



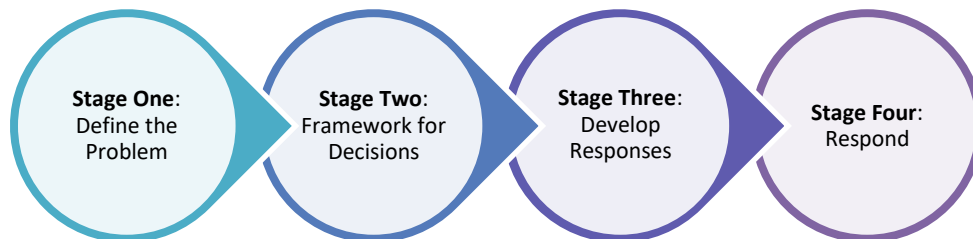
# Clifton to Tangoio Coastal Hazards Strategy 2120

## Assessment Cell Evaluation Panels Terms of Reference

### 1.0 Background / Context

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- 1.1 The Hawke’s Bay Regional Council, Hastings District Council and Napier City Council (“Partner Councils”) along with representatives from Maungaharuru-Tangitu Trust Incorporated, Mana Ahuriri Incorporated and He Toa Takitini, have formed a Joint Committee (“Joint Committee”) responsible for the development of the Clifton to Tangoio Coastal Hazard Strategy 2120 (“Strategy”).
- 1.2 The Strategy is being developed in four stages:



- 1.3 **Stage One** work undertaken by Tonkin & Taylor includes an assessment of coastal erosion, storm surge inundation (flooding from the sea) and tsunami risks for each distinct part of the Clifton to Tangoio coastline, including the changes to those risks from climate change over the next 100 years.
- 1.4 **Stage Two** work was undertaken by Mitchell Daysh and Maven Limited and sets out a process for making decisions around the risks identified by the Tonkin & Taylor work. 1.5A Northern and Southern Assessment Cell Evaluation Panel (“Panels”) have been established to implement the decision-making framework developed in Stage Two, and in doing so complete **Stage Three** of the strategy
- 1.6 From mid-2016, team members from the Living at the Edge programme (‘Resilience to Natures Challenges’ National Science Challenge) have provided expert input to the Strategy development process.

### 2.0 Purpose

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- 2.1 The purpose of the Panels is to provide informed recommendations to the Joint Committee on responses to coastal hazards risks within their assigned assessment cell areas (northern or southern).
- 2.2 The specific functions of the Panels are to provide the Joint Committee with input, advice and recommendations on the following matters:



- a) In response to the information developed on coastal hazards risks, the development of coastal hazard response options through consideration of the practicality and affordability of a range of options. The range of options might include:
  - i. Do Nothing;
  - ii. Hard Engineering solutions;
  - iii. Soft engineering solutions (e.g. beach re-nourishment, beach crest stabilisation);
  - iv. Retreat including identification of alternative building sites and land purchase;
  - v. Emergency Management planning;
  - vi. District and Regional Plan provisions; and
  - vii. Relevant internal Council policies.
- b) Facilitating engagement with the broader community, affected persons and other stakeholders in relation to the risks posed by coastal hazards and the associated coastal hazard response options.
- c) Open, objective and unbiased participation in a facilitated decision making process to select preferred coastal hazards response options;
- d) The determination of a preferred option(s) or series of coastal hazards response options, and the preparation and delivery of reasoned recommendations to the Joint Committee regarding:
  - i. Priority areas for action;
  - ii. Preferred coastal hazards responses; and
  - iii. Programming, implementation and monitoring of effectiveness.



