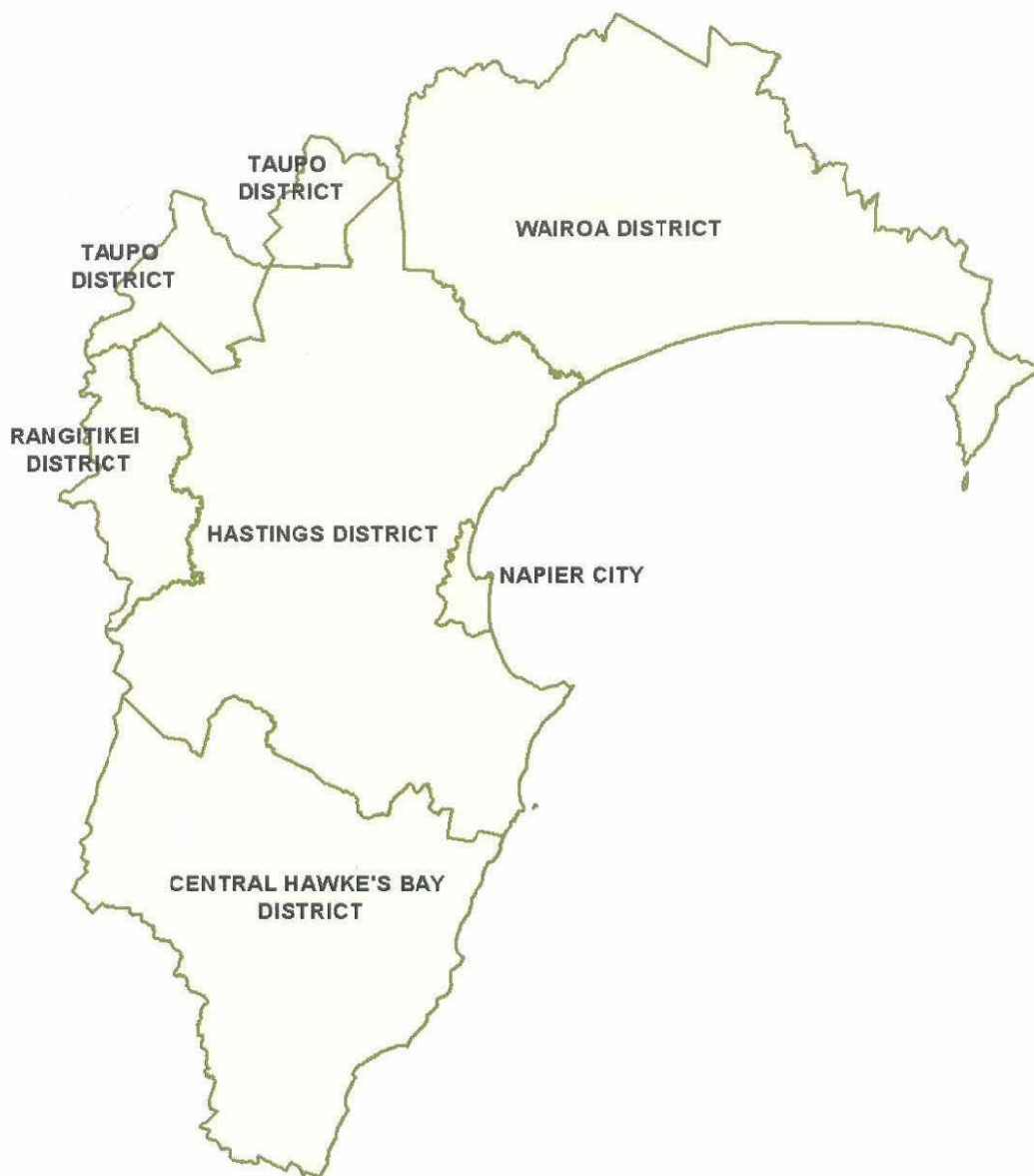


2008
TRIENNIAL AGREEMENT



HAWKE'S BAY REGION

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1. PARTIES

The signatories to this Triennial Agreement (the Agreement) are:

Primary Signatories:

(those local authorities whose boundaries are completely encompassed within the Hawke's Bay Region)

- Central Hawke's Bay District Council
- Hastings District Council
- Hawke's Bay Regional Council
- Napier City Council
- Wairoa District Council

Non-Primary Signatories:

(those local authorities whose boundaries bisect the Hawke's Bay Region and whose principal identification is with another Region)

- Rangitikei District Council
- Taupo District Council

This Agreement applies to all local authorities in the Hawke's Bay Region. However, it is recognised that for Non-Primary Signatories, the degree of involvement in various aspects of the Agreement will be in proportion to the degree to which these parties assess how they will benefit or be affected by decisions, issues, proposals or other matters.

2. TERM OF AGREEMENT

The Agreement is effective from the date of signing until such time as the Agreement is either amended by the Agreement of all parties or is renewed following the 2010 local authority elections which must be before 1 March 2011.

3. STATEMENT OF INTENT

This Agreement represents the shared desire of Local Government in the Hawke's Bay Region to work collaboratively, to maximise efficiency, and to promote well-being in their respective communities.

4. PREAMBLE

The Local Government Act 2002 (the Act) recognises that each individual local authority is only one player in the achievement of community well-being, and that well-being goes beyond local authority boundaries. The Act further recognises that local authorities will need to collaborate with a variety of agencies to find solutions to local issues. The main framework for communication and co-ordinating the collaboration between different local authorities is the Agreement. The requirements contained in the Act for collaboration between Local Authorities are summarised in the Appendix to this Agreement.

5. PURPOSE

Through this Agreement, local authorities are encouraged to work together to promote the well-being of their communities, in all of its social, economic, environmental and cultural aspects, consistent with the principles of sustainable development. This Agreement provides an opportunity for improved communication and co-ordination at all levels of Local Government in the Hawke's Bay Region.

It is recognised that a significant level of formal and informal co-operation already exists between Hawke's Bay local authorities. The success of the Agreement will be demonstrated through expanded relationships that help local authorities to work co-operatively and collaboratively to advance community goals (outcomes). This Agreement does not address local authorities' relationships with Central Government agencies or other important sectors of the community, each of which will also be important to the effective delivery of community outcomes.

6. PRINCIPLES

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 co-operation between local authorities of the Region can more effectively promote social, economic, environmental and cultural well-being of communities in the Region.
- Collaboration and co-operation 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 co-operative approaches in taking strategic judgements about the allocation of resources.
- Although collaboration and co-operation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate.
- Collaboration should occur at both the political and operational levels.
- They may disagree with the position of the others and in such circumstances the other signatories will make every effort to accommodate, acknowledge, or at least fairly represent the dissenting view.

7. GENERAL APPROACH TO COMMUNICATION AND CO-ORDINATION

Signatories to this Agreement will:

1. Hold meetings of Mayors and the Regional Chairman and Chief Executive Officers from the primary signatories at least annually to formally communicate and co-ordinate on matters of mutual interest and to review the performance of the Agreement. Meetings will be arranged and minutes kept on a rotating basis by the primary signatories, and minutes distributed to all parties to the Agreement. This does not preclude meetings being arranged, on request, by Councils other than the Council next on the rotation. All public communications from these meetings shall be approved by all participants prior to their release.
2. Share resources where feasible, on such information as demographics, survey data, scientific studies and the analysis of social, economic, environmental and cultural trends.
3. Work together, as far as practical, to develop a common process for identifying community outcomes in order to minimise costs and the consultation burden on the public.

