

**Before the Proposed Hutt District Plan Hearing Panel
In Wellington**

Under the Resource Management Act 1991 (**Act**)

In the matter of Proposed District Plan for the Hutt City Council (Hearing
Stream 6)

Between **Hutt City Council**
Local authority

And **Tiaki Wai Limited**
Successor to submitter #422 and FS36

Submissions on behalf of Tiaki Wai Limited

Hearing Stream 6

Date: 17 September 2026

Introduction

1. These submissions are made on behalf of Tiaki Wai Limited, which was established on 1 July 2026. For the purpose of these proceedings, Tiaki Wai is the successor to Wellington Water Limited¹ which made a submission (422) and further submission (FS36) on the Proposed Hutt District Plan (**PDP**). In particular, those submissions included points regarding the infrastructure, three waters and renewable energy provisions considered as part of Hearing Stream 6. Tiaki Wai adopts and continues to pursue those submission positions in its capacity as the region's water services provider and owner and operator of three waters infrastructure.
2. Tiaki Wai owns, and manages the drinking water, wastewater and stormwater services in the metropolitan Wellington Region. At a high level, we provide the following water services:
 - 2.1. collecting, treating and conveying bulk potable water to households and businesses;
 - 2.2. collecting, treating and safely discharging wastewater to the environment; and
 - 2.3. managing the stormwater network to protect people and property from heavy weather events and flood risk.
3. Tiaki Wai is owned by WCC, HCC, UHCC, PCC and GWRC, and is governed by a Partners Committee that also comprises representatives from its mana whenua partners, Ngāti Toa Rangatira and Taranaki Whānui ki Te Upoko o Te Ika. The Partners Committee provides governance and strategic direction to Tiaki Wai through a Statement of Expectations.
4. Tiaki Wai is a water organisation under the Local Government (Water Services) Act 2025 (**LGWSA**) that is responsible for delivery of all water services and owns and operates all three waters assets across the Wellington metropolitan area. Tiaki Wai provides public drinking water, wastewater and stormwater assets and networks for a population of around 432,000, within the territorial boundaries of the four shareholding city councils.

¹ For the purposes of section 2A of the Resource Management Act 1991.

5. This arrangement differs from Wellington Water in that Wellington Water did not own its own assets or set its own funding. Tiaki Wai now has the resources, independence and region-wide perspective to make sustainable, long-term investment decisions, rather than being limited by short-term funding cycles and competing investment priorities.
6. Tiaki Wai generally supports the Infrastructure, Three Waters and Renewable Energy chapters of the PDP. However, it seeks some tweaks that will more appropriately provide for three water services within the Hutt Valley.
7. In the following submissions, where particular provisions and submission points are explained, these are illustrative examples of the matters that Tiaki Wai seeks to emphasise. Tiaki Wai maintains the other submission points that it sought to improve workability, plan interpretation or to otherwise address the matters set out in these submissions.

Tiaki Wai operates within a complex regulatory environment

8. Tiaki Wai is subject to several pieces of regulation governing both economic and environmental outcomes. This is crucial context for several of the submissions that Tiaki Wai made.
9. Under the LGWSA, Tiaki Wai must provide water services that are reliable, resilient to external factors, of a quality that meets consumer expectations and also meet all regulatory requirements.² The LGWSA also requires Tiaki Wai to provide services in a cost-effective and financially sustainable manner and to act in accordance with a range of financial principles.³
10. Under the LGWSA, Tiaki Wai must develop a range of both one-off and recurring frameworks and strategies that further direct Tiaki Wai, including:
 - 10.1. Half-yearly and annual reports and budgets;
 - 10.2. A 3-yearly Water Services Strategy;

² S 17.

³ S 17(1)(b) and s 18.

