

# Ohiti Road Flood Protection Project

## Community Advisory Group

### Terms of Reference

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#### The Ohiti Flood Protection Project

The Ohiti Flood Protection Project (**the Project**) is an initiative by Hawke's Bay Regional Council (**HBRC**) which is funded from the integrated package agreed between all five Hawke's Bay Councils and Central Government under the North Island Weather Events (2023) - Hawke's Bay Crown Funding Agreement.

The Project was initiated in response to the severe flooding in the Ohiti Road area caused by Cyclone Gabrielle which resulted in 11 properties in the area being classified as Category 2C, signifying an intolerable risk to life from future flooding which requires mitigation. The primary objective of the Project is to provide effective flood mitigation to reduce the risk to life to a tolerable level and enable the 11 properties to be re-categorised to Category 1.

HBRC is required to submit a high-level flood protection design to Central Government in the first half of 2025.

The Group began as a coming together of the members of the Ohiti Road and surrounding community in response to the proposal for the Project. These community members expressed a strong desire to be involved in decisions that affect their community with a view to developing confidence in the solutions that were being proposed and an understanding of the impacts on community infrastructure and assets.

The Group has been established with support of HBRC and the Hastings District Council (**HDC**) to bring together whānau katoa – affected landowners and the surrounding community - to ensure the best outcomes for the community, infrastructure and assets in the Ohiti Road area by:

- Identifying effective solutions for the affected Ohiti Road properties, through flood protection measures;
- Ensuring that risks are not unfairly transferred to the wider community, particularly to Omahu, the community that lives around and above the site of proposed flood protection measures and the community/businesses that depend on the integrity of the Taihape Road; and
- Giving the community confidence that their concerns have been addressed and that the outcomes are fair.

HBRC is committed to an inclusive engagement process, recognising that community perspectives help shape our actions as we build resilience for the future.

## Purpose of the Community Advisory Group

The role of the Group is to inform, advise and make recommendations to HBRC about developing, managing and monitoring the flood protection works for the Project.

## Objectives

The Group's core objectives will be to:

- a) Be a voice and provide community insight into project matters;
- b) Provide insight to support drafting matters for decision making;
- c) Provide an external view and input into the Project;
- d) Be informed of progress relating to the key project matters;
- e) Bring community feedback to key matters, and to disseminate key matters to the community and the member's representative group; and
- f) Provide recommendations to Council on project matters;
- g) Provide an escalation pathway to the next level of governance if required.

HBRC will:

- a) Record all information and advice provided by the Group; and
- b) Report to the group how the information and advice have been taken into account in the carrying out of the flood protection works.

## Tikanga

The following tikanga (principles) will guide the Group:

- **Manaakitanga** (Respect and Care): All members will demonstrate mutual respect and care for each other's values, traditions, and aspirations.
- **Whānauatanga** (Relationships): All relationships arising from the Group's purpose will be based on trust, open and frank communication and exchange of information, collaboration, and a genuine commitment to building lasting relationships.
- **Kaitiakitanga** (Guardianship): Understand and support the role of mana whenua as kaitiaki, or guardians, of their ancestral lands, waters, and taonga. All members agree to the sustainable management of natural resources, including protection of sites of significance, significant landscapes, and wāhi taonga. This commitment shall be in alignment with the tikanga (customs) and kawa (protocols) of Te Piringa Hapū.
- **Rangatiratanga** (Leadership and Self-determination): Recognise and uplift the authority, autonomy, and self-determination of mana whenua in tikanga Māori and cultural values that affect their lands, resources, and well-being.
- **Mana Motuhake**: Landowners will also be recognised and respected for their connection to their impacted property, while all members will be recognised and respected for their connection to the rohe (territory).

## Status

While the Group has no delegated functions of HBRC, it can provide feedback and make recommendations to Council on Project matters.

The Group acknowledges that HBRC must set up a “Stakeholder Advisory Group” to the Project, as required under the Severe Weather Emergency Recovery (Hawke’s Bay Flood Protection Works) Order 2024 (**the Order**).

The intention is for this Group to become the “Stakeholder Advisory Group” which will ensure consistency and continuity of knowledge, experience and process.

To allow for this to occur, the Group or HBRC will invite additional members at least 20 days before the flood protection works begin. The additional membership requirements are set out in the next section.

These Terms of Reference will remain in place throughout the life of the Project. However, HBRC must ensure it is compliant with the Order and will inform the Group if provision needs to be made in the Terms of Reference to ensure compliance.

## Membership

Each member appointed by a Council or Central Government agency must be authorised by the body appointing them to make decisions in relation to the flood protection works.

Where a member is unable to make a decision or speak on behalf of the person or body appointing them, they will come back to the Group as soon as practicable and within a reasonable timeframe acknowledging the significance or complexity of the matter.

The membership of the Group will be as follows:

| Core Members  | Number  |
|---|---|
| Hawke’s Bay Regional Council  | 4 Reps  |
| Hastings District Council   | 2 Reps  |
| Mana whenua   | 2 Reps  |
| The owners and occupiers of land on which the flood protection works are carried out and all adjoining land | All invited, and to inform the Group how many members they wish to have representing their interests. |
| Upstream Community members  | 4 Reps  |
| Heavy Traffic Forum   | 2 Reps  |
| Supporting members  | Number  |
| Community appointed chair/facilitator   | 1   |
| Community appointed Science Advisor   | 1   |
| Administrator   | 1   |

Other people may be invited to attend the meetings of the Group to allow for the Group to be fully informed on Project related matters.

