



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

Napier Civic Building
231 Hastings Street
t +64 6 835 7579
e info@napier.govt.nz
www.napier.govt.nz

ORDINARY MEETING OF COUNCIL

Item of Business not on the Open Agenda

Meeting Date: Thursday 16 March 2023

Time: 9.30am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

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

Type of Report:	Legal
Legal Reference:	Local Government Act 2002
Document ID:	1634498
Reporting Officer/s & Unit:	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 [↓](#))

Terms of Reference for the Climate Action Joint Committee

As adopted by resolution of:

Hawke's Bay Regional Council, 25 January 2023

Central Hawke's Bay District Council, ...2023

Hastings District Council, 2 March 2023

Napier City Council, ... 2023

Wairoa District Council, ... 2023

1. Name and status of Joint Committee

- 1.1. The Joint Committee shall be known as the Climate Action Joint Committee.
- 1.2. The Joint Committee is a joint committee under clause 30(1)(b) Schedule 7 of the Local Government Act 2002 (the Act).

2. Purpose

- 2.1. Climate mitigation and adaptation is core business for councils. It spans multiple council workstreams such as urban planning, land-use and resource management, transport, flood protection, coastal hazards and emergency management. Without duplicating effort, the purpose of the Joint Committee is to support a coordinated and collaborative response to address the complex challenge of Climate-Resilient Development¹ for the communities of Hawke's Bay.
- 2.2. The focus of the Joint Committee will be promoting action to mitigate climate change (emissions reductions and offsetting) and adapt to the changing regional climate.
- 2.3. The Joint Committee aims to support communities and industries to become resilient to the effects of climate change and to thrive within boundaries of our natural environment.

3. Objectives

- 3.1. Oversee and guide the development and implementation of a Regional Emissions Reduction Plan including recommending actions for partner councils to consider for inclusion in their long term plans.
- 3.2. Oversee and guide the development and implementation of a spatial Regional Climate Risk Assessment to deliver on responsibilities under the National Adaptation Plan to:
 - 3.2.1. Reduce vulnerability to the impacts of climate change
 - 3.2.2. Enhance adaptive capacity and consider climate change in decisions at all levels
 - 3.2.3. Strengthen resilience.

¹ Climate Resilient Development is a framework developed in the Intergovernmental Panel on Climate Change 6th report – Impacts, Adaptation and Vulnerability. It combines strategies to adapt to climate change with actions to reduce greenhouse gas emissions to support sustainable development for everyone. ([FAQ 6: What is Climate Resilient Development ? ipcc.ch](#))

- 3.3. Support compliance with the statutory requirement to “have regard to” the National Emissions Reduction Plan and the National Adaptation Plan in all RMA-related plans of partner councils².
- 3.4. Inform planning to drive climate-resilient development in the right locations within the Future Development Strategy required under the National Policy Statement on Urban Development, and the Regional Spatial Strategy and regional combined plan proposed under the Spatial Planning and Natural and Built Environments legislation.
- 3.5. Collaborate on the delivery of key services for infrastructure impacted by climate change on respective councils.
- 3.6.

4. Membership ³

- 4.1. Up to two elected members from the Hawke’s Bay Regional Council; being the Chair and one other elected member, and one alternate.
- 4.2. Up to two elected members from each Territorial Authority within the Hawke’s Bay region; preferably the Mayor and one other elected member, and one alternate.
- 4.3. Up to two members and one alternate appointed to represent the Post [Treaty] Settlement Governance Entity (PSGE) representatives on the HBRC Regional Planning Committee⁴.
- 4.4. Up to two members and one alternate appointed to represent the Ngāti Kahungunu Taiwhenua and Board representatives on the HBRC Māori Committee⁵.
- 4.5. Under clause 30A(6) Schedule 7 of the Act, the power to discharge any member on the Joint Committee and appoint his or her replacement shall be exercisable only by the body that appointed the member.

