

Meeting of the Hawke's Bay Regional Council

Date: 28 August 2024
Time: 11.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/Karakia/Apologies/Notices	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on 7 August 2024	
Decision Items		
4.	Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act	3
5.	Clifton to Tangoio Coastal Hazards Strategy 2120	11
6.	Implementing recommendations from reviews arising from Cyclone Gabrielle	17
7.	Report from the Risk and Audit Committee	33
Information or Performance Monitoring		
8.	Summary reports from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings	37
Decision Items (Public Excluded)		
9.	Chief Executive Performance Review	43

Subject: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

Reason for report

1. This item provides the means for Council to resolve whether or not to retain its Māori constituencies for the 2025 local elections as required by the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

Staff recommendations

2. Staff recommend that Council considers the information provided in this paper along with a recommendation from the 21 August 2024 Māori Committee meeting to inform its decision on whether to:
 - 2.1. Retain the Māui ki te Raki and Māui ki te Tonga Māori constituencies, or
 - 2.2. Disestablish the Māui ki te Raki and Māui ki te Tonga Māori constituencies and seek the specific information from staff to enable a further resolution, by 6 September 2024, on how representation arrangements for the 2025 elections will be set.

Māori Committee recommendations

3. The Māori Committee meeting on 21 August 2024 resolved:
 - 3.1. Recommends that Hawke's Bay Regional Council resolves to retain the Māui ki te Raki and Māui ki te Tonga Māori constituencies for the 2025 elections.
 - 3.2. Supports the Regional Council continuing to advocate in support of Māori representation in opposition to the current coalition government's stance.
 - 3.3. In addition, the hui (which also included Regional Planning Committee PSGE appointees) resolved its support for the Regional Council seeking constitutional remedies and protection in regards to the continuity of Māori Wards/Constituencies.

Executive summary

4. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (LEMAA) was enacted on 30 July 2024 and amends the Local Electoral Act 2001, the Local Government Electoral Legislation Act 2023 and the Local Electoral Regulations 2001, and,
 - 4.1. reinstates the ability for 5% of electors to demand a poll on Māori wards and Māori constituencies.
 - 4.2. requires councils to hold a binding poll during the 2025 local elections if a poll was not previously held when establishing Māori wards/constituencies, to determine if the region should be divided into one or more Māori constituencies from the 2028 general election.
 - 4.3. adjusts the statutory timeframes for local elections to give more time for the postal delivery of voting papers.
5. The Act directs that the Regional Council must make an active decision to retain their Māori constituencies or to disestablish them by 6 September 2024.
6. Due to the direct impact of the LEMAA to those on the Māori roll, and the limited timeframe for the Council's decisions tangata whenua views were gathered by the Māori Committee in

preparation for a special Māori Committee meeting on 21 August 2024. The Committee received five written responses and shared and discussed further feedback from their communities with Regional Planning Committee appointees who joined the meeting.

7. The Māori Committee resolved to recommend that the Regional Council retain the Māui ki te Raki and Māui ki te Tonga constituencies for the 2025 local elections.

Background

8. Following legislative changes made in 2021 the Regional Council initiated extensive community engagement directly with the Hawke's Bay community on whether to establish Māori constituencies. This included targeted engagement with iwi, hapu and marae as affected parties and given its significance, a comprehensive region-wide consultation with our communities using the special consultative procedure under the Local Government Act 2002. More submissions were received on this topic than any long-term plan. A resounding 89.23% of the 1,090 submitters supported the establishment of Māori constituencies.
9. A notable aspect of the consultation was the leadership provided by the Māori Committee co-Chairs who mobilised their affected communities and the Taiwhenua who hosted public meetings for all members of the community.
10. Following public consultation, HBRC voted unanimously to establish Māori constituencies (to be elected by voters on the Māori roll). This was to ensure Māori are guaranteed proportional representation on the Regional Council, reflecting the constitutional status of Māori under Te Tiriti o Waitangi (the Treaty of Waitangi), which is provided for in the Local Government and Local Electoral Acts. The dedicated seats add to existing methods to partner with Māori.
11. This was further consulted on as part of a Representation Review and the Council agreed to establish two Māori constituencies – Māui ki te Raki and Māui ki te Tonga. Māori constituency councillors were elected for the first time at the local body elections on 8 October 2022.
12. Earlier this year the new coalition government proposed undoing the 2021 changes which removed the legislative provisions enabling communities to demand a binding poll that could overturn the Council's decision to establish Māori constituencies.
13. On 29 May 2024, Hawke's Bay Regional Council submitted in opposition to the proposed Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill, stating that:
 - 13.1. To suggest that because a binding poll was not held, the process HBRC undertook to establish the Māori constituencies was somehow inadequate undermines the process of local decision-making.
 - 13.2. Where an overwhelming majority has already expressed approval for Māori constituencies through robust consultation processes, reinstating the ability for a binding poll could negate that positive democratic engagement.
 - 13.3. The Bill's proposal to require polls specifically for Māori constituencies imposes an inconsistent procedural standard not applied to other forms of Representation such as rural wards and community boards. This undermines the principle of equitable treatment in governance and is fundamentally unfair.
 - 13.4. Māori wards are a direct expression of the principles of partnership and participation as outlined in Te Tiriti o Waitangi.
 - 13.5. The decision to establish Māori constituencies should remain at the discretion of local councils, who are best positioned to understand and respond to the unique needs and preferences of their communities, including iwi and hapū. The proposed Bill would undermine local decision-making.

9. The number of submissions to the Justice Elect Committee on the proposed Bill are shown in **Figure 1**.

On the proposed changes to the Māori wards provisions:

	Unique submissions	Form submissions	Total
Supportive	3,516	251	3,767
Neutral/not clear/other	86	0	86
Opposed	5,322	1,424	6,746
Total	8,924	1,675	10,599

Figure 1 – from the DIA Departmental Report on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill, Overview of submissions

Options assessment

10. Schedule 1 of the LEMAA does not set out any criteria for councils to consider when deciding whether or not to disestablish Māori constituencies however guidance from the Local Government Commission suggests that councils should consider the principles of the Local Electoral Act as set out in section 4, being:
1. *The principles that this Act is designed to implement are the following:*
 - (aa) *representative and substantial electoral participation in local elections and polls:*
 - (a) *fair and effective representation for individuals and communities:*
 - (b) *all qualified persons have a reasonable and equal opportunity to—*
 - (i) *cast an informed vote:*
 - (ii) *nominate 1 or more candidates:*
 - (iii) *accept nomination as a candidate:*
11. **Figure 2** illustrates the two pathways available to the Council and the subsequent processes required depending on which pathway is chosen.

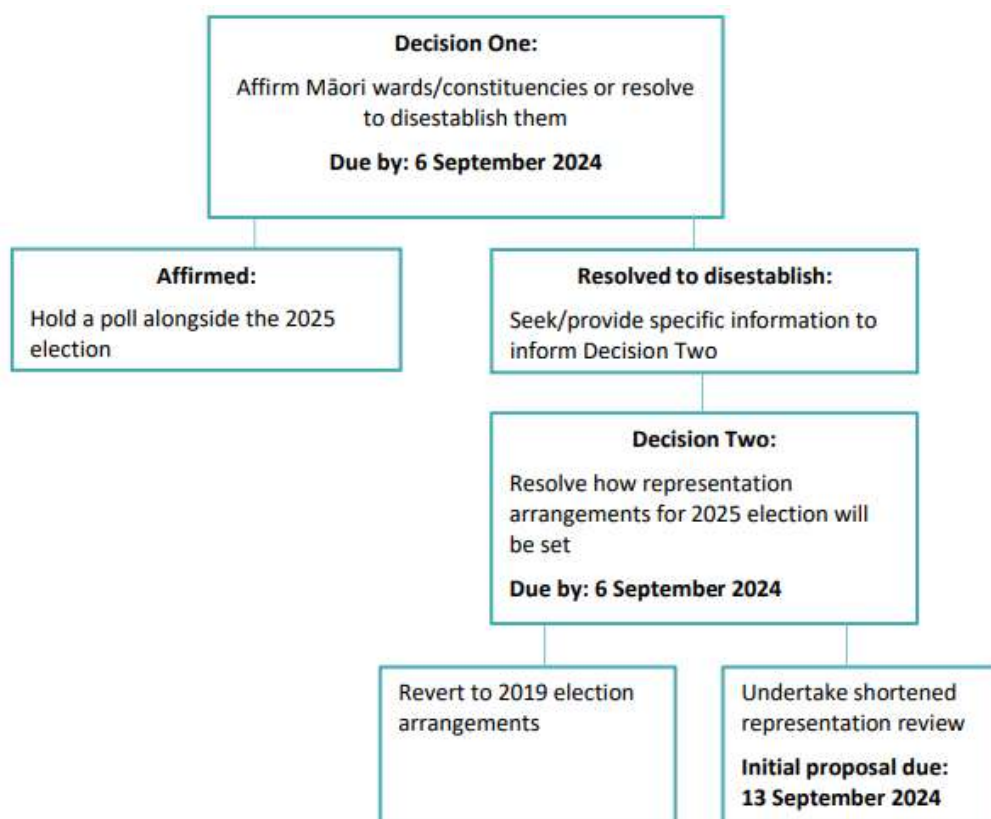


Figure 2 – from the Local Government Commission’s Guidelines for local authorities making decisions on Māori wards and Māori constituencies

12. If the Council decides to retain the Māori constituencies for the 2025 elections, no further action is required until the poll results are known. Any follow-on actions will take place in the lead-up to the 2028 elections.
 - 12.1. Actual costs are unknown at this stage, however an estimate of the costs to run the poll with the 2025 local elections is roughly an additional \$130,000 for HBRC.
13. If the Council decides to disestablish its Māori constituencies on 28 August 2024, a subsequent decision must be made by 6 September 2024 regarding the representation arrangements for the 2025 triennial election.
14. **Attached** is information on the subsequent decisions that Council must make if the decision is to disestablish.
15. Any future representation reviews that include Māori constituencies, except as the result of the 2025 poll, may be subject to the 5% voter petition to demand a binding poll.

Significance and Engagement Policy assessment

16. The Council’s previous decisions to establish the Māori constituencies were significant and were made following extensive community engagement directly with the Hawke’s Bay community which resulted in 1,090 submissions, 89.23% of which supported the establishment of Māori constituencies.
17. The LEMAA is silent on what an appropriate engagement process would look like in the short time-frame but having to undertake a section 83 Special Consultative Procedure is expressly ruled out. Council has used its own unique arrangements to engage with the Māori Committee and PSGEs as representatives of those most directly affected – Māori, particularly those on the Māori electoral roll.
18. This process began with an email to all Regional Planning and Māori Committee tangata whenua representatives on 16 July, followed by a formal letter after the enactment of the LEMAA.

Financial and resource implications

19. Actual costs are unknown at this stage, however, an estimate for the poll is roughly \$130,000 for HBRC.
20. The costs of undertaking a shortened representation review would largely consist of staff time, plus advertising, consultation and meeting costs.

Decision-making considerations

21. 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:
 - 21.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 21.2. The use of the special consultative procedure is not prescribed by legislation.
 - 21.3. The decision is significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 21.4. The persons affected by this decision are voters in the Hawke's Bay region.
 - 21.5. 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 having consulted with those most affected.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024* staff report.
2. Agrees that the decisions to be made are 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 having conferred with the Māori Committee, representing Māori, including those on the Māori roll, and directly affected by the decisions.
3. Accepts the recommendation from the Māori Committee and retains the Māui ki te Raki and Māui ki te Tonga Māori constituencies.

or

4. Disestablishes the Māui ki te Raki and Māui ki te Tonga Māori constituencies and seeks the specific information from staff to enable a further resolution, by 6 September 2024, on how representation arrangements for the 2025 elections will be set.
5. Notes the Māori Committees resolution supporting the Regional Council seeking constitutional remedies and protection in regards to the continuity of Māori wards and/or constituencies.
6. Directs the Chief Executive to work with LGNZ and other councils seeking similar outcomes.
7. Continues to provide for governance partnerships at a regional level.

Authored by:

Leeanne Hooper
Team Leader Governance

Te Wairama Munro
Te Pou Whakarae

Approved by:

Nic Peet
Chief Executive

Attachment/s

1 [!\[\]\(3d8c13c92b853674f749aac6fa869926_img.jpg\)](#) Subsequent decision processes to disestablishment of Māori constituencies

Subsequent decision processes should Council decide to disestablish its Māori Constituencies

Revert to 2019 representation arrangements

1. In order to revert to the 2019 representation arrangements, the following requirements must be met:
 - 1.1. before passing a resolution:
 - 1.1.1. request updated population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the 2019 representation arrangements; and
 - 1.1.2. provide to Statistics New Zealand any information it requires concerning the definition of any area to which any of the population estimates relate
 - 1.1.3. table the following at the meeting at which the resolution is to be considered
 - 1.1.3.1. the updated population estimates
 - 1.1.3.2. an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority reverts to the 2019 representation arrangements
 - 1.1.3.3. a statement from the Local Government Commission on the consistency of the 2019 arrangements with section 19V(2), taking into account the updated population estimates.
 - 1.2. the arrangements will provide fair and effective representation
 - 1.2.1. for the purposes of considering the fair and effective representation, if an exception from compliance has been upheld on a determination by the Local Government Commission relating to the local authority's most recent representation review, that exception continues to apply, and the local authority is not required to refer the relevant decision to the Commission.
2. If the Council reverts to its 2019 representation arrangements, a full representation review will be required in 2027-28. Under the LEMAA, this review cannot include Māori constituencies, and the next opportunity to consider (re)establishing them would be during the 2033-34 representation review.
 - 2.1. Note that HBRC is scheduled to undertake a full representation review in 2027-28 in accordance with the six-yearly cycle.

Undertake a shortened representation review

3. If the Council decides to **undertake a shortened review in 2024** to determine the representation arrangements for the 2025 elections, those arrangements cannot include Māori constituencies. The six-yearly representation review cycle will reset and the next opportunity for the Council to consider Māori constituencies would be during the 2030-31 review.
4. If undertaking a shortened review, the Council must finalise its initial proposed arrangements, including the number, names, and boundaries of constituencies, and the number of councillors to be elected from each by 13 September 2024.
5. Local authorities undertaking a shortened review must use Stats NZ's 2023 population estimates (based on the 2018 census) because the population statistics from the 2023 census will not be available in time for this representation review cycle in sufficient geographic detail.
6. The shortened review must follow the same steps as a normal representation review but using the timetable set out in the following table.

Procedure	Deadline
Local authority resolves proposed representation arrangements	Initial proposals must be made by 13 September 2024
Local authority gives public notice of "initial" proposal and invites submissions	Within 7 days of resolution, and not later than 20 September 2024
Submissions close	Not less than 3 weeks after public notice
If no submissions are received, then proposal becomes final	Public notice to be given when there are no submissions, but no date fixed for doing this
Local authority considers submissions and may make resolution to amend proposal	Within 6 weeks of closing date for submissions
Local authority gives public notice of its "final" proposal	Within 6 weeks of closing date for submissions
Appeals and objections close	Must be lodged: <ul style="list-style-type: none"> • not less than 3 weeks after the date of the public notice issued under section 19N(1)(b) • not later than 13 December 2024
If no appeals or objections, then proposal automatically becomes final	Public notice to be given when there are no appeals/objections, but no date fixed for doing this
Local authority forwards appeals, objections, and other relevant information to the Local Government Commission	As soon as practicable, but not later than 23 December 2024
Commission considers resolutions, submissions, appeals and objections and makes determination	Before 11 April 2025
Determination subject to appeal to High Court on a point of law	Appeals to be lodged within 1 month of determination

Subject: Clifton to Tangoio Coastal Hazards Strategy 2120

Reason for report

1. This item presents the Clifton to Tangoio Coastal Hazards Strategy 2120 (the Strategy) as developed and recommended to HBRC by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee (Joint Committee).

Background

2. The Strategy development process began in late 2014 as a collaborative project between HBRC, Maungaharuru-Tangitū Trust, Napier City Council, Mana Ahuriri Trust, Hastings District Council and Tamatea Pōkai Whenua (at that time He Toa Takitini).
3. Alongside a range of ongoing and challenging coastal hazards issues, a key trigger for the establishment of the Joint Committee was the March 2014 report by Paul Komar and Erica Harris¹.
4. The report considered the potential consequences to the coast from climate change, noting that *"It is evident that any increase in the future levels of the sea and in the intensities of storms, both being projected by climatologists to occur during the next 100 years, would result in significantly enhanced threats to properties along the Hawke's Bay coast."*
5. The Joint Committee was formed to develop a coordinated response to this challenge with support provided by a Technical Advisory Group (TAG).
6. Initial work to better understand coastal hazards and the risks they present was deliberately paced, with efforts made to communicate clearly, test and refine hazard and risk assessments with affected communities, and to start with information and communication, rather than regulation.
7. In 2017 the Strategy development process ramped up, with the formation of two community assessment panels. Over 14 months the panels worked tirelessly with their communities, technical experts, academics and councils to develop their recommended responses to the predicted effects of coastal erosion and coastal inundation.
8. The panels' work coincided with the release of the 2017 version of the Ministry for the Environment's Coastal hazards and climate change guidance (most recently updated in 2024²). This guidance recommended the use of a relatively new methodology, Dynamic Adaptive Pathways Planning (DAPP). At that time, DAPP had not been used in a coastal hazard context in New Zealand.
9. Re-working the approach of the Strategy to utilise DAPP proved a challenge; TAG and the Joint Committee were designing the plane as they flew it. The Joint Committee was fortunate to be aided in this by the Living at the Edge project under the Resilience to Nature's Challenges National Science Project. The Living at the Edge researchers shadowed the Strategy development process and provided a 'critical friend'.
10. In 2018 the Panels delivered their final report, making a series of recommendations for long term adaptive pathways and other actions at the coast.

¹ Komar, D., Harris, E. (2014) *Hawke's Bay, New Zealand: Global climate change and barrier-beach responses*. (HBRC Report No. AM 14-02 HBRC Plan No. 4600). Hawke's Bay Regional Council. Available from: <https://www.hbcoast.co.nz/assets/Uploads/Hawkes-Bay-Climate-and-Hazards-Report.pdf>

² Ministry for the Environment. (2024) *Coastal hazards and climate change guidance*. Ministry for the Environment. Available from: <https://environment.govt.nz/assets/publications/Coastal-hazards-and-climate-change-guidance-2024-ME-1805.pdf>

11. This marked a turning point in the Strategy development process, as TAG and the Joint Committee began the process of translating the community Panel's recommendations into Council-led actions.
12. The first task was extensive design work to build detail and more accurate costings around the first actions in the pathways recommended by the Panels. A coastal process model was developed in-house at HBRC to take a whole-of-coast look at how various structures and nourishment programmes interacted with coastal processes and sea level rise.
13. Other work progressed on developing thresholds (required by DAPP) to determine when pathways need to be implemented to avoid intolerable coastal hazards effects, and defining what a managed retreat response might look like in Hawke's Bay, how it might be done, and how much it might cost.
14. This work progressed alongside a series of community engagement workshops held from late 2020 through to mid-2022. The workshops included returning Panel members and some community members new to the Strategy, who collectively provided a sounding board and assisted with testing and development.
15. The Joint Committee has faced a raft of challenges with progressing the Strategy since the Community Panels delivered their recommendations, with the most significant being the Covid-19 global pandemic and Cyclone Gabrielle. Each required a major re-think on how best to progress this work and engage with tangata whenua and communities deeply affected by these events.
16. One of the most time-consuming internal challenges was developing an approach to pay for Strategy implementation. Unlike most local government functions, there is no clear legislative direction on whether regional councils or territorial authorities should lead this type of work.
17. The Raynor Asher report³ helped unlock this, and presented clear recommendations that led the Councils to enter into a Memorandum of Transition in 2022 that confirmed an in-principle position that HBRC would lead Strategy implementation. TAG is not aware of any other examples of an arrangement like this being formed elsewhere in New Zealand.
18. To formalise this arrangement, a range of legislative and process matters required resolution, including that HBRC would need to consult with the community on a proposal to undertake a significant new activity under s.16 of the Local Government Act.
19. HBRC commenced this process in 2022, including meeting a requirement that it must consult with all Territorial Authorities in the region, which was concluded successfully. However, HBRC received advice from the Office of the Auditor General that a s.16 consultation process required a full and functional funding model to be defined. As this was still in development, HBRC elected instead to undertake a more general consultation process to test community sentiment on the proposal that HBRC would lead Strategy implementation. HBRC's consultation process concluded in July 2022 and showed good community support for this.
20. Since then, the Joint Committee has focused on working out how the costs for Strategy implementation should be allocated between those properties and ratepayers with direct and indirect benefits.
21. The "who pays?" question is vexing Councils nation-wide and is regularly identified as the greatest challenge to taking action on climate change adaptation.

Joint Committee recommendations

22. On 9 August 2024 the Joint Committee considered the proposed Strategy document, compiled from all of the work undertaken by the Panels, Joint Committee and councils to date.

³ Asher, R. (2021) *Review and recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee*. Available from: <https://www.hbcoast.co.nz/assets/Uploads/Raynor-Asher-Hawkes-Bay-Review-06-5-21.pdf>

23. The Strategy is intended for multiple audiences but is primarily a document to drive Council actions.
24. The actions proposed in the Strategy are directly reflective of the long-term adaptive pathways recommended by the Community Panels. Additional actions are proposed to ensure a comprehensive response, including further work under the Mātauranga Māori Workstream and a recommended regulatory response to both facilitate Strategy implementation, while addressing the risk of maladaptation.
25. The Strategy also includes proposed funding principles to guide and inform the development of HBRC's funding model for Strategy implementation. Further refinement and development work is required by Section 101 (3) of the Local Government Act in order to prepare a fully functional funding model to test through community consultation. The Joint Committee has been deliberate about leaving this work to HBRC, as the primary decision-maker and only agency that is able to consider the specific organisational and ratepayer implications from various funding model refinements.
26. At the 9 August meeting, the Joint Committee confirmed the Strategy document (with some minor wording alterations) and passed the following resolutions.

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:

- 26.1. *Receives and considers the Clifton to Tangoio Coastal Hazards Strategy and Long Term Plan Amendment recommendations to HBRC staff report.*
- 26.2. *Recommends that Hawke's Bay Regional Council:*
 - 26.2.1. *Receives the proposed Clifton to Tangoio Coastal Hazards Strategy dated July 2024 and provided as Attachment 1*
 - 26.2.2. *Using the proposed funding principles included in the Strategy, refines and finalises a funding model for Strategy implementation*
 - 26.2.3. *Prepares a final Clifton to Tangoio Coastal Hazards Strategy for community consultation in accordance with the requirements of the Local Government Act 2002*
 - 26.2.4. *Commences community consultation no later than March 2025.*
27. With this resolution, the torch has been passed from the Joint Committee to HBRC Strategy in accordance with the Memorandum of Transition. This largely concludes the work of the Joint Committee, although the Joint Committee remains in place should HBRC wish to seek any further support or clarification.
28. The final Strategy recommended by the Joint Committee to HBRC is provided as **Attachment 1** to this paper⁴.

Strategy consultation and implementation

29. Although the timeframes have changed, the process of confirming, adopting and implementing the Strategy as set out in the Memorandum of Transition is still being followed.
30. **Table 1** sets out the process steps and indicative timelines established by the Memorandum of Transition and provides a status update on each step.

⁴ For clarity, the version of the Strategy attached to this paper includes minor updates requested by the Joint Committee at the 9 August 2024 meeting.

Table 1: Memorandum of Transition - process steps and status update as 28 August 2024

Memorandum of Transition process step and indicative timeline (from Schedule Two)	Current Status
a) HDC will undertake targeted consultation in relation to the proposed transfer of responsibilities for the Waimarama Sea Wall to HBRC. The outcome of consultation shall be reported back to the Parties by 31 May 2022.	Completed on time
b) HBRC will initiate a public consultation process in accordance with section 82A of the LGA to seek feedback on the Proposal. HBRC shall seek to conclude this consultative process by 30 September 2022.	Completed on time
c) The Clifton to Tangoio Coastal Hazards Strategy Joint Committee shall recommend a final proposed Clifton to Tangoio Coastal Hazards Strategy to HBRC by 31 March 2023.	Completed 9 August 2024
d) The Parties shall prepare and execute the Asset Transfer Agreement by 31 July 2023.	On hold – asset transfer is administratively sensible (so that all coastal hazard mitigation work is managed by a single agency) but is not fundamental to successful Strategy implementation. Propose that Asset Transfer Agreement is advanced once Strategy is confirmed.
e) HBRC shall give effect to the Proposal in accordance with sections 16 (including requirements to notify the Minister of Local Government) and 93B to 93G of the LGA and the requirements of HBRC's Significance and Engagement Policy and confirm funding arrangement for implementing physical works under the Strategy through its 2024 – 2034 Long Term Plan.	Current work in progress.
f) The Clifton to Tangoio Coastal Hazards Strategy Joint Committee shall be disestablished on 30 June 2024.	Delayed – Joint Committee has concluded its work but remains on stand-by.
g) The Advisory Committee shall be established from 1 July 2024.	Delayed – to be actioned following disestablishment of the Joint Committee
h) The transfer of assets in accordance with the Asset Transfer Agreement shall occur by 1 July 2024.	On hold pending development of Asset Transfer Agreement.

31. HBRC's most significant task before community consultation can commence is to complete funding model refinements and adopt a final Strategy.

Significance and Engagement Policy assessment

32. The decision to receive the Strategy is not significant. Future decisions on the timing and funding of the Strategy implementation will be significant and require community consultation.

Next steps

33. Staff propose to develop a detailed workshop plan and decision-making process to map out HBRC's next steps for consideration.

Decision-making considerations

34. 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:
 - 34.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 34.2. The use of the special consultative procedure is not prescribed by legislation.
 - 34.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 34.4. There are no persons affected by the decision to receive the Strategy.
 - 34.5. 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 Hawke's Bay Regional Council

1. Receives and considers the *Clifton to Tangoio Coastal Hazards Strategy 2120* staff report.
2. Receives the *Clifton to Tangoio Coastal Hazards Strategy 2120*.
3. Notes the recommendations from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.
4. Instructs the Chief Executive to provide advice on the pathway to implementation taking into account all of HBRC's priorities.

Authored by:

Simon Bendall
Coastal Hazards Strategy Project Manager

Approved by:

Chris Dolley
Group Manager Asset Management

Attachment/s

- 1  Clifton to Tangoio Coastal Hazards Strategy 2120 Under Separate Cover

Subject: Implementing recommendations from reviews arising from Cyclone Gabrielle**Reason for report**

1. This report asks Council to consider an initial response to the 49 recommendations directly relevant to Hawke's Bay Regional Council arising from independent reviews since Cyclone Gabrielle.
2. It also seeks a decision from Council to prioritise the implementation of the recommendations that have the most practical impact in the short term, particularly actions that HBRC can take to improve the way we communicate flood risk and enable others to make informed decisions for community safety. Where funding is an issue, this is noted.
3. It also asks Council to agree the reporting framework for ongoing reporting on the implementation of recommendations.

Staff recommendations

4. Staff recommend that the Regional Council reviews the initial response to the recommendations of the reviews and provides guidance on which recommendations to progress for immediate implementation.

Executive Summary

5. Staff have undertaken an initial analysis of the recommendations from independent reviews arising from Cyclone Gabrielle to understand what actions are required. The independent reviews currently include:
 - 5.1 HB Independent Flood Review (HBIFR)
 - 5.2 Government Inquiry into the Response to the North Island Severe Weather Events, and
 - 5.3 HBCDEM Response to Cyclone Gabrielle.
6. **Table 1** is a high-level summary of the status of the recommendations. More information and commentary is provided in the attached *Analysis Report*.

Table 1

Status		%	Funded	Partially funded	Not funded
Completed	7	14%	7	0	0
Underway	16	33%	14	2	0
Partially underway and/or requires further assessment	15	31%	5	8	2
Paused	1	2%	0	0	1
Not yet scoped	8	16%	1	1	6
Requires pre-feasibility analysis	1	2%	0	0	1
Not HBRC-led	1	2%	1	0	0
Total	49				

Background /Discussion

7. The HBIFR was commissioned by the Hawke's Bay Regional Council to investigate the circumstances and contributing factors that led to the flooding in the Hawke's Bay region during Cyclone Gabrielle. The report was received by the Regional Council on 31 July 2024. It is a comprehensive 249-page document, with 47 recommendations split into seven focus areas.
8. We have used this review as the base for the reporting framework and linked similar recommendations from two further reviews, the Government Inquiry into the Response to the North Island Severe Weather Events, and the Independent Review into HB CDEM Group's Response to Cyclone Gabrielle.
9. Only recommendations that sit directly within HBRC's area of responsibility have been included. It does not venture into areas under the responsibility of HB CDEM.
10. It is intended to report each recommendation to Council at an agreed frequency, noting some recommendations are short term and easy to implement and some are intergenerational changes to the way we have done flood mitigation to date with no easy fix and therefore require deep conversations with our community.

Analysis

11. The attached *Analysis Report* is the first report against the recommendations. It is a preliminary view, or a snapshot in time to give governors and the community visibility on the plan for implementation. More nuanced reporting will come in future iterations.
12. The Analysis Report lists the recommendations, commentary on the work required to implement the recommendations and assesses the recommendations against a number of factors.
13. Factors include:
 - 13.1. Status
 - 13.2. Funding
 - 13.3. Estimated timescale
 - 13.4. Complexity (ease of implementation).
14. Analysis on capacity and capability will be undertaken once scoping has been undertaken.

Critical for community decision-making

15. From our analysis we have identified 8 recommendations that will improve the way we communicate flood risk and enable others to make informed decisions for community safety. These recommendations relate to measuring, monitoring and communicating actions.
16. Three are already completed, 1 is underway and funded, 2 are partially underway and 2 are yet to be scoped. Further assessment and scoping is needed to determine capacity, capability and costs.

Table 2

Recommendations		Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range
1	FRHBRC-15 HBRC should actively communicate and educate communities about the level of flood risk they are exposed to and assist them in improving their resilience to flooding, including, but not confined to, improving and updating the HBRC online Hazard Portal.	Proposed Flood Plain Management Plans and external facing document talking about the risks associated with the flood plains, levels of protection and level of potential flooding. The Hazard Portal (or similar) will require further investment. Current failure outcome scenario outcomes should be redone with the latest available technology.	Partially underway and/ or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m
2	FRHBRC-19 HBRC should ensure that robust systems are in place to alert the community when trigger levels are being approached or exceeded and ensure Civil Defence has all the information it needs to undertake its functions. This could include providing greater public access to HBRC river flood forecast information.	Responsibility to alert the community sits with CDEM but the intelligence required sits with HBRC. Planning underway to improve public interface and access to river level data and flood modelling. More web cameras are being installed that can be accessed by public for real-time viewing (infrared 24/7). Flow information goes to website and LAWA in real time. This is part of our BAU. Further consideration required for how the flood warning data (maps showing inundation) is converted into a digestible product to allow the public to make informed decisions on self-service evacuation/ action.	Partially underway and/ or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m

Recommendations		Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range
3	FRHBRC-18 HBRC should identify specific trigger levels for alerts and recommended evacuations for known flood risk areas, document these in their Flood Manual and communicate them with those who are affected.	Proposed Flood Management Plans. Further analysis required: a) what are community acceptable trigger levels? This needs to be tested. b) Currently only have three schemes. Where are trigger levels required? More analysis needed. Need to make information available through self-service community portal (not scoped) and informing CDEM.	Not yet scoped	Medium (3-10)	Partially funded	\$1m-\$10m
4	FRHBRC-20 HBRC should take a precautionary approach when providing forecast flood inundation information to Civil Defence. The use of "worst case scenario" terminology should be avoided as that conveys a potentially inaccurate and overly optimistic assessment of what may actually occur. All communications regarding potential flood inundation should be as clear and decisive as possible.	Already under review. Will have resourcing implications.	Not yet scoped	Ongoing	Not funded	\$10k-\$1m

Recommendations		Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range
5	FRHBRC-17 HBRC should improve its systems and technology for monitoring and modelling rainfall in real-time in order to provide more accurate and timely forecasts of river flows and associated flood inundation across the region. For example, communication stations should have adequate back-up power supplies to continue operating when needed and it should be clear when data is not being gathered or transmitted. Inundation maps for a range of events should also be readily available.	Models have been updated for current schemes. Upgrades to Telemetry network, under the NIWE programme. Now have three forms of communication: analogy, digital and cellular, or satellite. All communication networks have back up power source (multi battery backups). Instrumentation has been moved to safer locations, away from bridges etc.	Underway	Short (0-3)	Funded	\$1m-\$10m
6	FRHBRC-06 When designing flood management works or assessing the adequacy of existing works, HBRC should include historic floods that have not been measured as part of the systematic record in the analysis. For example, the inclusion of the 1938 flood flow estimate for the Esk Valley significantly affects the assigned frequency of the 2023 event. Similarly, for Pōrangahau the inclusion of the 1941 and 1953 flood events significantly changes the assessment of the 2023 flood frequency and the basis for what is a reasonable design standard for the future.	NIWA flood frequency data is currently being used in most areas, apart from where NIWA highlighted uncertainty. In these instances, further analysis is being undertaken.	Completed/BAU			

Recommendations		Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range
7	FRHBRC-16 HBRC should ensure that flood risk is accurately quantified and that flood frequency assessments include significant past flood events.	NIWA flood frequency data is currently being used in most areas, apart from where NIWA highlighted uncertainty. In these instances, further analysis is being undertaken. Climate change scenarios have been applied to all Category 2 mitigations, as per government instruction. This needs to be rolled out across all schemes moving forward.	Completed/BAU			
8	FRHBRC-23 HBRC should update and include the 2023 flood event as well as other notable historic floods in the assessment of flood frequency for use in identifying flood hazard areas. The underestimation of flood risk in the Esk valley and Porangahau are examples of significant historic floods not being accounted for.	NIWA flood frequency data is currently being used in most areas, apart from where NIWA highlighted uncertainty. In these instances, further analysis is being undertaken.	Completed/BAU			

Completed and under way recommendations

17. There are 7 recommendations completed and 16 underway. The recommendations are listed below. More detail on these is provided in the full *Analysis Report*.
18. There are 5 recommendations related to the Regional Policy Statement and Regional Resource Management Plan. This work is underway and due to be brought to the Council mid-2025.

Table 3

Completed Recommendations	
1	FRHBRC-06 When designing flood management works or assessing the adequacy of existing works, HBRC should include historic floods that have not been measured as part of the systematic record in the analysis. For example, the inclusion of the 1938 flood flow estimate for the Esk Valley significantly affects the assigned frequency of the 2023 event. Similarly, for Pōrangahau the inclusion of the 1941 and 1953 flood events significantly changes the assessment of the 2023 flood frequency and the basis for what is a reasonable design standard for the future.
2	FRHBRC-16 HBRC should ensure that flood risk is accurately quantified and that flood frequency assessments include significant past flood events.

Completed Recommendations	
3	<p>FRHBRC-21</p> <p>The Panel endorses the recommendations of the Hawke's Bay Regional Cyclone Recovery Committee Telemetry Review (August 2023), the Report of the Independent External Review for Hawke's Bay Civil defence and Emergency management Group (March 2024) and the Report of the Government Enquiry into the Response to the North Island Severe Weather Events (March 2024).</p>
4	<p>FRHBRC-23</p> <p>HBRC should update and include the 2023 flood event as well as other notable historic floods in the assessment of flood frequency for use in identifying flood hazard areas. The underestimation of flood risk in the Esk valley and Porangahau are examples of significant historic floods not being accounted for.</p>
5	<p>FRHBRC-30</p> <p>HBRC should re-survey all river and stream channels within current Scheme boundaries to assess whether they meet the currently agreed levels of service in the respective Asset Management Plans. From this work, a prioritised work programme should be developed to demonstrate how any systems that are not at their agreed service levels will be returned to those.</p>
6	<p>GINIWE-12A, III & V</p> <p>Formally recognise the following as necessary critical infrastructure sectors (in addition to current lifelines):</p> <ul style="list-style-type: none"> I. Supermarkets II. Waste management III. stopbank and flood protection systems IV. rural water, and V. river management systems
7	<p>IRHBCDEM-B1</p> <p>b) iv. Management of forestry by products</p>

Table 4

Recommendations underway	
1	<p>FRHBRC-04</p> <p>HBRC should collaborate with mana whenua and other communities in developing fair and equitable flood management solutions. These solutions should recognise and compensate appropriately those properties that are adversely affected in order to achieve an overall community benefit.</p>
2	<p>FRHBRC-11</p> <p>HBRC should review the efficacy of deflection banks on stopbanks to ascertain their benefits and the risks of isolated turbulence that can contribute to increased flood levels and or erosive failure of stopbanks. This is particularly relevant on the Ngaruroro River where stopbank breaches occurred where these features were located.</p>
3	<p>FRHBRC-12</p> <p>HBRC should review the alignment of access tracks over the crest of stopbanks, with a preference for these starting from the downstream end and heading up the stopbank to reduce turbulence that may affect stopbank performance.</p>
4	<p>FRHBRC-13</p> <p>HBRC should undertake regular monitoring and topping up of the stopbank crest around access tracks to ensure crest levels are maintained. The most notable example of this was the access track immediately upstream of the bridge across the Ngaruroro at Omahu, where a breach occurred.</p>
5	<p>FRHBRC-14</p> <p>HBRC should complete a risk assessment of adverse stopbank alignments including sharp bends and locations where stopbanks are in very close proximity to river channels. The risk assessment should include prioritised mitigation measures to manage these risks. One notable example is the Walker Road stopbank on the Waipawa River which has a very adverse alignment, being perpendicular to the direction of river flow and very close to the active river channel.</p>

Recommendations underway

6	FRHBRC-17 HBRC should improve its systems and technology for monitoring and modelling rainfall in real- time in order to provide more accurate and timely forecasts of river flows and associated flood inundation across the region. For example, communication stations should have adequate back-up power supplies to continue operating when needed and it should be clear when data is not being gathered or transmitted. Inundation maps for a range of events should also be readily available.
7	FRHBRC-22 HBRC should urgently review the Regional Policy Statement so that it includes clear and directive objectives and policies regarding land use management in flood hazard areas.
8	FRHBRC-24 HBRC should ensure that the Regional Policy Statement provisions: a) identify and map areas subject to flood hazard risks, including scenarios that exceed the levels of service provided by flood management assets; b) direct how the effects of climate change are to be taken into consideration when identifying flood hazard areas and assessing subdivision and land use applications; c) define unacceptable flood risk; d) direct that district plans avoid unacceptable flood hazard risks, including, for example, through the use of prohibited activity rules; e) define when mitigation measures to manage flood hazard risks are appropriate and the types of mitigation that are appropriate; f) identify areas of high flood risk where managed retreat is required.
9	FRHBRC-25 The review of the Regional Policy Statement should ensure that new and intensified residential development and subdivision is prohibited in areas subject to unacceptable flood hazard.
10	FRHBRC-26 The review of the Regional Policy Statement should ensure that direction is provided for the identification and management of residual flood risks resulting from ponding, stopbank breaches and overflow. The Panel recommends that the approach to residual risk adopted by Kapiti Coast District Council is taken as best practice.
11	FRHBRC-27 HBRC should urgently review the provisions of the Regional Resource Management Plan to ensure that the design of new structures, particularly bridges, minimises to the extent practicable, the extent to which those structures constrict flood flows and act as debris barriers during floods. An example would be to explore options not involving / minimising the use of piles and raising bridge deck levels well above extreme flood levels.
12	FRHBRC-34 HBRC should evaluate the need to add maintenance of the Wairoa River channel to the scope of the existing Asset Management Plan for this area. This evaluation should include consideration of riparian vegetation management as well as riverbed level monitoring in line with typical survey frequency (5-yearly) of the region's other main rivers.
13	FRHBRC-41 The Panel encourages HBRC to work proactively and in partnership with mana whenua in the development of recovery plans such as <i>Utaina: 10 Year Recovery Plan</i> which was developed by Piringa Hapū (Ngāti Hinemanu, Ngai Te Upokoiri, Ngāti Honomokai, Ngāti Mahuika) to restore and preserve a resilient natural environment.
14	FRHBRC-43 HBRC should make more and better use of local networks and knowledge that exist within communities, as it leads the process of developing comprehensive flood risk management solutions and implements the physical works needed to improve flood resilience in Hawke's Bay.
15	FRHBRC-45 HBRC should review the resourcing of its flood risk management activities to ensure it is sufficient to deliver the agreed level of service for day-to-day operations, and have sufficient back-up and contingency for delivering flood event management responsibilities.

16

FRHBRC-46

HBRC should continue to be proactive in working in partnership with the central government to provide an affordable funding mechanism for new capital works and ongoing maintenance activities.

Reporting framework

19. It is proposed that recommendations will be reported on quarterly using a similar format as the *Analysis Report*. This will be the ongoing status report.
20. Supporting information will be provided for each recommendation to show scope and objectives.

Significance and Engagement Policy assessment

21. Several of the recommendations are significant and will require deep engagement and public consultation on funding proposals.
22. As this is the first report on the recommendations Council can give direction without seeking views.

Financial and resource implications

23. Indicative cost estimates have been provided, but several of the recommendations are yet to be scoped and others require further assessment.

Decision-making considerations

24. 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:
 - 24.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 24.2. The use of the special consultative procedure is not prescribed by legislation.
 - 24.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 24.4. The persons affected by this decision are all residents and ratepayers in the region.
 - 24.5. 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 Hawke's Bay Regional Council:

1. Receives and considers the *Implementing recommendations from reviews arising from Cyclone Gabrielle* 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.
3. Notes that of the 49 recommendations relevant to Hawke's Bay Regional Council:
 - 3.1. 7 are completed
 - 3.2. 16 are underway

- 3.3. 15 are partially under way
 - 3.4. 8 have not yet been scoped
 - 3.5. 1 is paused (after being partially underway)
 - 3.6. 1 requires pre-feasibility analysis
 - 3.7. 1 is not HBRC-led.
4. Directs the Chief Executive to fully scope the 4 recommendations that will improve the way we communicate flood risk and enable others to make informed decisions for community safety, being:
- 4.1. **FRHBRC-15.** HBRC should actively communicate and educate communities about the level of flood risk they are exposed to and assist them in improving their resilience to flooding, including, but not confined to, improving and updating the HBRC online Hazard Portal.
 - 4.2. **FRHBRC-19.** HBRC should ensure that robust systems are in place to alert the community when trigger levels are being approached or exceeded and ensure Civil Defence has all the information it needs to undertake its functions. This could include providing greater public access to HBRC river flood forecast information.
 - 4.3. **FRHBRC-18.** HBRC should identify specific trigger levels for alerts and recommended evacuations for known flood risk areas, document these in their Flood Manual and communicate them with those who are affected.
 - 4.4. **FRHBRC-20.** HBRC should take a precautionary approach when providing forecast flood inundation information to Civil Defence. The use of “worst case scenario” terminology should be avoided as that conveys a potentially inaccurate and overly optimistic assessment of what may actually occur. All communications regarding potential flood inundation should be as clear and decisive as possible.
5. Directs the Chief Executive to undertake further assessment of the remaining recommendations (following) that require further assessment and/ or a funding review.
- 5.1. **FRHBRC-05.** HBRC should determine the design standard of improved flood management systems based on robust economic analysis to determine the minimum net cost accounting for the investment required for the flood mitigation works and the value of flood damages avoided due to those works. The widely applied 100-year, including climate change, should be considered the minimum standard and not the default standard. This will necessitate consideration of the flood management standards and long-term budgets, an example being the 500-year flood standard for the entire Heretaunga Plains Scheme within the current Long Term Plan. *(partially underway but not funded)*
 - 5.2. **FRHBRC-07.** When assessing and designing flood management systems near river mouths, HBRC should incorporate scenarios that consider partial blockage situations, as well as a range of sea level and storm surge conditions. By way of example, at the Esk River mouth, the interaction with the adverse coastal conditions in addition to significant debris loading is likely to have increased flood levels in the lower reach of the river. *(partially underway and partially funded)*
 - 5.3. **FRHBRC-08.** When assessing and designing flood management systems near bridges, HBRC should incorporate scenarios that consider partial blockage situations and account for this in the design. The breaching of stopbanks immediately upstream of bridges was a notable feature of this event, with the breach at Awatoto being a clear example. *(partially underway and partially funded)*
 - 5.4. **FRHBRC-09.** HBRC should ensure that where natural high ground forms part of the flood management system, it is identified and appropriately protected so that it maintains its

functionality over time. For example, it was unclear whether the high ground upstream of Waiohiki marae was at the same level during the flood as it was when surveyed and assessed to be up to the 100-year design standard. *(not scoped and not funded)*

