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## Land Entry Code of Practice

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### **1.0 Purpose**

This Code of Practice applies to Counties Power team members, contractors, advisors and others who wish to go on to land to inspect, operate, maintain, extend or otherwise work on the Counties Power electricity network.

### **2.0 Scope**

All Counties Power staff entering private land.

### **3.0 References**

Counties Power's access to meters and to customers' installations is covered by agreements between the customers and their electricity retailers.

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### 4.0 Requirements

### 5.0 Going on to land

1. The Electricity Act gives Counties Power a right to construct or maintain plant on public roads subject to any “reasonable conditions” that the district council or Transit NZ may impose. This Code of Practice sets out how we will go about working on any land which is not a public road.
2. In this code all land other than public roads is called “private” land. This includes land (other than roads) which is owned by the state or by district councils, e.g. car parks.
3. If we want to go on to private land we can always ask the owner or occupier for permission. Verbal permission is fine if we just want to inspect something, carry out a minor repair, trim a hedge, etc.
4. We should not rely on verbal permission to build a new line or to make significant changes to our plant or to the owner’s property (such as trees); in these cases the project manager should make proper land access arrangements before the job is allocated to team members.
5. We can only go on to private land without permission if we have a legal right to do this. In most cases where we have plant on private land, the Electricity Act gives us the right to go on to that land, subject to conditions. To make sure that we comply with the act we should follow this Code of Practice.
6. In some cases our right to go on to private land comes not from the Electricity Act but from an easement which we have negotiated with the land owner. This applies particularly (but not only) to the newer sub-transmission lines. Some easements include requirements which differ from this Code of Practice, however all easements permit emergency access in accordance with clause 2.4 of this code.
7. Except in emergencies, if we want to go on to private land without asking for permission we should first find out whether the land is governed by this Code of Practice or by special easement conditions.

### 6.0 Timing and notice

1. Normally we should only go on to private land between 7.30am and 7.00pm. The Electricity Act says that the owner may set “reasonable conditions” on when and how we go on to the land; this could include asking us use a particular track or to wait until particular farming operations are finished.

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2. Before we go on to private land we should give at least the following periods of written notice:

Type of Work	Working Days' Written Notice	Notice to
Inspect or operate plant	5	Occupier
Minor maintenance or repair	10	Occupier
Major maintenance or repair	10	Occupier and Owner
Type of Work	Working Days' Written Notice	Notice to
Construct or upgrade plant	10	Agree terms with Owner Notice to Occupier

We may agree some other notice period with the occupier, or if we want to inspect, operate, maintain or repair plant (but not to construct or upgrade it) we may just ask for the occupier's permission to go on to the land.

If we need to go on to the land several times over a short period (for example 2 weeks) then a single notice is sufficient provided that this makes clear when we will first go on to the land and the period during which we will be returning.

Note: Five (5) days written notice of entry for inspection or operation is a Counties Power requirement; the act simply requires reasonable notice and specifically permits notice by telephone. The act requires at least 10 days written notice of entry for non-emergency maintenance or repair. The act allows notice to either the owner or the occupier; notice to the occupier should normally be sufficient for inspection, operation and minor maintenance or repair. The owner as well as the occupier should be advised of any major work.

3. For major maintenance or construction work we will provide all affected land owners and occupiers with details of the proposed work programmes and the identity of any contractors or sub-contractors. So far as it is practicable we will carry out the work in accordance with the notified work programme and we will keep the owners and occupiers informed of any changes in the programme. It is the responsibility of the Project Engineer to ensure that this occurs.
4. If we need to go on to private land to carry out any emergency work (i.e. to protect life or property or to maintain the continuity or safety of supply) then we will tell the occupier first if this is practical in the circumstances. However if the emergency is at night we will not wake anyone just to let him or her know that we need to go on to the land.

