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Consistency Accountability Statement

Tauranga City Council Stormwater Bylaw 2026

Date finalised – [insert date adopted by Council]

Statement of Review

I confirm that Tauranga City Council has assessed the above secondary legislation, and the process for developing it, for consistency with the principles of responsible regulation as set out in section 9 of the Regulatory Standards Act 2025.

This assessment identified no inconsistencies with the principles of responsible regulation.

[insert signature once bylaw adopted]

Marty Grenfell

Chief Executive

Tauranga City Council

DRAFT

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Summary of Underpinning Analysis:

Tauranga City Council Stormwater Bylaw 2026

Date finalised – [insert]

CONTEXT FOR THE PROPOSED BYLAW

The draft Stormwater Bylaw 2026 is intended to replace the Stormwater (Pollution Prevention) Bylaw 2015, apply across Tauranga, and be made under section 258(1)(c) of the Local Government (Water Services) Act 2025.

The review responds to new legislative settings under the Local Government (Water Services) Act 2025 and operational experience with pollution prevention, use of the stormwater network, stormwater infrastructure quality, and cost recovery.

The draft Stormwater bylaw supports the development, operation and maintenance of the public stormwater network. It aims to prevent or minimise contaminant discharges into the network, require the network to be used for stormwater drainage only, protect public stormwater assets from damage, misuse, interference and nuisance, and enable requirements for activity-specific plans where justified.

Public consultation was undertaken between 4 May 2026 and 5 June 2026. The consultation material sought views on whether to adopt the draft Stormwater Bylaw, whether the proposed changes struck the right balance between environmental protection and practical requirements, likely impacts, and any refinements sought. 17 submissions were received and hearings were held on 1 July 2026 for submitters wishing to speak.

Overall assessment
On the material reviewed, no inconsistency with the principles of responsible regulation have been identified.

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
Summary of agency analysis	
The process included early targeted engagement in 2025 with internal staff, tangata whenua representatives and some businesses that had previously interacted with Council about Pollution Prevention Plans. Formal consultation was then carried out from 4 May 2026 to 5 June 2026 using direct emails to key stakeholders, the Let's Talk website and the Kōrero Mai newsletter. The consultation material asked submitters to comment on overall support for the draft Stormwater bylaw, the balance between environmental protection and practical requirements, expected impacts, and suggested refinements. A hearing was held on 1 July 2026 for those who wished to speak. This supports a conclusion that consultation was reasonably practicable and targeted to those most likely to be directly	

affected, including businesses, developers, property owners, occupiers, tangata whenua interests and infrastructure stakeholders.

The degree of community feedback was limited, which is consistent with the technical nature of the bylaw. The information available still shows a structured opportunity for affected parties to comment before deliberations.

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 issue is clearly identified as the need to manage contaminant discharges, protect the public stormwater network, clarify construction and vesting requirements, and support compliance with stormwater discharge consent conditions and public health and environmental responsibilities. The Statement of Proposal links stormwater runoff to contaminants such as chemicals, litter and sediment entering waterways, affecting water quality and ecosystems. The material records two options that were presented to council: adopt the updated bylaw, or retain the current bylaw. Adoption is recommended because it strengthens pollution prevention, better manages the public stormwater network, responds to stakeholder feedback, supports compliance with obligations, improves cost recovery for non-compliance, and keeps the review within statutory timeframes. Retaining the current bylaw would delay improvements and the statutory review. During the research phase options to encourage pollution prevention and quality stormwater asset development through education and awareness campaigns were also considered alongside the options presented to council. Information gathered through research and key stakeholder engagement indicated that those options alone were unlikely to address the issues to a high enough standard for desired network and environmental outcomes. Likely beneficiaries include the wider community, the environment, users of the stormwater network, and Council or the future water service provider. Potential detriments fall mainly on occupiers, businesses, developers or property owners who need approvals, undertake works near the network, manage higher-risk sites, comply with Pollution Prevention Plans, or meet cost recovery obligations following non-compliance.	

