulatory workstream focused on two principal tasks:
 - 2.1. summarising key planning and regulatory documents that could impede or support implementation of the preferred pathways; and
 - 2.2. summarising actions to ensure short-term adaptation responses can be implemented, including use of several case studies.
3. Mitchell Daysh Limited were contracted to undertake this work due to limited staff availability.
4. Table 1 presents a brief summary of the two reports prepared in the Regulatory Workstream. The two reports in full are circulated to Joint Committee members under separate cover.

Background

5. Clifton to Tangoio Coastal Hazard Strategy 2120 (‘the Strategy’) has progressed to Stage 4 of a four-stage development process. Stage 4 will culminate in the identification of clear implementation plan which will identify the actions required to implement the preferred adaptation pathways identified as part of Stage 3 of the Strategy development process.
6. The Regulatory Workstream is one of several workstreams underway in Stage 4 of the Strategy (refer Figure 1).

Figure 1: Stage 4 workstreams



7. Mitchell Daysh Limited were contracted to undertake this work due to limited staff availability. Earlier draft versions of MDL's reports were reviewed by members of the Technical Advisory Group prior to those reports being finalised. The reports were also reviewed by Paul Beverly who is a Partner at law firm Buddle Findlay.

Table 1 – Brief summary of Stage 4 Regulatory Workstream reports

Policy and Regulation Report	Consent-ability report
<p>Purpose</p> <ul style="list-style-type: none"> Summarise key national, regional and local level planning and regulatory documents that could impede or support implementation of the adaptation pathways identified during Strategy Stage 3; Provide recommendations on changes that may be required to existing planning and policy documents, (esp. regional and local plans); Summarise actions to be taken to ensure short-term adaptation responses can be implemented. Looked at several case studies, including several outside of Hawke's Bay region. 	<p>Purpose</p> <ul style="list-style-type: none"> Identify local planning context and key environmental values ascribed to each priority unit; Provide a high-level overview of the planning framework and key provisions that are likely to be determinative to the resource consent process(es); Identify the high-level resource consent requirements, the key consenting challenges based on the environmental values and the planning framework and identify methodologies for mitigating those challenges. Looked at three case studies for implementing coastal protection structures.
<p>Recommendations (pages 53-58)</p> <ol style="list-style-type: none"> Establish extra workstream in Stage 4 to coordinate various tāngata whenua interests in Strategy. Advocate for changes to the NZ Coastal Policy Statement to better provide for hard coastal protection structures in appropriate circumstances. Amend Regional Policy Statement to provide policy recognition and support of implementing outcomes as per Strategy. Amend Regional Coastal Environment Plan, Napier District Plan and Hastings District Plan to: <ol style="list-style-type: none"> give greater recognition of Strategy's short term adaptation responses, including benefits avoid further land use intensification in locations that will hinder long-term delivery of Strategy. To ensure Strategy is afforded greater 	<p>Conclusions (pages 76-79)</p> <ol style="list-style-type: none"> NZ Coastal Policy Statement creates highly challenging policy for many applications. Regional and district plans are drafted in broad terms – not place-based with specific solutions or tailored restrictions. Adaptation responses likely to find a consentable pathway in most cases, subject to granular assessments of effects not identifying significant adverse effects. Impoundment of Ahuriri Estuary is a prohibited activity. Recommend seeking legal advice on interpretation of 'impoundment' if this would prohibit elements of the Pandora Priority Unit's inundation protection response. For each priority unit: <ol style="list-style-type: none"> evaluate indigenous biodiversity value, natural character and natural features to confirm pathway through NZCPS's 'avoidance' policy framework. undertake baselines studies pre-works,

Policy and Regulation Report	Consent-ability report
<p>weight in resource consent decision-making processes, embed Strategy's key features into the Regional Policy Statement (and regional plans/district plans) as relevant, alternatively run a Local Government Act 'special consultative process' on the Strategy to provide further structured opportunity for public participation in Strategy development.</p> <p>6. Take actions to ensure three councils are applying a consistent set of coastal hazard parameters to their various decisions (e.g. in context of Building Act, LIMs, resource consents, asset management and procurement etc.</p> <p>7. Ensure array of council officers (wider than just the Technical Advisory Group personnel) are informed and engaged about progress of the Strategy.</p> <p>NB: further detailed recommendations are set out in Tables 4 to 7 of the Report.</p>	<p>(e.g. ecology and water quality states).</p> <p>c. undertake further project-specific engagement with mana whenua [see Recommendation #1].</p> <p>d. develop an approach to ensure Reserves Act classifications do not hinder implementation of Coastal Strategy adaptation pathways. This may involve altering status of reserves and/or amending reserve management plans.</p> <p>13. For proposed renourishment activities, consider future sediment sources & impacts of transport routes/methods.</p> <p>14. Develop community engagement plan to structure community consultation around detailed options and associated environmental effects.</p> <p>15. Tactical choices still to be made about 'bundling' consent applications c.f. separated for each project/priority unit.</p>

Next Steps

8. Both the Policy & Regulation Report plus the Consentability Report now form part of the package of background investigations being undertaken by the Technical Advisory Group as part of wider programme of works associated with Stage 4 of the Strategy.
9. These two reports will inform the wider Stage 4 programme, and ultimately the Joint Committee's thinking about the overall strategy to manage coastal hazards along the Clifton to Tangoio coastline for the short, medium and longer term.