### 3.0 Membership

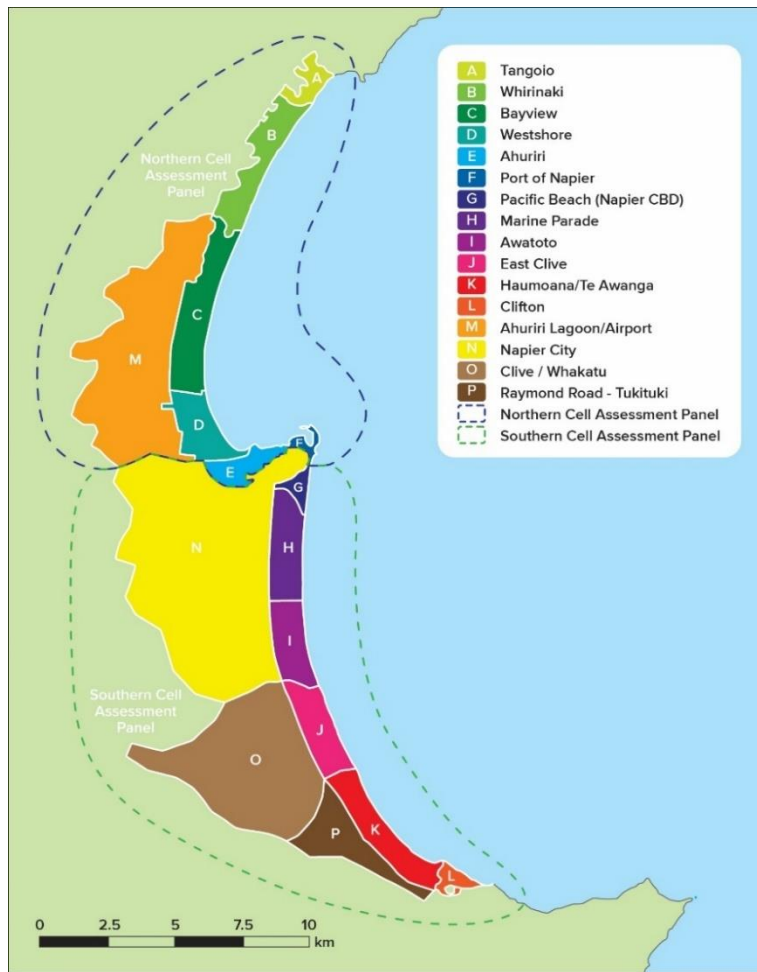


Figure 1: Assessment Cell Evaluation Panel areas

Two Panels shall be formed:

**Northern Assessment Cell Evaluation Panel** covering the area from Tangoio to the Port of Napier (inclusive), as represented by areas A, B, C, D, E, F and M in **Figure 1**.

**Southern Assessment Cell Evaluation Panel** covering the area from the Napier CBD to Clifton, as represented by areas G, H, I, J, K, L, N, O and P in **Figure 1**.

#### 3.1 Northern Assessment Cell Evaluation Panel

Full Voting Members	Observer Participants	Support Roles
Mana Whenua (3)	HBRC Councillor (1)	Independent Chair (1)
Whirinaki Community (3)	NCC Councillor (1)	Kaitiaki o te Roopu (1)
Bayview Community (2)	HDC Councillor (1)	Facilitator (1)
Westshore Community (2)	Maungaharuru-Tangitu Trust (1)	Assistant Facilitator (1)
Ahuriri / Pandora Community (2)	Mana Ahuriri Incorporated (1)	Technical Advisory Group (4)
Recreational Interests (1)		Panel Secretary (1)
Port of Napier (1)		Living at the Edge (2)
Ahuriri / Pandora Businesses (1)		
Lifelines (1)		
Department of Conservation (1)		
Regional Representative (1)		
<b>Total Voting (18)</b>		<b>Total Non-Voting (16)</b>



### 3.2 Southern Assessment Cell Evaluation Panel

Full Voting Members	Observer Participants	Support Roles
Mana Whenua (3)	HBRC Councillor (1)	Independent Chair (1)
Clifton/Te Awanga Community (3)	NCC Councillor (1)	Kaitiaki o te Roopu (1)
Haumoana Community (3)	HDC Councillor (1)	Facilitator (1)
Clive / East Clive Community (4)	Mana Ahuriri Incorporated (1)	Assistant Facilitator (1)
Marine Parade Community (1)	He Toa Takitini (1)	Technical Advisory Group (3)
Recreational Interests (1)	Port of Napier (1)	Panel Secretary (1)
Awatoto Businesses (1)		Living at the Edge (2)
Napier CBD Businesses (1)		
Lifelines (1)		
Department of Conservation (1)		
Regional Representative (1)		
<b>Total Voting (20)</b>		<b>Total Non-Voting (16)</b>

