

NZUAG NCOP 2018 Review Submissions - Round 1

What Works Well

No.	Organisation	Submitter	Orgn Type	Section	Comment	Why Retain?
23	FirstGas					
15	EA Networks	Brendon Quinn	UO			
64	WEL Networks Ltd					

		Where is Change Needed	
Organisation	Section	Comment	Suggested Change & Code Impact
FirstGas	2.7	We consider that the Corridor Manager regional coordination meetings are essential to successful forward planning. It has been our experience that they are not occurring across all regions.	The NZUAG should emphasise the importance and value to both the organising authority, and the invited attendees.
EA Networks	3.1	<i>The reason for this request is</i> we understand that a clearance must exist to allow for removal or replacement of an existing kerb and channel or chamber etc., but the 300mm is excessive and we would like to see it replaced by 200mm, and the wording "and ideally within m separation" should be removed as that is impractical and sometimes the only offset available . Leaving a clause like that allows the RCA's to force Network Owners into carry out installations in Carriageways which is much less desirable for future access and far more expensive.	(b) iii Change wording to "with at least 200mm separation from the kerb and channel or vertical front face"
WEL Networks Ltd	4	<p>WEL has found that the CAR process does not align with WEL's preferred processes in some instances.</p> <p>WEL has encountered several issues with a CM and its consultant in relation to prior approval of equipment placement (preliminary notification). In the past, WEL would approach the CM during the design phase in order to obtain pre-approval of the location of equipment/ works. At WEL, the design phase may occur 9-12 months prior to the works commencing. Pre-approval allowed the CM the opportunity to review the works proposed, assess health and safety aspects and the ability to compare/ align future works planned at Council. This approach gave WEL a degree of certainty around where the equipment could be placed and, for example, the ability to complete the design of cables to feed a transformer being placed in road reserve. Once the works were scheduled and the CAR applied for, there were very few changes to design as a result of this pre-approval of location.</p> <p>Currently, the CM has assigned the CAR responsibility to a contractor who has advised that a CAR should be submitted rather than undertaking a pre-approval process, as per the Code. This presents a problem for WEL as a majority of the CAR requirements cannot be met at the design stage including:</p> <ul style="list-style-type: none"> · WEL has no mechanism for payment of the CAR at the early stage of the design process; · WEL will not have notified the public of the planned works; and · the CAR closes in the CM's system after approximately 6 months. <p>WEL has met with the CM to discuss these issues, however, no agreement could be established and this has caused significant issues within WEL's operations.</p> <p>As a result, WEL has now removed a pre-approval process and undertakes the design of works as a 'best guess scenario'. WEL has no mechanism to coordinate work with Council given a contractor now manages the CARs.</p> <p>The CM's contractor now finds out about planned works by WEL approximately 2 weeks prior to works, instead of 9-12 months (as occurred previously).</p> <p>In this instance, the CAR process does not allow for a collaborative approach between WEL and the CM in coordinating works, nor does it align with WEL's processes.</p>	A requirement for the CM to accept and process preliminary notifications for all works (but not as a requirement by the CM) should it assist the UO to plan ahead (and not limited to works specified in the Code (i.e. motorways)).

		Improving Compliance
Organisation	CM & UO Impacts	
FirstGas	These regional meetings provide visibility of works and planning from all stakeholders and provide networking opportunities.	
EA Networks		
WEL Networks Ltd	Better coordination of both parties. Allow for better alignment of UO and CM's planned works.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
FirstGas	Clause 2.7 already states CM's and UO's must participate in coordination. 2.2.2 - 2.2.4 make participation mandatory.	no change accept
EA Networks	Clause 3.1.1 starts with "where practicable .." and if it is necessary to install utilities within the 300mm agreement should be sought from the Corridor Manager.	no change reject
WEL Networks Ltd	NZUAG believes section 4.2 already covers for this provision.	no change accept

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				Section	Comment	Why Retain?
65	WEL Networks Ltd					
67	WEL Networks Ltd					
68	WEL Networks Ltd					
89	Wellington City Council					
90	Wellington City Council					
91	Wellington City Council					
92	Wellington City Council					
93	Wellington City Council					
94	Wellington City Council					
95	Wellington City Council					
96	Wellington City Council					
97	Wellington City Council					
98	Wellington City Council					

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Organisation	Section	Comment	Suggested Change & Code Impact
WEL Networks Ltd	4	The Code does not provide for minor maintenance activities. This includes work that is not emergency work but which the UO needs to attend to promptly (within 1-5 days). This has created inconsistent CAR application and Work Access Permit (WAP) approval processes by CMs, and lead to greater costs when managing multiple minor maintenance excavations monthly. One minor work application following the Code process to the rule will often take 15 days for approval.	The Code needs to put more emphasis on UO rights to undertake minor maintenance works quickly and efficiently without undue process delays and cost. WEL suggests that Section 4 include: <u>A Utility Operator shall be entitled to obtain a single CAR to undertake all "minor reactive work" within the road corridor on an annual basis, in order to undertake reactive maintenance on existing assets promptly. Details of minor excavations jobs will be provided to the Corridor Manager within 2 days from completion.</u> Individual CAR application and WAP approval is required for major reactive maintenance works, and when Council or NZTA's Traffic
WEL Networks Ltd	4	It has been difficult for WEL to obtain the CM's CAR process information. The CM's website in WEL's network area does not include any information for the CAR process. Accordingly, WEL has had to acquire this by other means to achieve the desired outcome. usually by word of mouth.	A requirement that the CM provide the UO with either hard copies of the process for obtaining a CAR, or have the instructions on its website.
WEL Networks Ltd	4	WEL has struggled to find the point of contact for communication for CARs. For example, recently a CM within WEL's network went through several staffing changes and communication of the change was very poor. The process was eventually outsourced to a contractor but WEL was not informed nor given the new contact information. Another example includes a CM whose CAR process is managed by a contractor. The contractor changed, as did the required CAR forms, but WEL was only made aware of these changes after an incorrect CAR application was made.	A requirement that the CM provide the UO with contact details for the contractor, or person within NZTA or Council, who manages the CAR process, and to advise of any changes. Furthermore, a requirement to provide the UO with copies of the relevant forms or clear advice of where to locate correct forms, as well as regular updates within the CM's website.
Wellington City Council	4.7	Works Completion and Maintenance Period	4.7.1 4.7 This section applies to all Transport Corridors
Wellington City Council	4.7		4.7.2 4.7.1 Works Completion Notice As soon as practicable but within 10 Working Days of the completion of all Work for which a WAP has been issued, the Utility Operator's must lodge a Works Completion Notice with the Corridor Manager within 10 working days of completion of the works
Wellington City Council	4.7		4.7.3 to remove all doubt the work is only complete when
Wellington City Council	4.7		4.7.3.1 the completed work is fully compliant with the conditions imposed by the WAP
Wellington City Council	4.7		4.7.3.1.1 the quality is as stated in any requested quality assurance records
Wellington City Council	4.7		4.7.4 if the Utility Operator relies on auditing a percentage of the work to ensure completion and compliance
Wellington City Council	4.7		4.7.4.1 the percentage of what has been audited is stated
Wellington City Council	4.7		4.7.4.2 if the work subject to the completion notice was not subject to an audit that must be stated
Wellington City Council	4.7		4.7.4.3 the RCA may require 100% auditing if failures incomplete or noncompliant work is submitted as complete
Wellington City Council	4.7		(refer template in Schedule A9) excepting any works that are exempted with the agreement of the Corridor Manager.