- 10.3. Assessments of communities' access to drinking water, stormwater and wastewater services;
 - 10.4. Trade waste discharge plans;
 - 10.5. Stormwater network risk management plans;
 - 10.6. Bylaws and more.
- 11. As a result, the LGWSA creates a range of, at times competing, obligations to meet environmental outcomes while managing increasing costs to consumers.
 - 12. The Commerce Commission is now also the economic regulator for water services providers.⁴ Specifically, water services providers are subject to information disclosure requirements and revenue threshold requirements. In addition, the Commerce Commission can impose quality regulation, performance requirement regulations and price-quality regulations, subject to following the processes in the Commerce Act 1986.
 - 13. Regarding Tiaki Wai, on 12 August 2026, the Commerce Commission made regulation determination [2026] NZCC 28 which places additional monitoring and information disclosure requirements on Tiaki Wai, beyond the general requirements and monitoring. Following this, the Commerce Commission may make further determinations regarding economic management of Tiaki Wai. For instance, the Commission is presently proposing a Price-Quality Path for Watercare that will set the maximum amount of money that Watercare can recover from consumers, and the service quality required for that money. It is possible that Tiaki Wai will be subject to similar, further regulation by the Commission.
 - 14. Further, Tiaki Wai is also subject to the Water Services Act 2021 (**WSA**), including duties relating to drinking water safety, and is regulated by Taumata Arowai under the WSA. Tiaki Wai must comply with regulations for environmental performance standards under the WSA such as the Wastewater Environmental Performance Standards , Drinking Water

⁴ This is through amendments to the Commerce Act 1986 introduced by the Local Government (Water Services) (Repeals and Amendments) Act 2025.

Standards, and shortly, new National Engineering Design Standards and potentially, in future, environmental performance standards for stormwater.

15. Additionally, Tiaki Wai is subject to a wide range of environmental regulation, including compliance with the Act, relevant district plans and the Greater Wellington Regional Council Natural Resources Plan (**NRP**) and proposed change 1 to the NRP.

National Policy Statement for Infrastructure 2025

16. Since the notification of the PDP, the National Policy Statement for Infrastructure 2025 (**NPS-I**) has come into force and is therefore a relevant consideration for the Panel. The NPS-I recognises infrastructure as being of national significance and directs decision-makers to recognise and provide for the benefits of infrastructure, including its operation, maintenance, renewal, upgrading and development. It also requires planning frameworks to provide for the operational and functional needs of infrastructure and to appropriately manage issues of reverse sensitivity and incompatible land use.
17. The NPS-I⁵ reinforces the relief sought by Tiaki Wai throughout these submissions, including provisions that protect strategic water infrastructure from reverse sensitivity effects, recognise operational and functional constraints, and facilitate the timely delivery, upgrading and resilience of critical three waters infrastructure to meet the needs of present and future communities.
18. For completeness, given the timing of the gazettal of the NPS-I was after the PDP was notified, we appreciate that the PDP was not prepared to give effect to it. However, in our submission, the Hearing Panel should, as far as practicable, recommend provisions that are consistent with and give effect to the NPS-I, given that it is now operative. This approach will best meet the requirements of section 75(3) of the RMA, within the scope of the submissions.

⁵ The objective, and policies 1, 2, 4, 7, 8, 9, and 10 are considered to be of particular relevance.

Water Services are a Lifeline Utility Which Require Specific Reference

19. Water Services are a lifeline utility within meaning of the Civil Defence Emergency Management Act 2002.⁶ This lens is important to considering the submissions of Tiaki Wai, because water is fundamental to human existence. As the need for these services is essential, Tiaki Wai considers that they should be provided for where possible. This submission therefore seeks tweaks to the PDP that reflect this position.
20. Without access to safe drinking water, appropriate treatment and disposal of wastewater and responsive stormwater management, the quality of life for many in the Wellington region cannot be maintained. Serious health and safety risks arise when water services are not adequately provided, including risks to human health from contaminants and risks to life from extreme weather events and flooding.
21. As a result, Tiaki Wai continues to seek several changes to the PDP. As an example, Tiaki Wai is seeking an amendment to INF-S16. Tiaki Wai (F36.91) supported KiwiRail's submission point (442.48) to amend the matters of discretion for INF-S16. The amendments seek to recognise the benefits of undertaking earthworks to complete maintenance or repair and to require decision-makers to consider the counterfactual of the effects of *not* undertaking earthworks on levels of service, health and safety. As explained by Mr Blackman,⁷ this recognises that the alternative of not undertaking necessary earthworks can, at times, have more adverse effects than undertaking them.
22. Moreover, given the importance of three waters services to human health and wellbeing, Tiaki Wai considers that three waters services (and related concepts) should be specifically referenced. For instance:
 - 22.1. The Officer recommended adding the defined term 'additional infrastructure' and incorporating this within provisions that do not clearly extend to additional infrastructure, specifically INFSD-O1 and O2. As Mr Blackman sets out,⁸ reference to either additional infrastructure or three waters infrastructure is necessary because

