

Mayor and Councillors
COUNCIL

27 JANUARY 2011

Meeting Status : Public

Purpose of Report: For Decision

WELLINGTON REGIONAL TRIENNIAL AGREEMENT 2010-2013

PURPOSE OF REPORT

- 1 That Council adopts and signs the Wellington Regional Triennial Agreement for 2010-2013 (refer Appendix 2).

SIGNIFICANCE OF DECISION

- 2 The Council's Significance Policy is not triggered by this report.

BACKGROUND

- 3 The Local Government Act 2002 requires that a Triennial Agreement between all the local authorities of a region must be agreed after each triennial election (refer Appendix 1). The Agreement sets out how the local authorities will work together for the good governance of the region. The Agreement for the 2010-2013 Triennium must be in place by 1 March 2011.
- 4 Porirua City Council will take over from Masterton District Council in servicing the Agreement for the 2010-2013 Triennium.

CONSIDERATIONS

Issues

- 5 Following endorsement by each Council, the Mayors and Chair of the Greater Wellington Regional Council will sign it on behalf of their authorities so that the document is in place by 1 March 2011.
- 6 There is only one change from the agreement that was in place for the 2007-2010 Triennium. Wellington City Council has requested that the draft include two additional bullet points under Section 6 – Other Issues:
 - Wellington governance
 - Regional amenities

Financial Considerations

- 7 There are no financial considerations.

Legal Considerations

- 8 There are no other legal considerations.

Delegation

- 9 Council has the authority to make a decision on this matter.

Consultation

- 10 The Triennial Agreement is adopted after consultation on the draft between all the local authorities in the Wellington Region.

Publicity Considerations

- 11 A copy of the document, once adopted and signed will be made available on the Council website.

RECOMMENDATIONS

- 12 That the Kapiti Coast District Council approves the Triennial Agreement as attached at Appendix 2 of report CCI-11-084, and authorises the Mayor to sign on behalf of Council.

Report prepared by:

Approved for submission by:

Vyvien Maffey

Bernie Goedhart

Democratic Services Team Leader

Group Manager Corporate Services

ATTACHMENTS:

Appendix 1 – Extract of legislation Local Government Act, clause 15

Appendix 2 – Draft Wellington Region Triennial Agreement 2010-2013

Appendix 1

Extract from Local Government Act 2002, clause 15

- (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.

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 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 each others 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.

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 Regional Mayor 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 co-ordination 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
 - 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

<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.