

TRIENNIAL AGREEMENT

Far North District Council, Kaipara District Council, Whangarei District Council, and
Northland Regional Council

1. Purpose of the Triennial Agreement

The parties acknowledge that the 2022 – 2025 triennium will be a time of unprecedented change for local government and that this Triennial Agreement represents a continued commitment amongst the Northland councils to work collaboratively together for the good governance of Te Taitokerau to ensure that issues in common, occurring within or impacting on the region, are discussed openly and unnecessary duplication avoided. A Triennial Agreement is required by, and is made pursuant to, section 15 of the Local Government Act 2002.

2. Commitment to a Consensus Approach

The parties:

- Acknowledge the benefits to the communities of Northland of the four councils working together in a consistent manner and wherever possible, with a united voice.
- Respect that at times our different roles and responsibilities may cause the parties to have different positions.
- Agree to endeavour to reach a consensus position on matters of common interest.
- Agree that our remaining differences will not detract from our commitment to work together cooperatively and maintain constructive relationships.

3. Communication and Co-ordination

Parties agree to communicate and co-ordinate their activities and be responsible for¹:

- Notification of major policy discussions which may have implications beyond the boundaries of the decision-making authority;
- Application of a “no surprises” policy whereby early notification is given between local authorities concerning significant policy or programmes before public announcements are made;
- Progressing issues agreed to by the Northland Mayoral Forum;
- Sharing resources wherever possible to gain improved efficiency, effectiveness and increased levels of customer service;
- Abiding by group decisions, subject to the relevant authority’s decision making processes;
- Working together in the best interests of the people of Northland. Emphasis is to be placed on building credible and enduring relationships with all Northland local authorities, tangata whenua, the neighbouring authority of Auckland and central government; and
- Coordinating and aligning local authorities collective voice both to inform our local community and, through communication with Wellington, at a national level on key regional issues.

¹ Pursuant to section 15(2)(a) of the Local Government Act 2002

4. Framework for Regional Leadership

The parties acknowledge the progress made towards greater local authority collaboration in Northland and the benefits this provides for the region. Parties agree to continue their commitment to the collaborative working relationship through the following joint local authority forums, committees and regional representation².

4.1 Regional Leadership

a) Northland|Forward Together Strategic Planning Workshops

The Northland|Forward Together Strategic Planning Workshops are a collaborative forum of all elected members from the four councils. The purpose of these workshops is to provide an opportunity for elected members to meet, discuss and seek agreement on high level strategic governance priorities and direction for the region.

In 2015 the document called Northland|Forward Together (Tai Tokerau | Kōkiri Ngātahi) was developed. This document sets out a vision, goals and objectives for greater local authority collaboration and identifies priorities to investigate the potential for improved shared services, centers of excellence and joint procurement. This document sets the platform for the councils' ongoing collaborative relationship and further regional leadership (the document was ratified by all four councils). The Northland councils are committed to reviewing the Northland|Forward Together (Tai Tokerau | Kōkiri Ngātahi) strategic vision and values document during the 2022-2025 triennium.

The Northland|Forward Together Strategic Planning Workshops enable the Northland councils to monitor, review and update the vision, goals and objectives of Northland|Forward Together. The Northland Mayoral Forum, Chief Executives' Forum (and working parties that are established on a case-by-case basis) support the implementation of the Northland| Forward Together work programme.

b) Northland Mayoral Forum

The purpose of the Northland Mayoral Forum is to provide a forum for the Chair and Mayors of the four councils of Northland to provide regional leadership and seek local authority alignment on key strategic governance priorities for the region and its communities and address any governance issues of the day.

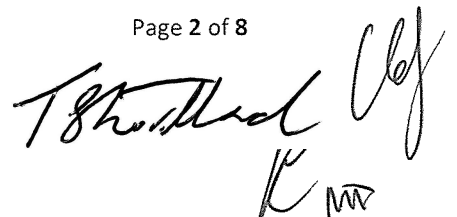
A core role of the Northland Mayoral Forum is to provide governance leadership, oversight and direction to drive the Northland|Forward Together work programme and priorities. Each party is responsible for reporting progress back to their respective governance bodies and seeking council approval where decisions are outside existing council decisions or management delegations.

For the avoidance of doubt, while the Mayoral Forum provides an opportunity for the Chair and Mayors to provide regional leadership and seek strategic alignment, the forum has no delegated authority to make decisions or commit council resources. Any agreements which fall outside previous council decisions or management delegations, are made on the understanding that these agreements need to be approved by respective council resolutions before any agreements can be confirmed.

c) Northland Chief Executives' Forum

The purpose of the Northland Chief Executives' Forum is to provide a vehicle through which the four councils of Northland can support the work of the Northland Mayoral Forum, progress implementation and monitoring of the Northland|Forward Together programme, work on operational projects of common interest and benefit, share knowledge and consider any shared services arrangements.

