

NZUAG CODE EFFECTIVENESS WORKING GROUP REPORT

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Dated: 19 May 2020



New Zealand Utilities Advisory Group (NZUAG) Inc

Working together to create outcomes to benefit all road users and communities

1. INTRODUCTION

In or around May 2019, NZUAG Board approved the establishment of a new working group to review the effectiveness of the NZUAG Code which came into force in June 2011.

The Code, designed to provide a nationally consistent basis for utility operators to exercise their statutory rights to access and undertake works in transport corridors, has the force of regulation. Access to rail corridors, while not a statutory right of utility operators, was also included in the Code provisions to recognise the need for more consistency and clarity of process.

The Code has undergone two reviews of its provisions performed and facilitated by NZUAG in 2014 and 2018 which were consulted on widely with stakeholders. The results of those reviews were relatively minor changes, principally to enhance clarity and consistency of the Code provisions.

The mission of the new working group was a strategic, first-principles review of whether the implementation of the Code was meeting (1) the aims of the formation act, the Utilities Access Act 2010 and (2) the principles enshrined in the Code itself. The Terms of Reference of the working group, as approved by the NZUAG Board, is included at Appendix 1.

To ensure a balanced approach to the review, the working group was drawn from equal numbers of members from the road corridor management and utility operator community, who were not existing members of the NZUAG Board and facilitated by an independent facilitator. Two of the initial members of the group resigned during the course of the group's deliberations which commenced in August 2019. The membership of the working group is also set out in Appendix 1.

The working group's approach to its mission and outline methodology employed is set out in Appendix 1. The culture of the group reflected the intentions of the Code – constructive partnership and discussions between transport corridor managers (RCMs) and utility operators (UO) that balance the needs of both. The results of the group's deliberations, including key issues, metrics and recommendations are set out in subsequent sections in the main body of this report.

Finally, as facilitator of the group, I would like to thank each member of the group for their valuable contributions and active engagement throughout the past nine months. It has been a pleasure to work with you all.

Kind regards

Rachel Nottingham
Working Group Facilitator

2. EXECUTIVE SUMMARY

The findings of the report that ensues can be summarised as follows:

- The Code has had positive effects on enabling access to and standardising processes and templates by which Utility Operators (referred to in the report as UOs) work with Transport Corridor Managers (referred to as RCMs) to exercise their statutory rights to lay and repair infrastructure in road corridors, and to a lesser extent standardised processes for their access to lay infrastructure in rail corridors.
- The Code's effectiveness is assessed against the objectives found in section 9 of the Code's establishing statute, the Utilities Access Act 2010 <http://www.legislation.govt.nz/act/public/2010/0098/latest/whole.html#DLM2248954> and against the principles against which the Code itself operates found in section 1.4 of the Code. (<http://nzuag.org.nz/wp-content/uploads/2019/07/National-Code-approved-version-150719.pdf>) Thus the definition of effectiveness is multi-faceted and cannot be boiled down to a single driver.
- It is clear that the Code has been effective generally, as both the counter-factual position and anecdotal evidence of stakeholders, underlines this is the case but there is a paucity of data to validate and measure the extent of effectiveness to date.
- The findings of the working group are that the Key Performance Data have not been successful in evaluating the effectiveness of the Code. This is due to a number of factors including incomplete data supplied by parties to the Code annually, manual extraction of data leading to potential inaccuracy as well as the definition of the KPD themselves, none of which specify the facet of effectiveness being measured. The working group has proposed some alternative means to collect data as well as alternative metrics.
- After evaluation of Code principles and objectives through workshops and meetings, the working group was unanimous that the three priority topics to improve effectiveness were: education, coordination and conditions. These three topics are examined in more detail in the "Key Issues" section 4 as well as attendant proposals for improvement in "Recommendations" section 7. Other themes are also evaluated and solutions, but in lesser detail.
- The group's Recommendations underline there are great opportunities to improve knowledge of and compliance with the Code. Given timeframes, the Recommendations are high-level and before being taken forward, need further evaluation and refinement. While a number of the Recommendations could be effected relatively speedily and cost-effectively, each requires NZUAG to spearhead and lead it.
- The degree to which the working group's recommendations can be implemented is dependent on the role, resources and budget of NZUAG. It is however the group's view that as well as opportunity to improve Code adherence, there is opportunity for NZUAG to increase its profile and value to members and stakeholders through leading additional initiatives that improve outcomes and increase engagement with the industry.
- Finally, through the final stages of the group's work came COVID-19 and its shattering consequences. While the pandemic does not feature in the report, it poses the question to be considered for the Code which is: how, if at all, should the Code respond to pandemics or other events that result in different operating situations or environments. Food for thought.