		Improving Compliance
Organisation	CM & UO Impacts	
WEL Networks Ltd	Reduce unnecessary process for CMs and minimise delay, unnecessary process and application fee cost to UO's. Provide a nationally consistent approach to managing access for 'no dig' work activities.	
WEL Networks Ltd	Better coordination of both parties.	
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Wellington City Council		
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Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
WEL Networks Ltd	NZUAG suggests exercising the Global CAR option described in 4.3.1.3	no change accept
WEL Networks Ltd	The Code purposely does not mandate a system for the CAR application and administration. It does however provide a template (schedule A3) as an option.	no change reject
WEL Networks Ltd	NZUAG acknowledges WEL is advising of an operational challenge liaising with their CM. NZUAG suggests WEL approach their CM and remind them of their duties under 2.2.	no change accept
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject
Wellington City Council	add in comma after the word 'practicable', otherwise no change.	minor change modified
Wellington City Council		no change reject
Wellington City Council	NZUAG believe this is already adequately in 4.7.1 c)	no change accept
Wellington City Council	NZUAG believe this is already adequately in 4.7.1 b)	no change accept
Wellington City Council	NZUAG believe this is already adequately in 4.7.1 b)	no change accept
Wellington City Council	NZUAG believe this is already adequately in 4.7.1 b) and 2.4	no change accept
Wellington City Council	NZUAG believe this is already adequately in 4.7.1 b) and 2.4	no change accept
Wellington City Council	NZUAG believe this is already adequately in 4.7.1 b) and 2.4	no change accept
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject

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99	Wellington City Council					
100	Wellington City Council					
101	Wellington City Council					
102	Wellington City Council					
103	Wellington City Council					
8	Chorus					
69	WEL Networks Ltd					
13	Chorus					
60	Watercare Services Ltd					

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
Wellington City Council	4.7		The Works Completion Notice must include the following, unless otherwise agreed by the Corridor Manager:
Wellington City Council	4.7		a) any amendments to information supplied on the original CAR, as necessary to describe accurately the location and extent of the work;
Wellington City Council	4.7		b) quality assurance records or certification;
Wellington City Council	4.7		c) a written statement confirming that the completed Works fully comply with the conditions imposed by the WAP, signed by a person authorised to bind the Utility Operator; and
Wellington City Council	4.7		d) details of any outstanding Work that the Utility Operator has agreed to complete, for example, permanent surfacing or road marking.
Chorus	4.9	Access to the Rail Corridor should remove any reference to Deed of Grant. This is currently being challenged by Utilities and the Code should stay silent on the right to access the corridor and should only focus on the access process - CAR or Permit to Enter.	Remove all reference to Deed of Grant (DoG)
WEL Networks Ltd	4.9	WEL acknowledges the processes for Deed of Grants and Permits to Enter have improved, but still finds the time taken to process is excessive.	Include a timeframe for the processing of Deed of Grants and Permit to Enter, similar to 15 working days.
Chorus	6.5	Fees - these are inconsistent nationally and often don't seem to reflect the work or recovery of costs Hastings - Minor works \$400, Major works \$400, Project works \$400 Whakatane - Minor works \$265.00, Major works \$700.00, Project works \$1100 Upper Hutt - Minor works \$67.00, Major works \$145.00, Project works \$1155.00 Palmerston North - no cost for any level of works	There is enough information about that maybe the NZUAG could provide some guidance on this for Councils to enable more consistency. A lot more of the auditing of completed works could be done digitally so fees should reflect this.
Watercare Services Ltd	8	Future changes to the code affecting current installation, i.e. now non-compliant after a change. Connecting services in these instances to existing infrastructure is not technically achievable without replacing existing infrastructure – e.g. gravity drainage pipe connecting to an existing installation that may be shallow.	Allow for connectivity to existing infrastructure that cannot technically comply with the code. There should be an existing use rights statement and connectivity clause that allows this connection to be made within reasonable cost and engineering consideration.

		Improving Compliance
Organisation	CM & UO Impacts	
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Chorus	Reduce confusion especially if there are changes to other Acts	
WEL Networks Ltd	Reduce unnecessary process for CMs and minimise delay, to Uos.	
Chorus		
Watercare Services Ltd		

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject
Wellington City Council	NZUAG does not consider this proposed change adds any clarification to the Code.	no change reject
Chorus	the Code only provides process for the rights that are defined in the relevant pieces of legislation governing access.	no change reject
WEL Networks Ltd	NZUAG is constrained on this matter by the underlying legislation and the Code already provides the only process that can be applied. Ref S4.9.6.2 for the relevant timeframe.	no change reject
Chorus	NZUAG considers that it would be inappropriate to mandate a universal fee structure inside the Code across the nation. NZUAG does recognise however the inconsistencies and therefore cross-subsidies across Districts and will consider raising this point with the relevant CM's.	no change accept
Watercare Services Ltd	NZUAG believes this point is covered in s2.1.9 and 3.1.2 with respect to existing utility structures.	no change accept

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29	Spark	Graeme McCarrison	UO			
22	FirstGas					

		Where is Change Needed	
Organisation	Section	Comment	Suggested Change & Code Impact
Spark	8.1	As a national operator Spark regularly not advised of liaison meetings, notices of proposals to introduce new or amend local or special conditions. The consequence is that we miss the opportunity to be involved. Section 8.1 Code Administration should be expanded to include a requirement for the NZUAG to develop and maintain centrally administered and located digital register databases and/or communication links.	<p>1. Mandatory consultation registration site to enable Corridor Managers registration of:</p> <p>a) Consultation on local and special conditions including links to the draft documents; consultation workshops; submission dates and other timetable dates; copy of the submissions received; Corridor Managers report and recommendations of the submissions; objections received; Decisions on objections or agreement achieved between Utility Operators and disputes i.e. section 7 process invoked or appeal to District Court; Adoption of the local or special conditions.</p> <p>2. Register of names and contact details for all corridor managers and network utility operators including what locations in NZ each network utility operator has interests and should receive notification of liaison meetings;</p> <p>3. Register of liaison meetings required under section 2.7.2. It would be useful that corridor managers provide links to agenda's, presentations and minutes;</p> <p>4. Register of forward planning meetings and initiatives including what success has been achieved;</p> <p>5. Digital register of all in ground duct assets installed by network utility operators that might be suitable for use including via a commercial arrangement. The purpose of the register is to potentially reduce the disruption of the road corridor via the use of existing duct assets.</p> <p>6. There is also the opportunity for the NZUAG to have critical information and links to information required for construction of networks to enable network utility operators to comply or be aware of potential issues back on feedback of Councils or other networks utility operators. The information and/or links should include:</p> <p>a. Links to Heritage NZ website</p> <p>b. Contact details for each iwi/hapu</p> <p>c. Contamination sites and reports</p>
FirstGas	1.4.1 & 4.2	Part of the first general principle is that we work together to ensure the applications process is streamlined and delay is minimised. The current process means that a CAR manager is not assigned until the works access permit (WAP) is applied for. This may cause delays and means that the process is not as streamlined as it could be. By the time a WAP is applied for, the utility operator may already have been required to consult on various points or provide notifications. For example, utility operators should consult on lay positions early in the process (section 4.2.1) or provide a preliminary notification (section 4.2.2).	We suggest the process be amended so that each road controlling authorities (RCA) nominate a person or email address the utility operator may contact in the planning stages.

