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**TRIENNIAL AGREEMENT**

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**Purpose of Report**

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

This report recommends that the Council agree the Triennial Agreement 2019-2022 attached (Appendix 1) enabling it to be signed for the Council by the Mayor and complete the Council's part of the adoption process.

**Recommendations**

Officers recommend that the Council:

1. *Receive the Triennial Agreement Report.*
2. *Agree the draft Triennial Agreement 2019-2022 attached in Appendix 1.*
3. *Agree to delegate to the Chief Executive Officer and the Mayor the authority to make any minor amendments required as a result of minor changes requested by other local authorities in the region as part of the adoption process.*

**1. Executive Summary**

The Triennial Agreement is a set of protocols to assist region-wide cooperation for the duration of the Triennium. The 2019-2022 draft agreement builds on the 2016-2019 Agreement. At the last meeting Council agreed to adopt the Triennial Agreement as presented without a resolution to modify minor changes, and the agreement presented was the 2016 agreement without the 2019 modifications.

The agreement in Appendix 1 includes all suggested modifications to date.

In summary, the changes to the 2016 agreement are:

- Modernising the language of the Agreement
- To add the Wellington Region Climate Change Working Group to the list of regional and sub-regional forums in clause 5.1(b).
- To include areas of regional co-operation:

- Regional spatial planning
- Wellington Region Investment Plan
- Transport
- Climate Change
- Resilience
- Regional economic development

It is not an exhaustive list. For example the latter could, if agreed by all Councils, include matters such as a review of the Wellington Regional Strategy.

This list replaces the previous 'Collaboration' section as it was felt the relationships had moved on, and the areas in the list are areas our councils are already working together – so non-controversial.

The agreement does not bind the Council to any particular decision or course of action.

## **2. Background**

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

- (a) protocols for communication and co-ordination among the local authorities
- (b) a statement of the process by which the local authorities will deal with proposals for new regional council activities; and
- (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.

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. Wellington City Council will service this agreement for the 2019-2022 triennium.

The updated Agreement has been approved unchanged by Lower Hutt City Council, Greater Wellington Regional Council, Upper Hutt City Council and Masterton District Council. Porirua's Te Puna Kōrero Committee has recommended to their Council it be agreed without amendment.

Changes requested by Wellington City Council and Kapiti Coast District Council have been included as tracked changes.

Carterton District Council will be considering the Agreement at their meeting on the 18 March 2020.

### **2.1 Requested Changes (from WCC):**

WCC requested that Waste be added to 6.1 so it is noted as one of the areas the whole region is working together on.

There was an action for the WCC Mayor to raise at the Mayoral Forum the issue of improving how TLAs work with mana whenua across the Wellington region.

### **3. Discussion**

The attached draft Agreement has been reviewed by the Chief Executives Forum and the Mayoral Forum.

The Triennial Agreement simply outlines an agreement to work collaboratively on matters of mutual interest. It is important to note that decisions to enter into any form of arrangement are the domain of each and every Council.

### **4. Next Actions**

Once agreed by the Council the document will be available for the Mayor to sign.

The agreement remains in force until it is replaced by another agreement.

The agreement may be varied by agreement between all the local authorities within the region.

### **5. Appendices**

Appendix 1 - draft Triennial Agreement 2019-2022

Contact Officer: Karen Yates, Property and Policy Officer

Reviewed By: Harry Wilson, Chief Executive Officer

# **Appendix 1 – draft Triennial Agreement 2019-2022**

## Wellington Regional Triennial Agreement

2019-2022

### 1. Scope

- 1.1 This agreement is drafted in order to meet the requirements of section 15 of the Local Government Act 2002 (the Act).
- 1.2 The Local Government Act 2002 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

- 2.1 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 operations, should continue to strengthen regional relationships.

### 3. Parties to Agreement

- 3.1 The parties to this agreement are:
  - Carterton District Council
  - Greater Wellington Regional Council
  - Hutt City Council
  - Kāpiti 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 out lined in the Wellington Region Strategy Multilateral Agreement in regard to the Wellington Regional Strategy.
- 4.3 When a council has a significant disagreement with the position of 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 Where facilities and services of significance benefit more than one district, and are intended to be funded by more than one district, those districts that intend to participate shall be involved in identifying, delivering, and funding the facility or service. One council shall take the lead for the project, appointed by the participating councils.
- 4.7 The agreement acknowledges each council's unique accountability.
- 4.8 The councils agree to act in good faith on issues of information and disclosure.
- 4.9 The councils agree to work collaboratively in an open and transparent manner.
- 4.10 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.
- 4.11 As signatories to this agreement all councils will ensure the 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 other's 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

- 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 the 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 Mayoral Forum
    - The Joint Wairarapa Councils' Meeting
    - The Wellington Regional Strategy Committee
    - The Wellington Regional Transport Committee
    - LGNZ Zone Four
    - Regional Civil Defence Emergency Management
    - Wellington Region Climate Change Working Group
  - c) Meetings between staff as necessary to achieve communication and co-ordination on issues identified in the agreement.
- 5.2 Section 15(2) of the Act requires a statement of the consultation process that will apply to proposals for new Regional Council activities. The following process applies:
- 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
  - 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 submission and representations on the proposal made by territorial authorities within the region.

## 6. Other issues

- 6.1 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 and collaborative approaches on issues identified as priorities for the region.

The region faces a number of challenges over the next few years, and the councils within the Wellington region will work collaboratively in the areas of:

- Regional spatial planning including housing
- Transport
- Climate change
- Resilience
- Regional economic development
- Waste

**Commented [d1]:** Addition requested by KCDC

**Commented [d2]:** Addition requested by WCC

### ***Collaboration within the region***

The Mayoral Forum will:

- Be the vehicle for oversight of projects, such as collaboration projects. Noting projects may have their own governance arrangements.
- Review existing collaboration and shared services arrangements as necessary to ensure that current arrangements remain relevant and optimal.
- Identify new opportunities for collaboration and shared services for consideration by the councils.

## 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 Wellington City Council will be the council responsible for servicing this agreement for the 2019-2022 triennium, 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**

8.1 The parties agree to review the terms of this agreement in accordance with s.15(4) 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**

9.1 In 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 will be appointed by the President of the Wellington Branch of the New Zealand Law Society.

#### Appendix One: Servicing Responsibility

Party Responsible	Triennium
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
Carterton District Council	
Greater Wellington Regional Council	
Hutt City Council	
Kāpiti Coast District Council	

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 triennium's agreement.

This agreement is signed on this \_\_\_\_\_ day of \_\_\_\_\_  
2020, by the following on behalf of their respective councils:

Carterton District Council

\_\_\_\_\_  
Greg Lang - Mayor

Greater Wellington Regional Council

\_\_\_\_\_  
Daran Ponter - Chair

Hutt City Council

\_\_\_\_\_  
Campbell Barry - Mayor

Kāpiti Coast District Council

\_\_\_\_\_  
K (Guru) Gurunathan - Mayor

Masterton District Council

\_\_\_\_\_  
Lyn Patterson - Mayor

Porirua City Council

\_\_\_\_\_  
Anita Baker - Mayor

South Wairarapa District Council

\_\_\_\_\_  
Alex Beijen - Mayor

Upper Hutt City Council

\_\_\_\_\_  
Wayne Guppy - Mayor

Wellington City Council

\_\_\_\_\_  
Andy Foster - Mayor