3. WHATS WORKING WELL

The working group agreed that an important part of this report was not just an elaboration of opportunities for improvements, but an understanding of what of the Code's statutory objectives and principles were contributing to the effectiveness of the Code.

One of the steps taken by the working group to identify this was to evaluate effectiveness of each of the Code's principles and objectives through a short survey which members of the group completed, to canvas opinion and seek a means of prioritising the work of the group. In spite of the range of roles, organisations and locations of members, there was close alignment of views. The results of the survey indicated "enabling access to transport corridors" was regarded as the most effective of all objectives and principles related to the Code.

The selection of this criterion underlines the success of the Code's establishment. It was agreed that the counter-factual situation i.e. an environment without the Code, would produce significantly less efficient processes and results for managing utility operators' statutory rights of access, requiring multiple, bilateral arrangements between RCMs and UOs, protracted negotiations and uncertain outcomes for all. While there remains some way to go before the Code is universally implemented, the Code provides a detailed process, timeframes and expectations for works by UOs and their contractors in transport corridors.

The working group was also clear that the Code has also enabled the exchange of information, particularly around works programmes, between UOs themselves and with RCMs. Through tools such as liaison meetings there have been opportunities for UOs and RCMs to build and develop relationships as well as identify opportunities to coordinate works. Beyond creating efficiencies of cost, labour and time, there is reduced public disruption and improved "working together" which are two other Code outcomes.

The group also agreed that, in general, safety - paramount in any project in a transport corridor - was another key Code aspect that was generally performing well, with one notable exception: the incidence of utility strikes. The group noted however that Worksafe was progressing an initiative to try to review this issue which has multiple causes. The group thus agreed that there was little benefit in spending much time evaluating further options and recommendations, pending Worksafe's findings.

The group strongly believes the Code has the right objectives and principles in place and overall, good progress has been made, though there remain opportunities for further improvement noted later in the report. The group also recognises NZUAG has played an important part in stewarding the publication, take-up and reviews of the Code. The dedication and work of all NZUAG's board members, chair and organisations who support NZUAG needs to be acknowledged as having been central to the outcomes and progress achieved so far.

In conclusion, the group agrees that the Code has created a wave of change and benefits in the means by which UO works are undertaken in transport corridors and good progress has

been made towards some if not all of the objectives and principles of the Code, but like any large transformation programme it will take further communication, further education and further time before the full benefits of the Code can be felt and all the objectives and principles of the Code are fully lived.

4. KEY ISSUES

As a result of the group's survey and second workshop, it was agreed that the three key issues that would most support Code effectiveness were:

A. Education - "An investment in knowledge pays the best interest". Further awareness and understanding are the root to greater adherence.

B. Coordination – Coordination is at the crux of the Code as it generates trust and good relationships that enable greater exchange of information and better outcomes for all.

C. Conditions – This is the topic that has attracted most discussion, not just in two previous Code reviews but within the working group as well. Local conditions, in particular, are regarded by the group as not well understood or implemented and thus the subject of much contention.

A Education

Nearly a decade on, as noted above, the Code has advanced many of its aims. The fact that successive Code reviews have not resulted in substantial changes being proposed is an indicator of the Code's success in striking the balance between the different needs of RCMs and UOs.

