

18th August 2026

Warwick Pascoe
Principal Project Lead
Auckland Council


Dear Warwick,

North-West Rapid Transit Fast-Track Substantive Application

Watercare seeks that the Water and Wastewater Management Plan (**WWMP**) condition, as outlined in our comments dated 28 May 2026 and set out below, is included as a condition on the designations for the North West Rapid Transit Project. This is due to the 25 year lapse date, the multiple stages and complexity, and the numerous intersections with Watercare bulk/transmission and local assets.

We welcome NZTA's willingness to collaborate on the development of management plan. However, we request a targeted and binding WWMP condition that complements, rather than duplicates, other statutory mechanisms outside the Resource Management Act 1991 (RMA). Appendix A to this letter outlines the gaps in other legislation which the WWMP seeks to address.

Water and Wastewater Management Plan (WWMP)

(a) The WWMP shall be prepared by the Requiring Authority prior to commencing preliminary design for the first and each subsequent stage. The objective of the WWMP is to set out a framework for early engagement and agreement on methods for protecting and/or relocating assets, and managing the adverse effects of working in close proximity to existing and authorised water and wastewater assets.

(b) To achieve the objective, the WWMP shall include methods to:

- (i) manage the effects of construction works on existing water and wastewater assets;*
- (ii) provide a process for the relevant Network Utility Operator to review and provide feedback on detailed designs developed by the Requiring Authority where those detailed designs involve modifications to, or relocation of, existing bulk/transmission water and wastewater assets;*
- (iii) maintain safe operational access for maintenance at all reasonable times and for emergency works at all times during construction activities and operation;*
- (iv) protect, and where reasonably necessary to accommodate the Project, relocate existing network utilities in consultation with the relevant Network Utility Operator;*
- (v) identify and map all existing and authorised network utilities within or adjacent to the designation, classify asset criticality, and set out protection, support, monitoring and (if required) relocation methodologies for those assets;*
- (vi) specify programme-level coordination, including indicative long-lead notice and staging arrangements for works that may require outages or complex interfaces, with a mechanism for the Requiring Authority and Network Utility Operator to agree refinements based on risk and detailed design; and*
- (vii) set out emergency response and escalation protocols, including 24/7 contacts and procedures to secure, isolate and restore service in the event of an incident affecting a network utility.*

(c) The WWMP shall be prepared in consultation with the relevant Network Utility Operator who have existing or authorised assets that are directly affected by the Project. (d) The WWMP shall describe how any comments from the relevant Network Utility Operator(s) in relation to their assets have been addressed.

Advice note: Nothing in this condition limits or replaces requirements under the Government Rooding Powers Act 1989, the Utilities Access Act 2010 and associated National Code of Practice for Utility Operators' Access to Transport Corridors, or any approvals reasonably required by a Network Utility Operator for works over, near to, or affecting its assets.

Advice note: There may be opportunities for upgrading water and/or wastewater assets as part of these works. The WWMP does not deal with the process for cost sharing and delivery of those upgrades. This will be addressed separately between the Requiring Authority and Network Utility Operator in accordance with relevant legislation and processes.

We are happy to discuss further with NZTA and provide any additional information that the Panel requests.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

Anna Jennings
Manager Major Developments
Watercare Services Limited

Appendix A

CONSIDERATION OF LEGISLATION APPLYING TO INFRASTRUCTURE WORKS DELIVERED BY NZTA AND WATERCARE IN THE SAME OR SIMILAR LOCATION

Legislative instruments	What it relates to	Summary	Relevant provisions	What the WWMP covers relative to the legislative instruments
Utilities Access Act 2010 ("Utilities Access Act")	Property and access rights to transport corridors	The Utilities Access Act has two core purposes (see section 3). It: - requires utility operators and corridor managers to comply with a national code of practice that regulates access to transport corridors; and - provides for the making and administration of that code.	<u>Obligation to comply with Code (see section 6):</u> - The Utilities Access Act requires utility operators and corridor managers to co-ordinate work done in transport corridors by complying with the processes and rules set out in the Code. - Corridor managers must also comply with the Code when setting reasonable conditions relating to access to the transport corridor. <u>Purpose of the Code (see section 9)</u> - The purpose of the code is to enable access by utility operators to transport corridors to be managed in a way that: - maximises the benefit to the public while ensuring that all utility operators are treated fairly; and - ensures that disruptions to roads, motorways, and railways caused by work by utility operators are kept to a minimum, while maintaining safety; and - provides a nationally consistent approach to managing access to transport corridors. <u>Content of the Code (see section 10)</u> - The Utilities Access Act specifies the content of the code, and how it should be prepared, approved and amended.	The WWMP is intended to be complementary rather than duplicative to the legislation referred to in this table. The condition is not inconsistent with the legislative instruments but supplements these by requiring advance planning (amongst other things). Below we set out what the WWMP seeks to achieve, relative to the legislative instruments referenced. The WWMP manages effects of New Zealand Transport Agencies (NZTA) proposed works The WWMP requires the parties to engage early (i.e. before preliminary design) and include methods to manage the effects of construction works on