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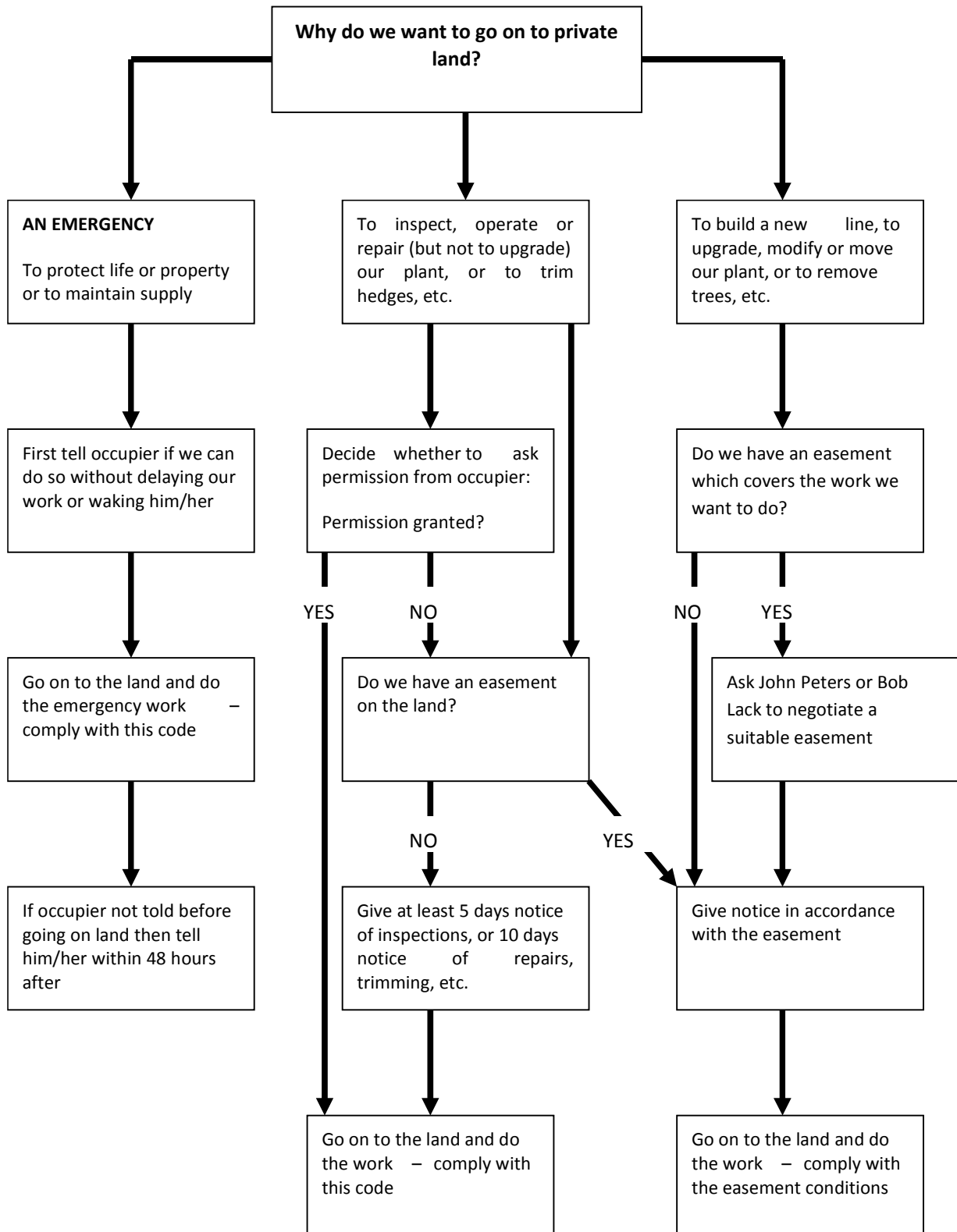
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5. If we go on to land without prior notice then we will tell the occupier of this and the reason for it as soon as possible after the event and certainly within 48 hours.

Note: 48 hours is a Counties Power requirement; the act allows notice up to five days after emergency entry.

6. The flow chart on the following page summarises these entry and notice requirements:

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### 7.0 Identification

1. All Counties Power team members, contractors, agents, etc. who go on to private land will carry identification and will show this to the land owner or occupier on request. For people who operate or work on the Counties Power network this identification will be in the form of a uniquely numbered passbook. The owner or occupier may verify the person's authority to be on the land by contacting Counties Power (phone 0800 100 202) and quoting the person's name or passbook number.
2. All vehicles used to enter private land will carry identifiable logos.
3. If the occupier is not present at the time of a visit then, unless the property is bare land, a courtesy or business card will be left at the property to let the occupier know the date and time of the visit.

### 8.0 Supervision of Work

All work is to be under the control of a Project Engineer appointed by Counties Power. The Project Engineer shall appoint sufficient suitably qualified representatives to supervise the execution of the works on Counties Power's behalf and to maintain contact with the land owners and occupiers along the route of the line.

### 9.0 Counties Power's Working Practices

We will operate and maintain all works in a safe manner and any machinery or plant kept temporarily on private land will be left in a safe condition.