4. Develop joint approaches, where appropriate, to engage Government agencies and other organisations.
5. Develop joint approaches to measuring and reporting on progress toward community outcomes.
6. Promote communication and co-operation among the local authorities in the region.
7. Provide early for notification of, and participation in, decisions that may affect other local authorities in the region.
8. Make draft strategies, policies, and plans available to other local authorities in the region for discussion and development, where they may have regional implications or implications beyond the boundaries of the decision-making council.
9. Apply a '*no surprises*' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before the matter is put out to the public.
10. Establish other forums at both political and operational levels that will help enhance and achieve the purpose of this Agreement.

These approaches to communication and co-ordination will be used when preparing, reviewing or changing any parts of the Regional Policy Statement and will be the agreed consultation process for the purposes of section 3A of the First Schedule of the Resource Management Act.

The parties to this agreement recognise that the Regional Policy Statement may contain matters that affect other local authorities in the region and can have regional implications.

8. SIGNIFICANT NEW ACTIVITIES PROPOSED BY HAWKE'S BAY 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 Act applies.

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 the annual meetings (see 7(1) above), and to provide drafts of proposals to affected Councils for early comment in accordance with the requirements of sections 77-89 of the Local Government Act (decision-making and consultation).

The parties also agree that prior to implementing the formal provisions of Section 16 (2 and 3);

- 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)
 - the reasons for the proposal.
- 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 Hawke's Bay 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.

9. SUPPORT SERVICES

Responsibility for providing all support services under this Agreement shall be shared on a rotating basis. Support services will include:

- Secretarial services
- Media and communications contact (including the provision of information to the public on request) in relation to matters covered in the Agreement.

Hawke's Bay Regional Council will be the first Council responsible for servicing this Agreement.

Responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

10. DISPUTE RESOLUTION

In the event of a disagreement between the Councils as to the interpretation or implementation of this Agreement, and/or that disagreement between the Councils as to the interpretation or implementation of this Agreement to vary the terms of this Agreement in accordance with s.15(3) of the Act, then the matter in dispute will be referred to mediation. If the Councils cannot agree on the appointment of a mediator, the President of the Hawke's Bay District Law Society will be requested to appoint the mediator. The costs of the mediation shall be borne by the Councils in equal shares.

11. SIGNATORIES

This Agreement is signed on this day of 2008 by the following on behalf of their respective authorities.

PRIMARY SIGNATORIES:

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

HASTINGS DISTRICT COUNCIL

.....

.....

Mayor

Mayor

.....

.....

Chief Executive

Chief Executive

HAWKE'S BAY REGIONAL COUNCIL

.....

Chairman

.....

Chief Executive

NAPIER CITY COUNCIL

.....

Mayor

.....

Chief Executive

WAIROA DISTRICT COUNCIL

.....

Mayor

.....

Chief Executive

NON PRIMARY SIGNATORIES:

RANGITIKEI DISTRICT COUNCIL

.....

Mayor

.....

Chief Executive

TAUPO DISTRICT COUNCIL

.....

Mayor

.....

Chief Executive

APPENDIX

LEGAL REQUIREMENTS – LOCAL GOVERNMENT ACT 2002

Section 15 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 co-ordination 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.

Section 273 requires that:

All local authorities within a region on 1 July 2003 must, before the close of 31 December 2003, enter into an agreement under **section 15** (Triennial Agreement), which agreement must contain protocols for communication and co-ordination among them during the period until the next triennial general election of members.

In addition, other sections of the LGA also require collaboration:

Section 14(e) –

A local authority should collaborate and co-operate 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 – (summary)

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 of the proposal and seek their agreement.

Section 91(3)(a) –

The local authority –

- (a) must, before finally deciding on that process, take steps –
 - i. to identify, so far as practicable, other organisations and groups capable of influencing either the identification or the promotion of community outcomes; and
 - ii. to secure, if practicable, the agreement of those organisations and groups to the process and to the relationship of the process to any existing and related plans.

Section 92(2) –

... The local authority must seek to secure the agreement of organisations and groups identified under section 91(3)(a) to the monitoring and reporting procedures including the incorporation of any research, monitoring, or reporting undertaken by those organisations and groups.