		Improving Compliance
Organisation Spark	CM & UO Impacts	
FirstGas	The application process will become more streamlined as communication channels are clear, and there is clarity on responsibilities through the early phases of a project.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Spark	NZUAG believe the suggested work packages that you have proposed are inappropriate to be included in the Code. The registers etc are valuable suggestions for the NZUAG to consider, or for the CM's and UO's to develop locally.	no change modified
FirstGas	NZUAG recognises and supports the need for local utility operators to establish appropriate contacts within the local Corridor Managers to facilitate preliminary notification under s4.2. NZUAG believes this process and responsibility will differ from region to region and therefore it is not appropriate to mandate in a national code.	no change accept

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30	Spark					
62	WEL Networks Ltd					
56	Watercare Services Ltd					
72	Wellington City Council					
73	Wellington City Council					
74	Wellington City Council					
75	Wellington City Council					
76	Wellington City Council					
77	Wellington City Council					

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
Spark	2.7 & 2.8	The code established and requires a range of opportunities to communicate, share information and explore the opportunity to do shared work programs. While these requirements are working better than previous years, as mention above, there is opportunity to significantly improve how we do the following: a) Sharing planned works programs; b) Liaison meetings; c) Consistency around the RCA liaison and forward planning meetings (especially NZTA	We propose that the NZUAG explore, maybe via a specific working party as part of the code review, to look at how network utility operators and RCAs maximise the benefits of co-ordination and information sharing requirements under Sections 2.7 & 2.8 of the Code.
WEL Networks Ltd	3.1 & 3.3	WEL has had several applications declined due to the risk of car vs. pole or perceived visual effects, more commonly in rural areas. In some situations WEL wished to install an additional pole to an existing span of line to increase the line to ground clearances for safety reasons. The proposed work would almost always meet the requirements of 3.1. WEL understands that where there is a perceived safety effect to road users, a joint risk management process by the CM and UO must be undertaken. However, the CM is often reluctant to work through the safety concerns.	Amend section 3.1 to state that if the requirements of section 3.1 are met, the CM cannot unreasonably decline a CAR application, as suggested in the wording below (under section 3.2.4): <u><i>If the requirements of section 3.1 are met, the Corridor Manager cannot unreasonably decline a CAR application</i></u> . WEL considers that Council cannot decline a CAR on the basis of visual amenity. Accordingly, WEL suggests the following amendment to the last sentence of section 3.3.1: <u><i>District plans may have specific requirements for above-ground assets in relation to amenity issues. Amenity concerns are outside the scope of this document and a CAR application must not be declined based on amenity.</i></u> Furthermore, WEL suggests amending section 3.3 to reinforce the requirement of the CM to work collaboratively with UOs to find solutions if there is a perceived safety effect to road users, as suggested in the following wording (under section 3.3.2):
Watercare Services Ltd	3.2.3	First sentence. Road corridor managers are insistent, and imposing mandatory cover requirements with no regard for functionality, cost and Health and Safety of operators. Simply not agreeing to reasonable design makes this statement ineffective resulting in costly and unnecessary long negotiation times.	The clause should be improved to limit corridor manager's influence where a design is fit for purpose and conforms to Safety in Design requirements.
Wellington City Council	3.2.4		3.2.4 Lids and Chambers in Roads the transport corridor
Wellington City Council	3.2.4		3.2.4.1. New, upgraded or replacement lids and service covers in the Road Carriageway must:
Wellington City Council	3.2.4		3.2.4.1.a a) in the Carriageway, achieve a skid resistance classification of either class 'V' or 'W'; in accordance with the current AS/NZS 4586: 2004, Slip resistance of new pedestrian surface materials;
Wellington City Council	3.2.4		3.2.4.1.b b) be positioned outside the wheelpath and the area within any intersection (where they have to be in the Carriageway);
Wellington City Council	3.2.4		3.2.4.1.c be designed and secured to prevent displacement by Traffic in Carriageway areas; and National Code of Practice for Utility Operators' Access to Transport Corridors (September 2016) 32
Wellington City Council	3.2.4		3.2.4.1.d be designed, installed and maintained to ensure that the passage of Traffic over lids and frames does not cause unreasonable noise disturbance

		Improving Compliance
Organisation	CM & UO Impacts	
Spark		
WEL Networks Ltd	Fair and reasonable processing of CAR applications. Clear guidance for both parties around when a CAR could be declined.	
Watercare Services Ltd		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
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Wellington City Council		

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Spark	NZUAG believe the suggested work packages that you have proposed are inappropriate to be included in the Code. The changes etc are valuable suggestions for the NZUAG to consider, or for the CM's and UO's to develop locally.	no change modified
WEL Networks Ltd	NZUAG believes the examples given describe considerations that should be addressed by the Local District Plan, not this Code. S2.3 already notes this.	no change accept
Watercare Services Ltd	NZUAG believes the provisions of s3.2.3 adequately allow CM's and UO's to agree on depth determination based on risk assessments. The safety in design process described in the submission could be an appropriate risk assessment.	no change reject
Wellington City Council	change as noted	change accept
Wellington City Council	NZUAG does not wish to change the numbering in the Code.	no change reject
Wellington City Council	accept removing 'in the carriageway'; accept removing reference to '2004' and add 'the current' prior to the name of the standard, but reject deletion of the Standard title.	change modified
Wellington City Council	NZUAG does not wish to change the numbering in the Code.	no change reject
Wellington City Council	NZUAG does not wish to change the numbering in the Code.	no change reject
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63	WEL Networks Ltd					
57	Watercare Services Ltd					
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59	Watercare Services Ltd					

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Organisation	Section	Comment	Suggested Change & Code Impact
Wellington City Council	3.2.4		3.2.4.1.e incorporate lids adjustable in height by +/- 100mm in order to facilitate future changes in surface level
Wellington City Council	3.2.4		2. Chambers, covers, lids and Structures in the Road Carriageway must:
Wellington City Council	3.2.4		a) be designed in accordance with the loadings in the NZTA Bridge Manual, including allowance for impact factors for dynamic effects due to Traffic; and
Wellington City Council	3.2.4		b) be installed at least in accordance with the manufacturer's instructions.
Wellington City Council	3.2.4		3. Chambers, covers, lids and Structures in the Road Footpath and other sealed areas must:
Wellington City Council	3.2.4		a) be designed in accordance with the loadings in the NZTA Bridge Manual, including allowance for impact factors for dynamic effects due to Traffic, recognising intermittent positioning of heavy vehicles off the carriage way
Wellington City Council	3.2.4		b) be installed at least in accordance with the manufacturer's instructions
Wellington City Council	3.2.4		c) achieve a skid resistance classification of either class 'V' or 'W'; in accordance with the current Slip resistance classification of new pedestrian surface materials AS/NZS 4586
Wellington City Council	3.2.4		Utility Operators and Road Corridor Managers should develop agreements on the use of adjustable lids in Carriageways, to facilitate future changes in surface level.
Wellington City Council	3.2.4		Chambers in Footpaths may require special surface treatment to minimise hazards to pedestrians, particularly those that need to be installed at steeper slopes to match the adjoining surface.
WEL Networks Ltd	3.3.2	Road Safety Risk Assessment	<u>The Corridor Manager cannot decline a CAR application if the Utility Operator provides a reasonable solution to a potential safety hazard.</u>
Watercare Services Ltd	3.5 & 3.6 & 4	Tenure does not appear to be adequately addressed in the Code – i.e. the longevity for the right of occupancy of the utility operator to retain its infrastructure in the transport corridor once constructed, at no cost to the utility.	Address ongoing tenure of the infrastructure in the road and rail corridor.
Watercare Services Ltd	3.5 & 3.6 & 5	Changes to the corridor ownership is not addressed.	The code should bind all current and future transport corridor owners and operators.
Watercare Services Ltd	3.5 & 3.6 & 6	Updates to the code affecting previously installed assets. No confirmation that the assets will remain compliant.	Confirmation that assets, once installed under previous codes remain compliant regardless of future updates. Any work undertaken on them for maintenance must not force a complete replacement of the asset to make it compliant with the current or new code.