⁶ See s 4 and Sch 1, Part B of the Civil Defence Emergency Management Act 2002 which defines a lifeline utility to include an organisation that provides drinking or wastewater services.

⁷ At paragraphs 56-57.

⁸ At paragraph 60-61.

the definition of infrastructure does not clearly include all parts of the stormwater network. However, the position of Tiaki Wai is that specific reference to three waters infrastructure in INFSD-O1 and O2 is preferable because this more directly leads applicants and decision-makers to consider how three waters infrastructure will be incorporated into a development. Alternatively, if the panel is not minded to maintain specific reference to three waters infrastructure, Tiaki Wai considers that reference to 'additional infrastructure' and the addition of the definition from the NPS-I 2025 is preferable to referring simply to 'infrastructure'.

- 22.2. Similarly, Tiaki Wai seeks the addition of a new objective to protect infrastructure from reverse sensitivity effects (submission point 422.2). The Reporting Officer has proposed rejecting this objective on the basis that the reference to incompatible activities in PINF-O1 adequately manages reverse sensitivity effects. However, as set out in paragraph 24 of Mr Blackman's evidence, specifically referring to reverse sensitivity effects better protects three waters infrastructure as it is more objective, well-understood and specific.

Water Services are Necessary for Growth

23. Outside of maintaining quality of life, water services are needed for growth, including economic growth. Access to water is necessary for new housing, businesses and industry. Providing for water services infrastructure provides for growth. Consequently, Tiaki Wai continues to seek the following amendments to better provide for growth:

- 23.1. The proposed amendment above at 22.1 relating to providing for three waters infrastructure or additional infrastructure.
- 23.2. Tiaki Wai supports Clarus's submission seeking an amendment to INFSD-O3. Clarus proposed extending INFSD-O3 to include supporting and protecting extensions of existing infrastructure and establishment of new infrastructure. As Mr Blackman explains, failing to support and protect extensions of existing infrastructure risks creating an irregularity where existing infrastructure is supported and protected but extensions to that same

infrastructure are not.⁹ Mr Blackman provides the example of a wastewater treatment plant and an extension to that same plant.¹⁰ By protecting and supporting extensions to existing infrastructure, the proposed plan would better support growth.

Water Services have been subject to under investment

24. Prior to Tiaki Wai becoming established, water services were delivered by Wellington Water, which was a Council-Controlled Organisation that did not own assets. At this time, funding was determined by the relevant Councils which, together with rates pressures, has led to historical underfunding of water services.
25. Tiaki Wai has publicly acknowledged that it inherited water services networks that have experienced prolonged underinvestment over many years. In the Water Services Strategy 2026, Tiaki Wai noted that it faces a substantial task in addressing ageing assets, improving network resilience and catching up on historical investment requirements, while maintaining essential drinking water, wastewater and stormwater services.
26. Tiaki Wai operates within an economic regulatory framework and is also conscious of the significant pressure on households and businesses arising from the current cost-of-living environment, and the corresponding expectation that water charges be kept as low as reasonably practicable. However, it also faces significant costs in ensuring that the assets it now owns are maintained, repaired and upgraded to meet community expectations regarding levels of service, environmental regulation and requirements to support growth. Therefore, Tiaki Wai seeks to maximise cost-effective continual improvement through actions such as upgrading pipe sizes during repairs or dovetailing projects with other providers.
27. The following submission points are aimed to make these smaller, cost-effective improvements simpler for Tiaki Wai in the following ways:
 - 27.1. Tiaki Wai submission point 422.9 and further submission point F36.69 seeks that minor upgrades or upgrades with the same

⁹ At paragraph 67.