² Pursuant to section 15(2)(c) of the Local Government Act 2002



d) Whanaungatanga Kī Taurangi

The Relationship Agreement 'Whanaungatanga Kī Taurangi' entered into between the Northland councils and Te Kahu o Taonui (Iwi Chairs) outlines the commitment to work together and invest in an intergenerational relationship that is based on mutual respect, is enduring and provides continuity through a shared vision, purpose and goals for mutually beneficial outcomes.

The parties acknowledge that the Relationship Agreement does not require the parties to perform any particular action or bind them to a specific outcome, but rather to work together in mutual good faith and reasonableness. The Agreement also acknowledges that, in signing the Agreement, it does not undermine or minimise any existing or future relationships and agreements between local authorities and iwi / hapū but rather seeks to strengthen and support those relationships.

It is acknowledged that Whangarei District Council has not signed the Relationship Agreement and is therefore not a party to the Agreement.

The Northland councils are committed to reviewing and renewing the Whanaungatanga Kī Taurangi in the 2022-25 triennium and this to be led through the Iwi Local Government Agencies Chief Executives Forum (ILGACE).

e) Iwi Local Government Agencies Chief Executives Forum

The purpose of the Iwi Local Government Agencies Chief Executives Forum (ILGACE) is to provide a forum where local government Chief Executives and iwi Chief Executives can seek opportunities to work collaboratively to address issues and progress projects for the betterment of Te Taitokerau I Northland.

4.2 Joint Committees

f) NRC Regional Transport Committee³

The purpose of the Regional Transport Committee (RTC) is prescribed in the Land Transport Management Act 2003 and includes the preparation, for Northland Regional Council approval, of a Regional Land Transport Plan and Regional Public Transport Plan for Northland, to monitor and review progress towards the adoption and implementation of these plans and to provide the regional council with any advice and assistance, as requested, in relation to regional council's transport responsibilities.

Membership of this committee includes one representative nominated by each district council and two members from the regional council appointed as Chair and Deputy Chair (and their alternates). It also includes a representative from Waka Kotahi.

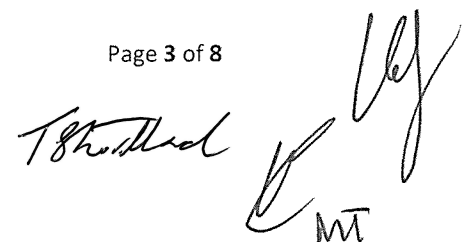
g) Northland CDEM Group⁴

The Northland Civil Defence Emergency Management Group (CDEM) is established as a joint standing committee of Northland councils and is responsible for the conduct of the CDEM functions of the Group, setting the strategic direction via the CDEM Group plan, approving annual work programmes, conducting joint management of civil defence events and monitoring and reporting on progress.

Membership of this committee includes one representative (and their alternate) nominated by each of the local authorities. It also includes a representative from NZ Police, Fire and Emergency NZ and the National Emergency Management Advisory (observer status).

³ Established pursuant to Part 2, section 105(2) and (6) of the Land Transport Management Act 2003

⁴ Pursuant to section 12 of the Civil Defence Emergency Management Act 2002 and Schedule 7, clause 30 of the Local Government Act 2002

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h) Joint Climate Change Adaptation Committee

The Joint Climate Change Adaptation Committee (JCCAC) was established in 2020 as a joint standing committee of the Northland councils and is responsible for providing direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Taitokerau.

Membership of this committee includes one elected member (and their alternate) and one representative from iwi/hapu nominated by each council from within their jurisdiction.

i) Joint Regional Economic Development Committee

The Joint Regional Economic Development Committee was established in 2021 as a joint standing committee of the Northland Regional Council, the Far North District Council and the Kaipara District Council. Whangarei District Council may join the committee at some point in the future. This committee is fundamental to ensuring that Te Taitokerau's aspirations for economic development are achieved in a coordinated and collaborative manner.

Membership of this committee includes two elected members (and an appointed alternate) from the three councils.

4.3 Representation and Communication

j) LGNZ Zone 1 Representation

The four Northland councils make up Zone 1 of Local Government New Zealand (LGNZ). Zone meetings provide an opportunity for councils to provide information and advice and highlight issues and concerns affecting Northland with the National Council of LGNZ. It also provides an opportunity to receive sector information and advise the National Council in dealing with national issues. LGNZ provides for representation from Zone 1 on National Council itself as well as on the Young Elected Members Committee. Representation can also be achieved if elected members stand for sector representation on the Te Maruata Rōpū Whakahaere for Māori in council. Where appropriate, in making appointments to LGNZ, parties will consider the need to provide for rotational representation.

