

Summary of Underpinning Analysis: Water Services (Wastewater Environmental Performance Standards) Amendment Regulations 2026

Agency responsible	Ministry of Cities, Environment, Regions and Transport
Portfolio	Local Government
Date finalised	23 July 2026
Identification Number	REG-2132

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified?	NO
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Summary of agency analysis

Consultation has occurred throughout the development of the Water Services (Wastewater Environmental Performance Standards) Amendment Regulations 2026 (**amendment regulations**).

Consultation was undertaken with affected parties (councils, regional councils and technical experts) to identify technical errors in the Water Services (Wastewater Environmental Performance Standards) Regulations 2025 (**wastewater standards**). A second round of consultation with the same group on an exposure draft of the amendment regulations was undertaken to provide assurance the technical issues were accurately and adequately addressed.

Public consultation on the development of the wastewater standards occurred in early 2025 and received over 150 submissions.

Good law-making: 9(j)

The importance of carefully evaluating—

- **the issue concerned; and**

- **the effectiveness of any relevant existing legislation and common law; and**
- **whether the public interest requires that the issue be addressed; and**
- **any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- **who is likely to benefit, and who is likely to suffer a detriment, from the legislation**

Inconsistency identified?

NO

Summary of agency analysis

The amendment regulations are being proposed to address technical and drafting issues that have a substantive impact on the workability of the wastewater standards. The problem has been identified and tested through consultation.

Addressing the issues identified is necessary as the current drafting of the wastewater standards has created uncertainty and restricted the use of the standards. The wastewater standards are required as approximately 20 percent of wastewater treatment plans are operating on expired consents, and approximately 60 percent of plants need re consenting in the next decade.

The amendment regulations will enable the wastewater standards to operate as intended by Cabinet and streamline and standardise the consenting process for wastewater treatment plants.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?

NO

Summary of agency analysis

Water organisations, in-house delivery units in councils and some government network operators will be responsible for applying for consents under the wastewater standards and Regional Councils will approve the consent if the standards are met.

Both consent authorities and applicants have been engaged throughout the development of the amendment regulations to ensure the wastewater standards are clear and work as intended.

As the wastewater standards will be implemented in practice by different Regional Authorities across the country, guidance will be produced to support consent authorities and applicants in their understanding of the standards. In addition, the Water Services Authority will continue to support and provide guidance to the sector about the application of the standards.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations will allow the wastewater standards to work as originally intended by Cabinet. This is expected to provide significant benefits across the country by:

- Streamlining and standardising the consenting process for wastewater treatment plants;
- Reducing the cost and time of consenting for wastewater treatment plants;
- Lifting the level of compliance for discharge arrangements, leading to better public health and environmental outcomes in aggregate across the country.
- Improving the transparency and monitoring of overflows and bypass arrangements.

The benefits and costs of the wastewater standards are summarised in the Regulatory Impact Assessment: [Regulatory-Impact-Statement-Wastewater-standards-v2.pdf](#)

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations address drafting errors and inconsistencies in the wastewater standards. Amendment regulations are the most appropriate way to address this.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

The primary purpose of the amendment regulations is to provide more clarity to consent authorities, council in-house delivery units, water organisations and government on the wastewater standards.

The regulations are technical and complex; however, the wastewater amendments are appropriate given the need for technical accuracy and are sufficiently accessible by the targeted audience.

Guidance material and FAQs on the wastewater standards will be published on the Water Services Authority's website to support the understanding and accessibility of the wastewater standards.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? No

Summary of agency analysis

The wastewater discharge standards only apply to new consent arrangements for wastewater treatment plants.

The amendment regulations include transitional provisions for the reuse of biosolids standard and the overflows and bypasses standards. These provisions extend the commencement date for standards where parties may be directly impacted by the amendments.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- **the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and**
- **the costs of efficiently achieving the objective or providing the function**

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis