



**HAWKES BAY**  
**REGIONAL COUNCIL**  
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

**Minutes of a 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

**Present:** Cr H Ormsby, Chair  
Cr W Foley, Deputy Chair  
Cr X Harding  
Cr T Hokianga  
T Hopmans, RPC Co-chair (*online*)  
K Kawana, Māori Committee Co-chair (*online for item 4 only*)  
Cr N Kirton  
Cr C Lambert  
Cr J Mackintosh  
M Paku, Māori Committee Co-chair  
Cr D Roadley  
Cr S Siers  
Cr J van Beek  
Cr M Williams

**In Attendance:** N Peet –Chief Executive  
T Munro – Te Pou Whakarae  
S Young – Group Manager Corporate Services (*online*)  
K Brunton – Group Manager Policy & Regulation  
C Dolley – Group Manager Asset Management  
L Hooper – Team Leader Governance  
D Cull – Strategy and Governance Manager  
L McPhail – Manager Regulatory Implementation  
Guests as noted.

## 1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone and Councillor Thompson Hokianga opened the meeting with a karakia and mihi to manuhiri.

There were no apologies.

## 4. Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act (LEMAA)

Te Wairama Munro introduced the item which seeks a decision from the Council as required by the LEMAA, to either retain or disestablish its Māori constituencies.

- Mike Paku, Co-chair of the HBRC Māori Committee, provided a summary of the korero at the Māori Committee hui on 21 August, which included many of the PSGE representatives on the Regional Planning Committee, in making the recommendations to the Council to retain the Māori constituencies and to seek constitutional remedies and protection in regards to the continuity of Māori wards and/or constituencies.

*Katarina Kawana joined the meeting online at 11.12am*

- Tania Hopmans, Co-chair of the Regional Planning Committee, Katarina Kawana, Māori Committee Co-chair, and Bayden Barber, Ngāti Kahungunu Chair, spoke in support of the korero and the importance of working together for the best outcomes for the taiao and the region, including promoting greater understanding in the community of why Māori constituencies are important and valued by the Council.

RC60/24

## Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill* 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 and Regional Planning committees, representing Māori, including those on the Māori roll, and directly affected by the decisions.
3. Accepts the recommendation from the Māori Committee and resolves to retain the Māui ki te Raki and Māui ki te Tonga Māori constituencies.
4. 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.
5. Directs the Chief Executive to work with LGNZ and other councils seeking similar outcomes.
6. Continues to provide for governance partnerships at a regional level.

**Hokianga/Harding  
CARRIED unanimously**

*The meeting adjourned at 11.44am and reconvened at 11.47am with Katarina Kawana having left.*

## Notices

- The Chair acknowledged the passing of HBRC staff member Kate Wood and the meeting observed a moment of silence.
- Ratepayers included in the new Public Transport footprint for rates are being contacted by letter starting today, with information about remission.
- The MoU with Tamatea Pōkai Whenua, outlining how we will work in partnership together, was signed yesterday.

## 2. Conflict of interest declarations

There were no conflicts of interest declared.

## 3. Confirmation of Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on 7 August 2024

Item 4 – Councillor Williams voted against, not Councillor Foley

### RC61/24 Resolution

Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on Wednesday, 7 August 2024, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record as amended.

**Harding/Mackintosh**  
**CARRIED**

## 5. Clifton to Tangoio Coastal Hazards Strategy 2120

Councillors Annette Brosnan (NCC), Keith Price (NCC) Hana Montaperto-Hendry (HDC) and Malcolm Dixon (HDC) were present, representing the Clifton to Tangoio Coastal Hazards Strategy Joint Committee (Joint Committee).

Councillor Jerf van Beek introduced the item as Chair of the Joint Committee, and Chris Dolley and Simon Bendall responded to questions which covered:

- This was the first joint committee in the region that partnered with tangata whenua
- Key stages of the process were noted, including the development of the adaptive pathways with community panels and the Raynor Asher report.
- Memorandum of Transition is a key document that outlines the processes and how assets might be transferred to the regional council.
- The joint committee is on hold pending any requests from the regional council for further advice
- For adaptive pathways to work well they need to go hand in glove with regulation and be aligned with hazards policy and planning including the Regional Policy Statement.
- The High level pathway to implementation includes finalising funding and completion of the Mātauranga Māori workstream, potentially through a series of workshops with Council ahead of Council decisions leading to consultation on adoption of the strategy and a Long Term Plan amendment.
- There is a select committee currently considering the question of 'who pays'? and their recommendations are anticipated in October.