Whilst the majority of LGNZ Zones operate on a one vote per council and a majority decision making model, Zone 1 is committed to decision making by consensus of all parties (which is in accordance with LGNZ guidance that each Zone has discretion to determine their own rules around methodology for decision making).

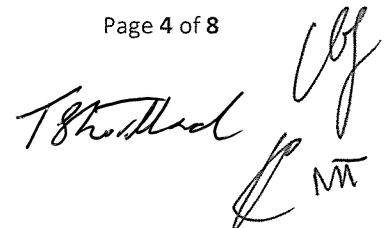
k) UNISA

The Upper North Island Strategic Alliance (UNISA) comprises Auckland Council, Bay of Plenty Regional Council, Northland Regional Council, Waikato Regional Council, Hamilton City Council, Tauranga City Council and Whangarei District Council. These seven parties have committed to a long-term collaboration for responding to and managing a range of inter- regional and inter-metropolitan issues.

UNISA has agreed to regularly update all the territorial authorities from the Upper North Island following each Governance Group meeting, with each of the regional councils taking responsibility for communicating with the territorial authorities in their region. The Northland Regional Council will provide regular updates and reports through the Mayoral Forum and CEO Forum with each territorial authority responsible for updating their own governance bodies.

l) Sport Northland Board of Trustees

Sport Northland's core purpose is 'Enriching lives through play, active recreation and sport'. The Sport Northland Board of Trustees comprises of three (3) elected trustees, two (2) Māori trustees

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appointed by the Board Appointments Panel, two (2) trustees appointed by the four (4) Northland councils and one (1) Māori trustee appointed by Ta Kahu o Taonui.

5. Northland Transportation Alliance

The Northland Transportation Alliance (NTA) is presently set up as a collaborative alliance, with alliance staff employed by the four Northland councils and seconded to the NTA, facilitated through a non-legally binding Memorandum of Understanding and Service Delivery Agreements.

Parties agree to continue their commitment to the NTA and progress work to investigate the formation of the NTA as a legal body, formally contracted to councils to undertake Transportation Asset Management and Service Delivery Activities, including briefing each council on process.⁵

6. Regional Policy Statement⁶ and Regional/ District Plans (RMA)

This part of the Agreement applies to the regional council when reviewing or changing the Regional Policy Statement or regional plans and also applies to district councils when reviewing or changing district plans, under the Resource Management Act (RMA)⁷.

When reviewing or changing their plans, all councils will operate on the principle of 'no surprises' – whereby early and meaningful consultation across all stages of plan development will occur. The party promoting the plan shall initiate and manage the agreement actions, and four stages of interaction and consultation, as outlined in Appendix 1. Early notice will be given over any disagreements between councils concerning policy or programmes, and prior to any critical public announcements being made.

The parties agree that respective staff who represent the region I district on any national working groups will report directly or indirectly to the Chief Executive Forum on the activities and decisions of those groups.

7. New Regional Council Activities⁸

Under section 15(2)(b) of the Local Government Act, a Triennial Agreement must include a statement of the process for consultation on proposals for new regional council activities. The Northland Regional Council will follow the process outlined in section 16 of the Local Government Act 2002.

8. Meeting Times and Servicing the Triennial Agreement

- The Northland | Forward Together Strategic Planning Workshops will occur three times a year, with the location and hosting to be rotated between the parties (hosting council sets the agenda and chairs the forum).
- The Northland Mayoral Forum and CEO Forum will meet quarterly, with the location and hosting to rotate between the parties.⁹
- The Chair for the Mayoral Forum and CEO Forum will be selected at their respective inaugural meetings and remain in place for the triennium unless otherwise agreed. When appointing a Chair consideration will be given to the need to rotate the chair role between parties.


⁵ The Northland Mayoral Forum resolved this direction at its meeting on 29 November 2021

⁶ Under section 3A of the First Schedule of the Resource Management Act, a Triennial Agreement must include agreement on the consultation process to review or change a policy statement.

⁷ Where this Agreement refers to "Plan", read also plan or policy statement change and variation.

⁸ This section is in accordance with Section 15(2)(b) of the Local Government Act.

⁹ It is important to note that the host council may decide to run the meeting virtually.



