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

**As at 28 September 2018**

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*As adopted by resolution by:  
Hastings District Council 23 March 2017  
Napier City Council 31 May 2017  
Hawke's Bay Regional Council 28 June 2017*

## 1. Definitions

For the purpose of these Terms of Reference:

- “**Act**” means the Local Government Act 2002.
- “**Administering Authority**” means Hawke's Bay Regional Council.
- “**Coastal Hazards Strategy**” means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio<sup>1</sup>.
- “**Council Member**” means an elected representative appointed by a Partner Council.
- “**Hazards**” means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunamis; and includes any change in these hazards as a result of sea level rise.
- “**Joint Committee**” means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council.
- “**Member**” in relation to the Joint Committee means each Council Member and each Tangata Whenua Member.
- “**Partner Council**” means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council.
- “**Tangata Whenua Appointer**” means:
  - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
  - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū;
  - He Toa Takitini, on behalf of the hapū of Heretaunga and Tamatea.
- “**Tangata Whenua Member**” means a member of the Joint Committee appointed by a Tangata Whenua Appointer

## 2. Name and status of Joint Committee

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

- 2.1 The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.
- 2.2 The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

### **3. Partner Council Members**

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

### **4. Tangata Whenua Members**

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

### **5. Purpose of Terms of Reference**

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

### **6. Meetings**

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

### **7. Delegated authority**

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

- 7.1 Guiding and providing oversight for the key components of the strategy including:

- The identification of coastal hazards extents and risks as informed by technical assessments;
  - A framework for making decisions about how to respond to those risks;
  - A model for determining how those responses shall be funded; and
  - A plan for implementing those responses when confirmed.
- 7.2 Considering and recommending a draft strategy to each of the Partner Councils for public notification;
- 7.3 Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
- 7.4 Considering and recommending a final strategy to each of the Partner Councils for approval;
- 7.5 Advocating for and/or advancing the objectives of the strategy by submitting on and participating in processes, including but not limited to:
- Council long term plans;
  - Council annual plans;
  - District and regional plan and policy changes;
  - Reserve management plans;
  - Asset management plans;
  - Notified resource consent applications;
  - Central Government policy and legislation.
- 7.6 Investigating and securing additional sources of funding to support strategy implementation.

## **8. Powers not delegated**

The following powers are not delegated to the Joint Committee:

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

## **9. Remuneration**

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

## **10. Meetings**

- 10.1 The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 10.2 The Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.

- 10.3 Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.
- 10.4 The quorum shall be 6 Members, provided that at least one Partner Council Member is present from each Partner Council.

## **11. Voting**

- 11.1 In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner Council.
- 11.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 11.3 Each Member has one vote.
- 11.4 Best endeavours will be made to achieve decisions on a consensus basis.
- 11.5 As per HBRC Standing Order 18.3: The Chairperson at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.

## **12. Election of Chairperson and Deputy Chairperson**

- 12.1 On the formation of the Joint Committee the members shall elect a Joint Committee Chairperson and may elect up to two Deputy Chairpersons. The Chairperson is to be selected from the group of Council Members.
- 12.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.

## **13. Reporting**

- 13.1 All reports to the Committee shall be presented via the Technical Advisory Group<sup>2</sup> or from the Committee Chairperson.
- 13.2 Following each meeting of the Joint Committee, the Project Manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.
- 13.3 The Technical Advisory Group shall ensure that the summary report required by 13.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions.

## **14. Good faith**

- 14.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective

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

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

## **15. Variations to these Terms of Reference**

- 15.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 15.2 Amendments to the Terms of Reference may only be made with the approval of all Members.

## **16. Recommended for Adoption by**

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

**Napier City Council represented by Cr Tony Jeffery, Cr Larry Dallimore and Cr Annette Brosnan**

*Appointed by NCC resolution 11 December 2018*

**Hastings District Council represented by Cr Tania Kerr, Cr Ann Redstone and Cr Malcolm Dixon**

*Appointed by HDC resolution 20 November 2018*

**Hawke's Bay Regional Council represented by Cr Peter Beaven, Cr Paul Bailey and Cr Neil Kirton**

*Appointed by HBRC resolution 19 December 2018*

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

**Mana Ahuriri Trust represented by Ms Tania Huata**

**Heretaunga Tamatea Settlement Trust represented by Mr Peter Paku**

## **Appendix 1 – Project Background**

### **Project Goal**

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

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

### **Project Assumptions**

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

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

### **Project Scope**

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

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

The Strategy will:

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



## **Appendix 2 - Administering Authority and Servicing**

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

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

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

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

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

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

Functions of the TAG include:

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