

Statement of Intent Between Territorial Authorities, Transit New Zealand, ONTRACK & Utilities

1. Purpose

The purpose of the Statement of Intent is to promote a collaborative working relationship between Local Government New Zealand, Network Utility Operators, Transit New Zealand and ONTRACK to enable a number of issues relating to utilities in road and rail corridors to be addressed.

The Statement of Intent confirms the relationship between the parties is based on a spirit of goodwill and co-operation. The parties agree to work together to reach consensus where possible or document the issues where consensus cannot be achieved.

2. Background

In response to an initiative by the Ministry of Economic Development (MED) relating to the use of the transportation corridor by utilities, there are a number of critical matters that require working through and there is advantage to all parties if the approach to these matters is collaborative rather than adversarial. The purpose of this 'Statement of Intent' is to set out the general principles by which the parties will approach these discussions and the process that will be followed. This document is not legally binding.

3. Status

This document is a Statement of Intent that the parties will work together constructively in an attempt to resolve any issues identified.

4 Objective

The objective of this project is to agree national solutions that will deliver on Cabinet's public policy objectives. (See Attachment A)

5. Basis for All Discussions & Decisions

The parties acknowledge:

Nature of Relationship

That the relationship between the parties is interdependent and there are significant benefits to all stakeholders in a stable, long-term, harmonious relationship.

Urgency

That there is urgency and incentive to resolve many of the long-standing differences between the parties, for various reasons, including the avoidance of excessive legislative intervention.

Good Faith

That the parties will work together in good faith and in a positive and constructive manner, to resolve differences and reach agreement.

Behaviour

The overarching behaviours for all discussions and decisions are: respect, transparency, fairness, national consistency, sustainability.

6. Work Content

The specific issues to be addressed include, but are not limited to:

- Cost share
- Corridor access / occupation
- Strategic planning and co-ordination
- Information management
- Dispute process
- Amenity
- Risk
- Reasonable Conditions
- Notification

7. Administration

The parties agree:

Structure

That there will be a Directors Group of six, one from ONTRACK, one from Transit New Zealand, two from the Local Government sector and two from the Utility sector. The Directors are as follows:

ONTRACK	Michael Curran
Transit New Zealand	Ian Cox
Local Government	Phil Consedine, North Shore City Phillip Eyles, Local Government New Zealand
Utilities	Ewan Gebbie, Vector Ltd Mark Larsen, Telecom Ltd.

The role of the Directors Group will be to liaise with MED, agree overall direction, process, and timelines - and document agreed decisions.

Authority

That the Directors Group will be authorised to make appropriate decisions and in the case of Local Government and Utilities they will liaise with their constituent members.

Reporting

The Directors Group will report to the wider stakeholder group / NZUAG and it will report to MED as required.

Project Scope

The Directors Group will;

- Develop a Project Plan to be approved by the stakeholders group / NZUAG. The Project Plan will include an outline of the proposed work programme, resources, project budget and a communications plan'
- Manage the project in accordance with the project plan to;
 - Develop a framework which will form the basis of a National Solutions document and may be referenced to in legislation,
 - Identify any strategic or policy issues that should be included in a national solutions document
 - Delegate or seek advice where appropriate, on technical/operational issues that should be included in the national solutions document
 - Document issues where consensus is agreed/not agreed.
 - Present the above outputs to NZUAG for approval

Costs

Approved costs will be met by NZUAG in accordance with its Cost Allocation Model.

Consensus

The objective is to work through and resolve the specific issues. Points which can't be resolved will be identified, documented and referred back to NZUAG to resolve. The objective will be to reach agreement by consensus - as defined by the ISO :

General agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

Agreed on the 19th day of April 2007.

Signed.....

Stephen Parker
Gas Association of NZ Inc

Signed.....

Peter Berry
Electricity Engineers Association

Signed.....

Alan Jenkins
Electricity Networks Association

Signed.....

Malcolm Alexander
Telecommunication Carriers Forum

Signed.....

Eugene Bowen
Local Government New Zealand

Signed.....

Phil Consedine
Auckland Territorial Authorities

Signed.....

Roly Frost
General Manager Network Operations
Transit New Zealand

Signed

David George

ONTRACK

Signed

David Fraser,
Chairman NZUAG

Note : Local Government will represent Water and Wastewater Utilities

ATTACHMENT A

STATEMENT OF THE PUBLIC POLICY OBJECTIVE(S) as agreed by the Government October 2006.

The public policy objectives are:

- A. To reduce the costs and inefficiencies arising from the current statutory framework, including avoidable damage to roads and utility networks, delays and disputes, inconsistencies between statutes, and poor coordination.

- B. To provide for better management of the multi-use of road corridors in the public interest, including road safety, and balancing the provision of utility services with efficient transport and universal access to roads.

- C. To provide the potential for increased utility access to rail and motorway corridors while recognising the transport and safety responsibilities of Transit NZ, and the transport, safety and business interests of ONTRACK.

ATTACHMENT B

The proposed Utilities Road and Rail Access amendment Bill has priority 4 for the current year. This means it must be introduced into the House by December 2007.

The overall timetable is as follows:

MED timetable	Project timetable
Draft submission early April	Establish project team
Circulated around Government Departments and to Cabinet by 30 April	Signed SoI to accompany paper to Cabinet
Drafting instructions July 2007	Draft outline of project and process by 30 June
Introduction to Parliament by December 2007 at the latest	Draft Code available 30 September
Report back from Select Committee June 2008	
Enactment August 2008	Final Code available