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National Code of Practice for Utility Operators' Access to Transport Corridors, October 2024 ("Code")	Property and access rights to transport corridors	In accordance with clause 1.2.1, the purpose of the Code is to enable access by utility operators to transport corridors to be managed in a way that: • maximises the benefit to the public while ensuring that all utility operators are treated fairly; • ensures that disruptions to roads, motorways, and railways caused by work by utility operators are kept to a minimum, while maintaining safety; and • provides a nationally consistent approach to managing access to transport corridors.	The Code contains a range of relevant provisions, including: • <u>General principles</u> all parties must comply with (clause 1.4). • <u>Roles and responsibilities</u> (clause 2.2) e.g. acting in good faith; road and motorway corridor managers must coordinate works and set reasonable conditions; utility operators must notify corridor manager of planned works, comply with the Code and reasonable conditions, and participate in liaison meetings. • <u>Quality Management</u> (clause 2.4) – requiring utility operators to have an appropriate quality plan in place for works in the corridor. • <u>Health and Safety</u> (clause 2.5) – comply with health and safety legislation and regulation. • <u>Coordination and Liaison</u> (clause 2.7): ○ Corridor managers must coordinate works and share forward schedules of planned works; utility operators must undertake strategic forward planning and share work programmes too. ○ Regular liaison meetings must be held (at least annually) to improve coordination, discuss redundant or abandoned assets, colocation vulnerability, relocation of assets, and development opportunities (amongst other things). • <u>Processes for planning for new assets in the transport corridor</u> (section 3) – this section specifies a range of design criteria and considerations for new assets in the transport corridor. • <u>Process for obtaining Corridor Access Approval</u> (section 4) which must be sought for any works in the transport corridor. • <u>Procedures for working in road and motorway corridors</u> (section 5) – including that all parties must protect existing assets. • <u>Cost allocation</u> (section 6) for where a corridor manager requires utility structures to be moved for its own works. • <u>A process for resolving disputes</u> (section 7).	existing water and wastewater assets. This is not required elsewhere in the legislative instruments. It is consistent with the RMA which requires a consideration of the effects of a designation and enables the imposition of conditions to directly manage these effects.
		Amongst other things, the Code sets out the processes and procedures for: • utility operators (including Watercare as a network utility operator) to exercise their right of access to road corridors for the		The WWMP requires consultation and engagement on the listed matters earlier than would otherwise be required • The condition requires the WWMP to be prepared before commencing preliminary design for the first and each subsequent stage. This timing is deliberate and earlier than the timing for engagement set out in legislation and the Code. The Code tends to operate when a party seeks corridor access, wishes to

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- placement, maintenance, improvement and removal of utility structures; and
- corridor managers (such as NZTA for state highways and motorways) to exercise their right to apply reasonable conditions on working in the corridor.

The Code also provides the operational regime for access to transport corridors, including Corridor Access Requests ("**CAR**"), Works Access Permits ("**WAP**"), coordination of works, asset-location obligations, protection of other parties' assets, emergency works procedures, quality management requirements, notice periods, works completion and maintenance notices, reinstatement standards, and reasonable conditions. It is the main instrument governing the relationship between utility operators (including Watercare) and corridor managers (including NZTA)

- undertake physical works, or responds to a specific interface. It does not require specific engagement and consultation prior to commencing preliminary design for a specific project.
- This earlier engagement and consultation is essential given the extent of overlapping interests in the proposed designation area. The WWMP requires this to occur before design decisions become embedded, when asset avoidance, alignment, protection, support, relocation and staging can still be integrated into the project without avoidable redesign.

Watercare review of detailed designs affecting bulk and transmission assets

- The WWMP requires the parties to agree a process for Watercare to review and

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in relation to works coordination in transport corridors.

Government
Roads
Powers Act
1989
("GRPA")

Property and
access rights
to transport
corridors

The GRPA gives NZTA control over State Highways and motorways, including control over services, access, obstructions, and utility work on these roads. It provides a mechanism for NZTA to require utility authorities to remove assets, including pipes, from under the road in some circumstances.

