
Thursday, 24 June 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Council Meeting

Kaupapataka

Attachments Under Separate Cover – Agenda Items 8 & 9

Te Rā Hui:
Meeting date: **Thursday, 24 June 2021**

Te Wā:
Time: **1.00pm**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

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TE KAUNIHERA Ā-ROHE O HERETAUNGA

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Submission on

Setting of Speed Limits Rule 2021

*Prepared by
Hastings District Council*

Introduction

Hastings District Council welcomes the opportunity to respond to the Setting of Speed Limits Rule 2021 ("the Rule"). The Council has a strong commitment to road safety and supports the overall thrust of the proposed rule and agrees that there is the need to provide a more co-ordinated, consistent, and transparent approach to speed management nationally.

To encourage compliance and effectively manage risk, speed limits should be set to reflect the "reasonable and prudent" behaviour of the majority of motorists acting in an appropriate manner. This encourages drivers to obey the posted speed limit and travel at a reasonable speed limit. It also targets limited enforcement resources at the occasional violator who contributes to crash risk. By reflecting actual driver speeds, most people will consider the speed limit appropriate and this will encourage compliance, reduce speed differences among drivers, and provide a sound basis for enforcement. The same premise relates to urban roads where a lower speed limit should not be set without appropriate engineering measures in order to achieve compliance with that lower speed limit.

In regard to the remainder of the draft Rule, Council finds the proposed Rule generally acceptable however there are some issues that would need to be addressed to ensure successful adoption of the Rule and these are noted below.

Proposal 1 : Speed management plans

The current bylaw making process will be replaced by a new speed management plan (Plan) process. This will be used by all RCAs that are territorial authorities.

RCAs will prepare Plans on proposed changes to speed limits, road safety cameras and speed management-related infrastructure for the 10 financial years from the start of the plan.

There is overall support for the development of the new speed management framework and the development of speed management plans as this would remove the need for amending a speed limit bylaw each time a speed limit is changed.

It is acknowledged that alignment of the speed management plans with the 2021-31 RLTP will not be possible for the majority of RCAs. If the speed management plans recommend infrastructure changes to the network, then these need to be carried through into the first three year review of the RLTP programme of works and in alignment with the Local Authority LTP setting. Therefore the speed management plans would need to be confirmed at least 12 to 18 months in advance of either a new or a review of a RLTP. Adopting this timeframe would then mean that RCAs have the opportunity to look to put into effect their speed management plans in the first review period of the 2021-2031 RLTP.

Well informed corridor management plans should also be a prerequisite in providing direction on speed management plans in order to ensure that safety and efficiency are considered together, as these are never mutually exclusive when considering speed limits especially on those roads having a higher standing within the one network framework.

RTCs would be responsible for collating input from RCAs within their region and developing regional speed management plans.

There is support for the proposal for RTCs to have responsibility for collating input from RCAs within their region and developing regional speed management plans.

However the proposed development of speed management plans by regional transport committees (RTC's) for local roads alongside development of a separate speed management plan for State Highways by Waka Kotahi could create public confusion as the network must be viewed as a whole given that users do not differentiate between local roads and State Highways. It would be more beneficial to consult on a single speed management plan for the region and this should be made mandatory. The setting of speed limits for the State Highway network in a national plan, which should be easily achievable within Waka Kotahi, would inform each regional speed management plan before it goes out for consultation. It is noted that the State Highway speed limit in many instances sets the speed limit for many local roads and hence developing the regional speed management plan together is imperative. This approach supports the one network approach.