		Improving Compliance
Organisation	CM & UO Impacts	
Wellington City Council		
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WEL Networks Ltd		
Watercare Services Ltd		
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Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Wellington City Council	This has been previously considered in the previous Code Review and the NZUAG believes the current wording is appropriate.	no change reject
Wellington City Council		no change reject
Wellington City Council		no change reject
Wellington City Council		no change reject
Wellington City Council		change modified
Wellington City Council		Reconsider later
Wellington City Council		Reconsider later
Wellington City Council		Reconsider later
Wellington City Council		Reconsider later
Wellington City Council		Reconsider later
WEL Networks Ltd	NZUAG believes s3.1 and 3.3 currently provide adequate consideration for the risk assessments associated with new utility structures.	no change accept
Watercare Services Ltd	Utility tenures in roads are in perpetuity as defined by legislation. The determination for Redundant Assets lies with the UO (see s3.6)	no change reject
Watercare Services Ltd	The Code cannot dictate terms in the rail Deeds of Grant Legislation is outside the mandate of the Code.	no change reject
Watercare Services Ltd	S2.1.9 makes it clear that the Code is not retrospective.	no change accept

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			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
WEL Networks Ltd	4 & 5	<p>Setting Reasonable Conditions and Public Relations and Communications</p> <p>A CM in WEL’s network area has imposed a local condition which requires WEL to undertake extensive consultation with landowners adjacent to the location of WEL’s works and equipment. This local condition has proven to be time consuming in a number of instances and often results in significant delays to planned work, particularly now that the CM is no longer pre-approving works (refer to the above comments).</p> <p>WEL does not consider there is anything in the Code that justifies the condition and has discussed with the CM on a number of occasions, with no positive outcome.</p> <p>WEL has obtained legal advice which concluded that the CM failed to apply the specific criteria in Section 4.5 of the Code, particularly criteria 2(h):</p> <p><i>“the needs of the Utility Operator to establish or maintain its network in a <u>timely manner</u> . Any conditions must ensure that works undertaken in the Road and Motorway Corridors do not impede the establishment of a network in a <u>timely manner</u> and consider the <u>effects on the community of any delay</u> .”</i></p> <p><i>[Emphasis added]</i></p> <p>In addition, the legal advice concluded that the local condition is contrary to criteria 4(a) and (d) of the Code:</p> <p><i>“4. For the avoidance of doubt, conditions must not:</i></p> <p><i>(a) have the effect of ... frustrating or <u>unreasonably delaying</u> the Utility Operator from constructing, placing, or maintaining Utility Structures or Works in, along, over, across, or under any road or motorway;</i></p> <p><i>(b)</i></p> <p><i>(c)</i></p> <p><i>(d) be such that no reasonable Road or Motorway Corridor Manager could have imposed them;”</i></p> <p><i>[Emphasis added]</i></p> <p>Nonetheless, WEL has had to apply this local condition. To date, WEL has consulted and will continue to consult, but the UO should not require landowner approval where all other conditions are met. WEL will accommodate landowner requests as reasonably practical but landowners should not have the ability to obstruct works outside of reasons covered in the</p>	<p>WEL considers that if the proposed works do not create safety concerns for road users or impede access to any properties, then the surrounding landowners would not be affected.</p> <p>The road reserve is a utility corridor, therefore, utility equipment should be anticipated.</p> <p>WEL requests that additional wording is included to 3.3.1, as follows:</p> <p><u><i>If all local conditions set by the Corridor Manager as prescribed in section 4.5.1 are met, the Corridor Manager cannot unreasonably decline a CAR application.</i></u></p>
FirstGas	4.2.2	The requirement to issue a Preliminary Notification (prior to lodging a CAR) is not a practical requirement for all works.	We suggest this should be limited to major works, motorways and railway applications.
Chorus	4.3.1	KiwiRail - Processing time for Permits takes too long especially in Rail Corridors which are not active.	<p>4.3.1.5 b) 15 Working Days for Major Works and Project Works in Roads except for water and wastewater Utility Structures in Auckland Council Roads and Minor works in Railway Corridors</p> <p>d) 30 Working Days for Works in Motorways and Major Works in Railway Corridors</p> <p>Definition Amendment :</p> <p>Major Works</p>

		Improving Compliance
Organisation	CM & UO Impacts	
WEL Networks Ltd	The inclusion of fair and reasonable consultation with guidelines for both the CM and UO. Guidelines to resolve disagreements over local conditions.	
FirstGas		
Chorus	This will reduce the time delays for low impact works.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
WEL Networks Ltd	The public relations and communications requirements currently in the Code have been developed through significant consultation across industry and communities and NZUAG believes this is appropriate. The timeliness of the processes in the Code are set in legislation and further expanded in the Code as appropriate. It is not the mandate of NZUAG to adjust legislative requirements.	no change reject
FirstGas	NZUAG believes s4.2.2 already limits the requirement for preliminary notification to only particular works.	no change accept
Chorus	NZUAG is constrained on this matter by the underlying legislation and the Code already provides the only process that can be applied. Ref S4.9.6.2 for the relevant timeframe.	no change reject

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
26	FirstGas					
5	Chorus					
6	Chorus					

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
FirstGas	4.3.1 (5)	<p>The Code states minimum CAR submission times for different work types. However, the actual submission times required are not applied consistently across regions. This causes inefficiencies in planning as utility operators may expect a certain submission timeframe and find, upon application, that it is much longer.</p> <p>For example, the minimum time for minor works is in the most part aligned to the 5 days specified in the Code, but some regions require this to be 15 days.</p>	<p>The process in the Code could be amended to require Corridor Managers to advise the expected timing for this point in the process to utility operators. If this were considered impractical, a list could be maintained on the NZUAG website.</p>
Chorus	4.5.3	<p>The Code expressly states that Local Conditions are “unique conditions affecting a defined geographical area that are:</p> <ul style="list-style-type: none"> • not already covered within the appropriate template WAP; • not specific to a particular CAR; and • relate to a unique condition or event.” <p>We have become concerned that increasingly local authorities look to impose conditions which do not fall within this scope and are likely to increase costs, time and the impact of any utility works. In addition, many of the matters local authorities look to address in proposed Local Conditions are already dealt with in existing regulation or standards and reflect obligations network operators are already subject to (i.e. duplication).</p> <p>It would go some way to addressing this concern if local authorities consistently complied with the required process for introducing new Local Conditions. For example, it is critical for utility operators to receive details of the rationale behind any proposed Local Conditions, as required by section 4.5.3.2(a) of the Code. Without this information, we are limited in our ability to provide alternative and constructive recommendations as part of any consultation (i.e. we have no visibility of the underlying concerns prompting the proposed Local Conditions as the local authority sees it).</p> <p>In our experience, local authorities do not always provide this supporting information or provide an opportunity for utility operators to discuss and agree any proposed Local Conditions as required under section 4.5.3.2(b) of the Code and to our knowledge Corridor Managers are not undertaking two yearly reviews of Local Conditions.</p> <p>By way of example (albeit we acknowledge this is something of an extreme example), one of the larger Councils we work with has a local condition regarding reinstatement that exceeds what is required in the Code. We’ve calculated that for work completed by us in Years 5 – 8 of the UFB build programme within this Council’s region, this local condition has cost us \$5.8m more than if we’d reinstated to the Code required standard.</p>	<p>4.5.3.</p> <p>1. Local Conditions are unique conditions affecting a defined geographical area that are:</p> <p>a) not already covered within the appropriate template WAP;</p> <p>b) not specific to a particular CAR; and</p> <p>c) relate to a unique condition or event.; and</p> <p>d) do not contradict the Code.</p> <p>4.5.3.2.</p> <p>e) if, following these discussions, any Utility Operator still disputes the reasonableness of the conditions imposed, the Utility Operator Corridor Manager may either - invoke the Dispute resolution procedures in Section 7 of this Code . or appeal to the District Court (subject to specific legislation) :-</p>
Chorus	4.6.2	<p>Non-Conformance Notifications - no clear consistently utilised process with some RCA's adopting several different processes such as: direct contact with Applicant to rectify; using electronic management system to notify only UO or only Applicant: or issuing an A13.</p>	<p>4.6.2 Non-Conformance Notices</p> <p>1. Non-conformance notices issued by the Corridor Manager must state the non-conforming matter, the remedial action required and the specified timeframe for completion (refer Schedule A13).</p> <p>2. NCN's should ideally be issued using the electronic management system available to the Corridor Manager and should include both Applicant and Utility Owner</p>

