

LOCAL AUTHORITIES OF OTAGO REGION
TRIENNIAL AGREEMENT 2016-2019

PURPOSE OF THE AGREEMENT

- 1 This Triennial Agreement (Agreement) is made under section 15 of the Local Government Act 2002 (but also has relationships with sections 14 and 16). This agreement outlines the protocols for communication and coordination between local authorities across Otago. In particular, it aims to:
 - 1.1 Provide a mechanism for Otago's local authorities to give better effect to their core purposes under the Local Government Act 2002 by enabling a regional approach to:
 - 1.1.1 enabling democratic local decision-making and action; and,
 - 1.1.2 meeting the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
 - 1.2 Encourage communication, coordination and consultation between the Otago Region's local authorities.
 - 1.3 Provide clarity as to the responsibilities between the Otago Regional Council and other Otago local authorities in order to better provide a seamless local government service.
 - 1.4 Meet the requirements of section 14(1)(e) of the Local Government Act 2002 and Clause 3A of Schedule 1 of the Resource Management Act 1991.
- 2 This agreement will be successful when:
 - 2.1 Decisions made by any one local authority that may materially affect the activities of any other Otago local authority are made only after genuine dialogue and a willingness to seek mutually beneficial outcomes has taken place; and,
 - 2.2 Public interaction with Otago local authorities does not result in disputed gaps or discordant overlaps in jurisdiction between local authorities.
- 3 Notwithstanding clause 2 above, the parties acknowledge that there will be instances where the legitimate local interests of one or more local authority do not enable a consensus to be reached on matters covered by this agreement. In such circumstances the parties agree to respect divergent views without compromise to coordination on other matters.

- 4 The Agreement is effective from 1 March 2017 and remains in force until replaced by another agreement.

PARTIES TO THE AGREEMENT

- 5 The local authorities which are party to this agreement are:
 - 5.1 Central Otago District Council;
 - 5.2 Clutha District Council;
 - 5.3 Dunedin City Council;
 - 5.4 Otago Regional Council;
 - 5.5 Queenstown Lakes District Council; and,
 - 5.6 Waitaki District Council

GENERAL

- 6 Signatories to this Agreement agree to work together in good faith for the good governance of their districts and the Region.
- 7 Signatories to this Agreement recognise that:
 - 7.1 The communities within the Region are diverse and encompass a range of desired outcomes and objectives.
 - 7.2 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.
 - 7.3 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.
 - 7.4 Although collaboration and cooperation are outcomes that should be strived for, each local authority has the legislative mandate to govern its own area as appropriate.
 - 7.5 Collaboration and cooperation between local authorities of the Region can more effectively grow the region's economy for the benefit of its communities

COMMUNICATION AND COORDINATION

- 8 The means for communication and coordination in relation to this agreement include the following:

The Otago Mayoral Forum

- 8.1 Meetings of Mayors, Regional Council Chairperson and their Chief Executives, to occur at least once every three months to review and promote the performance of the agreement.

The Otago Region Chief Executives Group

- 8.2 Meetings of Chief Executives of the Otago Region to occur approximately every three months to discuss general business, to review the performance and implementation of the agreement, and to agree and commission reports on key issues for discussion by the Otago Mayoral Forum.

Other ad hoc or Council staff meetings, including:

- 8.3 Existing regional and sub-regional forums, such as the Joint Committees for Otago Regional Economic Development and Civil Defence, and the Otago Rural Fire Stakeholder Committee.
- 8.4 Meetings and contact between staff as necessary to give effect to this agreement.
- 9 Where practicable, meetings involving similar attendees shall be scheduled for the same day.
- 10 Minutes or notes of meetings will be referred back to each party involved in any particular issue in draft for review and agreement either at subsequent meetings or by email exchange.

SERVICING

- 11 The parties agree that responsibility for servicing this agreement shall be provided by the Otago Regional Council which will provide administrative services in terms of preparing agendas, co-ordinating meeting arrangements and co-ordinating preparation of report and/or advice on key issues.
- 12 Responsibility for Chairing the Otago Mayoral Forum and the Otago Chief Executives Group and recording the minutes of each meeting shall be carried out by the local authority hosting the Mayoral Forum. The hosting local authorities shall rotate – unless other arrangements are confirmed by the Otago Mayoral Forum – as per Schedule B.
- 13 In addition to the services listed in clause 8 above, servicing this agreement will also include media and communications contact concerning the content and execution of the agreement.

- 14 The hosting local authority shall provide the administrative local authority (Otago Regional Council) with copies of the minutes and notes of meetings.
- 15 Each local authority bears its own cost in implementing this agreement.

PROTOCOLS FOR COMMUNICATION, COORDINATION AND CONSULTATION

- 16 Each party will ensure that it:
 - 16.1 Adopts a “no surprises” approach through early and regular communication;
 - 16.2 Develops internal processes within its organisation that encourage identification of cross-boundary or inter-jurisdictional issues;
 - 16.3 Works 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(1)(e) of the Local Government Act 2002
 - 16.4 Gives early notification to any of the affected parties to this agreement of policy discussions and plan developments that may have material implications for those other parties;
 - 16.5 Provides opportunities, within reasonable and specified timeframes, for comment by affected local authorities in respect of policies, plans, activities or projects that may have inter-jurisdictional or cross-boundary implications;
 - 16.6 Provides early notice to other parties of matters of disagreement, and make genuine attempts to resolve these. If unsuccessful in gaining unanimity, any public announcements that are made will acknowledge and fairly represent the contrary views; and,
 - 16.7 Jointly undertakes consultation with communities, iwi, other local authorities, central government and non-government agencies where there is mutual benefit to one or more community.
- 17 Where a significant decision or issue primarily affects one party, that local authority will be offered the opportunity to have the lead role in formulating the region’s response.
- 18 For the purpose of section 15(2) of the Local Government Act 2002, the principles outlined above shall apply to any proposal for new activities by the Otago Regional Council.
- 19 Notwithstanding clauses 16 and 17, the parties acknowledge each local authority has unique accountabilities, and no party will be expected to act contrary to any statutory obligation it may have.