Obligation to remove pipes under roads as required by NZTA (section 54): requires a utility operator to remove any pipes they have erected under any road where the controlling authority has by notice in writing to the utility operator required removal because:

- it is, or is likely to become, dangerous to vehicles and persons using the road;
- it is in the way of any work undertaken or proposed for the improvement of the road; or
- the controlling authority desires its removal for the purposes of any works undertaken or proposed for the improvement of the road.

Under section 54 the reasonable costs incurred by a utility operator in removing any structure and (where necessary) re-erecting the structure shall be borne by the controlling authority and utility authority in equal shares.

Resource
Management
Act 1991
("RMA")

Environmental
impacts

The purpose of the RMA is to promote the sustainable management of natural and physical resources. It is the key piece of legislation that regulates the effects of activities on the environment, for example infrastructure such as roads and network utilities. The RMA sets

The relevant provisions relating to designations (both existing and proposed) are set out in Part 8. These provisions include:

- **How a notice of requirement for a new designation for a particular work should be considered** (section 171) – under this section the effects of the notice of requirement must be considered, along with a range of other considerations.
- **The effect of a designation** (section 176) – this section provides that no person may, without the prior written consent of the

provide feedback on detailed designs where those designs involve modifications to, or relocation of, existing bulk or transmission assets. This is not a specific requirement in the legislative instruments or in the Code.

Identification, mapping, criticality classification, protection, support, monitoring etc. of Watercare assets

- The WWMP requires the parties to identify and map all existing and authorised network utilities within or adjacent to the designation, classify asset criticality, and set out protection, support, monitoring and, if required, relocation methodologies for those assets.
- The concept of asset criticality classification is not present in any of the listed legislative instruments. While the Code requires parties to

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out the framework for how Watercare and NZTA obtain the necessary environmental approvals for a project such as a designation and/or resource consents.

requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project to which the designation relates.

- **Priority of designations where there are overlapping interests** (section 177) - where land is subject to an earlier designation, the later requiring authority may only act in accordance with the later designation if it first obtains the written consent of the authority responsible for the earlier designation.
- **Power for utility operators to take preventive or remedial action for emergency works** (section 330) - where a network utility operation (for which the network utility operator is approved as a requiring authority) is affected or likely to be affected by an adverse environmental effect requiring immediate prevention or remedial measures, or by sudden event causing or likely to cause loss of life, injury or serious damage to property, then ss 9, 12, 13 14 and 15 of the Act (relating to restrictions on use and discharges) do not apply to activities undertaken to remove the cause, or mitigate the effect of, the emergency (s 330).

advise the known location of their assets (s 2.2.1) and maintain data improvement plans (s 2.8.1), it does not require a formal criticality classification. Similarly, the legislative instruments do not require a single document setting out protection, support, monitoring and relocation methodologies for all affected assets.

- While the Bylaw requires protection conditions on a case-by-case approval basis (cl 8(3)), and the Code addresses protection of existing assets generally (s 5.1.2), this is not a substitute for a designation-specific asset register and criticality assessment tailored to Watercare's infrastructure.

Auckland Council Water Supply and Wastewater Network	Protection of Watercare assets	The purpose of the Bylaw is to: • protect the public water supply and wastewater networks from damage, misuse and interference; • assist in the provisions of reliable, safe and efficient	<u>Protection of the water supply or wastewater network:</u> • All persons are prohibited from connecting, disconnecting, carrying out other works on or in relation to the water supply or wastewater network, or opening / tampering with network access points without Watercare approval (cl 6). This approval process allows Watercare to impose conditions, including compliance with a code of practice.	Emergency response and escalation protocols • The WWMP condition requires emergency response
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Bylaw 2015
("Bylaw")

- water supply and wastewater services in Auckland; and
- protect the environment and the health of people using the water supply or wastewater network.

The Bylaw provides a mechanism for the protection of water supply and wastewater assets, including requirements for Watercare approval in certain situations.

- All persons are prohibited from damaging, stopping, obstructing or interfering with the water supply or wastewater network, requires prompt reporting of damage / interference, and prohibits physically obstructing Watercare's access to the network (cl 7).

Requirement for approval for works near water supply or wastewater network:

- Watercare's written approval is required before restricted works or building work over a watermain or rising main, including works likely to damage or adversely affect the operation of the water supply or wastewater network (cl 8). It sets specified distances for excavation, piling, and blasting, and allows Watercare to impose conditions for protection of the network.

and escalation protocols to be set out, including 24/7 contacts and procedures to secure, isolate and restore service in the event of an incident affecting a network utility.

- While the Code contains general emergency works provisions, these are not a substitute for project-specific emergency response processes agreed before works begin.