It is however difficult to assess how widely adopted the Code is across RCMs and UOs nationally without accurate data, but it seems likely from anecdotal evidence and a subsequent survey of industry participants, that there are varying degrees awareness and adoption. On this basis, there is further work to achieve the full benefits of the Code, including but not limited, to national consistency. The group considers that the best means of broadening understanding and adoption is through further education. It is important for NZUAG to canvas the benefits major stakeholders such as RCM senior management want to see from the Code as they control the resource put towards compliance to the Code.

The group believes increased education will lead to greater consistency and compliance. While Code compliance is obliged from RCMs and UOs, the role of contractors of UOs is also important. The performance of contractors and their compliance with the Code's provisions, or lack of, significantly influences whether many of the Code's outcomes are achieved but it is education across all cohorts – RCMs, UOs and contractors - that is required to create significant change.

This was reflected in the R survey which revealed that over 90 percent of respondents considered that Road Corridor Managers (RCMs), UOs and contractors should all be formally trained and educated on the Code and more than 60 percent considered this training should apply to Site Traffic Management Supervisors (STMSs) and field workers. About 40 percent of survey respondents also indicated education should apply to other workers in the berm e.g. builders.

Some of the current challenges of Code education noted by the group and by Road Infrastructure Management Support (RIMS) participants included the lack of the choice and the high cost/time involved in the current courses with limited online or technology-based training. With contractor margins tending to be thin, the cheaper and more widely available the education on Code, the more UOs can encourage or require their contractors to be informed on and demonstrated compliance with the Code.

B COORDINATION

Coordination is at the crux of the Code and is mandated by the Utilities Access Act 2010. If the Code had not prioritised coordination then key outcomes including maximising public benefit and minimising disruption could not be achieved. Coordination is not just at an RCM-UO level but also at a UO-UO perspective.

The Code promotes coordination through clauses 2.7, 2.7.1, 2.7.2, 2.8, 4.2.4 and so on. The Code also recognises that it cannot prescribe in too much detail how coordination should take place as there are different scales of territorial authorities, UOs and works, which require different responses.

The results of the survey conducted with industry participants showed that while participants supported the concept of liaison meetings, less than half of respondents had attended or hosted a liaison meeting, with approximately 15 percent having held or attended either annually, twice-annually, monthly or quarterly. While the sample size of the industry participants was small so may not be representative, it suggests that liaison meetings are not being held consistently (which aligns with the collective experience of the working group).

It is not possible to discern from the survey what proportion of the respondents was UO rather than RCMs, but the working group did discuss anecdotal evidence that one cohort may not be participating as often as required, being the council-owned UOs. There is no data to support how widespread an issue this is but as part of any further education or other initiative around the benefits of liaison meetings, it would be worth considering whether particular messaging is required for this cohort. The group also noted that there may be other initiatives that could ensure the greater inclusion and awareness of council-owned UOs around Code operations.

More encouragingly, of those that responded to the industry survey, more than 60 percent considered that the right information was shared at liaison meetings and 75 percent indicating their organisation provided forward works plans to them. The group agrees there is further opportunity regarding betterment. This could be achieved if there was a more proactive approach by RCMs on cost-sharing on reinstatement and also installation of ducts for future works, particularly at major intersections, which could be encouraged by further guidance in the Code.

C REASONABLE CONDITIONS

Of all Code topics, the most likely to result in heated discussion is reasonable conditions. Conditions is the key area which has the most potential to thwart the Code goal of national consistency. All agree that conditions are necessary and legitimate but there was universal acknowledgement amongst the working group that awareness of the different types of conditions, with local conditions being particularly susceptible to misinterpretation and on occasions, misuse.

The views of the respondents to the industry survey to a question whether local conditions were over complicating the Code showed a split of 55 percent saying “no”, but 45 percent confirming they were. Moreover, more than 60 percent of respondents indicated that local conditions in their area were not reviewed at the required two-year intervals, including over a quarter of all respondents saying their local conditions have never been reviewed.

