



SUPPLEMENTARY AGENDA

**Ordinary Council meeting
Tuesday, 1 September 2026**

Date: Tuesday, 1 September 2026

Time: 9:30 am

**Location: Tauranga City Council Chambers
L1, 90 Devonport Road
Tauranga**

**Marty Grenfell
Chief Executive**

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11 BUSINESS

11.11 Deliberations and Adoption Report for Trade Waste Bylaw Review 2026

File Number: A20690771

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PURPOSE OF THE REPORT

1. To consider the issues raised by submitters on the draft Trade Waste Bylaw 2026 and decide whether to adopt the bylaw.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Deliberations and Adoption Report for Trade Waste Bylaw Review 2026".
- (b) Approves the minor amendments made to the draft Trade Waste Bylaw 2026 following the review of submissions (**Attachment 2**).
- (c) Notes the Consistency Accountability Statement (**Attachment 3**).
- (d) Revokes the Trade Waste Bylaw 2019 and adopts the Trade Waste Bylaw 2026 to replace it with effect on 1 December 2026.
- (e) Authorises the General Manager: Operations & Infrastructure to make any necessary minor final edits to the Trade Waste Bylaw 2026, prior to publication.

EXECUTIVE SUMMARY

2. On 21 April 2026, the Council approved the draft Trade Waste Bylaw 2026 (draft Trade Waste Bylaw) and a statement of proposal for public consultation.
3. The draft Trade Waste Bylaw supports a more graduated user-pays approach to recovering the costs of managing trade waste impacts on the wastewater network. The revised trade waste structure is expected to increase revenue from controlled discharge permits over time. This will create new or increased costs for some businesses that will require permits, pre-treatment, monitoring, renewals or compliance follow-up under the new framework. Implementation costs are expected to be met within existing trade waste budgets.
4. Submissions were sought from key stakeholders and the public between 4 May and 5 June 2026.
5. Twenty submissions were received and analysed. The submissions showed general support for adopting the draft Trade Waste Bylaw, with 40% of submitters supporting or strongly supporting the proposal and 55% of submitters being neutral or unsure. Support was primarily linked to environmental, infrastructure and health protection benefits. The common reasons given for submitters being neutral or unsure were concerns about increased costs from new permits required or pre-treatment requirements, and unclear requirements for the implementation of, or transition to, new discharge categories.

6. Submitters raised issues about the practical application of the draft Trade Waste Bylaw, including the introduction of the controlled discharge category, lower volume thresholds, permit requirements, pre-treatment expectations, monitoring, fees, and how existing businesses will transition to the new framework. Business submitters generally supported the objective of protecting the wastewater network and environment but sought assurance that requirements will be proportionate, clearly communicated and workable for different activities and existing infrastructure. Organisational submitters generally supported the direction of the bylaw but sought technical refinements to improve clarity, consistency and ease of administration. Full analysis is provided in the Summary of Submissions (**Attachment 1**).
7. The draft Trade Waste Bylaw responds to these issues by incorporating clarifications and minor amendments that improve transitional certainty, reduce ambiguity, and align with legislation. Staff are also preparing guidance materials for businesses to clarify how the controlled discharge category will be introduced in stages, permit requirements, pre-treatment expectations, how existing consents will transition to permits, and other implementation information.
8. Submitters also raised issues about persistent organic pollutants including PFAS¹. While there was broad support for stronger controls on hazardous or prohibited discharges, submissions identified the need for a practical, risk-based approach that considers current guidance, potential impacts on wastewater discharge consents, biosolids and receiving environments, and the potential cost of any pre-treatment requirements. The draft Trade Waste Bylaw responds to these matters by retaining a case-by-case permitting approach and enabling conditions to be imposed where appropriate. Further implementation guidance for affected businesses and activities will be developed to support implementation.
9. After considering submissions, council staff recommend adopting the draft Trade Waste Bylaw 2026 with the proposed amendments since public consultation (as marked up in **Attachment 2**).
10. The proposed draft Trade Waste Bylaw has been assessed for consistency with the principles of responsible regulation as set out in section 9 of the Regulatory Standards Act 2025 and no inconsistencies were identified. The draft Consistency Accountability Statement has been prepared to confirm this, together with the Summary of Underpinning Analysis (**Attachment 3**). When the draft Trade Waste Bylaw has been adopted, the Chief Executive will sign the Consistency Accountability Statement, and it will be published with the bylaw.
11. Council is asked to consider the issues raised by submitters, accept the minor amendments proposed, revoke the Trade Waste Bylaw 2019 and adopt the draft Trade Waste Bylaw 2026 to replace it with effect from 1 December 2026.

BACKGROUND

12. Tauranga City Council's Trade Waste Bylaw aims to protect the wastewater network by regulating the discharge of contaminants, ensuring it protects public health and the environment from the effects of trade waste discharges, manages the capacity of the wastewater network, and enables compliance with Tauranga City Council's resource consents relating to the discharges associated with wastewater. The bylaw empowers the council to require treatment works, charge for additional demand on the wastewater treatment plant, monitor discharges, enforce consents (now called permits under the Local Government (Water Services) Act 2025 (**Act**)), and apply penalties for non-compliance.
13. This review of the Trade Waste Bylaw has been undertaken in accordance with the Act. Feedback from key stakeholders was sought in 2025 to understand how they thought the bylaw was working and identify any potential improvements. Stakeholders included staff, mana whenua representatives, and businesses that have previously interacted with the Tauranga City Council about trade waste.

¹ "Commonly called forever chemicals, PFAS are a large, complex group of synthetic chemicals that are used widely in consumer products and industrial processes around the world for their water, grease, heat and stain-resistant properties." [PFAS are forever – a complicated chemical family | EPA](#)

14. On 21 April 2026², Council considered and approved the draft Trade Waste Bylaw 2026 and associated statement of proposal for public consultation.
15. Public consultation was carried out from 4 May 2026 to 5 June 2026 and was promoted through direct emails to key stakeholders, the Let's Talk website and inclusion in the Kōrero Mai newsletter. Hearings for those wishing to speak to their submissions were held on 1 July 2026.

Submission summary

16. All written submissions received through public consultation were provided to Council with the Hearings Report on 1 July 2026³. An analysis of the submissions is provided in the Summary of Submissions (**Attachment 1**).
17. Submitters were specifically asked to provide their feedback on:
 - (a) whether they support the proposal to adopt the draft bylaw
 - (b) the introduction of a new "Controlled" category of trade waste discharges requiring permits and pre-treatment
 - (c) whether the proposed classification system provides a fair, risk-based approach
 - (d) whether requirements for pre-treatment of trade waste discharges would encourage cleaner discharges
 - (e) whether they agree that stronger controls on hazardous or prohibited discharges (including PFAS) are necessary
 - (f) whether the balance between environmental protection and practical requirements is right
 - (g) anything that needs refinement or should be changed.
18. **Overview.** Given the technical nature of this bylaw, feedback from the community was limited, with just 20 written submissions received and four submitters speaking at the hearings. Of the 20 submitters, three business owners and a group of oil companies provided detailed explanations of their experiences and expectations dealing with trade waste now and under the proposed bylaw categories. Four organisations with broader specialist knowledge and experience (Bay of Plenty Regional Council, Western Bay of Plenty District Council, Port of Tauranga Limited and Environ NZ Limited) submitted detailed information focused on expected impact and suggested refinement of the draft Trade Waste Bylaw.
19. **Business owners and operators.** Business owners and operators emphasised that they generally understood and supported the purpose of protecting the wastewater network and environment but wanted Council to give greater weight to business practicality, proportionality and implementation certainty. The strongest concerns related to the proposed lower volume thresholds, the new controlled category, permit requirements, annual renewals, monitoring, and potential pre-treatment or system upgrade costs.
20. **Hospitality and other affected businesses.** Hospitality submitters supported the objectives but noted that even modest trade waste costs can become significant when added to other food business compliance obligations. Other business submitters raised similar concerns, including one that argued that daily maximum volume thresholds may not reflect actual risk or the environmental benefit of using controlled commercial wash facilities, especially when compared to activities like untreated domestic driveway car washing. Many businesses said the bylaw should recognise their existing investment and make it clear how they can comply.
21. **Larger organisation submitters.** Larger organisation submitters tended to be neutral in their support of the draft bylaw as they focused on implementation detail, transitional certainty and practical application. They sought clarity on how the new classification system

² Report for the adoption of the draft Trade Waste Bylaw for consultation available at - [Agenda of Ordinary Council meeting - Tuesday, 21 April 2026](#)

³ Hearings report available at - [Agenda of Ordinary Council meeting - Wednesday, 1 July 2026](#)

would be implemented, particularly for existing activities that were previously allowed but may now require a permit, transitional provisions to clearly cover consents granted before 2019, practical notification processes and more precise wording in relation to hazardous materials, pre-treatment, metering and offences.

22. **Bay of Plenty Regional Council and Western Bay of Plenty District Council.** These submitters generally supported the purpose of the draft bylaw, particularly clearer discharge classifications, stronger pre-treatment and monitoring requirements, improved compliance tools, better cost recovery, and alignment with the Local Government (Water Services) Act 2025. These submissions tended to support the draft bylaw while seeking improvements that would make the bylaw clearer, more consistent and easier to administer.
23. **Submissions on hazardous and prohibited discharges.** Submitters generally supported stronger controls on hazardous and prohibited discharges, including PFAS and persistent organic pollutants, but raised different views about how these substances should be managed in the bylaw. Some submissions emphasised the potential risks to wastewater discharge consents, biosolids and receiving environments, and sought clearer terminology and a cautious approach. Others noted that PFAS can be present at very low or background levels and sought a practical, risk-based framework rather than a zero-tolerance approach or automatic permitting trigger for any detectable presence. Submitters were concerned that the bylaw could require PFAS to be removed before discharging into the wastewater network, which could be expensive, especially as the technology to do this is just emerging.
24. Overall, the submissions highlighted the need to balance environmental and infrastructure protection with workable implementation. Key implementation issues included whether concentration or mass limits should be specified, whether persistent organic pollutants should be prohibited or managed through conditional permits, and how national guidance and evolving regulation should be reflected. The proposed response is to retain a discretionary, case-by-case permitting approach that enables the council or water service provider to consider current guidance, improve understanding of PFAS-containing discharges, and impose conditions to remove or reduce persistent organic pollutants where appropriate. For example, a condition may be appropriate where a trade waste discharge from an activity involving historical use of PFAS-containing firefighting foams, contaminated site dewatering, or similar higher-risk source is proposed to enter the wastewater network and could affect wastewater discharge consents, biosolids reuse or treatment plant operations. In that situation, the permit could require monitoring and a staged plan to reduce or remove PFAS or other persistent organic pollutants from the discharge over time, rather than imposing an immediate blanket prohibition or fixed threshold.

Summary of responses

25. As noted above, the draft Trade Waste Bylaw has been amended to incorporate clarifications and minor changes to address concerns raised in submissions. Staff consider that there was nothing raised in the submissions that requires specific direction from Council. The substantive matters raised through public submissions have been addressed with technical redrafting as noted in the Summary of Submissions (**Attachment 1**) and the proposed changes are marked up in the draft Trade Waste Bylaw 2026 (**Attachment 2**).
26. In addition to those changes, preparation for implementation of the draft Trade Waste Bylaw will include guidance materials and clarification of points raised by stakeholders and submitters to assist with planning for compliance. Guidance materials will include how the controlled discharge category will be introduced, permit requirements, pre-treatment expectations, how existing consents will transition to permits, and other implementation information. They will be drafted in less technical terms but with more information to businesses on what is required, so they can identify what applies to them, especially for those that are captured in the new category. To allow time for this guidance material to be finalised and shared with affected businesses, staff propose an effective date for the draft Trade Waste Bylaw of 1 December 2026.

27. Where submitters raised business or activity-specific concerns, these have been shared with appropriate trade waste staff for consideration, possible follow-up assistance, and to help inform implementation planning and the guidance material for affected businesses.

Consistency Statement

28. Since 1 July 2026, compliance with the Regulatory Standards Act 2025 requires that secondary legislation, such as this Trade Waste Bylaw, be accompanied by a Consistency Accountability Statement to confirm consistency with principles in that act, together with the Summary of Underpinning Analysis (**Attachment 3**). In compliance with these new requirements, the documents have been prepared and the Explanatory Note inserted into the draft Trade Waste Bylaw as required.

STATUTORY CONTEXT

29. The bylaw is made under section 258 of the Local Government (Water Services) Act 2025. This new act requires territorial authorities to follow the bylaw-making process and consultation requirements set out in the Local Government Act 2002.
30. The special consultative procedure must be used when amending or replacing a bylaw unless the proposed changes are minor or are correcting errors.
31. Under the Local Government (Water Services) Act 2025, the Council retains responsibility for making the Trade Waste Bylaw, but the bylaw authorises the water services provider to grant and administer trade waste permits, including charging fees for permits. Once the water services organisation assumes responsibility for Tauranga's water services, it is expected to take over the day-to-day implementation and enforcement of the bylaw, including managing permits and compliance, while the Council retains the bylaw-making role and may consider any future proposal from the water services organisation to amend, revoke or replace the bylaw.

