



Memorandum of Understanding

between

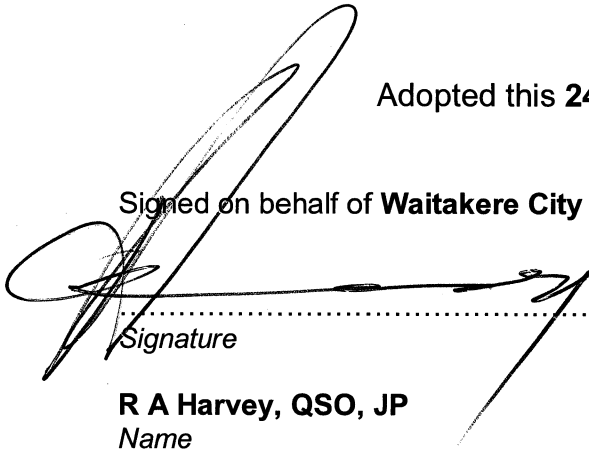
Unitec New Zealand

and

Waitakere City Council

Adopted this 24th day of September 2008

Signed on behalf of Waitakere City Council:



.....
Signature

R A Harvey, QSO, JP
Name

Mayor
Position

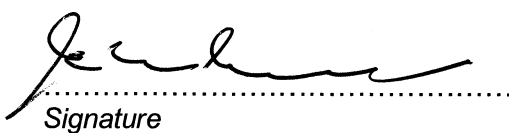


.....
Signature

J Dragicevich
Name

Acting Chief Executive Officer
Position

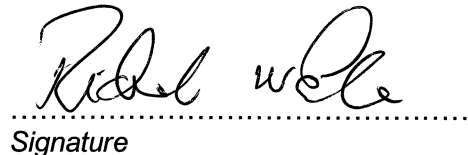
Signed on behalf of Unitec New Zealand:



.....
Signature

T van Arkel
Name

Chairman
Position



.....
Signature

Dr R Ede
Name

Chief Executive
Position

MEMORANDUM OF UNDERSTANDING

BETWEEN

Unitec and Waitakere City Council

Purpose

The purpose of this document is to provide the basis for an ongoing working relationship between Unitec New Zealand (Unitec) and the Waitakere City Council (Council). It signals the importance of the relationship in achieving the shared goals of both the Council and Unitec of providing residents, businesses and the wider community of Waitakere City with improved access to relevant, quality tertiary education programmes and services. It also outlines the roles of both parties and provides a framework for continued co-operation in achieving shared objectives.

Background

In 2001, the Council sought expressions of interest from existing public tertiary education providers to partner with the Council and to establish a physical presence in the City. This was part of the Council's commitment to being an eco-city with a strong focus on life-long learning and working to achieve better social, cultural, economic and environmental outcomes for residents of the City.

The Council already had significant historical links with Unitec's existing Mt Albert Campus being the closest tertiary institution to the city. Unitec was also committed to improving its local regional engagement with a particular focus on how it could further contribute to the economic, social and cultural transformation of the region. It was on this basis that the more formal Memorandum of Understanding between Council and Unitec was established.

In 2001, Unitec at Waitakere was established, initially as a small subsidiary campus in the former State Insurance Building in Ratanui St, Henderson. In 2002, Unitec and Waitakere City Council signed a Memorandum of Understanding focussing on:

- Establishing points of common interest, and ways of working together
- Developing a better understanding of each other's roles and responsibilities
- Establishing a formal working relationship between Unitec and the Council
- Establishing processes for:
 - collecting and exchanging information on community needs and aspirations
 - collaborating on joint developments in the Henderson CBD and elsewhere
 - resolving potential differences

Following the signing of the Memorandum of Understanding, Unitec and the Council began work on the establishment of a significant Unitec Campus presence in the

CBD of Henderson. This work was overseen by a joint management group with the following significant outcomes:

- the completion of a Waitakere City tertiary needs analysis
- Unitec purchase of land and buildings in Ratanui St, Henderson
- Unitec design and build (fit for purpose) of a new 5 level teaching block
- joint design and build (fit for purpose) of an integrated public and academic library facility
- joint design and build of a parking facility

The new facility was opened in January 2006 with Unitec's investment being approximately \$27 million and Council's investment of \$11 million, including the new Library and parking building. Unitec has invested a further \$5m in the purchase of land in Trading Place and 3 levels at 5 Ratanui St. With Unitec playing a role as both an employer and a provider of services in the community, staff and student expenditure has and will continue to have a direct impact on income and employment in the city.

Other joint initiatives to date have included:

- a collaborative feasibility study into the establishment of a multi-partner Corban's Creative Quarter located at the Corban's Estate
- professional development programmes for Waitakere City Council staff (Leadership Development and Treaty of Waitangi Responsiveness)
- initial scoping of a joint professional development programme on sustainability issues
- reciprocal engagement in organisational strategic planning
- engagement in economic development planning (Waitakere Enterprise and Maori Economic Development Strategy)
- collaborative engagement with the Waitakere Education Sector Trust towards the development of a Waitakere Education and Learning Plan
- sharing learning commons
- engagement in Council community events.

