

Introductory Comments from Round 2 submitters							
Reference		#REF!			#REF!		
Submitter	Reference	Comment	Recommended change		Accept/reject	Reason	
BureauCo	E-business	We note some additional thought is still required to attain alignment between the espoused concepts/intents as discussed and detailed in the Revised Code document; and their practical delivery in a systematic and standardised way for all stakeholders. Only then, in our opinion, will it deliver enhanced process and therefore the enhanced productivity that the Utilities Access Act 2010 aspires to achieve. We suggest that our clients are looking for innovative ways to drive business productivity improvement through practical implementation of these business processes across all transport corridors. Equally Government has openly stated its objective in the Utilities Access Act 2010 Act (Act), and in a far wider context for the nation, in that Government wishes it to adopt e-business solutions and address productivity as a key driver to assist NZ Inc – Utility/Infrastructure Inc. Government wants higher voluntary compliance, with better performance, for less cost. The Revised Code must surely be structured such that it empowers users while simultaneously embracing Government e-business objectives			noted	Committee considers that Code provides sufficiently for electronic transfer of information	1001
BureauCo	must and should	"Must" and "Should" have to be defined in the Revised Code. Must and Shall indicate normative (thus Compliance Requirement). However "Should" and 'May' indicate informative – not mandatory, thus possibly provide a means of compliance. Separation of the requirements for, and a means of compliance, is essential otherwise it detracts from the Utilities Access Act 2010's objective and its mandated aspects which includes the Code. Also, wherever these defined words are used, they "Must" be highlighted			noted	included in 2.1	
BureauCo	Introductions	Each section would be greatly enhanced by a brief introduction as some content is not presented in a logical flow for a reader				Disagree but have annotated some section more clearly as to which corridors they apply.	
ENA	Code intro pages	We note that the individuals involved in this third group are generally different from those in the second review group, and this should be recognised on page i. Alternatively, the long list of acknowledgements could be deleted from the final 'NZUAG' Code			agree		

BureauCo	Word Corridor vs works	The Revised Code's primary objective is to manage entering of a "public corridor" to undertake work activity in or about that corridor and adjacent to it. So "work" is fundamental, and all such relevant processes would best acknowledge this, so we believe 'Works Access Request' instead of Corridor Access Request (CAR) would surely be more logically consistent with Works Approval Permit, Works Completion Notice and Stop Works Order? The fact that it is in a corridor is implicit to a request being made. We submit that the CAR be renamed Works Access Request (WAR). We also note there is no acronym for Works Completion Notice and assume WCN will be retained?			reject	Request is for access to the corridor not to the works.	
BureauCo		Considering "work" as fundamental also provides a more logical link to and between the work flow processes and thus enhances understanding that they are a set of inter-related work activity steps around a specific work area in the applicable corridor			noted		
ENA	"utilities" changed to utility structures	a. It appears there has been an editing "change all' of 'utilities' to 'utility structures'. We submit that sometimes this does not make sense and sometimes the intention of the text may have changed as a result – in some cases the intention of the text was different types of utilities (not structures per se). We recommend these all be checked carefully against the original intent. For example, section 2.6: all utility providers have different kinds of 'structures', but the intent would not be to have conflict of interest polices for each of these. In 3.2.1.2 was the original intention to minimise the size of all underground 'utility structures' including cables etc? Another example is 3.2.1.3 'different duct colours for different structures' doesn't make as much sense as for different 'utilities'. Also when marking out the presence of 'utilities structures' versus 'utilities' when doing work – would the change mean the code would not require that for those structures in place when the land was not a rh that it empowers users while simultaneously embracing Government e-business			noted	have checked and amended as appropriate	
BureauCo	references	All references to law, Standards etc, should simply be by name, and to an annexed schedule of them in the Revised Code which gives their date of currency. This annexure can be updated as references change, rather than amend the body of the Revised Code each time they're amended, Clause 2.5 Refer to HSE Act is an example			accept	Have checked and amended as appropriate	