		Improving Compliance
Organisation	CM & UO Impacts	
FirstGas	Expected timing for when a CAR should be submitted is clearer.	
Chorus	It would be beneficial for utility operators if there was greater consistency across the country as to how the prescribed Local Condition process will be applied by individual local authorities. This increased certainty would no doubt create efficiencies (in time and cost) for both utility operators and local authorities as disagreements would be focused increasingly on matters of substance rather than jurisdictional framework discussions. By putting the onus on the Corridor Manager to instigate the Disputes process we will likely see less objectionable Local Conditions.	
Chorus	This will enable better tracking of the NCN's which will allow Utility Operators to better educate and drive compliance.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
FirstGas	The 15/20 day limit is the requirement of the utilities legislation and the shorter period allowed in the Code is at the discretion of the CM.	no change reject
Chorus	accept point 4.5.3.1 d) as proposed by Chorus, but note that change has previously been made (see s4.5.1.4 f) NZUAG to revisit 4.5.3.2) later – ref UAA 10.3	no change accept
Chorus	S4.6.1 already adequately requires the CM to notify the UO of all non conformances.	no change accept

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
7	Chorus					
35	Tauranga City Council	Jo Bellamy				
104	Wellington City Council					
105	Wellington City Council					
106	Wellington City Council					
107	Wellington City Council					
108	Wellington City Council					
109	Wellington City Council					
110	Wellington City Council					
54	Watercare Services Ltd					
39	Tauranga City Council	Phil Bourke	CM			

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
Chorus	4.7.1	Closing Off CARs - the Code has made it too complicated when the standard tools utilised are electronic can this be revised to be more relevant.	You could reduce fees to Utilities and costs to Corridor Managers by setting expectations that electronic media can be used to close down minor works where possible to demonstrate compliance. Note Councils can go away from this minimum standard by consulting their requirement in the local conditions.
Tauranga City Council	4.7.1 1)	Works completion notices timeframe for Corridor Manager to inspect is not a sufficient to complete inspections. Generally active works take precedence due to the volumes of CAR along with compliance audits/non conformances etc. we feel 20 working days would be an achievable timeframe.	We understand this may effect Utility Operator however, we feel this would also benefit reinstatement works to give grass time grow etc
Wellington City Council	4.7.2	Warranty Period	This-
Wellington City Council	4.7.2		4.7.2.1 Section 4.7.2 applies only to Works in Roads, Motorways and railways other than KiwiRail.
Wellington City Council	4.7.2		4.7.2.3 The Utility Operator must:
Wellington City Council	4.7.2		4.7.2.3.1 a) warrant all Works completed under this Code for a period of two FIVE years after the date that the Corridor Manager signs the Works Completion Notice (except as provided in Section 4.7.1.7 or where those Works have been impacted by subsequent Works by other third parties):
Wellington City Council	4.7.2		4.7.2.3.2 b) undertake any repair or maintenance Work required to those Works for that period within an agreed timeframe when notified in writing by the Corridor Manager; and
Wellington City Council	4.7.2		4.7.2.3.3 c) warrant substantial repairs for a further two FIVE years after the Utility Operator has completed the repair.
Wellington City Council	4.7.2		Where a Utility Operator has consistently demonstrated the delivery of quality outcomes in their Works in the Road Corridor, the Warranty period may be shortened by agreement between the Utility Operator and the Corridor Manager.
Watercare Services Ltd	4.9.7 & 6.5	NZCOP and Utility Acts allows for fair recovery of actual costs. Grant fees are in conflict with the intentions of section 6.5 which only allows for actual cost recovery.	Reasonable conditions must not include ongoing access grant fees.
Tauranga City Council	5.1.6	Third Party damage:, liability and cost recovery.	The code needs to have some emphasis on the contractor's responsibility for when damage occurs to another service. . Defects liability period does not apply to damage.

		Improving Compliance
Organisation	CM & UO Impacts	
Chorus	Saves time and money if electronic management of Close outs is accepted.	
Tauranga City Council	It will give Corridor Managers a achievable timeframe to be compliant with the code.	
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Wellington City Council		
Watercare Services Ltd		
Tauranga City Council	Stronger rules around the damages whether known at the time or subsequently identified.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Chorus	move the 2 nd note under the numbered paragraphs in s2.8.1 to sit below the title for s2.8 Change the word 'records' to read 'documents'.	change accept
Tauranga City Council	It is inappropriate to deal with these types of issues under the provisions for Works Completion. Issues such as landscaping reinstatement are longer term and should be more appropriately dealt with through the warranty provisions.	no change reject
Wellington City Council	make change	change accept
Wellington City Council	NZUAG does not wish to change the numbering in the Code.	no change reject
Wellington City Council	NZUAG does not wish to change the numbering in the Code.	no change reject
Wellington City Council	NZUAG believes that there appears to be confusion between what is warranty and what is liability. NZUAG considers that the warranty period is sufficient, understanding that the liability may be ongoing.	no change reject
Wellington City Council	NZUAG does not wish to change the numbering in the Code.	no change reject
Wellington City Council	NZUAG believes that there appears to be confusion between what is warranty and what is liability. NZUAG considers that the warranty period is sufficient, understanding that the liability may be ongoing.	no change reject
Wellington City Council	NZUAG believes encouragement to better performance should be an underlying principle of the Code.	no change reject
Watercare Services Ltd	NZUAG is constrained on this matter by the underlying legislation and the Code already provides the only process that can be applied.	no change reject
Tauranga City Council	It should be noted that contractors are not parties to the Code (see definitions and s2.2.5). Where there is a 3 rd party strike, the dispute is between the Party doing the work and the asset owner of the damaged asset. Under the law of negligence the parties directly involved must come to an agreement over remedies. There is no statute of limitations on the law of negligence.	no change reject

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
9	Chorus					
17	EA Networks					
18	EA Networks					
36	Tauranga City Council	Jo Bellamy				
11	Chorus					
16	EA Networks					
28	Invercargill City Council	Nathan Gill	CM			
12	Chorus					

