

From: Grace Ockwell  
To: [REDACTED]  
Cc: William Clifford, Jane Pearce  
Subject: RE: Local Government Official Information request - 518094  
Date: Friday, 4 December 2015 04:02:18 p.m.  
Attachments: jmae001.png  
jmae002.png  
jmae003.jpg  
jmae004.jpg  
jmae005.png  
jmae006.jpg  
jmae007.jpg  
jmae008.jpg

Dear Scott,  
Thank you for your email of 6 November 2015 requesting further information relating to trenching.

Your request has been considered under the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the following response is provided.

I have repeated your questions and numbered them to give context to our response.

**Question 1**

Question 3 - you say yes, my question is if it is a surcharge load ie a weight bearing load/vehicles in the angle of influence, how can the excavation be fully excavated before it shored? So my point is, what is supporting the ground in the interim whilst vehicles are still being allowed to pass?  
So is your answer to this question still yes?

**DCC Response**

We repeat the information we provided to you in our first response. The Dunedin City Council is comfortable with the shoring systems being used by our contractors and their subcontractors. The DCC investigates any issues brought to its attention; investigations and discussions with contractors have resolved any issues to the satisfaction of the DCC.

**Question 2**

Please see below, is this system designed for a surcharge load?



**DCC Response**

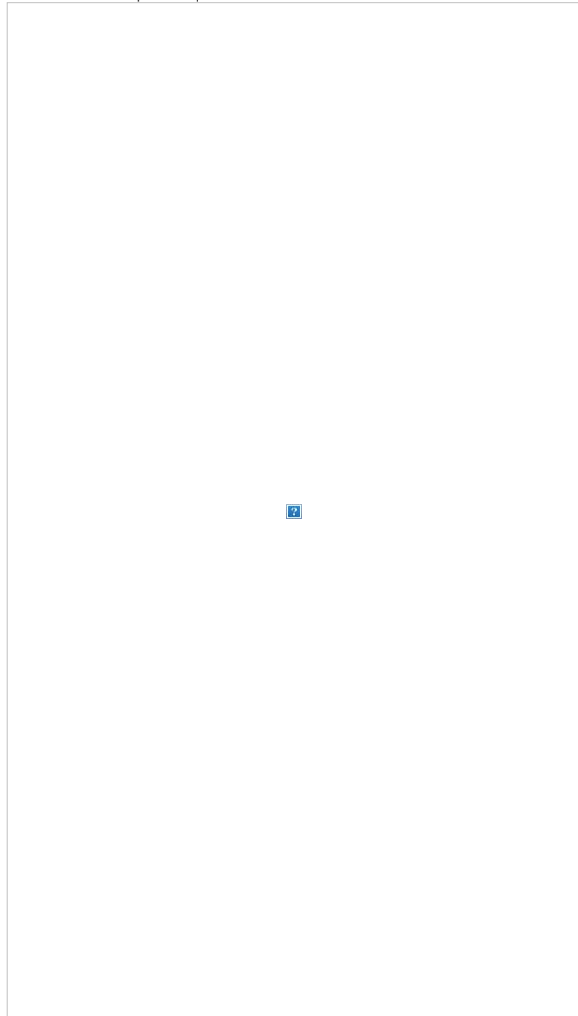
Unfortunately the photo does not provide sufficient information for a response to be provided. Please would you let us know when (day and time) and where the photo was taken.

**Question 3**

Does the above conform to the below table?

**DCC Response**

Please refer to the response to question 2.



**Question 4**

I have only ever seen 1 leading ramp in the 7 years I worked in Dunedin, this was on a Fulton hogan job in memorial park, mosgiel. I have pictures of this as well as the shoring that was used in that job, which also left a lot to be desired !  
I also kept an eye on the university job and never once saw these ramps, are they hear say only?

**DCC Response:**

This is not a request for information as defined by LGOIMA.

Question 5

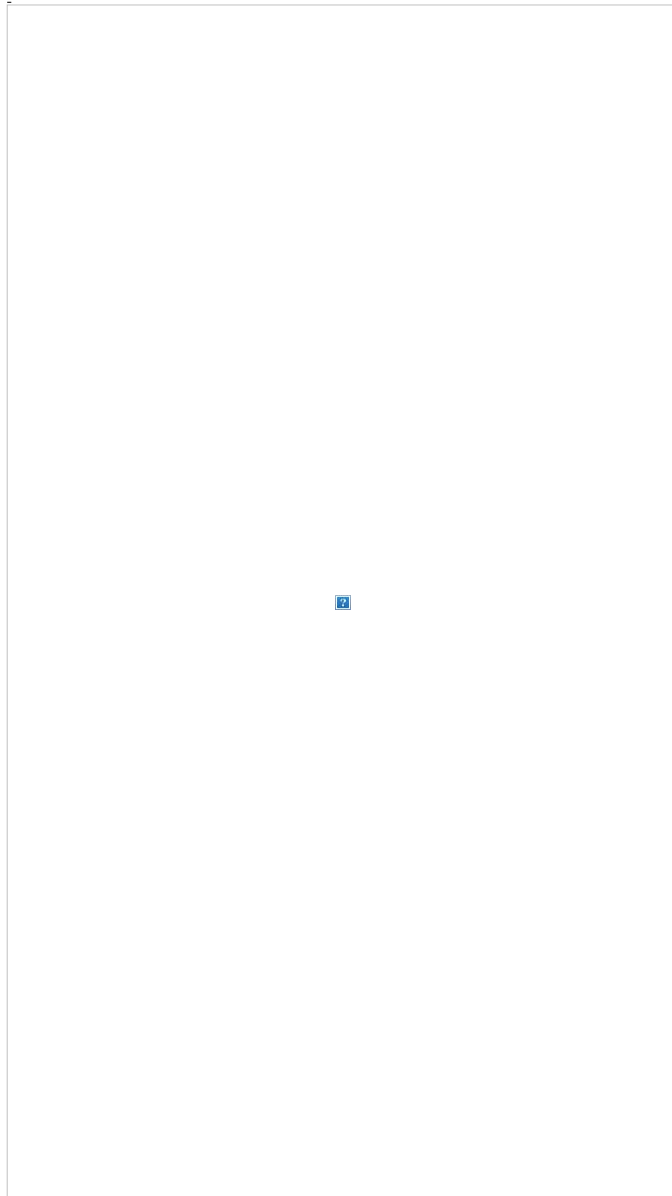
As far as the George street job, see below pic .....

I don't see anything here supporting the power pole/ground !

George St, you say this system is only there for holding the water main; please now tell me what is supporting the ground/weight bearing load? Or are we not interested in the safety of the general public? I'm still amazed that you believe this is being installed prior to a worker entering !! This again proves to me that the lack of knowledge in this area is allowing contractors to pull the wool over your eyes

DCC Response

We repeat the information we provided to you in our first response. The Dunedin City Council is comfortable with the shoring systems being used by our contractors and their subcontractors. The DCC investigates any issues brought to its attention; investigations and discussions with contractors have resolved any issues to the satisfaction of the DCC.



Question 6

you confirmed that contractors are to abide by the ACOP for trench safety, therefore you believe that the ACOP is being adhered to in the jobs above ?? I fail to see how

DCC Response

This is not a request for information as defined by LGOIMA. No comment is made on your statement .

Question 7

GEORGE STREET I understand that you believe alloy shoring is being used when staff are entering the excavation BUT what is supporting that ground in the interim, as the surrounding issues are present 24/7 (traffic, members of the public, power poles etc), remembering that when this job took place the traffic was driving within 1m of the excavation. or is it only weight bearing during the day or do we not care about members of the public.

DCC Response

We note your assumption that traffic were driving within one metre of the excavation. This was not the case. Fulton Hogan complied with the ACOP when installing the shoring on this job.

Question 8

FYI soldier sets only form PART of a shoring system, as clarified to me by Worksafe NZ In an extract below:



Also could you clarify whether the soldier systems you refer to, are the same as case A or B?

DCC Response

I cannot understand what information you are requesting in this question. Please clarify the information you would like to receive.

Question 9

Just to give you some more info, I have been lead to believe that Fulton hogans alloy shoring has threaded struts, therefore how can the bottom strut be tightened / expanded from above ground  
?????

DCC Response

This is not a request for information as defined by LGOIMA.

Thank you for the interest you have shown in helping ensure that trenching work being undertaken in the city complies with ACOP. Going forward, please email any concerns with respect to compliance with ACOP to the Health and Safety Manager ([Jane.Pearce@dcc.govt.nz](mailto:Jane.Pearce@dcc.govt.nz)).

