

Minutes of an Extraordinary Meeting of the Hawke's Bay Regional Council

- Date:** 13 February 2025
- Time:** 10.00am
- Venue:** Council Chamber
Wairoa District Council
97 Queen Street
WAIROA
- Present:** Cr H Ormsby, Chair
Cr W Foley, Deputy Chair
Cr X Harding
Cr T Hokianga
Cr C Lambert
Cr J Mackintosh
M Paku, Māori Committee Co-chair (*online from 10.06am*)
T Hopmans, RPC Co-chair (*online from 10.35am*)
Cr D Roadley
Cr S Siers
Cr J van Beek
Cr M Williams
- In Attendance:** N Peet –Chief Executive
T Munro – Te Pou Whakarae
C Dolley – Group Manager Asset Management
R Wakelin – Acting Group Manager Integrated Catchment Management
L Hooper – Team Leader Governance
A Caseley – NIWE Programme Director
S Fabish – Senior Project Manager
L Yule – Crown Manager
C Little – Wairoa Mayor
D Eagelsome-Karekare – Wairoa Deputy Mayor
J Easton – HBRC Legal Advisor
L Symes – Tātau Tātau o te Wairoa Chairman

1. Welcome/Karakia/Housekeeping/Apologies

Kitea Tipuna welcomed everyone before the Chair led a karakia to open the meeting.

Resolution

RC11/25 That the apologies for absence from Councillor Neil Kirton be accepted.

Siers/Harding
CARRIED

2. Conflict of interest declarations

There were no conflicts of interest declared.

3. Public Forum

There were no speakers

4. North Island Weather Events (NIWE) Wairoa Flood Mitigation

Nic Peet introduced the item, providing a brief history of the process undertaken to date and highlighting:

- Milestone today is a step toward wholistic flood management for Wairoa including management of the bar, and erosion and sediment loss in the upper catchment.

Andrew Caseley, NIWE programme Director, highlighted:

- The objective of the project is to move category 2C properties to category 1.
- Community engagement will continue throughout the journey with the Tripartite Partnership and Wairoa Flood Mitigation Project Stakeholder Group and direct engagement with impacted landowners being critical to the project's success.
- Option 1C is for a spillway 170m wide and 2m deep, enclosed by small stopbanks averaging 1.2m high, which will take 800 cm³ out of the Wairoa River.
- The biggest risks to the project relate to the land access required for the project.

Mayor Craig Little acknowledged the Tripartite Partners, the HBRC governors, the Crown Manager and all those who have been involved, particularly mana whenua, in this massive project. This project is about protecting the Wairoa whanau from future devastation.

Leon Symes acknowledged the momentous occasion and the efforts to arrive at the recommendations today, noting that Tātau Tātau o te Wairoa (TToW) does not support option 1C as stated in a letter which was tabled (attached). Decisions for whenua Māori need to be made by the owners of the whenua for themselves and TToW will support them to make their decisions. Mana whenua want a comprehensive whole-of-catchment solution.

Denise Eaglesome-Karekare spoke as an impacted landowner herself and mana whenua. Of utmost concern is the welfare of whanau and preservation of the marae and urupa where precious tupuna rest. Mana whenua have actively engaged in the process and the majority support option 1C being put forward. Those not affected must respect and understand mana whenua and the sacrifices being made and find a way through together.

Lawrence Yule, Crown Manager, acknowledged the huge emotion, the scale and controversy of the decision and their impacts and committed to working to find a solution that will provide the best possible protection for the Wairoa community. Completely concurs with the need for a whole-of-catchment management plan however there is no perfect solution and need to take advantage of the Crown's funding to find a solution. Suggests that the next 2-3 weeks the alignment, profile, and design of 1C are optimised to minimise the amount of whenua Māori land impacted.

Questions and discussions covered:

- Land access is being pursued via different options including easements, noting that land under the Public Works Act if in the future the land is no longer required for the purpose it

was acquired is 'given back'.

- Ongoing maintenance will be managed and paid for by HBRC in the most suitable way for the final solution.
- Priority for next 3 months will be landowner conversations based on the refined 1C.
- The objective is to move all the properties in 2C to category 1. The triggers for the category change will be that land access is secured, the solution is consented and the Crown funding is secured.
- HBRC is in regular dialogue with the Insurance Council in relation to flooding risks and work to move communities out of category 2C into category 1.
- The Order in Council essentially front-loads the consent application process in relation to public consultation so the process will not include the usual submissions, hearing and appeal provisions. It is not, though, a part of the 'fast track' process.
- Without compromising the Project Development Plan and government process, there's no other option to having access to the whenua Māori.
- With no protection put in place there would be around 280 homes put into category 3.

