



September 2025

LOCAL WATER DONE WELL

Factsheet: Environmental performance standards and infrastructure design solutions

This is one of a series of factsheets providing an overview of the key aspects of the Local Government (Water Services) Act 2025 and the associated Local Government (Water Services) (Repeals and Amendments) Act 2025.

It sets out the legislative framework for wastewater and stormwater environmental performance standards (wastewater/stormwater standards), and infrastructure design solutions.

Together, the Local Government (Water Services) Act 2025 (referred to as **the standalone Act** in this factsheet) and the Local Government (Water Services) (Repeals and Amendments) Act 2025 (referred to as **the Repeals and Amendments Act** in this factsheet) set out the enduring settings for the new water services system. They are the third tranche of legislation in the Government's three-stage process for implementing Local Water Done Well.

This factsheet provides an overview of the amendments made to the Water Services Act 2021 (WSA) and the Resource Management Act 1991 (RMA) by the Repeals and Amendments Act.

It should be read alongside other Local Water Done Well factsheets, in particular the factsheet for national engineering design standards, and guidance prepared by the Water Services Authority – Taumata Arowai (the Authority) on the wastewater standards.

The regulatory framework

The WSA enables the Authority to develop standards addressing the environmental performance of public wastewater and stormwater networks. The legislative amendments introduced through the Repeals and Amendments Act provide a range of changes to the nature of the standards and how they are given effect to.

Wastewater and stormwater environmental performance standards

The development of wastewater and stormwater standards (the standards) by the Authority is discretionary. If standards are put in place, wastewater and stormwater network operators will be required to meet these standards when seeking resource consents under the RMA, and consent authorities will be required to grant consents where the standards are met, unless an exception applies. The standards are implemented through consent conditions.

Regional councils retain their regulatory role in relation to wastewater discharge consent applications and can control matters relating to the volume, timing and location of discharges. They will also continue to undertake compliance, monitoring and enforcement for discharge consents under the current provisions of the RMA.

Wastewater standards can include standards that relate to:

- discharges to air, water, or land;
- biosolids and any other by-products from wastewater;
- energy use; and
- waste that is introduced by a third party into a wastewater network (for example, trade waste).

Stormwater standards can include standards that relate to:

- the environmental performance of stormwater networks, including the quality and quantity of stormwater;
- inundation of property as a result of the performance of the stormwater networks; and
- discharges to air, water, or land.

Wastewater and stormwater standards may specify the following matters:

- circumstances in which part or all of the standard do not apply;
- the activity status under the RMA that an activity will have if it is performed in accordance with the standard;
- the activities controlled by the standard for which the consent authority is precluded from giving public notification or limited notification of an application for a resource consent;
- a period during which existing wastewater or stormwater infrastructure must be upgraded to meet the standard; or new wastewater or stormwater infrastructure must be built to meet the standard;
- that a discharge consent for existing or new wastewater or stormwater infrastructure must include a condition requiring the infrastructure to be upgraded or built within the specified period; and
- the duration that a consent holder can continue to operate under an expired consent (under section 124 of the RMA).

In early 2025, the Authority consulted on the first set of the wastewater standards to be introduced later in 2025. The consultation document is available here: [Discussion-document-National-wastewater-environmental-performance-standards](#). The first set of wastewater environmental performance standards cover discharges to water, air, beneficial reuse of biosolids, and wastewater overflows and bypasses, and provides limits for the most common contaminants.

Infrastructure design solutions

Infrastructure design solutions (IDS) are a new regulatory tool that can be created under the WSA. They apply to public wastewater or stormwater network infrastructure.

The IDS may set technical performance standards, treatment processes, and design and operating requirements for standardised modular-designed wastewater or stormwater infrastructure, such as wastewater treatment plants. Compliance with an IDS will be used to demonstrate compliance with a relevant wastewater or stormwater standard.

An IDS may specify the RMA activity status of some, or all, of the activities included in the solution and whether a consent application does not need to be notified.

Resource consent applicants will be able to choose whether to rely on an IDS. However, where an IDS is used, the consent authority (typically a regional council) will be required to process and determine a resource consent consistent with the provisions of the IDS.

An IDS may identify circumstances in which the IDS cannot be used (for example, when certain site characteristics are present). Any matters not regulated by an IDS (i.e. where the IDS does not specify all the resource consent requirements for an activity) will continue to be processed by regional councils in line with existing RMA requirements, relevant planning documents and/or any existing environmental performance standard.

The IDS will be similar to acceptable solutions, such as those relating to drinking water (under the WSA) or those relating to the building code under the Building Act 2004. They will not be mandatory but if wastewater or stormwater infrastructure complies with an IDS, it would be deemed to meet the relevant wastewater or stormwater standard.

How the environmental performance standards and infrastructure design solutions are given effect to

To provide certainty to consent authorities and to support the implementation of the standards and IDS, the Repeals and Amendments Act specifies the following requirements regarding how the wastewater and stormwater standards and the IDS work in the context of the RMA¹:

The standards and IDS will take precedence over RMA instruments

If there is any inconsistency between wastewater or stormwater standards or IDS and an RMA planning document (national policy statements, national environmental standards, the New Zealand Coastal Policy Statement, regional policy statements, and regional and district plans) then the standards and/or IDS prevail.

¹ Different bespoke arrangements apply in the Waikato and Waipā River catchments to uphold specific Treaty settlements arrangements covering these catchments.

The legislation also provides that if an activity relating to a wastewater or stormwater standard is permitted an RMA plan can include additional conditions to manage effects not addressed by the standards.