The working group agreed that there remains further education and awareness around the different types and purposes of conditions. In particular, anecdotal evidence as well as evidence from previous Code reviews suggests local conditions have been used to duplicate either existing Code requirements or the Reasonable Conditions set out in Schedule B of the Code. This suggests that the standardised Reasonable Conditions are not adequately known or understood, a hypothesis which was underlined by at least one response to the industry survey which suggested there be some standard conditions developed.

Other issues associated with conditions include lack of understanding of appropriate situations for local conditions to be used and the appropriate consultation process through which local conditions are adopted. Again, both of these elements were supported by commentary from respondents to the industry survey when asked to name a feature that would improve Code efficiency.

5. METRICS

The Code currently contains four key performance data (KPDs) which are intended to measure the effectiveness of the Code on an annual basis, three metrics produced by RCMs and one by UOs.

The NZUAG is required to undertake monitoring of Code performance under the following principles:

- monitoring provides meaningful, cost effective information for decision-making;
- all Parties have a responsibility to provide information in accordance with the monitoring framework;
- monitoring is undertaken through existing processes or processes mandated by the Code; and
- the monitoring framework has an identified outcome and is based on the development of key performance indicators.

Examples of identified outcomes include indicators to identify the effectiveness of the Code to deliver Party outcomes and indicators to identify the effectiveness of the processes and procedures developed under the Code.

After discussion and evaluation, the group's key findings of the current KPDs were:

- the current KPDs do not evaluate the effectiveness of the Code;
- the data is not captured in not used in trend analysis and the KPDs do not appear to measure progress towards any particular outcome;
- there is not universal compliance by RCMs and UOs in providing data to support the KPDs so the results of the KPDs are not comprehensive or accurate;
- the different means by which RCMs and UOs capture their own data suggests there would be inconsistencies and/or inaccuracies in the data collected;
- the direction of correspondence relating to KPD requirements to chief executives is resulting in some KPDs not being completed, as correspondence does not reach the appropriate level.

A Key Performance Indicator (KPI) is a quantifiable measure used to evaluate the success of meeting performance objectives, or in this case, the Code. One of the most important, but often overlooked, aspects of KPIs is that they are a form of communication. As such, they abide by the same rules and best-practices as any other form of communication. Succinct, clear and relevant information is much more likely to be absorbed and acted upon.

A KPI needs to be intimately connected with a key objective which is integral to the success of the Code. Writing a clear objective attached to a KPI is essential to its success. Perhaps one of the reasons why the KPDs have not been successful is that they have not been attached to a particular outcome.

Code effectiveness is a complex and multi-faceted thing to measure which is likely to involve a number of different metrics. The group's view is that replacement KPDs should each be attached to a specific objective within the umbrella of Code effectiveness.

Some of the discussion points pertaining to replacement KPDs included:

- What data is being collected already? What data can be extracted e.g. from RAMM and other CAR management systems?
- Different systems are used by RCMs, including a number of different digital platforms and some manual systems.
- Unless accurate data relevant to a metric can be extracted and reported on consistently then metrics have no intrinsic value.
- Should there be a separate measure reflect access to rail corridors since the process is so different to accessing road corridors?

METRIC SPECIFIC RECOMMENDATIONS

Before the next Code Review the NZUAG should:

- take steps to confirm whether the current KPDs evaluate effectiveness of the Code;
- if not, develop proposals for replacement KPDs, some options for consideration could include investigating the suggestions below;
- replacement KPDs should ideally include data that is capable of extraction automatically and consistently e.g. from systems;
- KPDs should identify the element of effectiveness they are measuring.

