
**BAY OF PLENTY
TRIENNIAL
AGREEMENT**

For the triennium from October 2016 to October 2019

Endorsed by Triennial Meeting on 5 December 2016

Bay of Plenty Triennial Agreement

1 Parties to this Agreement

This is an agreement between the following units of Local Government:

- Bay of Plenty Regional Council;
- Kawerau District Council;
- Ōpōtiki District Council;
- Rotorua Lakes Council;
- South Waikato District Council;
- Taupō District Council;
- Tauranga City Council;
- Western Bay of Plenty District Council;
- Whakatāne District Council.

This Agreement is primarily to recognise the aspiration for collaborative action that exists within the local authorities of the Bay of Plenty. The Agreement does not place any limits on opportunities for neighbouring local authorities, Central Government agencies and non-government organisations to work jointly with Local Government within the Bay of Plenty.

Inter-council working relationships currently exist with Gisborne District Council and Waikato Regional Council. Triennial Meetings will continue to be used to advance collaborative initiatives where they are a useful forum to do this.

2 Statement of intent

This Agreement represents the shared desire of Local Government in the Bay of Plenty region to work collaboratively, to maximise effectiveness and efficiency, and to:

- Meet the current and future needs of the Bay of Plenty communities¹ for good quality infrastructure, public services and the performance of regulatory functions in a way that is cost effective for households and businesses, and is appropriate to present and future circumstances;
- Promote an agreed consultation process for preparation and review of the Regional Policy Statement.

This Agreement is deemed to meet the requirements of section 15 of the Local Government Act 2002.

¹ As defined by the Local Government Act 2002

3 **Introduction**

The Local Government Act 2002 ('the Act') recognises that individual local authorities are only one player in the achievement of its priorities and desired outcomes, and making efficient use of its resources, and that work to promote its priorities and desired outcomes goes beyond individual local authority boundaries. The Act recognises that local authorities should collaborate and co-operate with one another and a variety of other organisations to find solutions to local issues. The main framework to guide collaboration and co-operation between local authorities within the Bay of Plenty region is the Triennial Agreement. Essentially, this Agreement describes why and how Councils in the Bay of Plenty region will work together.

The Agreement is effective from the date of signing until such time as it is either amended by the agreement of all parties or is renewed following the 2019 Local Government elections.

4 **Legislative context**

Local Government Act 2002

Section 15 of the Local Government Act 2002 states:

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
 - a. protocols for communication and co-ordination among the local authorities; and
 - b. a statement of the process by which the local authorities will comply with section 16 in respect of 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.
- (3) An agreement under this section may also include—
 - a. commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
 - b. the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.

- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—
- a. the inconsistency; and
 - b. the reasons for the inconsistency; and
 - c. any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

Resource Management Act

Schedule 1, Clause 3A- Consultation in relation to policy statements

- (1) A triennial agreement entered into under section 15(1) of the Local Government Act 2002 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.

5 Purpose

This Agreement aims to reinforce the principle of collaboration embedded in the above Acts. As such, the signatories are committed to working together to promote their communities, consistent with the principles of sustainable management and providing efficient, effective and quality public services and infrastructure. This Agreement provides an opportunity for improved communication and co-ordination at all levels of Local Government in the Bay of Plenty region enabling democratic local decision-making and action by and on behalf of communities. It provides the opportunity to speak with “one consistent message” to Central Government on issues affecting Local Government.

A significant amount of formal and informal collaboration already exists between the region's local authorities. Collaborative initiatives include the CDEM Group, regional economic development, transport planning (particularly the Regional Land Transport Plan) and BOPLASS Ltd.

This Agreement supports the expansion of relationships that help Councils to work co-operatively and collaboratively to benefit the Bay of Plenty region. In signing this Agreement the parties recognise that co-operation and collaboration evolve as a result of successful communication and co-ordination. The parties are committed to ensuring that this Agreement delivers tangible outcomes for Bay of Plenty communities. It is intended that the operation of this Agreement should contribute to the strengthening of regional relationships.

Appendix 1 lists possible areas for further collaboration.

