

Meeting of the Climate Action Joint Committee

Date: Monday 14 August 2023

Time: 1.00pm

Venue: HBRC Council Chamber
159 Dalton Street
Napier 4110

Agenda

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1.	Welcome/Karakia/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Climate Action Joint Committee held on 22 May 2023	
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CLIMATE ACTION JOINT COMMITTEE

Monday 14 August 2023

Item 4

Subject: CLIMATE ACTION JOINT COMMITTEE TERMS OF REFERENCE UPDATE

Reason for Report

1. This item provides and update on the Climate Action Joint Committee Terms of Reference (ToR) as adopted by the partner councils.

Background

2. Following the 22 May 2023 Joint Committee meeting the amended Terms of Reference (attached) was referred to each of the partner councils for adoption. At this time four of the five partner councils have adopted the amended ToR – CHBDC to consider 17 August.

Discussion

3. In accordance with the amendments to the ToR, the following Post Settlement Governance Entities have been invited to appoint a member and an alternate to the Joint Committee:
 - 3.1. Heretaunga Tamatea Settlement Trust
 - 3.2. Mana Ahuriri Trust
 - 3.3. Maungaharuru-Tangitū Trust
 - 3.4. Ngāti Pāhauwera Development Trust
 - 3.5. Ngāti Tūwharetoa Hapu Forum
 - 3.6. Tātau Tātau o Te Wairoa
 - 3.7. Te Kōpere o te iwi Hineuru
 - 3.8. Te Toi Kura o Waikaremoana
4. The Climate Action Technical Advisory Group (TAG) has been established and currently comprises:
 - 4.1. Desiree Cull (Strategy & Governance Manager), Pippa McKelvie-Sebileau (Climate Action Ambassador), Nichola Nicholson (Team Leader Policy & Planning), Richard Wakelin (Manager Rural Recovery), and Dr Kathleen Kozyniak (Team Leader Marine Air & Land Science) from Hawke's Bay Regional Council
 - 4.2. Taylor Eubanks, Craig Scott, Jess Noiseux and Steffi Bird from Hastings District Council
 - 4.3. Heather Bosselmann, Robin Malley, Paulina Wilhelm, Julia Atkinson and Tania Diack from Napier City Council.
 - 4.4. Dylan Muggeridge from Central Hawke's Bay District Council.
 - 4.5. Adam Childs from Hawke's Bay Civil Defence and Emergency Management.
5. Wairoa District Council has not yet advised of any appointments.
6. Discussions about representation of Te Ao Māori and/or mātauranga Māori on the TAG are ongoing with Te Kupenga (Māori Partnerships teams across councils).

Financial and Resource Implications

7. HBRC is the administering authority for the Joint Committee and will cover the costs of administration and tangata whenua representatives' remuneration.
8. Funding for technical inputs will predominantly come from the existing HBRC climate action budget with contributions on a case-by-case basis from member councils.

9. Consideration will be given to sharing the costs for tangata whenua participation and technical inputs, similar to the Napier-Hastings Future Development Strategy Joint Committee, between all the member councils as part of the 2024 Long Term Plan process.

Decision Making Process

10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 10.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 10.2. The use of the special consultative procedure is not prescribed by legislation.
 - 10.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 10.4. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Climate Action Joint Committee:

1. Receives and considers the *Climate Action Joint Committee Terms of Reference update*.
2. Accepts the Terms of Reference (attached) as adopted by the partner councils.

Authored by:

Allison Doak
GOVERNANCE ADVISOR

Pippa McKelvie-Sebileau
CLIMATE ACTION AMBASSADOR

Approved by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Desiree Cull
STRATEGY AND GOVERNANCE MANAGER

Attachment/s

- 1 [↓](#) Terms of Reference

Terms of Reference for the Climate Action Joint Committee

Adopted by resolution of:

Hawke's Bay Regional Council, 26 July 2023

Hastings District Council, 20 July 2023

Napier City Council, 20 July 2023

Central Hawke's Bay District Council, _____ 2023

Wairoa District Council, 18 July 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) of Schedule 7 of the Local Government Act (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 the means of our natural environment in a manner that aligns with central government policy on climate change².

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
- 3.3. 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](https://www.ipcc.ch/faq6/faq6_1/))

² Including UNFCCC Paris Agreement on Climate Change.

- 3.4. 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 councils³.
- 3.5. 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.
- 3.6. Collaborate on the delivery of key services for infrastructure impacted by climate change on respective councils.

4. Membership⁴

- 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. Each Post [Treaty] Settlement Governance Entity (PSGE) within the Hawke’s Bay region is invited to appoint one member, and one alternate.
- 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
- 6.4. Setting targets, including interim goals, towards achieving carbon neutrality by 2050

³ 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)

⁴ Membership will be reviewed at the end of the three-yearly cycle.

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.

- 6.5. 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 Local Government Act 2002.
- 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 a 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 HBRC Māori Committee representatives and the PSGE 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.

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 25 January 2023.