5. Chairperson and Deputy Chairperson

- 5.1. The Chairperson of the Joint Committee will be the Chair of the Hawke’s Bay Regional Council.
- 5.2. At the first meeting of the Joint Committee the members shall elect a Deputy Chairperson.
- 5.3. The mandate of the Chairperson and Deputy Chairperson ends if that person, through resignation or otherwise, ceases to be a member of the Joint Committee.

6. Delegated authority

The Joint Committee has delegated responsibilities for:

- 6.1. Guiding and monitoring climate mitigation and adaptation across the region with current and relevant technical inputs.
- 6.2. Leading regional emissions reduction plans including recommending actions for consideration to partner councils to include in their long term plans
- 6.3. Leading spatial regional climate risk assessments to deliver on responsibilities under the National Adaptation Plan

² From 30 November 2022 it is a legal requirement for local government to ‘have regard to’ the national adaptation plan and the emissions reduction plan when preparing or changing regional policy statements, regional plans and district plans. ([Guidance note environment.govt.nz](https://www.environment.govt.nz/guidance-note))

³ Membership will be reviewed at the end of the three-year cycle.

⁴ HBRC Regional Planning Committee is a co-governance committee composed of an equal number of elected councillors and appointees from each of the Post Settlement Governance Entities (PSGEs) within the HB Region.

⁵ HBRC Māori Committee has 13 tangata whenua representatives, 3 from each of the Taiwhenua (and Wairoa Kahungunu Executive) within the Hawke’s Bay regional boundary and 1 from the Ngāti Kahungunu Iwi Inc Board

- 6.4. Setting targets, including interim goals, towards achieving carbon neutrality by 2050
- 6.5. Monitoring regional greenhouse gas emissions (community carbon footprint) on a regular basis and reporting annually on implementation of regional emissions reduction plans
- 6.6. Considering and recommending key emissions reduction actions to each of the partner councils and industry for consideration
- 6.7. Advocating for and/or advancing the objectives of regional climate action by submitting on and participating in processes, at the Joint Committee's discretion, including but not limited to:
 - 6.7.1. Council long term plans
 - 6.7.2. Council annual plans
 - 6.7.3. District and regional plan and policy changes
 - 6.7.4. Reserve management plans
 - 6.7.5. Asset management plans
 - 6.7.6. Notified resource consent applications
 - 6.7.7. Central Government policy and legislation
 - 6.7.8. Investigating and securing additional sources of funding to support regional decarbonisation, offsetting and protecting communities from the impact of climate change.
- 6.8. For the avoidance of doubt, the Joint Committee can only make recommendations to partner councils. Without legally binding subsequent council decisions, the partner councils agree to:
 - 6.8.1. Have particular regard to the recommendations of the Joint Committee in developing policies, determining priorities, and allocating resource;
 - 6.8.2. Progress, to the fullest possible extent, actions identified through joint planning and decision-making arrangements.

7. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 7.1. Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Act.
- 7.2. Decisions relating to the allocation of funding for undertaking investigations, studies and/or projects in climate adaptation, offsetting or climate mitigation and matters relating to consenting.

8. Meetings

- 8.1. The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer (Chief Executive) of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 8.2. The Joint Committee shall hold meetings at such frequency, times and place(s) as required for the performance of the functions, duties and powers delegated under this Terms of Reference, at least three times per year.
- 8.3. Notice of meetings will be given as far in advance as possible to all Joint Committee members, and in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.
- 8.4. Meetings may provide for members' attendance by audio-visual link if required.

- 8.5. Members, or their confirmed alternates, will attend all Joint Committee meetings.
- 8.6. The quorum will consist of a majority of members.

9. Voting

- 9.1. In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each member has full authority to vote and make decisions within the delegations of the Terms of Reference on behalf of the body that appointed them without further recourse to the appointing body.
- 9.2. Where voting is required, each member has one vote.
- 9.3. Best endeavours will be made to achieve decisions on a consensus basis.
- 9.4. The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, may use a casting vote.