RC12/25

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *North Island Weather Events- Wairoa Flood Mitigation* staff report.
2. Agrees that given the nature and significance of the issues to be considered and decided, and reflecting on the community engagement to date, Council has sufficient understanding of the views and preferences of interested parties and affected persons to enable it to make the relevant decisions without consulting further with the community at this time.
3. Notes that investigation of options for flood mitigation for North Clyde (Category 2C) have been completed to a stage where a preferred option has been identified.
4. Notes that work has been guided by the Tripartite Group, and the Crown Manager supported by the Wairoa Flood Mitigation Project Stakeholder Group.
5. Adopts Option 1C as the preferred option for flood mitigation for the Category 2C area of Wairoa as it provides the best possible mitigation within budget.
6. Directs the project team to complete a Project Development Plan for submission to the Crown based on Option 1C with sufficient scope for option refinement to minimise the impacts on whenua Māori.
7. Agrees that the next step in the project, working with the Crown Manager and the Tripartite Partners, is to continue to refine the spillway profile and alignment to minimise the impact of option 1C on impacted landowners so as to maximise the probability of securing land access necessary to allow the project to proceed, and then to engage with impacted landowners in the 1C Option area to determine the probability of securing land access necessary to allow the project to proceed.
8. Notes that land access will be secured in accordance with the Public Works Act 1981.
9. Notes that land access over Māori Freehold land will be secured in accordance the Te Ture Whenua Māori Act 1993, and that the Māori Land Court and Te Tumu Paeroa are already engaged in this process.
10. Thanks mana whenua, the Wairoa community, landowners and homeowners, the Stakeholder Group, the Tripartite Group and the Crown Manager for their work in reaching this step in the project.
11. Instructs the Chief Executive, and requests that the Crown Manager, to regularly update Council and other Tripartite Partners on the progress being made to minimise the impact of option 1C on impacted landowners.

12. Instructs the Chief Executive that any material changes to option 1C are to be further considered by Council after consideration by the Tripartite Partners.

Roadley/Lambert
CARRIED

Closure:

There being no further business the Chair declared the meeting closed at 12.05pm on Wednesday, 13 February 2025.

Signed as a true and correct record.

Date: by HBRC resolution on 26 March 2025

Chair: Hinewai Ormsby



To: Councillors, Hawkes Bay Regional Council
From: Directors, Tātau Tātau o Te Wairoa
Prepared by: Leon Symes, Chairperson
Date: 10th February 2025
Subject: Flood Mitigation for Wairoa: Tātau Tātau o Te Wairoa Board Position

1. Executive Summary

The Tātau Tātau o Te Wairoa Board (Board) is unwavering in its commitment to safeguarding the resilience and future wellbeing of Wairoa in the face of potential future flooding events.

The Board do not support Option 1C as the preferred flood mitigation solution for North Clyde, as recommended by the Crown Manager and supported by the Wairoa District Council.

Key points for consideration:

1. **Need for a Comprehensive Approach:** A Wairoa-wide research initiative into flood mitigation is essential, adopting a holistic and inclusive approach. This should integrate not only technical solutions but also mātauranga Māori.
2. **Catchment-Wide Planning:** Wairoa needs a catchment-wide plan to increase resilience to climate change.
3. **Technical Viability:** We acknowledge that there does not appear to be one technically viable option for the protection of North Clyde.
4. **Concerns About Engagement with Whenua Māori Owners:** We are deeply concerned about the lack of meaningful engagement with whenua Māori owners who are directly impacted by the preferred options.
5. **Support for Māori Landowners:** We will continue to advocate for appropriate and adequate support provisions for Māori landowners and homeowners.

2. Introduction

The purpose of this paper is to provide the Hawkes Bay Regional Council with an overview to inform our position on the flood mitigation options being proposed to protect the North Clyde area. This is underpinned by advice from experts and the voice of Whānau, Hapū, Marae that Tātau Tātau o Te Wairoa has engaged with.

Flood mitigation is a critical concern for Whānau, Hapū, Marae and the entire Wairoa community, considering the increasing impact of climate change and the frequency of severe weather events. The Board is committed to working within the Tripartite relationship, and with Whānau, Hapū and Marae, to support provisions for the safety and resilience of the Wairoa Community in the face of potential future flood events.

This paper emphasises the need for Wairoa-wide research into flood mitigation, encompassing all aspects of the catchment area, including land-use in the upper catchment and tributaries, maintenance and improvements to the current storm water infrastructure, consideration of the local aquifer system, dredging of the natural river channel, the naturally established spillways of the flood plain, wetlands and estuaries and, the maintenance of an open, high-functioning river mouth. Additionally, the development of a catchment-wide plan to strengthen resilience to climate change is imperative, which may include the identification of land for retreat, regardless of which flood mitigation option is ultimately chosen. This holistic approach is essential for the long-term safety and sustainability of the Wairoa community.

Our expert group has reviewed the technical preferred options with the flood protection project team. Concerns remain around:

- The limiting scope of the data set and project scope:
 - o The WSP Engineers advise that their focus was to find flood protection for North Clyde. We appreciate that this is where a problem is largely presenting itself, but it's source and solution lies outside of the physical scope of North Clyde.
 - o Due to the focus on North Clyde, the data set in the modelling goes as far as Frasertown. Our experts share concern around this limitation, as do other Engineers spoken to.