- 5.5. **FRHBRC-10.** HBRC should undertake a review of activities allowed to be undertaken on river floodway berms and stopbanks to ensure that the flood management infrastructure is protected from damage and or ongoing maintenance requirements that would otherwise not be required. For example, the use of motorbikes and 4WD vehicles on the Waipawa and Ngaruroro Rivers. *(paused)*
- 5.6. **FRHBRC-28.** HBRC should ensure it has sufficient financial and people resources available to allow it to provide effective advocacy and technical input to planning processes and resource consent applications, so as to ensure that development does not occur in areas subject to unacceptable flood hazard risk. *(partially underway and partially funded)*
- 5.7. **FRHBRC-32.** HBRC should be more proactive in managing gravel build up where it is above design grade lines, and either extract it to maintain the agreed level of service or develop and implement alternative options. These should include but not be limited to being more directive regarding gravel extraction and removing contractor's ability to pick and choose locations based on convenience. Noting that the 2023 flood event will have likely changed the riverbed levels considerably, the upper Tukituki system and the Tūtaekurī and lower Esk River were noted as locations where specific assessments and actions were needed. *(partially underway but not funded)*
- 5.8. **FRHBRC-33** HBRC should investigate options for more permanent river mouth openings using techniques such as heavy guide banks/moles at locations where it is critical for flood conveyance and increased flood levels cannot be accommodated by upstream flood management works. During Cyclone Gabrielle the Esk River mouth was at least partially impeded and may have contributed to the extent of upstream flooding. *(pre-feasibility analysis)*
- 5.9. **FRHBRC-34.** HBRC should evaluate the need to add maintenance of the Wairoa River channel to the scope of the existing Asset Management Plan for this area. This evaluation should include consideration of riparian vegetation management as well as riverbed level monitoring in line with typical survey frequency (5-yearly) of the region's other main rivers. *(underway but only partially funded)*
- 5.10. **FRHBRC-35** Using the survey data noted above, HBRC should complete a geomorphic assessment of the bed level trajectory for the lower Wairoa River for the purpose of assisting with the assessment of flood management infrastructure options for this area. *(not scoped and not funded)*
- 5.11. **FRHBRC-37** HBRC should acknowledge the inequity whereby Māori land and communities have been marginalised by decisions and actions of central and local government for many decades and are often located on low-lying, flood-prone land (e.g. Tangoio, Waiohiki and Omāhu). *(not scoped and not funded)*
- 5.12. **FRHBRC-38** HBRC should recognise and provide for Māori communities and low-socio-economic areas that are disproportionately exposed to flood risk because flood protection in those areas does not satisfy HBRC's traditional cost/benefit approaches. HBRC should develop a new flood management model with mana whenua. *(not scoped and not funded)*
- 5.13. **FRHBRC-40.** Where marae and papakainga are unprotected in terms of flood protection works (two examples being marae at Porangahau and Wairoa), HBRC needs to partner with mana whenua groups at those places in looking at options to render those communities safe and sustainable into the future. Options may include raising the floor levels of marae or moving communities to higher ground. HBRC needs to engage urgently with these communities and with the Crown provide funding and assistance for planning,

- consultation, purchasing and other measures necessary to manage flood risk effectively in these marae and papakainga. *(partially underway and partially funded)*
- 5.14. **FRHBRC-42.** HBRC should communicate and collaborate effectively with communities, mana whenua and stakeholders in the development and implementation of flood risk management solutions for areas subject to flood risk. *(partially underway and partially funded)*
 - 5.15. **FRHBRC-43.** HBRC should make more and better use of local networks and knowledge that exist within communities, as it leads the process of developing comprehensive flood risk management solutions and implements the physical works needed to improve flood resilience in Hawke's Bay. *(underway but only partially funded)*
 - 5.16. **FRHBRC-44.** HBRC should develop a collaborative process for developing flood scheme designs involving regional and district councils, mana whenua and the wider community. *(partially underway and partially funded)*
 - 5.17. **FRHBRC-47** HBRC should review the funding of current and future river management Schemes so that the local and regional share provide affordable and equitable outcomes. *(not scoped and not funded)*
6. Agrees that HBRC is not the lead agency for the following recommendation and will play a supporting role in its implementation.
 - 6.1. **FRHBRC-39.** HBRC should engage urgently with communities on Category 3 land such as Petane Marae and Tangoio Marae and, with the Crown and territorial authorities, provide funding and assistance for the planning, consultation, purchase and potential rebuild of these maraes and papakainga on other land.
 7. Agrees with the reporting framework, for regular reporting on implementation of the review recommendations, for staff to implement.

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Attachment/s

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Hawke's Bay Regional Council's Initial Response to the Recommendations in the Hawke's Bay Flood Reviews: Analysis Report

Category	Recommendations	Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range	Complexity (ease of implementation)	HBRC's Lead Group/s	Lead Agency	Partners
Structural flood management	FRHBRC-01 HBRC should prioritise the objective of safely conveying large floods from the mountains to the sea in order to minimise and prevent damage from floods and erosion.	Further definition needed to determine what is meant by: a) "large floods" - What is an acceptable level of residual risk? Is this a 1 in 50 year flood, a 1 in a 100 year flood or bigger? b) "safely conveying" - how is this defined? Does it mean every river in every location? There are currently 3 flood schemes within the HB region, all of which are currently being reviewed with an objective to develop a comprehensive plan to move forward with. This may include urban stormwater drainage, that can lead to flooding of households if overwhelmed, but does not include rural drainage areas	Partially underway and/or needs further assessment	Long (10-30)	Funded	Unknown until scoped	Highly complex	Asset Management	HBRC	TAs (drainage)?
Structural flood management	FRHBRC-02 HBRC should ensure that residual risks associated with floods that exceed the design capacity of stop banked systems are identified, assessed and actively managed. This could be through a combination of planning controls, changes to stopbank systems (e.g. spillways) and event management (e.g. proactive evacuations).	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. HBRC has agreed to develop Flood Plain Management Plans. These will be public facing documents that summarise residual risks and controls for each managed floodplain (noting that not all flood plains are managed). It is not HBRC's role to undertake evacuations, but HBRC can make recommendations around trigger points, and create and publish overtopping or failure scenarios. Improvements to the self service of information to the public are required. Planning controls will be addressed through the review of the Regional Policy Statement, due mid-2025.	Partially underway and/or needs further assessment	Long (10-30)	Funded	\$1m-\$10m	Complex	Asset Management/ Policy and Regulations	HBRC	TAs/ Communities
Structural flood management	FRHBRC-03 When designing new flood management works or improvements to existing systems, HBRC should consider the evolving best practice of providing "Room for Rivers" in terms of lateral erosion and floodwaters. For example, secondary systems including spillways, diversions and storage areas should be considered with the objective of directing flood waters to identified areas with the lowest consequences to the communities of Hawke's Bay. In addition, these solutions should have known performance in super design events that enables effective event management including precautionary evacuations where appropriate.	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. HBRC has agreed to develop Flood Plain Management Plans. The principles of making "room for rivers" have been taken onboard as part of the reviews of the schemes currently in place. There will likely be tension between balancing the environment, economy and biodiversity. The over-riding consideration is the safe management of overdesign events and understanding residual risks. Investment in nature based solutions has been transferred to NIWE. Hawke's Bay has been included in the initial funding. "Nature based solutions" should be defined - some definitions include options such as giving rivers room, as well as offline storage.	Partially underway and/or needs further assessment	Long (10-30)	Funded	\$1m-\$10m	Highly complex	Asset Management/ ICM	HBRC	TAs/ Community
Structural flood management	FRHBRC-04 HBRC should collaborate with mana whenua and other communities in developing fair and equitable flood management solutions. These solutions should recognise and compensate appropriately those properties that are adversely affected in order to achieve an overall community benefit.	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. There is also a proposal for creating Flood Plain Management Plans. There are already Mana whenua appointees on the NIWE project teams.	Underway	Medium (3-10)	Funded	\$10k-\$1m	Highly complex	Asset Management/ Māori Partnerships	HBRC	Treaty Partners, mana whenua, Cat2 property owners, scheme contributors, TAs
Structural flood management	FRHBRC-05 HBRC should determine the design standard of improved flood management systems based on robust economic analysis to determine the minimum net cost accounting for the investment required for the flood mitigation works and the value of flood damages avoided due to those works. The widely applied 100-year, including climate change, should be considered the minimum standard and not the default standard. This will necessitate consideration of the flood management standards and long-term budgets, an example being the 500-year flood standard for the entire Heretaunga Plains Scheme within the current Long Term Plan.	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. There is also a proposal for creating Flood Plain Management Plans. Further analysis will assist in determining appropriate levels of service.	Partially underway and/or needs further assessment	Medium (3-10)	Not funded	\$10k-\$1m	Moderate	Asset Management	HBRC	Mana whenua/ Community/ TLAs
Structural flood management	FRHBRC-06 When designing flood management works or assessing the adequacy of existing works, HBRC should include historic floods that have not been measured as part of the systematic record in the analysis. For example, the inclusion of the 1938 flood flow estimate for the Esk Valley significantly affects the assigned frequency of the 2023 event. Similarly, for Pōrangahau the inclusion of the 1941 and 1953 flood events significantly changes the assessment of the 2023 flood frequency and the basis for what is a reasonable design standard for the future.	NIWA flood frequency data is currently being used in most areas, apart from where NIWA highlighted uncertainty. In these instances further analysis is being undertaken.	Completed/ BAU					Asset Management	HBRC	
Structural flood management	FRHBRC-07 When assessing and designing flood management systems near river mouths, HBRC should incorporate scenarios that consider partial blockage situations, as well as a range of sea level and storm surge conditions. By way of example, at the Esk River mouth, the interaction with the adverse coastal conditions in addition to significant debris loading is likely to have increased flood levels in the lower reach of the river.	HBRC intend to introduce as a new practice to all scheme reviews. There are limitations in how this can be modelled, as sediment and debris are difficult to model however the outcome of reduced capacity in certain areas can be readily modelled.	Partially underway and/or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m	Highly complex	Asset Management	HBRC	Infrastructure partners
Structural flood management	FRHBRC-08 When assessing and designing flood management systems near bridges, HBRC should incorporate scenarios that consider partial blockage situations and account for this in the design. The breaching of stopbanks immediately upstream of bridges was a notable feature of this event, with the breach at Awatoto being a clear example.	Introduce new practice to all scheme reviews. New bridge designs should have fewer piles and longer spans. Bridge owners are responsible for debris build up around piles.	Partially underway and/or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m	Highly complex	Asset Management	HBRC	Infrastructure partners
Structural flood management	FRHBRC-09 HBRC should ensure that where natural high ground forms part of the flood management system, it is identified and appropriately protected so that it maintains its functionality over time. For example, it was unclear whether the high ground upstream of Waipohi marae was at the same level during the flood as it was when surveyed and assessed to be up to the 100-year design standard.	A new Bylaw and / or statutory protection will be required to ensure that natural land forms that form part of a flood management systems are protected. This is also relevant for aspects of any reimagined scheme such as spill ways and detention areas, to ensure that they are operable as intended perhaps decades from being implemented.	Not yet scoped	Short (0-3)	Not funded	\$10k-\$1m	Complex	Asset Management	HBRC	TAs/ community
Structural flood management	FRHBRC-10 HBRC should undertake a review of activities allowed to be undertaken on river floodway berms and stopbanks to ensure that the flood management infrastructure is protected from damage and or ongoing maintenance requirements that would otherwise not be required. For example, the use of motorbikes and 4WD vehicles on the Waipawa and Ngaruroro Rivers.	Investigate preparation of a bylaw (under s149(1)b Local Government Act 2002) to control activities that may affect HBRC's flood protection and flood control works, in addition to reviewing RRMP Rule 71. Reinvigorate the 'Public Use of Rivers' work, which looked at defining land use and access for a multitude of recreational users. This was paused due to lack of funding. Requires engagement with Mana whenua.	Paused	Short (0-3)	Not funded	\$10k-\$1m	Complex	Asset Management/ Policy and Regulations	HBRC	In a scheme HBRC if not? Community/ TAs
Structural flood management	FRHBRC-11 HBRC should review the efficacy of deflection banks on stopbanks to ascertain their benefits and the risks of isolated turbulence that can contribute to increased flood levels and or erosive failure of stopbanks. This is particularly relevant on the Ngaruroro River where stopbank breaches occurred where these features were located.	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. There is also a proposal for creating Flood Plain Management Plans. Design standards will require updating.	Underway	Short (0-3)	Funded	\$1m-\$10m	Moderate	Asset Management	HBRC	
Structural flood management	FRHBRC-12 HBRC should review the alignment of access tracks over the crest of stopbanks, with a preference for them starting from the downstream end heading up the stopbank to reduce turbulence that may affect stopbank performance.	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. There is also a proposal for creating Flood Plain Management Plans.	Underway	Short (0-3)	Funded	\$1m-\$10m	Moderate	Asset Management	HBRC	
Structural flood management	FRHBRC-13 HBRC should undertake regular monitoring and topping up of the stopbank crest around access tracks to ensure crest levels are maintained. The most notable example of this was the access track immediately upstream of the bridge across the Ngaruroro at Omaha, where a breach occurred.	New Asset Management tools will make these activities easier to track and execute. This is related to the recreational use of rivers.	Underway	Short (0-3)	Funded	\$10k-\$1m	Moderate	Asset Management	HBRC	