6 Principles of this Agreement

The parties agree to work in good faith together for the good governance of their localities and the region. As signatories to this Agreement each local authority will:

- 1 Continue to promote coordination and application of quality public services, infrastructure and planning for the present and future communities of the Bay of Plenty, by collaborating and cooperating as considered appropriate to achieve priorities and desired outcomes.
- 2 Consider the form and function of local government by investigating and being kept informed of Central Government's direction on 'Better Local Services' while respecting the individual roles and responsibilities of each party to this agreement and the statutory independence and accountability of each Council to its own communities and constituencies.
- 3 Recognise that issues and concerns that are shared by some communities and local authorities may be of little relevance to others, and that it is therefore appropriate to have a range of sub-agreements on local issues.
- 4 Acknowledge that collaboration among local authorities is necessary to address increasingly complex governance issues. Many issues cannot be solved by any one organisation acting alone and need joint responses.
- 5 Actively collaborate and co-operate with government departments and local authorities outside the region as it considers appropriate to

promote or achieve its priorities and desired outcomes, and make efficient use of resources.

- 6 Support the establishment of processes for communication and collaboration at both governance and management levels in ways that will give clear “Bay of Plenty” perspectives, and enhance the overall performance and reputation of Local Government in the region.
- 7 Recognise that shared services in the region, or joint procurement approaches with joint or separate contracting, can bring efficiencies and savings in terms of planning, administration, consultation and operations; increases in available resources and promotion of cooperative approaches to the allocation of resources.
- 8 Support processes through which all local authorities in the region can participate in identifying, delivering and funding facilities and services of significance to more than one district in the region, in a way that encourages efficiencies to be realised and opportunities to be recognised.
- 9 Recognise the value of undertaking joint processes to engage with communities, Central Government, community organisations and regional and territorial authorities from other regions for issues that cross local authority boundaries.
- 10 Strengthen Local Government collaboration and coordination in the region in ways that enhance relationships with Central Government and other parties that can influence the well-being of the region and its communities.
- 11 Ensure a 'no surprises' policy is adhered to by communicating and consulting openly, honestly, respectfully and proactively with other parties to this Agreement. This will be given effect by ensuring other parties receive early notification of:
 - (a) Significant proposed decisions that may affect other parties and their communities, and
 - (b) Advice of divergent views on proposed decisions before critical public announcements are made.
- 12 Make every effort to accommodate, acknowledge or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement.
- 13 Show leadership to ensure the implementation of this Agreement makes a positive difference for the region.

7 Implementation of this Agreement

Parties to this Agreement will:

- 1 Share resources for the purposes of preparing information on the various communities within the region. Such information may include demographic analysis, survey data and scientific studies and the analysis of social, economic, environmental and cultural trends.
- 2 Develop joint approaches for engaging Central Government and other national organisations.

- 3 Provide early notification of, and participation in, decisions that may affect other local authorities in the region.
- 4 Work together to increase Local and Central Government departments' collaboration and knowledge sharing, in order to minimise costs and the consultation burden on the public, including joint approaches for engaging Central Government and community organisations.
- 5 Maintain and support the further development of shared services for the Bay of Plenty region.
- 6 Agree on priorities for action by all of the Councils in the region or a sub- region, and use existing strategies and structures to pursue greater collaboration within the region (see Appendix 1).
- 7 Use statutory reporting documents to report steps taken to implement the intent of this document.
- 8 Meet at regular intervals (not less frequently than six-monthly) to monitor the implementation, effectiveness and progress of this Agreement.
- 9 Agree to commit the necessary leadership and staff time and resources to give effect to this Agreement and to meet agreed timeframes.

8 **General protocols**

Meetings:

- (a) Meetings in relation to this Agreement will be coordinated and recorded on a rotating basis by the Councils who are parties to the Agreement.
- (b) Meetings will be held at times and in places set out in an agreed annual schedule of triennial meetings.
- (c) All formal public communications from these meetings will be approved by all participating Councils prior to their release.
- (d) Given the importance accorded to this Agreement each Council will normally be represented by the Mayor/Chairman and Chief Executive. One other elected member and senior staff member from each Council may also attend. (In the case of Taupō District Council these representatives may substitute for the Mayor and Chief Executive.)
- (e) Where appropriate, and agreed, the Chief Executive of a Council Controlled Organisation (CCO) may attend an item related to that CCO's activities.

Significant Decisions:

Where a significant decision or issue affects a particular Council, or its community, it should, in partnership with the other Councils of the region, have the lead role in formulating the collective response of the region's local authorities to that issue or decision.

