
WELLINGTON REGION TRIENNIAL AGREEMENT

1. Purpose of Report

The Local Government Act 2002 requires that a Triennial Agreement between all the local authorities of a region be agreed by 1 March after each local authority election. This report recommends that the Strategy and Policy Committee refer the Triennial Agreement to Council for final consideration and approval.

2. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Recommend to Council that it approve the updated Triennial Agreement, attached to the officer's report as Appendix One.*

3. Discussion

Section 15 of the Local Government Act 2002 requires all local authorities within a region to enter into an agreement every triennium containing protocols for communication and co-ordination among them (s.15(1)). Each agreement must include a statement of the process for consideration of proposals for new regional council activities (s.15 (2)).

The need for discussion and agreement among the councils has slightly delayed the finalisation of the Triennial Agreement for this triennium, and of course the councils have in place a detailed agreement relating to joint activities in the form of the Wellington Regional Strategy agreement.

The Triennial Agreement is designed to ensure that appropriate levels of consultation and coordination are maintained between the councils of the Wellington Region in the interests of good governance - by detailing the protocols and underlying principles for working together on issues of regional importance. The most recent Agreement was signed in February 2005. The local body election means it is now necessary to renew it (s.15 (3)).

Currently, the Agreement's administering authority is Greater Wellington Regional Council. All participating local authorities will take their turn in the administering authority role in alphabetical order. The current agreement was reviewed by the CEOs' Forum, and they have proposed some minor redrafting.

Significantly, the agreement now refers to the Wellington Regional Strategy (WRS) agreement and associated terms of reference for the Wellington Regional Strategy Committee. These provide more detail on how the joint activities which fall under the WRS will be managed. There have also been some minor changes to reflect changes to legislation which affect the way regional policy statements are developed under the Resource Management Act.

The amended version is attached as Appendix One.

6. Conclusion

In order to comply with Section 15 of the Local Government Act 2002, local authorities need to approve a triennial agreement. The LGA 2002 also requires that a triennial agreement between all the local authorities of a region be agreed to by 1 March after each local authority election. The current Agreement has been redrafted to incorporate some minor changes. It is recommended the Strategy and Policy Committee recommend Council approval of the updated Agreement.

Contact Officer: *Paul Desborough, Manager Strategy*

Supporting Information

1) Strategic Fit / Strategic Outcome

The paper relates to a governance issue that affects all outcomes.

2) LTCCP/Annual Plan reference and long term financial impact

None.

3) Treaty of Waitangi considerations

None.

4) Decision-Making

This is not a significant decision in terms of the Local Government Act 2002.

5) Consultation

a) General Consultation

Not applicable.

b) Consultation with Maori

Not applicable as this deals specifically with the relationship between councils at a regional level. Councils have their own relationships with Maori at city, district and regional contexts.

6) Legal Implications

None.

7) Consistency with existing policy

Is consistent with existing policy.

WELLINGTON REGIONAL TRIENNIAL AGREEMENT 2007 - 2010

1. SCOPE

- 1.1 This agreement is drafted in order to meet the requirements of s.15 of the Local Government Act 2002.
- 1.2 The Local Government Act 2002 (hereafter referred to as 'the Act') is intended to provide the necessary flexibility for councils to work cooperatively and collaboratively together and with other public bodies to advance community goals and to improve community wellbeing. The scope of this agreement includes the current cooperative and collaborative projects already in place in the Wellington Region and work being undertaken to establish structures and protocols associated with specific issues, and aims to build on these.

2. PURPOSE

- 2.1 The parties to this agreement commit to working for the good governance of their city, district or region by acting cooperatively and collaboratively. It is intended that this agreement will ensure that appropriate levels of consultation and coordination are maintained between the councils of the Wellington Region. It is intended that the process of arriving at this agreement, as well as its ongoing operation, should contribute to the strengthening of the regional relationships.

3. PARTIES TO AGREEMENT

- 3.1 The parties to this agreement are:
 - Carterton District Council
 - Greater Wellington Regional Council
 - Hutt City Council
 - Kapiti Coast District Council
 - Masterton District Council
 - Porirua City Council
 - South Wairarapa District Council
 - Upper Hutt City Council
 - Wellington City Council.
- 3.2 In accordance with the requirements of the Act, and in the spirit of collaboration that they wish to foster within the region, the parties agree to work in accordance with the protocols outlined in this agreement

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4. PROTOCOLS

- 4.1 The councils of the Wellington Region will work together on issues where it is agreed that the region and the communities within it will benefit from a regionally collaborative approach.
- 4.2 The councils of the Wellington Region will work together in line with the protocols and principles outlined in the Wellington Regional Strategy - Multilateral Agreement in regard to Wellington Regional Strategy.
- 4.3 When a council has a significant disagreement with the position of the others, the group will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.
- 4.4 The councils of the Wellington Region will proactively present their case to the Government and other councils from other regions to ensure that the Wellington region's interests are protected and enhanced.
- 4.5 When a significant decision or issue affects a particular council, or its population, then that council should have the lead role in formulating the region's response.
- 4.6 The agreement acknowledges each council's unique accountability.
- 4.7 The councils agree to act in good faith on issues of information and disclosure.
- 4.8 The councils agree to work collaboratively in an open and transparent manner.
- 4.9 The councils agree to build on work currently being undertaken within the region and to continue to address issues of co-ordination, roles and responsibilities.
- 4.10 As signatories to this agreement all councils will ensure provision of the following:
 - a) Early notification to affected councils, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision-making council. This specifically includes the development of consultation policies and policies on significance.
 - b) Opportunities for all councils in the region to be involved in early consultation on the development of one another's draft Annual Plan and draft Long Term Council Community Plan and other significant policy consultation processes.
 - c) The application of a 'no surprises' policy, whereby early notice will be given over disagreements between councils concerning policy or programmes, before critical public announcements are made.
 - d) Where practicable, avoidance of unnecessary duplication by jointly or in a collaborative manner, engaging with communities and agencies in order to identify community outcomes and to prioritise those outcomes, in accordance with s.91(3)(ii) of the Act.

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5. CONSULTATION

5.1 Consultation in relation to this agreement will be undertaken within the following groups:

- a) A meeting of the Mayors, Regional Council Chair and their Chief Executives will occur at least once every six months to discuss general policy business and to review the performance of the agreement.
- b) Existing regional and sub-regional forums such as:
 - The Wellington Mayoral Forum
 - The Wellington Regional Leaders' Forum
 - The Joint Wairarapa Councils' Meeting
 - The Wellington Regional Strategy Committee
 - The Wellington Regional Land Transport Committee.
- c) Meetings between staff as necessary to achieve communication and coordination on issues identified in the agreement.

5.2 Under Section 15(2) of the Act, the following consultation processes will apply to proposals for new Regional Council activities:

- a) Where a proposed new Regional Council activity is significant in terms of the Wellington Regional Council's policy on significance, the process will be as set out in s.16 of the Act.
- b) Where a proposed new Regional Council activity is not significant in terms of the Wellington Regional Council's policy on significance, the Regional Council undertakes to notify all other councils in the region prior to commencing any public consultation, in line with the principles of 'no surprises', transparency and good faith.
- c) Where the parties to this agreement are unable to agree, dispute procedures set out in s.16(4)-(7) of the Act will apply.

5.3 The following consultation process will apply to any change, variation, or review of the Regional Policy Statement for the Wellington Region, and the preparation of any future Regional Policy Statement:

- a) The Regional Council will seek the input of territorial authorities into the review of the Regional Policy Statement for the Wellington Region.
- b) The Regional Council will make available to all local authorities, for discussion and development, draft copies of:
 - any change or variation of to the Regional Policy Statement

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- any proposed Regional Policy Statement.
- c) Territorial authorities will be given a reasonable period of time, but no less than 30 working days, to respond to any such proposal. The Regional Council agrees to consider fully any submissions and representations on the proposal made by territorial authorities within the region.

6. OTHER ISSUES

The parties agree that, in addition to the general consultation obligations of this agreement, the councils of the Wellington Region will continue to meet together in various forums to develop common approaches on the following issues identified as priorities for the region:

- transport
- urban growth
- infrastructure
- economic development.

7. SERVICING

7.1 The parties agree that responsibility for servicing this agreement shall be shared, with responsibility passing from local authority to local authority at the start of each triennium. Servicing involves:

- providing those secretarial services required
- within the limits outlined in the protocols and principles above, acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.

7.2 The parties agree that the Masterton District Council will be the council responsible for servicing this agreement for the 2007-10 triennium (Kapiti Coast District Council took the role for the 2006/07 financial year), after which it shall pass to the remaining local authorities as listed in appendix one, unless otherwise agreed.

7.3 The parties also agree that responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

8. REVIEW OF THE AGREEMENT

The parties agree to review the terms of this agreement in accordance with s.15(3) of the Act within four weeks of a request by one of the councils made in writing to the council delegated responsibility to service the Agreement.

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9. DISPUTE RESOLUTION

In the event of a disagreement over the terms of this agreement, the parties agree to refer the issue of disagreement to arbitration for non-binding resolution. If no agreement on an arbitrator is forthcoming a mediator will be appointed by the President of the Wellington District Law Society.

This agreement is signed on this _____ day of _____ 2008, by the following on behalf of their respective councils.

Carterton District Council

Gary McPhee – Mayor

Greater Wellington Regional Council _____

Fran Wilde – Chair

Hutt City Council

David Ogden – Mayor

Kapiti Coast District Council

Jenny Rowan – Mayor

Masterton District Council

Garry Daniell – Mayor

Porirua City Council

Jenny Brash – Mayor

South Wairarapa District Council _____

Adrienne Staples – Mayor

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Upper Hutt City Council

Wayne Guppy - Mayor

Wellington City Council

Kerry Prendergast – Mayor

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Appendix One: Servicing Responsibility

<u>Party Responsible</u>	<u>Financial Year</u>
Carterton District Council	2003/04
Greater Wellington Regional Council	2004/05
Hutt City Council	2005/06
Kapiti Coast District Council	2006/07
	<u>Triennium</u>
Masterton District Council	2007-10
Porirua City Council	2010-13
South Wairarapa District Council	2013-16
Upper Hutt City Council	2016-19
Wellington City Council	2019-22

Servicing involves:

- providing those secretarial services required
- within the limits outlined in the protocols and principles above, acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.

The responsible party should also ensure that a process is in place for the drafting, and subsequent signing, of the following triennium's agreement.