



# ORDINARY MEETING OF COUNCIL

## Item of Business not on the Open Agenda

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Meeting Date: Thursday 16 March 2023

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Time: 9.30am

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Venue: Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook site*

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This Item of business was not on the agenda due to Cyclone Gabrielle and the state of emergency and cannot be delayed until the next Council meeting as it recommends the appointment of elected members to a Joint Committee that will meet before the next Council meeting.

# ITEM OF BUSINESS NO ON THE AGENDA

## 1. TERMS OF REFERENCE, CLIMATE ACTION JOINT COMMITTEE

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1634498
<i>Reporting Officer/s &amp; Unit:</i>	Heather Bosselmann, Senior Policy Analyst - Climate Resilience

### 1.1 Purpose of Report

To present the draft Terms of Reference for the new Climate Action Joint Committee for review and adoption.

#### Officer's Recommendation

That Council:

- a. **Receive** the report titled Climate Action Joint Committee Terms of Referenced dated 23 March 2023.
- b. **Adopt** the Terms of Reference for the Climate Action Joint Committee (*Doc Id 1641652*).
- c. **Appoint** Deputy Mayor **Brosnan** and Councillor Tareha as the two Napier City Council representatives to the Climate Action Joint Committee and Councillor Browne, as the alternate.

### 1.2 Background Summary

Climate mitigation and adaptation are core business for councils. They span multiple council work streams such as urban planning, land-use and resource management, transport, flood protection, coastal hazards, and emergency management. The purpose of the Joint Committee will be to support a coordinated and collaborative response to address the complex challenge of Climate Resilient Development for the communities of Hawke's Bay. Cyclone Gabrielle has brought into stark relief the necessity and urgency of this approach.

The focus of the Joint Committee will be promoting action to mitigate climate change (emissions reduction) and adapt to the changing regional climate.

The Joint Committee will have representatives from all 5 Hawke's Bay Councils as well as mana whenua representation.

The desire to establish a Joint Committee to oversee climate mitigation and adaptation work first arose at the Hawke's Bay Local Government Leaders (and CEs) Forum meeting on 31 October 2022. It was agreed that a Joint Committee would provide an effective vehicle for a coordinated regional response to climate change which will be identified in

the Triennial Agreement as a significant cross-council priority area affecting all communities in Hawke's Bay.

The Joint Committee will also provide a platform for the work required of councils in meeting their statutory obligation to "have regard to" the National Emissions Reduction Plan and National Adaptation Plan, as well as meet obligations under the Spatial Planning and Natural & Built Environments legislation.

At its meeting on 25 January 2023 HBRC adopted the draft Terms of Reference as the next step towards the appointment of the Climate Action Joint Committee as a Joint Committee in accordance with the Local Government Act s 30(1)(b) and 30A. HBRC agreed to minor changes being made without the document being referred back to their councillors. The changes made since are minor and made after consultation with staff at HBRC, HDC, and NCC. The current version is attached (**Attachment 1**).

Hastings District Council adopted the Terms of Reference on 2 March 2023.

If Napier City Council adopts the attached Terms of Reference, Council will also need to appoint two Councillors and an alternate as representatives to the Climate Action Joint Committee.

A Technical Advisory Group will comprise of staff members from the member councils who are working in climate mitigation and adaptation and will involve subject matter experts as required to ensure linkages with other work streams, such as the work of the Regional Transport Committee and the Clifton to Tangoio Coastal Hazard Management Strategy and Napier-Hastings Future Development Strategy Joint Committees. HBRC's Climate Change Ambassador, along with the dedicated roles at NCC and HDC will lead this work.

### 1.3 Issues

HBRC will be the administering authority for the Climate Action Joint Committee with the administrative support (convening meetings, keeping minutes etc.) provided by the HBRC Governance Team.

The Chair of the Joint Committee will be appointed by HBRC and the Chair will have a deliberative vote as well as a deciding vote where there is an equal split of votes.

Given that HBRC are leading and funding the creation of this Joint Committee, and that the Joint Committee will not have the power to direct Councils to act, this is appropriate.

### 1.4 Significance and Engagement

The Joint Committee will not have the power to direct Councils to act. All recommendations will be referred back to the Councils for approval.

Mana whenua will be represented by:

- Two members appointed to represent the Post [Treaty] Settlement Governance Entity (PSGE) representatives on the HBRC Regional Planning Committee; and
- Two members appointed to represent the Ngāti Kahungunu Taiwhenua and Board representatives on the HBRC Māori Committee.

Membership will be reviewed after three years.

## 1.5 Implications

### Financial

There are no direct financial implications from the creation of this Joint Committee. Napier City Council is responsible for remunerating its representations and some staff resource will be dedicated to the TAG. HBRC will be paying the fees of the mana whenua representative and the administrative costs associated with the Joint Committee.

It is likely that recommendations from the Joint Committee will include requests for financial commitments. It will be up to NCC to determine whether they wish to make these commitments as the Joint Committee has no power to direct any Council act in a certain way.

It is likely that there will be pieces of work completed via the Joint Committee that would have been undertaken by NCC separately and there may be some savings involved in work being completed collectively.

### Social & Policy

Provision has been made for Māori representation on the committee.

### Risk

There may be some risk of cross-over between the work that NCC is undertaking and the work of the Joint Committee. However, it is likely that this will be mitigated by the communication that will come from having a Joint Committee. On top of this, given the lack of power of the Joint Committee to compel any Council to act, there is limited risk in the establishment of this Joint Committee and it will provide a useful method for ensuring a coordinated response to the urgent and significant issue of climate change.

There is significant risk in not acting in a coordinated manner, or not taking steps to reduce the risks Hawke's Bay will be exposed to by climate change. We can see this in the impacts of Cyclone Gabrielle. It is likely that Climate Change will be one of the most significant issues for Council over the next 10 years and beyond and it is important that NCC is part of this regional response.

## 1.6 Options

The options available to Council are as follows:

- a. Adopt the attached Terms of Reference in their current form.
- b. Make amendments to the attached proposed Terms of Reference.
- c. Do not adopt the Terms of Reference – this option is not recommended.

## 1.7 Development of Preferred Option

Based on the information included in this report, there is a clear case for adopting the attached Terms of Reference. Note that the Terms of Reference have already been reviewed by NCC staff and Mayor Wise and changes made on that basis. These changes were made after discussion with staff at HDC and HBRC and the amended version has been adopted by HDC.

In the wake of Cyclone Gabrielle this new Joint Committee is an essential step forward for collaborative and coordinated climate action in Hawke's Bay.

## 1.8 Attachments

- 1 Terms of Reference for Climate Action Joint Committee (Doc Id 16416520 [↓](#))