REGIONAL COOPERATION

- 20 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.
- 21 Areas of regional focus may arise during the triennium and will be considered by mutual agreement.
- 22 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.

PROPOSALS FOR NEW REGIONAL COUNCIL ACTIVITIES

- 23 New activities for Otago 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:
 - 23.1 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 principles of consultation in the Local Government Act 2002.
 - 23.2 The Regional Council will inform all territorial authorities within the Region of:
 - 23.2.1 the nature of the activity proposed to be undertaken;
 - 23.2.2 the scope of the proposal (including size, districts covered and why); and
 - 23.2.3 the reasons for the proposal.
 - 23.3 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.
 - 23.4 Final decisions (including considerations leading to the specific decision) will be communicated to the next available Otago Chief Executives Group meeting.
- 24 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 2002 will apply.
- 25 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 principles of consultation in the Local Government Act 2002.

- 26 The parties also agree that prior to implementing the formal provisions of sections 16(2) and 16(3):
- 26.1 The Regional Council will inform all territorial authorities within the Region of:
- 26.1.1 the nature of the activity proposed to be undertaken;
 - 26.1.2 the scope of the proposal (including size, districts covered, and why); and,
 - 26.1.3 the reasons for the proposal.
- 26.2 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.

SCOPE AND ISSUES

- 27 Representatives of each local authority will meet to specifically address the key issues of common interest or concern set out in Schedule A of this agreement. Schedule A may be amended from time to time as agreed by the Otago Mayoral Forum.

REVIEW OF AGREEMENT

- 28 The parties to this agreement shall meet as the Otago Mayoral Forum and consider amendments to the agreement not later than the next available meeting of the Otago Mayoral Forum following a request from any one or more party to this agreement. The request in writing must be received at least one month prior to the meeting date by the local authority responsible for the servicing of this agreement at that time.
- 29 Any amendment agreed shall be referred back to each local authority for ratification.

CONSULTATION IN RELATION TO RESOURCE MANAGEMENT ACT 1991

- 30 The following consultation process will apply to the preparation of a new, or change, variation, or review of an existing, Regional Policy Statement:
- 30.1 The Regional Council will seek the input of territorial authorities, and vice versa, for the preparation or review of the Regional Policy Statement.
 - 30.2 For the Regional Policy Statement, the Regional Council will make the draft version available to all territorial authorities in the Region for discussion and development.
 - 30.3 The responsible local authority will ensure that at least 20 working days is available to consider and respond to any proposal.
 - 30.4 The parties to this agreement acknowledge their obligation to act in accordance with the principles of consultation set out in the Local Government Act 2002.

RESOLVING DISAGREEMENT

- 31 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. If the disagreement is not resolved by mediation the parties will refer the dispute to a single arbitrator. The single arbitrator will be chosen by the parties or, if they cannot agree, by the President of the New Zealand Law Society.

AUTHORITY

This agreement is signed on this _____ day of _____ 2017 by the following on behalf of their respective local authorities:

Mayor Tim Cadogan
 Central Otago District Council

Chair Woodhead
 Otago Regional Council

Mayor Brian Cadogan
 Clutha District Council

Mayor Boulton
 Queenstown Lakes District Council

Mayor Cull
 Dunedin City Council

Mayor Kircher
 Waitaki District Council

SCHEDULE A

1 Continue to develop our Section 17A Reviews as prioritised by the Otago Mayoral Forum at the meeting held in Alexandra on 11 November 2016. Those key priorities are:

- Regulatory Services;
- Harbours and Waterways;
- Waste Management; and,
- Otago Museum.

Larger more complex priorities discussed were:

- Three Waters; and,
- Land Transport.

Both of the above require work to be done over the next Triennium so as to best position them for a detailed review post 2019. All Councils are to be involved with the project work on the above.

2 Development of an Otago wide economic development strategy – Otago Regional Council lead.

3 Continuing to monitor and develop our new Regional Civil Defence organisation.

4 Coordination of common relationships:

- Kai Tahu Ki Otago
- Te Ao Marama
- Key Central Government agencies (NZ Transport Agency, Ministry of Business, Innovation and Employment, Department of Internal Affairs, etc.)

5 Other

- Co-ordinated responses to major policy issues affecting the region – e.g. EQPB's Policy Implementation.
- National Policy Statement – Urban Development Capacity

SCHEDULE B

Cycle of meetings for the triennium:

Month/Year	Hosting Council
February 2017	Dunedin City
May 2017	Otago Regional Council
August 2017	Queenstown Lakes District
November 2017	Waitaki District
February 2018	Clutha District
May 2018	Central Otago District
August 2018	Dunedin City
November 2018	Otago Regional Council
February 2019	Queenstown Lakes
May 2019	Waitaki District
August 2019	Clutha District
(November 2019)	Central Otago District