Category	Recommendations	Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range	Complexity (ease of implementation)	HBRC's Lead Group/s	Lead Agency	Partners
Structural flood management	FRHBRC-14 HBRC should complete a risk assessment of adverse stopbank alignments including sharp bends and locations where stopbanks are in very close proximity to river channels. The risk assessment should include prioritised mitigation measures to manage these risks. One notable example is the Walker Road stopbank on the Waipawa River which has a very adverse alignment, being perpendicular to the direction of river flow and very close to the active river channel.	There are currently reviews underway of the Heretaunga and Upper Tukituki Schemes. A stock take will be completed as part of the review, and any required work incorporated into the work programme. Walker Road stop bank has been realigned.	Underway	Short (0-3)	Funded	\$1m-\$10m	Moderate	Asset Management	HBRC	Landowners
Flood Event Management	FRHBRC-15 HBRC should actively communicate and educate communities about the level of flood risk they are exposed to and assist them in improving their resilience to flooding, including, but not confined to, improving and updating the HBRC online Hazard Portal.	Proposed Flood Plain Management Plans and external facing document talking about the risks associated with the flood plains, levels of protection and level of potential flooding. The Hazard Portal (or similar), will require further investment. Current failure outcome scenario outcomes should be redone with the latest available technology.	Partially underway and/or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m	Moderate	Asset Management/ CDEM GM	HBRC	HBCDEM/TAs
Flood Event Management	FRHBRC-16 HBRC should ensure that flood risk is accurately quantified and that flood frequency assessments include significant past flood events.	NIWA flood frequency data is currently being used in most areas, apart from where NIWA highlighted uncertainty. In these instances further analysis is being undertaken. Climate change scenarios have been applied to all Category 2 mitigations, as per government instruction. This needs to be rolled out across all schemes moving forward.	Completed/ BAU					Asset Management	HBRC	
Flood Event Management	FRHBRC-17 HBRC should improve its systems and technology for monitoring and modeling rainfall in real-time in order to provide more accurate and timely forecasts of river flows and associated flood inundation across the region. For example, communication stations should have adequate back up power supplies to continue operating when needed and it should be clear when data is not being gathered or transmitted. Inundation maps for a range of events should also be readily available.	Models have been updated for current schemes. Upgrades to Telemetry network, under the NIWE programme. Now have three forms of communication; analogy, digital and cellular, or satellite. All communication networks have back up power source (multi battery back ups). Instrumentation has been moved to safer locations, away from bridges etc.	Underway	Short (0-3)	Funded	\$1m-\$10m	Complex	Asset Management/ ICM	HBRC	
Flood Event Management	FRHBRC-18 HBRC should identify specific trigger levels for alerts and recommended evacuations for known flood risk areas, document these in their Flood Manual and communicate them with those who are affected.	Proposed Flood Management Plans. Further analysis required: a) what are community acceptable trigger levels? This needs to be tested. b) Currently only have three schemes. Where are trigger levels required? More analysis needed. Need to make information available through self service community portal (not scoped), and informing CDEM.	Not yet scoped	Medium (3-10)	Partially funded	\$1m-\$10m	Highly complex	Asset Management/ ICM	HBRC	HBCDEM/ Community
Flood Event Management	FRHBRC-19 HBRC should ensure that robust systems are in place to alert the community when trigger levels are being approached or exceeded and ensure Civil Defence has all the information it needs to undertake its functions. This could include providing greater public access to HBRC river flood forecast information.	Responsibility to alert the community sits with CDEM but the intelligence required sits with HBRC. Planning underway to improve public interface and access to river level data and flood modelling. More web cameras are being installed that can be accessed by public for real-time viewing (infrared 24/7). Flow information goes to website and LAWA in real time. This is part of our BAU. Further consideration required for how the flood warning data (maps showing inundation) is converted into a digestible product to allow the public to make informed decisions on self-service evacuation/ action.	Partially underway and/or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m	Complex	Asset Management/ ICM	HBRC	
Flood Event Management	FRHBRC-20 HBRC should take a precautionary approach when providing forecast flood inundation information to Civil Defence. The use of "worst case scenario" terminology should be avoided as that conveys a potentially inaccurate and overly optimistic assessment of what may actually occur. All communications regarding potential flood inundation should be as clear and decisive as possible.	Already under review. Will have resourcing implications.	Not yet scoped	Ongoing	Not funded	\$10k-\$1m	Complex	Asset Management	HBRC	CDEM/ TAs/ Met Service/ NIWA
Flood Event Management	FRHBRC-21 The Panel endorses the recommendations of the Hawke's Bay Regional Cyclone Recovery Committee Telemetry Review (August 2023), the Report of the Independent External Review for Hawke's Bay Civil defence and Emergency management Group (March 2024) and the Report of the Government Enquiry into the Response to the North Island Severe Weather Events (March 2024).		Completed/ BAU					CE/ ICM	HBRC	
Planning controls	FRHBRC-22 HBRC should urgently review the Regional Policy Statement so that it includes clear and directive objectives and policies regarding land use management in flood hazard areas.	The Regional Policy statement (RPS) is currently being reviewed and updated. The new RPS will include natural hazard and land use directions to territorial authorities and will include management of flood risk. It is anticipated that a draft for consultation be completed by mid-2025, ready for notification before the end of 2025. The RPS review already has to follow two separate plan-making paths: one using the freshwater plan-making process for those matters that give effect to the NPSFM; the other being for the remainder of the RPS following the normal plan-making process. The non-freshwater parts of the RPS (including natural hazards, climate change and urban form and development chapters) could be advanced ahead of the freshwater provisions.	Underway	Short (0-3)	Funded	\$10k-\$1m	Moderate	Policy and Regulations/ ICM	HBRC	TAs
Planning controls	FRHBRC-23 HBRC should update and include the 2023 flood event as well as other notable historic floods in the assessment of flood frequency for use in identifying flood hazard areas. The underestimation of flood risk in the Esk valley and Porangahau are examples of significant historic floods not being accounted for.	NIWA flood frequency data is currently being used in most areas, apart from where NIWA highlighted uncertainty. In these instances further analysis is being undertaken.	Completed/ BAU					Asset Management	HBRC	
Planning controls	FRHBRC-24 HBRC should ensure that the Regional Policy Statement provisions: a) Identify and map areas subject to flood hazard risks, including scenarios that exceed the levels of service provided by flood management assets; b) Direct how the effects of climate change are to be taken into consideration when identifying flood hazard areas and assessing subdivision and land use applications; c) Define unacceptable flood risk; d) Direct that district plans avoid unacceptable flood hazard risks, including, for example, through the use of prohibited activity rules; e) Define when mitigation measures to manage flood hazard risks are appropriate and the types of mitigation that are appropriate; f) Identify areas of high flood risk where managed retreat is required.	See Recommendation 22. a) Flood hazard risks are typically mapped in District Plans, with the territorial authority working with HBRC to identify and map flood risk. The new RPS may require TAs to map these areas in their district plans. b) The reviewed RPS will include objectives, policies and methods relating to how these matters are to be managed. c) Cat 3 land is the starting point for "unacceptable flood risk". National direction with respect to management of natural hazard risk is still in draft form. Both technical knowledge of flood hazard risk and community input are needed to define unacceptable flood risk, as different communities are able to respond in different ways to the risks they face. This extends beyond the 6 flood resilience projects underway and would require further technical work. Such additional work is currently unfunded. The reviewed RPS could include an interim definition and policy, with a method requiring this more detailed work to be completed within a set timeframe. A new LTP project would be created accordingly. d) The new RPS will include requirements for natural hazards and land use controls. e) This will form part of the RPS management framework. f) Like c) above, community level discussion regarding acceptable levels of risk and managed retreat will take time and need new LTP resourcing.	Underway	Short (0-3)	Funded	\$10k-\$1m	Already implemented	Policy and Regulations	HBRC	