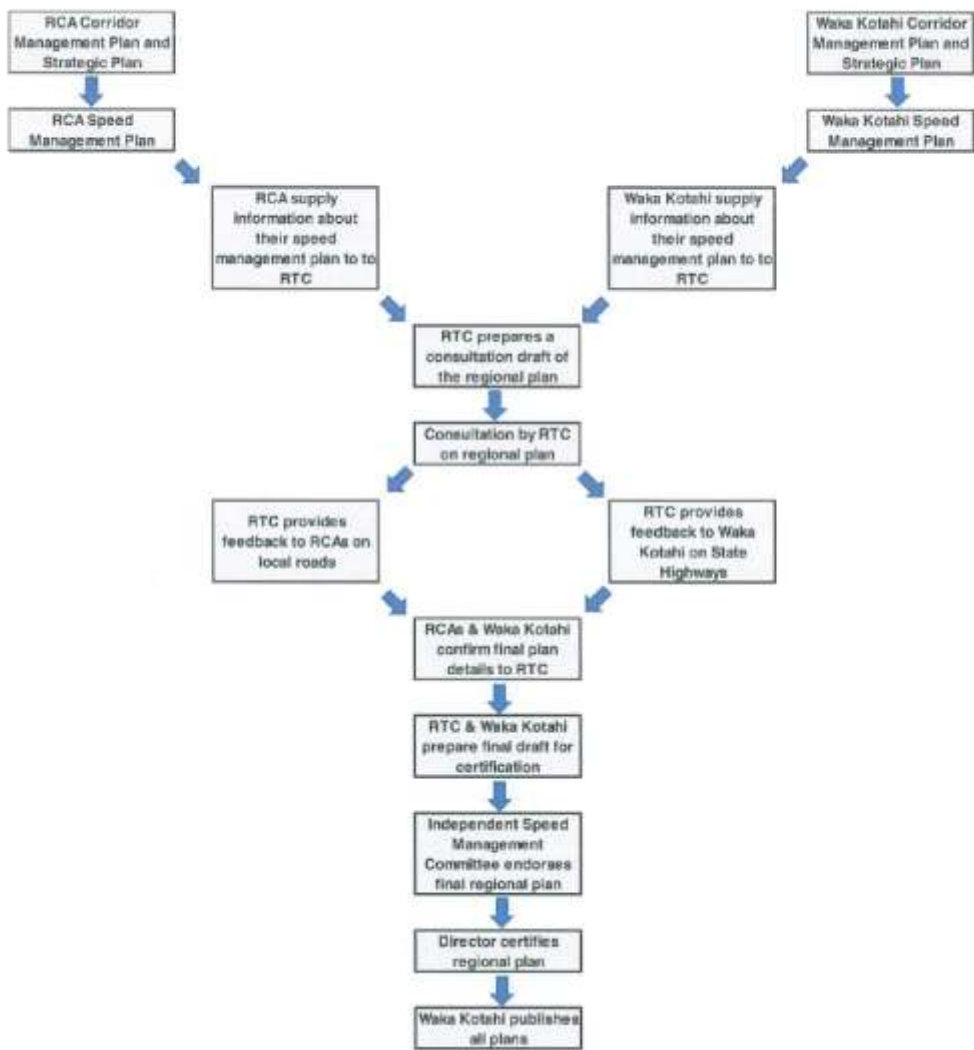


Figure 1: Proposed Regional Speed Management Plan Process

Proposal 2 : Alternative process for setting speed limits

A process for setting speed limits outside of the speed management planning cycle will be introduced. The proposed Rule will also clarify how RCAs that are not territorial authorities will be able to set speed limits.

The alternative process for setting speed limits especially for RCAs does provide the mechanism for those situations that occur "out-of-cycle". It must be acknowledged that if the RCA speed management plans are well prepared and the safety improvements are well defined in the plans, there should be limited need for the use of the alternative process.

The process does allow for non-territorial authorities to set speed limits and this is supported. Speed management guidance will be important to ensure that speed limits being considered on non-territorial roads where public have reasonable access are consistent and credible taking into account the road environment that the speed limit pertains to.

Proposal 3 : Formal certification of speed management plans

The Director will formally certify regional speed management plans against criteria in the proposed Rule. An independent speed management committee will formally certify the Waka Kotahi State highway speed management plan against the same criteria.

There is support that there is a formal certification process for speed management plans to provide an independent check that the requirements of the Rule have been followed. It is noted that the Rule prescribes a separate process for the development of the State Highway speed management plan which is different from that required of other RCAs. The setting of speed limits for the State Highway network in a national plan should be easily achievable within Waka Kotahi so that a single speed management plan for each region can be considered and consulted on by the respective RTC.

It is recommended that the independent speed management committee have the role to certify each region's combined speed management plan, which incorporates both the State Highways and the local roads, to ensure that there is consistency within the speed management plans nationally. Once certified, these plans would be approved by the Director.

This process would then reduce costs and improve alignment while removing the potential for conflict or potential conflict for Waka Kotahi having multiple roles in the whole process.

Proposal 4 : Speed limits must be entered into the register

A speed limit will be set by entering the speed limit into the Register of Land Transport Records (the Register). The register will give legal effect to all permanent, variable, emergency and seasonal speed limits. Existing speed limits will be migrated into the Register.

The creation of a national Register of Land Transport Records for speed limits is supported as this would ensure that all speed limits in New Zealand are located together.

It is recommended that the proposed Rule should be amended such that when the speed limits of an RCA are entered into the Register of Land Transport Records, the existing speed limits bylaw for that RCA is rescinded.