By 2008, the relationship between Unitec and the Council had matured to a point that it warranted a renewed commitment and a revised set of objectives¹. It was also timely in terms of both parties' growing concern with the significant educational disadvantage that existed in the City. Unitec had also revised its strategic priorities to grow with a purpose, and to provide opportunities for lifelong learning in Waitakere which would enable graduates to find local employment and remain in their community.

The revision is also timely in terms of current tertiary education reform which sees a shift in emphasis from individual student demand to meeting demonstrated stakeholder need. It is also focused on collaboration and regional community engagement. Unitec now has responsibility to lead Regional Facilitation in Waitakere on behalf of the Tertiary Education Commission and all tertiary education stakeholders (local government, central government agencies, employers, industry, professions, schools, other tertiary providers and community groups). Regional

¹ Nothing in this Memorandum of Understanding is intended to constitute a relationship between the Council and Unitec in the nature of a council-controlled organisation as defined in the Local Government Act 2002. While the parties have entered into this Memorandum of Understanding in good faith and with the intention of working together as provided in this memorandum, it is not a legally binding contract, and is not intended to impose legal obligations on either party.

Facilitation aims to develop a shared stakeholder understanding of tertiary education need resulting in provision being more closely aligned to that need.

The Council is committed to education and skills development as a critical component of its desire to develop Waitakere into a thriving and prosperous community. The Council acknowledges Unitec as the City's partner tertiary education provider. Unitec acknowledges that this partnership involves collaboration and ensuring that the City's wider tertiary education needs are met. This involves developing a shared understanding of the City's needs and Unitec making a leadership contribution in the network of provision (i.e. Private Training Establishments, Wananga and Universities).

For Waitakere, Unitec is committed to:

- developing our people and **knowledge transfer** (through the provision of multi-level programmes, professional development, work-based learning and local graduate employment) addressing educational disadvantage, qualification and skill levels of residents and labour market skill shortages and productivity; and
- **knowledge creation** through applied research.

Both of these key areas are underpinned and informed by meaningful **community engagement** that addresses social cohesion, sustainable development and innovation.

Outcomes

The key outcomes that the Council and Unitec wish to achieve through this Memorandum of Understanding are:

- An increase in the participation and success of the residents of Waitakere City in tertiary education from certificate to post-graduate levels of study.
- Maximising the environmental, economic, cultural and social benefits of Unitec's presence in Waitakere City.
- Maximising the effective and efficient growth of Unitec's educational services to and through Waitakere City.
- Contributing to the development of Henderson as a vibrant and visually attractive town centre for business, education and leisure.

The Council and Unitec will achieve this through:

- The collaborative development and implementation of a Waitakere City tertiary skills and education vision and strategy.
- Collaboratively developing tertiary education facilities and services within Waitakere City in a way that reflects the emerging needs of residents, businesses and the wider community; and that provides all parties with improved access to tertiary education.
- Establishment of a framework for possible joint building or other facility development which ensures:
 - Good urban design
 - Sustainable building methodologies

- Strengthening the business and employment opportunities within the Henderson town centre and Waitakere
- Increased safety and attractiveness of the town centre.

Our relationship will be strengthened by:

- The formal establishment of a key account relationship for Unitec in its dealings with the Council.
- The establishment of a senior level Relationship Group to monitor progress, as detailed in Attachment One: Terms of Reference for the Council / Unitec Relationship Group.

Key Principles

1. The relationship between Unitec and the Council is based on mutual trust, respect and understanding.
2. The relationship is mutual and two-way, and any changes to this Memorandum of Understanding shall be discussed openly and agreed to by both parties.
3. Both parties recognise that adequate resources are necessary to achieve the objectives of the relationship and to support the processes established to conduct the relationship. To that end, each party will:
 - (a) Commit resources to support mutually agreed work programmes;
 - (b) Support specific initiatives that the parties agree on and that further the relationship, or, in the case of the Council, are of benefit to the City as a whole; with any financial resourcing for such initiatives being considered through its Annual Plan process; and
 - (c) exchange relevant information with the other party.
4. The independence of both parties is recognised, including;
 - (a) The role of the Council as a Territorial Local Authority (according to the Local Government Act 2002) and decision-maker for the community as a whole;
 - (b) The role of Unitec as a public tertiary institution constituted under the Education Act 1989, and serving the professional education and vocational training needs of the City.
5. The responsibilities of both parties are acknowledged, including:
 - (a) The Council's accountability to function as a regulatory authority in accordance with the purposes, functions, powers and duties as set out in the Local Government Act 2002, the Resource Management Act 1991 and other Acts;
 - (b) The responsibilities of Unitec under statute and Government Regulations to gain approval from the Tertiary Advisory and Monitoring Unit for any borrowing of finance for asset development or the sale of any assets owned by, or on behalf of, Unitec; and
 - (c) The parties acknowledge that in achieving the purposes of this Memorandum of Understanding, all persons acting under it will take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and shall have particular regard to kaitiakitanga.
6. The autonomy of each party is protected and maintained irrespective of this Memorandum of Understanding. For that reason, the parties recognise that they

may not be able to, and need not always, reach agreement on projects or programmes that have been proposed within the framework of this relationship.