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	
The bylaw includes practical implementation mechanisms: approval for new connections and works affecting the public stormwater network, a three-step approval process for connections, standards and controls through guidelines or the Infrastructure Development Code, inspections and monitoring, Pollution Prevention Plans for high-risk facilities, notices, compliance orders, infringement offences and dispensing powers. The material acknowledges implementation risk, including that bylaws under the Local Government (Water Services) Act 2025 are new and untested, and that the bylaw could be perceived negatively by businesses and the wider community because it imposes compliance requirements. The draft adoption report proposes managing that risk through engagement, consultation and an education approach to enforcement where reasonable.	

Implementation preparations include a communications plan, website content, internal guidance, delegations, fees and charges settings, and compliance procedures being confirmed.

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 available material supports a qualitative benefits-over-costs assessment. Expected benefits include clearer stormwater responsibilities, reduced contamination risk, protection of network assets, stronger ability to require treatment or works, improved compliance with discharge consent conditions, better climate resilience and clearer cost recovery where non-compliance creates additional inspection or monitoring costs. Costs are likely to fall unevenly. Most residents may experience little direct impact, while businesses, developers, owners and occupiers may face costs where works, connections, high-risk activities, Pollution Prevention Plans, or non-compliance are involved. The draft adoption report notes no immediate financial implications from adoption, while future fees may apply through the fees and charges process. The available evidence does not include a quantified cost-benefit assessment. For a local bylaw of this type, the qualitative analysis is appropriate and reports have explained why expected public, environmental and infrastructure benefits justify targeted compliance costs.	

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 proposed bylaw uses a proportionate regulatory design. General obligations are framed around preventing contaminants, using reasonable steps, requiring approvals for activities affecting the public network, and targeting higher-risk sites for Pollution Prevention Plans. The bylaw also allows waiver of full compliance where it would needlessly cause harm, loss or inconvenience without corresponding community benefit. The approach is more targeted than relying only on education or voluntary compliance because it gives the water service provider enforceable tools to manage discharges, network damage, unauthorised works, inspections and cost recovery. It is also less blunt than a uniform permitting regime for all stormwater activity because many controls are triggered by connection, works, high-risk facilities, non-compliance, or proximity to public network assets. The draft material shows amendments were made after submissions to clarify obligations, including concerns about the reach of notification and reasonable-steps duties. This supports proportionality, obligations remain clear and enforceable without capturing people too broadly.	

Rule of Law: 9(a)(i)

The law should be clear and accessible	
Inconsistency identified?	No
Summary of agency analysis	
The draft bylaw has a clear title, commencement clause, city-wide application clause, purpose clause, definitions, and topic-based structure covering water quality, network development and connections, treatment or works, inspections, Pollution Prevention Plans, network protection, offences, fees, notices and orders, penalties and dispensing powers. The draft uses defined terms from relevant legislation, including the Resource Management Act 1991 and Local Government (Water Services) Act 2025. The Statement of Proposal explains the key changes in plain language and links technical requirements to practical reasons.	

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 draft bylaw is stated to come into force on a future date to be confirmed. The obligations are prospective. They regulate future discharges, works, connections, approvals, Pollution Prevention Plans, inspections, notices and enforcement action. No retrospective liability or retrospective fee setting is apparent from the material reviewed. Existing high-risk sites may be required to prepare or review Pollution Prevention Plans after a request, but the obligation operates forward from the request and is linked to current or future risk management.	

Rule of Law: 9(a)(iii)

Every person is equal before the law	
Inconsistency identified?	No
Summary of agency analysis	
The bylaw applies to the whole city and uses general categories such as person, owner, occupier, applicant and water service provider. Differences in obligations are linked to relevant risk or activity characteristics, such as connecting to the public network, undertaking works near infrastructure, discharging contaminants, owning or occupying a high-risk facility, or failing to comply with required treatment or works. The material does not show differential treatment based on irrelevant personal characteristics. The targeted approach is tied to the risk each person or activity creates for the public stormwater network and receiving environment.	