- The Northland Regional Council will provide secretarial services and media support to the Northland Mayoral Forum and Chief Executives' Forum.
- In the event of a disagreement over the terms of this Triennial Agreement, the parties agree to refer the issue of disagreement to mediation for non-binding resolution. If no agreement on a mediator is forthcoming a mediator will be appointed by the President of the Auckland District Law Society.

9. Costs

All councils will carry their own costs for attending the meeting and any work carried out by membership councils in house. Councils will also carry their own costs for hosting meetings (including, but not limited to, venue hire, catering and commissioning guest presenters) unless agreed prior between parties.

Any costs over and above these will be decided on a case by case basis.

AUTHORITY

This agreement is signed on 20 February 2023, by the following on behalf of their respective authorities.

Mayor

Mayor

Mayor

Chair (28 February 2023)



Appendix 1: RMA Regional Policy Statement and Regional/District Plans

The Agreement, and this appendix for RMA RPS and plans, aims to:

- ensure good practice and early consultation between councils during plan preparation, changes and review;
- avoid possible misunderstandings of respective roles and statutory obligations;
- clearly define when comments and/or submissions by either party are appropriate; and
- establish an agreed process to be followed, including expectations and timeframes.

There are four stages of interaction and consultation:

- pre-plan
- draft plan (a matter of best practice rather than legally required)
- notified plan
- appeal to Environment Court.

1. Pre Plan

In this stage, all parties will take full advantage of the opportunity to fully understand each other's position, provide initial assessments of issues or matters likely to be of concern and explore techniques and methods to achieve the desired outcomes.

This phase will focus on significant points of difference. Effort will be spent on resolving these differences. Minor points of difference will not get in the way of the parties dealing with the significant ones.

Once the reasons for the plan are understood and the areas of difference are established then the parties will decide if further progress can be made to resolve these differences and a process and timeframe to move forward will be established and these matters will be recorded.

2. Draft Plan

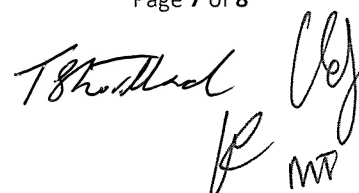
When a plan reaches a draft stage and before it has been approved for notification by council for formal statutory consultation, it shall be forwarded to councils in the region for their comment (i.e. this phase occurs before public notification of a proposed Plan). This stage may be formal or informal. (It can occur alongside consultation with the wider community.)

A presentation to affected councils on the draft plan will, where possible, occur. Council comments on a draft plan will usually be:

- discussed with or reported to the council, and
- represent the organisational view.

To avoid confusion, and for transparency, comment should include a summary of any positions reached in pre-consultation. Comments should relate to policy implications (and assuming the above process has been followed) they should highlight the points of difference already identified. Comments should clearly distinguish between significant and more general matters.

Comments by the regional council or district councils on other councils' plans should be clearly referenced to the council's LTP and/or any relevant policy or operational document (including existing or emerging growth strategies and models). All comments made should explain the impacts on the council in terms of cost, practicality, necessity and reasonableness in sufficient detail to be credible and stand scrutiny, i.e. in such a way that the feedback can be used in a section 32 RMA analysis. In making comments councils should also highlight how the plan can meet the relevant council's statutory functions and responsibilities while addressing or taking on board the submitting

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council's comment.

Matters not resolved at this stage are likely to be the subject of formal submissions. Unless the draft plan changes significantly, no new issues would be expected to arise once the plan is notified.

Senior managers of the councils involved will review the position reached and satisfy themselves that the procedural requirements have been followed and all reasonable steps have been taken to resolve matters still in dispute. If a senior manager, in consultation with their Chief Executive Officer, is not satisfied then the matter may be escalated to the council's respective governance level.

3. Notification

Submissions in opposition from a party should not be a surprise and should relate only to significant matters already commented on, unless the plan has been materially changed between draft and notification.

A second tier manager will carefully review any submission prior to its approval to ensure:

- it is well founded in terms of policy or other relevant criteria
- it is a significant matter on its own or gives rise to significant implications for the council in carrying out its responsibilities and/or implementing its policy
- it specifies a means of relief that is appropriate.

All district council submissions (except further submissions) on a change to the RPS submissions to the new regional plan will be approved by the relevant council.

All regional council submissions (except further submissions) on proposed (new) district plans will be approved by the regional council (time permitting).

Given that significant matters are involved to justify a submission, relevant staff are expected to appear at the hearing.

4. Environment Court

By this stage every effort will have been made to resolve significant differences efficiently and cost effectively.

Mediation will be used where parties genuinely wish to find common ground. At times a Court decision will be preferred or will be necessary, for example where a point of law or a difference of professional opinion is at issue.

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