



10 July 2024

Terms of Reference

Review of the Management of the Wairoa River bar by Hawke's Bay Regional Council

On 1 July 2024, Cabinet agreed to a review of the Hawke's Bay Regional Council's management of the Wairoa River bar (the Review) following the flooding event in Wairoa in June 2024 (the Event).

The Review will be managed by the Ministry for the Environment (MfE) and undertaken by an independent consultant (the Reviewer). It is an urgent and focused review and expected to be completed within four weeks, with findings and recommendations presented to MfE in August 2024. These terms of reference are intended to provide the Reviewer with clarity on scope and process to enable rapid completion of the work.

Purpose of the Review

1. The purpose of the Review is to urgently assess the current framework for management of the Wairoa River bar by Hawke's Bay Regional Council (HBRC) the basis for decision making around monitoring of the river and the bar, and to make recommendations as to future monitoring and management of the river and the bar. It is intended that the findings of the technical review commissioned by HBRC into the flood event due for completion in July 2024 (Technical Review) will be considered by the Reviewer. The Review is an informal rapid review – the Reviewer could identify if a more formal review is warranted.

Scope of the Review

2. The Review is to address the following matters:

General statutory framework:

- a) What is the statutory framework relevant to decisions on management of the bar?

Detailed review questions:

- a) What monitoring responsibilities does HBRC have for the state of the bar?
- b) What powers are available to HBRC to make decisions relating to the management of the bar? What actions are available to the HBRC to manage the bar? Is there recognised best practice for making such decisions and / or taking actions (if any)?
- c) What was HBRCs practice relating to engagement with mana whenua/tangata whenua on its management of the bar?

- d) Any other relevant contextual matters, including the findings of the separate Technical Review.
3. The Review will not consider or make any determination in relation to:
- a) Civil, criminal, or disciplinary liability of any person.
 - b) Local government arrangements and structure.
 - c) Civil defence and emergency management roles, responsibilities and response to the event.
 - d) Any new assessment of the damage caused by the event.
 - e) Direct engagement with affected communities, as this will be managed by Local Authorities as part of recovery locality planning.

Deliverables

- 4. The report will focus on making recommendations relating to the systems and processes and roles and responsibilities of HBRC in the context of the Event.
- 5. The Reviewer will present the findings to HBRC, Wairoa District Council and Tātau Tātau o Te Wairoa Trust within four weeks of the start date, with a final report to be delivered shortly thereafter.

Review context

- 6. This is a rapid review to seek information. All information will be sought and provided on a voluntary basis. Information here includes any meetings, discussions and written material.
- 7. For the purposes of this Review, the Reviewer cannot require information to be provided.
- 8. The Reviewer will:
 - a) operate in an independent, impartial, and fair way
 - b) engage with local authorities (staff and Elected Members of the HBRC and Wairoa District Council), Tātau Tātau o Te Wairoa Trust, relevant government agencies, and other stakeholders as is considered necessary
 - c) consider the outcomes and findings of the technical review commissioned by HBRC into the flood event due for completion in July 2024
 - d) undertake any additional research and analysis required to complete the Review
 - e) ensure that principles of efficiency, transparency, and accountability are adhered to through the timely development of documents, effective recording of information, and timely communication with stakeholders and Ministry for the Environment officials.
- 9. Given both the urgency and scope of the Review, the Reviewer's engagement will not extend to public consultation with the Wairoa community however information from the

community may be provided by Tātau Tātau o Te Wairoa Trust and Wairoa District Council as part of the information provided by those organisations. Wider engagement with the Wairoa community, the outcome of the review, and any proposed actions should be led and conducted by the local authorities at an appropriate time once the review has been concluded.

Term and key dates

10. The Review will begin as soon as appropriate contractual arrangements with the Reviewer are in place. Draft findings will be presented to HBRC, Wairoa District Council and Tātau Tātau o Te Wairoa Trust by 9 August 2024.
11. The Reviewer must provide his final report to the MfE in August 2024. To enable the completion of the report within that period, 30-50 pages is envisaged (together with any appendices if necessary).

Lead Reviewer

12. The Review will be undertaken by Mike Bush, Bush International Consulting.

Costs

13. All contract fees and associated disbursements of the Reviewer will be covered by the MfE through agreed contractual arrangements.