We will consult with the land owner before we position any survey pegs or markers and before we dig or bore into the land and remove samples. The method of carrying out boring and the timing of the work will be such as to cause the least practicable disturbance to the land owner and occupier.

Before starting construction work we will consult with the land owner regarding information on any notable features of the land such as Queen Elizabeth II Trust covenant, Maori burial site, archaeological sites, stands of native bush, etc. in order to avoid a conflict between the preservation of these areas and the construction of the line. We will also consult with any other relevant parties, e.g. iwi.

Note: See also 7.0 re services on the land.

We will ensure that no unauthorised personnel, dogs or firearms are brought on to the land. We will also ensure that all gates are left as found unless otherwise requested by the occupier.

We will ensure that no litter or rubbish is left on the land.

## **10.0 Damage, Reinstatement and Compensation**

During the process of construction and maintenance of any new or existing lines, we will endeavour to minimise, as far as possible, any disturbance to stock and wildlife, and damage to crops, pasture, vegetation, land improvements, water supply and land. As far as is reasonably practicable we will repair any such damage or disturbance. Where such damage cannot be repaired we will compensate the land owner or occupier, as appropriate.

Note: See also clauses 12.0 re land drains and 14.0 re livestock.

We will restore all ground within the construction area to a condition equivalent as far as is reasonably practicable to that existing before the works. If we cause any other loss, injury or damage to the land then we will compensate the owner.

We will pay compensation for the loss of any trees which we remove, including shelter belt trees, less the value of any timber retained by the owner. This clause will not apply and compensation will not be paid if the trees were planted after the power line was built.

## **11.0 Water and Other Services**

Before construction work or site investigations commence, we will seek details from the land owner and / or occupier of the position, type and size of all underground services, pipelines, drains, wells and other services of a similar nature so that damage can be avoided or services relocated.

In the event that we sever a water pipe then we will repair it immediately and we will notify the land owner or occupier.

## **12.0 Land Drains**

If our works interfere with any ditches, open drains or watercourses, then we will maintain them in effective condition during construction. When work is complete we will restore them to as good a condition as existed before the works started. We will take particular care to ensure that the minimum amount of damage or disturbance is

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caused to land drains. The methods to be employed in repairing damage to land drain systems will be agreed with the land owner or occupier.

If it can be established that land belonging to the land owner and outside the construction site has been affected as a result of our interference with either natural or artificial drainage during the duration of the works, then we will rectify the damage or pay compensation to the land owner or occupier, as appropriate.

### 13.0 Blasting

Where blasting is necessary, suitable material will be used to contain the debris. On arable land all pieces of blast debris in excess of 100mm diameter will be removed before the blasting team leaves the site.

Only certificated operators are to carry out blasting and they must comply with the requirements of Regulations and Codes of Practice issued under the relevant legislation.

We will consult with the owner with regard to the time of blasting so as to reduce to a minimum any interference with the normal activities of the land owner and occupier.

### 14.0 Straying Stock

After consultation with the land owner and / or occupier, we will take all necessary precautions to prevent the straying of livestock. If straying is clearly due to any act or omission on our part, then we will compensate the owner of such livestock for all loss or damage arising from the loss of, injury to or death of the livestock. In default of agreement, the compensation payable, if any, shall be determined as specified in s.57 of the Electricity Act 1992.

### 15.0 Hazards

In the event that any buildings, structures fences or vegetation breach any statutory or regulatory requirements or standards, codes of practice or otherwise breach generally accepted engineering standards as to minimum clearances from the line, then we will consult with the land owner in the event that we wish to remove or modify any such buildings, structures, fences, or vegetation.

When clearing on the banks of watercourses we will comply with the requirements of the Regional Council or other relevant authority to ensure that erosion problems are kept to a minimum.



## 16.0 Gates

If we require permanent access along the route of a power line then we will erect steel framed gates, properly hung, in existing fences along the route line. Gates on boundaries will be secured as agreed with the land owner/s.

## 17.0 Disputes

If a land owner has a dispute or a complaint with Counties Power on access to land, there are set procedures to follow.

Our dispute resolution procedure is free and outlined on the Counties Power website.

If Counties Power cannot satisfy the complaint or dispute, the landowner can take the matter to the Electricity and Gas Complaints Commissioner.

The Commissioner is an independent person who provides a service which is free. If the Commissioner upholds a dispute or complaint, she has the power to set levels of compensation or order that we take a certain course of action and we are bound by the ruling made.

The Electricity and Gas Commissioner can be contacted by Freephone on 0800 22 33 40 or by emailing [info@egcomplaints.co.nz](mailto:info@egcomplaints.co.nz).