STRATEGIC ALIGNMENT

32. This contributes to the promotion or achievement of the following strategic community outcomes:

	Contributes
We are an inclusive city	☐
We value, protect and enhance the environment	✓
We are a well-planned city that is easy to move around	✓
We are a city that supports business and education	✓
We are a vibrant city that embraces events	☐

33. The draft Trade Waste Bylaw aligns with three of the above community outcomes. It contributes to:
- (a) valuing, protecting and enhancing the environment by ensuring that trade waste is managed to support an effective wastewater network;
 - (b) a well-planned city by setting the expectation that our trade waste is managed in accordance with trade waste and wastewater industry standards; and
 - (c) being a city that supports business by providing the framework for Tauranga City Council to work with businesses that operate using appropriate trade waste management methods to ensure effective wastewater treatment.

OPTIONS ANALYSIS

34. The table below sets out the advantages and disadvantages of adopting the proposed draft amended Trade Waste Bylaw.

Option	Advantages	Disadvantages
Adopt the draft amended Trade Waste Bylaw 2026 with effect from 1 December 2026. Recommended	- Allows the council to support a modern approach to trade waste management and protect the wastewater network. - Responds to feedback received from key stakeholders. - Meets obligations, in relation to wastewater, to protect, promote and maintain public health and safety, protect the local environment, and to comply with the conditions of our resource consents. - Supports greater cost recovery from businesses that place higher demands on the wastewater network or do not comply with bylaw provisions. - Ensures legal requirements of reviewing the bylaw are met. - Delayed effective date provides time for the provision of implementation guidance.	- Costs associated with creating and providing guidance and implementation material. - Businesses producing trade waste will see a cost increase where they require a permit under the new trade waste discharge category. - The costs to trade waste dischargers may increase where they are required to introduce pre-treatment processes. - The costs to trade waste dischargers that do not comply with bylaw provisions may increase. - Bylaws under the Local Government (Water Services) Act 2025 are new and there are limited examples of other comparable council bylaws or case law on points of potential legal challenge.
Retain the current bylaw and do not approve the draft amended Trade Waste Bylaw 2026.	- The draft Trade Waste Bylaw could be approved later if more analysis or research is required prior to adopting it. - No changes until the new water services organisation does its own review and recommends the terms of the Trade Waste Bylaw to council. - Allows time for further development of scientific understanding and treatment technology for persistent organic pollutants.	- No amendments from the outcome of the review will be included. - Potential improvements in enforcement and cost recovery will be delayed. - Delays the initial bylaw review which must be done by 26 August 2027 to meet statutory timeframes under the Act. - Requires amendment of the Bylaw Review Plan for the Trade Waste Bylaw.

FINANCIAL CONSIDERATIONS

35. The proposed updates to the bylaw provide greater clarity about Tauranga City Council's and, later, the water service provider's ability to recover costs associated with managing the impact of trade waste discharges on the wastewater network. The draft Trade Waste Bylaw provides a more graduated approach to managing and charging for the costs associated with processing and managing trade waste from the businesses that make trade waste discharges into the wastewater network.

36. A new fee structure was adopted earlier in 2026 for trade waste permits and discharges to be more equitable by providing a more graduated user-pays approach. Extra revenue from controlled discharge permits for the following financial years is expected to be in the vicinity of \$130,000 in 2027, rising to \$210,000 in 2028 and \$300,000 in 2029. While better recovery of the costs associated with managing Trade Waste matches Council direction, this will have a financial impact on smaller businesses who currently do not pay anything towards the costs of assessing and monitoring their trade waste discharges and treatment devices.
37. The updated Trade Waste Bylaw includes persistent organic pollutants as a consideration when assessing conditional permits to help ensure that the future costs of processing and managing trade waste are borne by the dischargers rather than ratepayers. Trade waste containing persistent organic pollutants may increase wastewater treatment and disposal costs for Tauranga City Council. The conditional permit requirements enable Tauranga City Council to better understand and manage discharges containing these contaminants and the potential environmental and financial impacts of processing and disposing of those contaminants in the future. This may also have financial implications for organisations, including Tauranga City Council, where investment in pre-treatment systems may be required in the future to reduce or remove these pollutants before discharge to the wastewater network. An example of this potential financial implication for Tauranga City Council is the closed landfill at Te Maunga, where any future permit condition requiring PFAS reduction or pre-treatment of leachate could be costly to implement and may require investment in the millions, with earlier estimates indicating capital costs of around \$2–3 million and ongoing operating costs of approximately \$0.6–2 million per year, plus disposal costs.
38. The costs associated with the initial implementation of the updated Trade Waste Bylaw are anticipated to fall within existing trade waste budgets and the costs associated with administering the updated permit framework will be recovered through the new fee structure.

LEGAL IMPLICATIONS / RISKS

39. The review of this bylaw is well within the statutory timeframes set under the Local Government (Water Services) Act 2025 which requires that the Trade Waste Bylaw be reviewed by 26 August 2027.
40. While there is always legal uncertainty when complying with a new piece of legislation, the legal risk associated with this proposed Trade Waste Bylaw is generally the same as any bylaw. This includes the risk of the repeal of the empowering act.
41. As our Water Services Strategy is still under development, there is a risk of misalignment with that strategy. However, any bylaw is at risk of requiring a review due to future strategic or political change.
42. There is a risk that the bylaw will be perceived negatively by businesses and the wider community as it imposes compliance requirements on them. This risk will be managed through effective engagement and consultation, together with an education approach to enforcement where reasonable.

TE AO MĀORI APPROACH

43. Through pollution prevention, the draft Trade Waste Bylaw supports Kaitiakitanga of the built environment (Taiaohanga), wai and waterways. The draft Trade Waste Bylaw recognises this by incorporating relevant terminology into the purpose clause.
44. The proposed draft bylaw also aligns with Manaakitanga by supporting care and safety for people and an effective wastewater network, and with Kaitiakitanga by helping protect the natural environment from contaminated wastewater discharges. It also reflects the Council's strategies developed with tangata whenua to protect the environment.

CLIMATE IMPACT

45. The draft Trade Waste Bylaw supports the protection of wastewater infrastructure which contributes to Tauranga's ability to:
- (a) be resilient to the changing weather conditions associated with a changing climate; and
 - (b) provide ongoing protection to nature and biodiversity in the harbour.

CONSULTATION / ENGAGEMENT

46. Consultation was carried out on the draft Trade Waste Bylaw in accordance with the Local Government (Water Services) Act 2025 and the Local Government Act 2002 bylaw-making process which requires the use of a special consultative procedure.

SIGNIFICANCE

47. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups or agencies affected by the report.
48. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- (a) the current and future social, economic, environmental or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
49. While the bylaw has important implications for environmental protection, public health, and the effective operation of the wastewater network, it does not fundamentally alter levels of service, involve significant financial investment, or result in major changes to strategic infrastructure assets. The primary impacts are regulatory and operational in nature, affecting specific stakeholder groups (such as businesses) more directly than the wider community. Accordingly, the matter is considered to have a moderate level of impact overall. The decision to adopt the draft Trade Waste Bylaw is therefore assessed as being of medium significance.

ENGAGEMENT

50. Taking into consideration the above assessment and that consultation has already taken place through a special consultative procedure with a wide range of stakeholders, officers are of the opinion that no further engagement is required prior to the Council making its decision.

NEXT STEPS

51. If Council adopts the draft Trade Waste Bylaw, it will come into effect on 1 December 2026. This effective date allows time for both staff and businesses to prepare for implementation, including the provision of updated stormwater and pollution prevention plan guidance material.

ATTACHMENTS

1. **Summary of Submissions - A21024392**  
2. **Draft Trade Waste Bylaw 2026 - A20947865**  
3. **Consistency Accountability Statement - A20990568**  

Submission Summary

Topic One: Replace the 2019 bylaw with the Trade Waste Bylaw 2026

Proposal: Adopt the draft Trade Waste Bylaw 2026 to replace the Trade Waste Bylaw 2019. The draft bylaw is intended to provide a clear and modern framework for controlling and monitoring trade waste discharges so that Tauranga's wastewater network, public health, and the environment are protected, while supporting compliance with resource consents and environmental standards.

Feedback from consultation survey: Overall, do you support the proposal to adopt a new Trade Waste Bylaw 2026 to replace the 2019 bylaw?		
20 Submissions		
	%	Number of responses
Strongly support	20%	4
Support	20%	4
Neutral/unsure	55%	11
Do not support	5%	1
Strongly do not support	0%	0

Table One: Issues identified through analysis of all written survey submissions on replacing bylaw (total = 10)

Issue	Submission themes and example quotes	Response
1. Environmental protection and community benefit	Support was linked to improving environmental outcomes, reduced risks to wastewater infrastructure, public health and benefiting the wider community. Examples: "environmental regulations should always be moving towards greater stringency" and "if it can help the environment gets better for community that will be great."	Already aligned with the draft bylaw.
2. Keeping the bylaw current and fit for purpose	Supporters saw value in updating the 2019 framework to reflect current law, definitions and systems. Examples: "It is important to update bylaws to ensure they are fit for purpose" and "Important to keep things up to date, clear, and in line with current systems."	Already aligned with the draft bylaw.
3. Guidance and information required for clarity	Neutral or non-supporting submitters said they could not assess the proposal without clearer comparison to the existing bylaw or detail on practical effects. Example: "I do not yet have enough clarity on how the proposed	Some terms/clauses clarified in the draft bylaw and additional clarification to be provided in implementation material.

Issue	Submission themes and example quotes	Response
	changes will practically impact businesses like ours.”	
4. Implementation and enforcement	Views of some submitters were conditional on consistent enforcement, clear industry-specific guidance, reasonable transition periods and practical application of the rules. Quotes: “Better enforcement is required.”; “I would like to see clear, industry-specific guidance (especially for car wash operators), realistic transition timeframes, and consideration given to the cost burden of compliance.”	Some terms/clauses clarified in the draft bylaw and additional clarification to be provided in implementation material.
5. Compliance costs	Submitters noted that permit, pre-treatment and upgrade costs may create significant financial pressure, particularly for small businesses, with some warning that added costs could threaten viability. Quotes: “The proposed changes will impose significant additional compliance costs and administrative burdens on small to medium-sized businesses.”; “Additional costs for permits and pre-treatment would be the final straw, forcing us to shut down.”	Clarification of transition periods in the draft bylaw and plans to stagger implementation of some fees.
6. Duplication and disproportionate burden	Submitters questioned new requirements where permits, reporting and treatment systems already exist, and oppose unnecessary upgrades or broad category-based rules that do not reflect actual discharge risk. Quotes: “I believe there are enough controls in place already on our waste water discharge permit.”; “All businesses should be looked individually and not just lumped into a category.”	Alternative perspectives noted and draft bylaw does allow a case-by-case approach to permit conditions as required.

Topic Two: Categories of discharges

Proposal: The draft Trade Waste Bylaw 2026 introduces an updated classification of discharges as being Allowed, Controlled, Conditional or Prohibited.

Feedback from consultation survey: Do you agree with the introduction of a new “Controlled” category requiring permits and pre-treatment?		
14 Submissions		
	%	Number of responses
Yes	50%	7
Not sure	21%	3
No	29%	4

Feedback from consultation survey: Do you think the revised classification system provides a fair, risk based approach to managing trade waste?		
14 Submissions		
	%	Number of responses
Yes	50%	7
Not sure	29%	4
No	21%	3

Table Two: Issues identified through analysis of all written survey submissions (total = 8) on how submitters expect the updated classification of trade waste discharges to affect them.

Issue	Submission themes and example quotes	Response
1. Increased compliance costs and business viability	Submitters expected permits, pre-treatment and other compliance obligations associated with the classifications to increase operating costs, with potentially severe effects for financially vulnerable businesses. Examples: “costs associated with compliance”; “Additional costs for permits and pre-treatment would be the final straw, forcing us to shut down.”	Clarification of transition periods in the draft bylaw and plans to stagger implementation of some fees.
2. Additional permitting and system upgrades	Business submitters expect the Controlled category to add permit processes and possible infrastructure upgrades. Example: “This could result in additional permitting requirements, increased compliance costs, and potential upgrades to existing systems.”	Intended by the draft bylaw to improve quality of discharges and allocation of wastewater processing costs.
3. Recognition of existing compliant systems and proportionality	Submitters that are already reporting, treating discharges or holding controls were concerned about duplication and unnecessary new requirements that are excessive relative to their actual discharge. Examples: “We are fully compliant and report monthly. We already have sumps, filters and multiple interceptors”; “We already have to have a grease trap for a business that only ever reheats and never actually cooks any fatty products”; “It appears to already be in effect as my tradewaste is treated in the Controlled area.”	Additional information to be provided in implementation material will clarify if reporting or pre-treatment requirements will change for these businesses. The draft bylaw does allow for a case-by-case approach to permit conditions as required.
4. Uncertainty	Some submitters wanted more detail about classification and permit requirements for greater certainty. Examples: “unsure until you provide more	Additional details to be provided in implementation material.

	information”; “There is also concern around increased administrative burden and uncertainty when planning future investments.”	
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Topic Three: Encouraging cleaner discharges and balancing environmental protection with practical requirements

Proposal: The draft Trade Waste Bylaw 2026 introduces clearer requirements for the pre-treatment of trade waste discharges, monitoring and management of hazardous waste (including persistent organic pollutants such as PFAS).