Yours sincerely,

Grace Ockwell  
**Governance Support Officer**  
Civic and Legal

Dunedin City Council  
50 The Octagon, Dunedin: P O Box 5045, Moray Place, Dunedin 9058, New Zealand  
Telephone: 03 477 4000  
Email: [grace.ockwell@dcc.govt.nz](mailto:grace.ockwell@dcc.govt.nz)



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**From:** modshoring@gmail.com [mailto:modshoring@gmail.com]  
**Sent:** Friday, 6 November 2015 12:30 a.m.  
**To:** Grace Ockwell  
**Cc:** Kristy Rusher; [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz); [M.Woodhouse@parliament.govt.nz](mailto:M.Woodhouse@parliament.govt.nz)  
**Subject:** Re: Local Government Official Information request - 518094

Dear Grace,

Thank you for your response below, unfortunately it does not fully answer my concerns but your response does create many more!

Please refer to :

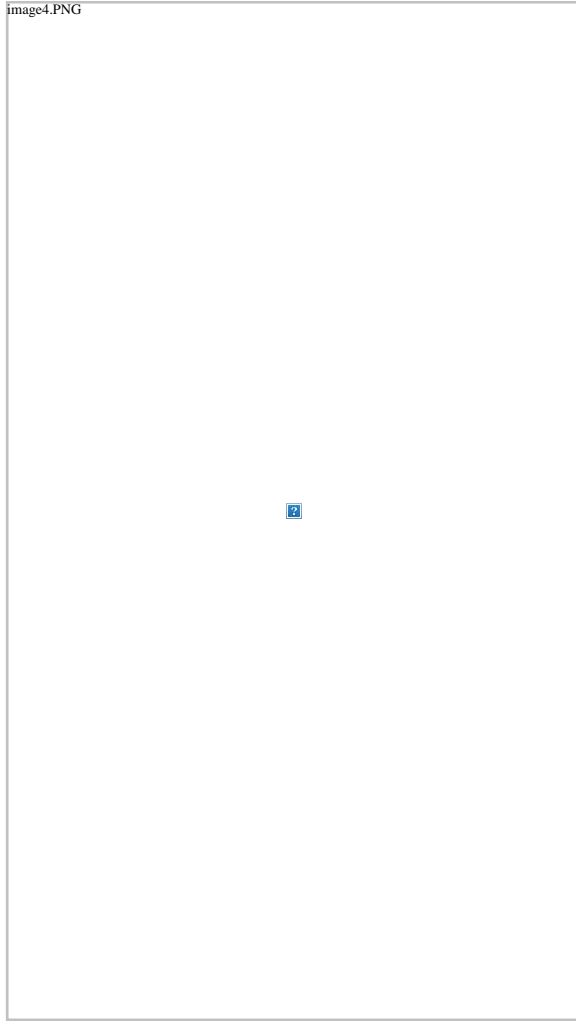
Question 3 - you say yes, my question is if it is a surcharge load ie a weight bearing load/vehicles in the angle of influence, how can the excavation be fully excavated before it shored? So my point is, what is supporting the ground in the interim whilst vehicles are still being allowed to pass?  
So is your answer to this question still yes?

Please see below, is this system designed for a surcharge load?



Does the above conform to the below table?

image4.PNG



Question 4 - I have only ever seen 1 leading ramp in the 7 years I worked in Dunedin, this was on a Fulton hogan job in memorial park, mosgiel. I have pictures of this as well as the shoring that was used in that job, which also left a lot to be desired !

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image5.JPG

Question 8 you confirmed that contractors are to abide by the ACOP for trench safety, therefore you believe that the ACOP is being adhered to in the jobs above ?? I fail to see how

Question 11 - GEORGE STREET I understand that you believe alloy shoring is being used when staff are entering the excavation BUT what is supporting that ground in the interim, as the surrounding issues are present 24/7 (traffic, members of the public, power poles etc), remembering that when this job took place the traffic was driving within 1m of the excavation. or is it only weight bearing during the day or do we not care about members of the public.

FYI soldier sets only form PART of a shoring system, as clarified to me by Worksafe NZ in an extract below;

image6.JPG

Also could you clarify whether the soldier systems you refer to, are the same as case A or B?



Just to give you some more info, I have been lead to believe that Fulton hogans alloy shoring has threaded struts, therefore how can the bottom strut be tightened / expanded from above ground ??????

If I need to ask these questions through the OIA channel please inform me ASSP.