### RC62/24 Resolutions

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.

**van Beek/Williams**  
**CARRIED**

*The meeting adjourned at 12.25pm and reconvened at 1.00pm*

## 6. Implementing recommendations from reviews arising from Cyclone Gabrielle

Nic Peet introduced the first look at the recommendations from the Cyclone Gabrielle reviews, a high level assessment of the status and how to implement those recommendations to provide visibility of how the recommendations are being addressed and seek agreement to how progress will be reported to the Council. Discussions covered:

- It was agreed that reporting on the progress of projects responding to the recommendations of the reviews will be to the full council, and suggested that it shows how the work has been prioritised.
- Recommendations 15, 18, 19 and 20 relating to educating communities about flood risks to assist them in improving their own resilience –measures have been implemented immediately, based on the information to hand (hazard maps, hazards portal, communications out to communities, telemetry system improvements, river mouth management), to share with communities while continuing to develop the Flood Plain Management plans.
- Work to optimise management of the Esk rivermouth is underway working with PanPac
- It's important to share work that has been completed with the community, e.g. river survey data, as it comes to hand so those interested can see and reference it.
- Part of the reimagining (of flood resilience) process will consider sacrificial water detention areas but these are very challenging given where those areas are and conversations with the community will take a considerable amount of time.
- Although we want to be able to do everything, the reality is that Council has to prioritise the NIWE work above all else and capacity in the organisation to deliver all the priorities is a real challenge especially in the current climate of 'no rates rises'.
- Engagement with TLAs has started, having presented to Hastings District Council yesterday and scheduled presentations to the other councils over the next couple of weeks.
- Priorities, staging and sequencing needs to be absolutely clear within a strategic framework – stage 1 rebuild done, stage 2 the NIWE programme of work under way, stage 3 educating the community under way and stage 4 reimagining flood resilience – suggested a one-page picture we can share with the public and to provide the basis for reporting.
- The Council received the report and recommendations from the panel, and it was suggested there may be some of the panel's recommendations that Council can accept now but that by accepting them all now it could give the community the false expectation that Council will be able to do everything now.
- Council can direct contractors to where the gravel is however if there is no extraction from an area Council can't force contractors to take from there. Gravel extraction for river maintenance is ongoing and inter-generational, not one-off.
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### RC63/24 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-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.
  - 4.3. **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.
  - 4.4. **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.
8. Instructs the Chief Executive to collaborate with the Crown Manager, Wairoa District Council, Tātau Tātau o te Wairoa and the Matangirau Reserves Board and the Wairoa community at place to:
  - 8.1 identify and develop the most effective management structure for the Wairoa bar
  - 8.2 ensure that this structure gains the Wairoa community's confidence in the decision-making process.

**Roadley/Lambert**

9. Prepares, adopts and communicates a staged programme of implementation of the North Island Weather Events projects, the HB Independent Flood Review Panel recommendations (short-term/urgent, intermediate and long-term) along with an engagement programme for the longer term recommendations in particular.

**Williams/Harding**  
**CARRIED unanimously**

## **7. Report from the Risk and Audit Committee**

Susie Young spoke to the item, which was taken as read, and noted increased controls implemented to mitigate against the higher current risks of cyber security, changes to the Council's insurance and continued work to operationalise the risk management framework and prioritise the work of the Risk and Audit Committee. Further, the outstanding work of the ICT team was recognised, in quickly resolving a near miss incident where rainfall data didn't display on the HBRC website and the organisation-wide sentiment of review fatigue after having had

several reviews undertaken since Cyclone Gabrielle.

RC64/24 **Resolutions**

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.

**Harding/Kirton  
CARRIED**

**8. Summary reports from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings**

Jerf van Beek introduced the item, which was taken as read.

RC65/24 **Resolution**

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

**van Beek/Mackintosh  
CARRIED**

**9. Chief Executive Performance Review**

**Resolutions**

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:

<b>General subject of the item to be considered</b>	<b>Reason for passing this resolution</b>	<b>Rationale</b>
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>

- RC66/24
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 review with councillors.

**Ormsby/Siers  
CARRIED**

***The meeting went into public excluded session at 2.21pm and out of public excluded session at 3.10pm***



**Closure:**

There being no further business the Chair declared the meeting closed at 3.10pm on Wednesday, 28 August 2024.

Signed as a true and correct record.

**Date:** by HBRC resolution 25 September 2024      **Chair:** Hinewai Ormsby