Feedback from consultation survey: Do you think that the proposed requirements for pre treatment (e.g. grease traps, interceptors) are going to encourage cleaner discharges?		
14 Submissions		
	%	Number of responses
Yes	57%	8
Not sure	36%	5
No	7%	1

Feedback from consultation survey: Do you agree that stronger controls on hazardous or prohibited discharges (including PFAS) are necessary?		
14 Submissions		
	%	Number of responses
Yes	72%	10
Not sure	21%	3
No	7%	1

Feedback from consultation survey: Do the proposed changes strike the right balance between environmental protection and practical requirements for people and businesses?		
13 Submissions		
	%	Number of responses
Too strongly environmental	8%	1
Slightly too environmental	24%	3
The balance is right	38%	5
Slightly too practically focused	15%	2
Too strongly practically focused	15%	2

Table Three: Issues identified through analysis of all written survey submissions on striking the right balance between environmental and practical considerations in the bylaw (total = 6)

Issue	Submission themes and example quotes	Response
1. Environmental protection is supported, but views differ on emphasis	Submitters recognised environmental protection as important, although one wanted stronger protection while another considered the draft slightly over-weighted toward environmental outcomes. Examples: “I would prefer greater environmental protection”; “the proposed changes appear to lean slightly too far toward environmental outcomes.”	Already aligned with the draft bylaw so no change proposed.
2. Financial and commercial viability	Practical concerns of submitters are centered on added permit, treatment and upgrade costs, especially for businesses already under financial pressure. Examples: “Introducing additional compliance costs without sufficient transition time or support may place further strain on businesses”; “Additional costs for permits and pre-treatment would be the final straw, forcing us to shut down.”	Clarification of transition periods in the draft bylaw and plans to stagger implementation of some fees.
3. Recognition of existing controls and environmental investment	Submitters questioned additional requirements where consents or effective systems are already in place, and sought recognition of prior investment. Examples: “Our new consent definitely had more additions and compliance requirements in it than the previous one, so why bother changing?”; “Our business has already invested in systems such as water recycling and pre-treatment.”	Already aligned with the draft bylaw and to be clarified in implementation material.
4. Practical, proportionate and achievable implementation	The desired balance was described by submitters as one that protects the environment without imposing unnecessary or unworkable burdens on businesses. Examples: “the bylaw achieves a balance that protects the environment while remaining practical, proportionate, and achievable”; “businesses need to use these regulations and be able to undertake commercial activities.”	The draft bylaw already seeks to achieve this balance with clarifications to be provided in implementation material.

Issue	Submission themes and example quotes	Response
5. Clear, specific and explainable requirements	Some submitters could not judge the balance without more detail about the hazards being managed and how requirements would be applied. Examples: “need more specifics about the actual chemicals and hazards you are looking to manage”; “Anything is good so long as the implementation is calculated and explainable.”	Some terms/clauses clarified in the draft bylaw and additional clarification to be provided in implementation material.

Topic Four: Alternatives

Proposal: Submitters were invited to provide their suggestions for refinement or changes to the proposed draft Trade Waste Bylaw 2026.

Feedback from consultation survey: Is there anything you think needs refinement or should be changed in the draft Trade Waste Bylaw 2026?		
20 Submissions		
	%	Number of responses
Yes	65%	13
No comment	35%	7

Table Four: Summary of general suggestions for refinement or amendments to the draft bylaw by theme from all written survey submissions (total = 6)

Theme	Example Quotes	Response
1. Stronger enforcement, inspections and penalties	Submitters wanted better enforcement of existing and new requirements, including visible penalties and proactive inspections. Examples: “The current legislation needs more policing. Especially those who do not currently comply”; “Advertised penalties for non-compliance, as well as regular and not-forewarned inspections.”	Clarification of inspections and implications/costs of non-compliance to be provided in implementation material.
2. Individual, risk-based assessment of businesses	Submitters want requirements that reflect actual discharges and site circumstances rather than broad assumptions based on business category. Example: “All businesses should be looked individually and not just lumped into a category. Eg. What is their actual waste? not a perceived waste.”	Site or business specific queries shared with Trade Waste Officers to assist submitters directly. Additional clarification to be provided in implementation material.

Theme	Example Quotes	Response
3. Greater focus on hazardous discharges	One submitter wanted the draft to place more emphasis on the highest-risk contaminants and consequences for breaches. Example: “More of a focus on hazardous substance discharge and penalties.”	The draft bylaw does provides clarification of infringement offences and penalties for hazardous discharges and breaches.
4. Clearer rules, guidance and consultation	Submitters sought greater clarity about categories, permits and obligations, supported by industry-specific guidance and opportunities to discuss requirements. Examples: “Greater clarity is needed around how the new categories and permitting requirements will apply”; “there needs to be more clarity on the requirements and opportunity to discuss.”	Some terms/clauses clarified in the draft bylaw and additional clarification to be provided in implementation material.
5. Recognition of existing compliant infrastructure	Submitters with existing effective treatment, recycling and pre-treatment systems asked to be recognised to avoid unnecessary upgrades or duplicated requirements. Example: “the bylaw should recognise businesses that have already invested in water recycling and pre-treatment systems, and avoid requiring unnecessary upgrades.”	Site or business specific queries shared with Trade Waste Officers to assist submitters directly. Additional clarification to be provided in implementation material.
6. Transition periods and financial support	Submitters requested staged implementation that accounts for economic conditions and compliance costs, including longer grace periods or support for affected businesses. Examples: “Allowing reasonable transition timeframes for any new requirements”; “Financial subsidy — 3~5 year grace period.”	Clarification of transition periods in the draft bylaw and plans to stagger implementation of some fees.

Table Five: Summary of specific suggestions for refinement or amendment to the draft bylaw from seven organisations/groups with detailed written submissions (Western Bay of Plenty District Council, Port of Tauranga Limited, Enviro NZ Services Limited, Bay of Plenty Regional Council, Winstone Wallboards Limited, WashnShine and a group of oil companies (BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited)).

Theme	Outline of Suggestion	Example Quotes	Response/Rationale
1. Implementation guidance and industry-specific information	Provide more information about how the bylaw will be implemented in practice, how businesses will be classified, what permits will require, and what compliance obligations will apply to different industries.	<i>"Greater clarity is needed around how the new categories and permitting requirements will apply to existing businesses."</i> <i>"Providing clear, industry-specific guidance (e.g. for car wash operators)."</i>	Further practical explanation, industry-specific examples and implementation steps will be provided through guidance material, including permit application information and sector-specific guidance. Where needed, case by case guidance will be provided.
2. Transitional arrangements and grace periods	Amend the transitional provisions to better accommodate existing businesses, especially activities moving from permitted or allowed discharges to controlled discharges requiring permits. Introduce grace periods and phased implementation.	<i>"Allowing reasonable transition timeframes for any new requirements."</i> <i>"3~5 year grace period."</i> <i>"Ensure there is a pathway and sufficient time for discharges that may previously have operated under a 'permitted' activity."</i>	Transitional provisions are included in clause 16. Clause 16.1 has had minor edits for clarity and clause 16.2 has been inserted to clarify the one-year transition period for permit applications where a discharge previously permitted under the 2019 bylaw may now require a permit. Further details will be provided with implementation materials.
3. Recognition of existing compliant infrastructure and investment	Avoid requiring unnecessary upgrades where businesses have already invested in effective treatment systems, pre-treatment devices, interceptors, grease traps, or water recycling systems.	<i>"Recognising existing infrastructure and avoiding unnecessary upgrades."</i> <i>"Avoid requiring unnecessary upgrades where effective systems are already in place."</i> <i>"Businesses that have taken proactive steps like this are recognised within the bylaw."</i>	Site-specific permit conditions and pre-treatment requirements can to be considered through clauses 7 and 14 and Schedule Three. Schedule Three, Part Three also recognises existing grease traps or interceptors with a functional capacity of less than 750 litres where the Permit holder provides evidence of adequate cleaning and maintenance to the Water Service Provider's satisfaction. These clauses have had minor changes

			made for clarification. Further guidance will explain how existing infrastructure will be assessed in practice.
4. Discharge volume thresholds and classifications	Reconsider the proposed reduction of allowed discharge thresholds and the introduction of the Controlled category. Some submitters sought higher thresholds, more flexibility, or alternative classification approaches that reflect actual risk.	<i>"The proposal lacks explanation around how the Council has determined the reduced threshold of 1m3."</i> <i>"Request that the threshold be no less than a maximum of 2m3."</i> <i>"To increase the volumetric limit up to 2m3 or more per day."</i>	The decision to introduce the Controlled category and the threshold for this category are in recognition of the additional processing and monitoring associated with these discharges.
5. Risk-based and site-specific assessment	Ensure discharge requirements reflect actual discharge characteristics and risk rather than broad industry classifications or discharge volumes alone.	<i>"All businesses should be looked individually and not just lumped into a category."</i> <i>"What is their actual waste? not a perceived waste."</i> <i>"Application, review, and variation processes should be efficient, predictable, and based on evidence of actual risk."</i>	Guidance material will support consistent risk-based assessment and compliance advice.
6. Pre-treatment requirements and sizing standards	Provide clearer requirements for grease traps, interceptors, pre-treatment devices and sizing requirements, including minimum standards, guidance and technical criteria.	<i>"There is no typical pre-treatment example or sizing provided for interceptors."</i> <i>"Suggest providing minimum sizing/ratio requirement, or treatment parameters."</i> <i>"Require guidance to applicants to support correct sizing."</i>	Schedule Three has been amended for clarification of the grease trap and interceptor provisions, including recognition of existing smaller systems where adequate maintenance can be demonstrated. More detailed sizing guidance and examples will be provided in implementation material.

7. Monitoring, compliance and enforcement	Strengthen enforcement against non-compliant dischargers and clarify monitoring requirements, inspection processes and penalties. Some submitters also sought smarter or more coordinated compliance monitoring.	<i>"The current legislation needs more policing."</i> <i>"Advertised penalties for non-compliance, as well as regular and not-forewarned inspections."</i> <i>"Questions if there could be a smarter way to monitor compliance."</i>	Operational monitoring approaches, inspection prioritisation and communications about compliance expectations will be addressed through implementation material.
8. Permit requirements, renewals and duration	Review permit durations, renewal requirements, automatic renewal provisions and circumstances requiring permits. Some submitters considered annual renewals unnecessarily onerous and sought longer permit terms.	<i>"Controlled discharge permits are capped at one year and require annual renewal."</i> <i>"The Fuel Companies propose a permit duration of five years."</i> <i>"Additional compliance costs with no environmental benefit."</i>	Guidance material will explain how permit duration, renewal and review processes will be administered to support proportionate implementation.
9. PFAS and persistent organic pollutant provisions	Clarify how PFAS and POPs will be regulated and adopt a practical risk-based approach using appropriate concentration or mass limits rather than treating any detectable presence as requiring a conditional permit.	<i>"The Fuel Companies seek clarification regarding the management of Persistent Organic Pollutants."</i> <i>"The draft bylaw does not set a trigger level for POPs."</i> <i>"Allowing a permitted pathway for PFAS... where it meets the levels recommended by the EPA."</i> <i>"Explicitly listing persistent organic pollutants in"</i>	Schedule Three, Part One has been clarified to require consideration of the quantity of Persistent Organic Pollutants in relation to levels recommended by Taumata Arowai, the Environmental Protection Authority, the Ministry for the Environment and related guidance. Further technical guidance will clarify how these provisions will be applied in practice. ¹

¹ For more information on persistent organic pollutants response see the extra notes following this table

		<i>Schedule two – characteristics of prohibited discharges."</i>	
10. Drafting, definitions and technical wording	Amend definitions, terminology, references, offence provisions, hazardous materials clauses, discharge provisions and operational wording to improve certainty and interpretation.	<i>"Recommend using the full term for persistent organic pollutants."</i> <i>"The definitions should be amended to capture a low risk discharge that exceeds 1m3/day but is less than 3m3/day."</i> <i>"Provision allowing discharge of pool water requires clarification."</i>	Several drafting and terminology matters have been addressed in the draft bylaw, including updated definitions, full reference to Persistent Organic Pollutants, clarification of water service provider terminology, updated legislative references, and refined wording for flow meter matters. Some wording remains unchanged where it is needed for consistency with the legislative framework or operational flexibility.
11. Fees, charges and affordability	Provide more detail about permit costs, charging methodologies, infringement fees, cost recovery and the treatment of small businesses to ensure charges are reasonable and proportionate.	<i>"Considering the current economic environment and the financial impact of compliance changes."</i> <i>"Considering an additional fee category for small businesses."</i> <i>"The bylaw does not specify how the reticulation treatment charge will be calculated."</i>	Detailed fee categories, charging methodology and any small business considerations sit outside the bylaw itself and will be addressed through fees and charges processes and supporting implementation material.
12. Operational guidance for specific activities and situations	Include additional provisions or guidance covering mobile food businesses, home-based food businesses, emergency discharges, tanker washdown water, public dump stations, discharge flow meters and other specific circumstances.	<i>"The bylaw would benefit from express provisions on where and how such businesses can discharge waste."</i> <i>"Recommend including provisions in clause 13.4"</i>	Some operational matters have been clarified in the bylaw through minor changes in clauses 13, 15 and Schedule Three. For example including tanker wash requirements, Flow Meter requirements and typical pre-treatment examples. Other activity-specific scenarios, including mobile or home-based