Proposal 5 : Establishment of an independent speed management committee

An independent speed management committee will be established to formally certify the State highway speed management plans against set criteria and provide oversight of the information and guidance on speed management.

This is supported and will be an important requirement to ensuring consistency with speed management plans nationally. As per Proposal 3 above, the independent speed management committee should have the responsibility to certify each region's combined speed management plan, which incorporates both the State Highways and the local roads, to ensure that there is consistency within the speed management plans nationally. Once certified, these plans would be approved by the Director.

This process would then reduce costs and improve alignment while removing the potential for conflict or potential conflict for Waka Kotahi having multiple roles in the whole process.

It will be important that the independent speed management committee is comprised of representatives having the necessary skills and practical experience in relation to road safety and speed management, as well as an understanding of the wider community such as motorists, urban communities, rural communities, vulnerable road users, freight carriers, enforcement, and local authorities.

Proposal 6 : Speed limits around schools

RCA's will be required to introduce safer speed limits around schools, with an initial 40% of changes to be completed by 30 June 2024 and use reasonable efforts to complete the remaining by 31 December 2029.

Speed limits will be reduced to 30 km/h (or 40 km/h in some circumstances) around urban schools and a maximum of 60 km/h around rural schools. These speed limits can either be permanent or variable.

There is overall support for providing safer speed limits around schools. Where lower speed limits are permanent, it is imperative that appropriate engineering measures are undertaken prior to any speed limit being lowered and the Rule should clearly specify this in order for the new speed limit to be complied with.

It would be good to have some clarity on what is considered rural in the context of rural schools and how these should be designated in the relevant Plan. It may be appropriate that the impending speed management guide have maps which define the urban and rural areas.

Funding speed limit changes around schools may be challenging for some RCAs especially where engineering measures are necessary. If changes are funded out of the Road to Zero Activity class, this may delay projects with better death and serious injury reductions in favour of spending on school speed limit changes. In that regard, more detail on funding streams from Waka Kotahi and security of funding will be necessary to ensure that the proposed target date for changing school speed limits can be achieved nationally.

Proposal 7 : Temporary and emergency speed limits

The process for setting emergency speed limits would change to require emergency speed limits to be lodged in the Register.

The criteria and process for setting temporary speed limits would remain the same.

There is overall support for the process and procedure for setting emergency speed limits and the requirement for these to be lodged in the Register. Further guidance on where emergency speed limits would be appropriate should be included in the impending Speed Management Guide.

It is acknowledged that temporary speed limits are not included in the Register at this time but that there is the potential to do so in the future.

Proposal 8 : Approval for certain speed limits

RCAs will have the ability to set 70 and 90 km/h speed limits without Waka Kotahi's approval. 110 km/h speed limits will require the Director of Land Transport's approval.

There is overall support for the process and procedure for setting 70 km/h and 90 km/h speed limits. Further guidance on where 70 km/h and 90 km/h would be a safe and appropriate speed should be included in the impending Speed Management Guide.

Proposal 9 : Use of variable speed limits

RCAs will have the ability to set variable speed limits without the Director of Land Transport's approval, except in circumstances outside those listed in the proposed Rule.

There is overall support for the process and procedure for setting variable speed limits. Further guidance on where variable speed limits would be safe and appropriate should be included in the impending Speed Management Guide.

It must be noted that these should not be used in circumstances which arise as a result of ongoing deferred maintenance.

Proposal 10 : Speed limits areas

Speed limit areas will be introduced to replace urban traffic areas.

There is overall support for the process and procedure for designating speed limit areas. Having the ability to designate a wider range of areas provides local authorities with more flexibility to ensure that new roads constructed will automatically have a speed limit.

The flexibility will also ensure that the local authorities can require engineering measures to ensure that the speed limit can be complied with for new developments that require Resource Consent.

Proposal 11 : Other proposals

RCA's will not be able to change a speed limit for a period of five years, if directed to change the original speed limit by Waka Kotahi (as regulator).

The overview document gives no guidance as to the rationale for this proposed change to the Rule. It is likely that it has been provided due to a number of RCA's, including Waka Kotahi, that have provided lower speed limits with a "Temporary" supplementary sign for an extended period without meeting the full requirements of the current Rule, or have installed speed limits where compliance is expected to be achieved solely on speed limit signs alone i.e. there have been no engineering measures provided to assist in achieving the speed limit.

In the event where a RCA does not comply with Waka Kotahi directions to change or modify a speed limit, the proposed Rule prevents that RCA from changing the speed limit in the five years following the direction unless it has Waka Kotahi approval. There is no rationale for the five year restriction period especially given that Speed Management Plans can be reviewed and updated through the Rule process on a three yearly basis.

In terms of the proposed Rule changes, the speed management plan process does provide flexibility for speed limits to be reviewed on a three year cycle and hence there should be no "unauthorised" permanent speed limits on the network once all speed limits are included in the national register.

Minimum road length requirements will be amended for 50, 60, 70 and 80 km/h speed limits. Exceptions will apply for permanent speed limits outside schools, all variable limits and approaching intersections.

Having minimum road length requirements for differing speed limits is supported. If not prescribed in the Rule, the impending speed management guide should provide some guidance on the maximum spacing of speed limit signs recognising that not all roads will be self-explaining roads.

RCA's will need to have regard to guidance on the use of mean operating speed in preparing speed management plans.

It would be appropriate in the impending speed management guide to provide a definition of the mean operating speed given that the posted speed limits should be set to reflect the "reasonable and prudent" behaviour of the majority of motorists acting in an appropriate manner. This encourages drivers to obey the posted speed limit and travel at a reasonable speed limit. It also targets limited enforcement resources at the occasional violator who contributes to crash risk. By reflecting actual driver speeds, most people will consider the speed limit appropriate and this will encourage compliance, reduce speed differences among drivers, and provide a sound basis for enforcement. The same premise relates to urban roads where a lower speed limit should not be set without appropriate engineering measures in order to achieve compliance with that lower speed limit.

Other thoughts

- It will be important to ensure that the areas defined as urban and rural in the Crash Analysis System are consistent with the definition of urban and rural areas defined within the proposed Rule as this would enable monitoring and reporting on the effectiveness of speed limit changes in terms of crash reductions.



Clifton to Tangoio Coastal Hazards Strategy Summary Notes of Meeting held 30 April 2021

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: 30 APRIL 2021

Key points from the Joint Committee meeting held 30 April 2021 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Project Managers Update

- The project has been tracking towards consultation (as a proposed Long Term Plan amendment) in October 2021, however it is now advised that this can't be achieved.
- The primary reason is that additional time is needed to resolve funding and responsibility arrangements between the Partner Councils.
- March 2022 is now the likely target date for consultation, however an update will be provided at the next meeting.
- Ongoing community engagement continues through the workshop series with good participation and interaction between community members, staff and Joint Committee members.

RM Reform and National Risk Assessment

- A paper was presented summarising the key points of the Resource Management Reform process and National Risk Assessment.
- The Joint Committee confirmed its desire to engage in and contribute to the RM Reform process to share learnings from the Strategy. Staff will make contact with MfE.

Workshop

- A workshop was held to consider:
 - Strategy Funding- Review and Recommendations for the Clifton to Tangoio Hazards Strategy Joint Committee draft report by Raynor Asher QC
 - An update on the Managed Retreat Workstream by Tonkin & Taylor

Next Meeting

- The next meeting of the Joint Committee will be held on 4 June 2021.



Clifton to Tangoio Coastal Hazards Strategy Summary Notes of Meeting held 27 November 2020

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: 27 NOVEMBER 2020

Key points from the Joint Committee meeting held 27 November 2020 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Terms of Reference Amendment

- The Joint Committee adopted an amendment to its Terms of Reference to allow for the appointment of an independent facilitator to assist with debate on a case by case basis. The amendment will be taken to each Partner Council for formal adoption.

Project Managers Update

- The project remains on track at this stage for the proposed October 2021 public consultation process. Key risks to achieving this project milestone relate to resolving funding arrangements for implementation, and successful pre-consultation engagement, particularly ensuring that engagement with tāngata whenua is comprehensive, early and effective.

Workstream: Regulatory

- Two reports developed by consultants Mitchell Daysh Limited under the Regulatory Workstream were presented for Joint Committee consideration and adoption.
- The Regulatory workstream focused on two principal tasks:
 - Summarising key planning and regulatory documents that could impede or support implementation of the preferred pathways; and
 - summarising actions to ensure short-term adaptation responses can be implemented, including use of several case studies.
- The reports were accepted as final, and TAG were directed to prepare a project plan for the next phase of the regulatory workstream, which will seek to respond to the recommendations made by Mitchell Daysh.

Communications Update

- A community engagement workshop series is well underway, with two workshops held to date. There will be eight workshops in total, focusing on design, managed retreat, and signals, triggers, and thresholds. The purpose of the workshops is to refine work completed to date under these workstreams with community input, ahead of wider public consultation in 2021.