Decision Making Process

10. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the "*Workstream package – Regulatory reports*" staff report.



Authored by:

Gavin Ide
PRINCIPAL ADVISOR STRATEGIC PLANNING

Approved by:

Chris Dolley
GROUP MANAGER ASSET MANAGEMENT

Attachment/s

- | | | |
|---|---|----------------------|
|  1 | Policy and Regulatory Review report for Stage 4 of Clifton to Tangoio Coastal Hazard Strategy 2120 | Under Separate Cover |
|  2 | Consentability of short term adaptation responses report for Stage 4 of Clifton to Tangoio Coastal Hazard Strategy 2120 | Under Separate Cover |

CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: COMMUNICATIONS AND WORKSHOP UPDATE

Reason for Report

1. This report gives an update on communications and the community workshops for the Coastal Hazard Strategy.

Executive Summary

2. Communications have been focused on re-engaging the previous panel members and setting up a series of workshops.
3. We have begun our series of eight workshops with the community, focusing on some of the Technical Advisory Group's workstreams.

Strategic Fit

4. This supports the implementation of the Clifton to Tangoio Coastal Hazards Strategy 2120.

Background

5. In 2018 the Northern and Southern Cell Assessment Panels delivered their recommendations to the Partner Councils on short, medium and long term 'adaptive' responses to coastal hazards along the Clifton to Tangoio Coastline.
6. Since then, the project team have been busy developing the detail around those recommendations, including developing a coastal processes model, concept designs for the proposed actions, revised costings, and a funding model.
7. In September, we held a meeting with previous panel members to update them on progress and invite them to be involved in a round of workshops to present and discuss the outcomes of our work.

Discussion

8. There will be eight workshops in total focusing on design, managed retreat, and signals, triggers, and thresholds.
9. The workshops are to test the Technical Advisory Group's work over the past few years with the community before going to consultation in late 2021.
10. There was a strong response with 25 previous panel members participating, and 5 new members. There is representation across the units and we have participants from the Department of Conservation, Napier Port, and NZ Transport Agency.
11. There was an online project briefing for previous panel members and new workshop participants to recap the work of the strategy and clarify any questions.
12. The first workshop was held on 18 November. You will receive a verbal update about the workshop on 27 November.

Workshop	Date	Topic	Location
1	Wednesday 11 November 5.30 - 6.30 pm	Virtual – recap and refresh for everyone with	Virtual (Zoom)

Workshop	Date	Topic	Location
		chance to ask questions.	
2	Wednesday 18 November 5.30 - 8pm	Design workstream outputs <i>(Northern Cell focus)</i>	Napier War Memorial
3	Wednesday 2 December 5.30 - 8pm	Design workstream outputs <i>(Southern Cell focus)</i>	Napier Sailing Club
4	Wednesday 10 February 5.30 - 8pm	Design workstream outputs <i>(Northern Cell focus)</i>	Napier Sailing Club
5	Wednesday 24 February 5.30 - 8pm	Design workstream outputs <i>(Southern Cell focus)</i>	Napier War Memorial
6	Wednesday 31 March 5.30 - 8pm	Managed retreat workshop	Napier Sailing Club
7	Wednesday 5 May 5.30 - 8pm	Developing Signals, Triggers & Thresholds	Napier Sailing Club
8	Wednesday 16 June 5.30 - 8pm	Developing Signals, Triggers & Thresholds	Napier Sailing Club

13. A newsletter has been put out, and an opinion editorial under Chair van Beek's name was published in Hawke's Bay Today in November.

Decision Making Process

14. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the "*Communications and workshop update*" staff report.

Authored by:

Rebecca Ashcroft-Cullen
COMMUNICATIONS ADVISOR

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

There are no attachments for this report.



CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

Reason for Report

1. This document has been prepared to assist Joint Committee members note the Minor Items Not on the Agenda to be discussed as determined earlier in Agenda Item 4.

Item	Topic	Raised by
1.		
2.		
3.		



CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Friday 27 November 2020

Subject: APPOINTMENT OF FUNDING REVIEW LEAD

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 12 Appointment of Funding Review Lead with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Appointment of Funding Review Lead	<p>7(2)s7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>7(2)s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

Simon Bendall
PROJECT MANAGER

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

**CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE****Friday 27 November 2020****SUBJECT: CONFIRMATION OF PUBLIC EXCLUDED MINUTES ON 16 OCTOBER 2020**

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 13 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Funding Review - Process Options	7(2)s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Funding Review - Appointment of Lead	7(2)s7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT

Approved by:

James Palmer
CHIEF EXECUTIVE