

Hutt City Council – Tiaki Wai

Transfer Agreement

Elected Member Briefing



Water Services Transition – Update

39 Working Days
to 1 July 2026

Workstream	Current Progress
Finance	Valuations for waters assets in validation process, land/buildings/site valuations due, preparing for May-June Swaps and Debt processes
Billing	User acceptance testing in May, recruitment, Payble, business processes underway, progressing other billing processes for Trade Waste etc
People and Workforce	Process for transferring staff near completion. Planning for transition.
Legal and Commercial	Supporting Transfer Agreement, Schedules, Hutt Valley Joint Venture process, liaising with NIFF on IAF transfer to Tiaki Wai.
Communications	Developing HCC communications to augment Tiaki Wai campaign
Customer	Customer system development and business processes for interim service to Tiaki Wai. Staff recruited and in training.
Ops, Compliance, Continuity	WWL liaison, Shared Services Agreements and Statements of Work development and Transfer Plan implementation.

Key Steps for the Transfer Agreement

Step	Date
HCC agreed to establish a CCO for Water Services with Partner Councils	27 June 2025
Public consultation and Water Services Delivery Plan accepted by DIA	March – October 2025
HCC Approved Foundation Documents for Tiaki Wai	20 November 2025
Legal Transfer Questionnaire process to inform Transfer Agreement	Completed 30 March 2026
Process to confirm Transfer Template, Principles and Net Asset Calculation Manual with all parties and legal reviewers	4 May 2026
Tiaki Wai Board approval of Transfer Agreement Template	1 May 2026
Meeting of Council to consider approval of Transfer Agreement and delegations for further associated decision making	13 May 2026

Post Decision Dates Pending

Step	Date
Resolution of minor amendments to Transfer Agreement documentation	13 May – 11 June 2026
Tiaki Wai Board meeting to consider/approve all Shareholder Transfer Agreements	11 June 2026
HCC Mayor and Chief Executive to sign Transfer Agreement and associated documentation	12 June 2026
Completion of Transfer	1 July 2026
Report back to Council on final arrangements agreed under delegation	August 2026

Briefings and Council Papers since October 2025

- 6 briefings have been held for Elected Members with the Water Services Transition Project Team
- Council has approved foundation documents (November) and Partners Agreement
- Shareholding Councils, through the Partners Committee, approved the Statement of Expectations for Tiaki Wai (December)
- 2 Papers have been presented at the Audit and Risk Committee
- 2 Papers have been presented at the Infrastructure and Regulatory Committee
- Numerous other briefings on financial implications have been delivered by the CFO and her team, including on changes to LTP 2024-2034 and Development Contributions Policy.
- Tiaki Wai has presented multiple times including introducing the Board/CE and Water Services Strategy
- Shareholding Councils, through the Partners Committee, provided feedback on the draft Water Services Strategy

Transfer Agreement Summary

- Legislation requires HCC to give effect to commitments of the Water Services Delivery Plan and enter into a Transfer Agreement
- Provides for what is transferring to Tiaki Wai and the processes that determine what transfers – it is the “contract” between HCC and Tiaki Wai
- Supported by the Transfer Principles and Net Asset Calculation Manual
- Provides for initial arrangements for land where consent is required to allow access for water services purposes
- Requires significant further process and use of mechanisms to effect transfer and ensure Day One and beyond operations of Tiaki Wai

Transfer Schedules 1–18

No.	Description	No.	Description
1	Reserve Land	11	Consents
2	Property Interests	12	Excluded Contractual Arrangements
3	Excluded Assets	13	Statutory Responsibilities, Functions, Duties and Powers
4-6	Contractual Arrangements	14	Stormwater Matters
7	Development Agreements	15	Excluded Statutory Responsibilities, Functions, Duties and Powers
8	Council Water Debt and Swaps	16	Excluded Liabilities
9	Leased Equipment	17	Employees and Contractors
10	Owned Plant and Equipment	18	Designations

Schedules are available in a separate Council folder in Diligent
Schedules contain over 3300 pages of information.

HCC Specific Transfer Arrangements

- Stormwater –assets in the Roading Corridor (exempt from Transfer under legislation), culverts and sump leads revert from Wellington Water management to HCC, consistent with Shareholding Councils.
- Special provisions to account for the Hutt Valley Joint Venture. UHCC is also making provisions.
- The Infrastructure Acceleration Fund (IAF) project, the mechanism for that transfer is being worked through with NIFFCO and Tiaki Wai

Mechanisms of Transfer – Additional Processes

- Delegations (Instrument of Delegation for Bylaws)
- Public Works Act, LINZ and other processes for land
- Agreements for land access – easements, licences or leases
- Contract novation
- New funding agreements and ending of agreements (IAF/HVJV)
- Consent Transfers
- Debt Transfer
- Wash-up and Post Transfer Reviews
- Master Services Agreement, Shared Services Agreements and Statements of Work

Land Transfer – Example of Post Transfer Agreement Process Requirements

- Transfer principle – land transfers if its primary purpose is water services
- Land listed in Transfer Agreement Schedules
- Land transfer (Public Works Act) only possible post 1 July 2026 when Tiaki Wai is both a Water Services Provider/Local Authority
- Reserve land requires additional LINZ process to set the land apart for Water Services purposes so that the land can vest in Tiaki Wai.
- 78 properties come under these processes, and include stormwater assets.
- The standing licence Appendix 3 in the Transfer Agreement allows Tiaki Wai access to the land in the meantime.

Decisions for 13 May 2026 – Summary

- Entry into a Transfer Agreement, Master Services Agreement and all associated agreements contemplated by the Transfer Agreement
- Delegation to the Mayor and CE to:
 - ✓ Negotiate, agree, finalise, sign and execute agreements
 - ✓ Enter into leases, licences and easements over Council land
- Transfer of Debt, statutory responsibilities, land and interests in land, assets, contracts, approvals and all other matters
- Delegation of Bylaw administration and enforcement to Tiaki Wai for Trade Waste and Water Supply
- Invite Tiaki Wai to initiate a review of Bylaws
- Request report back on completion of processes and requirements