Key Areas of Co-operation

The parties agree the following key areas of co-operation:

1. Strategic Planning
2. Information Sharing
3. Education and Training Programmes
4. Research and Development Initiatives
5. Community Engagement
6. Building and Facility Development
7. Communication

1. Strategic Planning

Strategic Planning is a key tool used by the Council to achieve its objectives in relation to City form and town centre development. The parties will involve each other during any strategic planning process that involves the Henderson Town Centre and other town centres and nodes around the city. This might include discussions around land ownership decisions or student numbers and involve planning to minimise negative impacts and maximise positive outcomes.

2. Information Sharing

The constant sharing of information is an important principle in any partnering arrangement. The Council and Unitec also have a need to collect information on such matters as the number and background of students coming from within the City, in order to report against strategic performance measures.

In addition to sharing information, the parties agree to involve each other in the planning of work programmes. As an agreed minimum, each party shall commit to informing the other well in advance of their work programme commitments to optimise the chance for the parties to work together. An annual combined work programme should be prepared and treated as an appendix to this agreement.

3. Education and Training Programmes

Both parties have an interest in seeing that appropriate education and training services are made available to meet the current or potential future needs of residents, businesses and the wider community.

Opportunities may also exist for the parties to work together either to deliver education and training programmes for the Council, or to use expertise available within the Council to deliver education and training programmes for Unitec. Where such opportunities are taken up, detailed agreements will be developed in relation to each instance dealing with issues such as intellectual property and funding.

4. Research and Development

Both parties recognise that the timely availability of research and development services may be critical for the environmental, social, cultural and economic wellbeing of Waitakere City, and that Unitec may often be able either to provide or to source such services for the Council.

In particular, the Council is interested in the development and application of sustainable technologies and recognises that Unitec already has a high standing in this area.

Other opportunities for joint research exist and will be pursued. In addition, the Council may, from time to time, commission research work, and Unitec will be on the list of preferred suppliers for research proposals.

5. Community Engagement

Both parties recognise the importance of community engagement and the 'Waitakere Way' which is about people working together across sectors and communities to generate new ideas and approaches to addressing wellbeing issues and problems.

The Council and Unitec commit to working together to participate in community engagement initiatives.

6. Building and Facility Development

Both parties develop a common understanding of the growth, development and population requirements for the City and work collaboratively to identify key opportunities for future development sites or joint venture opportunities.

7. Communication

Any joint projects will be subject to confidentiality until such time as the nature and timing of communication to external parties has been agreed by Unitec and the Council.

Attachment One

Terms of Reference for the Council / Unitec Relationship Group

The Council and Unitec jointly agree to the establishment of a Council/Unitec Relationship Group of senior staff and Councillors/Council members from each institution who will meet regularly to monitor progress towards the objectives of this Memorandum of Understanding.

Membership

The members of the Relationship Group will include:

- Two Councillors from Waitakere City Council
- Two members of the Unitec Council
- The CEO of Waitakere City Council
- The CEO of Unitec
- Two Directors of Waitakere City Council (one to be the nominated Unitec Relationship Manager for the Council)
- Two Directors of Unitec (one to be the nominated Council Relationship Manager for Unitec)
- A Chair, selected from one of the organisation's elected bodies (Elected Councillors/Unitec Board members) and agreed by both Unitec and the Council

Meeting Frequency

The Relationship Group shall meet every two months, the venue to alternate between the Civic Centre and Unitec's Henderson campus. Either party may call an additional meeting if the need should arise.

Role

Periodic monitoring is needed to ensure that the parties remain on track to achieve items in the agreed work programme, and the general aims of this Memorandum of Understanding. It is agreed that the Relationship Group will monitor the progress of the implementation of the objectives of this Memorandum of Understanding in accordance with the principles outlined.

Review

The parties shall undertake a review of their relationship and the terms of this Memorandum of Understanding at intervals of not more than three years. Either party may terminate this Memorandum of Understanding by giving not less than 12 months notice to the other.

Issues Resolution

This agreement is based on the shared objectives of the parties and their willingness to work together. It is recognised that good communication is essential to avoid and address conflict. Conflict may arise in two situations:

- 1) There is a change that brings divergence to the shared objectives included in this Memorandum of Understanding.

To mitigate the potential for conflict to develop, each party agrees to contact the other if a change in the party's objectives has occurred that impacts on the shared objectives outlined. The parties acknowledge that such a change may necessitate review of the terms of the Memorandum of Understanding.

- 2) The shared objectives remain, but conflict has arisen over how to meet them.

In this case, the currently agreed objectives will form the foundation for resolving conflict or potential conflict. Should it be difficult for the parties to achieve resolution, they may agree to independent mediation.