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary	
Inconsistency identified?	Not applicable
Summary of agency analysis	
The bylaw does not affect the independence or impartiality of the judiciary. Offences, infringement provisions, compliance orders and penalties are linked to statutory mechanisms under the Local Government (Water Services) Act 2025 and ordinary legal processes.	

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?	No
Summary of agency analysis	
The proposed bylaw necessarily gives the water service provider administrative powers to approve connections, specify standards or controls, require treatment or works, inspect and monitor, approve Pollution Prevention Plans, issue notices, recover costs and waive full compliance. These powers are common in bylaws, but they must be bounded by clear criteria and statutory authority. The draft includes limiting criteria for administrative powers, tying them to the application of law. For example, works and management options are linked to preventing unauthorised discharge or protecting the network from damage or alteration, Pollution Prevention Plans are tied to high-risk facilities under Schedule 4 of the Regional Natural Resources Plan, and waivers require an opinion that full compliance would needlessly cause harm, loss or inconvenience without corresponding community benefit.	

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?	No
Summary of agency analysis	
The proposed bylaw will limit some freedom of action and property use. For example, people may need approval before connecting to, modifying or working near the public stormwater network; owners or occupiers may need to implement management options, treatment or works; occupiers of high-risk facilities may need a Pollution Prevention Plan; and people may face enforcement or cost recovery for non-compliance. Those limits are connected to protecting other rights and interests, including public health, environmental protection, public infrastructure, other network users, and the ability of Council or the water service provider to comply with stormwater consent conditions. The provisions are risk-based rather than universal and include concepts of reasonableness, high-risk status, approval processes and waivers.	

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?	No
Summary of agency analysis	
The material reviewed does not indicate that the proposed bylaw takes property. It regulates use of private and public stormwater networks, connections, works, proximity to public assets, contamination risks, and compliance with technical standards. Some provisions may constrain property development or use, especially works over or near the public stormwater network or requirements to implement treatment or works. These are regulatory controls rather than acquisition or severe impairment of property. The justification is network protection, public safety, environmental protection and compliance with statutory water services responsibilities.	

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of taxation)	
Inconsistency identified?	No
Summary of agency analysis	
The bylaw provides for fees or charges for certificates, licences, approvals, permits, consent forms or inspections in accordance with section 150 of the Local Government Act 2002, modified as necessary. It also identifies infringement fees for specified offences. The material does not suggest the bylaw imposes a tax. Fees and infringement amounts are tied to statutory authority rather than revenue raising.	

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?	No
Summary of agency analysis	

There are no immediate financial implications associated with adopting the bylaw, although future fees may apply through the fees and charges process. The bylaw also permits recovery of additional inspection and monitoring costs where required management options, treatment or works are not implemented and lack of implementation is suspected in an unauthorised discharge.

This supports a cost-recovery approach targeted at services, approvals, inspections, monitoring and non-compliance-related costs. However, the actual quantum of future fees is not set in the analysis reviewed, other than the stated infringement amounts.

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	
The material reviewed does not indicate that the bylaw imposes or authorises a levy. The relevant financial mechanisms are fees, charges, infringement fees and cost recovery for inspection, monitoring, removal or alteration of non-compliant works.	

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation	
Inconsistency identified?	No
Summary of agency analysis	
Nothing in the bylaw removes or restricts the courts' role in interpreting legislation or resolving disputes. The bylaw uses statutory offence, infringement, compliance order and penalty frameworks. The explanatory material should avoid implying that Council's interpretation is conclusive where legal rights are at issue.	

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?	No
Summary of agency analysis	
Several obligations depend on administrative decisions by the water service provider, including approvals, specified standards, required works, Pollution Prevention Plan approval and revision, notices, cost recovery, and dispensing powers. The powers are directed to identifiable purposes: preventing unauthorised discharge, protecting the network, ensuring capacity, meeting technical standards, or avoiding needless harm where compliance has no corresponding community benefit. Standard review processes will apply.	