ENA	2.2.2d	2.2.2.d So that it is always clear who is the lead CM - what is the definition of 'light rail'? Does it include street tramways and other cases where 'rail' may be in the road?				The Road Corridor Manager takes the lead unless it is heavy rail as prescribed in the Railways Act.	
ENA	3.2	The CRG made a change in regard to 3.2.1.4 c) by removing the reference to 'bolts'. While we understand and agree with the rationale for that change, we would ask that the CRG check there is no unforeseen consequence in that there may be an inference that lids and service covers only need to be secure at speeds >70 km/h (through removing the term 'by bolts'). Similarly it occurred to us that it may be worth checking that section 3.2 adequately reflects requirements and current standards for chambers, covers lids etc. in the footpath, as opposed to the carriageway			agree	The more important issue is that lids need to be secured over the speed concern.	
ENA	3.3.1.2	Specific Requirements for Above Ground Structures. Some changes have been made to this section. We think it is also important to recognise the safety of the public more broadly, as it is not just the road user & worker safety that may be relevant. For example, while the intent is to put structures as near to the boundary as practicable, there may at times be safety issues for those on private land/the public more generally presented by this (e.g. if there is a bank/potential climbing hazard near to power lines). The text in the last italicised paragraph covers the balances to be made here, but we think 'public' should also be added to 3.3.1.2.a			reject	Road users includes the public. The code is about the transport corridors	

ENA	3.3.2	We understand that the Automobile Association has raised concerns in regard to aspects of the code, including existing structures in terms of road safety, and that they wished there had been greater involvement with them in the development of the Code. When we look back at the original 'implementation version' there were more details in regard to existing structures in the body of the Code, which may have been lost in the editing process (e.g. previous 5.8.3) presumably because it was thought to be covered in the schedule. We also note that there have been several relevant policy developments, and new research, since this section and schedule C were drafted. ENA would welcome the closer involvement of the AA, and those formulating the Safer Journeys strategy and associated action plans, with NZUAG and the Code. It could also be worthwhile to involve the NZ Society of Risk Management. As the Code notes in Schedule C, there is benefit from the various stakeholders getting together to share data & research, and to develop effective strategies			noted	The Code has been refined pver several versions and after four rounds of consultation. Whether NZAA becomes invovle dwith NZUAG is not a matter for the Code but for NZUAG when it consults on its draft constitution and incorporation.	
ENA	3.5.2	Future proofing. The CRG has introduced the idea of 'neutral' duct colours. While initially appealing as an idea, this is not one we can support at this stage. We understand that the position the duct is installed at will influence which utilities can later use them owing to separation requirements – it is not as simple as sticking in a 'neutrally coloured' duct that anyone can use later. Moreover, we understand that the intent of the DOL code is over time to lessen not increase inconsistencies and the use of non-standard colours. The EEA's submission will go into this in more detail - the EEA is concerned that adding new 'neutral coloured' pipes will add to the problem of services not being instantly and reliably recognisable			agree	Covered in latest amendments	
Contractors	3.7	We understand that the requirement for the Utility Operator to notify other utilities when working near their services is actually a requirement on the Utility operator rather than their contractor <i>[unless marked high value such as fibre or high voltage]</i> . We would like the code to articulate this more explicitly. <i>This of course would simply be a default position and doesn't prevent the Utility Operator passing this responsibility to the contractor through to their tender/contract conditions</i>			reject	The contractor is not a party to the Code - these are spelt out in the definition on Party.	