If a local authority's plan or proposed plan contains a rule that conflicts with or duplicates a provision in a wastewater or stormwater standard or an IDS, the local authority must amend the plan or proposed plan to remove the conflict or duplication (new sections 58JA and 58JB of the RMA).

There are exceptions to the standards and IDS prevailing. For the Waikato-Waipā catchment, Te Ture Whaimana (the vision and strategy for the Waikato River) prevails over any inconsistent provision in a wastewater standard. Further exceptions will be prescribed in the standards themselves.

Resource consents must give effect to the standards and IDS

A consent authority must not grant a consent contrary to a wastewater or stormwater standard or IDS; and must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to the standards and the IDS (where a consent applicant has elected to apply the IDS). There are provisions within the standards which can trigger a more restrictive process for wastewater discharges, e.g. for managing periphyton risk or when quantitative microbial risk assessment is needed.

Consent authorities still have discretion around matters not regulated by the standards, whether they are covered by policies/plans or as an aspect of the broader resource consent decision-making process. At present this includes matters relating to the timing, volume and location of discharges, and wastewater discharges not currently covered by the standards such as discharges to air.

Consent authorities can also decline a consent for an activity that complies with standards, apart from when the standards provide that the activity is a controlled activity (or equivalent activity class in the new resource management system).

Unless an exception applies, there is no alternative consenting pathway provided for wastewater or stormwater networks that do not meet the wastewater or stormwater standards. Resource consent is not to be granted where applications for consents do not meet the environmental performance limits set out in the relevant environmental performance standard.

Consent duration if standards or IDS are met

Section 123 of the RMA has been amended to provide that the consent duration for an activity regulated by wastewater or stormwater standards or IDS is 35 years.

For activities not covered by wastewater or stormwater standards, the standard RMA consenting process applies and shorter-term consents can be issued.

Consideration of consent applications for activities regulated by the standards or IDS

The Repeals and Amendment Act amends the RMA to exclude the requirement for consent authorities to consider the following matters:

- Section 107 of the RMA that restricts the granting of a discharge permit or coastal permit where particular effects arise in receiving waters (e.g. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials) does not apply to activities regulated by a wastewater or stormwater standard or IDS;
- Where an application is for a discharge permit or coastal permit for an activity regulated by a wastewater or stormwater standard or IDS then a consenting authority is not required to have regard to (amended section 105 of the RMA):
 - the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - the applicant's reasons for the proposed choice; and
 - any possible alternative methods of discharge, including discharge into any other receiving environment.

Consents operating under section 124 of the RMA

A holder of a consent that is operating under section 124 of the RMA² may withdraw their application for a new consent and prepare a new application that complies with a wastewater or stormwater standard or IDS. They may continue to operate under section 124 provided that they submit the new application within six months after the date of the withdrawal (clause 49 of Part 8 of Schedule 12 of the RMA).

The wastewater standards may prescribe how long consent holders may continue to operate under section 124.

Transitional consenting arrangements: wastewater

All wastewater treatment facilities will over time need to comply with the wastewater standards – when seeking consents for new wastewater treatment networks and when seeking consent renewals for existing facilities.

For existing wastewater treatment facilities, the timing to achieve compliance with the wastewater standards is dependent on:

- whether they are currently relying on section 124 of the RMA;
- when their consents expire;
- whether consents for renewal were lodged before the Repeals and Amendments Act commenced and the wastewater standards came into force; and
- the stage that the consent application is at in the resource consent process.

² Section 124 of the RMA provides for the ability to continue to exercise existing resource consents while applying for new consents – that is, to operate on an expired consent.

The wastewater standards may specify a period during which existing wastewater or stormwater infrastructure must be upgraded to meet the standard, or new wastewater or stormwater infrastructure must be built to meet the standard. The standards may specify that a discharge consent for existing or new wastewater or stormwater infrastructure must include a condition requiring the infrastructure to be upgraded or built within that specified period.

Consent applications lodged before the Repeals and Amendment Act and standards came into force

Wastewater or stormwater standards do not apply if, before the date on which the standards came into force, the consent authority has made a notification decision and the applicant has determined to proceed with the existing application without amending it to comply with the wastewater or stormwater standards (clause 49 of Part 8 of Schedule 12 of the RMA).

Consents expiring within three years of commencement of the Repeals and Amendments Act - extant wastewater consents

New sections 139B to 139D of the RMA specify the arrangements for those wastewater network consents that expire in the immediate years following the commencement of the Repeals and Amendments Act. These provisions work together with section 124 of the RMA to give water service providers time to understand the implications of wastewater standards for upgrading their infrastructure, and then plan, fund and re-consent their wastewater treatment plants.

The provisions specify that consents expiring within the three-year period following commencement of the Repeals and Amendments Act ("extant" consents) automatically have their consents extended to expire three years after commencement of the Repeals and Amendments Act (new section 139B of the RMA). The legislation also provides a Ministerial power to extend this expiry date to five years after the commencement of the Repeals and Amendments Act (new Section 139CA of the RMA) in exceptional circumstances on application by the consent holder.

Further information

The Local Government (Water Services) Act 2025 and the Local Government (Water Services) (Repeals and Amendments) Act 2025 are available at www.legislation.govt.nz.

For further information about Local Water Done Well, including guidance and information for councils, visit www.dia.govt.nz/Water-Services-Policy-and-Legislation

Water Services Authority website: [Home | The Water Services Authority - Taumata Arowai](#)

Further detailed information on the wastewater standards will be published on the Water Services Authority's website when the standards are gazetted.

Questions? Contact waterservices@dia.govt.nz