10. Good faith

- 10.1. In the event of any circumstances arising that were unforeseen by the partner councils or their representatives at the time of adopting these Terms of Reference, the partner councils and their representatives hereby record their intention that they will negotiate in good faith to add to or vary these Terms of Reference so as to resolve the impact of those circumstances in the best interests collectively of the partner councils taking into account also the views of the Regional Planning Committee and Māori Committee appointed members in relation to those circumstances.

11. Remuneration

- 11.1. Each partner council shall be responsible for remunerating its representatives on the Joint Committee and for the costs of those persons' participation in the Joint Committee.
- 11.2. Hawke's Bay Regional Council as the Administering Authority shall be responsible for remunerating the Regional Planning Committee and Māori Committee representatives on the Joint Committee for travel and attendance as per its agreed meeting fees policy.

12. Technical Advisory Group and Reporting

- 12.1. A technical advisory group (TAG) will service the Climate Action Joint Committee.
- 12.2. The TAG will comprise of staff members from the partner councils who are working in climate mitigation and adaptation and will involve subject matter experts as required to ensure linkages with other workstreams, such as the work of the Regional Transport Committee and Napier-Hastings Future Development Strategy Joint Committee. The TAG will be led by the Hawke's Bay Regional Council Climate Action Ambassador along with the dedicated climate roles at Napier City Council and Hastings District Council.
- 12.3. Following each meeting of the Joint Committee, the TAG shall create a summary report of the business of the meeting which will be distributed, for information, to each partner council for inclusion in the agenda for the next available council meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority, which will be circulated to Joint Committee members.

13. Variations to the Terms of Reference

- 13.1. Any member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee for recommending to the partner councils if agreed.

- 13.2. Amendments to the Terms of Reference must be agreed by all partner councils before taking effect.

14. Recommended for Adoption

- 14.1. The Climate Action Joint Committee, made up of the following members, confirms this Terms of Reference as adopted by the five partner councils and Regional Planning Committee and Māori Committee representative members.

Hawke's Bay Regional Council represented by:

Councillors Hinewai Ormsby and Xan Harding, and Di Roadley as alternate.

Councillor Hinewai Ormsby as Chairperson of the Climate Action Joint Committee.

Appointed by HBRC resolution on 16 November 2022.

Central Hawke's Bay District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by CHBDC resolution _____ 2023

Hastings District Council represented by:

Mayor Sandra Hazlehurst and Councillor Ann Redstone, and Councillor Tania Kerr as alternate.

Appointed by HDC resolution 2 March 2023.

Napier City Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by NCC resolution _____ 2023

Wairoa District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by WDC resolution _____ 2023

Regional Planning Committee representatives, _____ and _____, and _____ as alternate.

