

REPORT 3  
(1215/52/IM)

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## WELLINGTON REGION TRIENNIAL AGREEMENT

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### 1. Purpose of Report

The Local Government Act (LGA) 2002 requires that all local authorities in each region enter into a Triennial Agreement that sets out how they will work together for the good governance of their cities, districts and region.

Under the LGA 2002, the Triennial Agreement for 2010 – 2013 must be agreed by 1 March 2011. This report recommends that the Strategy and Policy Committee refer the draft Triennial Agreement attached in Appendix A to Council for approval.

### 2. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Recommend to the Council that it approve the updated draft Triennial Agreement attached in **Appendix A**.*
3. *Agree to delegate to the Chief Executive Officer and Portfolio Leader – Governance, the authority to make any minor amendments required as a result of minor changes requested by other local authorities in the region, prior to this agreement going to Council in February 2011.*

### 3. Background

Section 15 of the LGA 2002 requires all local authorities within a region to enter into an agreement every triennium providing:

- protocols for communication and coordination between the councils s15(1); and
- a statement of the consultation process that will be used for proposals on new regional council activities s15(2).

The triennial agreement must be agreed by 1 March after each local authority election.

The role of administering authority is shared across the nine councils in the Wellington region. The role is passed from one local authority to the next at the start of each triennium and includes providing secretarial services and acting as the contact for media and other communications. Masterton District Council serviced the agreement in 2007-2010 and drafted the attached 2010-2013 agreement. Porirua City Council will service the agreement for this triennium.

#### **4. Discussion**

The attached draft agreement has been reviewed by the Chief Executives Forum and contains the following minor changes:

- Long Term Council Community Plan has been changed to Long Term Plan (clause 4.10b)
- Clause 4.10d has been deleted as section 91 and 92 (Process for identifying and Obligation to report against Community Outcomes) of the LGA 2002 have been repealed in the LGA Amendment Act 2010
- Wellington Governance and Regional Amenities have been added to section 6 of the agreement.

Section 15(3) of the LGA 2002 allows local authorities to meet, agree and make additional amendments to the protocols at a later date if required.

##### ***4.1 Consultation and Engagement***

The Triennial Agreement 2010-2013 has been reviewed by officers and the Chief Executives of each local authority in the Wellington region.

##### ***4.2 Financial Considerations***

There are no financial considerations in the development or agreement of the Triennial Agreement 2010-2013.

##### ***4.3 Climate Change Impacts and Considerations***

There are no climate change impacts that need to be considered as part of the development or agreement of the Triennial Agreement 2010–2013.

##### ***4.4 Long-Term Plan Considerations***

The development and agreement of the Triennial Agreement 2010–2013 has no impact on the Long Term Plan.

## **5. Conclusion**

Section 15 of the LGA 2002 requires local authorities to approve a triennial agreement by 1 March after each general election. The attached Triennial Agreement 2010-2013 has been redrafted to include some minor changes.

Contact Officer: *Aroha Rangi, Senior Policy Advisor*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*The Triennial Agreement is a requirement under section 15 of the LGA 2002.*

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

*The development and agreement of the Triennial Agreement will have no financial impact on the Council's Long Term Plan or Annual Plan.*

### **3) Treaty of Waitangi considerations**

*There are no Treaty of Waitangi considerations in the agreement of the Triennial Agreement.*

### **4) Decision-Making**

*This is not a significant decision. It is a requirement under the LGA 2002.*

### **5) Consultation**

#### **a) General Consultation**

*Masterton District Council consulted with officers and Chief Executives from each local authority in the Wellington region to revise the agreement.*

#### **b) Consultation with Maori**

*Mana whenua have not been consulted on the development of the Triennial Agreement as it is an agreement specifically for and between the local authorities in the region.*

### **6) Legal Implications**

*There are no legal implications with the attached agreement.*

### **7) Consistency with existing policy**

*The agreement is a requirement under the LGA 2002.*

# **APPENDIX A:**

## **WELLINGTON REGIONAL TRIENNIAL AGREEMENT 2010 – 2013**

### **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 co-operatively 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 co-operative 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**

The parties to this agreement commit to working for the good governance of their city, district or region by acting co-operatively and collaboratively. It is intended that this agreement will ensure that appropriate levels of consultation and co-ordination 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.

## **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 the 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 councils 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 each others draft Annual Plan and draft Long Term 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.

## **5. CONSULTATION**

4.1 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 Regional Mayor Forum
  - The Wellington Regional Leaders' Forum
  - The Joint Wairarapa Councils' Meeting
  - The Wellington Regional Strategy Committee
  - The Wellington Regional Transport Committee.
- c) Meetings between staff as necessary to achieve communication and co-ordination on issues identified in the agreement.

4.2 Under s15(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 s16 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 s16(4)-(7) of the Act will apply.

4.3 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

- 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 issues identified as priorities for the Region, such as:

- transport
- urban growth
- infrastructure
- economic development
- Wellington Governance
- Regional Amenities.

## **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 Porirua District Council will be the council responsible for servicing this agreement for the 2010-13 triennium (Masterton District Council took the role for the 2007-10 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.



## 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 \_\_\_\_\_ 2011, by the following on behalf of their respective councils.

Carterton District Council \_\_\_\_\_  
Ron Mark - Mayor

Greater Wellington Regional Council \_\_\_\_\_  
Fran Wilde - Chair

Hutt City Council \_\_\_\_\_  
Ray Wallace - Mayor

Kapiti Coast District Council \_\_\_\_\_  
Jenny Rowan - Mayor

Masterton District Council \_\_\_\_\_  
Garry Daniell - Mayor

Porirua City Council \_\_\_\_\_  
Nick Leggett - Mayor

South Wairarapa District Council \_\_\_\_\_  
Adrienne Staples- Mayor

Upper Hutt City Council \_\_\_\_\_  
Wayne Guppy - Mayor

Wellington City Council \_\_\_\_\_  
Celia Wade-Brown - Mayor

## Appendix One: Servicing Responsibility

<b><u>Party Responsible</u></b>	<b><u>Financial Year</u></b>
Carterton District Council	<i>2003/04</i>
Greater Wellington Regional Council	<i>2004/05</i>
Hutt City Council	<i>2005/06</i>
Kapiti Coast District Council	<i>2006/07</i>
	<b>Triennium</b>
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.