Category	Recommendations	Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range	Complexity (ease of implementation)	HBRC's Lead Group/s	Lead Agency	Partners
Planning controls	FRHBRC-25 The review of the Regional Policy Statement should ensure that new and intensified residential development and subdivision is prohibited in areas subject to unacceptable flood hazard.	This is BAU. The proposed Draft Future Development Strategy for Napier and Hastings (identifying suitable land to accommodate growth over the next 30 years) has regard to natural hazard risk, including from flooding. Committee recommendation and Council resolution are needed before it is released for consultation.	Underway	Short (0-3)	Funded	\$10k-\$1m	Already implemented	Policy and Regulations	HBRC	
Planning controls	FRHBRC-26 The review of the Regional Policy Statement should ensure that direction is provided for the identification and management of residual flood risks resulting from ponding, stopbank breaches and overflow. The Panel recommends that the approach to residual risk adopted by Kapiti Coast District Council is taken as best practice.	This work is underway as part of the Regional Policy Statement review and update, and the further flood frequency analysis being undertaken for areas highlighted in the NIWA report as uncertain. See recommendations 22 and 23.	Underway	Short (0-3)	Funded	\$1m-\$10m	Moderate	Policy and Regulations/ Asset Management	HBRC	
Planning controls	FRHBRC-27 HBRC should urgently review the provisions of the Regional Resource Management Plan to ensure that the design of new structures, particularly bridges, minimises to the extent practicable, the extent to which those structures constrict flood flows and act as debris barriers during floods. An example would be to explore options not involving / minimising the use of piles and raising bridge deck levels well above extreme flood levels.	RRMP Rule 72 (permitted activity) may need revision, RRMP Rule 69 (Discretionary activity) should enable these matters to be considered. The review of the RRMP is due but post the cyclone, was considered a lower priority than advancing the RPS review. Further analysis will be required on some aspects	Underway	Medium (3-10)	Funded	\$10k-\$1m	Moderate	Policy and Regulations	HBRC	
Planning controls	FRHBRC-28 HBRC should ensure it has sufficient financial and people resources available to allow it to provide effective advocacy and technical input to planning processes and resource consent applications, so as to ensure that development does not occur in areas subject to unacceptable flood hazard risk.	HBRC already provide technical information and advocate on district plan changes and reviews, as well as notified consent applications for subdivision or developments. Before taking stronger action, such as appealing to the Environment Court, the RPS framework for managing natural hazard risk, needs to be strengthened. Additional costs involved when any Environment Court appeal action is required.	Partially underway and/or needs further assessment	Ongoing	Partially funded	\$10k-\$1m	Moderate	CE/ Policy and Regulations	HBRC	
Planning controls	FRHBRC-29 HBRC should review current resource consents relating to the risk to flood management activities and ensure there are appropriate consent conditions in place and that they are being complied with so that effects are appropriately managed. For example, the clean fill operation at the mouth of the Esk River should be reviewed.	Further analysis required. Consents for in-stream structures are currently short term consents. Once the structure has been built, it becomes a permitted activity. Therefore, HBRC has limited ability to review these consents. Consents team will commence a review of active consents in or within 20 m of a waterway, to ensure appropriate conditions are in place.	Not yet scoped	Short (0-3)	Funded	\$<10k	Easy	Policy and Regulations	HBRC	
River channel/ stream maintenance	FRHBRC-30 HBRC should re-survey all river and stream channels within current Scheme boundaries to assess whether they meet the currently agreed levels of service in the respective Asset Management Plans. From this work, a prioritised work programme should be developed to demonstrate how any systems that are not at their agreed service levels will be returned to those.	Re-survey of all rivers with scheme boundaries has been completed	Completed/ BAU					Asset Management	HBRC	
River channel/ stream maintenance	FRHBRC-31 It is acknowledged that there will likely be a period of increased spending on river channel maintenance to undertake the repairs/reinstatement required by the above, but when considering longer term budgets, HBRC should review the annual maintenance budget and funding model in terms of regional versus local share to ensure that adequate levels of service are achieved and funding is affordable.	The Revenue and Finance Policy was reviewed and updated in 2023 with a number of changes to simply targeted rate schemes. This would be through the next LTP.	Partially underway and/or needs further assessment	Short (0-3)	Funded	\$1m-\$10m	Moderate	Asset Management/ Corporate Services	HBRC	
River channel/ stream maintenance	FRHBRC-32 HBRC should be more proactive in managing gravel build up where it is above design grade lines, and either extract it to maintain the agreed level of service or develop and implement alternative options. These should include but not be limited to being more directive regarding gravel extraction and removing contractor's ability to pick and choose locations based on convenience. Noting that the 2023 flood event will have likely changed the river bed levels considerably, the upper Tukituki system and the Tūpākuri and lower Esk River were noted as locations where specific assessments and actions were needed.	Extraction of gravel is closely managed but depends on market to remove gravel at Nil cost to ratepayers. HBRC will continue to seek crown co-funding for this essential maintenance activity such as the IRG funding for UTT Scheme. Without grant funding, the cost to rate payers will increase.	Partially underway and/or needs further assessment	Intergenerational (30+)	Not funded	\$10m-\$100m	Moderate	Asset Management	HBRC	
River channel/ stream maintenance	FRHBRC-33 HBRC should investigate options for more permanent river mouth openings using techniques such as heavy guide banks/moles at locations where it is critical for flood conveyance and increased flood levels cannot be accommodated by upstream flood management works. During Cyclone Gabrielle the Esk River mouth was at least partially impeded and may have contributed to the extent of upstream flooding.	There is currently no provision to investigate permanent river mouths. The implementation may be cost prohibitive. It has been extensively investigated in Wairoa with the latest draft report from T&T June 2024 suggesting prohibitive costs as an example. Needs to be scoped and costed - pre-feasibility.	Requires pre-feasibility analysis	Intergenerational (30+)	Not funded	\$100m>	Highly complex	Asset Management	HBRC	
River channel/ stream maintenance	FRHBRC-34 HBRC should evaluate the need to add maintenance of the Wairoa River channel to the scope of the existing Asset Management Plan for this area. This evaluation should include consideration of riparian vegetation management as well as river bed level monitoring in line with typical survey frequency (5-yearly) of the region's other main rivers.	Cross sections are available for Wairoa river and were most recently surveyed in November 2023. There has been no material change to the bed since cyclone Bola. A bathymetric survey is also planned to be completed after 2 unsuccessful attempts during 2023/24.	Underway	Short (0-3)	Partially funded	\$10m-\$100m	Moderate	Asset Management	HBRC	WDC
River channel/ stream maintenance	FRHBRC-35 Using the survey data noted above, HBRC should complete a geomorphic assessment of the bed level trajectory for the lower Wairoa River for the purpose of assisting with the assessment of flood management infrastructure options for this area.	River beds are monitored, but not usually bathymetric surveys. This can be reviewed through the scheme review process.	Not yet scoped	Short (0-3)	Not funded	\$10k-\$1m	Easy	Asset Management	HBRC	Community/ WDC
Mana Whenua	FRHBRC-36 HBRC should engage kanohi ki te kanohi (face to face) and at rangatira ki te rangatira (leadership to leadership) level with mana whenua groups in the region, in addition to relying on existing advisory committees and groups.	Currently have Māori Committee, Regional Planning committee and direct engagement with PSGEs and mana whenua. PSGE Taiaroa practitioners engaging kanohi te kanohi in Kotahi fortnightly. Mana whenua project appointees on NIWE project teams and MOUs in-development. MOUs have identified several tiers of funded Māori engagement including for example cultural monitoring on-site to supervise works. CE to CE regular meetings. Recommending new ways to hear partner voices in addition to existing advisory committees.	Partially underway and/or needs further assessment	Ongoing	Funded	\$1m-\$10m	Moderate	Māori Partnerships/ CE	HBRC	Mana whenua
Mana Whenua	FRHBRC-37 HBRC should acknowledge the inequity whereby Māori land and communities have been marginalised by decisions and actions of central and local government for many decades and are often located on low-lying, flood-prone land (for example, Tangaroa, Waiohiki and Omahu).	Requires a direct conversation between HBRC and Treaty partners.	Not yet scoped	Short (0-3)	Not funded	\$1m-\$10m	Highly complex	Māori Partnerships/ CE	HBRC	Mana whenua
Mana Whenua	FRHBRC-38 HBRC should recognise and provide for Māori communities and low-socio-economic areas that are disproportionately exposed to flood risk because flood protection in those areas does not satisfy HBRC's traditional cost/benefit approaches. HBRC should develop a new flood management model with mana whenua.	Socialising the cost of flood protection across the region will be required in conjunction with the re-imagined future of flood mitigation. Funding for the capital build of NIWE in Wairoa and Porangahau considered socio-economic status.	Not yet scoped	Medium (3-10)	Not funded	\$1m-\$10m	Complex	CE/ Corporate Services/ Asset Management/ Māori Partnerships	HBRC	Mana whenua
Mana Whenua	FRHBRC-39 HBRC should engage urgently with communities on Category 3 land such as Petane Marae and Tangaroa Marae and, with the Crown and territorial authorities, provide funding and assistance for the planning, consultation, purchase and potential rebuild of these marae and papakainga on other land.	Crown is lead agency. We continue to support and work with the affected communities and the Crown.	Not HBRC-led	Medium (3-10)	Funded	\$100m>	Highly complex	Crown-led, HBRC supported	Crown	TAs/ HBRC/ Mana whenua
Mana Whenua	FRHBRC-40 Where marae and papakainga are unprotected in terms of flood protection works (two examples being marae at Porangahau and Wairoa), HBRC needs to partner with mana whenua groups at those places in looking at options to render those communities safe and sustainable into the future. Options may include raising the floor levels of marae or moving communities to higher ground. HBRC needs to engage urgently with these communities and with the Crown provide funding and assistance for planning, consultation, purchasing and other measures necessary to manage flood risk effectively in these marae and papakainga.	Underway as part of NIWE programme for land categorised areas.	Partially underway and/or needs further assessment	Medium (3-10)	Partially funded	\$1m-\$10m	Complex	Asset Management/ Policy and Regulations	HBRC	Crown/ Mana whenua/ Community

Category	Recommendations	Initial response to recommendation	Status	Timescale	Funding Status	Estimated cost range	Complexity (ease of implementation)	HBRC's Lead Group/s	Lead Agency	Partners	
Mana Whenua	FRHBRC-41	The Panel encourages HBRC to work proactively and in partnership with mana whenua in the development of recovery plans such as, "Utiana: 10 Year Recovery Plan" which was developed by Piringa Hapu (Ngāti Hinemanu, Ngai Te Upokoiri, Ngāti Honomokai, Ngāti Mahuka) , to restore and preserve a resilient natural environment.	HBRC has engaged PSGEs of the RPC in the vision and values for the regional plan reviews. HBRC has engaged directly with Piringa Hapu on their 10-year Recovery Plan and agreed to enter a MOU and continue to engage with others and their recovery plans.	Underway	Short (0-3)	Funded	\$1m-\$10m	Moderate	Policy and Regulations/ Māori Partnerships	HBRC	Mana whenua
Community	FRHBRC-42	HBRC should communicate and collaborate effectively with communities, mana whenua and stakeholders in the development and implementation of flood risk management solutions for areas subject to flood risk.	HBRC will work with these parties as it re-imagines flood resilience through all scheme reviews including the Heretaunga and Upper Tukituki. Scheme review are underway with Council.	Partially underway and/or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m	Complex	Asset Management/ Māori Partnerships/ CE	HBRC	Mana whenua
Community	FRHBRC-43	HBRC should make more and better use of local networks and knowledge that exist within communities, as it leads the process of developing comprehensive flood risk management solutions and implements the physical works needed to improve flood resilience in Hawke's Bay	Review of Heretaunga and Upper Tukituki Schemes underway with Council to provide input into Engagement Strategy. Currently working with communities around land categorisation projects and use of formal engagement structures, such as tripartite groups.	Underway	Short (0-3)	Partially funded	\$10k-\$1m	Complex	Asset Management/ Māori Partnerships/ CE	HBRC	
Community	FRHBRC-44	HBRC should develop a collaborative process for developing flood scheme designs involving regional and district councils, mana whenua and the wider community.	Review of Heretaunga and Upper Tukituki Schemes underway with Council to provide input into Engagement Strategy. The exact process for engagement is currently not defined. It is likely that HBRC will exceed the current available funding for each of the scheme reviews so need to prioritise where and what needs funding.	Partially underway and/or needs further assessment	Short (0-3)	Partially funded	\$1m-\$10m	Complex	Asset Management/ Māori Partnerships/ CE	HBRC	
HBRC resourcing and funding	FRHBRC-45	HBRC should review the resourcing of its flood risk management activities to ensure it is sufficient to deliver the agreed level of service for day to day operations and have sufficient back-up and contingency for delivering flood event management responsibilities.	Further analysis required. Need to define the agreed level of service (LOS). Any increase in LOS will require additional funding.	Underway	Short (0-3)	Funded	\$10k-\$1m	Moderate	Asset Management/ CE	HBRC	
HBRC resourcing and funding	FRHBRC-46	HBRC should continue to be proactive in working in partnership with the central government to provide an affordable funding mechanism for new capital works and ongoing maintenance activities.	HBRC continues to petition central government for investment into flood resilience through the before the deluge work and River Managers SIG.	Underway	Ongoing	Funded	\$10k-\$1m	Highly complex	Asset Management/ CE	HBRC	
HBRC resourcing and funding	FRHBRC-47	HBRC should review the funding of current and future river management Schemes so that the local and regional share provide affordable and equitable outcomes.	Revenue and Finance Policy was reviewed late 2023 to address these issues. However with climate change and demands for increased levels of protection from land based flooding and coastal inundation costs are likely to rise.	Not yet scoped	Short (0-3)	Not funded	\$10k-\$1m	Moderate	Corporate Services/ CE	HBRC	
Planning controls	GINWE-12A, III & V	Formally recognise the following as necessary critical infrastructure sectors (in addition to current lifelines): I. Supermarkets II. Waste management III. stopbank and flood protection systems IV. rural water, and V. river management systems	In Hawke's Bay, river management is already part of the lifelines membership and actively participates in lifeline activities.	Completed/ BAU	Ongoing				Asset Management	CDEM	HBRC/ TAs
Planning controls	IRHBCDEM-81	b) iv. Management of forestry by products	This is BAU. The Compliance team carry out ongoing monitor to ensure compliance with NES-CF.	Completed/ BAU	Ongoing				Policy and Regulations	HBRC	

Subject: Report from the Risk and Audit Committee

Reason for report

1. The following matters were considered by the Risk and Audit Committee (RAC) on 31 July 2024 and are now presented for the Council's information.