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
Chorus	5.5.2	1. Compaction testing for grass berm work provides little value and if required should focus on larger trenches. -Making a change to 5.5.5 – Making a change to only requiring compaction testing when a certain length of trench or dig size m3 is reached (i.e. – trenches longer then 5m, or greater then 3m2 or something similar when working in soft surface).	5.5.5.2 a) for Trenches in Berms longer than 5m , tests at a rate of at least one test per layer of backfill per 15m of Trench, with a minimum of two tests; c) where the excavated area is greater than 0.5m2 (2m2 in soft surface) and less than 5m2 test
EA Networks	5.5.2.1 (b)	<i>The reason for this request is</i> the trimming allowance detailed in is an unnecessary rule for old and dilapidating foot paths and adds additional expense to the utility owner's installation and no value to old dilapidated footpaths.	Prior to the excavation of the trench. Add the words at the end of item (b) This is not required for footpaths older than 10 years.
EA Networks	5.5.2.4	<i>The reason for this request is</i> Reinstatement of small pot holes should be permitted with a small patch (say 300mm square) without the 1m rule applying. Including new footways and existing carriageways, as the main purpose for these pot holes is to perform trenchless installation process to prevent opening newly surfaced areas.	After back fill and prior to surface... Add the words at the end of this sentence. "For pot holes carried out in footpaths and carriageways as part of location of services for trenchless installations saw cut approx. 300mm by 300mm square shape for hot mix reinstatement
Tauranga City Council Chorus	5.5.4 5) 5.6.1.2	Reinstatement timeframes – the current timeframe of 7 days (5.6.1 Section 2c) doesn't allow for regions/areas where the hard surface reinstatement materials are not readily available. i.e. – faults in smaller towns where someone digging in a footpath might not have the resource to arrange reinstatement within 7 days. In larger towns removing barriers and getting temporary reinstatement in place to minimise impact to the corridor is a priority, impact of final reinstatement is often far larger than the works itself so requires more planning - 7 days is not sufficient.	Amend diagram to be readable 2. <i>The Utility Operator must, unless otherwise agreed with the Corridor Manager:</i> a) <i>not open Trenched sites to Traffic until temporary or permanent resurfacing is in place;</i> b) <i>not use temporary resurfacing unless permanent resurfacing is not practicable; and</i> c) <i>have permanent resurfacing in place within seven fourteen days of completion of backfill or temporary surfacing.</i>
EA Networks	5.6.2	<i>The reason for this request is</i> the 1m rule causes huge amounts of additional surface restoration that is often unnecessary to maintain construction integrity. In a standard 1.5m existing footway it is near impossible to open a trench without needing to replace the entire width of seal. In new footways we understand that for aesthetical purposes this can be justified, but in aged and dilapidated foot paths it is a waste of Utility owner's money to replace large amounts of hot mix effectively improving the RCA asset at our expense. There is need to have rules that change on the basis of the condition of the current foot path or the age of the current foot path. For old or poorly conditioned foot paths the m rule could be reduced to 500mm and trench lines of earlier installation by utility networks should not be part of the m rule as these are often installations prior to this code being adopted. In old foot paths with multiple existing trench lines it can be necessary under the current rules to replace the entire footway which is grossly unfair for the utility	Reinstatement near a joint or edge In the first paragraph add the words "under 10 years old" after the word Footpath. At the end of the paragraph add the sentence "In Footpaths over 10 years old the 1m rule is reduced to 500mm and does not include restoration of existing trench lines that have been previously reinstatement"
Invercargill City Council	5.6.4	Point 3 - AC joint bandage sealing requirements. This should include AC surfaces <70mm also (not just structural AC).	
Chorus	6.2.1.1	Roadworks - The problem is that currently Utility Operators are; 1) not being advised of Roadworks 2) RCA's make decisions on our network without consultation 3) RCA's place unnecessary risk on our assets	6.2.1.1 When a Corridor Manager requires Utility Structures to be protected, moved or the work supervised for the purposes of its own Works Programme, then the Corridor Manager must pay all reasonable costs of the Work

		Improving Compliance
Organisation	CM & UO Impacts	
Chorus	This will give better clarity around where compaction testing is needed in soft surface.	
EA Networks		
EA Networks		
Tauranga City Council		
Chorus	The change proposed is a more realistic timeframe in which reinstatement actually occurs.	
EA Networks		
Invercargill City Council		
Chorus	This will encourage more dialogue prior to RCA works commencing which will help prevent the disputes which arise from RCA's or their contractors saying they didn't need to move our network.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Chorus	NZUAG invites Chorus to clarify the point in the 2nd submission round.	no change accept
EA Networks	The Trimming Allowance is essential for the structural integrity of the trench cover, irrespective of the condition of the footpath.	no change reject
EA Networks	The 1m rule exists as a negotiated compromise between UO's and CM's to minimise the need for future maintenance work as a result of the work.	no change reject
Tauranga City Council Chorus	make change NZUAG to modify change to state "ten working days"	change accept change accept
EA Networks	The 1m rule exists as a negotiated compromise between UO's and CM's to minimise the need for future maintenance work as a result of the work.	no change reject
Invercargill City Council	remove word "structural" from the lead sentence in s5.6.4.3	change accept
Chorus	Agreed to modify s 6.4 rather than s6.2.1.1. Add something to the effect "The principle applied in s 6.2.2.1 should also apply to the protection of assets and the supervision of work around existing assets."	change modify

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
24	FirstGas					
3	Chorus	Marlene Peters	UO			
53	Watercare Services Ltd	Jean de Villiers	UO			
55	Watercare Services Ltd					
31	Spark					
37	Tauranga City Council	Jo Bellamy				
10	Chorus					

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
FirstGas	CAR/A9/A10 forms and Section 6.5	The CAR/A9 and A10 forms are not used consistently by all stakeholders. This includes costs which vary across the regions. The fee structure charged by councils can vary significantly for the same work. The consultation and fee process is identified separately, as required under the Code, but it is unclear why one council has significantly higher costs to recover than others for the same service.	We recommend that the forms which are established and agreed within the Code are used consistently by all stakeholders. This will facilitate an agreed, or at least more consistent, cost structure.
Chorus	Definitions	Major works definition includes the diversion of footpaths for more than 8 hours and 20m of trenching. These are often considered minor works depending on the impact to assets and road volumes.	<i>A Trench extending more than 20m along the Road unless it is only within grass berm & Diverting a footpath for more than eight hours</i>
Watercare Services Ltd	Definitions	Definition for “reasonable conditions”. Definitions by various acts applies but the NZRC Act is excluded.	NZRC is excluded from the definition. A definition for reasonable conditions should be sought from the railway corridor manager and included in the Code.
Watercare Services Ltd	Definitions	“Utility Operator” definition does not include road corridor operators. Without inclusion in the definition the intent of the Code under sections 2.2.2 and 2.2.4 is not explicitly clear and open to legal challenge should affected parties seek compensation claims for damages caused by the road operator.	The utility operator definition must also include the road corridor operator.
Spark	Fig B1	Process for setting Local and Special conditions was clarified in the previous Code review. Figure B1 establishes a reasonably clear process for establishing new, amending and changing existing local and special conditions. It is our experience that process is failing to deliver reasonable local and special conditions. This is in part that not all network utility operators get notified of changes and the process is generally lacking a collaborative and evidence-based approach to setting or amending conditions. The outcome is that WAP's come with a small book of generic conditions rather than reasonable and practical conditions relevant to the actual situation. That can make compliance difficult to establish without interpretation from a Council inspector. It's time for national consistency on local and special conditions and for RCAs to stop seeing local and special conditions as an opportunity to change the Code reasonable conditions. The issue is partly implementation and interpretation of WAP conditions by council officers.	. One of potential solution is more training on the practice of implementing and interpreting WAP conditions, also a guideline document of wording for local and special conditions could be created.
Tauranga City Council Chorus	Fig B1 Fig. 5.5 in 5.5.2	Schedule B - Local and Special Conditions Shows 45 degree saw cuts on one side but there is still a 90 degree saw cut on the other.	Amend the page to A3 size to become more readable Amended 5.5 - in appendix

		Improving Compliance
Organisation	CM & UO Impacts	
FirstGas	We recommend that the forms which are established and agreed within the Code are used consistently by all stakeholders. This will facilitate an agreed, or at least more consistent, cost structure.	
Chorus	Will enable low impact works to occur without having to apply for a Major Works CAR	
Watercare Services Ltd		
Watercare Services Ltd		
Spark		
Tauranga City Council Chorus	Gives clarity ensuring the correct outcome is achieved first time.	