SUGGESTIONS FOR REPLACEMENT KPDS FOR EVALUATION

Code effectiveness and awareness

- What percentage of CARs were processed in line with Code requirements in the preceding 12-month period? This could indicate how compliant a RCMs processes are.
- What percentage of CARs were put on hold in the preceding 12-month period? This may reflect quality of the application and therefore UO/contractor knowledge of CAR application requirements

Code compliance/quality

- What number of warranty periods have been closed down in the preceding 12-month period? This could be indicator of effectiveness, both in terms of UO activities to ensure works complete to Code and RCM satisfaction and RCM effectiveness in works completion processes.
- What number of non-compliance notices and stop notices were issued in the preceding 12-month period? This metric is likely to evidence degree of compliance/awareness particularly by trend analysis and if contextualised against volume of UO activity in the road corridor or WAPs issued.
- The number of WAPs not in place for UO works in the road corridor. Potential measure if this data can be captured.
- How many work sites failed the close-off inspection in the preceding 12-month period?
- How many sites required reinstatement remediation in the preceding 12-month period?

Code coordination

- How many times a year/other period are roads dug up for UO works? Or length of time between a road being dug up for UO works? Potential measure of coordination effectiveness.

- How many preliminary notices have been received by RCMs as a percentage of total applications? Potential measure of coordination effectiveness. If not receiving preliminary notices ahead of time, unable to manage coordination effectively.
- For UOs, how many RCM areas do you operate in and how many Liaison meetings have you been to (in each area)?
- For RCMs, how many Liaison meetings did you hold? How many UOs (including council UOs) do you have in your area? How many UOs attended each Liaison meeting?

Code conditions

- How many local conditions there are annually (by RCM)?
- How many RCMs don't have local conditions?
- How often are local conditions reviewed by RCMs?
- How many CARs are issued with special conditions?

Code education

- What percentage of the RCM and UO workforce involved with the Code have attended a course on the Code?
- How many Code courses have been delivered across the country in a year and number of attendees (split RCM/UO)?
- How many different providers are there of Code education providers?

6. OTHER ISSUES

Technical Excellence

The Code is positive for supporting consistency of outcomes but there is a query whether the Code promotes technical excellence.

There is an opportunity for the Code to increase its focus on technical excellence and to promote best practice amongst RCMs and UOs. This could, in particular, provide valuable assistance to smaller RCMs and UOs, as well as contractors, who may lack the resources and expertise of larger organisations.

Safety

The group acknowledged safety is paramount in the undertaking of works in transport corridors given the risks involved. While safety needs to be reinforced, the Code cannot and should not replicate the requirements of other safety legislation such as the Health & Safety at Work Act 2015.

Service strikes remain one of the biggest safety issues, but the group agreed utility strikes are not consistently recorded or investigated by UOs. Majority of service strikes are caused by non-utility contractors. There were also reports of inconsistent quality & delivery in service location companies together with the risk of unknown services. The latter is compounded by the UOs failing to tell RCMs about the unknown utility, to find the owner, as well as the failure to update plans to reflect the correct location. These are significant problems which Worksafe are investigating, as they too are concerned about this issue.

Treat Fairly

The national consistency principle of the Code is a great enabler of fair treatment of parties working with the Code. There remain however some challenges with the principle of treat fairly for it to have universal effect. The Code does not currently take into account the disruption to transport corridor and non-compliance that non-utility related works create.

One cohort of potential challenge to treat fairly are Council-owned UOs. There is at least anecdotal evidence that some Council-owned UOs may not regard the Code as a regulation to be complied with. Beyond this, there are also anecdotal examples of RCMs applying preferable conditions to their own UOs and prioritising their own UOs works. These are not universal issues but as noted earlier in the report, this cohort could be the subject of a targeted education campaign.

Another area discussed by the group included whether there was opportunity to create more consistency in fees and charges, while appreciating the underlying principle of fees being based on a cost-recovery basis. Keeping costs low has been a main reason for the many robust discussions between RCMs and UOs. This is unfortunate because the nature of cost recovery means that the money, in one way or another belongs to the public and the most effective way to keep costs low is compliance by all Parties.