		<i>that allow for managed emergency discharges."</i> <i>"Include a definition for a 'Discharge flow meter'."</i>	food businesses, will be addressed through implementation guidance so they can be updated more readily as operational practices develop.
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Extra note on response to submissions on persistent organic pollutants (including PFAS)

Rather than prohibiting PFAS discharges or establishing numerical acceptance criteria, the bylaw adopts a discretionary and risk-based framework. The final drafting enables the Water Service Provider to consider current guidance and the presence of POPs when assessing permit applications, while allowing permit conditions to be negotiated on a case-by-case basis where appropriate. The agreed position was that the bylaw should future-proof Council's ability to manage emerging contaminants, improve understanding of PFAS-containing discharges entering the wastewater system, and protect long-term wastewater and biosolids outcomes, while avoiding automatic treatment requirements, mandatory thresholds, or a zero-tolerance regime. Amendments were also made to broaden references to guidance from organisations such as Taumata Arowai, the Environmental Protection Authority and the Ministry for the Environment, recognising that guidance and regulation in this area are continuing to evolve.



Tauranga City

DRAFT TRADE WASTE BYLAW 2026

First adopted	22 November 2004	Minute reference	M04/105.3
Revisions/amendments	31 July 2008	Minute reference	M08/76.5
	7 May 2019		M19/25.8
	[TBC] 2026	Change to Local Government (Water Services) Act 2025	
Review date	This bylaw is to be reviewed 10 years after date of last review		
Relevant legislation	This bylaw was made under section 258(1)(b) of the Local Government (Water Services) Act 2025		

1. TITLE

- 1.1 This bylaw is the Tauranga City Council Trade Waste Bylaw 2026.

2. COMMENCEMENT

- 2.1 This bylaw comes into force on [TBC 1 December 2026.]

3. APPLICATION AND INTERPRETATION

- 3.1 Unless otherwise stated, this Bylaw shall apply to the whole of the city.
- 3.2 This Bylaw applies to all Trade Premises within Tauranga City where Trade Wastes are discharged or sourced or are likely to be discharged to the Wastewater System, including Tankered Waste intended for discharge to the Wastewater System.
- 3.3 Words which refer to the singular include the plural and the plural includes the singular.
- 3.4 Reference to any act, regulation or plan or provision of any act, regulation or plan includes any amendment to that act, regulation or plan or any act, regulation or plan passed in substitution for it.
- 3.5 Notes in italics are explanatory or for information only and are not part of this Bylaw. These notes may be added, amended or deleted at any time without amending this Bylaw.

4. PURPOSE

- 4.1 The purpose of this Bylaw is to control and monitor Trade Waste discharges in a way that supports the operation and maintenance of a wastewater system that:
- (a) aligns with Tauranga Taurikura, a city that values, protects and enhances our environment;

- (b) aligns with Tauranga Matarauui, a city where people feel safe, connected and healthy;
- (c) complies with the Resource Management Act 1991 particularly in respect to Tauranga City Council's or the Water Service Provider's resource consents relating to the disposal of treated Wastewater, biosolids and discharges to air.

4.2 This Bylaw supports this purpose through:

- (a) classifying Trade Waste to manage different Trade Waste characteristics;
- (b) setting load and flow requirements to manage long-term, intermittent, or temporary discharges of Trade Waste to the Wastewater System at levels that enable compliance with Tauranga City Council's or the Water Service Provider's wastewater discharge resource consents;
- (c) establishing requirements for pre-treatment of Trade Waste prior to discharge into the Wastewater System;
- (d) providing for the sampling and monitoring of Trade Waste discharges;
- (e) providing a basis for permitting discharges from Trade Premises;
- (f) recovering costs associated with Trade Waste conveyance, treatment and disposal;
- (g) protecting the wastewater system from damage, misuse and interference;
- (h) encouraging correct storage of materials in order to protect the wastewater system from contamination; and
- (i) promoting Trade Waste minimisation, the use of cleaner production processes, and waste management (including sludges).

Term	Definition
Allowed Discharges	means Trade Waste discharges that: (a) comply with all the physical and chemical characteristics set out in Schedule One and does not exceed a maximum volume of Trade Waste of 1m³/day; and (b) are deemed by the Water Service Provider to be low risk and a pre-treatment device is not required.
Approved	approved in writing by the Water Service Provider, either by resolution of the governing body of the Water Service Provider or by any Compliance Officer of the Water Service Provider.
Bylaw	refers to the Tauranga City Council Trade Waste Bylaw 2026.
Compliance Officer	any person appointed by the Water Service Provider to administer and enforce this Bylaw in accordance with section 278 of the Local Government (Water Services) Act 2025.

Term	Definition
Condensing Water or Cooling Water	means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into a solution or suspension.
Conditional Discharges	means Trade Waste discharges that: (a) are Temporary Discharges and are not Allowed Discharges or Controlled Discharges; or (b) do not comply with one or more of the physical and chemical characteristics set out in Schedule One; or (c) exceed a maximum volume of Trade Waste of 3m³/day; or (d) are deemed by the Water Service Provider to be high risk and a pre-treatment device or system is required; or (e) are Tankered Waste; or (f) contain POPPersistent Organic Pollutants.
Controlled Discharges	means Trade Waste discharges that: (a) comply with all the physical and chemical characteristics set out in Schedule One; and (b) <u>exceed a maximum volume of 1m³/day but</u> do not exceed a maximum volume of 3m³/day; and (c) are deemed by the Water Service Provider to be medium risk and a pre-treatment device is required.
Discharger	any Person, including a Permit holder, who discharges Trade Waste into the Wastewater System.
Domestic Wastewater	Wastewater (with or without matter in solution or suspension therein) of a domestic nature lawfully discharged from premises used solely for residential purposes.
<u>Flow Meter</u>	<u>a meter with specifications that are approved by the Water Service Provider for the measurement of the rate or quantity of discharge of Trade Waste from a premises.</u>
Maximum Concentration	means the instantaneous peak concentration that may be discharged at any instant in time.
Permit	means a permit issued by the Water Service Provider in accordance with this Bylaw.
Person	<u>means an individual, a corporation sole, a body corporate, and an unincorporated body</u> means a Person or body of Persons whether corporate or unincorporated , and includes the Crown and any successor of a Person.
Pop Persistent Organic Pollutants	persistent organic pollutants, including <u>includes</u> polyfluoroalkyl and perfluoroalkyl substances (PFAS), perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA)

Term	Definition
Prohibited Discharge	means Trade Waste discharges that that has, or is likely to have, any of the physical or chemical characteristics set out in Schedule Two.
Stormwater	surface water run-off resulting from rainfall.
Tanker Waste	means water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, but does not include Domestic Wastewater that is discharged directly from houses, caravans, buses or similar vehicles.
Temporary Discharge	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from Trade Premises subject to an existing Permit.
Trade Premises	means any land or premises used, or intended to be used, for an industrial, commercial, or trade purpose, or for storing, transferring, treating, or discharging Trade Waste.
Trade Waste	means any waste that is discharged in the course of an industrial, commercial, or trade process or operation, or a related process or operation and is discharged, <u>or should be discharged</u> , in a Wastewater System but does not include any class of waste or material that has been specified to not be trade waste by a Trade Waste Discharge Plan.
Trade Waste Discharge Plan	Means a plan made by a Water Service Provider under section 185 of the Local Government (Water Services) Act 2025 (if any).
Wastewater	means Domestic Wastewater and Trade Waste.
Wastewater System	means the system for collection, treatment and disposal of Wastewater including all sewers, pumping stations, storage tanks, Wastewater treatment plants, outfalls and other related structures operated by the Water Service Provider.
Water Service Provider	is as defined in the Local Government (Water Services) Act 2025. At the date of this Bylaw, this includes a territorial authority that has not transferred to a water organisation all of the authority's responsibility for providing water services, in relation to the water services for which the authority continues to have responsibility; or a water organisation to which a territorial authority or a regional council has transferred responsibility for providing water services, in relation to the responsibility transferred.

These definitions apply unless the context requires otherwise.

5. CLASSIFICATION AND RESTRICTION OF DISCHARGES

5.1 Trade Waste discharges shall be classified as:

- (a) Allowed Discharges; or
- (b) Controlled Discharges; or
- (c) Conditional discharges; or

- (d) Prohibited Discharges.
- 5.2 No Person may make a Controlled discharge, or a Conditional discharge to the Wastewater System without a Permit. A Permit is not required to make an Allowed discharge.
- 5.3 No Person shall, except in accordance with the provisions of this Bylaw and any Permit:
- (a) discharge or allow to be discharged, any Trade Waste to the Wastewater System;
 - (b) discharge, or allow to be discharged, any Prohibited Discharge into the Wastewater System;
 - (c) add or permit the addition of potable, non-potable, Condensing Water or Cooling Water to any Trade Waste which discharges into the Wastewater System unless specific approval is given in a Permit;
 - (d) discharge, or allow to be discharged, waste matter in solution or suspension, which is conveyed by vehicle for disposal, including septic tank wastes, directly into the Wastewater System;
 - (e) add or permit the addition of Stormwater to any Trade Waste which discharges into the Wastewater System unless specific approval is given in a Permit; or
 - (f) dispose of solid waste which has been processed through a refuse or garbage grinder or macerator into the Wastewater System unless specific approval is given in a Permit.
- 5.4 The occupier of Trade Premises is responsible for the discharge of any Trade Waste from those Trade Premises (whether or not the occupier is the Discharger) and for compliance with this Bylaw in respect to those Trade Premises.
- 5.5 The nature and level of any allowed discharge characteristic set out in Schedule One may be added, removed or varied by publicly notified Water Service Provider resolution.
- 5.6 The Water Service Provider will give at least 20 working days' notice prior to any amendments to Schedules One or Two. Where possible, this notice will be given in writing to Dischargers.
- 5.7 Obtaining a Permit for any Trade Waste discharge under this Bylaw does not relieve the Person discharging or allowing the discharge, from any obligations to:
- (a) obtain any other permit, consent or permission for the discharge under any other statutory requirements; or
 - (b) comply with other legislation, such as the Hazardous Substances and New Organisms Act 1996 and the Resource Management Act 1991.

6. APPLICATIONS FOR TRADE WASTE PERMITS

- 6.1 Any Person may apply to the Water Service Provider to:
- (a) grant a Permit for (either continuously, intermittently, or temporarily) Controlled Discharges or Conditional Discharges into the Wastewater System; or

- (b) transfer a Permit for Conditional Discharges in accordance with clause 11.2; or
 - (c) vary the characteristics specified by a Permit; or
 - (d) vary the conditions of a Permit; or
 - (e) vary the method or means of pre-treatment for discharge under a Permit; or
 - (f) waive compliance in accordance with clause 6.4 or 21.1.
- 6.2 Applications under clause 6.1 must be in the form, and contain the information, required by the Water Service Provider and accompanied by the prescribed fee for the category of Permit applied for.
- 6.3 Where the Trade Premises produce Trade Waste from more than one area, separate descriptions of the Trade Waste and the areas concerned shall be included in any application and the Water Service Provider may require separate applications for each point of Trade Waste discharge according to the different categories or conditions for the characteristics of the discharges. This applies whether or not the separate areas of the Trade Premises are part of a single or separate trade process.
- 6.4 A Person may apply to the Water Service Provider to waive compliance with the requirement to obtain a Permit under this Bylaw on the basis that due to the nature, volume or other circumstances, it would needlessly affect the operation of a business or cause inconvenience to a Person, without any corresponding reduction of impact on the operation of the Wastewater System. Any waiver of the requirement to obtain a Permit is at the absolute discretion of the Water Service Provider in accordance with clause 21.1.
- 6.5 In any application process for a Permit, the Water Service Provider reserves the right to deal with the owner, as well as the occupier of the relevant Trade Premises.
- 7. CONSIDERATION OF APPLICATIONS, GRANTS OF PERMITS AND REVIEWS**
- 7.1 Within 20 working days (or as extended if warranted by exceptional circumstances by the Water Service Provider) of receipt of a complete application complying with this Bylaw the Water Service Provider shall, after considering the matters in Part One of Schedule Three do any one or more of the following:
- (a) advise the applicant on the classification of the proposed discharge and request for any additional information to process the application;
 - (b) grant the applicant a Permit, or a variation of a Permit, and inform the applicant of the decision and the conditions imposed on the discharge;
 - (c) approve the transfer of a Permit for Conditional Discharges;
 - (d) decline the application and notify the applicant of the decision giving a statement of the reasons for refusal;
 - (e) waive compliance and inform the applicant of the decision and any conditions imposed.
- 7.2 Where the Water Service Provider:
- (a) notifies an applicant that an application is incomplete, or

- (b) requests additional information from the applicant,

the 20 working day period in clause 7.1 will be paused until the additional information or complete application is received by the Water Service Provider.