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
FirstGas	<p>These are template requirements (2.4.3) and the Code allows for modification by agreement, but the CM's are often limited by the system they use. NZUAG suggests that it should be a matter discussed at liaison meetings.</p> <p>With regard to charges NZUAG considers that it would be inappropriate to mandate a universal fee structure inside the Code across the nation. NZUAG does recognise however the inconsistencies and therefore cross-subsidies across Districts and will consider raising this point with the relevant CM's.</p>	no change accept
Chorus	<p>NZUAG notes the point about trenching, but recognises that it is dependent on the type of utility and the size of the trench involved. Suggest no change but invites the opportunity to find a better way to word this.</p> <p>In the definition for major works bullet point 10, after the word "footpath" add the words "onto the carriageway".</p>	change modify
Watercare Services Ltd	<p>The definition of Reasonable Conditions is included in the utilities legislation. The ability to use the Code to expand on this definition is not allowed in law. There is no provision in the Railways Act for an automatic right of access, and therefore the UAA cannot be used to create the use of Reasonable Conditions.</p>	no change reject
Watercare Services Ltd	<p>NZUAG is unclear as to what is being asked for under the definition of Road Corridor Operator. Does s2.2.5 provide the answer?</p>	no change ??
Spark	<p>NZUAG believe the Code is quite clear with respect to development of Local and Special Conditions. NZUAG acknowledges that local application has been problematic however. NZUAG agrees more education is necessary.</p>	no change accept
Tauranga City Council	<p>make Fig B1 more clear</p>	change modify
Chorus	<p>Practically non-achievable for the people on the ground.</p>	no change reject

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
33	Spark					
32	Spark					
14	Chorus					
1	Auckland Transport	Laurence Jones	CM			

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
Spark	Schedule A		Change the template forms in Schedule A from hard copy documents to electronic templates on NZUAG web-site.
Spark	Schedule B	Schedule B Reasonable conditions was expected to deliver of consistency of interpretation of the standards each RCA. However, while the reasonable conditions have significantly improved our ability for our contractors to plan and construct networks in a similar manner there is still some inconsistency on the application of the conditions and practices for example allows some RCA's / NZTA consultants will allow drilling through a bridge abutment and others won't; or use of mole ploughs and in what conditions/situations.	In our opinion the review provides the opportunity to review the Schedule B reasonable conditions and to determine how to achieve national consistency in the application of the conditions this may involve the creation of best practice guidelines. The issue is partly implementation and interpretation of WAP conditions by council officers.
Chorus	Table 5.2	Table 5.2 should read Table 5.1. Compaction testing. The Table reference no. is correct in the text of document under 5.5.5. 1 but the Table Label No. is wrong under the Table itself.	
Auckland Transport			

		Improving Compliance
Organisation	CM & UO Impacts	
Spark		
Spark		
Chorus		
Auckland Transport		<p>Greater awareness of the Code and it's contents within the industry. While this is growing there are still a lot of contractors who are ignorant of their responsibilities. There is a perceptipn sometimes that it is the RCA that are imposing things on a contractor when they are asked to comply with the Code. This will only change through the efforts of all of us to continue to raise the profile of the document.</p> <p>Working Together All utility operators work together to carry out reinstatement only once rather than damaging our assets more than once. More awareness and use of forward works systems where available. This can offer substantial savings to all parties if used and work can be planned around existing projects.</p> <p>Minimum Depth of Service: Realise that there may be various opinions on this between RCAs so may not be possible to determine a national standard. Service Connection – 450mm Services in back berm and footpath – 600mm Services within one meter from kerbline – 900mm Services in the carriageway – 900mm</p> <p>Infill Lids All infill covers must be identified by utility operators.</p> <p>Thrusting Diagonally Utility operators must obtain permission from Road Corridor Manager prior to carry out thrusting diagonally.</p> <p>Removal of service marking Utility operators must remove all service marking upon completion of work or use a temporary marking paint</p> <p>Berm Reinstatement Level with clean and weed free topsoil to a minimum depth of</p>

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Spark	request noted and NZUAG will action.	no change accept
Spark	NZUAG believe the Code is quite clear with respect to the template providing Reasonable Conditions. NZUAG acknowledges that local application has been problematic however. NZUAG considers that UO's need to raise these with the CM's where they believe they aren't being applied appropriately.	no change accept
Chorus		
Auckland Transport	<p>This had been updated in the previous review NZUAG notes and agrees that it should be included in our education effort. Attendance at Liaison Meetings would assist.</p> <p><u>Working Together</u>: agreed and principle already included in the Code.</p> <p><u>Minimum Depth of Service</u>: This standard is operating in Auckland. NZUAG, when developing the Code, could not find national consensus on depth for utilities and so has suggested lay positions be agreed and published as per s3.1.4</p> <p><u>Infill Lids</u>: s3.2.4 could be modified to identify the utility service, but before NZUAG progresses this please advise the problem to be solved.</p> <p><u>Thrusting Diagonally</u>: Already covered by s3.1.1; 3.1.2; and s5.1.4</p> <p><u>Service Markings Removal</u>: already covered in s5.2.1.2c</p> <p><u>Berm Reinstatement</u>: Add a point 8 to s5.6.4 to cover reinstatement of grass berms.</p> <p><u>Notification of Work Start</u>: agree to change diagram on p41 to read "UO notifies and commences Work".</p>	no change reject change Accept in part

No.				What Works Well		
	Organisation	Submitter	Orgn Type	Section	Comment	Why Retain?
2	Aurora Energy	Alec Findlater	UO			
19	FirstGas	Karen Collins	UO	5.1.1	The Corridor Access Request (CAR) process appears to work well and provides clear guidance to parties using the Code. The timing specified in section 5.1.1 (ii) is particularly helpful. It ensures the utility operator may commence works without notification from the Corridor Manager after 15 days following the date the CAR is received by the Corridor Manager. This provides some certainty around timing for the project, while giving the Corridor Manager sufficient time to review the application and set reasonable conditions for the work.	This clause supports the general principles of the Code and ensures that utility operators who provide professional process and project management can operate in an expedient manner. Corridor Managers can provide greater levels of scrutiny to those utility operators that demonstrate less than satisfactory performance.
20	FirstGas			2.2.4/ 2.7	The Corridor Manager regional coordination meetings, where they occur, provide useful information to all parties.	These provide visibility of forecast works, exposure to all stakeholders and the associated coordination of synergistic works and discussion on the code.

Organisation	Section	Comment	Where is Change Needed Suggested Change & Code Impact
Aurora Energy			
FirstGas			
FirstGas			

		Improving Compliance
Organisation	CM & UO Impacts	
Aurora Energy		<p>Due to the fact that we operate in two distinct geographical areas, administered by three territorial authorities, we have day-to-day dealings with five separate corridor managers (Dunedin City Council, Central Otago District Council, Queenstown Lakes District Council, KiwiRail and the New Zealand Transport Agency).</p> <p>It is our experience that each of the five corridor managers we work with takes a different approach to the application of the Code and the corridor access request (CAR) process. This disparity in application of the Code and the CAR process means that it is very difficult for us, as a utility operator, to streamline our own internal processes and procedures when each corridor manager has different requirements.</p> <p>Often, these inconsistencies in application of the Code and CAR processes are observable in the practices of individual corridor managers. Again, this makes it very difficult for us to streamline our internal processes, and results in additional time and resources being spent on matters which, on previous occasions, have been acceptable to the corridor manager.</p> <p>Two important attributes of regulation, which are included in the Treasury's The Best Practice Regulation Model: Principles and Assessments¹, are:</p> <ul style="list-style-type: none"> - flexibility; and - certainty and predictability. <p>These attributes, and their corresponding principles, were reconfirmed in Treasury's February 2015 Best Practice Regulation: Principles and Assessments report.</p> <p>While regulation needs to be flexible, such that <i>"regulated entities should have scope to adopt least</i></p>
FirstGas		
FirstGas		

Organisation	Review Team Response		Effect on Code	Accept/ Reject/ Modify
Aurora Energy				
FirstGas	NZUAG believes the Code already already prescribes a pro	no change		accept
FirstGas				

				What Works Well		
No.	Organisation	Submitter	Orgn Type	Section	Comment	Why Retain?
21	FirstGas			A9/ A10 Forms	The A9 and A10 forms for final works and inspections.	These forms provide parties with clear instructions on the documentation and action required. This is an efficient means of ensuring consistent closure to the works.
27	FirstGas					
34	Tauranga City Council	Jo Bellamy	CM		In general the principals of the code work very well for our organization and we regularly refer back to the code as matters arise on the network.	