Thanks again

Scott

On 5/11/2015, at 8:45 am, Grace Ockwell <[Grace.Ockwell@dcc.govt.nz](mailto:Grace.Ockwell@dcc.govt.nz)> wrote:

Dear Scott,

Thank you for your email of 8 September 2015 requesting various information about trenching safety. Thank you also for your email of last night. I apologise for the delay in responding to you.

Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the following response is provided.

I have repeated your questions and used your numbering to give context to our response.

Question 1

How many contractors in the past 2 years have been given improvement notices for trench work?

DCC Response

Two.

Question 2

How many of these contractors have been repeat offenders

DCC Response

None.

Question 3

The timber systems currently being used in Dunedin ie university job, queen street (work being carried out today and in the past two years) are they suitable for surcharged loads?

DCC Response

Yes.

Question 4

What is the methodology of installation on these above mentioned systems?

DCC Response

Pursuant to section 15(1)(e) of LGOIMA the following summary of methodologies is provided.

University Job: The trench is excavated with a lead-in ramp. Before the ramp gets to a depth of 1.5 m, the contractor enters the trench via the ramp and installs the first set of shoring soldiers at an appropriate depth, starting from the lower strut. From the safety of this soldier set, the second set of soldiers is installed at a greater depth. This process is repeated in such a manner that the contractor is always working within a shored trench.

Queen Street: There is no job at Queen Street. However, there is a job being undertaken on George Street. An alloy shoring system was installed from the surface. Between the alloy soldiers timber props were installed to keep the water main from moving and to keep the safety rail in place. When personnel were no longer required to be in the pits/trenches, the alloy systems were removed and used elsewhere. Prior to staff re-entering excavations alloy systems are reinstalled.

Question 5

How many complaints have been received by the DCC in the past 2 years for trench work?

DCC Response

Nine.

Question 6

How many of your approved contractors have had improvement notices and how is this recorded? are they not monitored afterwards?

DCC Response

- (i) Two
- (ii) Improvement notices are recorded in contract notices.
- (iii) Yes, there is monitoring afterwards.

Question 7

Is this information taken into account when new contracts are being awarded

DCC Response

Yes

Question 8

Are contractors required to abide by the ACOP for trench safety (as stated in your contracts)?

DCC Response

Yes

Question 9

We have asked all the DCC contract managers to pay special attention to the trenching procedures that their contractors are employing on the various jobs now and in the future to ensure we are properly managing the risks and meeting good industry practice." This has been taken from a recent email From the DCC, my question is why is the university job continuing in the manner it is. After all this job was first pulled up by your internal H&S rep then me and nothing has changed??

DCC Response

This is not a request for information as defined by LGOIMA. However we comment that the DCC reiterates to contractors that they are required to comply with the ACOP. The DCC proactively monitors compliance with ACOP and responds to information supplied by members of the public who may have concerns as to ACOP compliance. Where the DCC has questioned ACOP compliance, the DCC has received satisfactory responses.

Question 10

As we have discussed people do make mistakes and we agree that trenching can expose people to serious hazards ..... " Another comment from a DCC email, I'd call it ignorance not mistakes as we learn by those! Eg William stated that there was not enough supports in the Bradford street excavation yet 2 weeks or so later there was even less ?? Why after my complaint and Williams improvement request has nothing changed?

DCC Response

This is not a request for information as defined by LGOIMA. We repeat the comments made in our response to question 9.

**Question 11**

How many times in the past 2 years as the above scenario happened

**DCC Response**

This is not a request for information as defined by LGOIMA. No comment is made on your statements.

**Question 11**

Looking at the queen street job can you confirm that the following if any of the points quoted in the ACOP section 6.3 have been met? Q 11,14, 15, 20, 21,, 24 and a 27, please note this is only a basic check list! I look forward to receiving these long awaited answers and hopefully at some point in the future seeing these basic rules adhered too. As well as seeing contractors that do follow rules awarded these contracts on merit and not cheapest price.

**DCC Response**

There is no job on Queen Street, however there is a job being undertaken on George Street where all of the matters raised by your questions above have been adequately addressed. Please note that timber props photographed by yourself at this site are not shoring. The purpose of the timber props is to prevent the water main from moving, rather than protect the trench from collapsing. Alloy shoring is used when staff are required to enter the pits.

I trust this fully answers your questions.