- 7.3 Permits may specify different requirements and conditions for different classifications of Trade Waste discharges and for different Trade Premises. A Permit may be granted subject to any requirements, conditions and limits that the Water Service Provider deems necessary to protect the Wastewater System or enable them to meet reporting obligations, including (without limitation) the conditions in Part Two of Schedule Three.
- 7.4 A Person whose application for a Permit is declined may apply to the Water Service Provider for an internal review of that decision. The Person applying for review and the Water Service Provider must follow the review process in accordance with the requirements of sections 191 to 194 of the Local Government (Water Services) Act 2025.

8. DURATION AND RENEWAL OF PERMITS

- 8.1 Permits for Controlled Discharges will be:
 - (a) issued for a period of one year; and
 - (b) subject to compliance with the terms of the Permit, including payment of fees, automatically renewed for one year at a time.
- 8.2 Permits for Conditional Discharges may be issued for a period of one or three years, as determined by the Water Service Provider.
- 8.3 The holder of a Conditional Discharge Permit may apply to renew a Permit.
- 8.4 An application for renewal of a Conditional Discharge Permit must be submitted to the Water Service Provider at least eight weeks before the expiry of the existing Permit.
- 8.5 Subject to clauses 10 and 11, a Permit holder, who has submitted an application for renewal in accordance with clause 8.4, may continue to discharge Trade Waste in accordance with the conditions of their existing Permit until:
 - (a) The Water Service Provider issues a renewed Permit; or
 - (b) The Water Service Provider declines to renew the Permit.
- 8.6 Where an application for a renewed Permit has not been made in accordance with clause 8.4, the Water Service Provider may require the Discharger to cease discharging Trade Waste at the expiry of the existing Permit until any new Permit is issued.

9. TECHNICAL REVIEW AND VARIATION OF PERMIT

- 9.1 At any time during the term of a Permit, the Water Service Provider may, after consultation with the Permit holder, by written notice reclassify the discharge and/or vary any condition of a Permit, having regard to issues such as:
 - (a) changes in the quantity, nature and characteristics of the discharges;
 - (b) changes in the Wastewater System;

- (c) changes in circumstances that result in condition(s) becoming inappropriate or unnecessary;
 - (d) any apparent or actual breach of Permit conditions or any breach of this Bylaw;
 - (e) changes in the Water Service Provider's environmental policies or outcomes;
 - (f) changes in resource consents for the Wastewater System;
 - (g) changes in the legal requirements imposed on the Water Service Provider under any contract, statute or otherwise;
 - (h) changes to the Trade Waste Discharge Plan;
 - (i) new information becomes available.
- 9.2 A Permit holder may apply to vary any condition of a Permit at any time during the term of the Permit by submitting an application to the Water Service Provider in accordance with clause 7.1(c).
- 10. SUSPENSION OF DISCHARGES OR CANCELLATION OF PERMITS ON NOTICE**
- 10.1 A Permit holder and a Discharger must:
- (a) comply with all conditions of any relevant Permit; and
 - (b) to the extent that the discharge is authorised as an Allowed Discharge, ensure that the characteristics of the Allowed Discharge are satisfied; and
 - (c) promptly pay all fees or charges under this Bylaw which they are liable to pay.
- 10.2 If a Permit holder or Discharger fails to comply with clause 10.1(a), (b) or (c), the Water Service Provider may serve notice on that Person requiring them to comply within 20 working days or such longer period as the Water Service Provider in its discretion considers appropriate.
- 10.3 If a Permit holder or Discharger served with a notice under clause 10.2 does not comply within the time specified in the notice, then the Water Service Provider may suspend or cancel the Permit and/or right to discharge either wholly or in part. For the avoidance of doubt, this includes suspension or cancellation of the right to make what would otherwise be an Allowed Discharge.
- 10.4 The Water Service Provider may suspend or cancel any Permit or right to discharge either wholly or in part, on 20 working days' notice, if any other circumstances arise which, in the opinion of the Water Service Provider, render it necessary in the public interest to suspend or cancel the Permit or right to discharge.
- 10.5 The Water Service Provider may immediately suspend or cancel any Permit or right to discharge, either wholly or in part, by giving to the Permit holder or Discharger written notice of that suspension or cancellation, if:
- (a) the Permit holder or Discharger fails to maintain effective control of their discharges or makes a Prohibited Discharge other than in accordance with a Permit; or
 - (b) the continuance of the discharge is, in the opinion of the Water Service Provider, endangering, or is likely to endanger, the health or safety of any person,

damages or is likely to cause damage to the Wastewater System, causes, or is likely to cause, adverse effects on the environment; or

- (c) the continuance of the discharge may, in the opinion of the Water Service Provider, result in a breach of a Wastewater System resource consent; or
 - (d) in the opinion of the Water Service Provider the continuance of the discharge puts at risk the ability of the Wastewater System to comply with any resource consent conditions and/or requires additional treatment measures to be taken or costs to be incurred in order to avoid a breach of any such resource consent; or
 - (e) the Water Service Provider is lawfully directed to cancel or otherwise terminate the Permit.
- 10.6 If the Water Service Provider has the power under this clause to cancel or suspend a Permit or right to discharge either on notice or immediately then it may exercise whichever option it considers appropriate in the circumstances of the case.
- 10.7 The Water Service Provider may elect to follow the notice process set out in clauses 10.2-10.5, and/or to serve a compliance order in accordance with section 297 of the Local Government (Water Services) Act 2025, whichever option is available or it considers appropriate in the circumstances of the case.
- 10.8 Following an application for the variation of a Permit in accordance with clause 6.1, the Water Service Provider may in its discretion reinstate any right to discharge or grant a further Permit to any Person whose Permit or right has been suspended or cancelled under clauses 10.3, 10.4 or 10.5, and with or without such conditions as it considers appropriate. In deciding whether to act under this clause the Water Service Provider may take into account any relevant matters including the steps taken by the Person to ensure that the circumstances giving rise to the suspension or cancellation will not be continued or repeated.
- 10.9 Nothing in this clause:
- (a) limits the power of the chief executive of the Water Service Provider to serve a compliance order, in accordance with section 297 of the Local Government (Water Services) Act 2025; or
 - (b) relieves a Person of liability for any breach of this Bylaw which they may have apart from this clause.

11. TRANSFER OR TERMINATION OF RIGHTS AND RESPONSIBILITIES

- 11.1 Permits for Controlled Discharges are not transferable. Where the Person who is the Discharger from Trade Premises changes, the new Discharger must apply for a new Permit for Controlled Discharges.
- 11.2 A Permit holder or Discharger must obtain approval from the Water Service Provider prior to:
- (a) ~~transferring~~transferring their rights and responsibilities provided for under this Bylaw, and under a Permit for Conditional Discharges, to any other Person;
 - (b) allowing a point of discharge to serve another Trade Premises, or the private drain to that point to extend by pipe or any other means to serve another Trade Premises; or

- (c) in particular, and not in limitation of the above, allow Wastewater from any other Person to be discharged at their point of discharge.
- 11.3 Water service provider will not unreasonably withhold approval to the renewal or transfer of a Permit for Conditional Discharges on change of ownership or occupation of the relevant Trade Premises if the characteristics of the Trade Waste remain unchanged.
- 11.4 A Discharger shall give at least 48 hours' notice in writing to Water Service Provider of any requirement for disconnection of the discharge connection and/or termination of the Permit, except where demolition or relaying of the discharge drain is required, in which case the notice shall be at least seven working days. The Discharger shall notify Water Service Provider of the new address details for final invoicing.
- 11.5 On permanent disconnection and/or termination the Discharger may at Water Service Provider's discretion be liable for Trade Waste charges to the end of the current charging period.
- 11.6 When a Permit holder ceases to occupy Trade Premises from which Trade Wastes are discharged, any Permit granted to that Permit holder in respect of those Trade Premises shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

12. MANAGEMENT OF HAZARDOUS MATERIALS

- 12.1 No Person shall store, transport, handle or use, or cause to be stored, transported, handled or used any of the materials described in clause 12.3 in a manner that may cause the material to enter the Wastewater System.
- 12.2 All Persons on Trade Premises must take all reasonable steps to prevent the entry of any of the materials described in 12.3 into the Wastewater System, including accidental entry as a result of leakage, spillage or other mishap.
- 12.3 The materials referred to in clauses 12.1 and 12.2 are products or wastes that:
 - (a) contain corrosive, toxic, biocidal, radioactive, flammable or explosive materials; or
 - (b) are likely to generate toxic, flammable, explosive or corrosive materials in quantities that are likely to be hazardous when mixed with the wastewater stream; or
 - (c) are likely to endanger the health and safety of any Person or be harmful to the Wastewater System or the environment.

13. TANKERED AND OTHER DISCHARGES

- 13.1 No Tankered Waste may be discharged directly into the Wastewater System.
- 13.2 Any Person transporting Tankered Waste must:
 - (a) comply with this Bylaw and the current New Zealand Trade and Industrial [Waste Forum's Liquid and Hazardous Wastes Code of Practice](#);
 - (b) ensure the tanker is thoroughly washed [\(in an appropriate facility that protects the wastewater network and environment\)](#) between tanker loads of varying waste categories to prevent cross-contamination;

- (c) where the Tankered Waste is discharged in Tauranga, ensure the Tankered Waste is discharged at a commercial waste treatment facility approved for Tankered Waste disposal by the Water Service Provider.
- 13.3 Any treatment facility receiving Tankered Waste and discharging into the Wastewater System must have a current Permit for Conditional Discharges.
- 13.4 No water used during the repair or construction of water mains maybe discharged into the Wastewater System, ~~or adjacent water course~~ without prior written approval from the Water Service Provider.
- 13.5 Any water used during the repair or construction of water mains shall be de-chlorinated to the level of being an Allowed Discharge prior to being discharged into the Wastewater System, if approved under clause 13.4.
- 13.6 Owners and operators of swimming pools may discharge pool water into the Wastewater System at the rate of an Allowed Discharge, once it is de-chlorinated to the level of being an Allowed Discharge. Otherwise a Permit or the prior written approval of the Water Service Provider is required for the discharge.

14. TREATMENT OF TRADE WASTE AND MASS LIMITS

- 14.1 The Water Service Provider may grant a Permit subject to the provision of appropriate pre-treatment systems. Such pre-treatment systems must be provided, operated and maintained by the Discharger at their expense.
- 14.2 Dischargers must:
 - (a) fit grease ~~traps or~~ interceptors, and may be required by the Water Service Provider to fit permanent ~~non-removable commercial~~ sink screens, in all food premises or any premises where any fat, grease, or oil ~~or solids are likely to be discharged or~~ could be present in the Trade Waste discharge and comply with the provisions of their Permit in respect of the sizing, cleaning and maintenance of the ~~traps or~~ interceptors.
 - (b) fit ~~interceptor~~ traps to Wastewater discharges from Trade Premises where oils, grit or other pollutants are likely to be present.
 - (c) refer to Part Three of Schedule Three for details of typical pre-treatment requirements for Trade Premises.
- 14.3 All dental premises must install suitable amalgam traps on all spittoons and on sink wastes used for washing dentistry equipment.
- 14.4 A Permit may impose controls on Trade Waste discharges by specifying mass limits for any characteristic of the Trade Waste. Any characteristic of a discharge with a mass limit imposed must also have a daily Maximum Concentration not exceeding the value tabled in Schedule One, unless the Water Service Provider has approved otherwise.
- 14.5 When setting mass limit allocations for a particular characteristic the Water Service Provider will consider:
 - (a) the operational requirements of and risk to the Wastewater System, and risks to occupational health and safety, public health, and the ultimate receiving environment;

- (b) whether or not the levels proposed pose a threat to the potential, planned or actual beneficial reuse of Biosolids or sewage sludge;
- (c) conditions in the Wastewater System near the Trade Waste discharge point and elsewhere in the Wastewater System;
- (d) the extent to which the available wastewater treatment plant capacity was used in the last year and is expected to be used in the forthcoming year;
- (e) whether or not the applicant uses cleaner production techniques within a period satisfactory to the Water Service Provider;
- (f) whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for wastewater treatment plant capacity;
- (g) any requirements on the Water Service Provider to reduce the pollutant discharge of the Wastewater System;
- (h) how great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the Wastewater System;
- (i) the total mass of the characteristic allowable in the Wastewater System, and the proportion (if any) to be reserved for future allocations, and
- (j) whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the ~~sewer reticulation~~Wastewater System, treatment process, or receiving water (or land).