Agenda items for Council decision

2. The RAC did not consider any items requiring recommendations to Council for decisions.

Information items

3. The **Treasury Compliance Report for the period 1 April – 30 June 2024** item presented the RAC with the compliance monitoring report for HBRC treasury activity and the performance of Council's investment portfolio for the quarter ended 30 June 2024, and highlighted:
 - 3.1. At the end of the quarter to 30 June 2024, HBRC was compliant with all measures in its Treasury Policy; however, during the quarter it did breach the counterparty risk policy with BNZ over 2 weekends due to the requirement to hold additional funds for loan repayments due on Monday mornings.
 - 3.2. The effects of Cyclone Gabrielle and its recovery continue to impact both cash balances and borrowing requirements. Additional ongoing borrowing to fund recovery will continue over the next 3-4 years, and while proceeds from insurance claims could take up to a year, NEMA claims will be completed in the next 3-4 months.
 - 3.3. In June, Fitch confirmed it issued to Council a Long-Term Local-Currency Issuer Default Rating of 'AA'. This rating allows any lending from LGFA to be at a discounted rate (generally 20 base points) and increases the Council's Lending Policy Covenants with LGFA.
 - 3.4. The Risk and Audit Committee resolved that:
 - 3.4.1. That the Risk and Audit Committee receives and notes the *Treasury Compliance Report for the period 1 April– 30 June 2024*.
4. The **Enterprise Assurance update** item covered the status of outstanding audit recommendations as well as the internal audit programme and discussions highlighted:
 - 4.1. Council is currently in a period of readjustment after the unusually high number of reviews that have been or are in the process of being completed since Cyclone Gabrielle.
 - 4.2. Concern was raised about the long-outstanding actions from internal audits and the Committee agreed that given there are bigger priorities facing the Committee and Council, those operational issues would be closed.
 - 4.3. The Risk and Audit Committee resolved to:
 - 4.3.1. Receive and note the *Enterprise Assurance update* staff report.
 - 4.3.2. Confirm that the *Internal Assurance Corrective actions update* report has provided adequate information on the status of the Internal Assurance Corrective Actions.

5. The **Risk Management update** item covered:
 - 5.1. The Government's reform programme opportunities and risks to HBRC including:
 - 5.1.1. short-term policy resets by Government that impact on service delivery and environmental outcomes in our communities
 - 5.1.2. investment in responding/submitting on all of the proposals, while maintaining focus on our own BAU programmes
 - 5.1.3. possible reduced Crown funding for some of HBRC's activities as a result of public sector personnel cuts, and Budget 2024
 - 5.1.4. the combined effects and intent of the Government's reforms on the role and interests of Māori in resource management in addition to proposed Tiriti o Waitangi and Māori constituencies legislative changes.
 - 5.2. The Committee were informed of a high operational risk near miss incident where rainfall data didn't display on the HBRC website. This was during a wet weather event. The issue was quickly resolved and measures have been put in place to prevent recurrence.
 - 5.3. Assurance reviews were undertaken across:
 - 5.3.1. Information management – across HBRC's data and information management policies, with a focus on data classification, how to then manage the storage and sharing of documents labelled 'confidential' or 'restricted', and record retention and disposal
 - 5.3.2. External security – a 1-week trial of the Orange Cyber defence external attack programme, which seeks to find vulnerabilities in our external facing network, and for which HBRC obtained 'Hero' status, with only 3 prioritised findings relating to dead-link sites on the HBRC website.
 - 5.4. The Risk and Audit Committee resolved to receive and consider the *Risk Management update* staff report.
6. The Committee then moved into Public Excluded session for an update and understanding of the various independent reviews that are underway as a result of the Wairoa Flood event in June 2024 and in-depth discussions about the strategic enterprise risks of the:
 - 6.1. effectiveness of funding and financial management (11)
 - 6.2. coordination and connectedness of activity and decision-making across HBRC (13)
 - 6.3. extent to which we understand expectation needs of our community (B)
 - 6.4. effectiveness of the NIWE Resilience Programme (22).
7. If councillors would like more detail on the discussions during the public excluded session, they are able to access the related Agenda and Minutes documents on Stellar.

Decision-making considerations

8. 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:
 - 8.1. The items were specifically considered by the Risk and Audit Committee on 1 May 2024.
 - 8.2. Because this item is for information only, the decision-making provisions do not apply.

Recommendations

1. That Hawke's Bay Regional Council receives and considers the *Report from the Risk and Audit Committee*, noting the resolution of the Committee that:
 - 1.1. Confirms that the *Internal Assurance Corrective actions update* report has provided adequate information on the status of the Internal Assurance Corrective Actions.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Susie Young
Group Manager Corporate Services

Attachment/s

There are no attachments for this report.

Subject: Summary reports from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings

Reason for report

1. This item provides a summary of discussions (attached) that took place at the 5 July and 9 August 2024 Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings for the Council's information.

Decision-making considerations

2. 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 Hawke's Bay Regional Council receives and notes the *Summary reports from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings*.

Authored by:

Simon Bendall
Coastal Hazards Strategy Project Manager

Approved by:

Chris Dolley
Group Manager Asset Management

Attachment/s

- 1 [↓](#) 5 July 2024 Coastal Hazards Joint Committee meeting summary
- 2 [↓](#) 9 August 2024 Coastal Hazards Joint Committee meeting summary



Clifton to Tangoio Coastal Hazards Strategy

Summary Notes of Meeting held 5 July 2024

1. PURPOSE

This briefing note has been prepared to communicate the activity of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee to the Partner Councils, as the Committee progresses with Stage 4 of the Strategy. More information on the Strategy can be found on the project website at www.hbcoast.co.nz.

2. JOINT COMMITTEE MEETING SUMMARY: 5 JULY 2024

Key points from the Joint Committee meeting held 5 July 2024 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Te Awanga erosion issues: Technical Advisory Group (TAG) review

- The Te Awanga community has developed a proposal for coastal protection using an Ecoreef product that diverges from the pathway proposed by the Coastal Hazards Strategy.
- Staff have undertaken a high-level assessment which concluded that the proposal can complement the Strategy.
- From here the proposal is being advanced by Hastings District Council, with HBRC acting as regulator for consent requirements.

Project Manager's Update

- Key update is decision by HBRC to defer Strategy consultation to March 2025. Joint Committee sought that HBRC is approached to request that the Strategy consultation not be delayed beyond March 2025 given continued delays to date.

Current Coastal Projects Update

- A summary of updates from coastal hazards-related projects being tracked by the Joint Committee was provided in written form, including the Haumoana shingle crest height (HDC), Maraetotara River at Te Awanga (HDC), Haumoana (HDC) and Hawke's Bay Climate Action Committee (HBRC).

Weather Event

- A presentation was given on the nature and impact of the late June weather event that caused widespread damage including coastal flooding.

Workshop

- The rest of the meeting was held as a workshop to review and provide feedback on the funding model and principles that are in development.

Next Meeting

- The next meeting of the Joint Committee will be held on 9 August 2024. The intention is that this meeting will confirm a final Strategy to recommend to HBRC to take forward.



Clifton to Tangoio Coastal Hazards Strategy

Summary Notes of Meeting held 9 August 2024

1. PURPOSE

This briefing note has been prepared to communicate the activity of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee to the Partner Councils, as the Committee progresses with Stage 4 of the Strategy. More information on the Strategy can be found on the project website at www.hbcoast.co.nz.

2. JOINT COMMITTEE MEETING SUMMARY: 9 AUGUST 2024

Key points from the Joint Committee meeting held 9 August 2024 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Clifton to Tangoio Coastal Hazards Strategy recommendations to HBRC

- The Joint Committee received and considered the final proposed Clifton to Tangoio Coastal Hazards Strategy document.
- The accompanying paper provided an overview of the history of the project that had started in 2014, noting key challenges, milestones, achievements and contributors.
- The Joint Committee requested some minor wording updates to the Strategy for clarity purposes, and passed a resolution recommending the Strategy to HBRC to take forward to community consultation in March 2025.
- This resolution effectively concludes the work of the Joint Committee, with the Strategy now passed to HBRC in accordance with the terms set out in the Memorandum of Transition signed by the Councils in 2022.

Project Manager's Update

- Regular progress updates on general project matters were provided, noting that the Joint Committee had concluded its active submissions with a presentation to the Finance and Expenditure Committee given on 29 July 2024 in support of its submission on the Inquiry into Climate Adaptation.

Current Coastal Projects Update

- A summary of updates from coastal hazards-related projects being tracked by the Joint Committee was provided in written form, including the Westshore resource consent renewal (HBRC), Haumoana shingle crest height (HDC), Maraetotara River at Te Awanga (HDC), Haumoana (HDC) and Hawke's Bay Climate Action Committee (HBRC).

Next Meeting

- The next meeting of the Joint Committee is booked for 8 November 2024, however this meeting may not be required, subject to HBRC discussions following receipt of the Joint Committee's 9 August recommendations.

Subject: Chief Executive Performance Review

1. That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 9 Chief Executive Performance Review 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 are:

General subject of the item to be considered	Reason for passing this resolution	Rationale
Chief Executive Performance Review	<p>s7(2)(a) Excluding the public is necessary to protect the privacy of natural persons.</p> <p>s7(2)(f)(ii) Excluding the public is necessary to maintain the effective conduct of public affairs by protecting councillors and/or council employees from improper pressure or harassment.</p> <p>s7(2)(i) Excluding the public is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations.</p>	<p>Employee performance reviews and salary negotiations are private matters between the employer and employee only.</p> <p>The public interest is served by the CE's salary being declared in the Council's Annual Report each year.</p>

2. That **Dr Steven Finlay – Principal Consultant, Dr Steven Finlay & Consulting Partners** be permitted to remain at this meeting, after the public has been excluded, because of his knowledge of employee performance management, and because he has conducted the performance review with councillors.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Desiree Cull
Strategy & Governance Manager