Yours sincerely,

Grace Ockwell  
**Governance Support Officer**  
Civic and Legal

Dunedin City Council  
50 The Octagon, Dunedin: P O Box 5045, Moray Place, Dunedin 9058, New Zealand  
Telephone: 03 477 4000  
Email: [grace.ockwell@dcc.govt.nz](mailto:grace.ockwell@dcc.govt.nz)

<image001.png> <image004.jpg>

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**From:** [modshoring@gmail.com](mailto:modshoring@gmail.com) [<mailto:modshoring@gmail.com>]  
**Sent:** Wednesday, 4 November 2015 8:39 p.m.  
**To:** Grace Ockwell  
**Cc:** Kristy Rusher  
**Subject:** Re: Local Government Official Information request - 518094

Please refer to your email below and take note that you are now in breach of your response time to my oia.

Due to this I am now forwarding my original request to the ombudsman to fully investigate on my behalf.

Regards,

Scott

Sent from my iPhone

On 6/10/2015, at 4:55 pm, Grace Ockwell <[Grace.Ockwell@dcc.govt.nz](mailto:Grace.Ockwell@dcc.govt.nz)> wrote:

Good afternoon Scott,

Thank you for your email of 8 September 2015.

I am extending the time for response to your request for a further 20 working days as consultations necessary to make a decision on the request are such that a response cannot reasonably be made within the original time limit.

As we have extended the time for response, you have the right under 27 of the Local Government Official Information and Meetings Act 1987 to have our decision reviewed by the Office of the Ombudsman.

I will be in touch again shortly with our response.

Yours sincerely,

Grace Ockwell  
**Governance Support Officer**  
Civic and Legal

Dunedin City Council  
50 The Octagon, Dunedin: P O Box 5045, Moray Place, Dunedin 9058, New Zealand  
Telephone: 03 477 4000  
Email: [grace.ockwell@dcc.govt.nz](mailto:grace.ockwell@dcc.govt.nz)

<image001.png> <image002.jpg> <image004.jpg>

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**From:** Scott [<mailto:Modshoring@gmail.com>]  
**Sent:** Tuesday, 8 September 2015 11:32 a.m.  
**To:** Grace Ockwell  
**Subject:** Local Government Official Information request - 518094

Scott has submitted a LGOIMA request - 518094.

Below are the details of the request

**Request details:**

After much communication with DCC and Worksafe NZ I am still none the wiser about certain aspects of trench safety and ACOP rules. The questions below have been asked many times over a 3 year period and I have yet to receive an answer. Hopefully this OIA request will help establish these answers and just before I continue I have many many emails and photographs regarding the instances I am referring too, which are available should you require them. • how many contractors in the past 2 years have been given improvement notices for trench work? • how many of these contractors have been repeat offenders? • the timber systems currently being used in Dunedin ie university job, queen street (work being carried out today and in the past two years) are they suitable for surcharged loads? • what is the methodology of installation on these above mentioned systems? • how many complaints have been received by the DCC in the past 2 years for trench work? • how many of your approved contractors have had improvement notices and how is this recorded? are they not monitored afterwards? • is this information taken into account when new contracts are being awarded? • are contractors required to abide by the ACOP for trench safety (as stated in your contracts)? • "We have asked all the DCC contract managers to pay special attention to the trenching procedures that their contractors are employing on the various jobs now and in the future to ensure we are properly managing the risks and meeting good industry practice." This has been taken from a recent email From the DCC, my question is why is the university job continuing in the manner it is. After all this job was first pulled up by your internal H&S rep then me and nothing has changed?? • "As we have discussed people do make mistakes and we agree that trenching can expose people to serious hazards .....". Another comment from a DCC email, I'd call it ignorance not mistakes as we learn by those! Eg William stated that there was not enough supports in the Bradford street excavation yet 2 weeks or so later there was even less ??? Why after my complaint and Williams improvement request has nothing changed? • how many times in the past 2 years as the above scenario happened ? • looking at the queen street job can you confirm that the following if any of the points quoted in the ACOP section 6.3 have been met? Q 11,14, 15, 20, 21,, 24 and a 27, please note this is only a basic check list! I look forward to receiving these long awaited answers and hopefully at some point in the future seeing these basic rules adhered too. As well as seeing contractors that do follow rules awarded these contracts on merit and not cheapest price. Kind regards Scott

**File attachment**

No file uploaded

**Name**

Scott Tierney

**Email address**

[Modshoring@gmail.com](mailto:Modshoring@gmail.com)

**Mailing address**

[Modshoring@gmail.com](mailto:Modshoring@gmail.com)

**Contact phone number**

02102411539

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