Funding Review

- A public excluded session was held to consider final candidates to lead a proposed funding review process, being initiated to seek a resolution to funding arrangements between the Councils for Strategy implementation.
- The Joint Committee confirmed an appointment, to be made public following notification to the appointee.
- It can now be confirmed that Mr Raynor Asher QC has been appointed to lead the funding review.
- Mr Asher was appointed to the High Court Bench in 2005 and to the Court of Appeal in 2016. He retired from the Court of Appeal in 2019, and is now practicing as a barrister and arbitrator / mediator.
- Mr Asher is now being briefed and will commence work on the Review in the New Year.

Next Meeting

- The next meeting of the Joint Committee will be a workshop held on 12 February 2021.



Unconfirmed

MINUTES OF A MEETING OF THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Date:	Friday 30 April 2021
Time:	10.00am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	Cr J van Beek – HBRC - Chair Cr A Brosnan – NCC, Deputy Chair Cr T Kerr – HDC, Deputy Chair Cr R Barker – HBRC Cr H Browne – NCC Cr M Dixon – HDC T Hopmans – Maungaharuru -Tangitū Trust (via Zoom) Cr H Ormsby – HBRC Cr K Price – NCC Cr A Redstone – HDC
In Attendance:	C Doiley – HBRC Group Manager Asset Management J Ellerm – HBRC Group Manager Corporate Services K Brunton – HBRC Group Manager Policy & Regulation S Bendall – Traverse Environmental, Project Manager M Clews – HDC G Hrustinsky – NCC R Ashcroft-Cullen – HBRC Communications Advisor M Thomsen – HBRC Executive Assistant, Asset Management Group J Beya – HBRC Principal Engineer B Allan – HDC J Clark – Tonkin & Taylor R Asher QC – Consultant P Martin – HBRC Senior Governance Advisor

1. Welcome/Karakia /Apologies/Notices

The Chair welcomed everyone at 10.06am and Cr Hinewai Ormsby led the group in offering a karakia to open the meeting.

The resignation of Tania Huata as the representative for Mana Ahuriri Trust was formally received and acknowledged. The Chair will write a letter of acknowledgement to Tania thanking her for her contributions to the Joint Committee.

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee held on 27 November 2020

CL1147/21 Resolution

Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee held on Friday, 27 November 2020, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Brosnan/Dixon
CARRIED**

4. Actions from previous Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings

Chris Dolley introduced the item, with discussions covering:

- *Bus trip to the Northern Panel* is scheduled for 4 June 2021 after the Joint Committee meeting
- *An update on the Workstream Package – Regulatory Reports* will be given at the 4 June committee meeting
- Managed Retreat Report will be presented in the workshop following this meeting
- Resource Management Act review and National Climate Change Risk Assessment are items on today's agenda
- *Assessment Panel supplementary recommendations* are being compiled at present for consideration at 4 June 2021 Committee meeting.

CL1148/21 Resolution

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

**Ormsby/Redstone
CARRIED**

5. Call for Minor Items not on the Agenda

CL1149/21 Resolution

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 9.

Topic	Raised by
Tukituki Groyne	Cr Ann Redstone
Future Steps	Cr Tania Kerr

**Redstone/Kerr
CARRIED**

6. **Project Manager's update**

Simon Bendall provided an update highlighting:

- Consultation scheduled for October 2021 will not be achieved by this date due to the uncertainty about ongoing funding arrangements and the Committee will be updated on the situation at the 4 June meeting
- The next community engagement meeting scheduled in Haumoana on 5 May
- The Chair encouraged Committee members to attend public engagement events.

CLI150/21 **Resolution**

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

Hopmans/Ormsby
CARRIED

7. **Current Coastal Projects update**

The Chair introduced the item and TAG provided commentary on:

- *Whakarire Ave Revetment Works* – discussions being held with local Iwi representatives including considerations about Penguin management
- *Extended consent area for sand deposition at Westshore* – in discussions with Iwi and Department of Conservation
- *Haumoana 18* – currently consulting with residents currently being consulted about wall design which is also being further investigated along with funding options.
- *Capeview Corner* – Consents have been granted and removal of structures from the Coltart site will begin shortly. This should take two weeks to complete and from there the sea wall itself is expected to take 6 to 7 weeks to construct. Noted there is a community event 4 May in Haumoana to celebrate the removal of the affected structures at Capeview Corner.

CLI151/21 **Resolution**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "Coastal Projects Update".