## 4.0 Role Descriptions

- 4.1 **Full Voting Members:** Representative positions with full voting and speaking rights and participation in scoring and recommendations. A quorum of 75% of full voting members is required for the Panels to pass any resolutions.
- 4.2 **Observer Participants:** Present to observe and offer advice and opinions when these are requested by or through the Chair. Speaking rights may be granted upon request, at the discretion of the Chair. No voting rights
- 4.3 **Chair:** Responsible for the efficient and fair operation of the meeting and ensuring the Terms of Reference are followed and adhered to. Responsible for handling all media enquiries regarding the work of the Panels. No voting rights. Full speaking rights.
- 4.4 **Kaitiaki o te Roopu:** Responsible for ensuring tikanga is respected and followed throughout the process. Provides advice and guidance on the consideration of cultural values and impacts. Assists Mana Whenua members as may be necessary. No voting rights. Full speaking rights.
- 4.5 **Facilitator:** Responsible for the overall management of each workshop, including managing how the Panels work and interact, resolving conflicts, leading debates, seeking consensus, and ensuring voting members are given the full opportunity to participate. Ultimately responsible for securing the necessary outcomes from each Panel workshop in an efficient, fair, and transparent manner. No voting rights. Full speaking rights.



- 4.6 **Assistant Facilitator:** Responsible for the organisation and logistics associated with the successful operation of each Panel workshop. Responsible for the development of a final report for each Panel, outlining the process taken and resolutions reached. Able to facilitate meetings as an alternate if required. No voting rights. Speaking rights may be granted upon request, at the discretion of the Chair
- 4.7 **Technical Advisory Group:** Provides technical support and expertise to the Panels when this is requested through the Chair. No voting rights. Speaking rights may be granted upon request, at the discretion of the Chair
- 4.8 **Panel Secretary:** Records the minutes, actions and resolutions from each workshop. Manages communications with all Panel members outside of each workshop. No voting rights. Speaking rights may be granted upon request, at the discretion of the Chair
- 4.9 **Living at the Edge:** Independent scientists and researchers available to Panel members to provide advice and guidance when this is requested through the Chair. No voting rights. Speaking rights may be granted upon request, at the discretion of the Chair

## 5.0 Member Attributes and Protocol for Collaborative Deliberation

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- 5.1 The Panels represent a community-driven collaborative stakeholder process with the aim of providing the Joint Committee with consensus advice and recommendations on a long-term approach to build resilience to coastal hazards over the next 100 years.
- 5.2 For this process to be successful, members of the Panels will need to have the ability to explore, consider and deliberate on options and recommendations with an open mind, taking into account diverse views and interests (rather than simply advocating for a particular point of view). The following collaborative protocol is to be followed by all Panel members, observers and support roles:
- Panel members will participate co-operatively for the “long term benefit” of the region as a whole.
  - All Panel members agree to act in good faith. This means that members must commit to open, honest, constructive, robust, respectful and collaborative deliberations. To facilitate this end the Chatham House rule<sup>1</sup> will apply.
  - Contributions made within the Panels will be “without prejudice”. That is, nothing said within the group may be used in a subsequent planning or legal process except for any recommendations and agreements reached by the group.
  - Panel members agree to show respect for other members’ views when communicating with their wider networks.

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<sup>1</sup> When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.



- e) Panel members agree to refrain from discussion and debate through media channels (i.e. newspapers, radio, television, and social media<sup>2</sup>).
- f) Any public statement regarding advice or recommendations made by the Panels are to be agreed by the Panel and made through the Chair. This also applies to researchers, council staff and others who may attend in support of Panel meetings.
- g) Consensus shall be strived for in all decisions made by Voting Members of the Panels, and is defined as every member (i.e. 100%) of the group being in agreement.
- h) Where 100% consensus cannot be reached on a specific piece of advice or a recommendation, the reasons for disagreement will be noted, any alternatives defined, and the reasons for members positions on the alternatives recorded.
- i) When the group reaches a decision, members will be expected to acknowledge that decision in subsequent public discussion, or presentation to the Council.
- j) If a meeting is missed by a member, members will not be able to “re-litigate” a piece of consensus advice or recommendation at a later time.
- k) Any recommendations made by the Panels must also take account of the requirements of the Local Government Act, New Zealand Coastal Policy Statement and other relevant legislation.

## 6.0 Operational Protocols

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6.1 The following protocols shall apply to the operation of the Panels:

- a) The schedule of agreed meetings is attached as **Appendix 1** to these terms of reference.
- b) Panel Members are expected to commit to the agreed schedule of meetings in **Appendix 1** and make every effort to attend all meetings. While it is anticipated that some Panel Members will miss certain meetings through circumstances beyond their control, if a significant number of meetings are not attended by a Panel Member then at the discretion of the Chair their membership may be reviewed and a reappointment process may be triggered.
- c) Unless a Panel member is otherwise remunerated for their attendance at panel meetings (i.e. because they are attending as an employee of the organisation they are there to represent), or opts out, all full voting members shall receive an honorarium per meeting attended. The value of the honorarium (and any subsequent adjustments as may be required) shall be determined by the Joint Committee. No additional reimbursement shall be given for mileage or travel to attend workshops.
- d) A regular public reporting forum and newsletter or similar mechanism should be adopted by the Panels to ensure the wider public are kept informed of their activities.
- e) Panel meetings are not open to the public; however, the Chair can invite people such as relevant experts and interested parties to specific meetings, and open certain meetings to the public and media representatives where it is considered appropriate. Elected members of the 3 Councils are welcome to attend meetings.

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<sup>2</sup> This does not preclude the objective and impartial use of social media to facilitate engagement with the broader community, affected persons and other stakeholders in relation to the risks posed by coastal hazards and the associated coastal hazard response options.



- f) The Partner Councils will be responsible for providing all the necessary support for the effective functioning of the group including the provisions of meeting venues, refreshments, and staff support for the preparation of agendas, minutes, communications etc.
- g) It is expected that the Panel meetings will be hosted by one of the Partner Council's, either in Council Chambers or other suitable venue for a group of this size.
- h) Full voting members of the Panel may not appoint alternates, or vote by proxy.
- i) Where a Panel member is no longer available to continue participation on a Panel for any reason, a replacement will be nominated by the relevant agency, group or community, to be accepted at the discretion of the Chair.
- j) Where a member deliberately or otherwise breaches the requirements and expectations of their participation on the Panel, as set out in this Terms of Reference, the Chair may, at their sole discretion, recommend to the Joint Committee that the member be removed. If this recommendation is confirmed by the Joint Committee, the member in question shall immediately cease to be a member of the Panel.
- k) Notes will be taken of all meetings. Notes will not record meeting conversations verbatim, but will provide an overall summary of the issues covered and the conclusions/decisions reached. These notes will be a public record.
- l) None of the matters in this terms of reference replaces, limits or restricts the individual decision-making of the Partner Councils and organisations involved; the statutory responsibilities and obligations of the Partner Councils for the implementation of plans and policies, including consent processing, monitoring, enforcement and compliance; or the ability to collaborate or work together in ways not defined in this terms of reference.

## 7.0 Resources

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- 7.1 At each meeting, the Panels will have access to a Technical Advisory Group ("TAG") formed by senior staff from each of the Partner Councils. Independent technical advisors will also be engaged by TAG to assist with supporting the Panels, which may include expertise from the following areas:
  - Coastal Process science and engineering
  - Landscape
  - Legal
  - Economics
  - Planning
- 7.2 Attendance at specific meetings by experts shall be at the discretion of the Chair.
- 7.3 Living at the Edge will also be providing independent input and expertise throughout the Panel process, and will participate in Panel meetings as observers.



## 8.0 Recommendations and Reporting

- 8.1 At the conclusion of their process, each Panel will present a final report to the Joint Committee outlining the process they have taken and a final set of recommendations for responding to coastal hazards risks.
- 8.2 The Joint Committee shall, in good faith, consider the report and recommendations and may seek clarification and/or amendments from the Panel before formally receiving the report.
- 8.3 The Joint Committee shall submit the final Panel reports to the Partner Councils with a formal recommendation.
- 8.4 This process and is outlined in **Figure 2**.

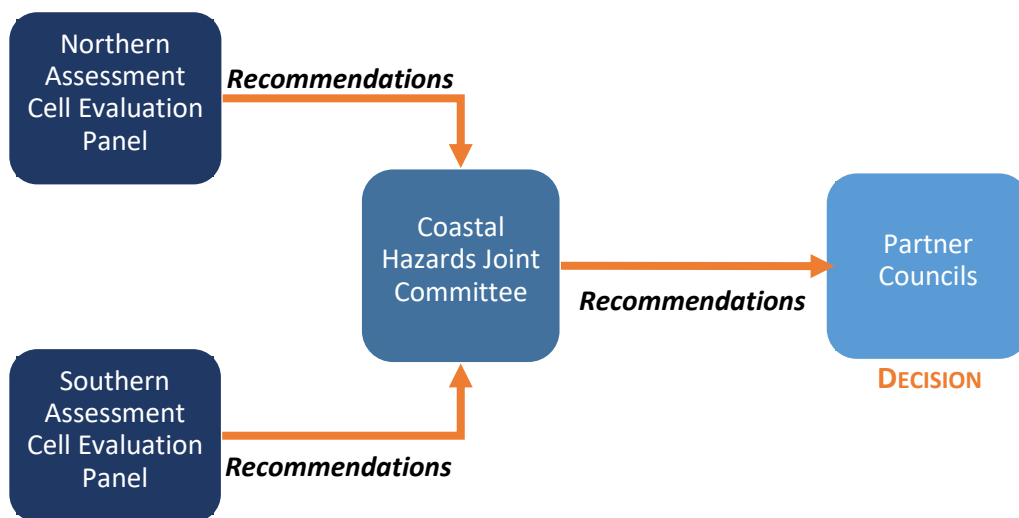


Figure 2: Functional Relationships





## APPENDIX 1 – AGREED MEETING SCHEDULE

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## Northern Cell Assessment Panel – Schedule of Meetings 2017 (preliminary)

Workshop	Date	Time	Venue	Purpose
1	Jan 31	5.30pm – 8.30pm	East Pier Hotel, Napier	Introduction and Confirm Terms of Reference
2	Feb 15	5.00pm – 8.00pm	Hawke's Bay Regional Council	Presentations from Technical Advisors – what we know
3	March 2	11.00am – 3.00pm	Meet outside Hawke's Bay Regional Council	Site Visit
4	March 21	5.00pm – 8.00pm	Hawke's Bay Regional Council	Identify information gaps, coastal unit prioritisation and option development
5	May 24	5.00pm – 8.00pm	Hawke's Bay Regional Council	Report back on further work and studies, present pathways, agree options and criteria
<b>Community discussion meeting – date TBC</b>				
6	Jun 16	5.00pm – 8.00pm	Hawke's Bay Regional Council	Review public feedback, confirm final suite of information, options/pathways, criteria and weightings
7	Jul 10	9.00am – 5.30pm	Hawke's Bay Regional Council	Evaluation Workshop
8	Aug 16	5.00pm – 8.00pm	Hawke's Bay Regional Council	Confirm preferred pathway following BCA and ROA
9	Sept 5	5.00pm – 8.00pm	Hawke's Bay Regional Council	Review draft Panel report
<b>Community discussion meeting – date TBC</b>				
10	Sept 20	5.00pm – 8.00pm	Hawke's Bay Regional Council	Review public feedback and finalise report



## Southern Cell Assessment Panel – Schedule of Meetings 2017 (preliminary)

Workshop	Southern	Time	Venue	Purpose
1	Jan 31	5.30pm – 8.30pm	East Pier Hotel, Napier	Introduction and Confirm Terms of Reference
2	Feb 2	5.00pm – 8.00pm	Hawke's Bay Regional Council	Presentations from Technical Advisors – what we know
3	Feb 16	11.00am – 3.00pm	Meet outside Hawke's Bay Regional Council	Site Visit
4	March 3	5.00pm – 8.00pm	Hawke's Bay Regional Council	Identify information gaps, coastal unit prioritisation and option development
5	May 3	5.00pm – 8.00pm	Hawke's Bay Regional Council	Report back on further work and studies, present pathways, agree options and criteria
<b>Community discussion meeting – date TBC</b>				
6	May 25	5.00pm – 8.00pm	Hawke's Bay Regional Council	Review public feedback, confirm final suite of information, options/pathways, criteria and weightings
7	Jun 15	9.00am – 5.30pm	Hawke's Bay Regional Council	Evaluation Workshop
8	Jul 6	5.00pm – 8.00pm	Hawke's Bay Regional Council	Confirm preferred pathway following BCA and ROA
9	Aug 4	5.00pm – 8.00pm	Hawke's Bay Regional Council	Review draft Panel report
<b>Community discussion meeting – date TBC</b>				
10	Sept 6	5.00pm – 8.00pm	Hawke's Bay Regional Council	Review public feedback and finalise report