Organisation	Section	Comment	Where is Change Needed
FirstGas			Suggested Change & Code Impact
FirstGas			
Tauranga City Council			

		Improving Compliance
Organisation	CM & UO Impacts	
FirstGas		
FirstGas		<p>We recommend a consideration of definitions be included in this review of the Code. Some definitions are no longer correct and others could be improved.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Section 2.3 refers to the HSE in Employment Act 1992. This has now been superseded by the Health and Safety at Work Act 2015 (HSAW); and • The definition of Corridor Manager in the Code is too narrow in practice. The Code refers to the Corridor Manager as being the manager of any transport corridor. In practice, we work with compliance auditors, CAR managers, temporary traffic management, and auditors, as well as the various managers of the transport corridors. We suggest the term be broadened to Road Controlling Authority and this term replace Corridor Manager in the Code.
Tauranga City Council		

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
FirstGas		
FirstGas		
Tauranga City Council		

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
38	Tauranga City Council	Jo Bellamy				
40	Tauranga City Council	Phil Bourke				
41	Timaru District Council	Andrew Dixon	CM			
42	Timaru District Council					
43	Timaru District Council					

		Where is Change Needed	
Organisation	Section	Comment	Suggested Change & Code Impact
Tauranga City Council			
Tauranga City Council			
Timaru District Council			
Timaru District Council			
Timaru District Council			
Timaru District Council			
		<p>The code should recognise that the road carriageway, footpaths and berms are assets within the road corridor space. These assets need protection equally with utilities assets.</p> <p>Quality Plans should be submitted with the CAR application. This would then allow for the CM/RCA to incorporate the use of this document when auditing sites. Contractors have them, but under the code there is no requirement to use them.</p> <p>Coordination could be improved. Although the code recognises the need for coordination meetings amongst utilities and RCA's these meetings are not compulsory. The code does not state how many meetings per year are good practice. There is inconsistency amongst regions and districts.</p>	

Organisation	CM & UO Impacts	Improving Compliance
Tauranga City Council		<p>We find the Utility Operators have a sound knowledge of the code however all works are generally sub contracted then that contractor also sub contracts. Utility Operators as the principal have the obligation to ensure the person undertaking the works on their behalf understands the code and RCA requirements for working on the network.</p> <p>A large part of our role as Corridor Manager is educating contractors however, we believe the gap in knowledge is currently disconnected.</p> <p>The NZUAG are doing a great job with the roadshows however, we would suggest Utility Operators get their respective contractors involved and the NZUAG adapts content/language according to the industry you are relating to.</p> <p>The think safe, work safe, home safe booklets are a great initiative and we will be using these a lot more moving forward.</p> <p>One industry we feel is neglected from this process is the Traffic Management Companies we find ourselves more often than not explaining the CAR process to a Traffic Management provider while the code relates to Utility Operators, Traffic Management is the main part to undertake works on the network in the first place. The Traffic Management Companies are required to have a sound knowledge with a full range of activities within the network and in order for planning and managing a site safely they must understand the methodology of works and in turn understand the process in its entirety. I would suggest the inclusion of the code in training for TC/STMS and include a copy of the think safe, work safe, home safe booklet.</p>
Tauranga City Council		<p>Additional warning of not trying to repair damage – strong H&S issues) especially where asbestos pipes are concerned.</p>
Timaru District Council		
Timaru District Council		
Timaru District Council		

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Tauranga City Council		
Tauranga City Council		
Timaru District Council		
Timaru District Council		
Timaru District Council		

No.				What Works Well		
	Organisation	Submitter	Orgn Type	Section	Comment	Why Retain?
44	Timaru District Council					
45	Timaru District Council					
46	Timaru District Council					
47	Timaru District Council					
48	Timaru District Council					
49	Timaru District Council					
50	Timaru District Council					
51	Timaru District Council					
52	Timaru District Council					
61	WEL Networks Ltd	Karleen Broughton	UO	4	Emergency provisions as a whole.	Provides UOs with the ability to complete works in the road corridor in emergency situations without the requirement for a Corridor Access Request (CAR).

			Where is Change Needed
Organisation	Section	Comment	Suggested Change & Code Impact
Timaru District Council		Good quality road reinstatement remains an issue and we recommend consideration of compulsory training and competency certification for contractors workers on reinstatement. This is currently applied for Temporary Traffic Management and we see the same for road reinstatement with a recommended revalidation every 2-3 years.	
Timaru District Council		Further specifications on trenching should be included in the code. The depth of trench should have a ratio to the width to achieve adequate compaction. Further specifications on backfill and compaction requirements should also be considered. There should be a requirement to provide compaction test results to the Corridor Manager as a compulsory part of CAR process.	
Timaru District Council		The surface layer reinstatement diagrams in the code should be reviewed and suggest the addition of a flowchart for easier understanding by contractors. Over break and 45 degree corner trench trimming criteria is ambiguous and needs further clarification. Recommend that reinstatement of high traffic volume roads, Primary collector and above, should be full lane width and minimum length to give a smooth ride. Full width reinstatement on footpaths should be required if trenching through these. The Code should allow the Corridor manager to specified approved contractors for the reinstatement of special surface types eg pavers. NDM testing should be on each lift within a trench, not just the top layer.	
Timaru District Council		In the code the abandoned utility structures are allowed to be left in the corridor, which is already congested. If the infrastructure needs to be removed at a later date to allow another utility operator the space, under the code it currently falls to the Corridor Manager to pay for the removal. We believe that the cost of the removal should be with the utility owner not the corridor manager.	
Timaru District Council		The current code has no provision in to ensure future proofing by a utility operator. If they decide in a year's time that they require another pipe, cable or duct they can dig up the road corridor again. This may be despite the RCA undertaking recent improvement works. We suggest a lock out period within the road corridor by a particular utility of two years after the completion of their work or at the Corridor Managers discretion.	
Timaru District Council		Reasonable Conditions in works approval permits needs to be tightened up. It has been noted that some RCAs are including local conditions that contradict the reasonable conditions set by the code. This was not the intention of the code. Special conditions need to be outlined by all RCAs and submitted to NZUAG. This will stop RCAs adding special conditions whenever they please.	
Timaru District Council		The Works Approval Permit (WAP) in its current form is very wordy and consideration given to simplifying this standard document.	
Timaru District Council		The current code has no provisions for Communication to the public, especially for third party work that the Corridor Manager has no control over.	
Timaru District Council		Consideration should be given to compliance incentives/disincentives to promote good practice and penalties for non-compliance. We request that NZUAG review the issue of compliance and consider potential fines or contractor certification options.	
WEL Networks Ltd			

Improving Compliance

Organisation **CM & UO Impacts**

Timaru District Council

Timaru District Council

Timaru District Council

Timaru District Council

Timaru District Council

Timaru District Council

Timaru District Council

Timaru District Council

Timaru District Council

WEL Networks Ltd

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
Timaru District Council		
Timaru District Council		
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Timaru District Council		
Timaru District Council		
Timaru District Council		
WEL Networks Ltd		

No.	Organisation	Submitter	Orgn Type	What Works Well		
				Section	Comment	Why Retain?
70	WEL Networks Ltd					
71	Wellington City Council	Brett North	CM			

		Where is Change Needed	
Organisation	Section	Comment	Suggested Change & Code Impact
WEL Networks Ltd			
Wellington City Council		<p>General comments:</p> <p>Every section and sub section must use absolutely referencing.</p> <ul style="list-style-type: none"> • un-referenced bullets are unacceptable <p>1. Referencing structure must be consistent throughout the document</p> <p>Floating paragraphs explaining points in a conversational tone must be titled and referenced</p> <p>1.</p> <p>1.1.</p> <p>1.1.1.</p> <p>1.1.1.1</p> <p>Added clauses are in red, to be removed is in green.</p> <p>(red stays, green goes)</p>	

		Improving Compliance
Organisation	CM & UO Impacts	
WEL Networks Ltd		Greater understanding of the CM obligations, and understanding that the CM must work with the UO to resolve issues.
Wellington City Council		

Organisation	Review Team Response	
	Commentary	Effect on Code Accept/ Reject/ Modify
WEL Networks Ltd		
Wellington City Council		