As we want to see a holistic model that includes multifaceted variables. It must acknowledge the cultural and spiritual significance of waterways, its mauri, and the profound, enduring connection Whānau, Hapū, Marae has with their whenua. Given the current tight timeframes and financial constraints, with recent updates highlighting significant cost increases, along with insufficient and somewhat fragmented information received to date, this does not give the Board confidence in the proposed preferred technical option at this time.

The Board has strongly expressed that it cannot make decisions about land for which they are not the owners, as this directly contradicts our values and principles. Supporting such a recommendation would be a breach of our tikanga.

From the outset, the Board's position throughout has been to advocate for Māori landowners and homeowners to receive adequate support, ensuring they are provided with the necessary information, and sufficient time to seek support and advice for "informed" decision-making.

The intention to engage whenua Māori landowners only after a preferred option is agreed upon, undermines the principles of partnership, equity, and active protection as outlined in Te Tiriti o Waitangi. This approach fails to uphold the spirit of genuine collaboration and consultation, which should occur from the outset. In contrast, homeowners and general landowners have been engaged since November 2024, further highlighting the inequity in the process.

The Board firmly believes that every landowner listed on the title should have an "equal" role in decision-making regarding their land, and it is unacceptable that whenua Māori owners have not received the same level of engagement and communication as other classes of landowners.

3. Further Concerns

The Board has several further concerns regarding the current approach to flood mitigation and the process of decision making. These concerns need to be addressed to ensure equitable outcomes and uphold the principles of Te Tiriti o Waitangi.

3.1 Engagement with Whenua Māori owners

- **Lack of Meaningful Engagement:** There has been insufficient communication and engagement with whenua Māori owners throughout this process.
- **Late Engagement:** Concerns about equity with engaging whenua Māori owners only after a preferred option is agreed upon.

3.2 Cultural Impact and Assessment

- **Incomplete Cultural Assessment:** There are concerns around the composition of the Cultural Impact Assessment and its potential influence on the preferred option as it has yet to be finalised and fully considered. There has been insufficient consideration of the impact on cultural, historical, spiritual and economic value of whenua Māori.
- **Breach of Te Tiriti o Waitangi:** This raises issues related to breaches of Te Tiriti o Waitangi, particularly the principles of partnership, active protection, and equity, as Māori have not been meaningfully engaged in the finalisation of this assessment, nor has their input been fully incorporated into the decision making process.

3.3 Financial Implications and Costs

- **Increased Costs and Uncertainty:** A recent update to the Board dated 28th January presented additional stop-banking requirements, that were far more extensive than previously understood. These requirements also came with significant cost increases, highlighting that there are further factors that need to be carefully considered.
- **Unclear Financial Framework:** A formal compensation framework has yet to be formally provided, in writing, to landowners, leaving them without clear information about their rights and entitlements.

3.3 Decision-Making and Authority:

- There are concerns that decision-making may default to land administrators rather than the landowners undermining the principle of tino rangatiratanga.

4. Recommendations

4.1 Engagement and Communication

- Ensure early and meaningful engagement with whenua Māori owners.
- Provide comprehensive information and support provisions to whenua Māori owners for informed decision-making.

4.2 Technical and Planning

- Develop a catchment-wide plan to address upstream volume and flow including an open, high-functioning river mouth incorporating mātauranga Māori.
- Conduct Wairoa-wide research into flood mitigation, covering all aspects of the catchment area.
- Our expert group recommends further exploration of Option 3 (natural spillways of the floodplain) with additional hard engineering options.

4.3 Support for Landowners

- Ensure adequate support provisions for Māori landowners and homeowners, including sufficient information, time, and resources.

5. Conclusion

In conclusion, the Board position emphasises the critical need for a comprehensive and holistic approach to flood mitigation in Wairoa, aimed at building resilience and long-term safety for the community. A Wairoa-led and Wairoa-wide research initiative coupled with the development of a catchment wide plan is essential to improve resilience to climate change. Furthermore, cultural analysis involving local Māori experts is crucial to ensure that the flood mitigation strategies respect the mauri of the river, whenua and the enduring relationships and whakapapa that Whānau, Hapū and Marae have with their land, fostering a balanced approach that integrates technical, cultural and environmental considerations.

While Options 1C and 1D were presented as the only apparent technically viable, flood protection solutions for North Clyde within the current timeframes and financial constraints, the Board cannot endorse a preferred option because information presented to date, has been inadequate and fragmented. Above all, decision making must sit with the landowners regarding their whenua, in accordance with the principles of Te Tiriti o Waitangi, which assert mana motuhake over their land.

The Board is committed to ensuring that Māori landowners and homeowners are provided with adequate information, support and time to make informed decisions. The lack of early and meaningful engagement with whenua Māori owners remains a significant concern, as equitable communication and involvement in the decision making process is imperative.

We call on all Tripartite members and stakeholders to prioritise these actions to ensure the long-term safety and resilience and well-being of the Wairoa community.

Noho ora mai



Leon Symes

Chairperson

for and on behalf of Tātau Tātau o Te Wairoa Board