



AGENDA

Extraordinary meeting of the

Nelson City Council

**Thursday 16 May 2019
Commencing at 1.00p.m.
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

**Pat Dougherty
Chief Executive**

Membership: Her Worship the Mayor Rachel Reese (Chairperson), Councillors Luke Acland, Ian Barker, Mel Courtney, Bill Dahlberg, Kate Fulton, Matt Lawrey, Paul Matheson, Brian McGurk, Gaile Noonan, Mike Rutledge, Tim Skinner and Stuart Walker

Quorum: 7

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

Council Values

The Mayor and councillors held a strategic planning day on 30 November 2016 with a programme that covered key challenges and opportunities for the triennium, the values Council wished to work by, and objectives for what needed to be achieved during this term of Council.

Following are the values agreed during the planning day:

- i) Whakautetanga: valuing each other, showing respect
- ii) Kōrero Pono: honesty, integrity, trust, fidelity
- iii) Māiatanga: having courage, being bold, trail blazing, having a sense of purpose
- iv) Whakamanatanga: demonstrating excellence, raising the bar, effectiveness, resourcefulness
- v) Whakamōwaitanga: compassion, empathy, humility, servant leadership
- vi) Kaitiakitanga: stewardship
- vii) Manaakitanga: generosity of spirit, humour, fun

Opening Prayer

1. Apologies

- 1.1 An apology has been received from Councillor Barker

2. Confirmation of Order of Business

3. Interests

- 3.1 Updates to the Interests Register
3.2 Identify any conflicts of interest in the agenda

4. Public Forum

5. Mayor's Report

6. Declaration of Climate Emergency

4 - 12

Document number R10219

Recommendation

That the Council

- 1. Receives the report Declaration of Climate Emergency (R10219) and its attachment (A2191324); and***
- 2. Declares a climate emergency (A2191324); and***
- 3. Requests the Chief Executive to develop a programme of Council actions that will support the aforementioned declaration and that this be included the Council Annual Plan Deliberations report.***

Declaration of Climate Emergency

1. Purpose of Report

- 1.1 To consider declaring a state of climate emergency, in recognition of the urgency of taking action on climate change and in response to the request of several Annual Plan submitters and overall support from submitters to take further action on climate change.

2. Summary

- 2.1 Climate change is a significant and urgent international, national and local issue. Scientists and the United Nations have told us that we have a small window to do all we can to limit global temperature increase to no more than 1.5°C and avoid the most damaging climate change effects.
- 2.2 Several submitters to the Annual Plan have called on Council to recognise the urgency of the situation by declaring a state of climate emergency. This follows a pattern of increasing climate change action and engagement by a range of groups and individuals in our community.
- 2.3 Declaring a state of climate emergency would help to demonstrate to our community that Council is taking the climate challenge seriously, and recognises that we have a part to play, alongside others, in taking urgent and meaningful action.

3. Recommendation

That the Council

- 1. Receives the report Declaration of Climate Emergency (R10219) and its attachment (A2191324); and***
- 2. Declares a climate emergency (A2191324); and***

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3. *Requests the Chief Executive to develop a programme of Council actions that will support the aforementioned declaration and that this be included the Council Annual Plan Deliberations report.*

4. Background

- 4.1 Nelson City Council has previously signalled its commitment to a holistic approach to climate change through participation in the *Local Government Position Statement on Climate Change* and the *Local Government Leaders Climate Change Declaration*.
- 4.2 Last week the Government introduced the Climate Change Response (Zero Carbon) Amendment Bill. This is a pioneering piece of legislation and will guide future mitigation and adaptation action by New Zealand.
- 4.3 The bill responds to compelling scientific evidence that the global climate has already changed as a result of greenhouse gas emissions from human activities and will continue to do so. However, based on current emissions levels, projections for future years will well exceed the level at which the most damaging effects of climate change can be avoided.
- 4.4 Across the world, an increasing number of governments, parliaments, councils and organisations have recognised this by declaring a state of climate emergency. So far 528 councils in nine countries have made a declaration of this type, including at least 17 local governments in Australia. Environment Canterbury will also consider declaring a state of climate emergency when it meets on 16 May. The UK and Irish Parliaments have also declared.
- 4.5 Several submitters on the Annual Plan have welcomed Council's increasing focus on climate change but asked Council to take more urgent action. In particular, several have asked that Council join the global movement of councils declaring a state of climate emergency. This follows increasing action and engagement by our community, including Zero Carbon Nelson Tasman, Extinction Rebellion, Nelson School Strike 4 Climate, 350 Nelson, and other groups and individuals

5. Discussion

- 5.1 Addressing climate change will require a global collective effort at all levels of society and government. At a local level Nelson City Council has a key role to play in reducing its corporate emissions, supporting and providing leadership on mitigation actions across the community, and helping to manage and mitigate risk by adapting to climate change effects, especially in relation to sea level rise, infrastructure planning, coastal inundation, and flooding.
- 5.2 This is also an important platform for raising awareness amongst the community about the need for climate change action, including the

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extent of the risk to humanity, civilisation, other species, and the life-supporting capacity of air, water, soil, and ecosystems. There is significant technology, expertise, and human capacity to address climate change, but that requires sustained political and individual will to take action. Although climate change is overall detrimental to our society, responding to the challenge might also provide some opportunities to Council and the community, for example greater active transport, such as walking and cycling has health benefits. Similarly there might be some business or economic benefits if Nelson provided leadership for new methods of addressing climate change challenges.

- 5.3 A declaration of this type does not bring with it any formal duties to take action and does not have legal effect. Nevertheless, it will give rise to an expectation in our community that Council will do what it can to show leadership, encourage action on climate change, and build the resilience in our community.
- 5.4 Council already has a programme of climate change work underway, including measuring and reducing our corporate greenhouse gas emissions, and factoring increased sea level rise and rainfall intensity into our infrastructure planning and is starting to engage with the community on climate change and coastal hazard risk. Council has also recognised climate change as a priority for its long term planning. However, climate change-related work is likely to need to accelerate.
- 5.5 For that reason, staff are proposing that any declaration trigger advice from the Chief Executive on the actions (existing and new) that can be taken in support of it.

What does it mean to declare a "climate emergency"?

- 5.6 Staff have considered the meaning of "climate emergency" and what this might mean for Council and the community. The concept of "climate emergency" is relatively new and a review of information indicates that there is no single definition of what a declaration of a "climate emergency" means. However, in the New Zealand context, given that no legislation refers to a "climate emergency" as formal declaration of an emergency, the declaration of a "climate emergency" by the Council would have no statutory or legal validity or obligations.
- 5.7 Furthermore, Climate change does not satisfy the definition of an "emergency" under the Civil Defence and Emergency Management Act 2002. This means that Council could make a public statement recognising a "climate emergency" without it carrying any statutory or legal weight for future Council decisions. This does not reduce the importance of Council responding to the climate change challenge, but places the declaration in a legal context.
- 5.8 What the statement would do however is to emphasize the importance placed on climate change by Council. This includes Council's leadership on this issue, and its intention to work with the community to address climate change issues that affect "current and future generations".

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- 5.9 *Legal implications – Decision making processes under the Local Government Act 2002*
- 5.10 Any decision to declare a climate state of emergency must comply with the decision making obligations under Part 6 of the Local Government Act 2002. This includes that Council must assess the significance of that decision, and then make a discretionary judgement on what is required to meet the decision making requirements in these circumstances. This includes the extent to which Council must consider community views.
- 5.11 Significance is determined taking into account Council’s Significance and Engagement Policy, including changes in levels of, or delivery of services, the level of financial impact and the impact on the community.
- 5.12 As part of the Annual Plan process Council has read and considered 81 submissions on climate change, and also heard those submitters who wished to speak to their submissions. There was also an opportunity for members of the public to speak to this report as part of a public forum prior to this report being considered by Council.

6. Options

- 6.1 The option to adopt or not adopt the Declaration of a Climate Emergency are set out below.

| Option 1: Adopt the Declaration of a Climate Emergency - recommended | |
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| Advantages | <ul style="list-style-type: none"> • Provides a clear signal that Council intends to respond to the challenges and opportunities arising from climate change. • Provides strong leadership • The Declaration would be supported by many in the community, including most submitters who submitted on climate change to the Annual Plan. |
| Risks and Disadvantages | <ul style="list-style-type: none"> • The Declaration may not be accepted by all members of the community • Other members of the community will be monitoring Council’s activities to determine whether decisions support the Declaration |
| Option 2: Defer consideration of the Declaration of a Climate Emergency | |
| Advantages | <ul style="list-style-type: none"> • Council has more time to consider its approach |

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| Risks and Disadvantages | <ul style="list-style-type: none"> Does not respond to the desire for urgent action expressed by some submitters to the Annual Plan |
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Option 3: Not adopt the Declaration of a Climate Emergency

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|-------------------------|---|
| Advantages | <ul style="list-style-type: none"> Members of the community who do not believe that climate change is occurring, or who don't consider that responding to climate change is a local government responsibility will be supportive of this option. This would be a cheaper option in the short term. |
| Risks and Disadvantages | <ul style="list-style-type: none"> Those members of the community who support Council making the declaration will be concerned that Council is not incorporating climate change considerations into its decision making processes. Possible loss of credibility given the strong climate change focus in the Annual Plan. |

7. Conclusion

- 7.1 Submissions to the Annual Plan Consultation Document showed strong support for, further and immediate action by Council on climate change.
- 7.2 Declaring a climate emergency does not commit Council to any particular actions. But it would demonstrate Council's support for future work.

8. Next Steps

- 8.1 If Council decides to adopt the Declaration of a Climate Emergency staff will prepare a report for the deliberations meeting on 4 June. This report will outline current and any new proposed actions/resources that would support the intention of the declaration.

Author: Nicky McDonald, Group Manager Strategy and Communications

Attachments

Attachment 1: A2191324 - Nelson City Council Declaration of Climate Emergency [↓](#)

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Important considerations for decision making

1. Fit with Purpose of Local Government

The declaration supports Council work, and work with the community on providing for the current and future needs of our community. It is also aligned to meeting community needs through the updated purpose of local government for promoting the social, environmental, economic, and cultural well-being of our community, in the present and for the future.

2. Consistency with Community Outcomes and Council Policy

The declaration supports the community outcome of *"Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement."* There are also very strong links between the declaration and Council's other community outcomes including:

- *Our unique natural environment is healthy and protected*
- *Our communities are healthy, safe, inclusive and resilient*
- *Our region is supported by an innovative and sustainable economy*

3. Risk

There is a risk that some members of the public might not understand or support the declaration, and this could affect Council's reputation. This risk can be mitigated through publicity on why Council has made the declaration and, working with the community on actions that support the declaration.

4. Financial impact

Council is already undertaking work to mitigate and adapt to climate change. However, making a Declaration of a Climate Emergency signals Council's intention to consider the effects of climate change in more depth than current resources allow. Accordingly, the Deliberations Report on 4 June is likely to propose a budget for this work of \$100,000, which includes the increase of \$42,000 in the Annual Plan consultation document. If the requested funding is not supported this will not negate the declaration, but it would affect Council's ability to respond to, and co-ordinate work that supports the declaration.

5. Degree of significance and level of engagement

Applying the Council's Significance and Engagement Policy, officers assess that the declaration matter is of medium significance because of the community's interest in what work Council will undertake following making the declaration. However, the Declaration is a "leadership" statement, and does not require Council to undertake, change or cease provision of any

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particular services. Changes to any of Council's activities would be subject to separate and individual decision making processes.

Council's Annual Plan Consultation Document included a section on climate change. The submissions made to the Annual Plan Consultation Document were broadly in support of Council increasing its work in this area. Making the declaration and, given that any decisions effecting services would be subject to due consideration by Council, further consultation before making the declaration is not considered necessary.

6. Inclusion of Māori in the decision making process

No engagement with Māori has been undertaken in preparing this report.

7. Delegations

The projects cross the responsibilities of more than one Committee, therefore the matter has been brought to Council for a decision.

Nelson City Council

Declaration of Climate Emergency

1. Publicly declares that the world is in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation, other species, and the life-supporting capacity of air, water, soil, and ecosystems; and that it is possible to prevent the most harmful outcomes, if societies take sustained emergency action, including local councils.
2. Recognises that the potential for technology, expertise and capacity exists for humans to mitigate and adapt to this global challenge, but that collaboration and action is essential.
3. Commits to examine how Council's plans, policies and work programmes can address the climate emergency and ensure an emergency strategy is embedded into all future Council strategic plans.
4. Prioritises collaboration with the Government, other councils and Governing Bodies, iwi, business, industry and scientific sectors, and with the wider community, in order to maximise collective action that will achieve climate change, mitigation, adaptation and resilience.
5. Recognises that transparency and accessibility of climate change information, along with education and participatory community engagement in collective action, will be essential to achieve climate change mitigation, adaptation and resilience.

16 May 2019

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