

Schedule B: Template for Reasonable Conditions

Where a Road Corridor Manager has received a CAR from a Utility Operator, the Road Corridor Manager may request the Utility Operator comply with Reasonable Conditions placed on the Works in accordance with the governing legislation (being the Telecommunications Act, Electricity Act, Auckland Council Act and/or Gas Act).

In accordance with Section 4.5.2 of the Code, when:

- a) there are no Special Conditions or Local Conditions specified in the WAP;
- b) the WAP is not issued within the required timeframe within 15 Working Days (20 Working Days for water and wastewater Utility Structures in Auckland Council Roads); or
- c) any Special Conditions or Local Conditions that apply to the CAR are not notified to the Utility Operator within 15 Working Days (20 Working Days for water and wastewater Utility Structures in Auckland Council Roads);

then, the relevant Corridor Manager will be deemed to have notified the Utility Operator of the conditions set out in the standard template in Schedule B of this Code through the issue of this Code (and the relevant Utility Operator will be deemed to have accepted this form of notification by submitting the relevant CAR) and such conditions will, for the purposes of section 25(3) of the Electricity Act, section 26(3) of the Gas Act, section 67 of the Auckland Council Act and section 137 of the Telecommunications Act, be treated as being the Reasonable Conditions notified in writing to the Utility Operator in relation to that CAR.

General Conditions

- 1) The Utility Operator must:
 - a) carry out all Work in Transport Corridors in accordance with the Code and KiwiRail's Specifications for Working in Railway Corridors;
 - b) undertake all Works in compliance with the Acts of Parliament and mandated codes of practice that relate to their industry and the type of Work described within the plans and methodology submitted;
 - c) install assets more or less in the location shown on the attached plans, and agree the exact location and position with the Road Corridor Manager before Work commences;
 - d) locate any Utility Structures in the Road Corridor in the agreed position shown on the drawings and clear of the Carriageway, Road Corridor furniture and kerbs, drains, manholes, etc. Utility Structures agreed to be within the trafficable part of the Road are to be flush with the surface and designed to withstand full heavy Traffic loading (NZTA's HN-HO-72 Traffic Loading);
 - e) provide a full description of the construction methodology, reinstatement, resurfacing and compaction and agree this with the Road Corridor Manager prior to Work commencing;
 - f) make the Works available at all times for inspection by any person representing the Road Corridor Manager;
 - g) if requested, pay the reasonable costs of the Road Corridor Manager in connection with the processing of this notice and for the monitoring and auditing of the Works;
 - h) keep a full copy of the Works Access Permit/ Permit to Enter and Reasonable Conditions on the Work Site at all times during the Works;
 - i) undertake remedial action on non-conforming Work within the timeframe set by the Road Corridor Manager, where reasonable and practicable;

- j) gain all the necessary consents, approvals and permits from the relevant statutory and regulatory authorities at its own cost;
 - k) keep plans of the installed Work and make them available to the Railway Corridor Manager (in all cases) and Road Corridor Manager (on request);
 - l) compensate the Road Corridor Manager for any damage or costs incurred to the Road Corridor due to the Work or for costs resulting from the removal of abandoned installations, Utility Structures, components and equipment that belong to the Utility Operator;
 - m) repair all Road Corridor assets damaged as a result of the Works, should the Road Corridor Manager determine these are necessary prior to the end of the Warranty period;
 - n) restore to their original condition any surface or Utility Structure that was damaged or removed as a result of the Works;
 - o) control the surface water channels so as to cause minimal interference to existing flows;
 - p) fully restore the surface water channels at the completion of the Works;
 - q) notify the Road Corridor Manager of any maintenance Work it proposes to undertake within the two-year Warranty period;
 - r) have in place an approved TMP for Roads and Motorways at least two days prior to Work commencing on the Work Site;
 - s) provide the Road Corridor Manager with two Working Days' notice before commencement of Work on the Work Site;
 - t) ensure that the Work is carried out under the control of a warranted supervisor as required by the Code of Practice for Temporary Traffic Management and ensure that there are sufficient people on site specifically to control the flow of Traffic through the site in accordance with the TMP;
 - u) comply with instructions from an officer of the NZ Police Traffic Safety Branch or a duly authorised agent of the Road Corridor Manager in respect of Traffic management and safety;
 - v) complete Works in the Road Corridor in one continuous operation (suspension of Works over five continuous days requires the prior written permission of the Road Corridor Manager);
 - w) protect and maintain all Road Corridor signs, markers, signals, barriers and associated marking and replace them to the appropriate industry standard where they have been damaged by the Works;
 - x) complete and submit a Works Completion Notice form when the Works are complete; and
 - y) stop Work as necessary to meet the requirements of section 10 of the Historic Places Act 1993.
- 2) Work must not take place on or near a State highway during and one day either side of a public holiday or public holiday weekend.
 - 3) Where otherwise required due to Traffic volumes or specific residential or Central Business District requirements, the hours of Work must be as specified in the Local Conditions and Special Conditions.
 - 4) The Warranty period starts from the date the Road Corridor Manager has given signed acceptance that the Work is complete.
 - 5) Unless the Works stated in the WAP have started on the Work Site, the agreement relating to the Works will only remain valid for six months from the date of approval on the Works Access Permit.
 - 6) The Road Corridor Manager must manage all applications relating to Road Corridor access in accordance with the timeframes and processes in the Code.
 - 7) The Corridor Manager may:

- a) assess the suitability of any action proposed by the Utility Operator during the Warranty period and impose Reasonable Conditions that will maintain the integrity of the Road assets;
 - b) arrange for remedial Work to be done and recover the costs incurred from the Utility Operator, if the Utility Operator fails to take action within the agreed timeframe; and
 - c) instruct the Utility Operator to stop Work and leave the Work Site (having made the site safe) if the Works are not complying with the relevant Reasonable Conditions including any plans, relevant conditions or specifications contained in the Code, or permission requirements.
- 8) In granting this WAP, no vested right is created.
- 9) This WAP is not transferable without the written permission of the Road Corridor Manager.

Local and Special Conditions

These are attached to this Schedule of Reasonable Conditions as Attachment I (Local Conditions) and Attachment II (Special Conditions).