



31 May 2016

Hon Bill English,  
Minister of Finance,  
Parliament Buildings,  
Wellington

## **NZUAG National Code of Practice for Utility Operators' Access to Transport Corridors Minor Amendments Revision**

Dear Minister,

On 10 September 2015 you approved an updated version of the NZUAG National Code of Practice for Utility Operator's Access to Transport Corridors. The preparation of this new edition of the Code followed an extensive public consultation process that was well received by the industry.

Following the promulgation of this updated version of the Code, a number of minor errors, largely typographical or editorial in nature, were advised to the NZUAG Board. Details of these are contained in the table below.

<b>Code Reference</b>	<b>Original Wording</b>	<b>Revised Wording</b>	<b>Reason for Change</b>
5.3.1.2 d), page 69	"access to properties ....."	"disruption of access to properties ..."	Addition of "disruption of" to correct the sense of the clause.
Table 5-1, page 78	Table 5-2	Table 5-1	This is the first table in this section
5.6.4.2 d) page 82	"Joint sealing must be undertaken as per Sections 5.6.4.2 (g) and (h) above"	5.6.4.2 (d) deleted, given original (g) and (h) were deleted in the approved Code. 5.6.4.2 (d) added: "Vertical surfaces against which open grade porous asphalt is to be placed should not be tack coated in accordance with TNZ P/11 section 8 and the joint should not be bandaged, in order to maintain porosity."	This section has been updated to reflect that a sub clause had been deleted, which meant that a reference to that sub clause also needed to be deleted, and a new clause added to reflect modern engineering practice as outlined in the approved 5..6.4.1.
Schedule E - index page 125		Index page numbers updated	Through updating the Code section pages numbers in the Index required updating.



I have met with officials from the Treasury Infrastructure Unit to outline the errors in the approved Code, the minor amendments being proposed and the process undertaken by the Board to satisfy itself that the proposed minor amendments were acceptable to industry and assisted with the interpretation of the Code.

As you may be aware, the members of NZUAG are from the industry (attached). The NZUAG Board represents the interests of the membership, and is made up of 10 members: 5 representing Corridor Managers and 5 representing Utility Operators:

- The 5 Corridor Manager representatives are nominated by the appropriate industry bodies: The National Road Controlling Authority (NZTA), The National Rail Manager (Kiwi Rail), 2 from LGNZ (one large and one small TLA), and 1 representing the Road Controlling Authority Forum.
- The 5 Utility Operator representatives are nominated by the appropriate industry bodies: 1 from the Gas Association, 1 from the Electricity Network Association/Electrical Engineers Association (EEA/ENA), 1 from Water New Zealand, 1 from the Telecommunications Forum, and 1 from the utility sector at large, currently represented by Chorus.

Appointments for both Corridor Managers and Utility Operators are staggered to ensure continuity. I am appointed by the Board as the Independent Chair.

It was felt that, prior to approving the minor amendments, the Board should consult with key corridor manager representatives - NZTA and Auckland Transport - and key utility operator representatives - EEA and ENA. Subsequent to that consultation, the full NZUAG Board, at its meeting on 18 May 2016, approved a revised version of the Code unanimously. This is in line with our practice that any changes to the Code, whether minor or major, need to be approved unanimously.

I have enclosed a copy of the proposed amended Code for your information.

The Board considers that these changes are minor. None of the errors identified were substantive enough individually to suggest the need for a further version of the Code to be issued. However, the NZUAG Board considers that collectively they do justify a revision to the 10 September 2015 Updated Version 1. It is proposed that this revised version be subtitled Updated Version 1 with subsequent minor amendments.

During my discussion with officials, we agreed that there were no issues with minor errors outlined in the table relating to 5.1.3.2 (d), Table 2 and Schedule E. However, further clarification was sought on 5.6.4.2 (d).

The proposed changes are a downstream effect of previous Code changes that came about because users of the Code had complained for some time that the requirements of section 5.6.4.1 were very difficult to comply with as they were too specific. In the Code review it was agreed to refer to the new NZTA specification for asphaltic concrete as this specification was more thorough than previous versions and



provided flexibility for the users to select what they needed. As a result it was necessary to remove 5.6.4.1(a)-(h) of the old Code that directed specific outcomes.

Unfortunately what was overlooked was a reference in 5.6.4.2(d) to 5.6.4.1(g) and (h), which had been deleted in the approved revised Code. This then created an anomaly in the Code, which was pointed out to us by industry representatives. The Board agreement was to change 5.6.4.2(d) to refer instead to the specific requirement for joints in the TNZ P/11 specification, which is not a Code change since 5.6.4.2(a) requires compliance with TNZ P/11 in total.

To cover off the issue of bandaging we have added a practice note under section 5.6.4.3 as a further explanation of the requirements. This is not new policy and does not alter the intent of the Code.

Therefore the changes are considered to be minor as they remove the anomaly of a hanging reference and provide better guidance without adding new requirements.

Under the Utilities Access Act 2010 section 16.4, provision is made for minor amendments to be made without triggering the need for a full formal review and consultation process. However, minor amendments such as those outlined above require Ministerial approval.

You will be aware that the review of the Code was a major exercise that involved many unpaid hours of Board time. We are confident that the approval we are seeking represents the last of the amendments before the next formal review in 2018.

Thank you for your consideration of this matter. I look forward to your approval of these minor amendments to the Code, so that we can advise industry accordingly.

Yours sincerely,

Paul Swain  
NZUAG Independent Chair  
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