The Code provides for enforcement of some of its obligations, placing enforcement options solely in the hands of RCMs through mechanisms such as stop work notices and non-conformance notices. As the working group acknowledged, enforcement is a challenging topic which could not be addressed in any detail through this working party.

Rail

The Code is regarded as ineffective as it relates to access to railway land as the Code is a small part of overall process, and statutory framework. Noting this the group however discussed issues including: CARs not being processed until Lease/Deed of Grant had been signed, inconsistencies in the approach and requirements adopted by Kiwirail for similar jobs creating further inefficiency plus the length of time to secure access to the rail corridor typically taking between five and twelve months, according to examples shared within the working group. Beyond this, the group noted that corridor coordination meetings were not held for railway projects with no long-term certainty over ongoing access to the corridor, even once granted.

Access

Some of the challenges of access discussed by the group included the challenges of works, including conditions of such works, where there were boundaries between different level of roads and cross-boundaries between different RCMs. Other challenges noted including ensuring equality of share and access to roads especially in cities where there are already high levels of congestion (underground).

7. RECOMMENDATIONS

Below are the outline recommendations of the working group for further consideration by NZUAG Board. The recommendations are grouped by theme with suggestions as to timing – now, soon or later though no timeframes are attached to such phrases.

Recommendations allocated to “Now” indicate that these are higher priority and/or quick wins that could be investigated by NZUAG Board now without significant commitment. Recommendations denoted by “Soon” are often proposals that the working group consider should be considered before the next Code review and/or require greater commitment and investigation. Recommendations allocated to “Later” are evidently proposals for longer term consideration by NZUAG Board, generally requiring significant commitment and resources.

The element that is not factored into the recommendations is the future strategy, form and resources of NZUAG. This was outwith the scope of the working group’s terms of reference but inevitably informs what, if any, of the recommendations can be investigated or implemented. Depending on the direction of NZUAG, including its resources, NZUAG Board can play a pivotal role in driving further uptake, knowledge and outcomes of the Code and to emphasise the value it provides to members and other stakeholders.

Education

Now - Encourage awareness of the Code through toolbox meetings for Contractors.

Now - Education providers to be encouraged to target and tailor education for specific audiences – RCAs, UOs, Contractors and made more accessible e.g. via online portals.

Now - Explore options for broader number of suppliers for education on Code.

Soon - NZUAG website to become “go to” destination for information and guidance on the Code e.g. guidance and FAQs on Code on key issues to promote consistency and knowledge.

Soon - Create strategy to improve choice of training and lower cost options to increase uptake and knowledge. Explore options for greater education flexibility and accessibility – e.g. model the Office of the Privacy Commissioner.

Soon – Consider tools to collect better data of metrics to report on Code effectiveness, which identifies areas for RCM and UO to focus their continuous improvement.

Later - Development of a Code app to increase reach and awareness of Code.

Later - Create a course & qualification for contractors, UOs and RCMs working with the Code e.g. additional element added to Traffic Management courses and qualifications
Commissioner has online training toolbox.

Coordination

Now - Encourage UOs and RCMs to do planning earlier and must have pre-planning meetings to minimise disruptions

Now - Explore how to encourage Councils to ensure compliance with the Code by council owned UOs.

Soon - Strengthen words and internal arrangements to encourage internal compliance by council owned UOs.

Soon - Enable or facilitate creation of best practice for liaison meetings e.g. agenda and works programme (sharing & marking maps).

Soon - Strengthen guidance on pre-notification processes and first access to site - including reinforce or strengthen requirements for residents notification/consultation with residents.

Soon - Case study and gap analysis of whether or how could the Code be applied beyond utility operators and list of other non-UO activities in the road to be covered.

Later - Legislation and Code could be expanded to govern other parties' works in the road (to extent appropriate) – information on all works in the corridor likely to deliver less disruption and more efficiency. This been trialled in Christchurch & results in improved consistency and planning.

Improving Reasonable Conditions

Now – Create case studies and investigation on use and setting of local & special conditions with a few RCMs etc. validate issues and refine areas of improvement.

