



# Triennial Agreement for the Manawatū-Whanganui Region

**March 2020**

# MANAWATŪ-WHANGANUI 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 and 16). 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 Manawatū-Whanganui 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 2020 until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2022 local authority elections and before 1 March 2023.

### PARTIES

The signatories to this agreement are:

#### **Principal Signatories:**

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

1. *Horizons Regional Council (Manawatū-Whanganui 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. *Whanganui District Council*

#### **Non-primary Signatories:**

(those local authorities whose boundaries bisect the Manawatū-Whanganui 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 Manawatū-Whanganui 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.
- Collaboration and cooperation between local authorities of the Region can more effectively grow the region's economy for the benefit of its communities.

### **B. Communication and Coordination**

Signatories to this agreement will:

1. Work together to develop a common process for promoting or achieving priorities and community outcomes, and making efficient use of resources, in accordance with section 14(e) LGA;
2. Develop joint approaches as required.
3. 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;
4. 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;
5. Use existing structures to pursue greater collaboration within the Region (refer to Appendix One);
6. Consider joint community consultation for issues affecting more than one authority.
7. 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.

8. Work together to achieve regional economic prosperity (refer to Appendix Two).

### **C. Regional Co-operation**

1. The parties note that there is value, in the appropriate circumstances, in working together to take a regional approach to issues and opportunities of mutual benefit.
2. In this triennium the parties note that areas of regional focus include:
  - i. Climate change response – Councils have signed an MoU (attached) and are developing a region wide action plan;
  - ii. Sustainable regional growth and prosperity (eg. through Accelerate25, collaboration between councils and across EDAs;
  - iii. Three waters policy and services with the initial focus on drinking water;
  - iv. Information sharing;
  - v. Transport infrastructure: roads, rail, airports, and ports.
3. Other areas of regional focus may arise during the triennium and will be considered by mutual agreement including any matters relevant to section 15(2)(c) LGA.
4. The parties are committed to ongoing and open discussions about how they best work together to develop opportunities that are regionally as well as locally significant.

### **D. 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 LGA 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.

## **E. Form**

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

1. Agrees to review the agreement annually in regard to its effectiveness.
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.

## **F. 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 being 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.

## **G. Consultation in Relation to Resource Management Act 1991 (RMA) Policy and Plans**

The following consultation process will apply to the preparation of a new, or change, variation, or review of an existing, Regional Policy Statement, regional plan or district plan by a local authority in the Region:

1. The Regional Council will seek the input of territorial authorities, and vice-versa, for the preparation or review of the Regional Policy Statement, or regional or district plan.
2. For the Regional Policy Statement or a regional plan, the Regional Council will make the draft version available to all territorial authorities in the Region for discussion and development.
3. The parties to this agreement acknowledge their obligation to act in accordance with the principles of consultation set out in Section 82 LGA.

## **H. 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.

## **I. 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.

## **J. Statutory Requirements**

This document is deemed to duly constitute fulfilment of section 14e, 15 and 16 of the LGA, and Schedule 1 Clause 3A(1) of the RMA.

**Section 15** of the LGA 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 and the Minister of Local Government of the proposal, include it in the draft Long Term Plan, and go through mediation if agreement is not reached.

**Schedule 1 Clause 3A(1)** of the RMA requires that:

A triennial agreement entered into under section 15(1) of the LGA must include an agreement on the consultation process to be used by the affected local authorities in the course of—

- (a) preparing a proposed policy statement or a variation to a proposed policy statement; and
- (b) preparing a change to a policy statement; and
- (c) reviewing a policy statement.

## AUTHORITY

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

Council		Signature
Horizons Regional Council	Rachel Keedwell Chairperson	_____ Date:
Horowhenua District Council	Bernie Wanden Mayor	_____ Date:
Manawatu District Council	Helen Worboys Mayor	_____ Date:
Palmerston North City Council	Grant Smith Mayor	_____ Date:
Rangitikei District Council	Andy Watson Mayor	_____ Date:
Ruapehu District Council	Don Cameron Mayor	_____ Date:
Stratford District Council	Neil Volzke Mayor	 Date: 19/2/2020
Taranua District Council	Tracey Collis Mayor	_____ Date:
Taupo District Council	David Trewavas Mayor	_____ Date:
Waitomo District Council	John Robertson Mayor	_____ Date:
Whanganui District Council	Hamish McDouall 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 Whanganui DC</i>	
SOLGM – Society of Local Government Managers		
LGNZ Zone and sector meetings		
IPWEA (Institute of Public Works Engineering Australasia)		<a href="http://www.ipwea.asn.au/">http://www.ipwea.asn.au/</a>
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. <a href="http://www.algim.org.nz/">http://www.algim.org.nz/</a>
MW LASS Ltd – Manawatū-Whanganui Local Authority Shared Services Limited	<i>Horizons RC Horowhenua DC Manawatu DC Rangitikei DC Ruapehu DC Tararua DC Whanganui DC</i>	
Manawatu District and Palmerston North City Joint Strategic Planning Committee	<i>Manawatu DC Palmerston North CC</i>	

## APPENDIX TWO

### **Collaboration and Co-operation for Regional Economic Development**

The purpose of this Appendix is to describe how the district, city and regional councils (the Councils) in the Horizons (Manawatū-Whanganui) region will work together to achieve economic prosperity.

This Appendix is a demonstration of the Councils' shared vision which is

To work collaboratively to grow the region's economic prosperity for the benefit of its communities.

#### *The agreement*

Notwithstanding the requirements of Sections 16 and 77-89 of the LGA, the parties agree:

- To use the Regional Chiefs Forum as a mechanism to formally discuss any issue relating to Economic Development.
- To work collaboratively to enhance opportunities for growth and development in the region.
- That the principle of a regional approach benefits all parties.
- To communicate openly about opportunities for growth whilst respecting commercial confidentiality.
- To make economic prosperity a priority and a standing item at their regular meetings, termed 'Meetings of the Regional Chiefs'.
- To review proposed works on an annual basis. Additional items may be added to this Appendix at any stage with the agreement of all parties.

#### *Works proposed this triennium*

In this triennium the parties will work collaboratively to implement the opportunities identified in the Manawatū-Whanganui Economic Action Plan under Accelerate25.

The work may include:

- Providing feedback on implementation from the Regional Chiefs to the Accelerate25 Lead Team.
- Engaging both governance and staff in supporting implementation of actions arising from the Regional Economic Action Plan.
- Working with iwi, business leaders and economic development agencies to aid implementation of the Regional Economic Action Plan.
- Progressing actions from the Regional Economic Action Plan.