Redstone/Ormsby
CARRIED

8. **RMA Reform and National Risk Assessment**

Simon Bendall provided a summary of the Resource Management reform process and the National Climate Change Risk Assessment with discussions covering:

- July 2020 Randerson Report included 144 recommendations for significant amendments and that 3 new Acts replace the RMA. Public submissions process on these 3 Acts is expected to commence late 2021
- Joint Committee's experience could provide valuable input into the submissions processes and TAG will explore opportunities to engage with the RMA reform process.
- National Climate Change Risk Report Assessment released in August 2020 predicts that (if emissions remain high) sea levels will rise 21 cm by 2040.

CLI152/21 **Resolution**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "RMA Reform and National Risk Assessment" report.

Brosnan/Browne
CARRIED

9. Discussion of Minor Items not on the Agenda

Topic	Raised by
Tukituki Groyne - A report on the design, function and future planning for the groyne is requested	Cr Ann Redstone
Future Steps – a report was requested, providing an overview of the matters facing the Committee now and over the coming year or so, including the timelines envisaged for each and the processes that need to be worked through	Cr Tania Kerr

10. Confirmation of the Public Excluded Minutes from 27 November 2020

CLI153/21

Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Agenda Item 11, with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Appointment of Funding Review Lead	s7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Confirmation of Public Excluded Meeting held on 16 October 2020	s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Ormsby/Redstone CARRIED		

11. Confirmation of the Public Excluded Minutes of the Meeting held on 27 November 2020

CLI154/21

Public Excluded Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 27 November 2020, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Redstone
CARRIED**

CLI155/21

That the meeting moves out of Public Excluded session.

**Ormsby/Redstone
CARRIED**

The meeting moved into public excluded session at 10.36am and out of public excluded session at 10.37am.

Cr Hinewai Ormsby closed the meeting with a karakia.

Closure:

There being no further business the Chairman declared the meeting closed at 10.37am on Friday, 30 April 2021.

Signed as a true and correct record.

DATE:

CHAIRMAN:



Unconfirmed

MINUTES OF A MEETING OF THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Date:	Friday 27 November 2020
Time:	10.00am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	Cr Jerf van Beek – HBRC - Chair Cr Hinewai Ormsby – HBRC Cr Ann Redstone – HDC Cr Malcolm Dixon – HDC Deputy Mayor Annette Brosnan – NCC Cr Hayley Browne – NCC Cr Keith Price – NCC Tania Hopmans – Maungaharuru-Tangitū Trust (via zoom) Tania Huata – Mana Ahuriri Trust
Alternates:	Cr Alwyn Corban – HDC
In Attendance:	Simon Bendall – Traverse Environmental Ltd Chris Dolley – Asset Management Group Manager, HBRC Rebecca Ashcroft-Cullen – Communications Advisor, HBRC Jose Beya – Design Engineer, HBRC Mark Clews – Principal Advisor: District Development, HDC Garry Hrustinsky – Investment & Funding Manager, NCC Gavin Ide – Principal Advisor Strategic Planning, HBRC A Roets – Governance Administration Assistant

1. Welcome/Apologies/Notices

The Chair welcomed everyone to the meeting and Hinewai Ormsby opened with a karakia.

Resolution

CLI148/20 That the apologies for Cr Tania Kerr, Bruce Allan (TAG), Peter Paku, Cr Rick Barker and Mayor Sandra Hazlehurst be accepted.

**Ormsby/Redstone
CARRIED**

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 16 October 2020

CLI149/20 Resolution

Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on Friday, 16 October 2020, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Redstone
CARRIED**

4. Actions from Previous Clifton to Tangoio Coastal Hazards Strategy Joint Committee

Simon Bendall gave a brief overview and update on the outstanding items only with discussions covering:

Item 1: Tangata whenua engagement:

- Going forward, it was proposed that updates and progress on engagement with tangata whenua are reported back to the Joint Committee through the "Comms update" report
- Ongoing concerns were raised around the impact of renourishment and risks from coastal erosion of the urupa near Petane Marae.
 - Agreed to develop an engagement strategy with support from JC members

Item 2: Long Term Plan Reporting – Coastal Hazards Strategy

- An email was circulated with the proposed wording to all Partner Councils
- Given that no feedback has been received, the "wording" has been taken as accepted will now be rolled out through the Partner Council's Long Term Plan processes for adoption

Item 5: Public Excluded: Funding Review Appointment of Lead

- This item was discussed in Public Excluded and will be addressed in this meeting for discussions.

Item 6: Project Manager's Update:

- Managed Retreat report: Have not received a draft report as yet. Once received and reviewed by TAG, it be presented to the Joint Committee for consideration
- The Resource Management Review Panel Report and National Climate Change Risk Assessment for New Zealand reports will be reported on at the next meeting in February 2021.