Now – Collation and sharing of local conditions amongst RCMs for peer review.

Now - Create additional guidance i.e. standard template around setting local conditions, particularly the consultation process e.g. Local Government Act process and add to NZUAG website. Ensuring Local RCM Technical specifications/manuals include NZUAG/Conditions within them (or at least reference to them).

Now - Encourage RCMs to use coordination meetings as opportunity to highlight, discuss and resolve draft local conditions with UOs.

Soon - Create categories of local condition e.g. geotechnical conditions, examples of likely legitimate conditions and add requirement for rationale/reason plus examples of “valid” and “invalid” local conditions.

Soon - Include requirement for CAR applicant to confirm understanding and knowledge of Code e.g. tick box.

Soon - Add special or local conditions listed by RCM at the front of the WAP to improve awareness for contractors and UOs.

Later - Annual submission of local conditions by RCAs to NZUAG and requirement to review biennially

Later - NZUAG act as gatekeeper to local conditions - e.g collect copies of all local and special conditions plus provide “approval” to local conditions e.g. ensure consultation process followed and act as arbiter/judge of reasonableness.

Minimise Disruption

Now - Explore different approaches to how RCMs minimise disruption.

Now - Guidance on who can apply for a CAR.

Soon – Identify opportunities for and include strengthened links to COPTTM within the Code.

Rail

Soon - Create case study to map a typical UO journey in getting duct into rail to identify options to reduce time.

Soon - NZUAG forms sub-working group of NZUAG to explore, validate and solve some of the issues identified.

Later - Explore if option to run land access and CAR applications in parallel.

Later - Explore if/how the Code can encourage/support a better process for access to rail corridor that meets requirements of Kiwirail and UOs.

Access

Soon - Explore options for putting greater focus on future-proofing e.g. ducts but noting difficulty in cost allocation.

Soon – Provide guidance/education for UOs, contractors and RCAs on process for and timelines for seeking/obtaining consent under WAPs.

Soon – All Works (I.e. not limited to utility works only) affecting the normal operations of the legal road require a Corridor Access Request (CAR).

Safety

Now - Monitor Worksafe review on utility service location guidelines and consider how to reflect in Code/guidance/links.

Soon - Consider options to encourage focus on up-to-date and reliable as-built drawings.

Soon - Code should highlight more relevant links to existing safety standards and practices.

Soon - Remove service strikes Key Performance Data from Code.

Later - Consider competency models for traffic management workers in Code safety.

Later - Consider competency around doing work e.g. notification to Worksafe when digging trenches of certain depth.

Technical Excellence & Quality

Now - Develop and encourage “code compliance champion” on each work site who RCMs can work with.

Now - Develop guidance and workflow of WAP process to clarify where different roles & responsibilities participate and aid understanding on who should be involved at which point and whom should talk to who.

Soon – Consider tools to encourage compliance and best practice mindset at all times – e.g. develop cheat sheets and example check lists.

Soon – Seek alignment of and similarity of Code requirements across all electronic platforms used by RCMs e.g. submitica, beforeudig.

Soon - Create guidance on best practice administration with electronic system should be minimum standard with technical excellence in geospatial data rather than hand drawing and improving data records for as-builts better outcomes etc.

Soon – Establish technology working group to develop an electronic solution to manage compliance with Code for all Parties to be used countrywide for national consistency.

Later - Facilitate or develop best practice standards to encourage technical excellence and quality and disseminate to smaller RCMs or UOs that are less likely to be as well-resourced. Helps reduce contractor repeating works.

Later - Opportunity for best practice review or committee to deal with development of standards to be shared across regions, RCA to RCA – working group -how to share information – NZUAG could support?

Later - Consider how to encourage reduction of carbon and greater sustainability. Add more focus on Quality Assurance processes in Code.

Later - Creation of national standard to encourage use of recycled aggregates as backfill.

