
**IMPROVING UTILITIES ACCESS TO ROAD,
MOTORWAY AND RAIL CORRIDORS – THE NEW
CONTEXT FORUM, WELLINGTON - 19 FEBRUARY 2007**

1. Purpose of Report

To provide information on and to seek approval for up to two elected members to attend the 'Improving Utilities Access to Road, Motorway and Rail Corridors – The New Context' Forum to be held in Wellington, 19 February 2007.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Approve the attendance of up to two elected members at the 'Improving Utilities Access to Road, Motorway and Rail Corridors – The New Context' Forum to be held in Wellington 19 February and agree that the costs associated with attending the meeting are met from the Elected Members Budget (GVEM01).*
3. *Note that there is a Councillor Workshop regarding District Plan – Residential Infill and a Capacity Board Meeting on 19 February 2007.*
4. *Note that a report back on the meeting will be presented to the Strategy and Policy Committee in accordance with Council policy.*

3. Discussion

The Ministry of Economic Development released a discussion paper on 28 June 2005 seeking submissions on reviewing the utilities sector. On 31 October 2006, the Ministers for Transport, Economic Development and Energy announced a detailed proposal to improve utilities access to roads and rail corridors. These changes will have an impact on the way Council relates with utility companies.

The objective of the changes is to:

- Reduce costs, inefficiencies and poor coordination.
- Provide better management of multi use road corridors for the public interest.

The Ministry of Economic Development has been given the task of drafting the final legislation by 30 April 2007. There are two objectives of the process. The first is for changes to be achieved through coordinated amendments to existing policy and legislation. The second longer term objective is to review a wider scope to achieve a consistent approach to corridor access problems.

One of the main issues identified through submissions is the lack of coordination between utilities, such as gas, electricity and telecommunication companies, who need to access pipes and lines which run underneath roads. This results in repeatedly digging up the road, causing traffic delays and damage to road surfaces. The proposed changes aim to improve coordination of road works and reduce costs.

The proposed legislation puts emphasis on efficiency while giving equal rights to all utilities. The changes may mean that management of the road corridor will need to provide equitable treatment of the different interests in that space. Potentially management of the roading network may need to be separated from the management of other utilities, owned by the Road Consulting Authorities.

The new legislation aims to address inconsistencies in existing statutes while improving road safety and traffic management. Changes will also address key definitions, processes, timeframes and clarify governance roles. An enforceable national standard will be created which will cover notification of affected parties, cost sharing and dispute resolution.

Issues already identified by the Ministry of Economic Development and addressed by the proposed legislation are summarised below.

Issues	Proposed Policy Changes
Definition of 'road'.	<ul style="list-style-type: none"> • The definition of 'road' will be changed so it is consistent across all relevant legislation e.g. the Telecommunications Act 2001. • Areas under the Telecommunications Act 2001 which are defined as road shall retain access rights.
Relative priority of uses of the road corridor.	<ul style="list-style-type: none"> • Road controlling authorities will retain current mandates with additional power to coordinate cooperation of utilities. • All utilities operated by Local Government have the same privileges and responsibilities.
Guardianship of the road.	<ul style="list-style-type: none"> • Guardianship must be matched with capacity and capability, which will be supported by appropriate

	<p>funding.</p>
Management of the road corridor.	<ul style="list-style-type: none"> • Powers to manage the road corridor need to allow for public health and safety, efficient and sustainable use of the corridor. Statutory criteria need to be established to manage the corridor.
Codes of practice and standards.	<ul style="list-style-type: none"> • After consultation, a standard and code of practice would be created which is easy to adopt. • Any party would be able to give recommendations to be included in the code.
Resolution of disputes.	<ul style="list-style-type: none"> • Consistent mediation steps with timeframes included in legislation will be established. • Escalation would be to the district court if mediation fails and to the high court for points of law.
Notification of affected parties.	<ul style="list-style-type: none"> • Consistent treatment for all locations and utilities. • The definition of affected parties needs to be clearly defined and specific. • Consideration is still being given to decide if minor work needs notification.
Utility information base.	<ul style="list-style-type: none"> • The use of standardised information exchange systems, possibly run by a third party, may increase efficiency. This option is to be monitored.
Setting reasonable conditions.	<ul style="list-style-type: none"> • Consistent criteria to allow access which increases certainty of compliance and costs is required. • Separation of roles and interests of territorial local authorities and road control agencies may be required.
Cost sharing.	<ul style="list-style-type: none"> • Establishment of a nationally consistent and enforceable standard and code of practice. • An alternative solution may be partnering agreements between

