

OIR: 2324/729

11 December 2023

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED]

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of **13 November 2023** requesting the following information:

I received this letter from Summerset last year and have had serious concerns about the safety of maintenance of this SW system since receiving it..My clear questions are:

1. “Does KCDC acknowledge the dangers of working in a confined space”

Yes.

2. “Is KCDC aware of the risks of putting maintenance staff 4 metres up a culvert under a road?”

Yes.

3. “Who in KCDC accepts responsibility for the danger highlighted here, to the maintenance staff?”

Council takes its health and safety obligations seriously and has mechanisms in place to protect the health and safety of both workers and members of the public. As per the information on Council’s website (follow the hyperlink here <https://suppliers.kapiticoast.govt.nz/health-and-safety-information/>):

- Under the Health and Safety at Work Act 2015 (HSWA) Council must take all reasonably practicable steps to ensure the health and safety of workers and other persons.
- Contractors working with Council have the same duty of care. The contractor must ensure the health and safety of not only their workers but also Council employees and members of the public.

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

- The HSWA gives Council and our Contractors joint responsibility for everyone involved in the work and members of the public who may encounter the work. It also requires organisations who work together to consult, cooperate, and coordinate with each other to ensure they meet the primary duty of care.

4. *“Has KCDC discussed the issue of access in this situation with Work Safe or other authorities?”*

No, because:

- no work has been carried out.
- Council has not had a request to do any work in that location.
- As per the OIR: 2223/509 response to you dated April 2023, [Council] would not consider any sort of manual entry into the pipeline for maintenance purposes.

5. *If there is an incident, which could cause death, will the KCDC be responsible or will the designer and Summerset be held accountable.*

Please see the response to 3 above. This response should also be read in conjunction with the attached OIR 2223/509 response to you dated April 2023.

Ngā mihi,



Sean Mallon

Group Manager Infrastructure Services
Te Kaihautū Ratonga Pakiaka

OIR: 2223/509

14 April 2023

[REDACTED]

Kia ora [REDACTED]

Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of 3 April 2023 requesting the following information, in relation to our previous response to you under OIR ref: 2223-455.

Response #5 is not correct and Standards do apply.

KCDC has allowed a saddled connection to a Culvert that is not only outside their standards but will be found to be dangerous.

The SW connection which should be with a manhole (a standard) is to be serviced by accessing 4 metres up the existing culvert. This is dangerous and not acceptable practice. I suggest that you refer this to Work Safe to obtain consent from them as to its suitability.

Workers must comply with "working in confined spaces" and the note on the design states "access up the pipeline" ensures workers are put into a dangerous situation.

[REDACTED]

The question I want confirmed. "For maintenance purposes KCDC allows Stormwater pipes to be accessed via 4 metres up another pipe line which is not considered a Confined Space".

This question may need to be carefully considered and the design reviewed. There are a number of examples of workers dying using similar method of access.

My concerns do need to be addressed.

We note your concerns. Obviously, standards are important and need to be met [unless otherwise approved]. Although there are many reasons why a manhole may have been appropriate at this location, a saddle connection is what was approved. At the time of approval, consideration was given to its future maintenance. It was considered that access, via manhole MH23/02 or the outlet, for jetting the pipe was adequate.

Supporting documentation provided by the developer [or their representatives] does not negate Council's responsibility in terms of health and safety or the restrictions associated with working in confined spaces. We would not consider any sort of manual man entry into the pipeline for maintenance purposes.

Ngā mihi



Sean Mallon

Group Manager Infrastructure Services
Te Kaihautū Ratonga Pakiaka