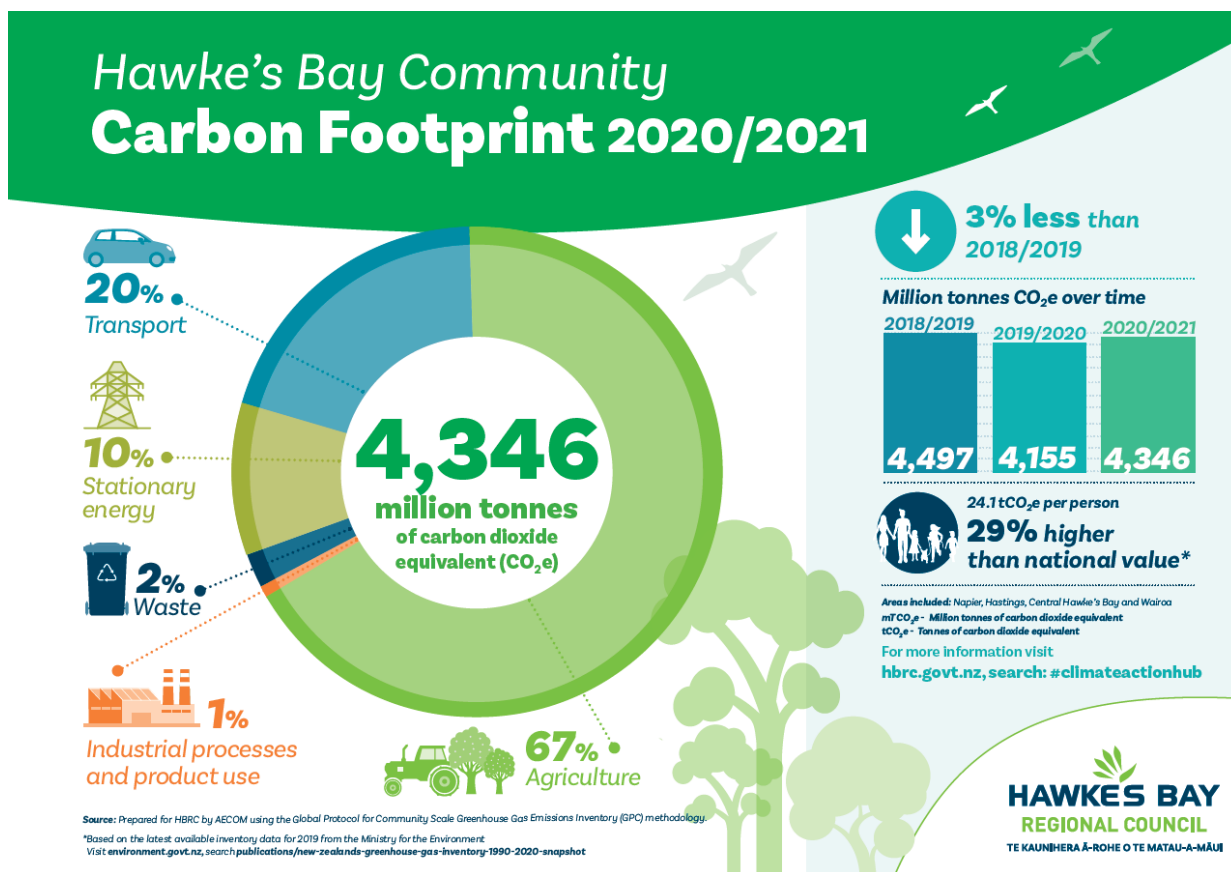
Appointed by RPC resolution on 15 February 2023.

HBRC Māori Committee representatives _____ and _____, and _____ as alternate.

Appointed by Māori Committee resolution on 8 February 2023.

Appendix A – Project Background

1. The Regional Council declared a climate emergency for the Hawke's Bay region on 26 June 2019. The declaration recognises that the climate crisis is an urgent and pervasive threat to human and ecological wellbeing and that we have a small window of time to act to avoid the most damaging effects of the climate crisis in the longer term. This climate crisis declaration was one of many declaration from councils across the county, with the Government declaring a climate emergency on 2 December 2020.
2. In 2022 HBRC, HDC, and NCC each invested in dedicated strategic climate change roles, an acknowledgement of the important leadership role councils can, and should, play in regional climate action.
3. There is a general acknowledgement that the transition to a low emissions future cannot be achieved by individual councils working in isolation and a regional approach is needed.
4. In 2022 the Ministry for Environment released Aotearoa's first Emissions Reduction Plan. A significant number of the actions in that plan involve local government.
5. In September 2022 the first Hawke's Bay Community Carbon Footprint was released, measuring greenhouse gas emissions from 2018/19 to 2020/21. Separate footprints were created for each Territorial Authority. The whole of region footprint established that our regional emissions for 2020/21 were made up of:
 - 5.1. Agriculture 67%
 - 5.2. Transportation 20%
 - 5.3. Stationary Energy 10%
 - 5.4. Waste 2%
 - 5.5. IPPU 1% (Industrial Processes and Product Use)



6. The next step for is to create a Regional Emissions Reduction Plan, with input from all Hawke's Bay councils, as well as significant engagement across expert, business, and community spheres.