Hastings District Council represented by:

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

Appointed by HDC resolution on 2 March 2023.

Napier City Council represented by:

Councillors Annette Brosnan and Hayley Browne, and Chad Tareha as alternate.

Appointed by NCC resolution on 16 March 2023.

Central Hawke's Bay District Council represented by:

Mayor Alex Walker and Councillor Tim Aitken, and Councillor Jerry Greer as alternate.

Appointed by CHBDC resolution on 23 March 2023.

Wairoa District Council represented by:

Mayor Craig Little and Councillor Roslyn Thomas, and Councillor Denise Eaglesome-Karekare as alternate.

Appointed by WDC resolution on 18 July 2023

HBRC Māori Committee representatives Paul Kelly and Roger Maaka, and Marei Apatu as alternate.

Appointed by HBRC Māori Committee resolution on 3 May 2023.

Post [Treaty] Settlement Entity appointees:

Heretaunga Tamatea Settlement Trust

Mana Ahuriri Trust

Maungaharuru-Tangitu Trust

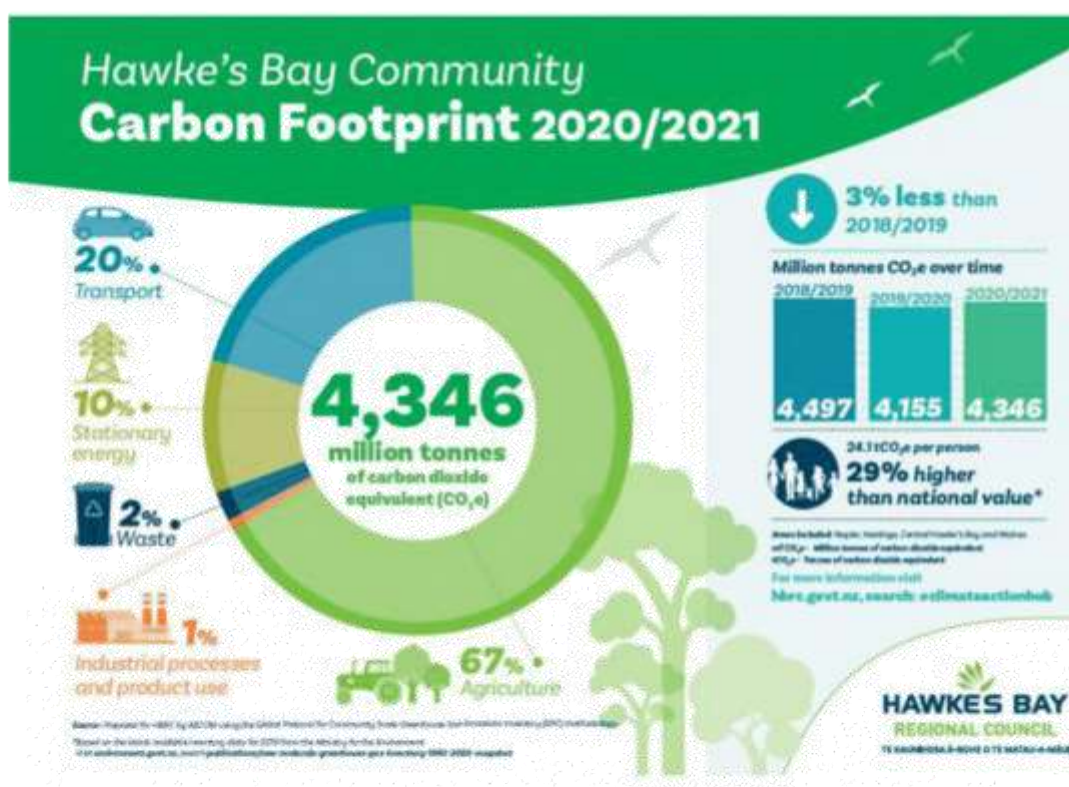
Ngati Pahauwera Development & Tiaki Trusts

Ngati Tuwharetoa Hapu Forum

Tātau Tātau o Te Wairoa represented by Michelle McIlroy
Te Kopere o te Iwi Hineuru
Te Toi Kura o Waikaremoana

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 declarations by councils across the country, 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. National legislation introduced in November 2022 states that local government must have regard to the National Emissions Reduction Plan and the National Adaptation Plan when developing RMA-related plans.
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.
7. ~~The Planetary Boundaries Framework by the Stockholm Resilience Centre guided the development of these Terms of Reference with respect to thriving within boundaries of the natural environment and ensuring social foundations for all. However, we recognise that more work is required to determine regional applicability.~~

CLIMATE ACTION JOINT COMMITTEE

Monday 14 August 2023

Item 5

Subject: CLIMATE CHANGE COMMISSION PRESENTATION

Reason for report

This item introduces a presentation by Chris Holland, Principal Analyst for the Climate Change Commission's Emission Budgets Team, providing advice on how national emissions budgets can be regionalised.

Recommendation

That the Climate Action Joint Committee receives and notes the *Climate Change Commission* presentation by Chris Holland.