Where a Council makes a decision that is or is likely to have consequences that are significantly inconsistent with this Agreement they will, as soon as practicable, notify all other councils in the region of:

- (a) the decision;
- (b) the inconsistency;

- (c) the reasons for the inconsistency; and
- (d) any intention of the local authority to seek an amendment to this Agreement.

9 **New Regional Council activities**

If the Regional Council or one of its CCOs proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities in the region, section 16 of the Act will apply. As such, the Regional Council will, as soon as practicable, inform all territorial authorities within the region of:

- The proposal and the reasons for the proposed activity.
- The nature and scope of the proposed activity and its expected effects on the activities of the other Councils in the region.

Any such proposal will be included in the consultation document referred to in section 93A of the Act.

Where section 16 of the Act *does not* apply, but a proposed new activity is significant in terms of the Regional Council's Policy on Significance, and if a special consultative procedure (SCP) is required, the Regional Council will deliver a copy of the statement of proposal, prepared under section 83 of the Act, to all parties to allow them a reasonable opportunity to make submissions during the SCP. The process for mediation between the Regional Council and the territorial authorities if agreement is not reached at the end of the SCP will be as set out in section 16 of the Act.

Territorial authorities will be given a reasonable period of time, but no less than 20 working days, to respond to any proposal that triggers section 16 of the Act. The Regional Council agrees to fully consider any submissions and representations on the proposals made by territorial authorities within the region. The territorial authorities also acknowledge a reciprocal obligation to consult when they are proposing new activities, or changes in current activities, that may have implications for the Regional Council.

10 **Significant Facilities and Services**

Where there are facilities and services that are considered to be of significance to more than one district, an item will be scheduled for discussion at the next available triennial meeting (as noted in the schedule of meetings) or other agreed meeting that includes all likely affected councils.

As soon as practicable, and prior to the meeting, the council(s) that has identified the significant facilities and services will contact the likely affected councils to discuss. In the event that it is not clear which councils will be affected, this can be canvassed at the meeting.

The meeting will facilitate the discussion around the facilities and services including; identifying and confirming the affected area and the process for determining the delivery and funding.

11 **Consultation in relation to the Regional Policy Statement and plans**

For the purpose of meeting the requirements of clause 3A of Schedule 1 to the Resource Management Act 1991, the consultation process to be used by affected local authorities in relation to the Regional Policy Statement is set out in the *Protocol for Bay of Plenty RMA Policy and Plans* (November 2010). The protocol also covers the agreed consultation process on district plans and regional plans.

The protocol describes when and how local authorities in the Bay of Plenty region consult in relation to Resource Management Act policy and plan preparation and changes. There are four stages of interaction and consultation covered in the protocol. They include:

- Scoping;
- Drafting;
- Notifying and submitting;
- Appeals to the Environment Court.

Each of the local authorities in the Bay of Plenty region is a party to this protocol.

12 **Resolving disagreement**

All parties to this Agreement are committed to working strenuously, in good faith, to resolve any disagreements that may arise in relation to its application. Where a party has a significant disagreement with the position of the others, all parties will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.

Should any disagreement arise every endeavour will be made to ensure that disagreement is resolved with regard to the broader interests of the regional community and the effectiveness of local government in the Bay of Plenty region.

If the affected parties are unable to reach agreement the members may agree by majority decision to either ask Local Government New Zealand (LGNZ) or the New Zealand Law Society (NZLS) to appoint a mediator.

Should such a process be unsuccessful any of the Councils directly affected may ask the Minister of Local Government to determine the matter.

13 **Signatories to the 2016 to 2019 Triennial Agreement**

Chairman
Bay of Plenty Regional Council

Mayor
Kawerau District Council

Mayor
Ōpōtiki District Council

Mayor
Rotorua Lakes Council

Mayor
South Waikato District Council

Mayor
Taupō District Council

Mayor
Tauranga City Council

Mayor
Western Bay of Plenty District Council

Mayor
Whakatāne District Council

Appendix 1 – Possible areas of collaboration

Possible areas of further collaboration under this Agreement, in no particular priority order, include:

- Regional economic development;
 - Urban growth management and spatial planning;
 - Infrastructure planning and development;
 - Information services, information technology and rating;
 - Finance and human resources;
 - Planning including preparation, change and review of the Regional Policy Statement and district plans;
 - Waste minimisation;
 - Staff secondment and knowledge transfer;
 - Procurement of services, infrastructure, and materials/plant.
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