ENA	4.2.2	The CRG has made changes to 4.2.2: Situations requiring preliminary notification (for motorways and rail) notably adding <i>"this preliminary notice does not constitute a formal notice of intention to undertake Works in the Road Corridor under relevant legislation"</i> . We assume the legal reviewer will be reviewing this proposed change, and if not, we consider it is important that this is done, particularly given that 4.3.1.3 a) for motorways effectively says that <i>before you can lodge a CAR the applicant must have received approval of the preliminary notification</i> . We would be concerned if there were no undertaking for timeliness for such pre-approval phases for motorways and rail, and we are still confused in section 4.2.2 in fact as to whether this is a 'must' (as the initial text says) or advisable (as the italics indicate). We agree with the intent behind it being advisable – i.e. the more time you give the CM to consider your application the more likely your application is to be successful. Without at least a timeliness undertaking for the initial approval phases, the intent behind introducing the legislative timeframes to speed up timeliness and provide certainty to applicants will be watered down in our view. Section 4.3.1.3.a should at least refer to 'new or			noted	Covered in the legal review.	
Auckland transport	4.3.3 para 1 a) iii	Whilst we are aware that this topic is not included in the scope for submissions, we feel obliged to point out that that there is a significant error in this clause	Replace 4.3.3 1 a) iii with "Complies with the requirements of CoPTTM or such other Temporary Traffic Management standards approved for use on the road."	CoPTTM has also been adopted by a significant number of RCA's and is not just a "State Highway" standard. In addition, with the work on Edition 4 of CoPTTM proceeding, it is becoming increasingly likely that the Local Road Supplement could be discontinued. We highly recommend therefore that the above solution be incorporated	noted	The committee considers the text regarding replacement documents in Schedule D covers this issue .	
BureauCo	Fig 4.5, 4.5	The road processes presented in figure 4-1 and thus figure 4-5 do not appear complete nor consistent with the sections of narrative which they aim to capture. As the figures are presenting generic processes that are to be followed nationally, we consider it reasonable to expect any such process depiction to be completely aligned with the narrative description of said process			reject	The committee checked the process and considers it accurate.	

Contractors	6	We reiterate our previous advice that specifying the "method and materials" to be used for trench reinstatement and the Clegg hammer performance requirements is contractually flawed. All the contractor needs to show is that if he has complied with the "materials and method" requirements he can be released from his obligations to comply with the Clegg hammer requirements if he can't meet them.	To address this problem we suggest that the "method and materials" requirements be referred to as guidelines only		reject	The committee disagrees.	
BureauCo	compliance	The Revised Code appears to confuse what defines a compliant work activity with description of what is a means of compliance. We feel that the Revised Code should articulate clearly what is to met for a work activity (the minimum compliance requirement) and can if it wishes, identify a means of compliance for that work activity. There should be clarity that a party can exceed the compliance requirement but never less than it and secondly, however a party chooses to achieve compliance is valid where sufficient evidence of delivery of required outcomes can be produced. The expectation of a paper-centric mechanism as suggested in the Revised Code is but one possible mechanism			noted	The code has been designed to provide for electronic transfer of information and nowhere requires paper copies. Many of the Corridor Managers are already using electronic systems.	1
watercare	errors	We note a few minor corrections that we have noticed while reviewing the draft.	<ul style="list-style-type: none"> Section 4.2.4(1)(a) – The potential to coordinate with Planned Works (capitalised "P") Section 4.2.4(2)(a) – short to medium term Planned Works (capitalised "P") Section 5.2.1(1) – Misspelling of Work. Figure 4-2 – reference to assets should be Utility Structures and Work should have a capital "W" Figure 4-3 – reference to assets should be Utility Structures and further down Work should have a capital "W" Figure 4-3 – reference to assets should be Utility Structures and further down Work should have a capital "W" 			Thanks for these	2
						Thanks for these	3
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						Thanks for these	6
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AA	Ducts	An issue relating lack of coordinated funding of utility ducts and platforms in the road corridor was brought to our attention on Friday and was too late for inclusion in an AA submission. With your indulgence I would like the following to be accepted as a late AA submission to NZUAG which we consider important to bring to the group's attention. This is substantively the same as our submission to the Ministry of Transport on the same issue with respect to developing the Government Policy Statement for Land Transport for 2012-2022 (GPS 2012).	see AA submission		noted	The committee notes these concerns but considers them outside the scope fo the Code.	8