

1. CANTERBURY LOCAL AUTHORITIES TRIENNIAL AGREEMENT

Officer responsible Director of Policy	Authors Jonathan Fletcher, DDI 941-8548, & Peter Mitchell
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The purpose of this report is to seek the Council's approval of the Triennial Agreement for the Canterbury Region.

BACKGROUND

Section 15 of the Local Government Act 2002 provides as follows:

"15 Triennial agreements

- (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 of the Local Government Act 2002 dealing with the transitional provisions provides as follows:

"273 First triennial agreement

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, which agreement must contain protocols for communication and co-ordination among them during the period until the next triennial general election of members."

Consequently, all the councils in the Canterbury regional area need to agree a triennial agreement by 31 December this year to remain in force until a new triennial agreement is agreed to some time after the next local government elections but no later than 1 March 2005.

At its February 2003 meeting the Council resolved:

That the Canterbury Forum be asked to draft and recommend to councils general provisions for a Canterbury Triennial Agreement by 31 August 2003.

3B That the Christchurch City Council invite the following councils to have one-on-one discussions as to the more specific content of the Agreement: Banks Peninsula District Council, Selwyn District Council, Waimakariri District Council, Environment Canterbury and the outcomes of these discussions be reported to each Council by 31 August 2003.

3C That these discussions and report back be managed by the Mayor, the Chair and the Deputy Chair of the Strategy and Finance Committee together with the City Manager and Legal Services Manager.

3D That the Council note the requirements in the Act for the Triennial Agreement to be adopted by all Canterbury local authorities by 31 December 2003.

THE DRAFT AGREEMENT

Discussions on a draft agreement have taken place at officer level and through the Canterbury Forum. At its last meeting on 21 July 2003 the Canterbury Forum agreed a draft triennial agreement to be taken back by the forum members to their respective councils for comment and agreement. A copy of this agreement is attached.

The agreement has been built on the Local Government New Zealand KnowHow Guide. It has been checked by the convener of the drafting committee (the Chief Executive, Ashburton District Council) to ensure that it meets the legislative requirements. In keeping with the expressed views of a number of the territorial authorities within the Canterbury Region (most noticeably those from the south of the region) the agreement is a simple and straight-forward one rather than one that aims to break new ground. Perhaps that is as it should be, given that it is a first agreement for a transitional period. As required by s. 15(1) the Council will have to enter into another triennial agreement by 1 March 2005.

The agreement commits the signatories to ensuring that they keep each other informed about matters which may have cross-boundary implications or which could potentially lead to disagreement between local authorities. It also provides for a process should the Regional Council be considering proposals to take on new activities. Importantly, it makes specific reference to not preventing local authorities entering into other agreements amongst themselves or outside the region to facilitate their responsibilities. A differently worded agreement might have required all such co-operation to be undertaken within the Triennial Agreement.

ADJOINING CANTERBURY AUTHORITIES

Resolution 3B referred to discussions with councils adjoining Christchurch City as to more specific content of the agreement. Given the way the Triennial Agreement has developed in being simpler than originally anticipated, those discussions have not taken place. Those councils have, of course, been involved in the development of the Triennial Agreement.

CONCLUSION

As the largest local authority in the region the Christchurch City Council needs to build a collaborative and co-operative approach amongst the other local authorities in the region. The Draft Triennial Agreement provides the basis for this Council to take the lead in building collaborative relationships, provides ample scope for the Council to take initiatives and does not impede anything that we are likely to do in terms of inter-council co-operation. The agreement also provides for a process to consider any new initiatives that Environment Canterbury might propose. It is therefore recommended that the Council accept the attached agreement.

- Recommendation:**
1. That the Council accept the Draft Triennial Agreement as prepared by the Canterbury Forum on 21 July 2003.
 2. That the Council authorise the Mayor, the Chair of the Strategy and Finance Committee and the Chief Executive Officer (or their alternates) to approve minor changes to the Triennial Agreement at the next meeting of the Canterbury Forum on 29 September 2003.