Item 8: Current Coastal Projects Update:

- Requested information on the preliminary private and public split development.
- TAG considered different options for how costs may be split cost between public and private beneficiaries during the panel process in 2017/2018. In order to report this work to the JC a draft report is in development.
- Presentation to be given at the next meeting in February 2021 around the context

of this work.

Item 9: Assessment Panel supplementary recommendations:

- Work has slowly progressed – some delays were caused due to Covid-19 pandemic
- Letters were circulated to Councils in December 2019 seeking response as raised by the panels as their supplementary recommendations
- Will keep progressing this – Work in progress.

Item 10: Project Manager's update: Invitation to LGNZ/Minister for the Environment to a future Joint Committee meeting

- Have engaged with LGNZ and still engaging with MfE – work in progress
- It was noted that there is a newly appointed CE of LGNZ who would be valuable in these discussions going forward
- Proposed that this matter be addressed through the Project Manager's report instead as a follow-up action item.

Other matters:

- A question was raised whether there were any attempts made to improve the age distribution for representation on the Northern and Southern Panel members
- The committee recognise that there is an issue around representation from rangatahi
- The Comms Team has engaged with the Youth Councils from NCC, HDC and HBRC to encourage younger representation on these panels
- Only one member showed interest from the HBRC Youth Environment Council
- It was considered that more focus should be given to get younger generation presentation on the Northern and Southern Panel meeting discussions and workshops.

CLI150/20 **Resolution**

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

Huata/Redstone
CARRIED

5. **Call for Minor Items Not on the Agenda**

There were no minor items raised for discussion.

6. **Terms of Reference Amendment**

Chris Dolley spoke to the item noting that a minor adjustment be made to the Terms of Reference for appointment of an independent facilitator.

- Simon Bendall reported that the Joint Committee has considered the merits of calling on the services of an independent facilitator to assist with complex debates or issues
- The paper presents the recommended amendments for the Joint Committee's consideration.
- Question was raised whether matters being considered by the Joint Committee may be referred by the Chair's only or by resolution of the Joint Committee.
- Deliberations and discussions on the wording of the ToR followed
- Final wording contained in the Recommendation below.

CLI151/20 **Resolutions**

That the Joint Committee:

1. Receives and considers the *"Terms of Reference Amendment"* staff report.

2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

3. Recommends an amendment to the Terms of Reference to include a new clause *Independent Facilitation as follows.*

13 Independent Facilitation

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

13.2 *Following a referral made under 13.1, TAG shall develop a report presenting potential candidates and a recommended appointment to provide independent facilitation services. The Joint Committee shall receive and consider the report and confirm an appointment.*

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

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

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

**Brosnan/Dixon
CARRIED**

7. Project Manager's Update

Simon Bendall gave a brief update with discussions covering:

- Tracking against budgets as expected – however mindful of significant expenses coming up in particular for the funding review
- Overall project timeline – still tracking towards the planned consultation process with the broader public in October 2021 but there are some risks to achieving this
- It was noted that the Strategy can't progress without an agreed position on funding – will affect the timeline if no agreement can be reached
- Bus trip to the Southern Panel on 16 October went well. Had great discussions with Graeme Hansen (HDC) on practical matters, consenting, cost and progressing this project forward
- A bus trip to the Northern Panel will be arranged early in the new year
- Proposed to extend invitation to Aramanu Ropiha to attend the next meeting in February 2021.

CLI152/20 Resolution

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

**Redstone/Ormsby
CARRIED**

The Chair vacated chair at 10.52am and deputy chair, Annette Brosnan resumed the meeting.

8. Current Coastal Projects Update

Whakarire Ave Revetment Works:

- No NCC representative was available to provide an update given on this work.

Extended consent area for sand deposition at Westshore

- Jose Beya reported that there is no significant update since the last meeting.

- Meetings held with Ngāti Pārau and Māori Stakeholder groups – concerns raised at this meeting will be considered.
- Another meeting will be arranged with the Westshore residents, Fishing Groups, The Surf Club next week where the project will be presented and put forward
- Jon Kingsford, NCC are engaging with other stakeholder groups.
- Consultation with iwi and stakeholder groups to be finalised to proceed with the consenting process.

Haumoana 18

- Mark Clews reported that a letter report has been produced for the H18 section of coast and provides guidance for consideration on available protection options, coastal strategy summary, review of sheet pile protection option, possible alignments, indicative costs and an outline of a staged approach if residents were motivated to proceed.
- Contact has been made with H18 representatives, tentatively suggesting a meeting date with H18 residents of 8 December 2020 to explain detail of the letter report and to consider the next steps.