	parties.
Access to the rail corridor.	<ul style="list-style-type: none"> • Access to the rail corridor is given as a right but does not include the rail track. • Applications for access will be subject to legislated timeframes.
Access to motorway corridors.	<ul style="list-style-type: none"> • Motorway corridors are to be considered separately to road corridors as there are additional risk factors. • Access should be granted subject to reasonable conditions.

The purpose of the 'Improving Utilities Access to Road, Motorway and Rail Corridors – The New Context' Forum is to bring all parties together to highlight concerns across the industry. The forum will provide an opportunity for any issues which may have been missed to be raised before the final legislation is drafted in April 2007. Local Government New Zealand and the New Zealand Utilities Advisory Group (NZUAG) will be hosting the forum.

It is the intention of management to have officer representation at the forum. This will comprise officers who have operational responsibility for managing utility activities on the roading corridor.

3.1 Considerations

When deciding which elected members should attend this conference, consideration should be given to:

- the cost; and
- the impact of attendance on the budget; and
- the other conferences elected members may wish to attend later in the financial year.

The total cost if two elected members are appointed is expected to be \$300.00 and will be met from the conference budget.

The cost of attendance per person is broken down as follows:

Item	Cost
Registration	\$150.00
Total	\$150.00

The impact on the budget of up to two elected members attending this conference is outlined below:

	2006/2007 Budget	Year to Date Expenditure	Unexpended Funds
Total budget for conference fees	\$34,000.00	\$15,199.75 ¹	\$18,800.25
Impact of sending two elected members to the conference	\$300.00	\$15,499.75	\$18,500.25

4. Conclusion

A decision is required as to whether Council should approve the attendance of up to two elected members at the 'Improving Utilities Access to Road, Motorway and Rail Corridors – The New Context' Forum to be held in Wellington, 19 February 2007.

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¹ The attendance of 5 Elected Members at the LGNZ Conference at a cost of \$5000.00.
The attendance of 1 Elected Member at the TRAFINZ Conference at a cost of \$2310.00
The attendance of 2 Elected Members at the Safer Communities Conference at a cost of \$400
The attendance of 1 Elected Member at the Digital Earth 06 Conference at a cost of \$1800
The attendance of 1 Elected Member at the Youth and Local Government Conference in New Plymouth at a cost of \$776
The attendance of 1 Elected Member at the LIANZA Conference in Wellington at a cost of \$500
The attendance of 1 Elected Member at the NZ Walking Conference 2006 in Christchurch at a cost of \$865
The attendance of 2 Elected Members at Climate Change: The Policy Challenges Symposium in Wellington at a cost of \$350
The attendance of 1 Elected Member at the New Zealand Recreation Association Conference in Auckland at a cost of \$748.75
The attendance of the Mayor and 1 Elected Member at the Commonwealth Local Government Conference in Auckland at a cost of \$2,450.00

Supporting Information

1) Strategic Fit / Strategic Outcome

This project supports Outcome 7.2.B – More actively engaged: Wellington will operate an open and honest decision making process that generates confidence and trust in the Democratic system

2) LTCCP/Annual Plan reference and long term financial impact

Relates to C534: Elections, Governance and Democratic Process

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications

4) Decision-Making

This is not a significant decision

5) Consultation

a) General Consultation

Not required

b) Consultation with Maori

Not required

6) Legal Implications

Nil

7) Consistency with existing policy

This report is consistent with existing Wellington City Council policy