15. SAMPLING, TESTING AND MONITORING

- 15.1 The Water Service Provider may sample, analyse and monitor Trade Waste discharges, and/or may require that discharges be sampled, analysed and monitored by the Discharger to determine:
- (a) if discharges comply with the provisions of this Bylaw, or any conditions of a Permit; and/or
 - (b) if discharges are classified as Allowed Discharges, Controlled Discharges, Conditional Discharges, or Prohibited Discharges; and/or
 - (c) what fees or charges are applicable, if any.
- 15.2 Where the Water Service Provider requires metering to measure the flow rate and volume of Trade Waste discharges, the Discharger will:
- (a) be responsible for the supply, installation, maintenance and reading of ~~a Flow Meter – a meter with specifications that are approved by the Water Service Provider for the measurement of the rate or quantity of discharge of Trade Waste from its premises. These meters~~The Flow Meter shall be approved by the Water Service Provider but shall remain the property of the Discharger;
 - (b) make records of flow and/or volume available at any time reasonably requested by the Water Service Provider and shall submit the records to the Water Service Provider at prescribed intervals, in a format and by the method approved by the Water Service Provider; and

- (c) install the ~~Flow m~~Meters in accordance with the manufacturer's instructions, in a location that is readily accessible for reading and maintenance, to the satisfaction of ~~a Compliance Officer~~the Water Service Provider.
- 15.3 Where no ~~Trade Waste meter~~Flow Meter or similar apparatus is warranted, or a ~~meter~~Flow Meter is out of repair or ceases to register, or where in the opinion of the Water Service Provider the ~~Flow M~~meter has been tampered with, the Water Service Provider may require that a percentage of the water supplied to the Trade Premises, or other such basis as seems reasonable, be used for estimating the rate or quantity of flow of Trade Waste discharges.
- 15.4 Wastewater quality shall be determined by either:
 - (a) Measuring the concentration of its characteristics alone; or
 - (b) Measuring both the mass and the concentration of its characteristics.
- 15.5 A Compliance Officer may enter any premises believed to be discharging Trade Waste, as provided in section 282 of the Local Government (Water Services) Act 2025, in order to determine any characteristics of any actual or potential discharge by:
 - (a) Taking readings and measurements;
 - (b) Carrying out an inspection;
 - (c) Observing any occurrence of accidental discharge and clean-up; and/or
 - (d) Taking samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.
- 15.6 Sampling, testing and monitoring will be undertaken by the Water Service Provider or Discharger in accordance with standard industry practice, including using an IANZ accredited laboratory for ~~any~~ testing and analysis when reasonably required by the Water Service Provider.

16. TRANSITIONAL PROVISIONS

16.1 Every existing Trade Waste consent, permission, agreement granted under ~~a previous~~ the Tauranga City Council Trade Waste Bylaw ~~2019~~ shall continue in force as if it were made or a Permit under this Bylaw until it reaches the expiry or renewal date specified in that ~~existing~~ consent, permission or agreement, provided that no consent shall run beyond three years of when this Bylaw comes into effect.

~~46.1~~16.2 Where a discharge was permitted under clause 6.1(a) of the Trade Waste Bylaw 2019 but may require a permit under this Bylaw, a permit application must be received by the Water Service Provider no later than one year after the date this Bylaw is adopted.

~~46.2~~16.3 This Bylaw is implied into and forms any part of any permission, consent or agreement continued by clause 16.1. Where there are inconsistencies between the terms of any permission, consent or agreement and the terms implied by this Bylaw, this Bylaw will prevail.

~~46.3~~16.4 Any application for a consent to discharge Trade Waste made under the Tauranga City Council Trade Waste Bylaw 2019 for which a consent has not yet been granted at the time of this new Bylaw coming into force will be deemed to be an application made under clause 6.1 of this Bylaw.

17. ACCIDENTS, OFFENCES AND BREACHES

17.1 In the event of any accident occurring that may alter the discharges into the Wastewater System from a Trade Premises:

- (a) the Discharger must inform the Water Service Provider immediately on discovery of that accident, including spills or process mishaps, where it may cause breach of this Bylaw, even if the breach will be temporary;
- (b) where a Permit for Controlled Discharges or Conditional Discharges applies, the Water Service Provider may initiate a review or cancellation of the Permit;
- (c) where the Trade Premises usually produces Allowed Discharges, the Water Service Provider may require that the Discharger apply for a Permit.

17.2 Every Person breaches this Bylaw and commits an offence who:

- (a) does, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
- (b) fails to do, or allows anything to remain undone, which ought to be done by that Person within the time and in the manner required by this Bylaw or any part of it; or
- (c) does anything which this Bylaw prohibits; or
- (d) fails to comply with any notice given to that Person under this Bylaw or any part of it or any condition of a Permit granted by the Water Service Provider; or
- (e) obstructs or hinders any Authorised Compliance Officer or other Water Service Provider appointed Person in performing any duty or in exercising any power under this Bylaw.

17.3 The chief executive of the Water Service Provider, or their delegate, may:

- (a) serve a compliance order on any Person to ensure compliance with this Bylaw or prevent, reduce or eliminate serious risks in accordance with section 297 of the Local Government (Water Services) Act 2025; and
- (b) take remedial action in accordance with sections 302 and 303 of the the Local Government (Water Services) Act 2025.

17.4 For the purposes of section 269 of the Local Government (Water Services) Act 2025, the following offences are identified as infringement offences:

- (a) Negligently disposing of or discharging materials or substances into wastewater network (s313).
- (b) Connecting to or disconnecting from or discharging into the wastewater network without authorisation (s314).
- (c) -Discharging Trade Waste to the Wastewater System without a Permit (s317).
- (d) Breach of Trade Waste Permit (s318).
- (e) Failure to comply with water services bylaw relating to equipment or device causing specified serious risk (s327).

- (f) Failure to comply with direction given by compliance officer (s331).
- (g) Failure to comply with compliance order or court order (s332).
- (h) Tampering with a Flow Meter or water meter (s333).

18. FEES AND CHARGES

- 18.1 The Water Service Provider may, in accordance with sections 187, 190 or 258 of the Local Government (Water Services) Act 2025, prescribe fees or charges payable for any service, certificate, authority, licence, approval, permit or consent from or inspection made by the Water Service Provider under this Bylaw.
- 18.2 In accordance with section 304 of the Local Government (Water Services) Act 2025, the Water Service Provider may recover the reasonable costs of any remedial action taken under clause 17.3(b).
- 18.3 The fee for each infringement offence listed in clause 17.4 is \$1000 for an individual and \$3000 for a body corporate.

19. NOTICES AND ORDERS

- 19.1 A Compliance Officer may give notice to any Person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.
- 19.2 The Water Service Provider will issue any compliance orders and infringement notices in accordance with the requirements of the Local Government (Water Services) Act 2025.

20. PENALTIES

- 20.1 Subject to anything to the contrary, every Person who commits an offence against this Bylaw shall be subject to the penalties set out in Part 5 of the Local Government (Water Services) Act 2025.
- 20.2 The Water Service Provider or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- 20.3 The Water Service Provider may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the Person who committed the breach. This does not relieve that Person of liability for the breach.

21. DISPENSING POWERS

- ~~21.1~~ The Water Service Provider may waive full compliance with any provision of this Bylaw in a case where the Water Service Provider is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any Person or business without any corresponding benefit to the community. The Water Service Provider may in its discretion impose conditions of any such waiver.

EXPLANATORY NOTE
Consistency with principles of responsible regulation

Tauranga City Council provided the following documents relating to its review of this secondary legislation, and its process for developing it, for consistency with the principles of responsible regulation under the Regulatory Standards Act 2025:

- a consistency accountability statement on [11 August] 2026.
- [a summary of underpinning analysis on [11 August] 2026.*]

Copies of these documents can be found at—

- [insert]
- [insert]

Tauranga City Council considers that a statement from the maker under section 14(1)(b) of the Regulatory Standards Act 2025 is not required for this secondary legislation.

*To double check if this needs to be published or just done in background.

**Prepare and publish statement if there are inconsistencies.

DRAFT

SCHEDULE ONE – CHARACTERISTICS OF ACCEPTABLE TRADE WASTE DISCHARGES**1. PHYSICAL CHARACTERISTICS OF ACCEPTABLE TRADE WASTE DISCHARGES****1.1 Volume and flow rate:**

- (a) the volume discharged in any 24 hour period shall not exceed:
 - (i) 1m³ for Allowed Discharges; or
 - (ii) 3m³ for Controlled Discharges;
- (b) the maximum instantaneous flow rate shall not exceed 2.0 litres per second;
- (c) the maximum flow rate over any 15 minute period shall not exceed 0.3 litres per second.

1.2 In accordance with clause 5.3(e), the discharge of Stormwater from any source into the Wastewater System is prohibited unless specific approval is given in a Permit.**1.3** The temperature shall not exceed 40⁰c.**1.4 Solids**

- (a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm;
- (b) The suspended solids concentration shall not exceed 2000g/m³ at any time;
- (c) The settleable solids content shall not exceed 50ml/l;
- (d) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the wastewater system shall not be present.

1.5 Oil and grease

- (a) There shall be no free or floating layer of fat, oil or grease;
- (b) There must be no discharge of fats, oils or greases containing substances that will become viscose between 0⁰c and 65⁰c;
- (c) A Trade Waste discharge containing fats, oils or greases must not exceed 200g/m³.

1.6 There shall be no free layer (whether floating or settled) of solvents or organic liquids.**1.7** Radioactivity levels shall not exceed guidelines by the office of radiation safety code of practice csp1: use of unsealed radioactive material.**1.8** No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated wastewater consent to discharge held by the Water Service Provider.

2. CHEMICAL CHARACTERISTICS AND MASS LIMITS OF ACCEPTABLE TRADE WASTE DISCHARGES

- 2.1 The pH shall be between 6.0 and 10.0 at all times unless otherwise approved in writing by Water Service Provider.
- 2.2 The chemical oxygen demand shall not exceed a total mass of 7.5kg/day.

Acceptable Discharge Characteristics Table 1 – General chemical characteristics		
Characteristic	Maximum concentration (g/m ³)	Mass limit (kg/day)
MBAS (Methylene blue active substances)	500	0.5
Ammonia (measured as N)		
– free ammonia	50	0.25
– ammonium salts	200	0.6
Kjeldahl nitrogen	150	1.0
Total phosphorus (as P)	50	0.25
Sulphate (measured as SO ₄)	500	2.5
Sulphite (measured as SO ₂)	15	0.075
Sulphide – as H ₂ S on acidification	5	0.025
Chlorine (measured as Cl ₂)		
– free chlorine	3	0.015
– hypochlorite	30	0.15
Dissolved aluminium	100	0.5
Dissolved iron	100	0.5
Boron (as B)	25	0.125
Bromine (as Br ₂)	5	0.025
Fluoride (as F)	30	0.03
Cyanide – weak acid dissociable (as CN)	1	0.005

Acceptable Discharge Characteristics Table 2 – Heavy metals		
Metal	Maximum concentration (g/m3)	Mass limit (kg/day)
Antimony	5	0.025
Arsenic	5	0.005
Barium	5	0.025
Beryllium	0.005	0.000025
Cadmium	0.5	0.0025
Chromium	5	0.025
Cobalt	5	0.025
Copper	5	0.025
Lead	5	0.025
Manganese	5	0.025
Mercury	0.005	0.000025
Molybdenum	5	0.025
Nickel	5	0.025
Selenium	5	0.025
Silver	2	0.01
Thallium	5	0.025
Tin	5	0.025
Zinc	5	0.025

Acceptable Discharge Characteristics Table 3 – Organic compounds and pesticides		
Compound	Maximum concentration (g/m3)	Mass limit (kg/day)
Formaldehyde (as HCHO)	50	0.05
Phenolic compounds (as phenols) excluding chlorinated phenols	50	0.05
Chlorinated phenols	0.02	0.00002
Petroleum hydrocarbons	30	0.15
Halogenated aliphatic compounds	1	0.001
Monocyclic aromatic hydrocarbons	5	0.005
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05	0.00005
Halogenated aromatic hydrocarbons (HAHs)	0.002	0.000002
Polychlorinated biphenyls (PCBs)	0.002	0.000002
Polybrominated biphenyls (PBBs)	0.002 each	0.000002
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total	0.0002 total
Organophosphate pesticides	0.1	0.0001

Acceptable Liquid Pharmaceutical Waste Table 4 – Monthly liquid pharmaceutical waste discharge must not exceed the following volumes and concentrations of active ingredients	
Volume Limit	Active Concentration
10 litres	125mg / 5ml
5 litres	250mg / 5 ml
3 litres	Above 250mg / 5ml

If any of the limits in Tables 1 - 3 are different to the active concentration limits in Table 4, the lower limit becomes the allowed discharge.

SCHEDULE TWO – CHARACTERISTICS OF PROHIBITED DISCHARGES**1. PROHIBITED DISCHARGES**

- 1.1 Any discharge has prohibited characteristics if it has any solid, liquid or gaseous matter or any combination or mixture of such matters which by itself or themselves or in combination with any other matter will immediately or in the course of time:
- (a) interfere with the free flow of Wastewater in the Wastewater System;
 - (b) damage any part of the Wastewater System;
 - (c) in any way, directly or indirectly, cause the quality of the treated Wastewater or residual biosolids to be such that there is a breach of the conditions of a Permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation, or commercial arrangement;
 - (d) prejudice the occupational health and safety risks faced by Wastewater workers;
 - (e) after treatment be toxic to fish, animals or plant life in the receiving waters;
 - (f) cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
 - (g) have a colour or colouring substance that causes the discharge from any Wastewater treatment plant to receiving waters to be coloured.
- 1.2 A discharge has a prohibited characteristic if it has any amount of:
- (a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - (b) liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule One), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with wastewater;
 - (c) asbestos;
 - (d) tin (as tributyl and other organotin compounds);
 - (e) any organochlorine pesticides;
 - (f) waste that contains or is likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act 1996. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
 - (g) any health care waste prohibited for discharge to a Wastewater system by New Zealand Standard (NZS) 4304 including cytotoxic waste, or any pathological or histological waste; or
 - (h) radioactivity levels in excess of the guidelines set by the Office of Radiation Safety.

SCHEDULE THREE – PERMIT CONSIDERATION CRITERIA AND CONDITIONS**1. PART ONE - Consideration Criteria**

In considering any application under clause 6.1 and in imposing any conditions in a Permit, the Water Service Provider shall take into consideration the quality, volume, and rate of discharge of the Trade Waste from the Trade Premises or tanker and may take into consideration:

- (a) the health and safety of Water Service Provider staff, agents and the public;
- (b) the limits and/or maximum values for characteristics of Trade Waste as specified in Schedule One of this Bylaw;
- (c) the extent to which the Trade Wastes may react with other Trade Wastes or Domestic Wastewater discharges to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the wastewater system etc.;
- (d) the flows and velocities in the Wastewater System and the material or construction of the Wastewater System;
- (e) the capacity of the Wastewater System, or the part of the Wastewater System that will receive the discharges;
- (f) the nature of any Wastewater treatment process, the degree to which the Trade Wastes are capable of being treated in the Wastewater System and any impacts on the Wastewater System;
- (g) the timing and balancing of flows into the Wastewater System;
- (h) any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of biosolids, and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or water classification);
- (i) the effect of the Trade Wastes discharge on the ultimate receiving environment;
- (j) the conditions on resource consents for the Wastewater System and the residuals from it;
- (k) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the Wastewater System and the environment;
- (l) consideration for other existing or future discharges;
- (m) amenability of the Trade Waste to pre-treatment;
- (n) the provision of suitable pre-treatment facilities on the premises and the potential for its future use;
- (o) cleaner production techniques and waste minimisation practices;
- (p) requirements and limitations related to sewage sludge disposal and reuse;
- (q) control of Stormwater;

- (r) the applicant's discharge management plan;
- (s) Tankered Waste being discharged at an approved location;
- (t) where ~~Pop~~Persistent Organic Pollutants are present, the quantity in relation to the levels recommended by Taumata Arowai, the Environmental Protection Authority, or the Ministry for the Environment, and the guidance available from these organisations ~~(Explanatory Note—Current guidance on levels of PFAS is outlined in PFAS Disposal to Trade Waste (Environmental Protection Authority, 2018) and Advice for Councils—PFAS (Ministry for the Environment, 2018).~~
- (u) the availability of alternative collection and disposal systems for putrescible wastes;
- (v) any social or cultural impacts; and
- (w) any views or preferences of persons likely to be affected by, or have an interest in the Trade Waste discharge or its effects identified through consultation or engagement.

2. PART TWO - Conditions of Permits

Any Permit to discharge Trade Waste may be granted subject to any conditions the Water Service Provider considers appropriate, including but not limited to:

- (a) the Wastewater System, or part of the Wastewater System, to which the discharge will be made;
- (b) the maximum daily volume of the discharge, the maximum rate of discharge, and the duration of maximum discharge;
- (c) the maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or mass limits determined in accordance with clause 14;
- (d) the period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- (e) the degree of acidity, or alkalinity of the discharge at the time of discharge;
- (f) the temperature of the Trade Waste at the time of discharge;
- (g) the provision and maintenance by, or for the Permit holder (at the Permit holder's expense) of screens, grease traps, silt traps or other pre-treatment works to control Trade Waste discharge characteristics to the permitted levels;
- (h) the provision and maintenance (at the Permit holder's expense) of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements (at the Permit holder's expense);
- (j) the method or methods to be used for the measuring of flow rates and/or volume and taking samples of the discharge for use in determining the amount of any Trade Waste charges applicable to that discharge;

- (k) the provision and maintenance (at the Permit holder's expense) of ~~such-meters~~Flow Meters or devices as may be required to measure the volume or flow rate of any Trade Waste being discharged from the premises, and for the testing and certification of such meters;
- (l) the provision and maintenance (at the Permit holder's expense) of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate ~~Flow m~~Meters and similar devices;
- (m) the provision of all flow and/or volume records and results of analyses (including pre-treatment by-products e.g. sewage sludge disposal) by the Permit holder to the Water Service Provider, at the times and in a manner and format approved by the Water Service Provider;
- (n) the provision and implementation of a Trade Waste discharge management plan by the Permit holder;
- (o) risk assessment of damage to the environment due to an accidental discharge of a chemical or other contaminant;
- (p) appropriate systems for waste minimisation and management;
- (q) provision for cleaner production techniques;
- (r) provision for third party treatment, carriage, discharge or disposal of by-products of pre-treatment of Trade Waste (including sewage sludge disposal);
- (s) where the discharges includes Tankered Waste:
 - compliance with the current New Zealand Trade and Industrial Forum's Liquid and Hazardous Wastes Code of Practice
 - documentation of tracking of Tankered Waste from source to disposal
 - non-contamination protocols where a tanker may transport either Domestic Wastewater or Trade Waste
 - pre-testing of Tankered Waste to determine its character
 - specialist advice on pre-treatment or acceptance may be required
 - whether or not the facility may accept Tankered Waste containing hydro excavation wastewater.
- (t) where the discharges include ~~Pop~~Persistent Organic Pollutants, a plan agreed with the Water Service Provider to remove and/or reduce those Persistent Organic Pollutants from the discharge ~~of Pops~~;
- (u) requirement to provide a bond or insurance in favour of the Water Service Provider where failure to comply with the Permit could result in damage to the Wastewater System, its treatment plants, or could result in the Water Service Provider being in breach of any statutory obligation;
- (v) provision for remote monitoring and/or control of discharges; and
- (w) provision for Water Service Provider's monitoring costs to be recovered.

3. PART THREE – Typical Pre-Treatment

Grease ~~T~~traps or grease interceptors

1. Grease traps or interceptors must:
 - a) have a functional capacity of no less than 750 litres;
 - b) be sized according to the greatest volume as specified in Table 1 contained in Schedule One;
 - c) be cleaned out at least once every six months or more frequently as specified in Permit conditions. The frequency with which ~~G~~grease ~~T~~traps or interceptors are required to be cleaned out may be determined through a visual inspection and/or sample testing from the device outlet by the Water Service Provider.
2. Shared ~~Grease-grease T~~traps or interceptors, such as those operated by a body corporate or food court, must be sized appropriate to the total inputs. This must be no less than a functional capacity of 750 litres for each connected Premises.
3. A Permit holder whose Trade Premises has existing ~~Grease Traps~~grease traps or interceptors with a functional capacity of less than 750 litres must provide evidence of adequate cleaning and maintenance of the existing grease traps or interceptors apply for a Conditional Permit unless they can demonstrate compliance with the physical and chemical characteristics set out in Schedule One to the Water Service Provider's satisfaction.

Alternative Grease Removal Systems

4. Alternative grease removal systems must be:
 - (a) operated in accordance with the manufacturer's instructions;
 - (b) serviced and/or cleaned out by a contractor approved by Water Service Provider as specified in Permit conditions;
 - (c) sized according to manufacturer's recommendation; and
 - (d) may only be used with Water Service Provider's approval.
5. The frequency with which alternative grease removal systems are required to be serviced and/or cleaned out may vary. This will be determined by the Water Service Provider after a visual inspection and/or sample testing from the device outlet.
6. Alternative grease removal systems which do not meet the requirements contained in this Bylaw must be replaced at the Permit holder's expense.

Lint Traps

7. Lint traps may be required for discharges from Trade Premises where lint is likely to be present, for example, laundromats.

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Consistency Accountability Statement

Tauranga City Council Trade Waste Bylaw 2026

Date finalised – [insert]

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]

Marty Grenfell

Chief Executive

Tauranga City Council





Summary of Underpinning Analysis:

Tauranga City Council Trade Waste Bylaw 2026

Date finalised – [insert]

CONTEXT FOR THE PROPOSED BYLAW

The Trade Waste Bylaw 2026 is intended to replace the Tauranga City Council Trade Waste Bylaw 2019, apply across Tauranga, and be made under section 258(1)(b) of the Local Government (Water Services) Act 2025.

The review responds to the new water services legislative settings, operational experience with the current bylaw, and identified issues relating to cost recovery, trade waste classification, permit administration, monitoring, enforcement, tankered waste, hazardous materials, pre-treatment, and protection of the wastewater system.

The proposed bylaw controls and monitors trade waste discharges to support the operation and maintenance of the wastewater system, resource consent compliance, protection of the wastewater system from damage or misuse, public health and environmental outcomes, and the fair recovery of trade waste conveyance, treatment and disposal costs.

Key design features include four discharge categories: Allowed, Controlled, Conditional and Prohibited. Controlled and Conditional discharges require permits, while Allowed discharges do not. The bylaw also includes permit application, renewal, transfer, variation, suspension and cancellation processes; monitoring and sampling powers; accident notification requirements; transitional provisions; fees and charges; infringement offences; compliance orders; penalties; and dispensing powers.

Formal consultation was undertaken between 4 May 2026 and 5 June 2026. The review process included targeted internal and stakeholder engagement before consultation, public consultation material and surveys, and subsequent consideration of submissions and internal feedback. The submissions focused particularly on cost recovery, implementation timing, controlled discharges, the treatment of persistent organic pollutants, PFAS-related concerns, and the practical operation of permit and enforcement provisions.

Overall assessment

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, mana whenua representatives and some businesses known to be discharging trade waste. 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 a new bylaw, expected impacts, and suggested refinements. A hearing was held on 1 July 2026 for those who wished to speak. The level of consultation was reasonably practicable given the technical nature of the subject matter and the group most directly affected: trade waste dischargers, owners and occupiers of trade premises, transporters and treatment facilities, wastewater network users, tangata whenua interests, and environmental 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 issues addressed by the bylaw are: aligning the bylaw with the Local Government (Water Services) Act 2025; improving the classification and regulation of trade waste discharges; addressing cost recovery so domestic users are not subsidising higher-cost business waste processing; protecting the wastewater network, treatment plants, biosolids and receiving environment; supporting resource consent compliance; and improving monitoring, enforcement and permit administration. The main options considered in Council material were to adopt the updated bylaw or retain the current bylaw. Retaining the current bylaw would delay cost recovery, implementation of the new legislative tools, and the statutory review required under the new Act. Non-legislative tools such as education, guidance, engagement and case-by-case operational discussions remain important implementation supports, but they would not provide the same enforceable permit, monitoring, fee, cost recovery, infringement and compliance order framework. The likely beneficiaries are the wider community, domestic wastewater users, the water service provider, wastewater workers, the environment, and compliant businesses. Likely detriments fall mainly on trade premises and dischargers that need permits, pre-treatment, monitoring, records, renewals, or altered practices.	

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 proposed bylaw contains practical implementation mechanisms, including the four-category discharge framework, permit application and renewal processes, criteria for assessing applications,	



conditions that may be placed on permits, monitoring and sampling, flow metering, accident notification, notices, compliance orders, infringement offences, fees and charges, transitional arrangements and dispensing powers.

The implementation planning is evidenced through consultation documents, webpage and survey preparation, discussion of timing with the user fees and charges review, and consideration of transition to a future water services organisation.

Implementation risk is acknowledged because bylaws under the new Act are new and because some concepts, particularly emerging contaminants, require careful case-by-case administration. 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 a clearer and more current bylaw, fairer cost allocation for higher-volume trade waste discharges, better alignment with the Local Government (Water Services) Act 2025, improved protection of wastewater infrastructure and staff, stronger ability to respond to spills and non-compliance, improved management of tankered waste and pre-treatment, and better support for resource consent compliance and future biosolids or discharge requirements. Costs are likely to fall unevenly. Many low-risk or low-volume dischargers may remain within the Allowed category and not need a permit, while Controlled and Conditional dischargers may face permit, monitoring, pre-treatment, renewal or compliance costs that reflect the higher processing costs and risks associated with their discharges. The available material does not include a quantified cost-benefit assessment. For a technical local bylaw, the qualitative analysis is appropriate and the adoption report explains why the public, environmental, infrastructure and fairness benefits justify targeted compliance and administration 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. It does not require every trade waste discharge to obtain a permit. Instead, it differentiates Allowed, Controlled, Conditional and Prohibited discharges based on volume, characteristics, risk, pre-treatment and other relevant factors. It also allows waivers where strict compliance would needlessly affect a person or business without corresponding benefit to the wastewater system or community. The correspondence about persistent organic pollutants and PFAS supports the view that the bylaw takes a discretionary, case-by-case approach rather than a zero-tolerance approach or automatic treatment requirement. This helps future-proof the bylaw while allowing the water service provider to consider current guidance, actual discharge characteristics, risks and permit conditions at the time decisions are made. The draft material shows amendments were made after submissions to clarify obligations, including concerns about the appropriate source of guidance about persistent organic pollutants. 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 bylaw has a clear title, commencement clause, application clause, purpose, definitions and topic-based structure. It sets out discharge categories, restrictions, permit processes, permit review and renewal, suspension or cancellation, transfer and termination, hazardous material management, tankered waste, pre-treatment, monitoring, transitional arrangements, offences, fees, notices, penalties and dispensing powers. The move from the older consent language to permit language under the Local Government (Water Services) Act 2025 improves alignment with current statutory terminology. Some technical matters, including acceptable discharge characteristics and pre-treatment, are necessarily detailed, but the structure makes the operational scheme reasonably accessible.	

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. It regulates future trade waste discharges, permit applications, renewals, monitoring, spills, non-compliance and enforcement. Transitional provisions preserve existing trade waste consents, permissions or agreements until expiry or renewal subject to a maximum period, and allow existing applications to be treated as applications under the new bylaw. A transitional application period is also included for discharges previously permitted under the 2019 bylaw that may need a permit under the 2026 bylaw. There is no retrospective liability or retrospective fee setting.	

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, discharger, occupier, permit holder, trade premises and water service provider. Differences in legal obligations are linked to relevant, objective factors such as discharge volume, discharge characteristics, risk, pre-treatment need, tankered waste, monitoring needs, permit status and non-compliance. There is no differential treatment based on irrelevant personal characteristics.	

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 bylaw gives the water service provider administrative powers to classify discharges, grant or decline permits, impose conditions, vary permits, require information, monitor discharges, suspend or cancel permits, issue notices, recover costs and waive compliance. These powers are common in a trade waste regulatory scheme and are directed to identifiable statutory and bylaw purposes. Relevant criteria are included, particularly in Schedule Three, which requires consideration of discharge quality, volume and rate and sets out matters that may be considered when assessing permits and conditions. Review rights for declined permit applications are linked to sections 191 to 194 of the Local Government (Water Services) Act 2025.	

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 bylaw will limit some freedom of action and property use for owners, occupiers, dischargers and permit holders. For example, some dischargers must obtain permits, install or maintain pre-treatment, provide information, keep records, allow monitoring, notify accidents, comply with permit conditions and pay fees or charges. Those limits are connected to protecting public infrastructure, public health, wastewater workers, the environment, other wastewater network users, resource consent compliance and fair cost allocation. The use of risk-based discharge categories, permit criteria, case-by-case conditions and waiver powers supports the conclusion that these limits are not undue.	

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 bylaw does not take property. It regulates trade waste discharges, permit requirements, system protection, monitoring, pre-treatment, hazardous materials, tankered waste and compliance. Some provisions may require dischargers to spend money on pre-treatment, flow meters, sampling, management plans or third-party disposal, but these are regulatory controls on discharge activities rather than acquisition of property. They are justified by network protection, health and safety, environmental protection and 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 authorises fees or charges for services, certificates, authorities, licences, approvals, permits, consents or inspections under the Local Government (Water Services) Act 2025. It also lists infringement fees for specified offences.	
The bylaw does not impose a tax. The financial mechanisms are tied to statutory authority, trade waste services, monitoring, remediation, permit administration and enforcement.	

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	
The bylaw enables fees and charges but does not itself set the detailed fee schedule, other than infringement fees identified and linked to the Act. Timing was considered alongside the user fees and charges review, and that existing trade waste application fees were kept available while the current bylaw continued.	
This supports a cost-recovery approach. The actual quantum of future trade waste fees should continue to be assessed through the fees and charges process to ensure proper relation to costs.	

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 bylaw does not impose or authorise a levy. The relevant financial mechanisms are fees, charges, infringement fees and recovery of reasonable remedial costs.	

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 restrict the courts' role in interpreting legislation or resolving disputes. The bylaw uses statutory offence, infringement, compliance order and penalty frameworks. Any explanatory material provided by Council 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 decisions by the water service provider, including permit classification, conditions, variations, suspension or cancellation, monitoring requirements, waivers and remedial action. The powers are sufficiently connected to defined purposes: managing discharge characteristics, protecting the wastewater system, protecting health and safety, supporting environmental and resource consent obligations, managing risks, and ensuring fair cost recovery. Schedule Three provides criteria for permit decisions and conditions, and the bylaw expressly links declined permit applications to the internal review process under sections 191 to 194 of the Local Government (Water Services) Act 2025. Standard review processes will apply to decisions made using the powers under this bylaw.	



11.13 Temporary Road Closures for Events

File Number: A20823133

Author: Shawn Geard, Manager: Transport System Operations
Jenna Quay, Events Facilitation Manager

Authoriser: Reneke van Soest, General Manager: Operations & Infrastructure

PURPOSE OF THE REPORT

1. To seek Council approval for temporary road closures associated with upcoming events.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Temporary Road Closures for Events".
- (b) Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, approves the temporary closure of the roads listed in Attachment A to ordinary vehicular traffic, on the dates and during the times specified, to facilitate the safe and effective delivery of the events identified.

EXECUTIVE SUMMARY

2. In accordance with Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, this report seeks Council approval for temporary road closures associated with events outlined in Attachment A.
3. The proposed road closures are intended to enable safe, well-managed events by protecting participants, supporting efficient transport network operation, and minimising disruption to residents and businesses.
4. Event organisers are required to:
 - Engage with affected residents and businesses prior to the event.
 - Submit a detailed Temporary Traffic Management Plan (TMP) to the Corridor Access and Temporary Traffic Management Team for approval as part of the Council's event approval process.
 - The TMP must outline road and parking closures, detour routes, and all required signage, in accordance with the New Zealand Guide to Temporary Traffic Management (NZGTTM).

BACKGROUND

5. Council has already approved most event road closures for the season ahead. These are additional due to some events not yet having the detail required for the last report.
6. Planning meetings are held in advance of events, involving Council teams, external stakeholders, and event organisers. Traffic management and road closures are critical to ensuring public safety and maintaining an efficient transport network during some events.
7. Road closures enable safe access to and from event sites by separating pedestrian and vehicle movements. The broader event approval process, led by the Event Facilitation Team, also manages impacts on residents and ensures compliance with regulatory requirements,

including noise control, building consents, liquor licensing, and communications planning for example.

STATUTORY CONTEXT

8. This report seeks approval under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974.

STRATEGIC ALIGNMENT

9. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	□
We are a well-planned city that is easy to move around	✓
We are a city that supports business and education	✓
We are a vibrant city that embraces events	✓

10. Supporting these temporary road closures enables the safe and effective delivery of events, contributing to a vibrant city that embraces and celebrates community activity. They also support a well-planned city by effectively managing traffic flows and maintaining safe, efficient movement for all road users during events.

OPTIONS ANALYSIS

11. Council can either approve or decline the proposed temporary road closures. Approving the closures enables the safe and effective delivery of events, supports coordinated traffic management, and contributes to a vibrant, event-friendly city.
12. Declining the closures may result in events being cancelled or significantly altered, increased safety risks, and negatively impact the community.
13. On balance, approval is recommended as it best supports safe event delivery and effective transport management.

FINANCIAL CONSIDERATIONS

14. There are no direct financial implications. Traffic management costs are the responsibility of the event organisers.

RISKS AND LEGAL IMPLICATIONS

15. Council approval of the road closures represents the first stage of a two-step approval process. The second stage requires a warranted Site Traffic Management Supervisor (STMS), typically engaged by the event organiser, to submit a TMP for approval.
16. The Corridor Access Team, acting under delegated authority as Traffic Management Coordinator (TMC), is responsible for reviewing and approving TMPs in accordance the New Zealand Guide to Temporary Traffic Management (NZGTTM).
17. The traffic management contractor must ensure, so far as reasonably practicable, the safe and efficient movement of all road users. This includes undertaking a risk assessment prior to implementing any traffic management measures.

TE AO MĀORI APPROACH

18. There are no specific Te Ao Māori implications. This report relates to statutory regulatory requirements.

CLIMATE IMPACT

19. There are no identified climate impacts. This report relates to statutory regulatory requirements.

CONSULTATION / ENGAGEMENT

20. Temporary road closures must be publicly notified, allowing time for public submissions. Any objections must be considered by Council prior to making a decision.
21. The proposed road closures were publicly notified in the *Bay of Plenty Times* on Friday 31 July 2026, with the consultation period ending on Friday 21 August 2026. Staff will advise Council if any objections are received at the meeting.

SIGNIFICANCE

22. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
23. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
24. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

25. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

26. Staff to progress the event approval process with event organisers.

ATTACHMENTS

1. **Attachment A - Event Temporary Road Closures - A20908072**  

Event Temporary Road Closures

Greerton Cherry Blossom Festival

Chadwick Road (Cameron Road to Greerton Road)

6am – 5.30pm Saturday 19 September 2026

He Puna Manawa Blessing, Civic Opening and Community Day

Willow Street (Hamilton Street to Wharf Street)

5.30am – 11am Friday 16 October and 9am – 4pm Saturday 17 October 2026

Tinman Triathlon and 2026 World Triathlon Cup - Update

Victoria Road (Pacific Avenue to Salisbury Avenue)

5am - 6.30pm Sunday 22 November 2026

Weet-Bix Kids TRYathlon

Monowai Street (Gloucester Road to Grenada Street)

5am - 2pm Sunday 29 November 2026

Postponement date: Sunday 13 December 2026

Leavers '26 Concert

Newton Street (Tatua Way to Aerodrome Road)

From 8pm Saturday 12 December to 12.30am on Sunday 13 December 2026

Note: actual closure durations will be shorter than advertised. Closure timings will be refined and confirmed as Staff work through the detailed planning phase for the event

New Year's Eve

The Strand (Harington Street to Devonport Road)

2pm Thursday 31 December 2026 - 3am Friday 1 January 2027

Mount Festival of Multisport

Salisbury Wharf Carpark (entire car parking area)

Salisbury Avenue (Victoria Road to The Mall)

The Mall (Salisbury Avenue to Prince Avenue)

6am Friday 22 January - 9pm Saturday 23 January 2027

The Mall (Prince Avenue to Adams Avenue including the Pilot Bay Boat Ramp)

Adams Avenue (The Mall to Marine Parade)

Marine Parade (Adams Avenue to Oceanbeach Road)

Commons Avenue (The Mall to Marine Parade)

Grace Avenue (The Mall to Marine Parade)

4.30am - 5pm Saturday 23 January 2027

Prince Avenue (Salisbury Avenue to The Mall)

Victoria Road (Salisbury Avenue to Prince Avenue)

Oceanbeach Road (Marine Parade to road end)

Yale Street (Oceanbeach Road to Maranui Street)

Omanu Way (Oceanbeach Road to Maranui Street)

Maranui Street (Yale Street to Sandhurst Drive)

Pāpāmoa Beach Road (Sandhurst Drive to Parton Road)

4.30am - 1pm Saturday 23 January 2027

Waitangi Day Dawn Service

Marine Parade (Grace Avenue to Pacific Avenue)

5am - 3pm Saturday 6 February 2027

Brazilian Street Carnival

The Mall (Grace Avenue to Commons Avenue)

11am - 10pm Saturday 13 February 2027

Maunganui Road (Grace Avenue to Salisbury Avenue)

4pm – 6.30pm Saturday 13 February 2027

Postponement date: Saturday 20 February 2027

Children's Day 2027

The Strand (Harington Street to Devonport Road)

Hamilton Street (The Strand to Willow Street)

Willow Street (Hamilton Street to Wharf Street)

4am - 7pm Sunday 7 March 2027

New Zealand Pipe Band Championship 2027

Monmouth Street (Cameron Road to Willow Street)

Willow Street (Monmouth Street to Harington Street)

Harington Street (Willow Street to The Strand)

6am – 2pm Saturday 13 March 2027

Note: actual closure durations will be shorter than advertised. Closure timings will be refined and confirmed as Staff work through the detailed planning phase for the event

We Run the Night Half Marathon

Marine Parade (Commons Avenue to Hart Street)

Pacific Avenue (Rita Street to Marine Parade)

3pm - 11.30pm Saturday 1 May 2027