At least 20 days before the flood protection works begin, the Group or HBRC must invite the following to appoint representatives to be members of the Group:

- all persons who made comments on the application for resource consent to the consent authority;
- all network utility operators with network infrastructure or other facilities on the land on which the flood protection works are carried out or any adjoining land;
- the Council's Manager Compliance;
- Heritage New Zealand Pouhere Taonga;
- the Department of Conservation;
- the Māori entities representatives.

After the flood protection works begin, the Group may invite further persons or bodies to appoint representatives to the Group.

### **Term of Service**

Members shall be appointed for the duration of the flood protection works relevant to the Project.

Members may resign their position at any time, by written notice.

### **Terms of Reference review**

The Group may review these Terms of Reference at any time if it considers circumstances or its community collaboration processes have changed.

Any amendment or variation must have the agreement of at least 70% of the core members of the Group, and be documented in minutes of a meeting.

### **Transparency and Communications**

The success of this process rests upon all parties sharing information in a timely fashion, ensuring there are 'no surprises' and not withholding critical information.

The Group does not remove the HBRC statutory obligations to communicate and engage with the community and landowners. Category 2C landowners at Ohiti Road and those directly affected by any stopbank works will still have separate conversations with Council and this process does not replace the Council's obligations in this regard.

The wider community will be kept up-to-date on the activities of the Group via:

- The agenda for each meeting; and
- Meeting minutes issued two day's after each meeting by email and social media. This will include reporting against agreed actions from the meetings.

### **Confidentiality**

It is recognised that some information may not be able to be shared widely. Confidentiality shall not be used to unduly constrain participants ability to report to the community. All participants involved undertake to observe the confidentiality of any material provided on that basis.

## Resources and Funding

HBRC will reimburse reasonable expenses required for the Group’s operation. The following expenses and rates are agreed:

|                           |             |
|---------------------------|-------------|
| Venue hire fee            | TBC by HBRC |
| Catering at meetings      | TBC by HBRC |
| Travel to meetings        | TBC by HBRC |
| Administrator of meetings | TBC by HBRC |
| ....                      |             |
| ....                      |             |

All other expenses will need to be pre-approved by HBRC following the provision of quotes, including the engagement of technical experts.

## Dispute Resolution

Should a dispute arise in relation to any of the matters under these Terms of Reference, the Group will endeavour to resolve those issues between themselves through good faith discussions guided by the principles of tika, pono, and aroha.

The Group will be guided by the Tūhono Model of Practice which is a tikanga-based, kaupapa Māori model of practice inspired by traditional Māori narratives and dispute resolution methodologies.

## Conflicts of Interest

To maintain independence and objectivity, any conflicts of interest will be disclosed. This includes:

- Landowner Status: Members must disclose whether they are a directly affected landowner (within the Category 2C area) or part of the wider community that could be impacted by the flood mitigation proposals.
- Personal Relationships: Between review team members and stakeholders.
- Prior Involvement: In providing technical or project management services.

If a member is deemed to have a real or perceived conflict of interest in a matter that is being considered at a meeting, they will be excused from discussions and deliberations on the issue where a conflict of interest exists or must not be present for the consideration of that matter.

## The Meetings

### Chair

[Insert community appointed chairperson name]

### Quorum

The quorum required to conduct a meeting will be [Insert Number] community members from the group

### Area of Priorities

The Group will agree actions and areas of priority and focus at the meetings that reflects the community's priorities noting the constraints that Councils are working to.

### Frequency

Meetings will be held fortnightly or as required, particularly following major project milestones such as the completion of flow modelling or peer reviews.

### Decision-Making

The Group will strive to make decisions by consensus, meaning that members will agree on decisions even if they are not everyone's first choice. If consensus cannot be reached, then both views are minuted.

### Agenda and Minutes

[Insert Name] from [Insert Organisation] will be responsible for preparing the meeting agendas, supporting papers, and meeting notes. Agendas and any necessary documentation will be circulated ahead of meetings to ensure members are prepared to participate in discussions.

### Documentation

Meeting minutes will be recorded, reviewed and approved by all members. Finalised minutes will be then distributed to all the Group and the wider community and put on the HBRC website within two days following each meeting to ensure transparency and accountability.

### Action Items

Each meeting will clearly define responsibilities and deadlines for action items. This ensures that follow-up actions are completed in a timely manner, and progress is tracked effectively.

## Document and Version Control

| Version | Date            | Drafted by                    | Reviewed by | Approved by | Status | Notes |
|---------|-----------------|-------------------------------|-------------|-------------|--------|-------|
| 001     | 5 November 2024 | Te Piringa Hapū, B2R          |             |             | Draft  |       |
| 002     | 4 December 2024 | Te Piringa Hapū, B2R and HBRC |             |             | Draft  |       |
|         |                 |                               |             |             |        |       |
|         |                 |                               |             |             |        |       |