

Terms of Reference for the Review into the performance of Hawke's Bay Regional Council's (HBRC) Flood Scheme Assets and River Management programmes in response to Cyclone Gabrielle

Purpose of the Review

The purpose of this Review is to:

1. understand the circumstances and contributing factors that led to flooding in the Hawke's Bay region during Cyclone Gabrielle
2. report on the performance of HBRC's flood scheme assets and river management programmes during the Cyclone Gabrielle event, and
3. review decision-making regarding catchments where flood scheme assets and river management programmes exist and whether these remain viable.

Audience for the Terms of Reference

The Hawke's Bay Regional Council (HBRC) wishes to record its intentions in relation to the Review.

The Terms of Reference is a public document intended to explain the Review to the Hawke's Bay community, its stakeholders, iwi and the public generally as well as relevant Government ministers.

The Terms of Reference sets out the scope of the Review.

The Review Panel

HBRC has initiated and commissioned the Review. HBRC is the approver of the Terms of Reference.

The Review will be conducted by the following panel of experts (**Review Panel**):

1. Phil Mitchell, Partner at Mitchell Daysh
2. Kyle Christensen, Christensen Consulting Ltd
3. Bernadette Arapere, Barrister

The Review Panel will be led by Phil Mitchell as Chairperson.

The Review Panel is independent to HBRC and impartial. The Review Panel will provide an arms-length assessment of HBRC infrastructure, assets and activities as defined by the Terms of Reference.

The Review Panel may request advice from an independent Legal Advisor and other subject matter experts during the course of the review.

The Review Scope

The scope of the Review will have two interlinked parts:

1. To review the performance of all HBRC-owned and operated flood protection, control and drainage schemes, including associated telemetry and stream monitoring assets, and river management programmes during the Cyclone Gabrielle event, specifically considering:
 - 1.1. The origin and purpose of each scheme and programme, including intended levels of service (LOS)
 - 1.2. The severity of the Cyclone Gabrielle event and any other contributing factors relative to scheme purpose/ LOS and the event itself, and
 - 1.3. Scheme maintenance and operation before, during and in the immediate aftermath of the event.
2. To consider and recommend a wider range of total catchment options using a long-term and holistic vision and having regard to increasing climate change risks.

The Review Panel will report its findings on the circumstances that led to the breaches and will make recommendations it considers fit on matters within the Review scope, including recommendations relating to future actions that HBRC might take.

Exclusions

The Review has been commissioned by the HBRC to cover matters it is responsible for. It is not intended to cover district or city council roles and responsibilities during Cyclone Gabrielle, including but not limited to:

- The effectiveness of the local or Group Civil Defence Emergency Management responses, including the timing and notification of evacuations,
- The establishment and implementation of the recovery phase of the flood event.

Also outside the scope of the Review is the HBRC and Hawke's Bay Civil Defence Emergency Management Group wider operational responses to the event.

The Review Panel may, as it deems appropriate, draw information from any review already taking place, in totality or in part, for this Review.

Public opportunity to provide information, input and feedback

The Review Panel will ensure that all members of the community affected by, and all iwi and stakeholders with an interest in, the flood event from Cyclone Gabrielle are given the reasonable opportunity to provide information, input and feedback. The Review Panel shall accept written input and feedback and will also provide an opportunity for verbal input and feedback to be provided. It will initiate meetings with the Hawke's Bay community, iwi and stakeholder groups that it identifies as well as groups identified by HBRC to the Review Panel.

HBRC will provide full disclosure to the Review Panel of all the relevant information it holds. It will also provide the Review Panel with full access to any relevant staff. In order to be effective, it is expected that the Review Panel will also receive information and hear from organisations outside of HBRC.

Timeframes

The Review Panel should provide its final report to HBRC by or on 31 January 2024.

Reporting Sequence

Prior to its publication, the Review Panel must provide a draft report to the HBRC Chief Executive for a factual check only. The Review Panel shall allow ten working days to undertake this factual check, giving a minimum of five working days' notice of the delivery date of the draft report. An extension may be granted at the discretion of the Review Panel.

The Review Panel is to provide its final report, including its findings and recommendations, to HBRC in writing no later than the date specified in this Terms of Reference. Any delays in meeting this date are to be agreed with the Chief Executive of HBRC.

The Review Panel's report will be made public. HBRC may receive and consider the outputs of the Review in confidence, prior to their public release, to enable it to prepare and provide an initial response to the Review Panel's findings and recommendations.

Enquiries

Any enquires to HBRC should be directed to the Chief Executive, by phone 06 835 9200 or email info@hbrc.govt.nz

Approval

This Terms of Reference was approved by resolution of the Hawke's Bay Regional Council on 26 April 2023, subject to confirmation delegated to the HBRC Chief Executive.

This Terms of Reference were finalised by the HBRC Chief Executive on 5 July 2023.

This Terms of Reference was accepted by the Review Panel on 19 July 2023.