Capeview corner

- Mark Clews reported that following completion of the affected party consultation process, including immediate adjoining landowners, DOC, Matahiwi and Customary Marine Title applicants, the consent application for this project was lodged with HDC and HBRC on Friday 13 November 2020.
- A site visit has been undertaken with the contractor to confirm and refine contract and budget detail, in preparation for construction in early 2021, subject to successfully obtaining the necessary consents.
- An initial site visit was carried out with HBRC staff on 3 November.

Whirinaki

- No update given.

North Shore Road erosion:

- HDC is assisting local residents with possible minor protection advice for an eroding section of coast adjacent to North Shore Road.
- A letter report has been produced that provided analysis of beach profile data, recent changes, comparison with coastal strategy detail and consideration of possible community mitigation measures.
- Residents have also now been provided with a typical cross section proposing minor reclaim works and planting options for the area and consideration about seeking consents for the proposal.
- The residents contact has been provided with HDC consents advisors contact details should they wish to progress a consent application for the works.

CLI153/20 **Resolution**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "Coastal Projects Update"

**Price/Browne
CARRIED**

9. Workstream Package – Regulatory Reports

Gavin Ide gave a brief overview on the two regulatory reports undertaken by Mitchell Daysh Limited with discussions covering:

- These reports were presented in draft to the Joint Committee at the 7 August workshop and peer reviewed by Paul Beverly from Buddle Findlay
- The Regulatory workstream is one of several workstreams underway in Stage 4 of the Strategy
- Mitchell Daysh provided some recommendations including considering changes to local planning documents and advocating for changes to the New Zealand

Coastal Policy Statement and also suggests that we continue with advocacy efforts to Central Government

- The Regulatory workstream focussed on two principal tasks such as summarising key planning and regulatory documents to support implementation of the preferred pathway and actions to ensure short-term adaptation responses
- Changes are considered necessary to the NZCPS to better recognise and provide for hard coastal protection structures as a mechanism for managing coastal hazard risk as an interim measure
- It would be prudent to develop a detailed consenting strategy and risk evaluation at the completion of the workstreams identified in the Regulatory report to determine the most effective and efficient pathway forward for each Priority Unit
- Would be helpful if tāngata whenua members of this Joint Committee could support the development of an engagement plan and discussions with wider tāngata whenua and stakeholder groups – early engagement is vital
- Need a well coordinated resourced timeline plan for tāngata whenua to engage effectively
- Further work is required for each priority unit to understand the nature and scale of effects likely to arise as a result of the implementation of each short-term priority unit adaption response.
- A paper will be presented to the next committee on what the workstream looks like going forward and address the actions contained in these two reports and how it could be managed.
- Engage with tāngata whenua members on designing an iwi engagement strategy – book a workshop for early new year to address this.

CLI154/20 **Resolution**

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

**Dixon/Redstone
CARRIED**

10. **Communications and Workshop Update**

Rebecca Ashcroft-Cullen gave an update on the communications and the community workshops being held for the Coastal Hazards Strategy Joint Committee. Discussions traversed:

- Communication focused on re-engaging with the previous panel members and setting up a series of workshops
- Eight workshops with the community focussing on design, managed retreat and signals, triggers and threshold are being organised to test the TAG's work over the past 2 years before formal community consultation commences in late 2021
- Strong response received from 25 previous panel members and 5 new members interested
- An online briefing for previous panel members held to recap on the work and clarify on questions raised
- First workshop was held 18 November which covered the design, cost, consent-ability and timeframes
- Next workshop for the Southern cell would be held on 2 December
- A newsletter has been published in the Hawke's Bay Today in November
- A follow-up newsletter will be published following today's meeting covering the Funding review and engagement with community etc.

CLI155/20 **Resolution**

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

Ormsby/Browne
CARRIED

11. Discussion of Minor Matters Not on the Agenda

There were no minor matters for discussion.

12. Appointment of Funding Review Lead

CLI156/20 Resolution

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

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

Ormsby/Redstone
CARRIED

13. Confirmation of Public Excluded Minutes of the meeting held on 16 October 2020

CLI157/20 Resolution

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

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

disclosure of information where the
withholding of the information is necessary
to protect the privacy of natural persons

which the Act applies

**Dixon/Price
CARRIED**

The meeting moved into public excluded session at 11.33am and out of Public Excluded session at 11.41am.

Closure:

There being no further business the Chairman declared the meeting closed at 11.42am on Friday, 27 November 2020.

Signed as a true and correct record.

DATE:

CHAIRMAN: