



Triennial Agreement for the Manawatu-Wanganui Region

December 2013

MANAWATU-WANGANUI REGION

TRIENNIAL AGREEMENT

PURPOSE

This Triennial Agreement (Agreement) is established under section 15 of the Local Government Act 2002 (LGA) (but also has relationships with sections 14, 16, 91(3) and 92(2)). The purpose of this Agreement is to give effect to the principles of local government through the establishment of protocols for communication and coordination between the local authorities of the Manawatu-Wanganui Region. The Agreement gives particular effect to the promotion of desired community and local authority outcomes and objectives in such a way as to achieve sustainable development and promote the interests of the Region's communities. The Agreement also establishes the process for consultation on proposals for new Regional Council activities.

The Agreement is effective from 1 March 2014 until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2016 local authority elections and before 1 March 2017.

PARTIES

The signatories to this agreement are:

Principal Signatories:

(those local authorities whose boundaries are completely or primarily encompassed within the Manawatu-Wanganui Region and who primarily identify with that Region).

1. *Horizons Regional Council (Manawatu-Wanganui Regional Council)*
2. *Horowhenua District Council*
3. *Manawatu District Council*
4. *Palmerston North City Council*
5. *Rangitikei District Council*
6. *Ruapehu District Council*
7. *Tararua District Council*
8. *Wanganui District Council*

Non-primary Signatories:

(those local authorities whose boundaries bisect the Manawatu-Wanganui Region but whose principal identification is with another Region).

1. *Taupo District Council*
2. *Waitomo District Council*
3. *Stratford District Council*

This Triennial Agreement is binding on all local authorities of the Manawatu-Wanganui Region. It is recognised that for Non-primary Signatories, the degree of involvement in the actions required under "B. Communication and Coordination" and "D. Form" will be in proportion to the degree to which these parties are affected by decisions, issues, proposals or other matters, as determined by the Non-primary Signatories.

AGREEMENT

A. General

Signatories to this Agreement agree to work together in good faith for the good governance of their localities and the Region.

Signatories to this Agreement recognise that:

- The communities within the Region are diverse and encompass a range of desired outcomes and objectives.
- Collaboration and cooperation between local authorities of the Region can more effectively promote social, economic, and cultural interests of communities in the Region, and maintenance and enhancement of the Region's environment.
- Collaboration and cooperation between local authorities of the Region can bring efficiencies in terms of planning, administration costs and consideration of decision-making and consultation requirements, increases available resources and promotes cooperative approaches in taking strategic judgements about the allocation of resources.
- Although collaboration and cooperation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate.

B. Communication and Coordination

Signatories to this agreement will:

1. Hold a meeting of Mayors, regional Chairperson and their Chief Executive Officers every six months to review the performance of the Agreement as outlined under section D(1) of this Agreement;
2. Work together to develop a common process for identifying desired community outcomes in accordance with section 14(e) LGA;
3. Develop joint approaches as required.
4. Provide for early notification (through the appropriate Council or officer forum) of, and participation in, decisions that may affect other local authorities in the Region in accordance with the requirements of sections 77-89 LGA (decision-making and consultation). This will include distribution of draft documentation of major policy discussions and the development of consultation policies;
5. Apply a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before critical public announcements are made;
6. Use existing structures to pursue greater collaboration within the Region (refer to Appendix One);
7. Consider joint community consultation for issues affecting more than one authority.
8. Provide opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities.

C. Proposals for New Regional Council Activities

1. New Activities

New activities for Horizons Regional Council may be proposed either by the Regional Council itself or by one or more constituent territorial authorities when they see an opportunity for the Regional Council to pick up new activities. The process for consultation on proposals for such activities shall be as follows:

- a. The affected parties agree to discuss the issues involved at one or more of the existing forums, and to provide early drafts of proposals to affected councils for early comment in accordance with the requirements of sections 77-89 LGA (decision-making and consultation).
- b. The regional council will inform all territorial authorities within the Region of:
 - the nature of the activity proposed to be undertaken;
 - the scope of the proposal (including size, districts covered and why); and
 - the reasons for the proposal.
- c. Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the Region.
- d. Final decisions (including considerations leading to the specific decision) will be communicated to the next available Regional Chiefs' meeting.

2. Significant New Activities proposed by Horizons Regional Council

If the Regional Council or a regional council controlled organisation proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities within the Region, section 16 of the Local Government Act will apply.

However, in the spirit of this agreement, the parties agree to an expanded consultation and communication process. The parties agree to discuss the issues involved at one or more of the existing forums, and to provide early drafts of proposals to affected councils for early comment in accordance with the requirements of sections 77-89 LGA (decision-making and consultation).

The parties also agree that prior to implementing the formal provisions of section 16 (2 and 3):

- a. The regional council will inform all territorial authorities within the Region of:
 - the nature of the activity proposed to be undertaken;
 - the scope of the proposal (including size, districts covered, and why); and
 - the reasons for the proposal.

- b. Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The regional council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the Region.

Should the mediation processes outlined in section 16(4) be initiated, the parties agree to the following process. If no agreement on a mediator is forthcoming a mediator will be appointed by the president of the Manawatu District Law Society. If mediation is unsuccessful, any of the local authorities affected may ask the Minister of Local Government to make a binding decision on the proposal. The cost of mediation will be met equally by the parties that have agreed to the mediation.

D. Form

Consultation in relation to this agreement will take one or more of the following forms:

1. A meeting of Mayors, regional Chairperson and their Chief Executive Officers will occur at least once every six months to review the performance of the agreement and discuss outstanding issues. This meeting will occur as part of the regular Regional Chiefs meetings and minutes of the review discussions will be distributed to each council within the Region. This does not preclude meetings being coordinated by councils on request. All public communications from these meetings shall be approved by all participants prior to their release.
2. Existing regional and sub-regional forums, such as Regional Chiefs meeting.
3. Meetings between Councils and meetings between staff as necessary to achieve communication and coordination on issues identified in the Agreement.
4. An annual report (July to June) provided to all interested local authority members within the region at the Regional Chiefs meeting scheduled during or about September each year.

E. Agreement to Review

The parties agree to review the terms of this Agreement within 40 working days of a request by one of the parties made in writing to the local authority with delegated responsibility to service the Agreement. Such a request will be accompanied by a Statement of Proposal including outcomes sought and reasons for the proposal, and engage all affected parties in consultation.

F. Resolving Disagreement

In the event of a disagreement over the actions taken to give effect to this agreement that cannot be successfully resolved by affected parties, the parties agree to refer the issue of disagreement to mediation.

G. Servicing

Signatories agree that responsibility for servicing this agreement shall be carried out by Horizons Regional Council. Servicing involves:

- Providing those secretarial services required; and
- 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 on a case by case basis and in a format agreed by affected parties.

H. Statutory Requirements

This document is deemed to duly constitute fulfilment of section 15 of the Local Government Act 2002.

Section 15 of the Local Government Act 2002 requires that:

1. Not later than 1 March after each triennial general election of members, all local authorities within each Region must enter into an agreement containing protocols for communication and coordination among them during the period until the next triennial general election of members.
2. Each agreement must include a statement of the process for consultation on proposals for new regional council activities.
3. After the date specified in subsection (1), but before the next triennial general election of members, all local authorities within each region may meet and agree to amendments to the protocols.
4. An agreement remains in force until replaced by another agreement.

In addition, other sections of the Act also require collaboration:

Section 14(e)

1. A local authority should collaborate and cooperate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources.

Section 16 – (summarised)

1. If a Regional Council, or a regional council-controlled organisation, proposes to undertake a significant new activity, the regional council must advise all the territorial authorities within its region of the proposal, include it in the Long Term Plan, and go through mediation if agreement is not reached.

Section 91(3)(a)

3. The local authority
- (a) must, before finally deciding on that process, take steps—
- (i) to identify, so far as practicable, other organisations and groups capable of influencing either the identification or the promotion of community outcomes; and
 - (ii) to secure, if practicable, the agreement of those organisations and groups to the process and to the relationship of the process to any existing and related plans.

Section 92(2)

2. The local authority must seek to secure the agreement of organisations and groups identified under section 91(3)(a) to the monitoring and reporting procedures, including the incorporation of any research, monitoring, or reporting undertaken by those organisations and groups.

AUTHORITY

This Agreement is signed by the following on behalf of their respective authorities.

Council		Signature
Horizons Regional Council	Bruce Gordon Chairperson	_____ Date:
Horowhenua District Council	Brendan Duffy Mayor	_____ Date:
Manawatu District Council	Margaret Kouvelis Mayor	_____ Date:
Palmerston North City Council	Jono Naylor Mayor	_____ Date:
Rangitikei District Council	Andy Watson Mayor	_____ Date:
Ruapehu District Council	Don Cameron Mayor	_____ Date:
Stratford District Council	Neil Volzke Mayor	_____ Date:

Council		Signature
Tararua District Council	Roly Ellis Mayor	_____ Date:
Taupo District Council	David Trewavas Mayor	_____ Date:
Waitomo District Council	Brian Hanna Mayor	_____ Date:
Wanganui District Council	Annette Main Mayor	_____ Date:

APPENDIX ONE

Existing structures that promote communication and collaboration include, but are not limited to:

Forum	Members	Comments
Regional Chiefs	<i>Horizons RC Horowhenua DC Manawatu DC Palmerston North CC Rangitikei DC Ruapehu DC Tararua DC Wanganui DC</i>	
SOLGM – Society of Local Government Managers		
LAPRN Local Authorities Public Relations Network	Public Relations/ Communications practitioners from Manawatu-Wanganui Region	
	Planners from local authorities in Manawatu-Wanganui Region	COGS meetings coordinate with Regional Chiefs meeting dates.
	Meeting of revenue and rating managers from Manawatu-Wanganui Region	
	Meeting of electoral officers from Councils in this Region	
Ingenium, the Association of Local Government Engineers New Zealand		http://www.ingenium.org.nz/
Civil Defence and Emergency Management Group		
ALGIM – Association of Local Government Information Management		Mission is to provide leadership to Local Government in Information Management and Information Processes. http://www.algim.org.nz/
MW LASS Ltd – Manawatu-Wanganui Local Authority Shared Services Limited	<i>Horizons RC Horowhenua DC Manawatu DC Rangitikei DC Ruapehu DC Tararua DC Wanganui DC</i>	

Forum	Members	Comments
Manawatu District and Palmerston North City Joint Strategic Planning Committee	<i>Manawatu DC</i> <i>Palmerston North CC</i>	