¹⁰ At paragraph 67.

effects as permitted maintenance or repair activities be permitted under INF-R2. Mr Blackman in paragraphs 41-42 supports this and proposes using the NPS-I 2025 definition of 'Maintenance and Minor Upgrades'. This would allow Tiaki Wai to provide for growth within existing projects, promoting cost-effective solutions that are future proofed.

27.2. In submission point F36.89, Tiaki Wai supported the Telecommunication Companies (311.59) and Wellington Electricity's submission (415.9b, 415.9c) to amend the re-alignment location in INF-S2 from 5 metres to 10 metres. This provides Tiaki Wai with sufficient certainty to again make repairs or maintenance cost-effective, improved and future-proofed, while managing similar levels of environmental effects.

28. If Tiaki Wai is not enabled to undertake upgrades or maintenance in particular areas, given the significant backlog of work, this may result in funding being re-prioritised to avoid areas where consenting makes it more difficult to work. For example, Tiaki Wai submitted (422.8) that INF-P14 should not contain a functional or operational need test to locate infrastructure within the Active Street Frontage Overlay. If upgrades within an Active Street Frontage Overlay are subject to a functional or operational need test, Tiaki Wai may choose to prioritise upgrades elsewhere.

Water Services Must Respond to and Address the Impacts of Climate Change, Including Where People Presently Live

29. Tiaki Wai submission point 422.5 seeks that new or upgraded infrastructure be provided for in areas of high-flood hazard through an amendment to INF-P9.
30. Tiaki Wai understands the desire to disincentivise growth and new development in areas of high flood hazard. However, as Mr Blackman states,¹¹ Tiaki Wai assets are linear and a significant number are in high flood hazard areas. This is often because the natural hydrology of these

¹¹ Paragraph [32].

areas is crucial for water assets to function, for instance areas near waterbodies or slopes.

31. Moreover, in some cases, additional infrastructure or upgrades to existing infrastructure are necessary to reduce flood hazard risk or safeguard lives. For instance, new or expanded pump stations may be necessary to reduce flooding, roads to allow for safe evacuation and bunds or wetland areas to direct stormwater flow or absorb it. As a result, it is important to provide for infrastructure in areas of high flood hazard.

Local Authorities, Including Territorial Authorities, Are Required to Protect Source Water Such as the Waiwhetū Aquifer

32. Subpart 5 of the WSA addresses source water protection. Its purpose is:¹²

*“...to provide a framework to ensure that, together with **measures set out in the Resource Management Act 1991, regulations made under that Act**, and the National Policy Statement for Freshwater Management,—*

(a) the risks and hazards to source water are identified, assessed, managed, and monitored by drinking water suppliers and local authorities...” [Emphasis added]

33. The definition of local authorities in this provision includes territorial authorities.¹³ Section 43(4) requires local authorities to contribute to source water risk management plans including by providing information on:

“...land-use activities, potential sources of contamination, and other water users that could directly or indirectly affect the quality or quantity of the source of a drinking water supply;”

34. Finally, section 104G of the Act requires a consent authority (including a territorial authority) to have regard to:¹⁴

“...(a) the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and

(b) any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.”

¹² S 41(a).

¹³ Local authorities are defined by s 5 of the WSA to have the same meaning as s 5(1) of the Local Government Act 2002 which is “a regional council or territorial authority”.

¹⁴ Section 104G.

35. The WSA therefore clearly anticipates that land uses can contribute to contamination of source water protection. It, together with the LGWSA and RMA, also contemplates that territorial authorities play a role in protecting from contamination or potential contamination of source water through the controlling land uses and applying the RMA, WSA and bylaws.
36. This supports submission point 422.12 in which Tiaki Wai sought an objective to protect the Waiwhetū aquifer, such that decision-makers are clearly required to turn their mind to source water protection.

Expert Evidence on Behalf of Tiaki Wai

37. Mr Timothy Blackman has provided expert planning evidence in support of the Tiaki Wai submission.

Conclusion

38. Tiaki Wai continues to seek the relief set out in its submission and further submission, subject to any further changes proposed by Mr Blackman.

Kat Viskovic

Head of Resource Management and
Environment
General Counsel – Environment

Madeline Ash

Senior Advisor, Environmental
Planning

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