Treat Fairly

Soon – Introduce consequence for non-compliance by all Parties working in the transport corridor to treat fairly and not demoralise those who comply and incur more costs.

Soon - Before next Code review, review and consider revising dispute resolution processes. Consider use of independent mediator – if you have a disagreement follow steps 1 through 5 -if not mediator.

Soon - Strengthen definition of major, minor or project works – interpretation of that leads to confusion around/consistent approach to costs.

Soon - Set guidance that best practice for setting of fees go through council Long Term Plans – not legally required to go through LTP.

Soon - Creation of code for the appointment of people for betterment discussions and inclusion of a betterment process in the code.

Soon - Encourage discussions and awareness within councils of opportunities to upgrade assets at time when other works being done to improve outcomes and factor that into budget process where possible.

Soon - Investigate further the extent of the issues and potential solutions arising from the Code’s limited enforcement and unused dispute resolution processes.

Later - Consider options for improving collaboration with pavement maintenance team to coordinate works.

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APPENDIX 1: WORKING GROUP CONSTITUTION, METHODOLOGY AND TERMS OF REFERENCE

PART A WORKING GROUP MEMBERS

It was agreed by NZUAG Board that it was important to reflect the same partnership approach of the Code itself and the Board by ensuring equal numbers of UO and RCM representatives on the working group and facilitated by an independent person.

NZUAG Board also agreed it was important that the group was comprised of representatives who were not already on the Board and who had working knowledge and familiarity with the Code to ensure fresh perspectives.

The working group members were:

UOs

Dino Dominovic - Electrix

David Moore – Watercare

Tony Seddon – Ultrafast Fibre

Josie Boyd – Northpower

Tanya Bowers – Chorus

RCMs

Andrew Dixon – Timaru City Council

Shaun Peterson – Hamilton CC/Infrastructure Alliance

Jude Ward – NZTA

James Ting – Christchurch City Council

Dave Moffat – Dunedin City Council (resigned February 2020)

Paige Mcliesh - Waipa District Council (resigned September 2019)

PART B METHODOLOGY

The working group met on a fortnightly basis with meetings over zoom through which most of the activities and work of the group was carried out. Two workshops were held to undertake a deeper dive into elements of code effectiveness, issue identification and brainstorming solutions.

The working group acknowledged the importance of seeking wider stakeholder and community feedback and had obtained NZUAG's approval to present at the RIMS conference in March 2020. Unfortunately, due to COVID-19, the RIMS conference was postponed but the conference organisers enabled the distribution of a short online survey to attendees, as well as network contacts of the working group, which was helpful to obtain some external validation of issues and potential solutions.

In terms of values, the working group has worked constructively and respectfully throughout with excellent engagement and participation. Members have taken an objective view of issues and there was no indication of any sector or organisational bias.

PART C TERMS OF REFERENCE

Strategic level only review to examine:

1. How the Code is being implemented nationally in line with its purpose and principles; and
2. Whether changes are needed to make it more effective for the Code parties and the wider community.

Items:
1. Assess the effectiveness of the Code against its Purpose as outlined in Section 9 of the Utilities Access Act 2010;
2. Assess the effectiveness of the Code against its Principles outlined in Section 1.4 of the Code
3. Identify the level of awareness and understanding of the Code's requirements among CM's, UO's and Contractors
4. Identify the key areas where the Code is being most effective;
5. Identify the key areas where the Code is not being effective;
6. Assess the adequacy or otherwise of the Monitoring, Reporting and Key Indicators provisions outlined in Section 8.2 of the Code;
7. Make recommendations to the Board that would improve the Code's effectiveness including data collection & measurement, short-, medium- or long-term changes to the Code (and/or the Act) or other actions required to support this outcome.
8. Report regularly to the Board Chair on progress, and report formally to the quarterly NZUAG Board meetings.

Deliverable: Report to the NZUAG Board in accordance with Item 7

Estimated Duration of Working Group – August 2019 to May 2020

Adopted by the NZUAG Code Effectiveness Working Group on 18 September 2019